

BY-LAW NO. 7279

BEING A BY-LAW of The City of Brandon to amend Building Safety and Property Standards By-law No. 6060/09/93;

WHEREAS The City of Brandon is empowered by Part 7, Division 2, Section 232 of The Municipal Act, RSM 1996, c.M225, to adopt a by-law for the purposes respecting the safety and protection of structures and property in the City of Brandon;

AND WHEREAS it is deemed expedient and in the public interest to adopt proper standards for the building safety, maintenance and occupancy of dwellings, non-residential property and other structures or property within the City of Brandon;

NOW THEREFORE the Council of The City of Brandon, duly assembled, enacts as follows:

1. Building Safety and Property Standards By-law No. 6060/09/93 be amended as follows:

- (a) Delete in the first preamble paragraph in its entirety and substituting the following therefor:

“BEING A BY-LAW of The City of Brandon to establish standards of building safety, maintenance, and occupancy of dwellings, non-residential property, and other structures within the City, to be known as the “Building Safety Standards By-law”.;

- (b) Section 2.(b) by deleting the word: “she” and substituting therefor the words: “all gender expressions”;

- (c) Section 2.(c) by:

- (i) adding the following:

“(1.1) “ACT” means *The Municipal Act, CCSM 1996, c.M225.*

(1.2) “ADMINISTRATIVE FEE” means those incidental costs, such as related expenses and wages, incurred by the City in administering an Order to Remedy and included in the Annual Schedule of Fees.;

(1.3) “ANNUAL SCHEDULE OF FEES” means those fees for service, activities, or other things related to this by-law and established annually by City Council.”;

- (ii) deleting from subsection (2) the words: “Senior Building Inspector” and substituting the words: “Building Safety Manager” and adding the words: “to Remedy” immediately preceding the words: “under the Manitoba Fire Code”;

- (iii) delete subsection (4) and (4.1) in its entirety;

- (iv) deleting from subsection (8) the word: “Building” and substituting the words: “By-law Compliance” and deleting the words: “Part V hereof” and substituting the words: “the Compliance By-law” and adding the words: “to Remedy” immediately preceding the words: “issued pursuant”;

- (v) delete subsections (9), (10) and (11) in its entirety;

- (vi) deleting from sections (12) the words: “fences,”;

- (vii) delete subsection (14) in its entirety;

- (viii) deleting in subsection (23) the words: “or the Board;;
- (ix) delete subsection (30) in its entirety;
- (x) adding in subsection (32) the words: “TO REMEDY” immediately preceding the words: “”means a notice”;
- (xi) deleting subsection (33) in its entirety and substituting the following therefor:

“(33) “OWNER” means:

- (a) The registered owner of land, property or premises whose estate or interest in the land is defined and who is named in respect of that interest in a subsisting:

- (1) Certificate of title under *The Real Property Act, CCSM 1988, c.R30*;

- (2) Grant registered under *The Registry Act, CCSM 1987, c.R50*;

- (3) Instrument registered or filed in the Property Registry (Brandon Land Titles Office);

And shall include any person, firm or corporation acting as agent for the registered owner;

- (b) A person who is an owner with another person as joint tenant or tenant in common of a freehold estate;

- (c) A person who is registered owner of a unit under *The Condominium Act, CCSM 2011, c.C170*; and

- (d) A real owner, as defined in subsection 1(1) of *The Municipal Assessment Act, CCSM 1989-90, c.M226*;

And includes any constructor working on behalf of the owner.

- (xii) delete subsection (34) in its entirety;
- (xiii) deleting from sections (35) the words: “fences,”;
- (xiv) delete subsection (38.1) in its entirety;
- (xv) delete subsection (44.1) in its entirety;
- (xvi) adding in subsection (45) the word: “or” immediately preceding the word: “23” and deleting the words: “and 42”, and deleting the words: “Senior Building Inspector” and substituting the words: “Building Safety Manager” and deleting the words: “Any boarded building is also deemed to be unsightly.”;
- (xvii) delete subsections (46) and (46.1) in its entirety;
- (d) Section 3. by deleting the word: “Board” and substituting therefor the words: “Authority having jurisdiction” and deleting the words: “Senior Building Inspector” and substituting the words: “Building Safety Manager”;
- (e) Delete Section 4. in its entirety;

- (f) Section 6.(a) by adding the words: “to Remedy” immediately after each word: “Order” and by deleting the words: “in a form as set out in Schedule “A” hereto and subject to an Order Issuance Fee as designated in the City of Brandon’s annual fee schedule or the Brandon and Area Planning District’s fee schedule,”;
- (g) Delete Section 6.(b) in its entirety and substituting the following therefor:

“6.(b) Upon an Order to Remedy being issued, a copy of same shall be sent by certified or registered mail to any mortgagee shown on the title to the real property subject to such Order to Remedy for the purpose of informing the mortgagee that the owner is required to remedy any defects within a set time period or the City may take corrective actions with costs of same becoming a debt against the property.”
- (h) Section 6.(c) by adding the words: “to Remedy” immediately after the word: “Order”;
- (i) Section 7 by:
 - (i) deleting the word: “The” and substituting therefor the word: “An” and adding the words: “to Remedy is subject to the By-law Order Issuance Fee set out in the Annual Schedule of Fees and” immediately preceding the words: “shall contain.”;
 - (ii) (c) adding the words: “to Remedy” immediately after the word: “Order”;
 - (iii) adding the following:

“(d) a statement advising that if the non-conformance is not remedied as directed the Authority having jurisdiction may cause the non-conformance to be corrected at the expense of the owner in accordance with section 13;”
- (j) Section 8 by adding the words: “to Remedy” immediately after the word: “Order”;
- (k) Section 9 by:
 - (i) adding the words: “to Remedy” immediately after the word: “Order”;
 - (ii) (a) deleting the words: “as set out in Schedule “B” hereto,”;
 - (iii) (b) deleting the words: “as set out in Schedule “C” hereto,”;
- (l) Addition of the following Section:

“9.1 The Authority having jurisdiction may create any forms or other documents as deemed necessary for the efficient application of the provisions of this by-law. This may include, without limitation, such documents as an order to remedy, notice of objection, and notice of correction. All documents created and in use shall be readily available to the general public.”;
- (m) Section 10. deleting the words: “Senior Building Inspector” and substituting therefor the words: “Building Safety Manager” and adding the words: “to Remedy” immediately after the word: “Order”.
- (n) Section 11. by adding the words: “to Remedy” immediately after the word: “Order”;
- (o) Section 12 by adding the words: “to Remedy” immediately after the word: “Order” and by deleting the words: “provisions of Part V hereof” and substituting therefor the words: “related provisions of the Compliance By-law.”;

- (p) Section 13 by adding the words: “to Remedy” immediately after the word: “Order” and by adding the words “as set out in the Annual Schedule of Fees,” immediately preceding the words: “are considered an amount” and deleting the words: “The Municipal” and substituting therefor the word: “the”;
- (q) Section 14 by deleting the words: “Section 247”;
- (r) Section 14.1 by adding the words: “to Remedy” immediately after the word: “Order”;
- (s) Section 14.2 by adding the words: “to Remedy” immediately after the word: “Order” and deleting the words: “or conditions where vermin are deemed to be a health concern in the opinion of the Inspector”;
- (t) Section 23. by deleting the word: “Shed” and substituting therefor the words: “Accessory Buildings” and deleting the words: “shed and” and substituting therefor the words: “accessory building, deck, balcony or” immediately preceding the words: “stairway in”;
- (u) Section 25.(e) subsection (1) and (2) by deleting the words: “Senior Building Inspector” and substituting therefor the words: “Building Safety Manager”;
- (v) Delete Section 25.(l) in its entirety;
- (w) Section 30.(f) by deleting the word: “family”;
- (x) Section 34.(f) by deleting the words: “Senior Building Inspector” and substituting therefor the words: “Building Safety Manager”;
- (y) Section 35.(b) by adding the word: “adequately” immediately preceding the word: “illuminated” and by deleting the words: “at a minimum 5 foot candles”;
- (z) Section 35.(c) by deleting the words: “six inches” and substituting therefor the words: “150mm”;
- (aa) Section 39.(g) by adding the word: “CAN/CSA” immediately preceding the word: “Standards”;
- (ab) Delete Division II: PROPERTY STANDARDS, Sections 42 to 45 in its entirety;
- (ac) Delete Section 49. in its entirety;
- (ad) Section 55.(a) by deleting the words: “Senior Building Inspector” and substituting therefor the words: “Building Safety Manager”;
- (ae) Section 55.(b) by deleting the word: “Designer” and substituting therefor the words: “Engineer or Architect”;
- (af) Delete Section 56. in its entirety;
- (ag) Section 59.(c) by adding the words: “to Remedy” immediately after the word: “Order” and by deleting the words: “Senior Building Inspector” and substituting therefor the words: “Building Safety Manager”;
- (ah) Delete PART V: BUILDING STANDARDS COMMITTEE, Sections 61 to 68;
- (ai) Section 69.(a) by deleting the words: “guilty of an offence and liable on summary conviction to a fine, pursuant to subsection 249(1) of The Act, not exceeding five hundred dollars or to imprisonment for a term not exceeding three months, or to

