

CONTINUING CONSOLIDATION
VACANT AND DERELICT BUILDING BY-LAW NO. 7007

AS AMENDED BY BY-LAW NOS. 7025, 7064 AND 7373.

BEING A BY-LAW of The City of Brandon to establish a system to regulate the condition and maintenance of vacant residential and commercial buildings and to establish a process to take title to vacant and derelict buildings, to be known as the “Vacant and Derelict Building 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 pass a by-law with respect to the condition and maintenance of vacant residential and commercial buildings;

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

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

AND WHEREAS Section 247.2 of The Municipal Act provides for a process by which a municipality may take title to vacant and derelict buildings;

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

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

PART 1: DEFINITIONS

1. All references herein to “he” shall include “she” unless the context thereof requires otherwise.
2. In this by-law:

BOARDED BUILDING means an unoccupied building in which any door, window or other opening has been covered for more than seven (7) days by affixing wood, metal or some other material over it to prevent entry.

BOARDED BUILDING PERMIT means a permit issued for a Boarded Building that is in compliance with the provisions of this by-law.

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

CERTIFICATE of OCCUPANCY means an occupancy certificate issued under Section 1 of Schedule A, “Maintenance Standards for Vacant Commercial Buildings” or Section 1 and 2 of Schedule B, “Maintenance Standards for Vacant Residential Buildings” of this by-law, as applicable.

[AM. B/L 7373]

CODE means The Manitoba Building Code as adopted by Manitoba Regulation 78/2023 pursuant to The Buildings Act, RSM 1987, c.B93, as amended from time to time, or any subsequent Manitoba Building Code which may be enacted.

[AM. B/L 7373]

COMMERCIAL BUILDING means any building that is classified as an Assembly, Care, Treatment, Detention, Business, Personal Service, Retail, or Industrial occupancy pursuant to the CODE.

[AM. B/L 7373]

COMMITTEE means the Building Standards Committee appointed by the Council of the City of Brandon and charged with the responsibility of hearing and making decisions on appeals to Orders issued pursuant to the provisions of this by-law.

DERELICT PROPERTY means property upon which is located an unoccupied residential or commercial building that is not in compliance with the provisions of this by-law.

DESIGNATED OFFICER means the Chief Administrative Officer of the City of Brandon and any employee of the City to whom he or she has delegated authority or duty granted or imposed under this By-law.

DESIGNER means a person skilled in the type of work concerned, who is licensed to practice in the Province of Manitoba and who is responsible for the design and/or code analysis of a building and may include an architect and/or an engineer depending on the requirements of the Manitoba Building Code in regards to the particular building’s classification.

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 belonging thereto and all accessory buildings, fences, or erections thereon or therein, and every dwelling unit within the building.

FIRE PROTECTION SYSTEM [REP. B/L 7373]

INSPECTOR means Building Inspector or any other person or agency employed by or acting for the City of Brandon and partially or wholly responsible for the building safety and property standards within the City of Brandon.

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

OPEN BUILDING means a building that is unoccupied and without a valid Boarded Building Permit issued.

OWNER means the registered property owner of the land and premises and includes

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

RESIDENTIAL BUILDING means a building classified as a Residential occupancy pursuant to the CODE.

[AM. B/L 7373]

SEWAGE [REP. B/L 7373]

SEWERAGE SYSTEM [REP. B/L 7373]

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

UNSAFE BUILDING means any building that is in an unsafe condition in that it is unoccupied or open and unguarded to which entry can be gained.

UNSIGHTLY means premises that are in non-compliance with the City of Brandon Building Safety Standards By-law, or as otherwise determined by the designated officer. Any boarded building is also deemed to be unsightly.

[AM. B/L 7373]

VACANT BUILDING means a previously occupied residential building or commercial building or unit thereof that is not presently being used or occupied for which a Vacant Building Permit has been issued.

[AM. B/L 7373]

VACANT BUILDING PERMIT means a permit issued to a vacant residential or commercial building that is in compliance with the provisions of this by-law.

