

MUNICIPALITY OF KILLARNEY-TURTLE MOUNTAIN

By-Law 5-2019 Vacant and Derelict Buildings By-law.docx

Being a by-law to regulate process title to vacant dwellings and non-residential buildings

BEING A BY-LAW of the Municipality of Killarney-Turtle Mountain to establish a system to regulate the condition and maintenance of vacant dwellings and non-residential buildings, and to establish a process to take title to vacant and derelict buildings, to be known as the “Vacant and Derelict Building By-law”.

WHEREAS the Municipality of Killarney-Turtle Mountain 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 dwellings and non-residential buildings;

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

AND WHEREAS the Municipality of Killarney-Turtle Mountain 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 247.1 of The Municipal Act provides for a process by which a municipality may take title to vacant and derelict buildings;

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

NOW THEREFORE the Municipality of Killarney-Turtle Mountain, 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 a vacant structure boarded up in accordance with Part II of Schedule “B” of this by-law.

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

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

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

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

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

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

MUNICIPALITY means the Municipality of Killarney-Turtle Mountain.

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

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

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

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

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

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

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

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

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

PART II – STANDARDS

Requirements for All Vacant Buildings

1. In addition to any inspection 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 Schedule "A", Maintenance Standards for Vacant Buildings.
2. The owner of a vacant dwelling or non-residential property must ensure that the premises is in compliance with the standards set out in Schedule "A".

Choice Between Securing or Boarding Up

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

Section 247 of The Municipal Act.

PART III – ORDER TO MAINTAIN

1. (a) Any inspector, duly appointed and authorized for the purpose, may, at all reasonable times, in accordance with this section, and upon production of the necessary authority, if demanded, enter upon any building or premises in the Municipality that is boarded or appears to be vacant for the purpose of determining:
 - (i) whether the building is vacant; and
 - (ii) whether the building complies with this by-law.
 - (b) Where the inspector wishes to undertake an inspection, the inspector shall first give reasonable notice to the owner or occupier of the land or building or other structure to be entered to carry out the inspection, remedy, enforcement or action, such notice being in writing and stating a date and time for the inspection which shall not be less than forty-eight (48) hours from the date that the notice is delivered to the owner or occupier of the land or building or other structure to be inspected. In the event that the owner or occupier refuses to accept delivery of the notice, or cannot be located, reasonable notice shall be deemed to have been given provided that the Designated Officer posts a copy of the notice by nailing it to the door, or posting a sign at any normally used entrance to the land, building or other structure to be entered by the Designated Officer to carry out the inspection, remedy, enforcement or action.
 - (c) In the event that the owner or occupier cannot be located, or refuses entry, and the Designated Officer reasonably concludes that an emergency exists such that the condition of the land, building or other structure poses a safety hazard to persons or other property, the Designated Officer may enter upon the land, or enter the building or other structure without the consent of the owner or occupier but must produce the necessary authority if demanded by the owner or occupier.
2. (a) If as a result of the inspection of any vacant dwelling or non-residential building, an inspector is satisfied that the vacant dwelling or non-residential building does not comply to the standards set forth in Schedule "A" to this by-law, he may make an Order to Maintain, in a form as set out in Schedule "C" hereto and subject to an Order Issuance Fee as designated in the Schedule "G", 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 municipality. 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.
 - (b) If, upon attempt to effect service of an Order to Maintain hereunder an inspector learns the owner of the property is deceased, then the Order 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 on the property subject to the Order.
3. The Order to Maintain 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;and may also contain an outline of what action may be taken to make the vacant dwelling or non-residential property conform to the standards and any other information that the inspector deems necessary.
4. Except in the case of an immediately dangerous non-conformance, the date by which the non-conformance shall be corrected shall be a minimum of Twenty-One (21) days from the date of service of the Order to Maintain 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.