both such a fine and such an imprisonment, or at the discretion of the Authority Having Jurisdiction, a penalty in accordance with” and substituting therefor the words: “deemed to be in non-compliance and subject to the enforcement provisions set out in”;

- (aj) Section 69.(b) by deleting the words: “subsection 249(2) of” and deleting the words: “guilty of a separate offence” and substituting the words: “subject to enforcement”;
- (ak) Section 69.(c) by deleting the words: “is guilty of an offence and is liable on summary conviction to the same penalties” and substituting therefor the words: “deemed to be in non-compliance and subject to the same enforcement provisions”; and
- (al) Delete Schedules “A”, “B”, “C” and “D” in its entirety.

2. This by-law shall come into full force and take effect on the day following the date of passage.

DONE AND PASSED by the Council of the City of Brandon duly assembled this day of
, A.D. 2020.

MAYOR

CITY CLERK

Read for a first time this	day of	A.D. 2020
Read for a second time this	day of	A.D. 2020
Read for a third time this	day of	A.D. 2020

CONTINUING CONSOLIDATION
BUILDING SAFETY ~~AND PROPERTY~~ STANDARDS BY-LAW NO. 6060/09/93

AS AMENDED BY BY-LAW NOS. 6666 and 6736.

~~BEING A BY-LAW of The City of Brandon to establish standards of building safety, maintenance, and occupancy of dwellings, non-residential property, other structures or property within the City, and to establish a Building Standards Committee, to be known as the "Building Safety and Property Standards By-law".~~

BEING A BY-LAW of The City of Brandon to establish standards of building safety, maintenance, and occupancy of dwellings, non-residential property, and other structures within the City, to be known as the "Building Safety Standards By-law".

WHEREAS The City of Brandon is empowered by Part 7, Division 2, Section 232 of The Municipal Act, RSM 1996, c.M225, to adopt a by-law for the purposes respecting the safety and protection of structures and property in the City of Brandon;

AND WHEREAS it is deemed expedient and in the public interest to adopt proper standards for the building safety, maintenance and occupancy of dwellings, non-residential property and other structures or property within the City of Brandon;

[AM. B/L 6736]

NOW THEREFORE, the Council of The City of Brandon, duly assembled, enacts as follows:

PART I: APPLICATION AND DEFINITIONS

Application

1. This By-law applies to the building safety, maintenance, and occupancy of dwellings, non-residential property, other structures or property, or parts thereof, together with the surrounding lands.

Definitions

2. (a) Unless otherwise expressly provided, or unless the context otherwise requires, words and expressions in this by-law have the same meaning as the same words and expressions in the Manitoba Building Code, The Municipal Act, and the City's Legislative Standards By-law.
- (b) All references herein to "he" shall include "~~she~~ all gender expressions" unless the context thereof requires otherwise
[EN. B/L 6736]
- (c) In this by-law:
 - (1) "ACCESSORY BUILDING" means a building or structure that is:
 - i) appurtenant to a main building forming part thereof; and
 - ii) located on the same property as a main building;and includes a building or structure partly or wholly attached to the main building.
 - (1.1) "ACT" means *The Municipal Act, CCSM 1996, c.M225*.
 - (1.2) "ADMINISTRATIVE FEE" means those incidental costs, such as related expenses and wages, incurred by the City in administering an Order to Remedy and included in the Annual Schedule of Fees.
 - (1.3) "ANNUAL SCHEDULE OF FEES" means those fees for service, activities, or other things related to this by-law and established annually by City Council.
 - (2) "AUTHORITY HAVING JURISDICTION" means The City of Brandon and its designated agents, including but not limited to the ~~Senior Building~~

~~Inspector~~ **Building Safety Manager** and, for Orders **to Remedy** under the Manitoba Fire Code or The Fires Prevention Act, the Fire Chief.
[AM. B/L 6736]

- (3) **"BASEMENT"** means a storey or storeys located below the first storey or any storey with its floor level one (1) meter or more below average grade level.
- ~~(4) **"BOARD"** means the Board of the Brandon and Area Planning District as established pursuant to The Planning Act and pursuant to an Order in Council issued under the authority of the Lieutenant Governor in Council for the Province of Manitoba on January 23rd, 1980.~~
- ~~(4.1) **"BOARDED BUILDING"** means a vacant structure boarded up in accordance with Section 54 of this by-law.~~
~~[EN. B/L 6736]~~
- (5) **"BUILDING"** means any structure used or intended for supporting or sheltering any use or occupancy.
- (6) **"CELLAR"** means any basement, sub-basement or crawl space to which access can be obtained by way of a trap door, or such other means of access not normally or primarily used as a door for ingress or egress by people, including but not limited to ramps, overhead or sliding doors, shipping and receiving doors, vehicle entrances and exits, located partially or wholly below adjacent grade level.
- (7) **"CODE"** means The Manitoba Building Code as adopted by Manitoba Regulation 57/82, 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.
- (8) **"COMMITTEE"** means the **Building By-law Compliance** Standards Committee appointed by Council in accordance with **Part V hereof the Compliance By-law** and charged with the responsibility of hearing and making decisions on appeals to Orders **to Remedy** issued pursuant to the provisions of this by-law.
- ~~(9) **"COUNCILLOR"** means any person elected as a member of the current Council of the City.~~
- ~~(10) **"DIVISION I BUILDING"** means a building containing a residential occupancy of a type which does not fall within the definition of a Division II Building.~~
- ~~(11) **"DIVISION II BUILDING"** means a building containing a residential occupancy, having a minimum building height of three storeys, and which was originally designed for use by one or two families but has been converted so as to provide more than two suites or more than one suite with a commercial occupancy.~~
- (12) **"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.
- (13) **"DWELLING UNIT"** means one or more rooms located within a building and used or intended to be used for human habitation by one or more persons with cooking, eating, living and sleeping facilities and with

separate sanitary facilities.

