THE CITY OF WINNIPEG

BY-LAW NO. 59/2017

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

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

Vacant Buildings By-law amended

1 The Vacant Buildings By-law No. 79/2010 is amended by this By-law.

"Boarded Building Permit" capitalized

2 The term "*Boarded Building Permit*" is capitalized wherever it appears.

Section 19 replaced

3 Section 19 is replaced with the following:

Maximum penalties not applicable

19(1) *Notwithstanding subsection 178(1) of* The City of Winnipeg Charter*, the maximum penalty for a contravention of this By-law is $100,000 and, in the case of an individual, to imprisonment for a term of not more than six months in addition to a fine.*

Contraventions enforceable under Municipal By-law Enforcement Act

19(2) *Subject to the* Municipal By-law Enforcement Act (MBEA) Enabling By-law, a *person who contravenes a provision of this By-law that is referred to in Schedule A of the* Municipal By-law Enforcement Act (MBEA) Enabling By-law *must pay the administrative penalty for that contravention set out in that Schedule. If an Early Payment Discount amount is set out for a provision in that Schedule, a person who is issued a penalty notice for a contravention of that provision may, within 14 days after the penalty notice has been issued, voluntarily pay to The City of Winnipeg the applicable Early Payment Discount amount and will thereafter not be prosecuted for the contravention.*

Contraventions enforceable under the Provincial Offences Act

19(3) *Schedule D to this By-law sets out provisions of this By-law that are enforceable by way of a minimum fine under* The Provincial Offences Act*. If Schedule D sets out a minimum fine for a provision, a person who contravenes that provision must pay a fine imposed by a justice under* The Provincial Offences Act *that is not less than the minimum fine set out, plus applicable court costs and surcharges under The Provincial Offences Act.*

Escalating fines under Provincial Offences Act

19(4) *If Schedule D to this By-law sets out escalating fines for first, second, third and subsequent contraventions, the escalating fines are applicable to the person who committed the contravention; it is irrelevant if a second, third or subsequent contravention is committed in respect of different buildings than the building in respect of which the first offence was committed.*

Fines for contraventions not specifically set out

19(5) *If a provision of this By-law is not included in Schedule A to the Municipal By-law Enforcement Act (MBEA) Enabling By-law or in Schedule D to this By-law, a contravention of that provision is subject to a minimum fine of $500.*

Section 19.1 added

4 The following is added immediately after section 19:

Failing to comply with Order

19.1(1) *A person who fails to comply with an Order issued by a designated employee requiring the person to comply with a provision of this By-law contravenes this By-law.*

Failing to comply with Court Order

19.1(2) *A person who fails to comply with an Order issued by a justice as part of a sentence for a contravention of this By-law contravenes this By-law.*

Schedule D added

5 Appendix 1 to this By-law is added as Schedule D to the Vacant Buildings By-law No. 79/2010.

Effective date

6 This By-law comes into force on the day that Schedule A of *The Provincial Offences Act* and *Municipal By-law Enforcement Act,* S.M. 2013, c.47 comes into force.

DONE AND PASSED, this day of ,2017.

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Mayor

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City Clerk

Approved as to content:

_____
Chief Administrative Officer

Legally Reviewed and certified as to form:

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For Director of Legal Services City Solicitor

Appendix 1 to By-law No. _____/2017

SCHEDULE D TO THE VACANT BUILDINGS BY-LAW
Specified Fine Provisions
***Enforceable through* The Provincial Offences Act**

Provision	Contravention Summary	Minimum Fine
19.1(1)	Fail to comply with Order issued by designated employee • First contravention • Second contravention • Third and subsequent contraventions	 500 1000 2000
19.2	Fail to comply with Order issued by a justice	 2000