5. The Building Inspector may postpone the last day when a non-conformance must be corrected as specified in the Order to Maintain only upon the owner showing that he is making reasonable efforts to correct the non-conformance, but that full correction cannot be completed within the time provided because of technical difficulties, inability to obtain necessary materials or labour, or inability to gain access to the building unit wherein the non-conformance occurs. Any postponement of the last day for compliance does not extend the initial 14 day period for appealing the Order however, the owner does have 7 days from the date the postponement was granted to appeal the postponement.
6. 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 issued under Subsection 7. (a) by filing with the Chief Administrative Officer (CAO) a notice of objection within fourteen (14) days following the service of a copy of the Order issued pursuant to this by-law.
7. Except in the case of an immediately dangerous non-conformance, the filing of a notice of objection to an Order to Maintain or any provision thereof 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 Council.
8. Any failure to comply with a decision or order of the Council is an offence and is subject to the penalty provisions and such further action as set out in the by-law.
9. Where an owner has failed to comply with an Order either of an inspector or an Order made by the Council, 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, 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 The Municipal Act.
10. 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

11. (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 (\$500) or to imprisonment for a term not exceeding three (3) months, or to both such a fine and such an imprisonment.
- (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).

PART IV – DERELICT BUILDING ORDERS

Preliminary Derelict Building Order

1. 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

2. A Preliminary Derelict Building Order must be issued in the form set out in Schedule “D” 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 Municipality of Killarney-Turtle Mountain if it is not brought into compliance with the Vacant and Derelict Buildings By-law.

Service

3. 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 Manitoba 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 the Manitoba Land Titles Office, appears from the records to have an interest in the property.

Time Frame for Compliance

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

Right to Appeal

5. Any person served with a Preliminary Derelict Building Order may appeal same to the Council. The appeal must be made in writing and must be received by the Office of the CAO within 90 days after the Order has been served on the registered owner.

Second Notice of Preliminary Order

6. 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 19.
7. The second notice of the Preliminary Derelict Building Order must be issued in the form set out in Schedule “E” 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 Municipality of Killarney-Turtle Mountain 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 Council review the Preliminary Building Order or the time period

set out to bring the property into compliance, whereby the request to have the Council review the order must be made within 60 days after the second notice is served.

8. The designated officer must ensure that a copy of the second notice is:
 - (a) promptly registered against the derelict property in the 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 Land Titles Office, appears from the records to have an interest in the property.

Substitutional Service of Orders

9. Designated Officer may make application to the District Registrar of the appropriate Land Titles Office for an order of substitutional service, and the District Registrar may grant the order of substitutional service on such terms as the District Registrar deems appropriate.

Application for Derelict Building Certificate

10. A Designated Officer may apply to the Council for a Derelict Building Certificate if:
 - (a) a Preliminary Derelict Building Order and a second notice have been issued, registered and served in accordance with the provisions contained herein;
 - (b) the time period for bringing the property into compliance with 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 Council 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.
29. When applying for a Derelict Building Certificate, a Designated Officer must provide to the Council, a completed and sworn or affirmed statutory declaration in the form set out in Schedule "F" to this by-law.
30. The Council, upon receipt of an application for a Derelict Building Certificate, may, by resolution, issue the certificate if there is evidence that the property continues to be a derelict property; and in the opinion of the Council, there is a satisfactory plan for redeveloping the property.

Application for Title

31. When a Derelict Building Certificate is issued, the Designated Officer may
 - (a) register the certificate against the derelict property in the appropriate Land Titles Office; and
 - (b) apply to the District Registrar for title to the derelict property to be issued in the name of the Municipality of Killarney-Turtle Mountain.
32. Application for title must be made within 120 days after the Council issued the Derelict Building Certificate.

PART V: ENACTMENT

DONE AND PASSED by the Council of the Municipality of Killarney-Turtle Mountain duly assembled in the Province of Manitoba this day of , AD 2019.



Mayor



Chief Administrative Officer

Read a first time this 14th day of August, A.D., 2019
Read a second time this 15th day of December, 2021
Read a third time this 15th day of December, 2021

SCHEDULE "A" TO BY-LAW NO. 5-2019

MAINTENANCE STANDARDS FOR VACANT BUILDINGS

1) **Foundation Walls and Foundation Supports**

- a) Every foundation wall forming part of a building shall be maintained in good repair and structurally sound so as to prevent undue settlement of the building or the entrance of moisture, insects or rodents. Where necessary the foundation walls shall be so maintained by shoring of the walls, installing of subsoil drains at the footing, grouting masonry cracks and by parging and waterproofing.
- b) Where any building is on a surface foundation and the 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 Municipality'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.