- ~~(14) "FENCE" means a railing, wall or other means of enclosing a yard and includes barriers and retaining walls.~~
- (15) **"FIRE PROTECTION RATING"** means the time in hours or fraction thereof that a closure, window assembly, or glass block assembly will withstand the passage of flame when exposed to fire under specified conditions of test and performance criteria or as otherwise prescribed in the Code.
- (16) **"FIRE RESISTANCE RATING"** means the time in hours or fraction thereof that a material or assembly of materials will withstand the passage of flame and the transmission of heat when exposed to fire under specified conditions of test and performance criteria, or as determined by extension or interpretation of information derived therefrom as prescribed in the Code.
- (17) **"FIRE SEPARATION"** means a construction assembly that acts as a barrier against the spread of fire and may not be required to have a fire resistance rating or a fire protection rating.
- (18) **"GRADE"** means the average level of finished ground adjoining a building or structure at all exterior walls as determined by the Authority having jurisdiction.
- (19) **"HABITABLE ROOM"** means any room used or intended to be used for living, sleeping, cooking or eating purposes or any combination thereof.
- (20) **"HERITAGE BUILDING"** means a building having special historical or architectural significance and officially designated as a heritage building by the City pursuant to The Heritage Resources Act, R.S.M. 1985-86, c.H39.1, or by the Federal Government, or the Provincial Government.
- (21) **"HOUSEKEEPING DWELLING UNIT"** means one or more adjacent rooms used for dwelling purposes providing private culinary facilities including a sink and refrigerator, relative to which a wash basin, water closet, bathtub or shower is shared with the occupants of another housekeeping dwelling unit in the building.
- (22) **"IMMEDIATELY DANGEROUS NON-CONFORMANCE"** means a condition which does not comply with the standards established by this by-law which in the opinion of the inspector is unsafe or dangerous or injurious to health or safety.
- (23) **"INSPECTOR"** means Building Inspector, Fire Inspector, Health Inspector or any other person or agency employed by or acting for the City ~~or the Board~~ and partially or wholly responsible for fire safety, building safety, and property standards within the City.
- (24) **"MULTIPLE DWELLING"** means a building containing two or more dwelling units.
- (25) **"NECESSARY AUTHORITY"** means the identity card issued by the Authority having jurisdiction to its employees or agents or such other written authorization as the Authority having jurisdiction deems appropriate.
- (26) **"NON-CONFORMANCE"** means a condition which does not comply with the standards established by this by-law.
- (27) **"NON-CONFORMANCE, IMMEDIATELY DANGEROUS"** see "Immediately

Dangerous Non-Conformance".

- (28) **"NON-HABITABLE ROOM"** means any room in a dwelling or dwelling unit other than a habitable room and includes bathroom, toilet room, laundry, pantry, lobby, common hallway, stairway closet, cellar, boiler room, or other space for service and maintenance of the dwelling for public use, and for access to, and vertical travel between storeys.
- (29) **"NON-RESIDENTIAL PROPERTY"** means any building, accessory building, or land used for any purpose other than a dwelling.
- ~~(30) **"NUISANCE"** means any condition which is or may become injurious or prejudicial to health or hinder the suppression of disease, or which is offensive.~~
- (31) **"OCCUPIER"** means the person in occupation or having the charge, management or control of any building, whether on his own account or as an agent.
- (32) **"ORDER TO REMEDY"** means a notice of non-conformance and order to establish, repair, or demolish a building or other structure or clear all yards of refuse and debris pursuant to this by-law.
- (33) ~~**"OWNER"** means the registered owner of the land and premises and includes:~~
- ~~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.~~
- (33) **"OWNER"** means:
- (a) The registered owner of land, property or premises whose estate or interest in the land is defined and who is named in respect of that interest in a subsisting:
- (1) Certificate of title under *The Real Property Act, CCSM 1988, c.R30*;
- (2) Grant registered under *The Registry Act, CCSM 1987, c.R50*;
- (3) Instrument registered or filed in the Property Registry (Brandon Land Titles Office);
- And shall include any person, firm or corporation acting as agent for the registered owner;
- (b) A person who is an owner with another person as joint tenant or tenant in common of a freehold estate;
- (c) A person who is registered owner of a unit under *The Condominium Act, CCSM 2011, c.C170*; and

(d) A real owner, as defined in subsection 1(1) of *The Municipal Assessment Act, CCSM 1989-90, c.M226*;

And includes any constructor working on behalf of the owner.

~~(34) "PLANNING ACT (THE)" means The Planning Act of the Province of Manitoba being chapter P80 of the Revised Statutes of Manitoba 1987.~~

(35) "PREMISES" include a building, accessory building, or non-residential property as defined herein and any lands, ~~fences~~, sheds, or garages on which the same are situated.

(36) "PROTECTIVE SURFACE" includes any layer of material over the structural surface of a building intended or required to protect the structural surface against deterioration or to decorate the structural surface and, without limiting the generality of the foregoing, includes paint, varnish, stucco, brick or stone facing, wood or asphalt shingle, and insul-bric siding or any other kind of siding.

(37) "REPAIR" includes taking the necessary action to bring any building or other structure up to the standards required by this by-law.

(38) "ROOMING HOUSE" means a dwelling or portion thereof where lodging and meals are provided for compensation for four or more persons exclusive of the proprietor and his family.

~~(38.1) "SECURED BUILDING" means any building or structure that meets the conditions set out in Section 53 of this by-law.~~
[EN. B/L 6736]

(39) "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.

(40) "SEWERAGE SYSTEM" means the City Sewerage System or a private sewage disposal system.

(41) "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.

(42) "STOREY" means that portion of a building which is situated between the top of any floor and the top of the next floor above it, and if there is no floor above it, that portion between the top of such floor and the ceiling above it.

(43) "STOREY, FIRST" means the uppermost storey having its floor level not more than 2 meters above grade level.

(44) "STRUCTURE" means anything constructed or erected with a fixed location on or below the ground, or attached to something having a fixed location on the ground and includes buildings, walls, fences, signs, billboards, poster panels, light standards and similar items.

~~(44.1) "UNSAFE BUILDING" means any building or structure that is in an unsafe condition in that it is open and vacant.~~
[EN. B/L 6736]

- (45) **"UNSIGHTLY"** means premises that are in non-compliance with Sections 18, 19, 21, **or 23 and 42** of this by-law or as otherwise determined by the **Senior Building Inspector Building Safety Manager**. ~~Any boarded building is also deemed to be unsightly.~~
[AM. B/L 6736]
- ~~(46) **"UNTIDY"** means premises that are in a disorderly, slovenly, or littered condition or are not kept in generally good order.~~
- ~~(46.1) **"VACANT BUILDING"** 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.~~
~~[EN. B/L 6736]~~
- (47) **"YARD"** means the land, other than publicly owned land, around and appurtenant to the whole or any part of a dwelling or other building and used or capable of being used in connection with such building.

PART II: ADMINISTRATION

3. It shall be the responsibility of the **Board Authority having jurisdiction** to administer and enforce the provisions of this by-law, subject always to such direction as may from time to time be given by the Council and subject to the right of appeal as set out in section 11 hereof. For the purpose of the enforcement of this by-law, the **Senior Building Inspector Building Safety Manager** shall be deemed an officer of the City.
[AM. B/L 6736]
4. ~~The Board or any of its employees charged with the enforcement of this by-law while acting for the City shall not thereby render themselves liable personally, and they are hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of their official duties. Any suit instituted against any officer or employee because of an act performed by him in the lawful discharge of his duties and under the provisions of this by-law shall be represented by the City until the final termination of the proceedings. In no case shall the Senior Building Inspector or any of his assistants be liable for costs in any action, suit or proceeding that may be instituted in pursuance of the provisions of this by-law, and any officer of the Brandon and Area Planning District, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of his official duties in connection therewith.~~
[AM. B/L 6736]
5. 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 land, building or premises in the City for the purpose of:
- (a) inspecting any appliance or equipment;
 - (b) examining any dwelling or other building thereon or anything appurtenant to any such dwelling or building;
 - (c) ascertaining whether compliance is being made with any by-law or regulation enacted or made by Council, or with this by-law;
 - (d) carrying into effect or enforcing any by-law or regulation to which subsection (c) applies, or any requirement of this by-law; or
 - (e) ascertaining whether a condition of overcrowding exists.
6. (a) If as a result of the inspection of any land, building or premises an inspector is satisfied that the land, building or premises does not comply to a standard, he may make an Order **to Remedy**, ~~in a form as set out in Schedule "A" hereto and subject to an Order Issuance Fee as designated in the City of Brandon's annual fee schedule or the Brandon and Area Planning District's fee schedule,~~ a copy of which shall be served on the owner by personal service or by certified or registered mail mailed to

him at his address as shown on the latest assessment roll of the City. When service cannot be effected either by personal service or by certified or registered mail, then such Order **to Remedy** and/or placard may be posted on the property subject to the Order **to Remedy**.

[AM. B/L 6736]

- (b) ~~Copies of all Orders shall be served by certified or registered mail on any mortgagee shown on the title to the real property subject to such Order, and such mortgagee shall be notified that all defects must be remedied within one month or sections 307 and 308 of the Act apply.~~

Upon an Order to Remedy being issued, a copy of same shall be sent by certified or registered mail to any mortgagee shown on the title to the real property subject to such Order to Remedy for the purpose of informing the mortgagee that the owner is required to remedy any defects within a set time period or the City may take corrective actions with costs of same becoming a debt against the property.