[AM. B/L 7064; B/L 7373]

PART II - STANDARDS

Inspection of Vacant or Boarded Buildings

3. Prior to undertaking any enforcement under this by-law, the designated officer shall evaluate any risks to the City, including any financial risks should the property be acquired as a result of enforcement. If the designated officer identifies financial risk(s) to the City, such as demolition costs exceeding the value of the lands, the property shall be subject to review by the COMMITTEE. Upon acceptance of financial risk by the COMMITTEE, the designated officer shall proceed with enforcement as set-forth in the By-law. Buildings where enforcement action is not taken shall be subject to a reoccurring review of financial risks by the COMMITTEE at a minimum every 5 years.

[EN. B/L 7373]

4. In addition to any other inspections of a vacant or boarded building to enforce or administer this by-law, inspectors are authorized to conduct full inspections of the exterior and interior of a vacant or boarded building to determine compliance with this by-law. The owner must pay any permit fees established by Council for the associated permit.
[AM. B/L 7373]

Requirements for All Vacant Buildings

- 4.1 The owner of a vacant residential or commercial building must ensure that the premises is in compliance with the standards set out in Schedule A, "Maintenance Standards for Vacant Commercial Buildings" or Schedule B, "Maintenance Standards for Vacant Residential Buildings", as applicable.

Vacant Building Permit

- 4.2 A building may remain vacant in accordance with Section 4.1, "Requirements for All Vacant Buildings" above, provided that a Vacant Building Permit is obtained, and upon payment of any required permit fees.
[AM. B/L 7373]
- 4.3 A Vacant Building Permit must be obtained within twenty one (21) days of notification by the designated officer that building has been identified as vacant.
[AM. B/L 7373]
- 4.4 Upon annual payment of the permit renewal fee as designated in the City of Brandon's fee schedule, the owner of a commercial or residential building may renew a Vacant Building Permit, valid for a period of one year after being issued.
[AM. B/L 7373]
- 4.5 Where a vacant building does not meet the standards and requirements referred to in subsection 4.1 "Requirements for All Vacant Buildings", an inspector may issue an Order to the owner of the building requiring the building be brought into compliance with the standards set out in Schedule C, "Maintenance Standards for Boarded Buildings", whereby the owner shall obtain a Boarded Building Permit within twenty-one (21) days of issuance this Order.
[AM. B/L 7373]

Requirements for All Boarded Buildings

5. Unoccupied or open and unguarded buildings to which entry can be gained shall be deemed unsafe. The owner of an unoccupied and open building must ensure that the building is secure from unauthorized entry by complying with Schedule C, "Maintenance Standards for Boarded Buildings".

Boarded Building Permit

6. A building may remain boarded up in accordance with Schedule C, "Maintenance Standards for Boarded Buildings", provided that a Boarded Building Permit is obtained.
- 6.1 An owner shall obtain a Boarded Building Permit within twenty-one (21) days of notification by the designated officer.
- 6.2 Upon payment of any application or permit fee as designated in the City of Brandon's annual fee schedule, the owner of a commercial building may obtain an unlimited number of Boarded Building Permits for that building, each being valid for a period of one year after being issued.
- 6.3 A residential building owner will only be issued one (1) Boarded Permit, provided said building is in compliance with the standards as noted in Section 4.5. Any additional residential buildings also owned by said owner shall conform to the maintenance standards for vacant residential buildings set out in Schedule B, "Maintenance Standards for Vacant Residential Buildings".
- 6.4 Where an unoccupied building is boarded but lacks a Boarded Building permit, the inspector may issue an Order requiring the owner within twenty-one (21) days to either obtain a permit to meet the requirements of Schedule C, "Maintenance Standards for Boarded Buildings", or bring the building into compliance with Schedule A, "Maintenance Standards for Vacant Commercial Buildings", or Schedule B, "Maintenance Standards for Vacant Residential Buildings", as applicable.
[AM. B/L 7064]

PART III – ORDER TO REMEDY

[AM. B/L 7373]

7. Any inspector, duly appointed and authorized for the purpose, may, at all reasonable times, without the consent of the owner or occupier and upon production of the necessary authority, if demanded, enter upon any building or premises in the City that is boarded or appears to be vacant for the purpose of determining:
 - (a) whether the building is vacant; and
 - (b) whether the building complies with this by-law.

