

REPEALED by By-law No. 160/2011
DECEMBER 14, 2011

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CONSOLIDATION UPDATE: SEPTEMBER 28, 2011

THE CITY OF WINNIPEG

THE DEMOLITION PERMITS IN RESIDENTIAL AREAS BY-LAW
NO. 4665/87

**A By-law of THE CITY OF WINNIPEG to
regulate the issuance of demolition permits
within The City of Winnipeg.**

WHEREAS:

- (a) *repealed 8162/2002*
- (b) Pressures to change residential zoning provisions to allow uses not permitted in residential districts are being created by the demolition of residential buildings prior to applications for public meetings to consider changes in those zoning provisions, and
- (c) It is necessary and desirable to avoid unnecessary land use conflict that the demolition of residential buildings be regulated.

NOW THEREFORE THE CITY OF WINNIPEG, in Council assembled, enacts as follows:

1. For the purposes of this By-law the term "residential building" includes every building containing one or more dwelling units, as defined by the zoning by-law applicable to a zoning lot, whether alone or together with other uses in that building.
2. Subject to sections 7 and 11, within all districts zoned to allow residential buildings in The City of Winnipeg no permit for the demolition of the whole or any part of a residential building shall be issued unless the applicant for that permit already holds a building permit for construction of a new building or renovation of the existing building or the establishment of some other permitted use on the same zoning lot as the building proposed to be demolished or partly demolished, which building permit is valid for at least 120 days from the proposed date of issuance of that demolition permit.

3. Subject to sections 7 and 11, the new building or renovation work or the establishment of another permitted use as described in the building permit referred to in section 1 shall be substantially completed within one (1) year, in the case of a one or two-family dwelling and in other cases two years, from the date of commencement of the demolition authorized by that demolition permit and that demolition permit shall be subject to and shall be endorsed with that condition.

4. (1) Where the owner of a residential building objects to compliance with sections 2 and 3 of this By-law, he or she may apply to the Community Committee of the area in which the residential building is located for an order exempting that residential building from compliance.

amended 8162/2002

(2) An application under subsection 4(1) must be in writing, filed with the City Clerk and must include the address of the residential building that is the subject of the application, the applicant's name and the applicant's address.

amended 8162/2002

5. On receipt of that application the Committee shall cause notice to be given:

amended 8162/2002

(a) to the applicant and

(b) by posting a notice on or near the building site for at least two weeks before the meeting.

6. The notice referred to in section 5 shall briefly describe the application and give the date, time and place at which the Committee will conduct a meeting to receive representations from the applicant and any other interested persons for or against issuance of the demolition permit without compliance with sections 2 and 3.

7. Upon completion of that meeting the Committee shall consider the representations received and:

(a) if the Committee finds that in its opinion the existence of a vacant lot resulting from issuance of the demolition permit without the endorsement described in section 3-:

(i) would not create, or increase, pressures for approval of a new land use for the building site, not permitted by the existing zoning without rezoning or a zoning variance or a conditional use approval, and

- (ii) would not create, or increase, pressures against normal maintenance and use of properties on abutting lands or in the adjacent area for uses permitted under the existing zoning, and
 - (iii) would not create a visual detriment to the adjoining lands and adjacent area,
- or,
- (b) if the Committee finds that in its opinion one or more of those adverse effects would be caused but they can all be avoided by conditions imposed by the Committee, in its order,

the Committee shall by resolution order issuance of the demolition permit without compliance with sections 2 and 3 and without the endorsement described in section 3, or so order subject to those conditions, but otherwise an order shall issue rejecting the application.

8. The order of the Community Committee shall be sent in accordance with *The City of Winnipeg Charter*

- (a) to the applicant and
- (b) to every person who made representation at the meeting and who provided his or her name and address to the committee for service.¹

amended 8162/2002

9. Where an address for sending an order of the Community Committee or other document is required, the address provided by the person to the Clerk or to the Community Committee, as the case may be, shall be used.¹

amended 8162/2002

10. An appeal from an order of the Community Committee may be made to the Standing Policy Committee on Property and Development in accordance with *The City of Winnipeg Charter* by any person to whom a copy of the order is required to be sent under section 8.²

amended 8162/2002

11. Notice of the date and time of the appeal shall be provided in accordance with *The City of Winnipeg Charter* by the City Clerk to all persons to whom a copy of the order is required to be sent under section 8 and to the members of the Community Committee.¹

amended 8162/2002

12. This By-law shall be referred to as "**The Demolition Permits in Residential Areas By-law**".

added 8162/2002

13. *repealed 8162/2002*

14. This By-law does not apply to

- (a) the area to which the Downtown Winnipeg Zoning By-law applies;
- (b) a demolition carried out by or on behalf of the City of Winnipeg in order to address an emergency situation;
- (c) a demolition carried out by the owner or occupant of property in compliance with an Order issued by a designated employee pursuant to section 184 of *The City of Winnipeg Charter* which requires the owner or occupant to remedy a deficiency in the structural integrity of a building or another dangerous condition that constitutes a by-law contravention and which
 - (i) specifically identifies demolition to be an option available to the owner or occupant; and
 - (ii) expressly states that it is not necessary to comply with this By-law in order to comply with the Order;
- (d) a demolition carried out by the City of Winnipeg under section 185 of *The City of Winnipeg Charter* to remedy a by-law contravention
 - (i) identified in an Order referred to in clause (c); or
 - (ii) identified in any other Order so long as, prior to determining that demolition is the most appropriate means of remedying the contravention, the designated employee has consulted with the councillor in whose ward the property lies.

replaced 113/2011

DONE AND PASSED in Council assembled, this 12th day of July, 1989.

1 [See sections 116 and 117 of *The City of Winnipeg Charter* for information about how to serve orders, decisions and other documents.](#)

2 [See sections 189 and 121 of *The City of Winnipeg Charter* for information about appeals, including information about the time limit for appeals and how appeals are to be filed.](#)