

**THE RURAL MUNICIPALITY OF THOMPSON**  
**By-law No. 8-2021**

BEING A BY-LAW of The RM of Thompson to establish a system to regulate the condition and maintenance of residential and commercial buildings, and to establish a process to take title of vacant and derelict and or unsafe residential and commercial buildings, and to establish a process to demolish derelict and or unsafe residential and commercial buildings, to be known as the "Residential and Commercial Buildings Maintenance By-law".

WHEREAS the RM of Thompson is empowered by Part 7, Division 2, Section 232(1) of The Municipal Act, RSM 1996, c.M225, to pass a by-law with respect to the condition and maintenance of vacant residential and commercial buildings;

AND WHEREAS the existence of unsightly buildings may produce a harmful visual impact on a streetscape, may create the impression of decline, may lower property values and may raise the likelihood of arson, vandalism, drainage problems and vermin infestation and may pose a danger to the public;

AND WHEREAS The RM of Thompson deems it expedient and in the public interest and safety to establish a by-law to regulate the condition and maintenance of unsafe, derelict or unsightly occupied and un-occupied buildings;

AND WHEREAS Section 247.2 of The Municipal Act provides for a process by which a municipality may take title to vacant and derelict and or unsafe buildings;

AND WHEREAS Section 243(1) of the Municipal Act provides for a process by which a municipality may remove or demolish a structure, fill in an excavation and level the site;

AND WHEREAS Section 242(1) of The Municipal Act provides in part, "If a designated officer finds that a person is contravening a by-law or this or any other act that the Municipality is authorized to enforce, the designated officer may by written order require the person responsible for the contravention to remedy it if, in the opinion of the officer, the circumstances so require";

AND WHEREAS it is necessary to establish a process for issuing building maintenance orders, preliminary derelict building orders, second notices of derelict building orders, notices of intent for demolition of an unsafe residential or commercial building, notices of demolition of an unsafe residential or commercial building, and derelict building certificates, pursuant to the provisions of The Municipal Act;

NOW THEREFORE the Council of The RM of Thompson, duly assembled, enacts as follows:

**PART I: DEFINITIONS**

1. All references herein to "he" shall include "she" unless the context thereof requires otherwise.

2. In this by-law:

*BUILDING* means any structure used or intended for supporting or sheltering any use or any occupancy.

*CERTIFICATE of OCCUPANCY/REOCCUPANCY* means an occupancy certificate issued under Section 1 of Schedule A, "Maintenance Standards for Commercial Buildings" or Section 1 and 2 of Schedule B, "Maintenance Standards for Residential Buildings" of this by-law, as applicable.

*CODE* means The Manitoba Building Code as adopted by Manitoba Regulation 31/2011 pursuant to The Buildings and Mobile Homes Act, RSM 1987, c.B93, as amended from time to time, or any subsequent Manitoba Building Code which may be enacted.

*COMMERCIAL BUILDING* means any building that is not a residential building but may contain a legally established dwelling unit(s).

*DERELICT BUILDING BY-LAW* means a by-law passed under clause 232(1)(c. 1) that regulates the condition and maintenance of vacant dwellings or non-residential buildings.

*DERELICT PROPERTY* means property upon which is located an unoccupied residential or commercial building that is not in compliance with the provisions of this by-law.

*DESIGNATED OFFICER* means the Chief Administrative Officer of the RM of Thompson or any other person or agency appointed, employed or acting for the Municipality to whom he or she has delegated authority or duty granted or imposed under this By-law.

*DWELLING* includes any building, part of a building, mobile home, trailer or other covering or structure, the whole or any portion of which has been used, is used, or is capable of being used for the purposes of human habitation with the land and premises belonging thereto and all accessory buildings, fences, or erections thereon or therein, and every dwelling unit within the building.

*FIRE PROTECTION SYSTEM* includes, but not limited to, any fire alarm system, sprinkler system or standpipe system or one or more private hydrants.