8. (a) If as a result of the inspection of any vacant residential building, vacant commercial building, or boarded building, an inspector is satisfied that the vacant residential building, vacant commercial building, or boarded building does not comply to the standards set forth in Schedule A, "Maintenance Standards for Vacant Commercial Buildings", Schedule B, "Maintenance Standards for Vacant Residential Buildings" or Schedule C, "Maintenance Standards for Boarded Buildings" to this by-law, he may make an Order to Remedy, in a form as set out in Schedule D "Order to Remedy", hereto and subject to an Order Issuance Fee as designated in the City of Brandon's fee schedule, a copy of which shall be served on the owner by personal service or by certified or registered mail to the address as shown on the latest Status of Title. When service cannot be effected either by personal service or by certified or registered mail, then such Order and/or placard may be posted on the property subject to the Order.
[AM. B/L 7064; B/L 7373]
- (b) If, upon attempt to effect service of an Order to Remedy hereunder an inspector learns the owner of the property is deceased, the Order shall be served upon the executor, administrator, successor or assignee of the deceased. If such party cannot be located, service shall be effected by posting the Order and/or placard on the property subject to the Order.
[AM. B/L 7064; B/L 7373]
9. The Order to Remedy shall contain:
 - (a) a description of the land, building or premises sufficient to identify the property;
 - (b) the particulars of each non-conformance and the date by which each non-conformance must be corrected;
 - (c) except in the case of an immediately dangerous non-conformance, the final date for giving notice of objection from the Order;
 and may also contain an outline of what action may be taken to make the residential property or the commercial property conform to the standards and any other information that the inspector deems necessary.
[AM. B/L 7373]
10. Except in the case of an immediately dangerous non-conformance, the date by which the non-conformance shall be corrected shall be a minimum of twenty-one (21) days from the date of service of the Order to Remedy made pursuant to Section 7. If the Order is served by mail, the Order 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.
[AM. B/L 7373]
11. The designated officer may postpone the last day when a non-conformance must be corrected as specified in the Order to Remedy only upon the owner showing that he is making reasonable efforts to correct the non-conformance, but that full correction cannot be completed within the time provided because of technical difficulties, inability to obtain necessary materials or labour, or inability to gain access to the building unit wherein the non-conformance occurs. Any postponement of the last day for compliance does not extend the initial fourteen (14) day period for appealing the Order however, the owner does have seven (7) days from the date the postponement was granted to appeal the duration of the postponement.
[AM. B/L 7064; B/L 7373]

Right to Appeal

12. Except in the case of an immediately dangerous non-conformance, the owner, or a person authorized in writing to act on behalf of the owner, may appeal any provision of an Order to Remedy issued under Subsection 8.(a) by filing with the City Clerk a Notice of Objection within fourteen (14) days upon receipt of the Order to Remedy.
[AM. B/L 7373]
13. 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 forth in Section 12 shall operate as a stay of proceedings to correct a hazardous or non-hazardous non-conformance pending consideration of the appeal by the Committee.
[AM. B/L 7373]
14. Any failure to comply with a decision or order of the Committee is an offence subject to the penalty provisions set forth in the by-law.

Non-Compliance

15. Where an owner has failed to comply with an Order to Remedy either of an inspector or an Order made by the Committee, as the case may be, then the designated officer may cause the non-conformance to be corrected without any further notice to the owner. The entire costs of correcting the non-conformance, which can and may include, but are not limited to legal fees, permit fees, permit renewal fees, disbursements and administrative fees, are considered an amount owing to the municipality pursuant to provisions of The Municipal Act and may be collected by the municipality in the same manner as a tax may be collected or enforced in accordance with The Municipal Act.
[AM. B/L 7373]

16. In the case of an immediately dangerous non-conformance, the designated officer may take whatever actions or measures are necessary to eliminate the non-conformance pursuant to Section 247 of The Municipal Act.