- (c) If, upon attempt to effect service of an Order **to Remedy** hereunder an inspector learns the owner of the property is deceased then the Order **to Remedy** shall be served upon the executor, administrator, successor or assignee of the deceased. If such party cannot be located then service shall be effected by posting the Order **to Remedy** on the property subject to the Order **to Remedy**.

7. ~~The~~ An Order **to Remedy** is subject to the By-law Order Issuance Fee set out in the Annual Schedule of Fees and shall contain:

- (a) a description of the land, building or premises sufficient to identify it;
- (b) the particulars of each non-conformance and the date by which it 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 Remedy**;
- (d) a statement advising that if the non-conformance is not remedied as directed the Authority having jurisdiction may cause the non-conformance to be corrected at the expense of the owner in accordance with section 13;

and may also contain an outline of what action may be taken to make the land, building or premises conform to the standards and any other information that the inspector deems necessary.

8. Except in the case of an immediately dangerous non-conformance, the date by which the non-conformance shall be corrected shall be not less than three weeks from the date of service of the Order **to Remedy** made pursuant to section 6. If the Order **to Remedy** is served by mail the Order **to Remedy** 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.

9. There shall be attached to the Order **to Remedy**:

- (a) a notice of objection form ~~as set out in Schedule "B" hereto~~, which shall indicate the place to which any notice of objection shall be delivered;
- (b) a notice of correction form ~~as set out in Schedule "C" hereto~~, to be returned to the Authority having jurisdiction when the non-conformance have been corrected; and
- (c) notice of the penalty for each non-conformance, as set out in Section 69.

[AM. B/L 6736]

- 9.1 The Authority having jurisdiction may create any forms or other documents as deemed necessary for the efficient application of the provisions of this by-law. This may include, without limitation, such documents as an order to remedy, notice of objection, and notice of correction. All documents created and in use shall be readily available to the general public.

10. The ~~Senior Building Inspector~~ **Building Safety Manager** may postpone the last day when a non-conformance must be corrected as shown in the Order **to Remedy** only upon a showing by the owner 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 14 day period for appealing the Order **to Remedy** however, the owner does have 7 days from the date the postponement was granted to appeal the postponement.

[AM. B/L 6736]

11. Except in the case of an immediately dangerous non-conformance, the owner, or a person authorized in writing by him to act on his behalf, may appeal any provision of an order **to Remedy** issued under Subsection 6. (a) by filing with the City Clerk a notice of objection within fourteen (14) days following the service of a copy of the Order **to Remedy** issued pursuant to this by-law.
[AM. B/L 6736]
12. Except in the case of an immediately dangerous non-conformance, the filing of a notice of objection to an Order **to Remedy** or any provision thereof as set out in section 11 shall operate as a stay of proceedings to correct a hazardous or non-hazardous non-conformance pending consideration of the appeal by the Committee, in accordance with the ~~provisions of Part V hereof~~ **related provisions of the Compliance By-law**.
13. Where an owner has failed to comply with an Order **to Remedy** either of an inspector or an Order **to Remedy** made by the Committee, 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, which can and may include, but are not limited to legal fees, disbursements and administrative fees **as set out in the Annual Schedule of Fees**, are considered an amount owing to the municipality pursuant to provisions of ~~The Municipal~~ **the** Act and may be collected by the municipality in the same manner as a tax maybe collected or enforced in ~~The Municipal~~ **the** Act.
[AM. B/L 6736]
14. In the case of an immediately dangerous non-conformance, the Authority Having Jurisdiction may take whatever actions or measures are necessary to eliminate the non-conformance pursuant to ~~Section 247~~ of the Act.
[AM. B/L 6736]
- 14.1 (a) Notwithstanding provisions to the contrary contained in Part II hereof and subject to subsection (b), inspections may be conducted of single family, owner occupied residences which qualify for the housing initiative grants administered by the Authority Having Jurisdiction without the need to generate an Order **to Remedy** for observed non-conformance issues.
- 14.1 (b) The waiver of issuing Orders **to Remedy** for non-conformance shall not extend to any immediately dangerous non-conformance ~~or conditions where vermin are deemed to be a health concern in the opinion of the Inspector~~.
[EN. B/L 6666]

PART III: STANDARDS

DIVISION I: BUILDING AND STRUCTURAL STANDARDS

Sewage and Drainage

15. (a) No roof drainage or surface drainage shall be discharged on stairs or neighbouring property and all such drainage shall be conveyed so as not to cause dampness in the walls, ceilings, or floors of any portion of the building itself or any adjacent building.
- (b) Sewage shall be discharged only into a sewerage system in accordance with the provisions of the City's Water and Wastewater Control By-law.

[AM. B/L 6736]

- (c) Sewage shall not be discharged onto the surface of the ground whether into a natural or artificial drainage system or otherwise.
- (d) Rainwater shall not be discharged into the City Sewerage System by means of conduit. Such drainage shall be directly or indirectly channelled into the storm sewer system or into surface drainage channels. Drainage by way of weeping tiles into the City Sewerage System shall be allowed.

Foundation Walls and Foundation Supports

- 16. (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 inspector 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, he may require that the building 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 City's Building By-law.
- (c) 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.

Structurally Sound

- 17. (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 Authority Having Jurisdiction may require that a structural analysis of the building be carried out by a Professional Structural Engineer licensed to practice in the Province of Manitoba.

Exterior Walls

- 18. (a) 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.
- (b) All exterior surfaces shall be of materials which provide adequate protection from the weather.
- (c) 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

19. (a) 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 eavestroughing and rain water piping or using other suitable means.
- (b) Where the protective surface of a roof consists of wood shingles they shall be maintained in good repair to resist their deterioration.
- (c) Dangerous accumulations of snow or ice or both shall be removed from the roof of any building or part thereof.

Dampness

20. The interior floors, ceilings and walls shall be kept free from dampness arising from the entrance of moisture through an exterior wall or roof or through a cellar, basement or crawl space floor.

Doors and Windows

21. (a) Every exterior door to a dwelling, every door to a dwelling unit or housekeeping dwelling unit, and every door to rooms occupied by roomers, 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.
- (b) 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.
- (c) 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.
- (d) The inspector may when he deems necessary, require that doors, door frames, window frames, sashes and casings be renewed, or doors and windows be refitted, weather-stripping be installed, door and window hardware be renewed and reglazing be done.
- (e) Every opening in an exterior wall that is used or required for ventilation or illumination, and is not protected by a window or door, and could permit the entry of rodents or vermin shall be screened with wire mesh, metal grille, or other durable material, or otherwise protected so as to effectively prevent the entry of rodents or vermin.

Screens and Storm Doors

22. (a) 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.
- (b) Where considered necessary by an inspector, close fitting screen doors shall be provided and installed to exterior doorways and shall be maintained in good condition.
- (c) Storm sashes used in windows required for ventilating purposes shall be provided with sliding or hinged sub-sashes or with any other opening device satisfactory to the inspector.
- (d) Where storm windows are installed in a dwelling, such windows shall be kept in good repair and glazed.
- (e) Where considered necessary by an inspector, properly fitting storm doors or storm

windows shall be provided in a dwelling.

Porches, ~~Sheds~~ Accessory Buildings, Stairs

23. Every porch, ~~shed and~~ accessory building, deck, balcony or stairway in, on or appurtenant to a building shall be maintained in good repair so that no component thereof 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.

Guardrails

24. (a) Every interior 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.
- (b) Handrails and guards for stairs shall be not less than 800 mm and not more than 920 mm above a line drawn through the outside edges of the stair nosings and 1020 mm above landings.
- (c) Every exterior stair with more than 3 risers and every exterior landing or porch 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.
- (d) Guards around roofs shall be at least 1070 mm in height. All other guards shall be at least 920 mm in height.
- (e) Openings through a guard shall be of a size as to prevent the passage of spherical objects having a diameter of 100 mm in residential occupancies and 200 mm in all other occupancies.
- (f) All handrails and guards shall be maintained in good repair firmly attached so as to provide adequate protection against accident and injury.

