THE CITY OF WINNIPEG

BY-LAW NO 126/2024

A By-law of THE CITY OF WINNIPEG to amend the Vacant Buildings By-law No. 79/2010 and Fire Prevention By-law No. 35/2017 in order to set fixed fire protection service fees and to enable the waiver of fire protection service fees.

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

PART I: AMENDMENTS TO VACANT BUILDINGS BY-LAW NO. 79/2010

Vacant Buildings By-law amended

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

Division 3.2 repealed

2 Division 3.2 is hereby repealed in its entirety.

Schedule E repealed

3 Schedule E to the Vacant Buildings By-law is hereby repealed in its entirety.

PART II: AMENDMENTS TO FIRE PREVENTION BY-LAW NO. 35/2017

Fire Prevention By-law amended

4 The Fire Prevention By-law No. 35/2017 is amended by this Part.

Definitions amended

5 The definition of "designated employee" in section 2 is amended by adding "*, or the* City of Winnipeg Charter, *SM 2002, c. 39, as the case may be*" immediately after the reference to "*section 23(3) of the Act*".

Section 7 amended

6 Subsection 7(c) is amended by deleting the reference to *"permit or licence*" and replacing it with "*permit, licence, waiver, refund, or opt-in*".

Section 73 deleted

7 Section 73 is hereby deleted in its entirety.

Fire Protection Service Fees added

8 The following is added immediately after section 72:

PART 10
FIRE PROTECTION SERVICE FEES

Definitions

73.1 In this Part

"disaster" *has the same meaning as under the Act;*

"eligible vacant building fire" *means any fire that caused a person to incur original fees;*

"fire protection service fees" *means such fees as may be established by Council in accordance with section 74, and also includes the fees established under section 78;*

"original fees" *means the fees established by Council and formerly enforced through Division 3.2 and Schedule E of the Vacant Buildings By-law No. 79/2010;*

"owner" *has the same meaning as under the Vacant Buildings By-law No. 79/2010;*

"Schedule A inspection" *means an inspection conducted pursuant to section 15(2) of the Vacant Buildings By-law No. 79/2010; and*

"vacant" *has the same meaning as under the Vacant Buildings By-law No. 79/2010.*

Fire Protection Service Fees established

74 Subject to this Part, when a fire occurs at a vacant building, the owner of that vacant building shall be required to pay such fire protection service fees as may be established by Council from time-to-time.

Exemptions from Fire Protection Service Fees

75 The owner of a vacant building is not required to pay fire protection service fees if

(a) the building is vacant at the time of the fire, but no Schedule A inspection was conducted with respect to that vacancy before the fire occurred; or

(b) the fire that affects the building

(i) originates on another property, and that other property is not owned by the same owner at the time of the fire;

(ii) is predominantly caused by a disaster or weather event; or

(iii) is predominantly caused by a vehicle colliding with the building.

Waiver of Fire Protection Service Fee

76 Upon application by the owner of a vacant building or a person who has opted-in to this Part in accordance with section 78, and payment of any application fee established by the City,

(a) the designated employee must waive fire protection service fees, in whole or in part as applicable, if they determine that the fire protection service fees were issued in error; or

(b) the designated employee may waive fire protection service fees, in whole or in part, if they determine that the fire was the first fire to occur in a vacant building at the subject property since March 1, 2023 or, if the fire occurs on or after March 1, 2028, that the fire was the first fire to occur in a vacant building at the subject property within the past 5 years

but the designated employee may not waive fees under this Part unless the application is received within 30 days after the fire protection service fees are payable.

Considerations for waiver decisions

77 When considering a waiver application under subsection 76(b), the designated employee must consider the following factors

(a) whether the applicant

(i) is a corporation or organization whose preponderant purpose is not the earning of a profit;

(ii) is a charity registered with the Canada Revenue Agency; or

(iii) has a history of using their properties to build affordable housing;

(b) whether the applicant has a history of compliance with this By-law, the Vacant Buildings By-law No. 79/2010 or any other City by-laws, at the subject property or elsewhere; and

(c) whether the applicant has demonstrated commitment to improving or remediating the subject property, including by

(i) promptly complying with orders issued under this By-law, the Vacant Buildings By-law No. 79/2010, or the Neighbourhood Liveability By-law No. 1/2008; or

(ii) taking steps to demolish, develop, or renovate the subject property

and the designated employee may interpret and apply the criteria set out in this section, and determine the appropriate weight to be placed on each criterion.

Opting-in to updated fee structure

78 Subject to section 79, upon application by any person that incurred original fees, the designated employee shall cancel the original fees and the applicant shall be required to pay the following fire protection service fees:

(a) $10,000.00, if the original fees were imposed with respect to the first eligible vacant building fire to occur on the subject property after March 1, 2023;

(b) $20,000.00, if the original fees were imposed with respect to the second eligible vacant building fire to occur on the subject property after March 1, 2023;

(c) $30,000.00, if the original fees were imposed with respect to the third eligible vacant building fire to occur on the subject property after March 1, 2023; or

(d) $50,000.00, if the original fees were imposed with respect to the fourth or subsequent eligible vacant building fire to occur on the subject property after March 1, 2023

but the designated employee must not accept an application for opt-in unless that application is submitted prior to January 1, 2025.

Refunds of excess original fees

79 Where a person

(a) incurred original fees;

(b) has paid all or part of those original fees; and

(c) the designated employee

(i) is required to cancel those original fees pursuant to section 78, resulting in the imposition of fire protection service fees; or
(ii) has decided to waive all or a portion of those fire protection service fees in accordance with section 76

the designated employee shall refund the difference, if any, between the amount of the original fees paid by the owner and the amount of the reduced or waived fire protection service fees.

Refund of fire protection service fees

80(1) Upon payment of an application fee established by the City, an owner or a person who has opted-in to this Part under section 78 may apply to the Chief for a determination as to whether fire protection service fees were paid or applied in error.

80(2) An application under subsection (1) must be submitted within 30 days after the relevant fire protection service fees were paid in full.

80(3) Where the Chief reviews an application submitted under subsection (1) and determines that the fire protection service fees were paid or applied in error, the Chief may refund all or part of the fire protection service fees in order to correct the error.

Application fees refundable where fire protection services fees issued in error

81(1) Where a designated employee has determined that fire protection service fees were paid or applied in error, they may refund all or part of any application fee paid in accordance with section 76.

81(2) Where the Chief has determined that fire protection service fees were paid or applied in error, they may refund all or part of any application fee paid in accordance with section 80.

Coming into force

8 This by-law comes into force upon being given three readings by Council.

DONE AND PASSED, this 24th day of October, 2024.

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Mayor

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City Clerk

Approved as to content:

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Chief – Winnipeg Fire Paramedic Service

Approved as to content:

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Director of Community Services

Approved as to content:

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Director of Planning, Property and Development

Legally Reviewed and Certified as to Form:

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For Director of Legal Services and City Solicitor