General Offence and Penalty

17. (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 Section 249 of The Municipal Act, not exceeding Five Hundred Dollars (\$500) or to imprisonment for a term not exceeding three (3) months, or to both such a fine and such an imprisonment, or at the discretion of the designated officer, a penalty in accordance with the City's Compliance By-law.
[AM. B/L 7373]
- (b) Every person who obstructs or interferes with an inspector in the performance of his duties under this by-law is guilty of an offence and is liable on summary conviction to the same penalties as set out in subsection (a) above.

Conflict with Other By-laws

- 17.1 Where a provision of this by-law conflicts with a provision of another by-law in force in the City of Brandon, the provision that establishes the higher standard to protect the health, safety and welfare of the general public shall prevail.
[EN. B/L 7064]

PART IV – DERELICT BUILDING ORDERS

Preliminary Derelict Building Order

18. A designated officer shall issue a Preliminary Derelict Building Order in respect of a property if he is satisfied that:
- (a) the registered owner of the property has been found guilty of contravening the Vacant and Derelict Building By-law; and
- (b) the property continues to be in contravention of the by-law.

Form of Order

19. A Preliminary Derelict Building Order must be issued in the form set out in Schedule E, "Preliminary Derelict Building Order", to this by-law, and must include:
- (a) the legal description of the property;
- (b) a statement that the property is a derelict property and
- (c) a statement that the property may be transferred to the City of Brandon if it is not brought into compliance with the Vacant and Derelict Buildings By-law.
[AM. B/L 7064]

Service

20. The designated officer who issues a Preliminary Derelict Building Order must ensure that a copy of the Order is:
- (a) promptly registered against the derelict property in the Brandon Land Titles Office; and
- (b) personally served on the registered owner of the derelict property and on every other person who, on the day the order is registered at Brandon Land Titles Office, appears from the records to have an interest in the property.

Time Frame for Compliance

21. The registered owner shall be within ninety (90) days to bring the property into compliance with the Vacant and Derelict Building By-law after this Preliminary Derelict Building Order has been served on the registered owner.

Right to Appeal

22. Any person served with a Preliminary Derelict Building Order may appeal the Order to the Committee of City Council. The appeal must be made in writing and must be received by the Office of the City Clerk within ninety (90) days after the Order has been served on the registered owner.

Second Notice of Preliminary Order

23. A second notice of the Preliminary Derelict Building Order may be issued by the designated officer if a property continues to remain a derelict property for more than thirty (30) days after the day on which the Preliminary Derelict Building Order was served on all persons required to be served under Section 20.
[AM. B/L 7373]
24. The second notice of the Preliminary Derelict Building Order must be issued in the form set out in Schedule F, "Second Notice of a Preliminary Derelict Building Order", to this by-law, and must include:
- (a) the legal description of the property;

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

[AM. B/L 7064]

25. The designated officer must ensure that a copy of the second notice is:

- (a) promptly registered against the derelict property in the Brandon Land Titles Office; and
- (b) personally served on the registered owner of the derelict property and on every other person who, on the day the order is registered at Brandon Land Titles Office, appears from the records to have an interest in the property.

Application for Derelict Building Certificate

26. A designated officer may apply to the Committee for a Derelict Building Certificate if:

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

27. When applying for a Derelict Building Certificate, a designated officer must provide to the Committee, a completed and sworn or affirmed statutory declaration in the form set out in Schedule G, "Statutory Declaration" to this by-law.

[AM. B/L 7064]

28. The Committee, upon receipt of an application for a Derelict Building Certificate, may, by resolution, issue the certificate if there is evidence that the property continues to be a derelict property; and in the opinion of the Committee, there is a satisfactory plan for redeveloping the property.

Application for Title

29. When a Derelict Building Certificate is issued, the designated officer may

- (a) register the certificate against the derelict property in the Brandon Land Titles Office; and
- (b) apply to the District Registrar for title to the derelict property to be issued in the name of the City of Brandon.

30. Application for title must be made within one hundred and twenty (120) days after the Committee issued the Derelict Building Certificate.

[AM. B/L 7373]

31. Should any section or part of this by-law be declared invalid, it is the intent of City Council that it would have passed all other portions of this by-law independent of the elimination of any such portion as may be declared invalid.

