Minute No. 353
Report - Standing Policy Committee on Property and Development - March 25, 2008

Item No. 3 **Vacant and Derelict Buildings By-law No. 35/2004 – Amendments and Improvements**
File EX

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Property and Development and adopted the following:

1. That the amendments to the Vacant and Derelict Buildings By-law No. 35/2004 as outlined in the draft amending By-law attached to the report from the Acting Director of Planning, Property and Development dated February 21, 2008, be enacted:

   A. To provide that vacant buildings that are in compliance with an initial Schedule "A" inspection and are boarded in compliance with the By-law would not be subjected to subsequent annual Schedule "A" inspections provided that the building remains compliant with the By-law's maintenance, security and boarding requirements.

   B. To increase inspection fees as an incentive for compliance and to better reflect the costs of inspections. (Fees are currently waived for buildings that are in substantial compliance with Schedule "A".)

   C. To improve the boarding requirements to discourage unauthorized entry to vacant buildings.

2. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

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DECISION MAKING HISTORY:

Moved by Councillor Swandel,

That the recommendation of the Standing Policy Committee on Property and Development be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On April 9, 2008, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On March 25, 2008, the Standing Policy Committee on Property and Development concurred in Recommendation 2. of the Winnipeg Public Service and submitted the matter to the Executive Policy Committee and Council.

On March 25, 2008, the Standing Policy Committee on Property and Development concurred in Recommendation 2. of the Winnipeg Public Service and submitted the matter to the Executive Policy Committee and Council.

Further, on March 25, 2008, the Standing Policy Committee on Property and Development concurred in Recommendation 1. of the Winnipeg Public Service, namely, that the Winnipeg Public Service be requested report back in September 2008 with the details on utilizing resources to effectively manage the Vacant and Derelict Buildings By-law No. 35/2004.

Also further, on March 25, 2008, the Standing Policy Committee on Property and Development requested the Winnipeg Public Service to meet with Councillor Lazarenko to discuss any future requirements or concerns he may have regarding additional inspectors for vacant and derelict buildings.

On March 13, 2008, the Standing Policy Committee on Property and Development laid the matter over to its meeting on March 25, 2008.

On January 8, 2008, the Standing Policy Committee on Property and Development requested the Winnipeg Public Service to provide detailed information on staffing and system improvements required to address the backlog of vacant and derelict building inspections, and report back in time for consideration during the 2008 Operating Budget process.

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DECISION MAKING HISTORY (continued)

STANDING COMMITTEE RECOMMENDATION (continued)

The Standing Policy Committee on Property and Development received submissions in support of the Lord Selkirk-West Kildonan Community Committee motion from the following:

- Councillor Lazarenko, Mynarski Ward, submitted seven (7) photographs of derelict buildings
- Rob Neufeld, North End Renewal Corporation submitted documentation on vacant homes in the Point Douglas and William Whyte areas
- Don Miedema, Spence Neighbourhood Association Inc. submitted a document titled "Vacant and Derelict Houses in Spence"

COMMUNITY COMMITTEE RECOMMENDATION:

On December 11, 2007, the Lord Selkirk-West Kildonan Community passed the following motion:

WHEREAS when the Vacant and Derelict Buildings By-law No. 35/2004 came into effect in July 2004, the Fire Prevention Branch assigned one (1) senior Inspector and three (3) Fire Inspectors to seven hundred and fifty (750) vacant buildings in the City of Winnipeg, having no By-law complaints on record;

AND WHEREAS two (2) years later, the Fire Prevention Branch had to assign one (1) senior Inspector and two (2) Fire Inspectors to eight hundred and eighty (880) vacant buildings and one (1) Inspector to handle sixteen hundred (1,600) By-law complaints annually;

AND WHEREAS in accordance with the said By-law, the Fire Prevention Branch must inspect vacant buildings annually and to date, approximately four hundred and fifty (450) vacant buildings have never been inspected;

AND WHEREAS the possibility of personal injury and property damage resulting from the lack of inspections presents a liability to the City of Winnipeg;

THEREFORE BE IT RESOLVED that the City of Winnipeg give the Fire Prevention Branch additional resources and authorization to hire twelve (12) Fire Inspectors so that it may meet its responsibilities under the Vacant and Derelict Buildings By-law.

RE: Vacant and Derelict Buildings – Update and Proposed Improvements

FOR SUBMISSION TO: **Standing Policy Committee on Property and Development**

ORIGINAL REPORT SIGNED BY: **Fire & Paramedic Chief, Fire Paramedic Service & Director, Planning, Property and Development Department**

REPORT DATE: February 21, 2008

RECOMMENDATIONS:

1. That the Public Service report back in September concerning the details on utilizing resources to effectively manage the By-law.

2. That Council enact amendments to the By-law (draft amending By-law attached):

    - to provide that vacant buildings that are in compliance with an initial Schedule "A" inspection and are boarded in compliance with the By-law would not be subjected to subsequent annual Schedule "A" inspections provided that the building remains compliant with the By-law's maintenance, security and boarding requirements.
    - to increase inspection fees as an incentive for compliance and to better reflect the costs of inspections. (Fees are currently waived for buildings that are in substantial compliance with Schedule "A".)
    - to improve the boarding requirements to discourage unauthorized entry to vacant buildings.

Report Summary

Key Issues:

- The Vacant & Derelict Buildings By-law No. 35/2004 came into effect on July 1, 2004, replacing the former Vacant Dwellings By-law No. 793/2002.
- The By-law is unique in that it is dually administered by two departments within the City.
    - The Fire Prevention Branch is responsible for enforcing maintenance standards as specified in Schedule "A" of the By-law.
    - Planning, Property & Development is responsible for Schedule "B" of the By-law that pertains to security requirements including boarding and boarding permits.

- There is a widespread misconception that the By-law prohibits buildings from being vacant. The By-law does no such thing, but rather requires that vacant buildings be minimally maintained.
- The aim and purpose of the By-law was, and continues to be, threefold.
    - Promote Safety
    - Curb Urban Blight
    - Lessen impact that vacant buildings have on neighbourhood stability

- The City of Winnipeg Vacant & Derelict Buildings By-law has been recognized as being "cutting edge" within Canada and contains some of the most stringent provisions available to a municipal authority to compel owners of vacant buildings to maintain them at a minimum standard and has had an overall positive effect on property conditions in the City.
- There is however a number of remaining challenges associated with enforcement of the By-law. These challenges include:
    - Locating and serving owners: When there is a possibility that a Compliance Order could result in the demolition of a building. The City of Winnipeg Charter requires service on the owner either personally or in compliance with an order of substitution service from the Court. Frequently, numerous hours are consumed attempting to locate a building owner who may be out of town or out of the country.
    - Taking title provision. In order to exercise the taking title without compensation provision, the owner must first be convicted of contravening the By-law. While there are numerous obstacles to obtaining a conviction, one of the most significant is serving the owner with a Common Offence Notice. In addition, the process involved to move forward on taking title to eligible properties is quite complex and requires a high degree of interaction and communication between the Fire Prevention Branch, Planning, Property & Development, and Legal Services.
    - Prosecution frustrations. In order for a prosecution to be initiated under The Summary Convictions Act, the accused person must be personally served with a common offence notice. Once they have been successfully served, building owners charged for non-compliance with the By-law who plead "not guilty" may not come to trial for six to eight months.
    - Conflicting demands. Inspectors are often challenged by the contradictory positions of complainants, who typically want immediate action to bring a building into compliance (including demolition), regardless of whether the action can be justified on the basis of the building's condition, and the building owner, who may not be prepared to take any action to bring the building into compliance with the By-law, no matter what condition it may be in.
    - Increased complaints. Since its inception, the public's awareness of the By-law and efforts to encourage the public to report vacant buildings has

also significantly increased the number of complaints brought to the attention of the Fire Prevention Branch. The number of complaints associated with vacant buildings was minimal during the first year after the By-law was enacted but has since increased at such a rate that one Fire Inspector is dedicated strictly to addressing these complaints. In 2006 alone, the number of complaints and follow-up inspections for those complaints numbered 1,562.

- Identifying and documenting vacant buildings. The Fire Prevention Branch maintains a registry of all known vacant buildings in the City of Winnipeg. The number of vacant buildings on the registry fluctuates between approximately 700 and 1,000 buildings on regular basis. Of the buildings on the registry, approximately 72% are single family homes, 11% are rooming houses and apartments, and the remaining 17% are commercial and industrial occupancies. The majority of vacant buildings (70-75%) are congregated within three wards – Mynarski, Daniel McIntyre and Point Douglas. Buildings become vacant and are subsequently re-occupied on an ongoing basis. Some buildings have been demolished due to enforcement of the By-law and others have been brought into compliance with the By-law.
- Boarding vacant buildings. The By-law contains very specific requirements pertaining to boarding. Many vacant buildings are either not boarded or not boarded in conformance with the By-law. Due to the volume of complaints Fire Inspectors receive, they end up securing a building with any scrap materials they find on the property and then move on to the next complaint. Second floor windows and basement windows are often not boarded. This results in vacant buildings that are not properly boarded and encourages illegal entry to these buildings
- Information reporting. Inspection activities pertaining to vacant buildings are data based in the Planning, Property & Development Department's AMANDA system. An ability to report reliable information in a consistent and regular basis would be beneficial for managing the vacant building program and would also offer a means of providing Council with statistics to track the effectiveness of the By-law.

- The Public Service is working to implement the following system improvements :
  - Streamline the interaction and referral processes among the three departments to ensure optimal response to complaints.
  - Increase enforcement action, specifically if a building has not been boarded in conformance with the By-law or a boarding permit has not been obtained.
  - Formalize the current practice of extending time frames for compliance for up to one year in cases where there is reason to believe that compliance/rehabilitation will occur, the building does not pose a threat for arson, and there are no structural concerns.

- As of January 21, 2008, three additional Fire Department personnel were temporarily re-assigned to conduct Schedule "A" inspections of vacant buildings. Their immediate responsibility is to address the back log of properties on the registry that currently require an inspection. This short-term strategy has already helped identify some areas that require change and will continue to be an opportunity to redefine a long-term strategy for enforcing and administering the By-law.

- The additional personnel have conducted a sweep of the Mynarski, Daniel McIntyre and Point Douglas Wards to assess the status of the 450 buildings previously identified as never having a Schedule "A" inspection. Findings to date have revealed the following:

    - The 450 buildings previously identified as never having been inspected have been decreased to 371, as prior to the current sweep many have (over the course of the past years) been either re-occupied or demolished.
    - Of the 371 buildings, a further 168 have been re-occupied and 11 have been demolished.
    - Five buildings have been found to be partially occupied and therefore not considered vacant under the By-law.
    - Thirty-five buildings were found to be improperly boarded and not in conformance with boarding requirements under the By-law.
    - 109 "Request to Enter" letters have been sent to arrange Schedule A inspections. Responses have started been received and Schedule "A" inspections have begun with forcible entry if needed.

- The Winnipeg Fire Paramedic Service, the Planning Property and Development Department and the Community Services Department will be working together to examine the role of the Consolidated By-law Enforcement Unit along with roles and responsibilities of all three departments in the effective delivery of the Vacant and Derelict Buildings By-law.

Implications of the Recommendation(s):

General Implications
( ) None

(X) For the organization overall and/or for other departments

(X) For the community and/or organizations external to the City

( ) Involves a multi-year contract

Comment(s): The report recommends that the Winnipeg Fire and Paramedic Service, the Planning Property and Development Department and the Community Services Department work together to examine the role of the Consolidated By-law Enforcement Unit along with roles and responsibilities of all three departments in the effective delivery of the Vacant and Derelict Buildings By-law.

Policy Implications
( ) No

(X) Yes

Comment(s): This Report recommends some changes to the Vacant and Derelict Building By-law and to existing enforcement practices.

Regulatory Implications
( ) None

(X) Eliminates or reduces regulatory impact

( ) Proposes regulatory impact

Comment(s): This Report recommends eliminating an annual Schedule A inspection for compliant buildings under the Vacant and Derelict Buildings By-law.

Environmental Implications
(X) No

( ) Comment(s):

Human Resources Implications

( ) No

(X) Yes

Comment(s): It is recommended that temporary staff assignment by the Winnipeg Fire Paramedic Service continue until such time that a report can be submitted to address the resource requirements with system improvements.

Financial Implications

(X) Within approved current and/or capital budget

( ) Current and/or capital budget adjustment required

Comment(s):

Report

REASON FOR THE REPORT:

On January 8, 2008 the Standing Policy Committee on Property and Development made a request for the Winnipeg Public Service to provide detailed information on staffing and system improvements required to address the backlog of vacant and derelict building inspections, and report back in time for consideration during the 2008 operating budget process. Only Council can enact By-law amendments.

