THE CITY OF WINNIPEG

BY-LAW NO. 89/2010

A By-law of THE CITY OF WINNIPEG to establish a process for taking title to vacant and derelict buildings pursuant to Part 5, Division 4 of *The City of Winnipeg Charter*.

WHEREAS Division 4 of Part 5 of *The City of Winnipeg Charter* provides for a process by which the City of Winnipeg may take title to vacant and derelict buildings;

AND WHEREAS this process was amended by the enactment of *The City of Winnipeg Charter Amendment and Municipal Amendment Act (Derelict Property);*

AND WHEREAS it is necessary to enact a By-law establishing a process for issuing preliminary derelict building orders, second notices and derelict building certificates in respect of derelict properties in order to take advantage of these provisions in *The City of Winnipeg Charter*;

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

Short title

1 This By-law may be cited as the Taking Title to Vacant and Derelict Buildings By-law.

Definitions

2 In this By-law and for the purposes of Part 5 Division 4 of *The City of Winnipeg Charter*

"derelict building by-law" means the Vacant Buildings By-law;

"derelict property" has the same meaning as in section 190 of *The City of Winnipeg Charter*;

"Designated Committee" means the Standing Policy Committee on Property and Development;

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

Designated employee authorized to act

3 A designated employee is hereby authorized to take actions or measures permitted or required to be taken by the City of Winnipeg under Part 5, Division 4 of *The City of Winnipeg Charter* in order for title to be issued vesting a derelict property in the City's name.

Time frames

4 The minimum time frames set out in Part 5, Division 4 of *The City of Winnipeg Charter* are hereby established as the applicable time frames for filing any appeals and for bringing properties into compliance with the Vacant Buildings By-law and for any other purpose referred to in that Division.

Role of Designated Committee
5 The Designated Committee is hereby authorized to hear appeals that are permitted under Part 5, Division 4 of *The City of Winnipeg Charter* and to issue Derelict Building Certificates.

Form and content of PDBO
6(1) A Preliminary Derelict Building Order must be issued in the form set out in Schedule "A" to this By-law and must include:

(a) the legal description of the property;

(b) a statement that the property is a derelict property; and

(c) a statement that it may be transferred to the City of Winnipeg if it is not brought into compliance with the Vacant Buildings By-law.

Form and content of second notice of PDBO
6(2) The second notice of a Preliminary Derelict Building Order must be issued in the form set out in Schedule "B" to this By-law and must include:

(a) the legal description of the property;

(b) a statement that the property continues to be a derelict property; and

(c) a statement that, if it is not brought into compliance with the Vacant Buildings By-law within 60 days, title to the above-noted property may be issued in the name of the City of Winnipeg and the person being served may be forever estopped and debarred from setting up any claim to or in respect of the property.

Application for Derelict Building Certificate
7 When applying for a Derelict Building Certificate, a designated employee must provide to the Standing Policy Committee on Property and Development a completed and sworn or affirmed statutory declaration in the form set out in Schedule "C" to this By-law.

Schedules form part of By-law
8 Schedules A, B and C, attached hereto, form part of this By-law.

Part 2 of Vacant and Derelict Buildings By-law No. 35/2004 repealed
9 Part 2 of Vacant and Derelict Buildings By-law No. 35/2004 is hereby repealed.

DONE AND PASSED, this day of , 2010.

_____
Mayor

_____
City Clerk

Approved as to content:

_____
Director of Planning, Property and Development

Approved as to form:

_____
For Director of Legal Services and City Solicitor

SCHEDULE A
TO THE TAKING TITLE TO VACANT AND DERELICT BUILDINGS BY-LAW

PRELIMINARY DERELICT BUILDING ORDER

RE: (legal description of property)

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

WHEREAS the registered owner of the above-noted property has been found guilty of contravening a derelict building by-law, namely, the Vacant Buildings By-law, on _____ (date);

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

THEREFORE, TAKE NOTICE THAT
The above-noted property is a derelict property as defined in *The City of Winnipeg Charter*.

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

AND FURTHER TAKE NOTICE THAT

You have a right to appeal this Order to the Standing Policy Committee on Property and Development. Your appeal must be in writing and must be received by the Office of the City Clerk, Council Building, 510 Main Street, Winnipeg, Manitoba, R3B 1B9 within 90 days after this Order has been served on you.

If you have any questions concerning this Order or the consequences of failing to bring the property into compliance with the Vacant Buildings By-law No. 35/2004, please contact _____ at 986-_____.

_____ _____
Designated Employee Date

SCHEDULE B
TO THE TAKING TITLE TO VACANT AND DERELICT BUILDINGS BY-LAW

SECOND NOTICE OF A PRELIMINARY DERELICT BUILDING ORDER

RE: (legal description of property)

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

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

AND WHEREAS more than 30 days have passed since all the persons required by *The City of Winnipeg Charter* to be served with a copy of the Preliminary Derelict Building Order were served with a copy of the Order;

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

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

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

You have a right to appeal the Preliminary Derelict Building Order or the time period set out in it for bringing the property into compliance with the Vacant Buildings By-law No. 35/2004 to the Standing Policy Committee on Property and Development. Your appeal must be in writing and must be received by the Office of the City Clerk, Council Building, 510 Main Street, Winnipeg, Manitoba, R3B 1B9 within 60 days after this Second Notice has been served on you.

If you have any questions concerning this Order or the consequences of failing to bring the property into compliance with the Vacant Buildings By-law No. 35/2004, please contact _____ at 986-_____.

_____ _____
Designated Employee Date

Attachment: Preliminary Derelict Building Order

SCHEDULE C
TO THE TAKING TITLE TO VACANT AND DERELICT BUILDINGS BY-LAW

STATUTORY DECLARATION

RE: (legal description of property)

commonly known as _____ (address) in the City of Winnipeg,

I, _____, a Designated Employee for the purposes of the Vacant Buildings By-law,

MAKE OATH (OR AFFIRM) AND SAY THAT

A Preliminary Derelict Building Order in respect of the above-noted property was issued on _____ (date) and a Second Notice of a Preliminary Derelict Building Order in respect of the above-above-noted property was issued on _____ (date). Both the Preliminary Derelict Building Order and the Second Notice of a Preliminary Derelict Building Order have been registered at the land titles office and have been served in accordance with Part 5 Division 4 of *The City of Winnipeg Charter.*

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

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

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

Sworn or affirmed before me this _____day)
)
of _____ in the year 20___ , in the) _____
City of Winnipeg in the Province of Manitoba.) Signature of Designated Employee
)
)

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