*INSPECTOR* means Building Inspector, or any other person or agency employed by or acting for the Municipality of Thompson and partially or wholly responsible for the building safety and property standards within the Municipality of Thompson.

*NON-CONFORMANCE* means a condition which does not comply with the standards established by this by-law.

*OPEN BUILDING* means a building that may be, but is not limited to, one that is unoccupied, abandoned, unguarded to which entry can be gained, in a ruinous or dilapidated state, having faulty construction or other conditions rendering the building unsafe or constitutes a risk or danger to the public.

*OWNER* means the registered property owner of the land and premises and includes a) the person that for at all material times is managing or receiving the rent of the land or premises in connection with which the word "owner" is used, whether on his own account or as agent or trustee of any other person; or b) the person who would so receive the rent if such land and premises were let; or c) the vendor of such land under an offer to purchase or an agreement for sale who has paid any land taxes thereon after the effective date of the agreement; or d) the person that at all material times is receiving installments of the purchase price of the land or premises in connection with which the word "owner" is used, sold under an offer to purchase or an agreement for sale whether on his own account or as an agent or trustee of any other person; or e) the person who would so receive the installments of the purchase price if such land or premises were sold under an offer to purchase or an agreement for sale.

*REGISTERED OWNER* has the same meaning as in the *The Municipal Assessment Act*.

*RESIDENTIAL BUILDING* means a building primarily designed for or has been used for residential occupancy by way of a dwelling unit(s) but may also be designed for or used for a secondary occupancy.

*SECOND NOTICE* means the second notice of a preliminary derelict building order, issued under section 247.4.

*STANDARDS* means the standards prescribed in this by-law for the maintenance and improvement of the physical condition and for the fitness for occupancy of any building or other structure or properties, or parts thereof, together with the surrounding lands.

*UNSAFE BUILDING* means any building that is in an unsafe condition or open and unguarded to which entry can be gained.

\*\*\**UNSIGHTLY* means premises that are in non-compliance with Sections 3, 6, 7, 9, 10 and 17 of Schedule A, "Maintenance Standards for Commercial Buildings", to this by-law if it is a commercial building, Sections 4, 7, 8, 10, 12 and 19 of Schedule B, "Maintenance Standards for Residential Buildings", to this by-law if it is a residential building, or are in non-compliance with The Rural Municipality of Thompson Unsightly Property By-Law No, 7/15, or as otherwise determined by the designated officer. Any boarded building is also deemed to be unsightly.

*VACANT BUILDING* means a previously occupied residential building or commercial building or unit thereof that is not presently being used or occupied.

## PART II: STANDARDS

### Requirements for All Commercial and Residential Buildings

3. The owner of an occupied or vacant residential or commercial building must ensure that the premises is in compliance with the standards set out in Schedule A, "Maintenance Standards for Commercial Buildings" or Schedule B, "Maintenance Standards for Residential Buildings", as applicable.

### Inspection of Occupied and Unoccupied or Vacant Buildings

4. In addition to any other inspections of a residential or commercial building to enforce or administer this by-law, Designated Officers are authorized to conduct full inspections of the exterior and interior of a vacant building to determine compliance with Schedule A, "Maintenance Standards for Residential Buildings" or Schedule B, "Maintenance Standards for Commercial Buildings", of this by-law. The entire cost of engaging a Designated Officer to conduct a full inspection of any building will be considered a cost owing to the Municipality pursuant to provisions of The Municipal Act and may be collected by the Municipality in the same manner as a tax may be collected or enforced in accordance with The Municipal Act.

## PART III: DUTIES AND RESPONSIBILITIES OF THE OWNER

5. Every owner shall allow the officer, duly appointed and authorized, to enter any building or premises at any reasonable time, in accordance with this section, and upon production of the necessary authority, if demanded, for the purpose of administering and enforcing the requirements of this by-law to determine if an unsafe condition exists.

6. When a building or part of it is in an unsafe condition, the owner shall immediately take all necessary action to put the building in a safe condition.