2) **Structurally Sound**

- a) Basement, cellar or crawl space floors shall be maintained in good repair and structurally sound and where necessary shall be so maintained by the installation of subsoil drains at the footing, grouting cracks, parging and damp-proofing.
- b) Every part of a building shall be maintained in a structurally sound condition so as to be capable of sustaining safely its own weight and any load to which it may be subject.
- c) Materials which have been damaged or show evidence of rot or other deterioration shall be repaired or replaced.
- d) The 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.

3) **Exterior Walls**

- a) Every exterior wall shall be free of holes, breaks, loose or rotting boards or timbers, and any other conditions which might admit 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.

4) **Roof**

- 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.

5) Doors and Windows

- 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.

6) Screens and Storm Doors

- 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.

7) Porches, Sheds, Stairs

- a) Every porch, shed and 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.

8) Guardrails

- 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) 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.
- c) All handrails and guards shall be maintained in good repair firmly attached so as to provide adequate protection against accident and injury.

9) Walls and Ceilings

- 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.

10) Floors

- a) Every floor shall be free of loose, warped, protruding or rotting floor boards, shall be free of wide dirt-harboured holes or cracks and other defects that are fire or accident hazards, and shall be maintained in a clean and sanitary condition.

11) Sewage and Drainage

- 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 Municipality's Sewer By-law.
- 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 Municipal 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 Municipal Sewerage System shall not be allowed.

12) Maintenance of Property

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

13) Walks

- a) A walk shall be provided from the principal entrance of every building to a public street or to a driveway affording access to a public street and such walk shall be kept reasonably clear of snow and ice.
- b) Every sidewalk, driveway and parking space and all exterior steps shall be kept in good repair and shall be maintained so as to afford safe passage under normal use and weather conditions.

14) Fences and Accessory Buildings

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

15) Garbage Disposal

- a) Garbage disposal shall be in accordance with the Municipality's Solid Waste Collection and Disposal policies.

16) Unsafe Conditions and Dangerous Buildings

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

17) Hazardous Conditions

- a) 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.

SCHEDULE "B" TO BY-LAW NO. 5-2019

PART I - REQUIREMENTS FOR SECURED BUILDINGS

A dwelling shall be secured in accordance with the following requirements:

- (a) every exterior door to the dwelling is operational, fits tightly within its frame when closed and is locked as to prevent entry;
- (b) all windows are either permanently sealed or locked, but not boarded, so as to prevent entry;
- (c) all windows, doors, basement and attic hatchways and their frames are so constructed and maintained to completely exclude rain and substantially exclude wind from entering the structure;
- (d) all exterior walls must be free of holes, breaks, loose or rotting board or timbers and any other condition which might admit insects, rodents or other pest to the interior of the wall of the interior of the dwelling;
- (e) every window is kept in good repair, and properly glazed; and
- (f) integral operational systems and all life safety requirements in a building or structure or portion thereof, including but not limited to fire protection systems electrical, plumbing and mechanical systems including structural sufficiency and all life safety requirements shall be maintained in a functional state. Required testing and inspection reports are to be supplied to the Building Inspector and the Fire Prevention Officer of the Municipality of Killarney-Turtle Mountain upon request.

PART II - REQUIREMENTS FOR BOARDED BUILDINGS

A dwelling shall be boarded up in accordance with the following requirements:

- (a) 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 Authority having jurisdiction, 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. This plywood shall be adequately nailed or otherwise secured;
- (c) plywood applied to openings shall be installed from the exterior, shall be fitted within the frames in a manner accepted as good workmanship, and shall be painted with two coats of white paint on the exterior side;
- (d) openings that are not covered with plywood shall be cleared of broken glass and any other loose material;
- (e) exterior access to floor areas above the first floor, such as fire escapes and ladders shall be:
 - a. removed up to the second floor level or to a height of 4 metres above the ground, whichever is lesser; or
 - b. guarded to the satisfaction of the Authority having jurisdiction;
- (f) 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;
- (g) fascia 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;

- (h) 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;
- (i) all utilities, such as hydro, gas and water, shall be cut off or shut off to the satisfaction of the utility concerned.