HISTORY:

The Vacant & Derelict Buildings By-law came into effect on July 1, 2004, replacing the former Vacant Dwellings By-law No. 793/2002.

At its meeting of March 1, 2006, Executive Policy Committee directed that the administration from the Planning, Property and Development Department, Fire Prevention Branch, and Community Service Department provide a report to the Executive Policy Committee with respect to a review of the Vacant & Derelict Buildings By-law No. 35/2004. The review examined the effectiveness of the By-law, its impact on the community, challenges associated with enforcing the By-law, staffing resources allocated to its enforcement and administration, as well as recommendations to improve the enforcement and effectiveness of the By-law. A report was submitted to the Executive Policy Committee dated September 12, 2006. As a result, the By-law was amended to:

- Require a $250.00 administration fee for the filing of an appeal to an order, refundable at the discretion of the Standing Policy Committee on Property and Development,
- Waive annual inspection fees where vacant buildings are maintained in substantial compliance with the By-law,
- Remove the requirement for a fire safety plan for all but large buildings, as defined in the By-law, and
- Exempt the City from the fees outlined in the By-law for buildings that it owns.

On September 4, 2007, the Standing Policy Committee on Property and Development concurred with the July 18, 2007 Council Motion and directed that the Public Service from the Planning, Property and Development Department and Fire Paramedic Service to provide a report to the Standing Policy Committee on Property and Development evaluating the minimum standards for occupied and unoccupied dwellings as well as the process undertaken to take title of a property without compensation to the property owner. The evaluation considered the number of buildings currently registered as vacant, the length of time buildings have been registered, successes and challenges

relative to enforcement and taking title without compensation, as well as a discussion concerning resource allocation to address the challenges outlined. A report was submitted to the Standing Policy Committee on Property and Development dated November 8, 2007. As a result, the By-law was amended to:

- Impose a monetary penalty in the amount of the boarded building permit fee when the owner of a vacant building is convicted of failing to obtain a boarded building permit,
- Expand the definition of "owner" to include building managers, and
- Correct deficiencies in Schedules "C" and "D" of the By-law.

On January 8, 2008 the Standing Policy Committee on Property and Development considered the December 11, 2007 recommendation of the Lord Selkirk West Kildonan Community Committee. At its meeting of December 11, 2007, the Lord Selkirk-West Kildonan Community Committee passed the following motion:

> *WHEREAS when the Vacant and Derelict Buildings By-law No. 35/2004 came into effect in July 2004, the Fire Prevention Branch assigned one (1) Senior Inspector and three (3) Fire Inspectors to seven hundred and fifty (750) vacant buildings in the City of Winnipeg, having no By-law complaints on record;*
>
> *AND WHEREAS two (2) years later, the Fire Prevention Branch had to assign one (1) Senior Inspector and two (2) Fire Inspectors to eight hundred and eighty (880) vacant buildings and one (1) Inspector to handle sixteen hundred (1,600) By-law complaints annually;*
>
> *AND WHEREAS in accordance with the said By-law, the Fire Prevention Branch must inspect vacant buildings annually and to date, approximately four hundred and fifty (450) vacant buildings have never been inspected;*
>
> *AND WHEREAS the possibility of personal injury and property damage resulting from the lack of inspections presents a liability to the City of Winnipeg;*
>
> *THEREFORE BE IT RESOLVED that the City of Winnipeg give the Fire Prevention Branch additional resources and authorization to hire (12) Fire Inspectors so that it may meet its responsibilities under the Vacant and Derelict Buildings By-law.*

DISCUSSION:

Background

The Vacant & Derelict Buildings By-law is unique in that it is dually administered by two departments within the City. The Fire Prevention Branch is responsible for enforcing maintenance standards as specified in Schedule "A" of the By-law. The Planning, Property & Development Department is responsible for Schedule "B" of the By-law that pertains to security requirements including boarding and boarding permits.

Purpose of the By-law

There is a widespread misconception that the By-law prohibits buildings from being vacant. The By-law does no such thing, but rather requires that vacant buildings be minimally maintained. The aim and purpose of the By-law was, and continues to be, threefold.

Promote Safety - both for the public and emergency response personnel. Vacant buildings that are either not secured or improperly secured are a hazard to public safety, especially the safety of young children. They also serve as a target for break-ins and unauthorized use, often by criminal elements. Where they are not properly maintained, they pose a significant hazard to firefighters, especially where fire detection and suppression systems are either no longer working or have been stripped and when the buildings contain fuel materials that increase the severity of a fire. Discovery of a fire in a vacant building often takes much longer than an occupied building, increasing the severity of the fire, damage and likelihood of the fire spreading to surrounding structures.

Curb urban blight - the type of properties that are targeted by this By-law are those which the owners have failed to maintain and have allowed to become an eyesore, nuisance, fire hazard or unsafe.

Lessen impact that vacant buildings have on neighborhood stability - when a building starts to look derelict, it is treated as derelict. This has a major negative impact on the surrounding community and on the City.

Successes and challenges

The City of Winnipeg Vacant & Derelict Buildings By-law has been recognized as being "cutting edge" within Canada and contains some of the most stringent provisions available to a municipal authority to compel owners of vacant buildings to maintain them at a minimum standard and has had an overall positive effect on property conditions in the City.

Despite the number of buildings currently on the registry, vacant buildings are being more closely monitored and regulated than in the pre-By-law era. While some communities have expressed varying levels of frustration based on their individual experience in attempting to have an issue dealt with, there has also been a broad base of community support resulting from the positive impacts of enforcing the By-law.

Understandably, challenges exist with the introduction of any new By-law. Since its passage 3 ½ years ago, there have been opportunities to review and improve the effectiveness of the By-law. As a result numerous positive and beneficial By-law amendments have taken place.

There is, however, a number of remaining challenges associated with enforcement of the By-law. These challenges include:

- Locating and serving owners. Although most orders can be served by delivering them to a particular address, where a building is unsafe and demolition is an option, the City Charter requires service on the owner either personally or in compliance with an order of substitutional service from the Court. Such an order will only be granted after diligent efforts have been made to achieve personal service. Frequently, numerous hours are consumed attempting to locate a building owner who may be out of town or out of the country. In addition, the ownership of many properties changes frequently, making this task even more difficult. When owners reside out of town, it is often difficult to arrange for personal service. Furthermore, some property owners, aware of the By-law's requirement for personal service, actively avoid having orders served on them. After reasonable efforts have been made to locate and serve a property owner, further actions to enforce the order must be placed on hold pending the results of an application to the Court for an Order of Substitutional Service, which regularly takes weeks.

- Taking title provision. In order to exercise the taking title without compensation provision, the owner must first be convicted of contravening the By-law. This means that the prosecution frustrations, discussed below, must be dealt with. In particular, the owner must be served with a Common Offence Notice either personally served or in accordance with an Order of Substitutional Service in order to proceed. If a conviction is not possible because the owner cannot be served, nothing further can be done to take title to the building without compensation. The process involved to move forward on eligible properties is quite complex, requires a high degree of interaction and communication between the Fire Prevention Branch, the Planning, Property & Development Department, and Legal Services Branch. There is also a considerable impact on resources as numerous re-inspections by fire inspectors are required throughout the process. Furthermore there is a considerable amount of work involved for Fire Prevention to properly prepare the necessary files.

- Prosecution frustrations. In order for a prosecution to be initiated under The Summary Convictions Act, the accused person must be personally served with a common offence notice. The problems of service noted above in the context of servicing Orders are fully applicable when serving a summons or common offence notices as well. Moreover, after they are located and served with the required common offence notice, building owners who plead "not guilty" to violating the By-law may not come to trial for a period of six to eight months.

- Conflicting demands. Inspectors are often challenged by the contradictory positions of complainants, who typically want immediate action to bring a building into compliance (including demolition), regardless of whether the action can be justified on the basis of the building's condition, and the building owner, who may not be prepared to take any action to bring the building into compliance with the By-law, no matter what condition it may be in. Additionally, the Existing Buildings Inspectors of the Planning, Property & Development Department have responsibilities for the enforcement of other by-laws, which must be balanced and prioritized against demands for service under The Vacant & Derelict Buildings By-law.

- Increased complaints. Since its inception, exposure of the By-law and efforts to encourage the public to report vacant buildings has also significantly increased the number of complaints brought to the attention of the Fire Prevention Branch. The number of complaints associated with vacant buildings was minimal during the first year after the By-law was enacted and has since increased at such a rate that one Fire Inspector is dedicated strictly to addressing these complaints. In 2006 alone, the number of complaints and follow-up inspections for those complaints numbered 1,562. This has had a significant impact in Fire Prevention's ability to enforce the By-law. Similar numbers are reported by the Planning, Property & Development Department.

- Identifying and documenting vacant buildings. The Fire Prevention Branch maintains a registry of all known vacant buildings in the City of Winnipeg. The number of vacant buildings on the registry fluctuates between approximately 700 and 1,000 buildings on regular basis. Of the buildings on the registry, approximately 72% are single family homes, 11% are rooming houses and apartments, and the remaining 17% are commercial and industrial occupancies. The majority of vacant buildings (70-75%) are congregated within three wards – Mynarski, Daniel McIntyre and Point Douglas. Buildings become vacant and are subsequently re-occupied on an ongoing basis. Some buildings have been demolished due to enforcement of the By-law and others have been brought into compliance with the By-law. The Fire Paramedic Service had conducted sweeps of neighbourhoods, one in the fall of 2006 and another during the summer of 2007. In both cases a significant number of vacant buildings were identified that

previously were not registered. This is a significant challenge for the Fire Prevention Branch as they are not able to assess neighborhoods on a regular basis to identify buildings that become vacant. It is estimated that there are hundreds of vacant buildings that have not been identified and are not on the registry.

- Boarding vacant buildings. The By-law contains very specific requirements pertaining to boarding. Many vacant buildings are either not boarded or not boarded in conformance with the By-law. Due to the volume of complaints Fire Inspectors receive, they end up securing a building with any scrap materials they find on the property and then move on to the next complaint. Second floor windows and basement windows are often not boarded. This results in vacant buildings that are not properly boarded and encourages illegal entry to these buildings. Fire Inspectors often visit the same buildings repeatedly to secure it time and time again. Improper boarding exists in part as a result of many building owners failing to obtain boarding permits.

- Information reporting. Inspection activities pertaining to vacant buildings are data based in Planning, Property & Development's AMANDA system. An ability to report reliable information in a consistent and regular basis would be beneficial for managing the vacant building program and would also offer a means of providing Council with statistics to track the effectiveness of the By-law.

City-owned Vacant Buildings

As a rule, the City takes title to vacant buildings by tax sale. Typically, these vacant buildings fail to comply with the By-law at the time they are acquired by the City because, in many cases, the owners have simply walked away from buildings that have become uneconomical to maintain. While they are in the City's possession, the Real Estate Division is expected to ensure that these buildings comply with the standards of the By-law.

The Real Estate Division is currently in possession of 15 properties, the status of which is as follows:

- One property whereby demolition is in process and the vacant land will be marketed.
- Three properties have been sold.
- Three properties are to be transferred to non-profit groups, the transfers of which are in progress.
- One property is to be marketed in conjunction with an adjoining tax sale property which is to be acquired in 2008.
- Two properties are a CentreVenture sale; anticipated Spring 2008.
- One property is a CentreVenture sale closed on January 31, 2008.

- One property transfer pending a conditional use application.
- One commercial site, contaminated, is currently being marketed.
- One property acquired and no longer required will be marketed.
- One property whereby negotiations for sale are currently occurring.

The Real Estate Division has also recently acquired (last quarter of 2007) three properties through the tax sale process which are to be marketed. Furthermore, there are three City Park properties that have been declared surplus, one of which is to be marketed and the other two to be demolished and the property to be marketed.

Neighborhood Associations

In part, the By-law was developed to address the concern of non-profit neighborhood and housing rehabilitation groups that owners of vacant and derelict buildings, while refusing to maintain their properties or rehabilitate them for occupancy themselves, were also refusing to make the properties available for redevelopment by others. Various neighbourhood associations have recently voiced their concerns regarding the number of vacant and derelict buildings in which this continues to occur. However, after acquiring vacant buildings, and in some cases, these non-profit groups have found it difficult to meet the maintenance standards imposed by the By-law on the vacant buildings they now own. This has sometimes resulted in complaints from neighbouring property owners. It has also resulted in calls from some non-profit groups for a special exemption from the By-law standards.

The Administration has not in the past supported an exemption from the By-law requirements for non-profit groups because the goal of the By-law is to ensure that no vacant buildings become and remain derelict whether it is owned by a non-profit organization, a for-profit corporation or an individual.