## PART IV: POWERS OF AUTHORITY HAVING JURISDICTION

7. The R.M. of Thompson is empowered to issue orders for: (a) an owner or authorized agent to hold at specific stages of construction in order to facilitate an audit or inspection; (b) a person who contravenes these requirements to comply with them within the time period that may be specified; (c) work to stop on the building or any part of it if such work is proceeding in contravention of these requirements, or if there is deemed to be an unsafe condition; (d) the removal of any unauthorized encroachment on public property; (e) the removal of any building or part of it constructed in contravention of these requirements; (f) the cessation of any occupancy in contravention of these requirements; (g) the cessation of any occupancy if any unsafe condition exists, and (h) correction of any unsafe condition.

8. The R.M. of Thompson may issue to the owner an order or notice in writing to correct any unsafe conditions observed in any building.

9. When any building, construction or excavation or part of it is in an unsafe condition, as a result of being open or unguarded, or because of danger from fire or risk of accident because of its ruinous or dilapidated state, faulty construction, abandonment or other, and when due notice to correct such condition has not been complied with, the R.M. of Thompson may (a) demolish, remove or make safe such building, construction excavation or part of it at the expense of the owner and may recover such expense in like manner as municipal taxes, and (b) take such other measures as the Council may consider necessary to protect the public.

10. Notwithstanding any other provisions herein, when, in the opinion of the R.M. of Thompson, immediate measures need to be taken to avoid an imminent danger, the R.M. of Thompson may take such action as is appropriate, without notice and at the expense of the owner.

11. The R.M. of Thompson may withhold authorization for re-occupancy after the property owner has complied with an Order to Maintain, until such time that the Designated Officer has conducted full inspections of the exterior and interior of the building to determine compliance with Schedule A "Maintenance Standards for Commercial Buildings" or Schedule B "Maintenance Standards for Residential Buildings" as applicable according to the terms established in this By-Law.

## PART V: GENERAL OFFENCE AND PENALTY

12. Every person who contravenes, or refuses, neglects, omits, or fails to obey or observe any provision of this by-law is guilty of an offence and liable on summary conviction to a fine, pursuant to subsection 249(1) of The Municipal Act, not exceeding Five Hundred Dollars (\$500) or to imprisonment for a term not exceeding three (3) months, or to both such a fine and such an imprisonment, or at the discretion of the designated officer, a penalty in accordance with the Municipality's Compliance By-law.

13. Every person who obstructs or interferes with a Designated Officer in the performance of his duties under this by-law is guilty of an offence and is liable on summary conviction to the same penalties as set out in subsection (a) above.

## PART VI: CONFLICT WITH OTHER BY-LAWS

14. Where a provision of this by-law conflicts with a provision of another by-law in force in the Municipality of Thompson, the provision that establishes the higher standard to protect the health, safety and welfare of the general public shall prevail.

## PART VII – ORDER TO MAINTAIN COMMERCIAL OR RESIDENTIAL PROPERTY

15. Any Designated Officer, duly appointed and authorized for the purpose, may, at all reasonable times, and reasonable notice without the consent of the owner or occupier and upon production of the necessary authority, if demanded, enter upon any building or premises in the Municipality that is occupied, boarded, vacant or appears to be vacant for the purpose of determining: (a) whether the building is vacant; and (b) whether the building is safe; and (c) whether the building complies with this by-law.

16. If as a result of the inspection of any residential building, or commercial building, a Designated Officer is satisfied that the residential building, commercial building, or boarded building does not comply to the standards set forth in Schedule A, "Maintenance Standards for Commercial Buildings", or Schedule B, "Maintenance Standards for Residential Buildings" to this by-law, the Designated Officer may make an Order to Maintain, in a form as set out in Schedule C "Order to Maintain", hereto and subject to an Order Issuance Fee as designated in the Municipality of Thompson's fee schedule, a copy of which shall be served on the owner by personal service or by certified or registered mail to the address as shown on the latest assessment roll of the Municipality of Thompson. When service cannot be affected either by personal service or by certified or registered mail, then such Order and/or placard may be posted on the property subject to the Order.

