THE CITY OF WINNIPEG

BY-LAW NO. 85/2019

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

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

PART 1
AMENDMENTS TO NEIGHBOURHOOD LIVEABILITY BY-LAW

Neighbourhood Liveability By-law amended

1 The Neighbourhood Liveability By-law No. 1/2008 is amended by this Part.

Definition of "owner" includes condominium corporation

2 The definition *"owner"* in section 2 is amended by

(a) adding *"including, in respect of common elements of a condominium, the condominium corporation,"* after *"includes a person who is responsible for the real property"*, and

(b) renumbering the clauses so that they are consecutive.

Posting of caretaker phone number required

3 The following is added after section 17:

Caretaker phone number to be posted when 3 or more dwelling units rented

17.1(1) *Where three or more dwelling units are rented or offered for rent in a dwelling, the property owner must*

(a) appoint a property manager or caretaker for that property, who may be the property owner; and

(b) post in a conspicuous place on the exterior of the building a permanent sign setting out the name of the property manager or caretaker for that property and a telephone number at which the property manager or caretaker can be reached or a voice mail left for him or her.

17.1(2) *The property owner must ensure that the property manager or caretaker named on the sign referred to in subsection (1) returns a telephone call with respect to property concerns made to the posted number within 48 hours.*

Appeals must be posted
4 The following is added after section 106:

Notice of appeals to be posted
106.1(1) Where the owner of property has appealed an order or decision made under this By-law in respect of that property, the owner must, at least seven days prior to the hearing date of the appeal, post in a conspicuous place on the property for at least seven consecutive days a notice setting out the date, time and subject matter of the appeal, as well as the hearing body for the appeal, as directed by the designated employee. A failure to comply with this provision invalidates the appeal and it must not be heard by the hearing body for the appeal.

106.1(2) The designated employee is authorized to direct the posting of notices as required by subsection (1), and, without restricting this general power, is authorized to prescribe particular or standard forms for the notice, the information to be set out on a particular notice and the location on properties where the notice is to be posted.

PART 2
AMENDMENTS TO VACANT BUILDINGS BY-LAW

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

Definition of "owner" includes condominium corporation
6 The definition "*owner*" in subsection 2(1) is amended by adding *"including, in respect of common elements of a condominium, the condominium corporation,"* after *"includes a person responsible for the real property"*.

Designated employee to require boarding of residential buildings in some situations
7 The following is added after section 10:

Designated employee may order boarding of residential buildings
10.1(1) *Despite sections 9 and 10, the designated employee may order the owner of a vacant residential building to board the building in compliance with Part II of Schedule B where, after consultation with the Winnipeg Fire Paramedic Service and the Winnipeg Police Service, the designated employee concludes that safety concerns resulting from the building's lack of security outweigh the negative impacts of boarding, including the effect of the boarded building on adjacent buildings and the surrounding neighbourhood. The owner of a vacant residential building in respect of which an order under this subsection is issued must comply with the order.*

Order to board vacant residential building renewable every six months
10.1(2) *An order to board a vacant residential building authorized by subsection (1) expires six months after it has been issued but is renewable if the designated employee concludes, after consultation with the Winnipeg Fire Paramedic Service and the Winnipeg Police Service, that safety concerns which would result from removal of the boards outweigh the negative impacts of boarding, including the effect of the boarded building on adjacent buildings and the surrounding neighbourhood.*

Fees for boarded commercial buildings applicable when order issued
10.1(3) *Fees equivalent to those established for Boarded Building Permits for commercial buildings under section 8 are payable by the owner of a vacant residential building in advance for the time during which an order under this section applies to the building.*

Fees prorated if building occupied during time when order applies
10.1(4) *If a building that is subject to an order to board a vacant residential building under this section is occupied during the order, the designated employee must revoke the order and must refund fees imposed pursuant to subsection (3) on a prorated basis.*

Empty Building Fee imposed
8 The following is added after Division 3:

Division 3.1
Empty Building Fee

Empty Building Fee established
13.1(1) *An Empty Building Fee in the amount of 1% of the most recent assessed value of a vacant building is hereby imposed annually on the owner of vacant building that has been the subject of five or more "Schedule A" inspections under subsection 15(2).*

Empty Building Fee imposed 60 days after notice
13.1(2) *Subject to section 13.3, the Empty Building Fee imposed by subsection (1) is first payable 60 days after the designated employee sends notice to the owner of the vacant building that the building has been the subject of five or more "Schedule A" inspections and that the fee is payable.*

Empty Building Fee imposed annually
13.1(3) *The Empty Building Fee imposed by subsection (1) is imposed on each anniversary of the date it is first payable unless the designated employee determines that the building has been reoccupied in compliance with this By-law.*

Empty building reoccupied
13.2(1) *The Empty Building Fee continues to apply to a building until the designated employee determines that it has been reoccupied in accordance with this By-law. The owner of the building may request an inspection in order to have this determination made and the designated employee must inspect the building in response to a written request by the owner.*

Refund of empty building fee
13.2(3) *Where a building has been reoccupied in compliance with this By-law, the designated employee must authorize a refund of the Empty Building Fee paid in respect of the building on a prorated basis for the amount of time during the year that the building has in fact been determined to have been reoccupied in compliance with this By-law.*

Transition
13.3 *Despite subsection 13.1(2), the Empty Building Fee established by this Division is not payable prior to January 1, 2020.*

Appeals must be posted
9 The following is added after subsection 22(2):

Notice of appeals to be posted
22(3) Where the owner of property has appealed an order or decision made under this By-law in respect of that property, the owner must, at least seven days prior to the hearing date of the appeal, post in a conspicuous place on the property for at least seven consecutive days a notice setting out the date, time and subject matter of the appeal, as well as the hearing body for the appeal as directed by the designated employee. A failure to comply with this provision invalidates the appeal and it must not be heard by the hearing body for the appeal.

Designated employee authorized to direct posting of appeals
22(4) The designated employee is authorized to direct the posting of notices as required by subsection (1), and, without restricting this general power, is authorized to prescribe particular or standard forms for the notice, the information to be set out on a particular notice and the location on properties where the notice is to be posted.

Refund of fees authorized
10 Section 24 is amended by replacing *"reduce or waive any fee imposed under this By-law"* with *"refund in whole or in part a fee paid under this By-law if the applicant applies for a refund within 30 days after the fee is payable and if the committee determines that the fee was issued in error or"*.

PART 3

AMENDMENTS TO MUNICIPAL BY-LAW ENFORCEMENT ACT ENABLING BY-LAW

Municipal Enforcement Act Enabling By-law amended
11 Schedule A of the Municipal By-law Enforcement Act Enabling By-law No. 59/2016 is amended by

(a) adding the following in numerical order in the table applicable to the Neighbourhood Liveability By-law:

17.1(1)	*Owner of large residential property fails to appoint caretaker or post contact phone number*	*300*	*N/A*
17.1(2)	*Caretaker fails to return phone call*	*300*	*N/A*

	within 48 hours		
106.1(1)	*Fail to post notice of appeal*	*150*	*N/A*

(b) adding the following in numerical order in the table applicable to the Vacant Buildings By-law

10.1(1)	*Fail to comply with order to board a vacant building*	*1000*	*N/A*
22(3)	*Fail to post notice of appeal*	*150*	*N/A*

DONE AND PASSED this day of , 2019.

Mayor

City Clerk

Approved as to content:

Director of Community Services

Legally reviewed and certified as to form:

Interim Director of Legal Services
and City Solicitor