The Fire Prevention Branch has, in many cases, extended the time frame for compliance with an Order for up to a year where there is some reason to believe that the building will be brought into compliance with Schedule “A” (property and safety standards) during that time. Whether it is a City-owned building which is being marketed or transferred, or a private property owner or non-profit group who can demonstrate that compliance or rehabilitation will occur in due course – the Branch has tried to give owners the opportunity to do so as opposed to the City pursuing prosecution action which often takes as much time or longer. This approach has only been taken in situations where a building does not pose a threat for arson (properly boarded and secured) or where there are no structural concerns (fire damaged or a threat of collapse). Non-profit groups must often apply for funding in order to rehabilitate a building – something that requires time.

Rather than granting special exemption from the By-law standards for any particular group, this Report recommends that the practice of extending the time for compliance

for up to a year should be formalized and applied to all buildings, regardless of ownership. An extension of time would be based on three conditions:

- the building would have to be and remain boarded in accordance with the By-law;
- there would not be any structural conditions associated with the building that would result in the building's collapse or another form of significant danger to public safety; and
- the owner would have to provide evidence that the building will be brought into compliance during the extended time given for compliance.

This would not only lessen the burden on the courts but would also provide a positive incentive for rehabilitation to occur.

Current Inspection Processes

Inspections of vacant buildings are generated either by scheduling an inspection for a building listed on the registry or as a result of the Fire Prevention Branch receiving a complaint. The average amount of time required to conduct a Schedule "A" inspection from start to finish is approximately ten hours.

Complaints received from the general public, neighbourhood associations, Councillors' offices or as referrals from other City departments are immediately assigned to a Fire Inspector. The Fire Inspector will first determine if the building is actually vacant. If the building is occupied the file is closed. If the building is vacant and accessible, a Schedule "A" inspection is conducted and a referral is made to the Planning, Property and Development Department to have the building secured and/or boarded. If the building is vacant and secure, the building owner will be notified to make arrangements for a Schedule "A" inspection.

Complaints are also received from fire crews who conduct monthly checks of vacant buildings to ensure that they have not been re-occupied and that they are secure. If a building has been re-occupied, the fire crews will advise the Fire Prevention Branch who will verify occupancy and remove it from the registry. If a building is vacant and not secure, fire crews will refer the matter to the Fire Prevention Branch for further action.

The primary obstacle is the difficulty in locating and contacting owners in order to arrange an inspection, serve an Order or to obtain a conviction. Exercising the "taking title without compensation" provision of the By-law is dependant on obtaining a conviction. Properties change ownership, property assessment information is often inaccurate, the address for service for the owner of a vacant building is often the vacant building itself, property owners often reside out of town or out of Province, property owners may be deceased, and many property owners actively avoid the Fire Inspectors. Fire Inspectors often consume countless hours in locating and contacting an owner. A name on a mailbox, a sign and phone number on a building, conversation with a neighbour or tracking down relatives are often the only means of attempting to contact an owner. In many cases it is simply impossible to locate a responsible party at all.

A significant proportion of complaints pertain to improperly secured vacant buildings. Buildings are often accessible, not boarded in conformance with the By-law and repeatedly broken into by vandals. Second storey or basement windows are often not boarded. Materials used for boarding are often of the wrong type or the materials are simply not secured as required. Due to the volume of complaints Fire Inspectors receive and the difficulty in locating owners, Fire Inspectors are compelled to simply secure a building themselves with materials available on site. This often results in buildings being breached on numerous occasions. It has also been Fire Prevention's experience that properly boarded buildings are being breached.

A Schedule "A" inspection includes the following processes:

<u>Create a file on the property to be inspected which contains</u>

- The building address.
- Confirmation of ownership obtained by means of City Assessment information, title search or other means.

<u>Establish contact with the building owner by</u>

- Searching for phone numbers, placing phone calls, contacting relatives or neighbours, or by other means.

<u>Schedule an inspection</u>

- In many cases contact with an owner cannot be made and a letter is sent to the owner by registered mail advising that an inspection will be conducted.
- If an inspection cannot be scheduled, the Fire Prevention Branch will utilize forcible entry as allowed for under the City Charter in order to gain entry and conduct an inspection. Subsequent to that, a letter of notification will be sent to the property owner advising of the inspection and that the building has been secured.
- Difficulties are often encountered in re-securing a building. The Fire Inspector will attempt to contact the building owner, but failing that, a referral is made to the Planning, Property & Development Department to secure the building.

Conduct a Schedule "A" inspection

- A Fire Inspector utilizes a four-page inspection checklist to conduct an interior and exterior inspection of the building, takes notes and photos and may have to make a referral to the Planning, Property & Development Department.
- Building owners are often late for an appointment or do not show up at all.

Process an Order

- Orders are prepared by clerical staff.
- The Fire Inspector review the Order which is then sent by registered mail or personal delivery.

Conduct a re-inspection to determine compliance with an Order.

- Time frames for compliance could often be months or longer.
- There may be two different re-inspection dates on an Order.
- The Fire Inspector is faced with challenges in maintaining contact with an owner.
- Unless the Order has been filed as a caveat on the property's title, if a property is sold in the interim, the entire process starts over.

Proceed with Court action

- A common offence notice is issued if there is non-compliance with an Order.
- Prepare and submit documentation to an enforcement file in preparation for Court.
- The building owner may make requests for time extensions which would necessitate further documentation and correspondence.
- There may be numerous re-inspections involved during this process.
- Serving a common offence notice involves personal service and the swearing of an affidavit.
- The Fire Inspector may be subpoenaed to appear in Court.

Engage a private contractor for clean-up

- There are many situations in which a contractor is engaged to clean-up large amounts of combustibles materials. This is a cost charged back to the property owner. Clean-up of a property would require at least two site visits by a fire inspector as well as additional notes, photos and documentation for invoicing purposes.

In view of the significant expenditure of time that is expended when an inspection takes place, this Report is recommending an increase in the current fees that are charged for annual inspections of vacant buildings. It is recommended that the current fee of $100 for a residential building should be increased to $200 and the current fee of $500 for a multiple family or non-residential building should be increased to $750. This increase will more accurate reflect the costs of an inspection. However, this Report is also recommending that vacant buildings that are in compliance with the By-law will not be

subject to annual inspections. This increase in fees will therefore also have the effect of providing an additional incentive for owners of vacant buildings to bring their properties into compliance with the By-law.

Staffing

When the Vacant & Derelict Buildings By-law came into effect, the Winnipeg Fire Paramedic Service had no means of predicting the necessary long-term staffing requirements to administer and enforce the By-law. At the time, three Fire Inspectors and one Senior Fire Inspector were re-assigned from the existing complement to enforce the requirements of the By-law. In addition one clerical position was created at the time the By-law was passed, to provide clerical support for the enforcement and administration of the By-law and maintenance of the registry.

In the case of the Planning, Property & Development Department, enforcement of the By-law had been added to the responsibilities carried by each of the six districts Existing Buildings Inspectors. Clerical support is provided by existing staff on an as needed basis and supervision is provided by the Chief Existing Building Inspector.

Consolidated By-law Enforcement Unit

The City has recently enacted a new Neighborhood Liveability By-law which will be a streamlined and simplified consolidation of all or part of 17 existing By-laws in a more user-friendly form. It is anticipated that the By-law will come into force, along with the new stand-alone By-law enforcement unit, on November 1, 2008.

The new By-law enforcement unit will assume responsibility for residential back yard fire pits and barbequing regulations under the Fire Prevention By-law No. 150/2004. As well they will also be responsible for complaints relating to graffiti, garbage, refuse, junk, wrecked vehicles, trailers and machinery, holes and excavations, vegetation, ponding of water and fences that fall under the Vacant & Derelict Buildings By-law No. 35/2004.

The Fire Paramedic Service has committed to working with this new unit but it is still unclear what the effect will be on the current workload of the Vacant and Derelict program, further study and discussion is needed as the functionality of this unit gets closer to fruition.

Recent Progress

On January 21, 2008, three firefighters who were previously Fire Inspectors were temporarily re-assigned to conduct Schedule "A" inspections of vacant buildings. Their immediate responsibility was to address the backlog of properties on the registry. This short-term strategy has helped identify areas that require change and will continue to be an opportunity to redefine a long-term strategy for enforcing and administering the By-law.

The redeployed staff conducted a sweep of the Mynarski, Daniel McIntyre and Point Douglas Wards to assess the status of the 450 buildings previously identified in AMANDA as never having a Schedule "A" inspection. The assessment was intended to determine if vacant buildings are properly boarded and secured, re-occupied or demolished. Our findings revealed:

- The 450 buildings were decreased to 371 after verifying the addresses.
- Of the 371 buildings, a further 168 have been re-occupied and 11 have been demolished.
- Five buildings have been found to be partially occupied and therefore not considered vacant under the By-law.
- Thirty-five buildings were found to be improperly boarded and not in conformance with boarding requirements under the By-law.
- To date 109 "Request to Enter" letters have been sent to property owners in order to arrange for Schedule "A" inspections. The responses from these letters have started to come back to the office and prevention is commencing with Schedule "A" inspections or forcible entry if needed.

Fire Prevention Branch Mandate

A very specific set of knowledge, skills and abilities are required to enforce the Fire Prevention By-law, the Manitoba Fire Code and approximately 120 referenced Standards. The skills necessary to enforce these requirements are very extensive. There are many regulations that require specific knowledge such as: high hazard fireworks and pyrotechnics, flammable and combustible liquid storage, complex fire and life safety systems in buildings, etc. A Fire Inspector must obtain accreditation which involves successful completion of the National Fire Protection Association (NFPA) training course for Fire Inspectors, as well as in-house training and field mentorship. This process takes approximately one year.

Inspections are typically generated as a result of complaints as well as either Municipal or Provincial legislation and licensing requirements.

Under the Vacant & Derelict Buildings By-law, Fire Inspectors enforce property maintenance standards on vacant buildings. Although there are some vacant buildings

which the Fire Department has a direct interest in, buildings which pose a safety hazard to firefighters, the general public or more complicated buildings where the skills sets of the inspector are needed such as industrial, commercial and multi-family buildings which contain fire protection systems, a large portion of the vacant buildings are one and two family dwellings that could fall under the skill set of a Consolidated By-law Enforcement Officer.

The Fire Prevention Branch is currently conducting an in-depth analysis to identify new efficiencies for workflow and processes to fulfill the provincially legislated inspections, the Vacant and Derelict Buildings and rooming house By-law requirements.

System Improvements to Address the Backlog of Vacant & Derelict Building Inspections

The Fire Department and the Planning, Property & Development Department have conducted a review of the By-law and the processes with respect to the enforcement and administration of the By-law. As a result a number of system improvements have been identified, namely:

- Develop a strategy to streamline the interaction and referral processes among the two departments to ensure optimal response to complaints.
- Amend the By-law to provide that buildings that are in compliance with an initial Schedule “A” inspection and are boarded in compliance with the By-law would not be subjected to subsequent annual Schedule “A” inspections provided that the building remains compliant with the By-law’s maintenance, security and boarding requirements.
- Increase inspection fees as an incentive for compliance and to better reflect the costs of conducting an inspection.. (Fees are currently waived for buildings that are in substantial compliance with Schedule “A”.)
- Increase enforcement action, specifically if a building has not been boarded in conformance with the By-law or a boarding permit has not been obtained.
- Improve the By-law’s boarding requirements to make unauthorized entry to vacant buildings more difficult. This would include requiring coated nails for boarding all openings except the main entrance to a building. The main entrance would have to be boarded with screws and secured with tamper-proof tape.
- Formalize the existing practice of extending time frames for compliance for up to one year in cases where there is reasonable grounds to believe that compliance/rehabilitation will occur, the building does not pose a threat for arson, and there are no structural concerns.

Financial Impact Statement

Date: February 21, 2008

Project Name:

Vacant and Derelict Building - Additional Inspectors

First Year of Program 2008

	2008	2009	2010	2011	2012
Capital					
Capital Expenditures Required	$ -	$ -	$ -	$ -	$ -
Less: Existing Budgeted Costs	-	-	-	-	-
Additional Capital Budget Required	$ -	$ -	$ -	$ -	$ -
Funding Sources:					
Debt - Internal	$ -	$ -	$ -	$ -	$ -
Debt - External	-	-	-	-	-
Grants (Enter Description Here)	-	-	-	-	-
Reserves, Equity, Surplus	-	-	-	-	-
Other - Enter Description Here	-	-	-	-	-
Total Funding	$ -	$ -	$ -	$ -	$ -
Total Additional Capital Budget Required	$ -				
Total Additional Debt Required	$ -				
Current Expenditures/Revenues					
Direct Costs	$ 130,127	$ -	$ -	$ -	$ -
Less: Incremental Revenue/Recovery	-	-	-	-	-
Net Cost/(Benefit)	$ 130,127	$ -	$ -	$ -	$ -
Less: Existing Budget Amounts	130,127	-	-	-	-
Net Budget Adjustment Required	$ -	$ -	$ -	$ -	$ -

Additional Comments: This financial impact statement assumes that the three additional inspectors are required for six months. It also assumes that the secondments from Fire Operations are not backfilled and that the secondments can be managed without impacting staffing levels.

original signed by

Manager of Finance & Administration

IN PREPARING THIS REPORT THERE WAS:

Internal Consultation With and Concurrence By:
Legal Services Division

External Consultation With:
N/A

THIS REPORT SUBMITTED BY:

Department: Winnipeg Fire Paramedic Service and
Planning, Property & Development

Division: Fire Prevention Branch, WFD and
Development & Inspections, PP&D

Prepared by: Peter Kloos, Director of Fire Prevention, WFD, and
Garry Solkoski, Housing & Existing Buildings Administrator, PP&D

File No.