Egress

25. (a) Every dwelling unit and habitable room shall have a separate access to a public corridor which provides a means of egress from the floor area it serves to the exterior of the building at street or grade level.
- (b) All public corridors shall be fire rated with a fire resistance rating of at least one hour, except as otherwise required in the Code.
- (c) There shall be a secondary means of egress from every dwelling unit located on each floor above the second floor and for any dwelling units located in the basement so as to provide a safe and convenient means of egress in case of an emergency.
- (d) A secondary means of egress may be required from a dwelling unit located on a first or second floor if in the opinion of the inspector there exists a hazardous condition.
- (e) A fire escape may be considered as a second and separate means of egress provided it is constructed in accordance with the Code.
- (1) An existing fire escape will be acceptable as an exit provided it is in safe condition as determined by the ~~Senior Building Inspector~~ Building Safety Manager. If repairs are required those repairs shall be made conforming to the Code.
[AM. B/IL6736]
- (2) If a new fire escape is required, it is to be constructed entirely as per the Code, and prior to construction, drawings and material specifications are required to be submitted to the ~~Senior Building Inspector~~ Building Safety Manager for

approval.

[AM. B/L 6736]

- (f) Except as permitted in subsections (g) and (h), every suite shall have a door leading to a corridor or exterior passageway and from the point where the doorway enters the corridor or exterior passageway, it shall be possible to go in opposite directions to one of two separate exits.
- (g) A suite may be served by a single exit, not shared with any other suite or occupancy, provided the suite:
 - (1) is located on the main floor level;
 - (2) is located in the basement or on the second floor level and has direct access to an acceptable window;
 - (3) is located on the third floor level and has direct access to an acceptable fire escape by means of a door or acceptable window; or
 - (4) meets the minimum travel distance as set out by the Code.
- (h) Notwithstanding the requirements of subsection (f), a dead end public corridor is permitted provided:
 - (1) the dead end corridor does not exceed 6 metres in length measured from the end of the dead end portion to the nearest exit;
 - (2) the dead end corridor contains no door openings except those to suites.
- (i) Except as permitted in subsection (j), all exits shall be separated from the access to exit with construction providing a fire separation having a minimum 3/4 hour fire resistance rating.
- (j) The fire separation required in subsection (i) is not mandatory where:
 - (1) the building does not exceed two (2) storeys in building height;
 - (2) the building has a maximum of four (4) suites per floor level;
 - (3) the maximum travel distance from any suite door to the exterior of the building does not exceed 15 metres; and
 - (4) a heat detector is installed on the ceiling adjacent to the entrance door within all suites.
- (k) There shall be no suite entrance door located within an enclosed exit stairway except where that suite has a second and separate means of egress, or as otherwise permitted in this by-law.

~~(l) — Acceptable doors, windows, and balconies for egress are as set out in Schedule "D" hereto.~~

Walls and Ceilings

- 26. (a) Every wall and ceiling in a dwelling shall be maintained in good condition and free from holes, large cracks, loose plaster and accident hazards.
- (b) The inspector where he deems necessary may require that wood trim be renewed.

Floors

- 27. (a) Every floor shall be free of loose, warped, protruding or rotting floor boards, shall be free of wide dirt-harboring holes or cracks and other defects that are 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) The floor and walls to a height of 400 mm above the floor or bathtub, of every bathroom, shower room and toilet room shall be maintained reasonably resistant to water and in such condition as to permit easy cleaning.

Water

28. (a) Every dwelling shall be provided with an adequate supply of potable running water pursuant to the City's Water and Wastewater Control By-law.
[AM. B/L 6736]
- (b) Every sink, wash basin, bathtub or shower which is used for sanitary purposes in a dwelling shall have an adequate supply of hot and cold running water and every water closet shall have an adequate supply of running water.
- (c) All hot water shall be supplied at a minimum temperature of 43 degrees Celsius at the tap.

Plumbing

29. All plumbing in a dwelling, including 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 and repair and free from leaks or other defects, and shall meet the requirements of the City's Building By-law and Water and Wastewater Control By-law.
[AM. B/L 6736]

Heating, Ventilation and Air Conditioning [HVAC]

HVAC - Heating

30. (a) Every dwelling shall be provided with a heating system properly installed and maintained in a safe and good working condition, capable of providing the minimum temperature as provided for in subsection (b).
- (b) (1) At all times between 0700 hours and 2300 hours of every day between September 1 and June 1 next following, any person responsible for the heating of any building shall heat all parts of the premises ordinarily used for working, living or sleeping quarters, so that the temperature therein does not fall below 20 degrees Celsius.
- (2) During the time before 0700 hours and after 2300 hours on any day during the period mentioned in paragraph (1), the said premises shall be heated so that the temperature therein shall not fall below 16 degrees Celsius.
- (c) (1) Existing heating and air conditioning systems may serve or be altered to serve more than one suite in residential buildings containing not more than four suites provided:
- i) smoke alarms not connected to a fire alarm system are provided in each residential suite;
 - ii) smoke detectors are installed in the supply and return air duct system in accordance with CAN4-S524-M; and
 - iii) smoke detectors are designed to turn off the system fuel supply or electrical supply upon detection of smoke in the system.
- (2) Corridors and stairways currently being used as part of a supply or return air system may continue to be used in such capacity in residential buildings containing not more than four suites.
- (3) Existing ducts penetrating existing rated fire separations or ceiling membranes do not require fire dampers or fire stop flaps where the HVAC system is designed to shut down on detection of smoke and suites are equipped with smoke alarms as described in paragraph (1).
- (d) Subsection (b) shall not apply to:
- (1) buildings or portions thereof used for any trade, business or occupation which can only be properly or efficiently carried on under a lower temperature than 20 degrees Celsius;
 - (2) any portion of a building used for any trade or business during the hours when the persons employed or engaged therein are not required to be on the premises;
 - (3) the supply of heat by persons whose principal business is the sale of heat; or

- (4) any case where compliance is impossible due to power failure, strikes, accidents, flooding or other causes beyond the control of the person responsible for supplying heat.
- (e) No room heater shall be placed so as to cause a fire hazard to walls, curtains or furniture, nor to impede the movement of persons within the room where the heater is located.
- (f) A fuel-burning central heating furnace or electric furnace in a multiple **family** dwelling shall be located in a separate room having walls, ceilings and doors with a fire resistance rating of not less than one hour.
- (g) A space that contains a heating furnace shall have natural or mechanical means of supplying the required combustion air in compliance with the Code.
- (h) Fuel-burning equipment shall be vented to a duct by means of rigid connections leading to a chimney or vent flue in compliance with the Code.
- (i) All flues shall be kept clear of obstruction, all open joints shall be sealed and all broken and loose masonry repaired.
- (j) Where a heating system or part of it or any auxiliary heating system burns solid or liquid fuel a place or receptacle for the storage of the fuel shall be provided and maintained in a convenient location and properly constructed so as to be free from fire or accident hazards.
- (k) Where in any dwelling the inspector finds that the heating system, by reason of being under-sized or of faulty design, is not capable of heating all parts of the premises normally used for living or sleeping, including kitchens, bathrooms, and toilet rooms, to a temperature of 20 degrees Celsius he may require that alterations be made to the heating system or, where he deems necessary a new heating system be installed, and he may, alternatively or additionally, require that some or all of the enclosing surfaces of the dwelling, or any part thereof, be insulated, and vapour barrier be installed, in accordance with current, common and generally approved practice.

HVAC - Chimneys, Fireplaces

- 31. (a) Every chimney, smoke pipe and flue of a dwelling shall be so maintained so as to prevent any gases, water or any liquid from leaking into the dwelling.
- (b) Every fireplace used or intended to be used in a dwelling for burning fuels in open fires shall be maintained so that adjacent combustible material and structural members shall not be heated to unsafe temperatures.
- (c) Solid fuel burning appliances must comply with the latest standards referenced in the Code.

