THE CITY OF WINNIPEG

BY-LAW NO. 53/2021

A By-law of THE CITY OF WINNIPEG to amend the Doing Business in Winnipeg By-law

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

PART 1
AMENDMENTS TO DOING BUSINESS IN WINNIPEG BY-LAW

Doing Business in Winnipeg By-law amended

1 The Doing Business in Winnipeg By-law No. 91/2008 is amended by this Part.

Definition of business added

2 Section 2 is amended by adding the following definition in alphabetical order:

"business" *includes a business that operates intermittently;*

Division Four repealed

3 Division Four is repealed.

Division Seven heading amended

4 The heading of Division 7 is replaced with the following:

Division Seven – Accommodations Licences

Section 59 amended

5 Section 59 is amended as follows:

(a) The definition "*bed and breakfast*" is repealed;

(b) The definition "*converted residential dwelling*" is amended by adding "*or*" at the end of clause (d) and by striking out clause (f);

(c) By replacing the definition "*shared facilities dwelling*" with the following:

"shared facilities dwelling" *means a dwelling*

(a) which is designed for sanitary facilities or cooking facilities to be shared by occupants of three or more dwelling units, whether or not the dwelling units are occupied; or

(b) in which sanitary facilities or cooking facilities are shared by two or more residents of a dwelling unit that is not operated under a single tenancy;

but does not include the following:

(c) a facility licensed or otherwise regulated in its provision of accommodations by the Government of Manitoba or the Government of Canada;

(d) a hospital, a sanatorium or a facility designated by regulations under The Mental Health Act;

(e) a personal care home licensed under The Health Services Insurance Act;

(f) a residential care facility licensed under The Social Services Administration Act.

Section 60 amended

6 Section 60 is amended

(a) In both subsections (1) and (2), by replacing "*subsection (3)*" with "*this section*";

(b) By adding the following subsection immediately after subsection (3):

60(4) Despite subsection (1) and despite the repeal of Division Four, a person who held a subsisting hostel licence at the time of the repeal of Division Four is entitled to carry on the business of operating a hostel under the authority of that licence until the hostel licence expires and is not required to obtain a licence under this Division until that time.

Additional sections added

7 The following sections are added immediately after section 61:

Floor plans must be submitted

61.1 A person who requires an initial licence or a licence renewal under this Division must submit, in a form satisfactory to the designated employee, a current floor plan of the premises for which the licence is issued.

Information must be posted on exterior of premises

61.2 A person who holds a licence under this Division must comply with subsection 4(1) by posting the licence and other information prescribed by the designated employee on the exterior of, and at the main entrance to, the premises for which the licence is issued.

When licence no longer required

61.3 A person who has been required to obtain a licence for premises under this Division is required to continue maintain a licence for those premises until and unless the person

(a) Provides evidence to the designated employee through a completion notification or occupancy permit issued by the City that the property no longer meets the definition of a converted residential dwelling;

(b) Demonstrates to the satisfaction of the designated employee that the property is owner-occupied and that no part of the building is available for rent; or

(c) Demonstrates to the satisfaction of the designated employee that the property is vacant as defined under the Vacant Building By-law No. 79/2010 and is therefore subject to administration and enforcement under that by-law.

Section 65 amended

8 Section 65 is amended by

(a) Striking out the definition "*antique dealer*";

(b) Striking out "*antique dealers,*" in the definition "*flea market*";

(c) Striking out "*antique dealers,*" in the definition "*temporary trade show*"; and

(d) Striking out clause (b) in the definition "*used goods dealer*".

Section 70 amended

9 Section 70 is amended

(a) In subsection (1), by replacing "*A person*" with "*Subject to this section, a person*"; and

(b) By adding the following subsection immediately after subsection (3):

70(4) Despite subsection (1), a used goods dealer is not required to make a record of transaction required by subsection (1) and to comply with the other requirements of this Part in respect of scrap metal other than copper, platinum, palladium, rhodium or brass, or manufactured goods containing those metals.

Section 80 amended

10 Section 80 is amended

(a) In subsection (1), by replacing "*used goods dealers, bicycle dealers and precious metal dealers*" with "*used goods dealers and bicycle dealers*"**;**

(b) By adding the following subsection immediately after subsection (1):

80(1.1) Subject to subsection (2), precious metals dealers must ensure that goods for which a record of transaction is required to be made and maintained are not disposed of until at least 30 days have elapsed since the records of acquisition concerning those goods were delivered to the Police Chief in accordance with section 77.

(c) In subsection (2), by replacing "*Subsection (1) does not apply to*" with "*Subsections (1) and (1.1) do not apply to*".

Heading for s. 93 replaced

11 The heading immediately preceding section 93 is replaced with "***Enforcement of penalties***".

PART 2
OTHER BY-LAWS AMENDED

Municipal By-law Enforcement Act Enabling By-law amended

12 The table applicable to the Doing Business in Winnipeg By-law set out in Schedule A of the Municipal By-law Enforcement Act Enabling By-law is amended by adding the following in numerical order within the table:

Provision	Contravention summary	Administrative Penalty ($)	Early Payment Discount ($)
61.1	Applicant fails to provide accurate floor plans at the time of application or renewal	200	100
61.2	Licence holder fails to post licensing information directly adjacent to the front main entrance of property	300	N/A

Consequential amendments

23(1) Subsection 700(3) of the Downtown Winnipeg Zoning By-law No. 100/2004 is amended by replacing the definition "***hostel***" with the following:

> ***"hostel"*** *means a dwelling where sleeping accommodations and shared cooking facilities are rented and no individual is allowed to rent sleeping accommodations for a period of more than 28 consecutive days but does not include:*
>
> *(a) a facility licensed or otherwise regulated in its provision of accommodations by the Government of Manitoba or the Government of Canada;*
>
> *(b) a hospital, a sanatorium or a facility designated by regulations under The Mental Health Act;*
>
> *(c) a personal care home licensed under The Health Services Insurance Act;*
>
> *(d) a residential care facility licensed under The Social Services Administration Act;*
>
> *(e) a shared facilities dwelling or a bed and breakfast establishment.*

DONE AND PASSED this day of , 2021.

Mayor

City Clerk

Approved as to content:

Director of Community Services

Legally reviewed and certified as to form:

for Director of Legal Services
and City Solicitor