SCHEDULE "A"
DRAFT

THE CITY OF WINNIPEG

BY-LAW NO.

A By-law of THE CITY OF WINNIPEG to amend the Vacant and Derelict Buildings By-law.

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

Vacant and Derelict Buildings By-law amended
1. The Vacant and Derelict Buildings By-law No 35/2004 is amended by this By-law.

Subsection 10(1) amended
2. Subsection 10(1) is amended by adding *"Subject to subsection (3)"* at the beginning of the subsection.

Subsection 10(2) amended
3. Subsection 10(2) is amended by:

(a) striking out *"$100.00"* and substituting *"$200.00"*; and

(b) striking out *"$500.00"* and substituting *"$750.00"*.

Subsection 10(3) amended
4. Subsection 10(3) is amended by striking out *"The inspection fee referred to in subsection (2) is not applicable to inspections of"* and substituting *"The inspection referred to in subsection (1) and the inspection fee referred to in subsection (2) are not applicable to"*.

Schedule B amended
5. Clauses (a) and (b) of Schedule B are repealed and the following is substituted:

(a) all doors, windows and other openings, other than the principal entrance, at the basement and first floor levels are covered with a solid piece of plywood, at least 11 millimeters thick and secured with coated spikes at least 75 millimeters in length, spaced not more than 150 millimeters on centre;

(b) the principal entrance is covered with a solid piece of plywood, at least 11 millimeters thick, adequately secured with screws at least 50 millimeters in length, spaced not more than 150 millimeters on centre, and further secured around its perimeter with tamper-proof tape;

(b.1) windows, doors and other openings above the first level of a vacant building are covered with a solid piece of plywood at least 8 millimeters thick and secured with coated spikes at least 75 millimeters in length, spaced not more than 150 millimeters on centre;

DONE AND PASSED, in Council assembled, this day of , 2008.

_____
Mayor

_____
City Clerk

Approved as to content:

_____
Director of Planning, Property and Development

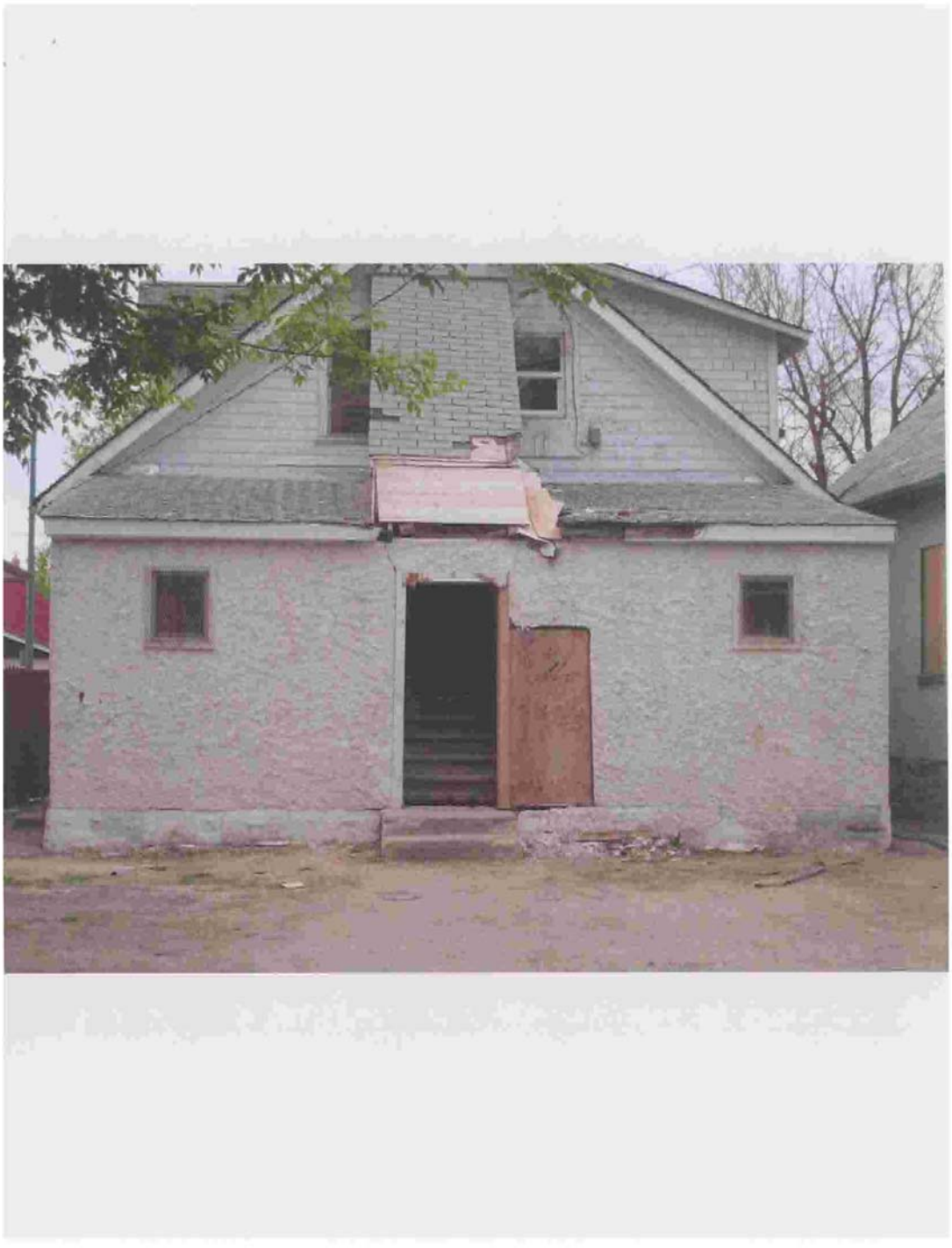
Approved as to content:

_____
Fire Paramedic Chief

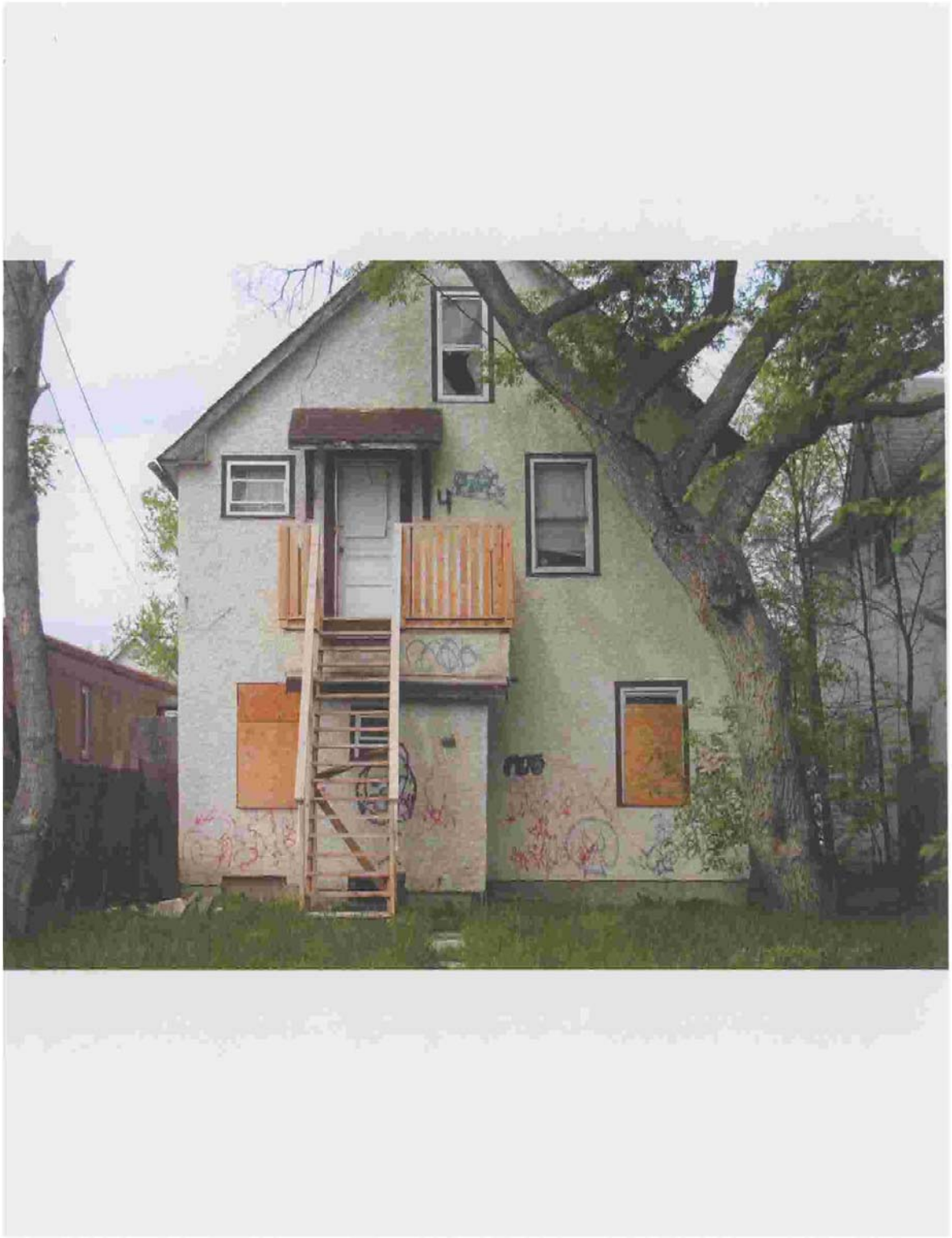
Certified as to form:

_____
City Solicitor/Manager of Legal Services

Submission from Councillor Lazarenko, Mynarski Ward

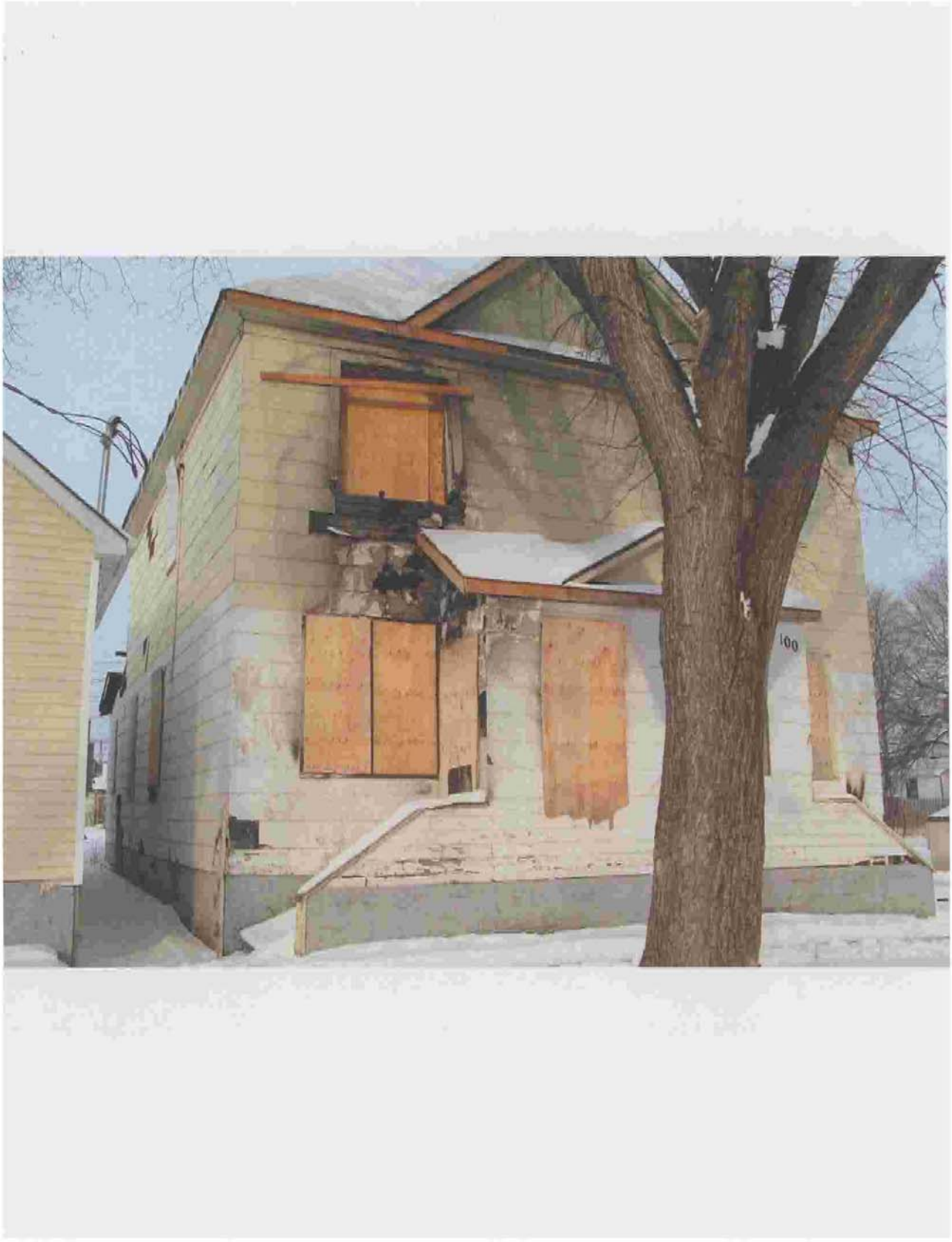



NO
TRESPASSING





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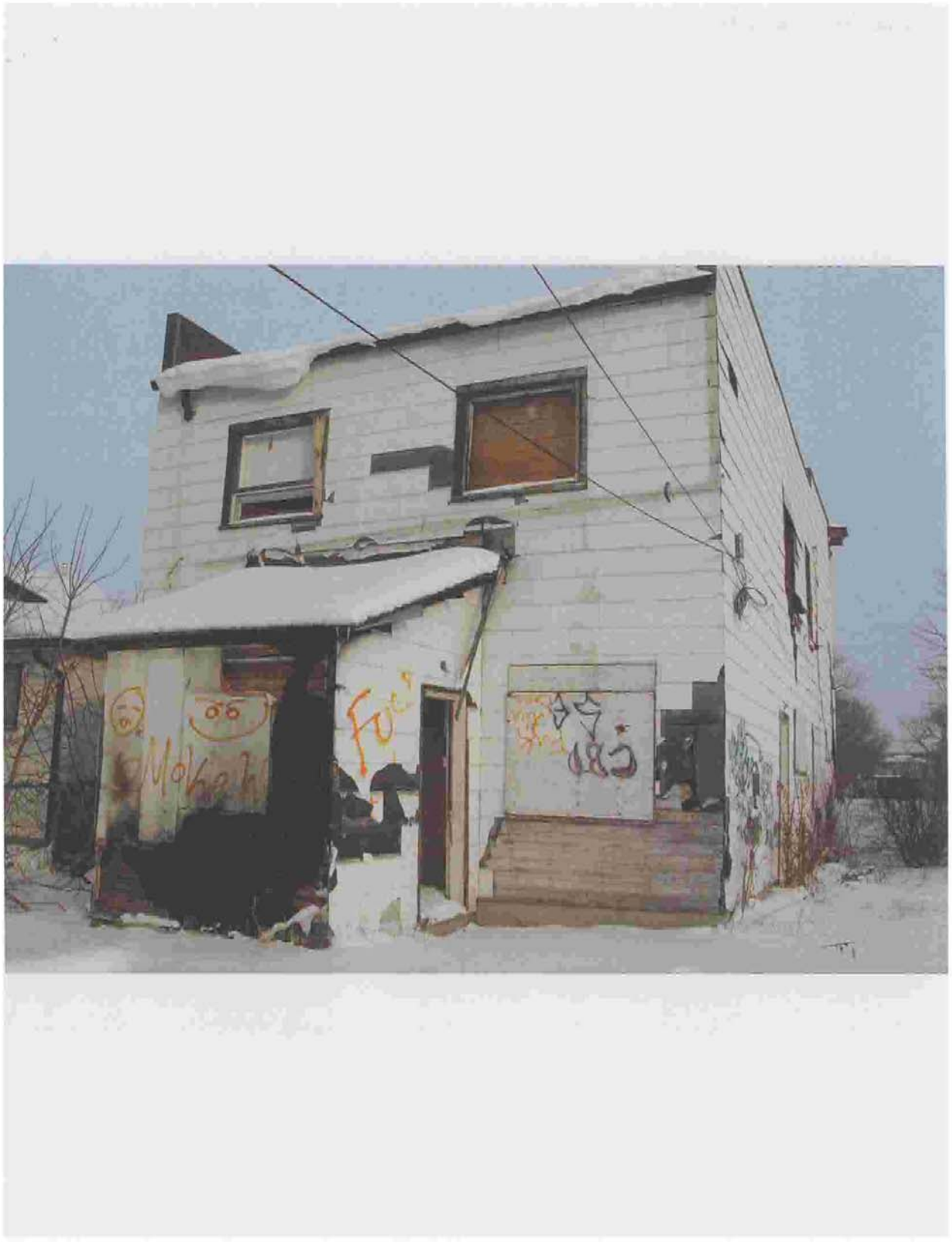
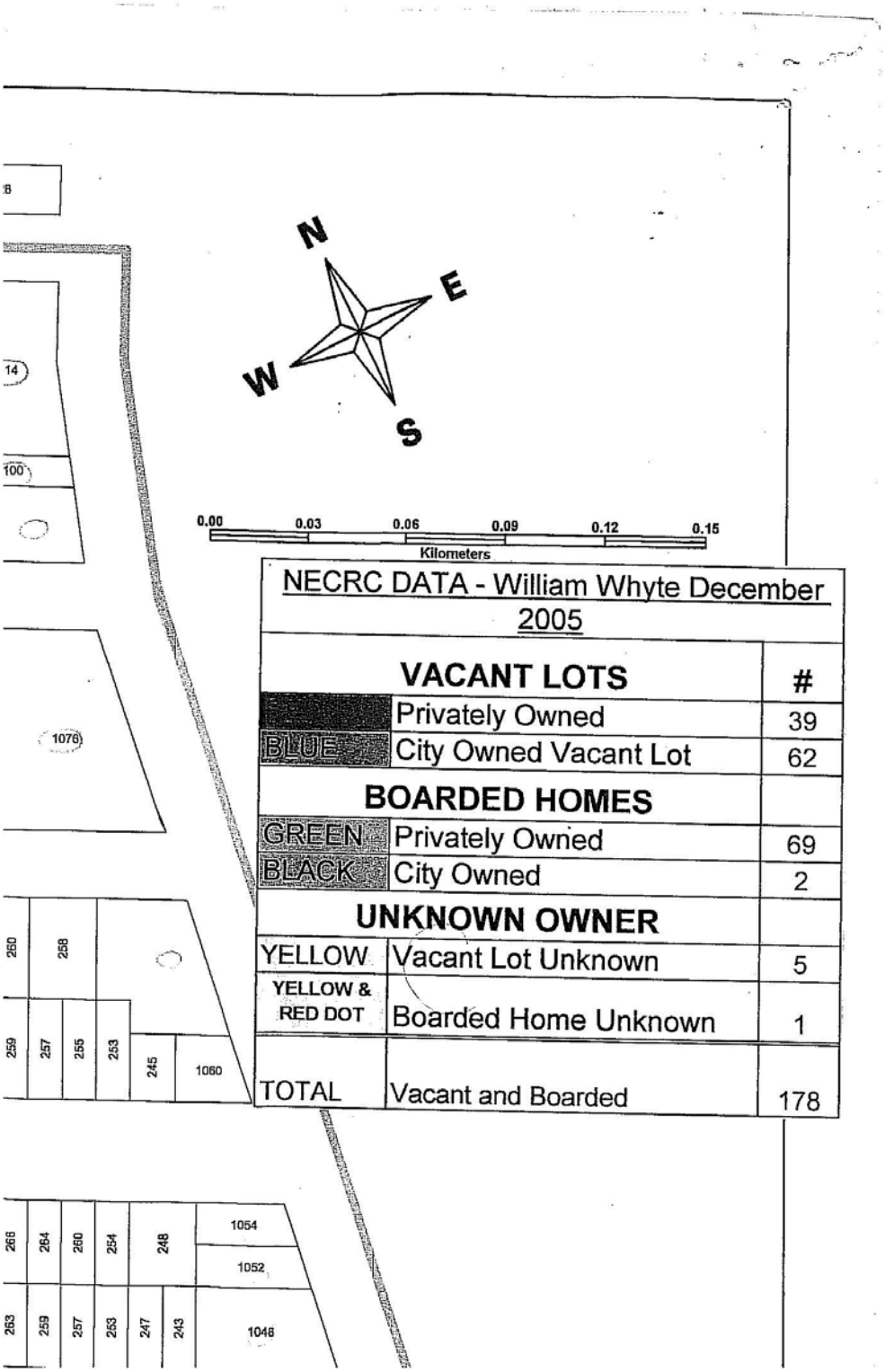


Submission from Rob Neufeld, North End Renewal Corporation



NORTH POINT DOUGLAS

VACANT AND BOARDED INVENTORY 2005

NECRC DATA - North Point Douglas December 2005		
VACANT LOTS		**#**
RED	Privately Owned	18
BLUE	City Owned Vacant Lot	12
BOARDED HOMES		
GREEN	Privately Owned	10
BLACK	City Owned	0
UNKNOWN OWNER		
YELLOW	Vacant Lot Unknown	10
YELLOW & RED DOT	Boarded Home Unknown	0
TOTAL	Vacant and Boarded	50

William White & Board Registry

AVENUE		NOTES
Selkirk		
	741 Selkirk	Insan
	717 Selkirk	Insan
	651 Selkirk	B
	185 Selkirk	
Pritchard		
	400 Community garden	
	430 Pritchard	
	449 Pritchard	
	515 Pritchard	
	5801582 Pritchard	
	638 Pritchard	Vacant, Habitat
	642 Pritchard	Vacant, City
	665 Pritchard	Vacant, b/s
	695 Pritchard	Vacant
Manitoba		
	710 Manitoba	Grocery store
	5704504 Manitoba	Vacant
	543/545 Manitoba	B
	531 Manitoba	
	518 Manitoba	Vacant
	429 Manitoba	Vacant/ B
	375 Manitoba	Vacant X2, b/s
	365 Maniotba	B
	239 Manitoba	B
	238 Manitoba	B

AVENUE		NOTES
Magnus		
	280-266 Magnus	Vacant lots
	289-285 Magnus	Vacant
	330 Magnus	B
	358/360 Magnus	Burnt
	393 Magnus	Burnt
	419 Magnus	B
	469 Magnus	B
	537+543 Magnus	Vacant
	611 Magnus	Vacant
	644 Magnus	Vacant
	648 Magnus	B
	650 Magnus	B
	729 Magnus	B
	736 Magnus	B
	759 Magnus	Burnt
Burrows		
	566 Burrows	B, b/s
	454 Burrows	B
	509 Burrows	B
	699 Burrows	Vacant
Andrews		
	235 Andrews	
Redwood		
	512 Redwood	Vacant

Submission from Don Miedema, Spence Neighbourhood Association Inc.

Vacant and Derelict Houses in Spence

Number	Street	Condition	Possible Use	Priority	Duration
364	Agnes	Demolished 3 months Ago	Accessible Infill	High	4 years
377	Agnes	Vacant, Derelict and Boarded	Single Residence	High	4 years
438	Agnes	Vacant, Fire and Partially boarded	New		New
480	Agnes	Vacant, Derelict and Boarded	Single Residence	High	1 year
486	Agnes	Vacant, Derelict and Boarded	Single Residence	High	1year
571	Agnes	Vacant and incompletely Renovated	Single Residence	Medium	
664	Agnes	Vacant, Derelict and Boarded	Private Renovation	Medium	6 months
319	McGee	Vacant	Single Residence	High	1 year
426	Maryland	Derelict and Boarded Apartment	Renovation	High	Over 4 years
611	Maryland	Fire and Partially Boarded (New Owner)	Single Residence	Medium	1 year
372	Sherbrook	Vacant, Derelict and NOT Boarded	New Apartment Complex or renovation of houses as duplexes	Medium	1 year
378	Sherbrook	Vacant, Derelict and NOT Boarded		Medium	6 months
382	Sherbrook	At Times Occupied but Derelict		Medium	6 months
386	Sherbrook	Vacant, Derelict and Not Boarded		Medium	1 year
429	Sherbrook	Vacant, Derelict and Boarded	Demolish Infill	High	Over 4 years
431	Sherbrook	Vacant, Derelict and Boarded	Demolish Infill	High	2 years
448	Sherbrook	Vacant, Derelict and Partially Boarded	Private Renovation	Low	2 years
432	Furby	Apartment, Vacant, Derelict and Boarded	Renovation - WHRC	High	3 years
433	Furby	Burned and demolished	Burnt and demolished	High	
575	Furby	Vacant and for sale $44,900	Single Residence	High	Over 4 years
659	Furby	Vacant	Rooming House Suites	High	
640	McMicken	Derelict but not main house on the propert	Demolition	High	
664	Langside	Derelict and NOT Boarded	Rooming House Suites	High	
442	Young	Vacant, Derelict and Boarded	Infill	High	2 years
614	Young	Derelict renovations never completed	Single Residence	Medium	2 years
524	Spence	Vacant, Derelict being changed to triplex	Private Renovation	Low	
530	Spence	Vacant, Derelict and Boarded	Single Residence	Medium	Over 4 years
631	Spence	Vacant, Fire partially boarded	Single Residence	Low	6 months
562	Balmoral	Vacant, Derelict and Boarded	Rooming House Suites	High	over 4 years
484	Sargent	Vacant, Derelict and Boarded	Rooming House Suites	High	3 years
615	Sargent	Restaurant-Vacant and Derelict	Renovation	Medium	1 year
637	Sargent	Apartment and Commercial Vacant and D	Renovation	Medium	4 years
32	Total				

Disclaimer: Two or three of the above properties frequently change from being boarded to use and may not vacant or boarded at the current time.