17. If, upon attempt to effect service of an Order to Maintain hereunder a Designated Officer learns the owner of the property is deceased, the Order shall be served upon the executor, administrator, successor or assignee of the deceased. If such party cannot be located, service shall be affected by posting the Order and/or placard on the property subject to the Order.

18. The Order to Maintain shall contain: (a) a description of the land, building or premises sufficient to identify the property; and (b) the particulars of each non-conformance and the date by which each nonconformance must be corrected; and (c) except in the case of an immediately dangerous non-conformance, the final date for giving notice of objection from the Order; and may also contain an outline of what action may be taken to make the residential property or the commercial property conform to the standards and any other information that the Designated Officer deems necessary.

19. Except in the case of an immediately dangerous non-conformance, the date by which the non-conformance shall be corrected shall be a minimum of twenty-one (21) days from the date of service of the Order to Maintain made pursuant to Section 7. If the Order is served by mail, the Order shall be deemed to have been served and received by the owner on the day of the date of receipt thereof shown on the "Acknowledgement of Receipt" form issued by the Canada Post Office or "Proof of Delivery" form signed by the person acknowledging receipt thereof.

20. The designated officer may postpone the last day when a non-conformance must be corrected as specified in the Order to Maintain only upon the owner showing that he is making reasonable efforts to correct the non-conformance, but that full correction cannot be completed within the time provided because of technical difficulties, inability to obtain necessary materials or labour, or inability to gain access to the building unit wherein the non-conformance occurs. Any postponement of the last day for compliance does not extend the initial fourteen (14) day period for appealing the Order however, the owner does have

seven (7) days from the date the postponement was granted to appeal the duration of the postponement.

#### Right to Appeal an Order to Maintain

21. Except in the case of an immediately dangerous non-conformance, the owner, or a person authorized in writing to act on behalf of the owner, may appeal any provision of an Order to Maintain issued under Subsection 7. (a) by filing with the Municipality of Thompson Office a Notice of Objection within fourteen (14) days upon receipt of the Order to Maintain.

22. Council may hear the appeal as a committee of the whole or by subcommittee especially established for this purpose.

23. Except in the case of an immediately dangerous non-conformance, the filing of a Notice of Objection to an Order to Maintain or any provision thereof as set forth in Section 11 shall operate as a stay of proceedings to correct a hazardous or non-hazardous nonconformance pending consideration of the appeal by the Committee.

24. Upon the hearing of an appeal, the Council may: (a) uphold, rescind, suspend or modify any decision or order given by the R.M. of Thompson; (b) extend the time within which compliance with the decision or order shall be made; or (c) make such other decision or order as in the circumstances of each case it deems just; and the decision or order of the Council upon being communicated to the appellant, shall stand in place of the decision or order against which appeal is made, and any failure to comply with the decision or order is an offense.

25. Any failure to comply with a decision or order of the Committee is an offence subject to the penalty provisions set forth in the by-law.

#### Non-Compliance

26. Where an owner has failed to comply with an Order to Maintain either of a Designated Officer or an Order made by the Committee, as the case may be, the designated officer may cause the non-conformance to be corrected without any further notice to the owner. The entire costs of correcting the non-conformance, which can and may include, but are not limited to legal fees, disbursements, administrative fees, material costs, contractor and construction fees, and agency fees and mileage may be considered an amount owing to the municipality pursuant to provisions of The Municipal Act and may be collected by the municipality in the same manner as a tax may be collected or enforced in accordance with The Municipal Act.

27. In the case of an immediately dangerous non-conformance, the designated officer may take whatever actions or measures are necessary to eliminate the non-conformance pursuant to Section 247 of The Municipal Act.