[EN. B/L 7373]

32. An omission by the City to undertake any action required by a by-law does not negate the need for compliance with that by-law. Immediately upon discovery of such omission the responsible Department Head or Director shall report the omission to the City Manager and ensure appropriate action is taken to remedy the situation.

[EN. B/L 7373]

PART V: REPEAL AND ENACTMENT

Repeal

33. Division IV of Building Safety and Property Standards By-law No. 6060, as amended, is hereby repealed.

34. This by-law shall come into full force and take effect on the 1st day of January A.D. 2012.

[AM. B/L 7373]

DONE AND PASSED by the Council of The City of Brandon duly assembled this 28th day of November A.D. 2011.

“S. Decter Hirst”

MAYOR

“C. R. Arvisais”

CITY CLERK

Read a first time this 14th day of November A.D. 2011
Read a second time this 28th day of November A.D. 2011
Read a third time this 28th day of November A.D. 2011

I, Conrad Robert Arvisais, Clerk of the City of Brandon, DO HEREBY CERTIFY the above within to be a true and correct copy of By-law No. 7007, as amended by By-law Nos. 7025 and 7064.

C. R. Arvisais, City Clerk

**SCHEDULE A
TO BY-LAW NO. 7007**

MAINTENANCE STANDARDS FOR VACANT COMMERCIAL BUILDINGS

Safety and Structural Standards for Vacant Commercial Buildings

1. Vacant Commercial Buildings for which a Vacant Building Permit has been issued shall comply, or be made to comply with the City of Brandon Building Safety Standards By-law. [EN. B/L 7373]

Re-Occupancy of Vacant Commercial Buildings

2. (a) A Certificate of Occupancy is required for all Vacant Commercial Buildings for which a Vacant Building Permit has been issued prior to re-occupancy; and [AM. B/L 7373]
- (b) A Vacant Commercial Building may require upgrading to meet the following objectives of the Code prior to re-occupancy:
- (1) Safety
 - (2) Health
 - (3) Accessibility for persons with disabilities
 - (4) Fire and structural protection of buildings
- (c) The designated officer may require that a Code analysis of the building be carried out by a professional designer licensed to practice in the Province of Manitoba prior to re-occupancy.
3. [REP. B/L 7373]
4. [REP. B/L 7373]
5. [REP. B/L 7373]
6. [REP. B/L 7373]
7. [REP. B/L 7373]
8. [REP. B/L 7373]
9. [REP. B/L 7373]
10. [REP. B/L 7373]
11. [REP. B/L 7373]
12. [REP. B/L 7373]
13. [REP. B/L 7373]
14. [REP. B/L 7373]
15. [REP. B/L 7373]
16. [REP. B/L 7373]
17. [REP. B/L 7373]
18. [REP. B/L 7373]
19. [REP. B/L 7373]
20. [REP. B/L 7373]
21. [REP. B/L 7373]
22. [REP. B/L 7373]
23. [REP. B/L 7373]
24. [REP. B/L 7373]
25. [REP. B/L 7373]
26. [REP. B/L 7373]
27. [REP. B/L 7373]
28. [REP. B/L 7373]
29. [REP. B/L 7373]
30. [REP. B/L 7373]
31. [REP. B/L 7373]

**SCHEDULE B
TO BY-LAW NO. 7007**

MAINTENANCE STANDARDS FOR VACANT RESIDENTIAL BUILDINGS

Safety and Structural Standards for Vacant Residential Buildings

1. Vacant Residential Buildings for which a Vacant Building Permit has been issued shall comply, or be made to comply with the City of Brandon Building Safety Standards By-Law. [AM. B/L 7373]

Re-Occupancy of Vacant Residential Buildings

2. (a) A Certificate of Occupancy is required for all Vacant Residential Buildings for which a Vacant Building Permit has been issued prior to re-occupancy; and
- (b) A Vacant Residential Building may require upgrading, including but not limited to, in order to meet the following objectives of the Code prior to re-occupancy:
- (1) Safety
 - (2) Health
 - (3) Accessibility for persons with disabilities
 - (4) Fire and structural protection of buildings