RE: Vacant and Derelict Buildings – Update and Proposed Improvements

FOR SUBMISSION TO: **Standing Policy Committee on Property and Development**

ORIGINAL REPORT SIGNED BY: **Fire & Paramedic Chief, Fire Paramedic Service & Director, Planning, Property and Development Department**

REPORT DATE: February 21, 2008

RECOMMENDATIONS:

3. That the Public Service report back in September concerning the details on utilizing resources to effectively manage the By-law.

4. That Council enact amendments to the By-law (draft amending By-law attached):

    - to provide that vacant buildings that are in compliance with an initial Schedule "A" inspection and are boarded in compliance with the By-law would not be subjected to subsequent annual Schedule "A" inspections provided that the building remains compliant with the By-law's maintenance, security and boarding requirements.
    - to increase inspection fees as an incentive for compliance and to better reflect the costs of inspections. (Fees are currently waived for buildings that are in substantial compliance with Schedule "A".)
    - to improve the boarding requirements to discourage unauthorized entry to vacant buildings.

Report Summary

Key Issues:

- The Vacant & Derelict Buildings By-law No. 35/2004 came into effect on July 1, 2004, replacing the former Vacant Dwellings By-law No. 793/2002.
-
- The By-law is unique in that it is dually administered by two departments within the City.
-
    - The Fire Prevention Branch is responsible for enforcing maintenance standards as specified in Schedule "A" of the By-law.

  - Planning, Property & Development is responsible for Schedule "B" of the By-law that pertains to security requirements including boarding and boarding permits.
  -
- There is a widespread misconception that the By-law prohibits buildings from being vacant. The By-law does no such thing, but rather requires that vacant buildings be minimally maintained.
-
- The aim and purpose of the By-law was, and continues to be, threefold.
-
  - Promote Safety
  - Curb Urban Blight
  - Lessen impact that vacant buildings have on neighbourhood stability
  -
- The City of Winnipeg Vacant & Derelict Buildings By-law has been recognized as being "cutting edge" within Canada and contains some of the most stringent provisions available to a municipal authority to compel owners of vacant buildings to maintain them at a minimum standard and has had an overall positive effect on property conditions in the City.
-
- There is however a number of remaining challenges associated with enforcement of the By-law. These challenges include:
-
  - Locating and serving owners: When there is a possibility that a Compliance Order could result in the demolition of a building. The City of Winnipeg Charter requires service on the owner either personally or in compliance with an order of substitution service from the Court. Frequently, numerous hours are consumed attempting to locate a building owner who may be out of town or out of the country.
  - Taking title provision. In order to exercise the taking title without compensation provision, the owner must first be convicted of contravening the By-law. While there are numerous obstacles to obtaining a conviction, one of the most significant is serving the owner with a Common Offence Notice. In addition, the process involved to move forward on taking title to eligible properties is quite complex and requires a high degree of interaction and communication between the Fire Prevention Branch, Planning, Property & Development, and Legal Services.
  - Prosecution frustrations. In order for a prosecution to be initiated under The Summary Convictions Act, the accused person must be personally served with a common offence notice. Once they have been successfully served, building owners charged for non-compliance with the By-law who plead "not guilty" may not come to trial for six to eight months.

- Conflicting demands. Inspectors are often challenged by the contradictory positions of complainants, who typically want immediate action to bring a building into compliance (including demolition), regardless of whether the action can be justified on the basis of the building's condition, and the building owner, who may not be prepared to take any action to bring the building into compliance with the By-law, no matter what condition it may be in.
- Increased complaints. Since its inception, the public's awareness of the By-law and efforts to encourage the public to report vacant buildings has also significantly increased the number of complaints brought to the attention of the Fire Prevention Branch. The number of complaints associated with vacant buildings was minimal during the first year after the By-law was enacted but has since increased at such a rate that one Fire Inspector is dedicated strictly to addressing these complaints. In 2006 alone, the number of complaints and follow-up inspections for those complaints numbered 1,562.
- Identifying and documenting vacant buildings. The Fire Prevention Branch maintains a registry of all known vacant buildings in the City of Winnipeg. The number of vacant buildings on the registry fluctuates between approximately 700 and 1,000 buildings on regular basis. Of the buildings on the registry, approximately 72% are single family homes, 11% are rooming houses and apartments, and the remaining 17% are commercial and industrial occupancies. The majority of vacant buildings (70-75%) are congregated within three wards – Mynarski, Daniel McIntyre and Point Douglas. Buildings become vacant and are subsequently re-occupied on an ongoing basis. Some buildings have been demolished due to enforcement of the By-law and others have been brought into compliance with the By-law.
- Boarding vacant buildings. The By-law contains very specific requirements pertaining to boarding. Many vacant buildings are either not boarded or not boarded in conformance with the By-law. Due to the volume of complaints Fire Inspectors receive, they end up securing a building with any scrap materials they find on the property and then move on to the next complaint. Second floor windows and basement windows are often not boarded. This results in vacant buildings that are not properly boarded and encourages illegal entry to these buildings
- Information reporting. Inspection activities pertaining to vacant buildings are data based in the Planning, Property & Development Department's AMANDA system. An ability to report reliable information in a consistent and regular basis would be beneficial for managing the vacant building program and would also offer a means of providing Council with statistics to track the effectiveness of the By-law.

- The Public Service is working to implement the following system improvements :
    - Streamline the interaction and referral processes among the three departments to ensure optimal response to complaints.
    - Increase enforcement action, specifically if a building has not been boarded in conformance with the By-law or a boarding permit has not been obtained.
    - Formalize the current practice of extending time frames for compliance for up to one year in cases where there is reason to believe that compliance/rehabilitation will occur, the building does not pose a threat for arson, and there are no structural concerns.
    -
- As of January 21, 2008, three additional Fire Department personnel were temporarily re-assigned to conduct Schedule “A” inspections of vacant buildings. Their immediate responsibility is to address the back log of properties on the registry that currently require an inspection. This short-term strategy has already helped identify some areas that require change and will continue to be an opportunity to redefine a long-term strategy for enforcing and administering the By-law.
-
- The additional personnel have conducted a sweep of the Mynarski, Daniel McIntyre and Point Douglas Wards to assess the status of the 450 buildings previously identified as never having a Schedule “A” inspection. Findings to date have revealed the following:
-
    - The 450 buildings previously identified as never having been inspected have been decreased to 371, as prior to the current sweep many have (over the course of the past years) been either re-occupied or demolished.
    - Of the 371 buildings, a further 168 have been re-occupied and 11 have been demolished.
    - Five buildings have been found to be partially occupied and therefore not considered vacant under the By-law.
    - Thirty-five buildings were found to be improperly boarded and not in conformance with boarding requirements under the By-law.
    - 109 “Request to Enter” letters have been sent to arrange Schedule A inspections. Responses have started been received and Schedule “A“ inspections have begun with forcible entry if needed.
    -
- The Winnipeg Fire Paramedic Service, the Planning Property and Development Department and the Community Services Department will be working together to examine the role of the Consolidated By-law Enforcement Unit along with roles and responsibilities of all three departments in the effective delivery of the Vacant and Derelict Buildings By-law.

Implications of the Recommendation(s):

General Implications

( ) None

(X) For the organization overall and/or for other departments

(X) For the community and/or organizations external to the City

( ) Involves a multi-year contract

Comment(s): The report recommends that the Winnipeg Fire and Paramedic Service, the Planning Property and Development Department and the Community Services Department work together to examine the role of the Consolidated By-law Enforcement Unit along with roles and responsibilities of all three departments in the effective delivery of the Vacant and Derelict Buildings By-law.

Policy Implications

( ) No

(X) Yes

Comment(s): This Report recommends some changes to the Vacant and Derelict Building By-law and to existing enforcement practices.

Regulatory Implications

( ) None

(X) Eliminates or reduces regulatory impact

( ) Proposes regulatory impact

Comment(s): This Report recommends eliminating an annual Schedule A inspection for compliant buildings under the Vacant and Derelict Buildings By-law.

Environmental Implications

(X) No

( ) Comment(s):

Human Resources Implications

( ) No

(X) Yes

Comment(s): It is recommended that temporary staff assignment by the Winnipeg Fire Paramedic Service continue until such time that a report can be submitted to address the resource requirements with system improvements.

Financial Implications

(X) Within approved current and/or capital budget

( ) Current and/or capital budget adjustment required

Comment(s):

Report

REASON FOR THE REPORT:

On January 8, 2008 the Standing Policy Committee on Property and Development made a request for the Winnipeg Public Service to provide detailed information on staffing and system improvements required to address the backlog of vacant and derelict building inspections, and report back in time for consideration during the 2008 operating budget process. Only Council can enact By-law amendments.

HISTORY:

The Vacant & Derelict Buildings By-law came into effect on July 1, 2004, replacing the former Vacant Dwellings By-law No. 793/2002.

At its meeting of March 1, 2006, Executive Policy Committee directed that the administration from the Planning, Property and Development Department, Fire Prevention Branch, and Community Service Department provide a report to the Executive Policy Committee with respect to a review of the Vacant & Derelict Buildings By-law No. 35/2004. The review examined the effectiveness of the By-law, its impact on the community, challenges associated with enforcing the By-law, staffing resources allocated to its enforcement and administration, as well as recommendations to improve the enforcement and effectiveness of the By-law. A report was submitted to the Executive Policy Committee dated September 12, 2006. As a result, the By-law was amended to:

- Require a $250.00 administration fee for the filing of an appeal to an order, refundable at the discretion of the Standing Policy Committee on Property and Development,
- Waive annual inspection fees where vacant buildings are maintained in substantial compliance with the By-law,
- Remove the requirement for a fire safety plan for all but large buildings, as defined in the By-law, and
- Exempt the City from the fees outlined in the By-law for buildings that it owns.

On September 4, 2007, the Standing Policy Committee on Property and Development concurred with the July 18, 2007 Council Motion and directed that the Public Service from the Planning, Property and Development Department and Fire Paramedic Service to provide a report to the Standing Policy Committee on Property and Development evaluating the minimum standards for occupied and unoccupied dwellings as well as the process undertaken to take title of a property without compensation to the property owner. The evaluation considered the number of buildings currently registered as vacant, the length of time buildings have been registered, successes and challenges

relative to enforcement and taking title without compensation, as well as a discussion concerning resource allocation to address the challenges outlined. A report was submitted to the Standing Policy Committee on Property and Development dated November 8, 2007. As a result, the By-law was amended to:

- Impose a monetary penalty in the amount of the boarded building permit fee when the owner of a vacant building is convicted of failing to obtain a boarded building permit,
- Expand the definition of "owner" to include building managers, and
- Correct deficiencies in Schedules "C" and "D" of the By-law.