HVAC - Ventilation

- 32. (a) Every basement, cellar, crawl space and similar space shall be adequately ventilated to the outside air as determined by the inspector.
- (b) Any opening in a cellar, basement, or crawl space used or intended to be used for ventilation and any other opening in a cellar, basement or crawl space which might admit rodents shall be screened with wire mesh or other such material as will effectively exclude rodents.
- (c) Unless a satisfactory alternative means of ventilation is provided every habitable room shall have at least one window which can be easily opened and held in an open position by window hardware.
- (d) Bathrooms and toilet rooms shall be ventilated with a window which can be opened

and held in an open position by window hardware or by local or mechanical ventilation.

- (e) Where in a dwelling a system of mechanical ventilation is provided in a bathroom, toilet room or kitchen, it shall be:
 - (1) capable of completely changing the air in the room at least once per hour, and
 - (2) maintained in good repair and working order at all times.
- (f) All enclosed spaces within a dwelling shall be adequately ventilated, and access of sufficient size to permit entry shall be provided thereto and fitted with a door or panel to enclose the opening.

Gas and Open-Flame Type Appliances

- 33. (a) Gas stoves, water heaters and other gas appliances shall be provided with suitable pipes or flues or other effective means for the removal of the products of combustion, and all such appliances shall be kept by the owner of such appliances in a proper state of repair and in efficient working order.
- (b) No gas or open-flame type appliance of any kind shall be installed in any room used for sleeping purposes or in any room connected by an archway to a room used for sleeping purposes, and no person shall use or allow to be used for sleeping purposes any room containing a gas stove or other gas or open-flame type appliance, or any room connected by an archway to such room.

Electrical Services

- 34. (a) Every dwelling shall be connected to an electrical supply system and shall be wired for electricity.
- (b) An adequate supply of electric power shall be available at all times in all parts of every occupied dwelling and the capacity of the connection to the dwelling and the system of circuits distributing the electrical supply within the dwelling shall be adequate for the use and intended use in the dwelling and shall be in compliance with the Canadian Electrical Code.
- (c) The electrical wiring, circuits, fuses, circuit-breakers and electrical equipment shall be maintained at all times in compliance with the provisions of the Canadian Electrical Code.
- (d) No person shall place an extension cord directly beneath a floor covering, or through a doorway, transom, wall, ceiling or floor, and no person shall use, cause or permit the use of an extension cord so placed.
- (e) When the capacity of a circuit within a dwelling or dwelling unit is in full or nearly full use as indicated by the amperage of wattage requirements shown on the appliance or appliances in use, no person shall use any additional appliance so as to increase the use beyond the capacity of the circuit.
- (f) When required by the ~~Senior Building Inspector~~ **Building Safety Manager**, the owner or agent may be required to submit a certificate from the electrical authorities outlining the safety of the buildings electrical system.
[AM. B/L 6736]

Light

- 35. (a) Adequate artificial light shall be available at all times in all rooms and in every stairway, hall, cellar and basement in a dwelling.
- (b) All storage rooms, locker rooms, corridors, hallways and stairways in multiple dwellings, and rooming houses shall be **adequately** illuminated ~~at a minimum 5-foot candles~~ at all times so as to provide safe passage and to facilitate the maintenance

of cleanliness.

- (c) Every habitable room above grade except for a kitchen, shall have a window or windows, or translucent panels that face directly to the outside at least ~~six inches~~ **150mm** above the adjoining finished grade.
- (d) Skylights as a sole means of lighting any room in any dwelling are prohibited, but they may be used only as a supplementary means provided that they are constructed so as to be water tight and protected in a suitable manner against condensation.

Space Requirements

36. (a) No person shall use or permit the use of a non-habitable room in a dwelling for a habitable room purpose.
- (b) At least one-half of the floor area of every habitable room, except in a basement, shall have a ceiling height of 2.3 meters. The floor area of that part of any room where the ceiling height is less than 1.4 meters shall not be considered as part of the floor area in computing the total floor area of the room for the purpose of determining the maximum permissible occupancy of the dwelling unit.
- (c) The maximum number of occupants in a dwelling unit shall not exceed one person per 7.4 square meters of habitable room floor area with the exception that where a dwelling unit or housekeeping dwelling unit consists of only one habitable room it shall:
- (1) contain at least 11.15 square meters of floor area for a single occupant;
 - (2) at least 14.9 square meters of floor area for two persons; and
 - (3) not be occupied by more than two occupants.
- (d) The minimum ceiling height for a basement area must be at least 2.1 meters over fifty percent of the area. Any area having a clear height of less than 1.4 meters shall not be considered in counting the required floor area.
- (e) The minimum floor area of any room used by only one person for sleeping shall be 5.6 square meters.
- (f) The minimum floor area of any room used by two or more persons for sleeping shall be 3.7 square meters per person.
- (g) Where deemed necessary the inspector may affix to any room in a multiple dwelling, rooming or lodging house, a card stating thereon the number of persons who may occupy such room and the owner or person in charge shall be held responsible for the number of persons so occupying.

Basement and Cellar Occupancy

37. (a) No cellar shall be used as a dwelling unit or habitable room.
- (b) No basement shall be used as a revenue earning or rental dwelling unit unless it meets the following requirements:
- (1) in the opinion of the Authority Having Jurisdiction, the minimum standards as set out in Part III (Standards) have been met;
 - (2) floor and walls are constructed so as to be impervious to leakage of underground and surface run-off water;
 - (3) each habitable room or dwelling unit is separated from the heating equipment, or other similarly hazardous equipment by a fire separation having a fire resistance rating of at least one hour excepting wall and baseboard mounted electrical heaters, hot air, steam or hot water registers

which have been properly installed;

- (4) access to each habitable room or dwelling unit is gained without passage through a furnace or boiler room.
- (c) All basements partially or wholly intended for use as dwelling units or habitable rooms shall have a secondary means of ingress and egress.
- (d)
 - (1) In any basement dwelling unit or habitable room where a window is the secondary means of egress the window must be a casement window having an unobstructed opening of not less than 900 mm high by 600 mm wide with a sill height of not more than 900 mm above the inside floor and the window must open outwards.
 - (2) If the Authority Having Jurisdiction is of the opinion that some other window arrangement provides an acceptable alternative means of egress then such window arrangement can be authorized on a dwelling unit by dwelling unit basis.
- (e) All such window exits as referred to in subsection (d) must have a window well which is kept free of debris, refuse and anything else which may hinder exiting and there must also be a clear passage away from the building.
- (f) A basement or part thereof may be used as a recreation room or family room for casual use only without the provision of a secondary exit.

Prohibited Occupancies

(In trailers, mobile homes, commercial and industrial and other structures)

- 38. (a) No camp-car, camper, tent-trailer, house-trailer, tent or other similar or temporary structures shall be used as dwelling units or habitable rooms except if located in licensed trailer camps or tourist courts or unless otherwise permitted by the Authority having jurisdiction on a temporary basis.
- (b) No mobile homes or other movable structures capable of being used as dwelling units or habitable rooms shall be occupied without prior connection to sewer, water, electrical and other services necessary for the proper operation of such mobile home or structure and without the written permission of the Authority having jurisdiction.
- (c) No store, shed, commercial or industrial building, or any portion thereof not designed and intended to be a dwelling unit shall be so occupied until it has been altered in compliance with this by-law, the Code and the Manitoba Fire Code.

Fire Alarm and Detection Systems

- 39. (a) All dwelling units used as revenue earning or rental dwelling units, shall contain at least one smoke alarm or smoke detector certified by the Underwriters Laboratories of Canada (ULC) or Canadian Standards Association (CSA). This provision shall apply to all dwelling units within the City notwithstanding the date of construction.
- (b) If, in the opinion of the Authority having jurisdiction, a building is required to contain a fire alarm system such system shall be installed and maintained in an operating condition and the fire alarm system shall conform with the applicable provisions of the Code.
- (c) A fire alarm system is not required in a building containing not more than four dwelling units and no other occupancy.
- (d) Where a vertical fire separation having a fire-resistance rating of at least 1 hour separates a portion of a building from the remainder of the building and there is no access to the remainder of the building, the requirements for fire alarm and

detection systems may be applied to each portion so separated as if it were a separate building. This does not apply to service rooms or storage rooms.