[AM. B/L 7373]

- 3. [REP. B/L 7373]
- 4. [REP. B/L 7373]
- 5. [REP. B/L 7373]
- 6. [REP. B/L 7373]
- 7. [REP. B/L 7373]
- 8. [REP. B/L 7373]
- 9. [REP. B/L 7373]
- 10. [REP. B/L 7373]
- 11. [REP. B/L 7373]
- 12. [REP. B/L 7373]
- 13. [REP. B/L 7373]
- 14. [REP. B/L 7373]
- 15. [REP. B/L 7373]
- 16. [REP. B/L 7373]
- 17. [REP. B/L 7373]
- 18. [REP. B/L 7373]
- 19. [REP. B/L 7373]
- 20. [REP. B/L 7373]
- 21. [REP. B/L 7373]
- 22. [REP. B/L 7373]
- 23. [REP. B/L 7373]
- 24. [REP. B/L 7373]
- 25. [REP. B/L 7373]
- 26. [REP. B/L 7373]
- 27. [REP. B/L 7373]
- 28. [REP. B/L 7373]
- 29. [REP. B/L 7373]
- 30. [REP. B/L 7373]
- 31. [REP. B/L 7373]

**SCHEDULE C
TO BY-LAW NO. 7007**

MAINTENANCE STANDARDS FOR BOARDED BUILDINGS

1. [REP. B/L 7373]
2. [REP. B/L 7373]
3. [REP. B/L 7373]
4. [REP. B/L 7373]
5. [REP. B/L 7373]
6. [REP. B/L 7373]
7. [REP. B/L 7373]
8. [REP. B/L 7373]
9. [REP. B/L 7373]
10. [REP. B/L 7373]
11. [REP. B/L 7373]
12. [REP. B/L 7373]
13. [REP. B/L 7373]
14. [REP. B/L 7373]

Boarding Requirements For All Structures On Property

15. (a) All doors, windows and other openings at the basement and first floor levels shall be covered with a solid piece of plywood, at least 11 mm thick and the plywood shall be secured with nails at least 50 mm long, spaced not more than 150 mm on centre;
- (b) Unless otherwise accepted by the designated officer, all doors, windows and other openings on the second and third floors shall be covered with a solid piece of plywood, at least 8 mm thick that shall be adequately nailed or otherwise secured;
- (c) The principal entrance for the building shall be covered with a solid piece of plywood at least 11 mm thick, secured with screws 50 mm in length, spaced not more than 150 mm on centre;
- (d) Plywood applied to openings shall be installed from the exterior for all openings on the first and second floor levels and may be installed from on either the interior or exterior for openings located on the third floor and higher. All plywood shall be fitted within the frames in a manner acceptable to the designated officer and shall be painted with two coats of white paint on the exterior side;
- (e) Openings that are not covered with plywood shall be cleared of broken glass and any other loose material;
- (f) Exterior access to floor areas above the first floor, such as fire escapes and ladders shall be:
 - (1) removed up to the second floor level or to a height of 4 metres above the ground, whichever is lesser; or
 - (2) guarded to the satisfaction of the designated officer;
- (g) Openings to passageways shall be adequately secured and protected. Openings in a street or sidewalk to any passageways shall be covered with an appropriate metal plate, having a thickness not less than 8 mm and the plate shall be anchored or secured to prevent it from shifting. Alternatively, the areaway may be filled with concrete or unshrinkable fill to the satisfaction of the authority having jurisdiction;
- (h) Facia signs, overhanging signs, roof signs and all other appurtenances, such as sun visors or awnings, shall be removed if they are in a dangerous condition or could create such a condition;
- (i) All loose material on the exterior of the building shall be removed and any condition which may become a hazard or danger to the public shall be corrected;
- (j) Utilities, including but not limited to, hydro, gas and water, shall be cut off or shut off to the satisfaction of the utility concerned.