On January 8, 2008 the Standing Policy Committee on Property and Development considered the December 11, 2007 recommendation of the Lord Selkirk West Kildonan Community Committee. At its meeting of December 11, 2007, the Lord Selkirk-West Kildonan Community Committee passed the following motion:

> *WHEREAS when the Vacant and Derelict Buildings By-law No. 35/2004 came into effect in July 2004, the Fire Prevention Branch assigned one (1) Senior Inspector and three (3) Fire Inspectors to seven hundred and fifty (750) vacant buildings in the City of Winnipeg, having no By-law complaints on record;*
>
> *AND WHEREAS two (2) years later, the Fire Prevention Branch had to assign one (1) Senior Inspector and two (2) Fire Inspectors to eight hundred and eighty (880) vacant buildings and one (1) Inspector to handle sixteen hundred (1,600) By-law complaints annually;*
>
> *AND WHEREAS in accordance with the said By-law, the Fire Prevention Branch must inspect vacant buildings annually and to date, approximately four hundred and fifty (450) vacant buildings have never been inspected;*
>
> *AND WHEREAS the possibility of personal injury and property damage resulting from the lack of inspections presents a liability to the City of Winnipeg;*
>
> *THEREFORE BE IT RESOLVED that the City of Winnipeg give the Fire Prevention Branch additional resources and authorization to hire (12) Fire Inspectors so that it may meet its responsibilities under the Vacant and Derelict Buildings By-law.*

DISCUSSION:

Background

The Vacant & Derelict Buildings By-law is unique in that it is dually administered by two departments within the City. The Fire Prevention Branch is responsible for enforcing maintenance standards as specified in Schedule "A" of the By-law. The Planning, Property & Development Department is responsible for Schedule "B" of the By-law that pertains to security requirements including boarding and boarding permits.

Purpose of the By-law

There is a widespread misconception that the By-law prohibits buildings from being vacant. The By-law does no such thing, but rather requires that vacant buildings be minimally maintained. The aim and purpose of the By-law was, and continues to be, threefold.

Promote Safety - both for the public and emergency response personnel. Vacant buildings that are either not secured or improperly secured are a hazard to public safety, especially the safety of young children. They also serve as a target for break-ins and unauthorized use, often by criminal elements. Where they are not properly maintained, they pose a significant hazard to firefighters, especially where fire detection and suppression systems are either no longer working or have been stripped and when the buildings contain fuel materials that increase the severity of a fire. Discovery of a fire in a vacant building often takes much longer than an occupied building, increasing the severity of the fire, damage and likelihood of the fire spreading to surrounding structures.

Curb urban blight - the type of properties that are targeted by this By-law are those which the owners have failed to maintain and have allowed to become an eyesore, nuisance, fire hazard or unsafe.

Lessen impact that vacant buildings have on neighborhood stability - when a building starts to look derelict, it is treated as derelict. This has a major negative impact on the surrounding community and on the City.

Successes and challenges

The City of Winnipeg Vacant & Derelict Buildings By-law has been recognized as being "cutting edge" within Canada and contains some of the most stringent provisions available to a municipal authority to compel owners of vacant buildings to maintain them at a minimum standard and has had an overall positive effect on property conditions in the City.

Despite the number of buildings currently on the registry, vacant buildings are being more closely monitored and regulated than in the pre-By-law era. While some communities have expressed varying levels of frustration based on their individual experience in attempting to have an issue dealt with, there has also been a broad base of community support resulting from the positive impacts of enforcing the By-law.

Understandably, challenges exist with the introduction of any new By-law. Since its passage 3 ½ years ago, there have been opportunities to review and improve the effectiveness of the By-law. As a result numerous positive and beneficial By-law amendments have taken place.

There is, however, a number of remaining challenges associated with enforcement of the By-law. These challenges include:

- Locating and serving owners. Although most orders can be served by delivering them to a particular address, where a building is unsafe and demolition is an option, the City Charter requires service on the owner either personally or in compliance with an order of substitutional service from the Court. Such an order will only be granted after diligent efforts have been made to achieve personal service. Frequently, numerous hours are consumed attempting to locate a building owner who may be out of town or out of the country. In addition, the ownership of many properties changes frequently, making this task even more difficult. When owners reside out of town, it is often difficult to arrange for personal service. Furthermore, some property owners, aware of the By-law's requirement for personal service, actively avoid having orders served on them. After reasonable efforts have been made to locate and serve a property owner, further actions to enforce the order must be placed on hold pending the results of an application to the Court for an Order of Substitutional Service, which regularly takes weeks.

- Taking title provision. In order to exercise the taking title without compensation provision, the owner must first be convicted of contravening the By-law. This means that the prosecution frustrations, discussed below, must be dealt with. In particular, the owner must be served with a Common Offence Notice either personally served or in accordance with an Order of Substitutional Service in order to proceed. If a conviction is not possible because the owner cannot be served, nothing further can be done to take title to the building without compensation. The process involved to move forward on eligible properties is quite complex, requires a high degree of interaction and communication between the Fire Prevention Branch, the Planning, Property & Development Department, and Legal Services Branch. There is also a considerable impact on resources as numerous re-inspections by fire inspectors are required throughout the process. Furthermore there is a considerable amount of work involved for Fire Prevention to properly prepare the necessary files.

- Prosecution frustrations. In order for a prosecution to be initiated under The Summary Convictions Act, the accused person must be personally served with a common offence notice. The problems of service noted above in the context of servicing Orders are fully applicable when serving a summons or common offence notices as well. Moreover, after they are located and served with the required common offence notice, building owners who plead "not guilty" to violating the By-law may not come to trial for a period of six to eight months.

- Conflicting demands. Inspectors are often challenged by the contradictory positions of complainants, who typically want immediate action to bring a building into compliance (including demolition), regardless of whether the action can be justified on the basis of the building's condition, and the building owner, who may not be prepared to take any action to bring the building into compliance with the By-law, no matter what condition it may be in. Additionally, the Existing Buildings Inspectors of the Planning, Property & Development Department have responsibilities for the enforcement of other by-laws, which must be balanced and prioritized against demands for service under The Vacant & Derelict Buildings By-law.

- Increased complaints. Since its inception, exposure of the By-law and efforts to encourage the public to report vacant buildings has also significantly increased the number of complaints brought to the attention of the Fire Prevention Branch. The number of complaints associated with vacant buildings was minimal during the first year after the By-law was enacted and has since increased at such a rate that one Fire Inspector is dedicated strictly to addressing these complaints. In 2006 alone, the number of complaints and follow-up inspections for those complaints numbered 1,562. This has had a significant impact in Fire Prevention's ability to enforce the By-law. Similar numbers are reported by the Planning, Property & Development Department.

- Identifying and documenting vacant buildings. The Fire Prevention Branch maintains a registry of all known vacant buildings in the City of Winnipeg. The number of vacant buildings on the registry fluctuates between approximately 700 and 1,000 buildings on regular basis. Of the buildings on the registry, approximately 72% are single family homes, 11% are rooming houses and apartments, and the remaining 17% are commercial and industrial occupancies. The majority of vacant buildings (70-75%) are congregated within three wards – Mynarski, Daniel McIntyre and Point Douglas. Buildings become vacant and are subsequently re-occupied on an ongoing basis. Some buildings have been demolished due to enforcement of the By-law and others have been brought into compliance with the By-law. The Fire Paramedic Service had conducted sweeps of neighbourhoods, one in the fall of 2006 and another during the summer of 2007. In both cases a significant number of vacant buildings were identified that

previously were not registered. This is a significant challenge for the Fire Prevention Branch as they are not able to assess neighborhoods on a regular basis to identify buildings that become vacant. It is estimated that there are hundreds of vacant buildings that have not been identified and are not on the registry.

- Boarding vacant buildings. The By-law contains very specific requirements pertaining to boarding. Many vacant buildings are either not boarded or not boarded in conformance with the By-law. Due to the volume of complaints Fire Inspectors receive, they end up securing a building with any scrap materials they find on the property and then move on to the next complaint. Second floor windows and basement windows are often not boarded. This results in vacant buildings that are not properly boarded and encourages illegal entry to these buildings. Fire Inspectors often visit the same buildings repeatedly to secure it time and time again. Improper boarding exists in part as a result of many building owners failing to obtain boarding permits.

- Information reporting. Inspection activities pertaining to vacant buildings are data based in Planning, Property & Development's AMANDA system. An ability to report reliable information in a consistent and regular basis would be beneficial for managing the vacant building program and would also offer a means of providing Council with statistics to track the effectiveness of the By-law.

City-owned Vacant Buildings

As a rule, the City takes title to vacant buildings by tax sale. Typically, these vacant buildings fail to comply with the By-law at the time they are acquired by the City because, in many cases, the owners have simply walked away from buildings that have become uneconomical to maintain. While they are in the City's possession, the Real Estate Division is expected to ensure that these buildings comply with the standards of the By-law.

The Real Estate Division is currently in possession of 15 properties, the status of which is as follows:

- One property whereby demolition is in process and the vacant land will be marketed.
- Three properties have been sold.
- Three properties are to be transferred to non-profit groups, the transfers of which are in progress.
- One property is to be marketed in conjunction with an adjoining tax sale property which is to be acquired in 2008.
- Two properties are a CentreVenture sale; anticipated Spring 2008.
- One property is a CentreVenture sale closed on January 31, 2008.

- One property transfer pending a conditional use application.
- One commercial site, contaminated, is currently being marketed.
- One property acquired and no longer required will be marketed.
- One property whereby negotiations for sale are currently occurring.

The Real Estate Division has also recently acquired (last quarter of 2007) three properties through the tax sale process which are to be marketed. Furthermore, there are three City Park properties that have been declared surplus, one of which is to be marketed and the other two to be demolished and the property to be marketed.

Neighborhood Associations

In part, the By-law was developed to address the concern of non-profit neighborhood and housing rehabilitation groups that owners of vacant and derelict buildings, while refusing to maintain their properties or rehabilitate them for occupancy themselves, were also refusing to make the properties available for redevelopment by others. Various neighbourhood associations have recently voiced their concerns regarding the number of vacant and derelict buildings in which this continues to occur. However, after acquiring vacant buildings, and in some cases, these non-profit groups have found it difficult to meet the maintenance standards imposed by the By-law on the vacant buildings they now own. This has sometimes resulted in complaints from neighbouring property owners. It has also resulted in calls from some non-profit groups for a special exemption from the By-law standards.

The Administration has not in the past supported an exemption from the By-law requirements for non-profit groups because the goal of the By-law is to ensure that no vacant buildings become and remain derelict whether it is owned by a non-profit organization, a for-profit corporation or an individual.

The Fire Prevention Branch has, in many cases, extended the time frame for compliance with an Order for up to a year where there is some reason to believe that the building will be brought into compliance with Schedule “A” (property and safety standards) during that time. Whether it is a City-owned building which is being marketed or transferred, or a private property owner or non-profit group who can demonstrate that compliance or rehabilitation will occur in due course – the Branch has tried to give owners the opportunity to do so as opposed to the City pursuing prosecution action which often takes as much time or longer. This approach has only been taken in situations where a building does not pose a threat for arson (properly boarded and secured) or where there are no structural concerns (fire damaged or a threat of collapse). Non-profit groups must often apply for funding in order to rehabilitate a building – something that requires time.

Rather than granting special exemption from the By-law standards for any particular group, this Report recommends that the practice of extending the time for compliance

for up to a year should be formalized and applied to all buildings, regardless of ownership. An extension of time would be based on three conditions:

- the building would have to be and remain boarded in accordance with the By-law;
- there would not be any structural conditions associated with the building that would result in the building's collapse or another form of significant danger to public safety; and
- the owner would have to provide evidence that the building will be brought into compliance during the extended time given for compliance.

This would not only lessen the burden on the courts but would also provide a positive incentive for rehabilitation to occur.

Current Inspection Processes

Inspections of vacant buildings are generated either by scheduling an inspection for a building listed on the registry or as a result of the Fire Prevention Branch receiving a complaint. The average amount of time required to conduct a Schedule "A" inspection from start to finish is approximately ten hours.

Complaints received from the general public, neighbourhood associations, Councillors' offices or as referrals from other City departments are immediately assigned to a Fire Inspector. The Fire Inspector will first determine if the building is actually vacant. If the building is occupied the file is closed. If the building is vacant and accessible, a Schedule "A" inspection is conducted and a referral is made to the Planning, Property and Development Department to have the building secured and/or boarded. If the building is vacant and secure, the building owner will be notified to make arrangements for a Schedule "A" inspection.

Complaints are also received from fire crews who conduct monthly checks of vacant buildings to ensure that they have not been re-occupied and that they are secure. If a building has been re-occupied, the fire crews will advise the Fire Prevention Branch who will verify occupancy and remove it from the registry. If a building is vacant and not secure, fire crews will refer the matter to the Fire Prevention Branch for further action.

The primary obstacle is the difficulty in locating and contacting owners in order to arrange an inspection, serve an Order or to obtain a conviction. Exercising the "taking title without compensation" provision of the By-law is dependant on obtaining a conviction. Properties change ownership, property assessment information is often inaccurate, the address for service for the owner of a vacant building is often the vacant building itself, property owners often reside out of town or out of Province, property owners may be deceased, and many property owners actively avoid the Fire Inspectors. Fire Inspectors often consume countless hours in locating and contacting an owner. A name on a mailbox, a sign and phone number on a building, conversation with a neighbour or tracking down relatives are often the only means of attempting to contact an owner. In many cases it is simply impossible to locate a responsible party at all.