- (e) In buildings exceeding three (3) storeys in building height heat detectors shall be installed on the ceiling adjacent to the entrance door within all suites.
- (f) In buildings up to and including three (3) storeys in building height; heat detectors may be installed on the ceiling adjacent to the entrance door within suites.
- (g) All work required shall be carried out in accordance with the Code, the City's Building By-law, and the latest **CAN/CSA** Standards for the Installation of Fire Alarm Systems.

Unsafe Conditions and Dangerous Buildings

40. When a building or structure or part thereof, or a well, excavation, or opening, is in an unsafe condition, an Inspector may proceed to take action pursuant to the provisions contained in the City's Building By-law as it relates to unsafe conditions.

Hazardous Conditions

41. No dwelling, 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 Fire Chief under authority of a written permit issued by him.

DIVISION II: PROPERTY STANDARDS

~~Maintenance of Yards~~

- ~~42. (a) A yard shall be kept free and clean from:~~
- ~~(1) rubbish, garbage, and other debris;~~
 - ~~(2) wrecked, dismantled, partially dismantled vehicles, trailers and other machinery or any parts thereof; and~~
 - ~~(3) 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.~~

~~Walks~~

- ~~43. (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.~~

~~Fences and Accessory Buildings~~

- ~~44. All fences and accessory buildings shall be kept weather resistant, in good repair, and free from health, fire and accident hazards.~~

~~Garbage Disposal~~

- ~~45. Garbage disposal shall be in accordance with the City's Solid Waste Collection and Disposal By-law.~~

DIVISION III: UNSAFE CONDITIONS

46. All buildings or structures, existing or new, and all parts thereof shall be maintained in a

safe and sightly condition pursuant to the provision of this by-law. The owner or his designated agent shall be responsible for the maintenance of such building or structure.

47. Any building or structure that is in an unsafe condition in that it is open or unsecured, or liable to fall or to cause an explosion or to cause damage or injury to any person or property, or in that it constitutes a fire hazard, or that in the case of a well, excavation, or opening, is not properly covered or guarded or that in the opinion of the Authority Having Jurisdiction is so dilapidated, out of repair, or otherwise in such condition that it is a trap for persons or animals shall not be allowed to remain in such condition, but shall be secured, boarded up, demolished, removed, guarded, or put in a safe condition to the satisfaction of the Authority Having Jurisdiction.
48. Except in the case of immediate dangerous non-compliance, if, in the opinion of the Authority Having Jurisdiction a building or structure is in an unsafe or unsightly condition pursuant to Subsection 46, the Authority Having Jurisdiction shall serve a written notice on the owner, occupier, agent, or person in charge of the building or structure, by certified or registered mail or personal notice to the last known address describing the building or structure, requiring him to have it boarded-up, secured or demolished and put in safe condition and remedy any unsightly conditions of the building or structure forthwith to the satisfaction of the Authority Having Jurisdiction.
- ~~49. If the owner chooses to secure or board up the property in accordance with Sections 53 and 54 as opposed to demolishing same, the owner shall have a maximum of Twenty One (21) days to restore the property and buildings to an acceptable, sightly condition and occupiable state as determined by the Senior Building Inspector. If non-compliance continues following the expiration of the 21 day period, the Authority Having Jurisdiction may take whatever actions or measures are necessary to eliminate the non-conformance.~~
50. Where upon non-compliance with any notice given under Section 48, the Authority Having Jurisdiction causes the building or structure to be demolished, the City may sell the material, fixtures, and other salvage therefrom and apply the proceeds from such sale to the cost of the demolition and the balance, if any, shall be applied toward paying any taxes owing in respect to the property, after encumbrances and liens, if any, in the order of their priority are paid and the surplus, if any, shall be paid to the owner of the property.

[EN. B/L 6736]

DIVISION IV : VACANT BUILDINGS

[REP. B/L 7007]

DIVISION V: HERITAGE BUILDINGS

55. (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 the requirements of the Code when authorized by the ~~Senior Building Inspector~~ **Building Safety Manager**, provided:
- (1) the building or structure has been designated as a Heritage Building; and
 - (2) any unsafe conditions as described in the Code or this by-law are corrected; and
 - (3) the restored building or structure will be no more hazardous based on life safety, fire safety and sanitation than the existing building.
- [AM. B/L 6736]
- (b) The Authority having jurisdiction may require that a Code analysis of the building be carried out by a Professional ~~Designer~~ **Engineer or Architect** licensed to practice in the Province of Manitoba.

DIVISION VI: HEALTH STANDARDS**Pest Prevention**

- ~~56. Every building shall be maintained free of rodents, vermin and insects at all times and methods used for exterminating rodents, vermin or insects shall conform with generally accepted practice in the City as determined by the Authority having jurisdiction and all properties shall comply with the Public Health Standards as determined by the Province of Manitoba.~~

Cleanliness

57. Every occupier shall maintain his dwelling unit so that every floor, wall, ceiling, furnishing and fixture in that dwelling is in a clean and sanitary condition and the dwelling shall be kept free from rubbish or other debris or conditions which constitute a fire, accident or health hazard.

Kitchens

58. The back splash and countertop around the kitchen sink shall have a water resistant surface. Every kitchen shall be provided with an adequate and approved gas or electrical supply for cooking purposes, and there shall be at least 600 mm clear space above any exposed cooking surface of such apparatus.

PART IV -- GENERAL REQUIREMENTS**General Duties and Obligations**

59. (a) No person shall rent, or offer to rent any dwelling, dwelling unit, or room that does not conform to the standards and provisions of this by-law.
- (b) The owner of any dwelling or non-residential property shall either:
- (1) repair and maintain the dwelling or non-residential property in accordance with the standards; or
 - (2) demolish the whole or the offending part of any dwelling or non-residential property that is not in accordance with the standards.
- (c) Where an inspector has placed or caused to be placed a copy of an Order **to Remedy** upon premises under the authority of this by-law, no person shall remove such copy of the Order **to Remedy** except with the consent of the ~~Senior Building Inspector~~ Building Safety Manager.
[AM. B/L 6736]
- (d) All repairs to a building shall be made in a manner accepted as good workmanship in the trade concerned and with materials suitable and sufficient for the purpose, and in compliance with all applicable by-laws.

Conflict with other By-laws

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

PART V: BUILDING STANDARDS COMMITTEE~~**Establishment of Committee**~~

- ~~61. There is hereby established a Building Standards Committee.~~

~~**Membership of Committee**~~

- ~~62. (a) The Committee shall be comprised of three Councillors, and two additional Councillors who shall act as alternate members for the purpose of hearing any appeal, when necessary, in the absence of any member.~~

~~(b) (1) The membership, including the alternate members, shall be appointed by resolution of Council for a term of one year, expiring December 31st each year, with members being eligible for reappointment upon the expiration of their term of office.~~

~~(2) Any member of the Board is ineligible for appointment to this Committee.~~

~~(3) Council shall appoint a Chairman and Acting Chairman at the time of making its appointments. In the event neither the Chairman or Acting Chairman are in attendance at a hearing the membership in attendance shall appoint an Acting Chairman for the purpose of that hearing.~~

~~(c) Two members shall constitute a quorum of the Committee.~~

~~Notice of City Clerk~~

~~63. (a) The City Clerk, upon receipt of an appeal or notice of objection against any order or notice issued pursuant to the provisions of this by-law, shall set a time and place for a hearing by the Committee, provided that in no case shall a hearing be held later than fifteen days following the filing of the appeal or notice of objection.~~

~~(b) The City Clerk shall cause not less than three days notice of the hearing to be served, by certified mail, registered mail, or personal service sworn to by affidavit, on the appellant at his address as shown on the City's latest assessment roll, and such notice shall inform the appellant that he, or his agent, may appear at the hearing and make such representation as he so desires and that, in the event he or his agent does not appear at the said hearing, a decision may be made by the Committee in his absence.~~

~~Hearings of Committee~~

~~64. (a) On the day and at the time set out in the notice of the City Clerk, the Committee shall conduct the hearing and receive representations from the appellant and the inspector or inspectors, or any person appearing on their behalf.~~