[EN. B/L 7064]

Re-Occupancy of Boarded Buildings

16. (a) A Certificate of Occupancy is required for all Boarded Buildings for which a Boarded Building Permit has been issued prior to re-occupancy; and
- (b) A Boarded Building may require upgrading, including but not limited to, in order to meet the following objectives of the Code prior to re-occupancy:
 - (1) Safety
 - (2) Health
 - (3) Accessibility for persons with disabilities
 - (4) Fire and structural protection of buildings

- (c) The designated officer may require that a Code analysis of the building be carried out by a professional designer licensed to practice in the Province of Manitoba prior to re-occupancy.

[EN. B/L 7373]

SCHEDULE D
TO BY-LAW NO. 7007

ORDER TO REMEDY

TO: _____, as registered owner

FROM: CITY OF BRANDON

PURSUANT to The City of Brandon Vacant and Derelict Building By-law No. 7007, an Inspector for the City of Brandon 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}

PURSUANT to SECTION 8 of the said By-law, {NAME OF INSPECTOR}, being an Inspector of the City of Brandon, 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 VACANT AND DERELICT BUILDING BY-LAW.}

PURSUANT to SECTION 12 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 within FOURTEEN (14) DAYS following the service of this Order.

SECTION 15 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."

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

CITY OF BRANDON

[AM. B/L 7373]

PER:

DESIGNATED OFFICER

SCHEDULE E
TO BY-LAW NO. 7007

PRELIMINARY DERELICT BUILDING ORDER

RE: (legal description of property)

commonly known as _____ (civic address) in the City of Brandon:

WHEREAS the registered owner of the above-noted property has been found guilty of contravening a derelict building by-law, namely, the Vacant and Derelict Building By-law No. 7007, on _____ (date);

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

THEREFORE, TAKE NOTICE THAT

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

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

AND FURTHER TAKE NOTICE THAT

You may have a right to appeal this Order to the Building Standards Committee of City Council. Your appeal must be in writing and must be received by the Office of the City Clerk, Civic Administration Building; 410 – 9th Street, Brandon, Manitoba, R7A 6A2 within ninety (90) days after this order has been served on you.

If you have any questions concerning this Order or the consequences of failing to bring the property into compliance with the Vacant and Derelict Building By-law No. 7007---- please contact _____ at 204 729-_____.

[AM. B/L 7373]

Designated Officer

Date

SCHEDULE F
TO BY-LAW NO. 7007

SECOND NOTICE OF A
PRELIMINARY DERELICT BUILDING ORDER

RE: (legal description of property)

commonly known as _____ (civic address) in the City of
Brandon:

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

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

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

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

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

You have a right to appeal the Preliminary Derelict Building Order or the time period set out in it for
bringing the property into compliance with the Vacant and Derelict Building By-law No. 7007 to the
of City Council. Your appeal must be in writing and must be received by the Office of the City Clerk,
Civic Administration Building; 410 – 9th Street, Brandon, Manitoba, R7A 6A2 within sixty (60) days
after this Second Notice has been served on you.

If you have any questions concerning this Order or the consequences of failing to bring the property
into compliance with the Vacant and Derelict Building By-law No. 7007 please contact
_____ at 204 729-_____.
[AM. B/L 7373]

Designated Officer

Date

**SCHEDULE G
TO BY-LAW NO. 7007**

STATUTORY DECLARATION

RE: (legal description of property)

commonly known as _____ (civic address) in the City of Brandon:

I, _____, a Designated Officer for the purposes of the Vacant and Derelict Building By-law No. 7007,

MAKE OATH (OR AFFIRM) AND SAY THAT

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

The time period for bringing the above-noted property into compliance with the Vacant and Derelict Building By-law provided in the Preliminary Derelict Building Order and the Second Notice of a Preliminary Derelict Building Order has expired.

The time period within which an appeal against the Preliminary Derelict Building Order may be taken has expired or, if an appeal against the Order was taken, the appeal has been decided and the decision either (a) confirmed the Order or (b) varied the Order but the person has not complied with the Order as varied.

I am satisfied on the basis of inspections carried out by me or by other employees of the City of Brandon who are authorized to enforce the Vacant and Derelict Building By-law that the property continues to be in contravention of the By-law.

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

Signature of Designated Officer

A (Commissioner of Oaths/Notary Public)
in and for the Province of Manitoba.
My commission expires on _____.