A significant proportion of complaints pertain to improperly secured vacant buildings. Buildings are often accessible, not boarded in conformance with the By-law and repeatedly broken into by vandals. Second storey or basement windows are often not boarded. Materials used for boarding are often of the wrong type or the materials are simply not secured as required. Due to the volume of complaints Fire Inspectors receive and the difficulty in locating owners, Fire Inspectors are compelled to simply secure a building themselves with materials available on site. This often results in buildings being breached on numerous occasions. It has also been Fire Prevention's experience that properly boarded buildings are being breached.

A Schedule "A" inspection includes the following processes:

Create a file on the property to be inspected which contains

- The building address.
- Confirmation of ownership obtained by means of City Assessment information, title search or other means.

Establish contact with the building owner by

- Searching for phone numbers, placing phone calls, contacting relatives or neighbours, or by other means.

Schedule an inspection

- In many cases contact with an owner cannot be made and a letter is sent to the owner by registered mail advising that an inspection will be conducted.
- If an inspection cannot be scheduled, the Fire Prevention Branch will utilize forcible entry as allowed for under the City Charter in order to gain entry and conduct an inspection. Subsequent to that, a letter of notification will be sent to the property owner advising of the inspection and that the building has been secured.
- Difficulties are often encountered in re-securing a building. The Fire Inspector will attempt to contact the building owner, but failing that, a referral is made to the Planning, Property & Development Department to secure the building.

Conduct a Schedule "A" inspection

- A Fire Inspector utilizes a four-page inspection checklist to conduct an interior and exterior inspection of the building, takes notes and photos and may have to make a referral to the Planning, Property & Development Department.
- Building owners are often late for an appointment or do not show up at all.

Process an Order

- Orders are prepared by clerical staff.
- The Fire Inspector review the Order which is then sent by registered mail or personal delivery.

Conduct a re-inspection to determine compliance with an Order.

- Time frames for compliance could often be months or longer.
- There may be two different re-inspection dates on an Order.
- The Fire Inspector is faced with challenges in maintaining contact with an owner.
- Unless the Order has been filed as a caveat on the property's title, if a property is sold in the interim, the entire process starts over.

Proceed with Court action

- A common offence notice is issued if there is non-compliance with an Order.
- Prepare and submit documentation to an enforcement file in preparation for Court.
- The building owner may make requests for time extensions which would necessitate further documentation and correspondence.
- There may be numerous re-inspections involved during this process.
- Serving a common offence notice involves personal service and the swearing of an affidavit.
- The Fire Inspector may be subpoenaed to appear in Court.

Engage a private contractor for clean-up

- There are many situations in which a contractor is engaged to clean-up large amounts of combustibles materials. This is a cost charged back to the property owner. Clean-up of a property would require at least two site visits by a fire inspector as well as additional notes, photos and documentation for invoicing purposes.

In view of the significant expenditure of time that is expended when an inspection takes place, this Report is recommending an increase in the current fees that are charged for annual inspections of vacant buildings. It is recommended that the current fee of $100 for a residential building should be increased to $200 and the current fee of $500 for a multiple family or non-residential building should be increased to $750. This increase will more accurate reflect the costs of an inspection. However, this Report is also recommending that vacant buildings that are in compliance with the By-law will not be subject to annual inspections. This increase in fees will therefore also have the effect of providing an additional incentive for owners of vacant buildings to bring their properties into compliance with the By-law.

Staffing

When the Vacant & Derelict Buildings By-law came into effect, the Winnipeg Fire Paramedic Service had no means of predicting the necessary long-term staffing requirements to administer and enforce the By-law. At the time, three Fire Inspectors and one Senior Fire Inspector were re-assigned from the existing complement to enforce the requirements of the By-law. In addition one clerical position was created at

the time the By-law was passed, to provide clerical support for the enforcement and administration of the By-law and maintenance of the registry.

In the case of the Planning, Property & Development Department, enforcement of the By-law had been added to the responsibilities carried by each of the six districts Existing Buildings Inspectors. Clerical support is provided by existing staff on an as needed basis and supervision is provided by the Chief Existing Building Inspector.

Consolidated By-law Enforcement Unit

The City has recently enacted a new Neighborhood Liveability By-law which will be a streamlined and simplified consolidation of all or part of 17 existing By-laws in a more user-friendly form. It is anticipated that the By-law will come into force, along with the new stand-alone By-law enforcement unit, on November 1, 2008.

The new By-law enforcement unit will assume responsibility for residential back yard fire pits and barbequing regulations under the Fire Prevention By-law No. 150/2004. As well they will also be responsible for complaints relating to graffiti, garbage, refuse, junk, wrecked vehicles, trailers and machinery, holes and excavations, vegetation, ponding of water and fences that fall under the Vacant & Derelict Buildings By-law No. 35/2004.

The Fire Paramedic Service has committed to working with this new unit but it is still unclear what the effect will be on the current workload of the Vacant and Derelict program, further study and discussion is needed as the functionality of this unit gets closer to fruition.

Recent Progress

On January 21, 2008, three firefighters who were previously Fire Inspectors were temporarily re-assigned to conduct Schedule “A” inspections of vacant buildings. Their immediate responsibility was to address the backlog of properties on the registry. This short-term strategy has helped identify areas that require change and will continue to be an opportunity to redefine a long-term strategy for enforcing and administering the By-law.

The redeployed staff conducted a sweep of the Mynarski, Daniel McIntyre and Point Douglas Wards to assess the status of the 450 buildings previously identified in AMANDA as never having a Schedule “A” inspection. The assessment was intended to determine if vacant buildings are properly boarded and secured, re-occupied or demolished. Our findings revealed:

- The 450 buildings were decreased to 371 after verifying the addresses.
- Of the 371 buildings, a further 168 have been re-occupied and 11 have been demolished.
- Five buildings have been found to be partially occupied and therefore not considered vacant under the By-law.
- Thirty-five buildings were found to be improperly boarded and not in conformance with boarding requirements under the By-law.
- To date 109 "Request to Enter" letters have been sent to property owners in order to arrange for Schedule "A" inspections. The responses from these letters have started to come back to the office and prevention is commencing with Schedule "A" inspections or forcible entry if needed.

Fire Prevention Branch Mandate

A very specific set of knowledge, skills and abilities are required to enforce the Fire Prevention By-law, the Manitoba Fire Code and approximately 120 referenced Standards. The skills necessary to enforce these requirements are very extensive. There are many regulations that require specific knowledge such as: high hazard fireworks and pyrotechnics, flammable and combustible liquid storage, complex fire and life safety systems in buildings, etc. A Fire Inspector must obtain accreditation which involves successful completion of the National Fire Protection Association (NFPA) training course for Fire Inspectors, as well as in-house training and field mentorship. This process takes approximately one year.

Inspections are typically generated as a result of complaints as well as either Municipal or Provincial legislation and licensing requirements.

Under the Vacant & Derelict Buildings By-law, Fire Inspectors enforce property maintenance standards on vacant buildings. Although there are some vacant buildings which the Fire Department has a direct interest in, buildings which pose a safety hazard to firefighters, the general public or more complicated buildings where the skills sets of the inspector are needed such as industrial, commercial and multi-family buildings which contain fire protection systems, a large portion of the vacant buildings are one and two family dwellings that could fall under the skill set of a Consolidated By-law Enforcement Officer.

The Fire Prevention Branch is currently conducting an in-depth analysis to identify new efficiencies for workflow and processes to fulfill the provincially legislated inspections, the Vacant and Derelict Buildings and rooming house By-law requirements.

System Improvements to Address the Backlog of Vacant & Derelict Building Inspections

The Fire Department and the Planning, Property & Development Department have conducted a review of the By-law and the processes with respect to the enforcement and administration of the By-law. As a result a number of system improvements have been identified, namely:

- Develop a strategy to streamline the interaction and referral processes among the two departments to ensure optimal response to complaints.
- Amend the By-law to provide that buildings that are in compliance with an initial Schedule "A" inspection and are boarded in compliance with the By-law would not be subjected to subsequent annual Schedule "A" inspections provided that the building remains compliant with the By-law's maintenance, security and boarding requirements.
- Increase inspection fees as an incentive for compliance and to better reflect the costs of conducting an inspection.. (Fees are currently waived for buildings that are in substantial compliance with Schedule "A".)
- Increase enforcement action, specifically if a building has not been boarded in conformance with the By-law or a boarding permit has not been obtained.
- Improve the By-law's boarding requirements to make unauthorized entry to vacant buildings more difficult. This would include requiring coated nails for boarding all openings except the main entrance to a building. The main entrance would have to be boarded with screws and secured with tamper-proof tape.
- Formalize the existing practice of extending time frames for compliance for up to one year in cases where there is reasonable grounds to believe that compliance/rehabilitation will occur, the building does not pose a threat for arson, and there are no structural concerns.

Financial Impact Statement

Date: February 21, 2008

Project Name:

Vacant and Derelict Building - Additional Inspectors

First Year of Program **2008**

	2008	2009	2010	2011	2012
Capital					
Capital Expenditures Required	$ -	$ -	$ -	$ -	$ -
Less: Existing Budgeted Costs	-	-	-	-	-
Additional Capital Budget Required	$ -	$ -	$ -	$ -	$ -
Funding Sources:					
Debt - Internal	$ -	$ -	$ -	$ -	$ -
Debt - External	-	-	-	-	-
Grants (Enter Description Here)	-	-	-	-	-
Reserves, Equity, Surplus	-	-	-	-	-
Other - Enter Description Here	-	-	-	-	-
Total Funding	$ -	$ -	$ -	$ -	$ -
Total Additional Capital Budget Required	$ -				
Total Additional Debt Required	$ -				
Current Expenditures/Revenues					
Direct Costs	$ 130,127	$ -	$ -	$ -	$ -
Less: Incremental Revenue/Recovery	-	-	-	-	-
Net Cost/(Benefit)	$ 130,127	$ -	$ -	$ -	$ -
Less: Existing Budget Amounts	130,127	-	-	-	-
Net Budget Adjustment Required	$ -	$ -	$ -	$ -	$ -

Additional Comments: This financial impact statement assumes that the three additional inspectors are required for six months. It also assumes that the secondments from Fire Operations are not backfilled and that the secondments can be managed without impacting staffing levels.

original signed by

Manager of Finance & Administration

IN PREPARING THIS REPORT THERE WAS:

Internal Consultation With and Concurrence By:
Legal Services Division

External Consultation With:
N/A

THIS REPORT SUBMITTED BY:

Department: Winnipeg Fire Paramedic Service and
Planning, Property & Development

Division: Fire Prevention Branch, WFD and
Development & Inspections, PP&D

Prepared by: Peter Kloos, Director of Fire Prevention, WFD, and
Garry Solkoski, Housing & Existing Buildings Administrator, PP&D

File No.

SCHEDULE "A"
DRAFT

THE CITY OF WINNIPEG

BY-LAW NO.

A By-law of THE CITY OF WINNIPEG to amend the Vacant and Derelict Buildings By-law.

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

Vacant and Derelict Buildings By-law amended
1. The Vacant and Derelict Buildings By-law No 35/2004 is amended by this By-law.

Subsection 10(1) amended
2. Subsection 10(1) is amended by adding *"Subject to subsection (3)"* at the beginning of the subsection.

Subsection 10(2) amended
3. Subsection 10(2) is amended by:

(a) striking out *"$100.00"* and substituting *"$200.00"*; and

(b) striking out *"$500.00"* and substituting *"$750.00"*.

Subsection 10(3) amended
4. Subsection 10(3) is amended by striking out *"The inspection fee referred to in subsection (2) is not applicable to inspections of"* and substituting *"The inspection referred to in subsection (1) and the inspection fee referred to in subsection (2) are not applicable to"*.

Schedule B amended
5. Clauses (a) and (b) of Schedule B are repealed and the following is substituted:

(a) all doors, windows and other openings, other than the principal entrance, at the basement and first floor levels are covered with a solid piece of plywood, at least 11 millimeters thick and secured with coated spikes at least 75 millimeters in length, spaced not more than 150 millimeters on centre;

(b) the principal entrance is covered with a solid piece of plywood, at least 11 millimeters thick, adequately secured with screws at least 50 millimeters in length, spaced not more than 150 millimeters on centre, and further secured around its perimeter with tamper-proof tape;

(b.1) windows, doors and other openings above the first level of a vacant building are covered with a solid piece of plywood at least 8 millimeters thick and secured with coated spikes at least 75 millimeters in length, spaced not more than 150 millimeters on centre;

DONE AND PASSED, in Council assembled, this day of , 2008.

_____
Mayor

_____
City Clerk

Approved as to content:

_____
Director of Planning, Property and Development

Approved as to content:

_____
Fire Paramedic Chief

Certified as to form:

_____
City Solicitor/Manager of Legal Services