### PART VIII: DERELICT BUILDING ORDERS

#### Preliminary Derelict Building Order

28. A designated officer shall issue a Preliminary Derelict Building Order in respect of a property if he is satisfied that: (a) the registered owner of the property has been found guilty of contravening the Residential and Commercial Buildings Maintenance By-law No. 8-2021; and (b) the property continues to be in contravention of the by-law.

#### Form of Order

29. A Preliminary Derelict Building Order must be issued in the form set out in Schedule D, "Preliminary Derelict Building Order", to this by-law, and must include: (a) the legal description of the property; and (b) a statement that the property is a derelict property and (c) a statement that title to the property may be transferred to the Municipality of Thompson if it is not brought into compliance with the Residential and Commercial Buildings Maintenance By-law No. 8-2021.

#### Service

30. The designated officer who issues a Preliminary Derelict Building Order must ensure that a copy of the Order is: (a) promptly registered against the derelict property in the City of Morden Land Titles Office; and (b) personally served on the registered owner of the

derelict property and on every other person who, on the day the order is registered at City of Morden Land Titles Office, appears from the records to have an interest in the property.

#### Time Frame for Compliance

31. The registered owner shall have ninety (90) days to bring the property into compliance with the Residential and Commercial Buildings Maintenance By-Law No. 8-2021 after this Preliminary Derelict Building Order has been served on the registered owner.

#### Right to Appeal A Preliminary Derelict Building Order

32. Any person served with a Preliminary Derelict Building Order may appeal the Order to the Committee of Municipal Council. The appeal must be made in writing and must be received by the Office of the Municipality of Thompson within ninety (90) days after the Order has been served on the registered owner.

33. Council may hear the appeal as a committee of the whole or by subcommittee especially established for this purpose.

34. Upon the hearing of an appeal, the Council may: (a) uphold, rescind, suspend or modify any decision or order given by the R.M. of Thompson; (b) extend the time within which compliance with the decision or order shall be made; or (c) make such other decision or order as in the circumstances of each case it deems just; and the decision or order of the Council upon being communicated to the appellant, shall stand in place of the decision or order against which appeal is made, and any failure to comply with the decision or order is an offense.

#### Second Notice of Preliminary Order

35. A second notice of the Preliminary Derelict Building Order may be issued by the designated officer if a property continues to remain a derelict property for more than thirty (30) days after the day on which the Preliminary Derelict Building Order was served on all persons required to be served under Section 30.

36. The second notice of the Preliminary Derelict Building Order must be issued in the form set out in Schedule E, "Second Notice of a Preliminary Derelict Building Order", to this bylaw, and must include: (a) the legal description of the property; and (b) a statement that the property continues to be a derelict property; and (c) a statement that if the property is not brought into compliance with the Residential and Commercial Buildings Maintenance By-law No. 8-2021 within sixty (60) days, title to the above noted property may be issued in the name of the Municipality of Thompson and the persons being served may be forever stopped and debarred from setting up any claim to or in respect of the property; and (d) a statement that the person served with the notice has the right to have the Committee of Municipal Council review the Preliminary Building Order or the time period set out to bring the property into compliance, whereby the request to have the Committee review the Order must be made within 60 days after the second notice is served.

37. The designated officer must ensure that a copy of the second notice is: (a) promptly registered against the derelict property in the City of Morden Land Titles Office; and (b) personally served on the registered owner of the derelict property and on every other person who, on the day the order is registered at City of Morden Land Titles Office, appears from the records to have an interest in the property.

#### Application for Derelict Building Certificate

38. A designated officer may apply to the RM of Thompson Council for a Derelict Building Certificate if: (a) a Preliminary Derelict Building Order and a second notice have been issued, registered and served in accordance with the provisions contained herein; and (b) the time period for bringing the property into compliance with the Residential and Commercial Buildings Maintenance By-law No. 8-2021 provided in the second notice of the Preliminary Derelict Building Order has expired; and (c) the appeal period has expired, or if the Committee has reviewed the order and confirmed same, or varied the order, but the order as varied, has not been complied with; and (d) the designated officer is satisfied that the property continues to be in contravention of the Residential and Commercial Buildings Maintenance By-law No. 8-2021.