SCHEDULE "C" TO BY-LAW NO. 5-2019

ORDER TO MAINTAIN

TO: _____, as registered owner

FROM: MUNICIPALITY OF KILLARNEY-TURTLE MOUNTAIN

PURSUANT to The Municipality of Killarney-Turtle Mountain's Vacant and Derelict Building By-law No. 5-2019, an Inspector for the Municipality of Killarney-Turtle Mountain has inspected the land, building and premises commonly known as:

_____, in the Municipality of Killarney-Turtle Mountain, in Manitoba,
(Civic address)

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 9 of the said By-law, _____,
Name of Inspector

being an Inspector of the Municipality of Killarney-Turtle Mountain, herewith orders you to bring the property into conformity with the provisions of the said by-law and herewith orders you to bring the said property into conformity with the provisions of the said by-law within ____ days from the date of service of this Order.

A BUILDING PERMIT (UNDER THE MUNICIPALITY OF KILLARNEY-TURTLE MOUNTAIN BUILDING BY-LAW) WILL BE REQUIRED TO DO THE WORK NECESSARY TO COMPLY WITH THE VACANT AND DERELICT BUILDING BY-LAW.

PURSUANT to SECTION 13 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 CAO, a NOTICE OF OBJECTION within FOURTEEN (14) DAYS following the service of this Order.

SECTION 16 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 Municipality of Killarney-Turtle Mountain, in Manitoba, this ____ day
of _____, A.D. 20 ____.

MUNICIPALITY OF KILLARNEY-TURTLE MOUNTAIN
PER:

(INSPECTOR)

SCHEDULE "D" TO BY-LAW NO. 5-2019

PRELIMINARY DERELICT BUILDING ORDER

RE: _____
Legal description of property

commonly known as _____ (civic address) in the Municipality of Killarney-Turtle Mountain:

WHEREAS the registered owner of the above-noted property has been found guilty of contravening a derelict building by-law, namely, the Vacant and Derelict Buildings By-law No. 5-2019, on _____ (date);

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

THEREFORE, TAKE NOTICE THAT

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

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

AND FURTHER TAKE NOTICE THAT

You may have a right to appeal this Order to the Council of the Municipality of Killarney-Turtle Mountain. Your appeal must be in writing and must be received by the Municipal Office, 415 Broadway Ave., PO Box 10, Killarney, MB R0K 1G0 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. 5-2019, please contact _____ at _____.

Inspector

Date

SCHEDULE "E" TO BY-LAW NO. 5-2019

**SECOND NOTICE OF A
PRELIMINARY DERELICT BUILDING ORDER**

RE: _____
legal description of property

commonly known as _____(civic address) in the
Municipality of Killarney-Turtle Mountain:

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
Municipality of Killarney-Turtle Mountain; and
- You may be forever stopped 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. 5-2019 to the Council of the Municipality of Killarney-Turtle
Mountain. Your appeal must be in writing and must be received by the Municipal
Office, 415 Broadway Ave., PO Box 10, Killarney, MB R0K 1G0, 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 Buildings By-law
No. 5-2019, please contact _____ at (204) _____ .

Designated Officer

Date

**SCHEDULE "F" TO BY-LAW NO. 5-2019
STATUTORY DECLARATION**

RE: _____
legal description of property

commonly known as _____ (civic address) in the
Municipality of Killarney-Turtle Mountain:

I, _____ a Designated Officer for the purposes of the
Vacant and Derelict Building By-law No. 5-2019,

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 Municipality of Killarney-Turtle Mountain 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 Municipality of)
Killarney-Turtle Mountain in the)
Province of Manitoba)

_____) _____
_____)

A Commissioner of Oaths / Notary
Public in and for the Province of
Manitoba

Signature of Designated Officer

My Commission Expires:

SCHEDULE "G" TO BY-LAW NO. 5-2019

Order Issuance Fee	\$500.00
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