~~(b) The hearing may be adjourned from time to time and may be resumed at such time and place as the Committee may decide.~~

~~(c) In the event there is no quorum present to conduct a set hearing, the City Clerk shall adjourn the hearing until the first available date, as established by the City Clerk, when a quorum will be available. Notice of the continued hearing date must be given in accordance with subsection 63.(b) however the requirement for 3 days notice may be waived if such time is not available, providing notice is by personal service sworn to by affidavit.~~

~~[AM. B/L 6736]~~

~~Recommendation for Advance of Cost by Municipality~~

~~65. Where the Committee is of the opinion that the owner of a dwelling or other building is unable to pay the cost of making it conform to the standards, the Committee may make a recommendation to the Council that the City advance money to the extent necessary to pay the cost subject to the conditions set forth in Section 180(1) of the Act.~~

~~[AM. B/L 6736]~~

~~Decision or Order of Committee~~

- ~~66. (a) Upon hearing an appeal, the Committee may:~~
- ~~(1) rescind or suspend the order given by an enforcement officer;~~
 - ~~(2) extend the time within which compliance with the order shall be made;~~
 - ~~(3) make such other order as in the circumstances of each case it deems just;~~
- ~~and the decision or order of the Committee, upon being communicated to the appellant, stands in place of the order against which appeal is made.~~
- ~~(b) Any failure to comply with a decision or order of the Committee is an offence and is subject to the penalty provisions and such further action as set out in this by-law.~~

~~Notice of Decision or Order~~

- ~~67. The City Clerk, as soon as practicable following the adjournment of the hearing, shall provide written notice to the appellant and the Brandon and Area Planning District as to the decision or order of the Committee, and shall advise the appellant of the right to appeal such decision or order pursuant to Section 68 herein.~~
- ~~[AM. B/L 6736]~~

~~Appeal from Decision or Order of the Committee~~

- ~~68. Any person affected by a decision or order of the Committee on an appeal made to it, may appeal from the decision or order to a judge of the Court of Queen's Bench.~~

PART VI: PENALTY PROVISION**General Offence and Punishment**

69. (a) 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 Act, not exceeding five hundred dollars or to imprisonment for a term not exceeding three months, or to both such a fine and such an imprisonment, or at the discretion of the Authority Having Jurisdiction, a penalty in accordance with~~ **deemed to be in non-compliance and subject to the enforcement provisions set out in** the City's Compliance By-law.
- (b) Pursuant to ~~subsection 249(2) of~~ the Act, where a contravention, refusal, neglect, omission or failure continues for more than one day, the person is ~~guilty of a separate offence~~ **subject to enforcement** for each day that it continues.
- [AM. B/L 6736]
- (c) 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~~ **deemed to be in non-compliance and subject to the same enforcement provisions** as set out in subsections (a) and (b).

PART VII: REPEAL AND ENACTMENT**Repeal**

70. Maintenance and Occupancy By-law No. 5414/45/86 and Heating of Buildings By-law No. 3178 are hereby repealed.

Enactment

71. This by-law shall come into full force and take effect on the 1st day of March A.D. 1993.

DONE AND PASSED by the Council of The City of Brandon duly assembled this 8th day of February A.D. 1993.

"R. N. Borotsik"

MAYOR

"W. I. Ford"

CITY CLERK

Read a first time this 1st day of February A.D. 1993.

Read a second time this 8th day of February A.D. 1993.

Read a third time this 8th day of February A.D. 1993.

I, Conrad Robert Arvisais, Clerk of the municipality of The City of Brandon, DO HEREBY CERTIFY the within to be a true and correct copy of Building Safety and Property Standards By-law No. 6060/09/93, as amended by By-law No. 6666 and 6736.

C.R. Arvisais, City
Clerk

SCHEDULE "A"**BUILDING SAFETY AND PROPERTY STANDARDS BY-LAW NO. 6060/09/93****ORDER TO MAINTAIN**

~~TO: _____, as registered owner~~

~~AND TO: _____, as Mortgagee~~

~~FROM: BRANDON AND AREA PLANNING DISTRICT BOARD~~

~~PURSUANT to The City of Brandon Building Safety and Property Standards By-law No. 6060/09/93, an Inspector for the Brandon and Area Planning District Board has inspected the land, building and premises commonly known as:~~

~~{CIVIC ADDRESS}, in the City of Brandon, 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} (applicable by-law excerpts are attached).~~

~~PURSUANT to SECTION 6 of the said By-law, {NAME OF INSPECTOR}, being an Inspector of the Brandon and Area Planning District Board, 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 CITY OF BRANDON BUILDING BY-LAW WILL BE REQUIRED TO DO THE WORK NECESSARY TO COMPLY WITH THE BUILDING SAFETY AND PROPERTY STANDARDS BY-LAW.}~~

~~PURSUANT to SECTION 11 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 City Clerk, a NOTICE OF OBJECTION (attached herewith) within FOURTEEN (14) DAYS following the service of this Order.~~

Schedule "A" cont'd

SECTION 13 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 the Committee, 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."~~

SECTION 50 of the by-law provides:

~~"General Duties and Obligations~~

~~50. (a) No person shall rent, or offer to rent any dwelling, dwelling unit, or room that does not conform to the standards and provisions of this by-law.~~

~~(b) The owner of any dwelling or non-residential property shall either:~~

~~(1) repair and maintain the dwelling or non-residential property in accordance with the standards; or~~

~~(2) demolish the whole or the offending part of any dwelling or non-residential property that is not in accordance with the standards.~~

~~(c) Where an inspector has placed or caused to be placed a copy of an Order upon premises under the authority of this by-law, no person shall remove such copy of the Order except with the consent of the Senior Building Inspector.~~

~~(d) All repairs to a building shall be made in a manner accepted as good workmanship in the trade concerned and with materials suitable and sufficient for the purpose, and in compliance with all applicable by-laws."~~

SIGNED at the City of Brandon, in Manitoba, this ____ day of ____ A.D. 20__.

BRANDON AND AREA PLANNING DISTRICT BOARD

PER:

(SENIOR BUILDING INSPECTOR)

[AM. B/L 6736]

SCHEDULE "B"

BUILDING SAFETY AND PROPERTY STANDARDS BY-LAW NO. 6060/09/93

~~IN THE MATTER of the Building Safety and Property Standards By-law No. 6060/09/93 of The City of Brandon.~~

NOTICE OF OBJECTION

~~TO: City Clerk
Civic Administration Building
410 9th Street
P. O. Box 960
Brandon, Manitoba
R7A 6A2~~

~~PLEASE TAKE NOTICE that the undersigned Appellant hereby appeals to the Building Standards~~

~~Committee from the Order to~~

~~Repair or Demolish; Vacate Dwelling; etc.~~

~~made by~~

~~Name and Title~~

~~on the day of A.D. 199__ respecting the residential premises or non-residential property known as~~

~~Dated at Brandon, Manitoba this day of A.D. 199__.~~

~~Signature of Appellant~~

~~Address~~

SCHEDULE "C"

BUILDING SAFETY AND PROPERTY STANDARDS BY-LAW NO. 6060/09/93

~~IN THE MATTER of the Building Safety and Property Standards By-law No. 6060/09/93 of The City of Brandon.~~

NOTICE OF CORRECTION

~~TO: City Clerk
Civic Administration Building
410 9th Street
P. O. Box 960
Brandon, Manitoba
R7A 6A2~~

~~PLEASE TAKE NOTICE that the undersigned hereby advises that the non-conformance noted in~~

~~ORDER NO. _____ with respect to the residential premises or non-residential property located at~~

~~have been corrected as required.~~

~~Dated at Brandon, Manitoba this _____ day of _____ A.D. 199__.~~

Signature of Owner

Address

~~BUILDING SAFETY AND PROPERTY STANDARDS BY LAW NO. 6060/09/93~~

~~SCHEDULE "D"~~

~~Graphics are not available. Please refer to your printed copy of the Continuing Consolidation of Building Safety and Property Standards By-law No. 6060/09/93 to view this Schedule.~~