39. When applying for a Derelict Building Certificate, as set out in SCHEDULE G "Application for Derelict Building Certificate" of this by-law, a designated officer must provide to the Committee, a completed and sworn or affirmed statutory declaration in the form set out in Schedule F, "Statutory Declaration" to this by-law.

40. The Committee, upon receipt of an application for a Derelict Building Certificate, may, by resolution, issue the certificate, if there is evidence that the property continues to be a derelict property, and in the opinion of the Committee, there is a satisfactory plan for redeveloping the property.

Application for Title

41. When a Derelict Building Certificate is issued, the designated officer may (a) register the certificate against the derelict property in the City of Morden Land Titles Office; and (b) apply to the District Registrar for title to the derelict property to be issued in the name of the Rural Municipality of Thompson.

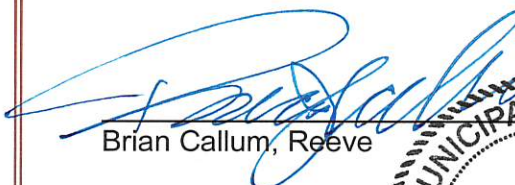
42. Application for title must be made within one hundred and twenty (120) days after the RM of Thompson Council issued the Derelict Building Certificate.


PART IX: ENACTMENT


43. This by-law shall come into full force and take effect on the 10<sup>th</sup> day of March, 2022.

DONE AND PASSED by the Council of The Rural Municipality of Thompson duly assembled at the Village of Miami, in the Province of Manitoba this 10<sup>th</sup> day of March, 2022.

THE RURAL MUNICIPALITY OF THOMPSON

  
Brian Callum, Reeve

  
Dallas Braun, Chief Administrative Officer

The seal is circular with a double-line border. The outer ring contains the text "RURAL MUNICIPALITY OF THOMPSON" in all caps. In the center of the seal, the word "SEAL" is written in a bold, sans-serif font.

Read a first time this 12<sup>th</sup> day of August, 2021  
Read a second time this 10<sup>th</sup> day of March, 2022  
Read a third time this 10<sup>th</sup> day of March, 2022

**Rural Municipality of Thompson**  
**Residential and Commercial Building Standard By-Law No. 8-2021**

**Schedule of Fees**

**Residential Building Inspection Fee - \$75.00**

**Commercial Building Inspection Fee - \$100.00**

**Order Issuance Fee - \$500.00**

**Notice of Order to Maintain - \$100.00**

**Notice of Preliminary Derelict Building Order - \$150.00**

**Second Notice of Derelict Building Order - \$300.00**

**Derelict Building Certificate - \$150.00**

**Notice of Intent for Demolition of Unsafe Residential or Commercial Building - \$30.00**

**Notice of Demolition of Unsafe Residential or Commercial Building - \$50.00**

**Note: Council may increase fees and penalties at their discretion, if remedies are not done**

## SCHEDULE A TO BY-LAW NO. 8-2021

### MAINTENANCE STANDARDS FOR COMMERCIAL BUILDINGS

#### Re-Occupancy of Vacant Commercial Buildings

1. (a) A Certificate of Occupancy is required for all Vacant Commercial Buildings for which a Vacant Building Certificate has been issued prior to re-occupancy; and
- (b) A Vacant Commercial Building may require upgrading to meet the following objectives of the Code prior to re-occupancy: (1) Safety (2) Health (3) Accessibility for persons with disabilities (4) Fire and structural protection of buildings
- (c) The designated officer may require that a Code analysis of the building be carried out by a professional designer licensed to practice in the Province of Manitoba prior to re-occupancy.

#### Heritage Buildings

2. Repairs, alterations and additions necessary for the preservation, restoration, rehabilitation or continued use of a building or structure may be made without conformance to all requirements of the Code when authorized by a designated officer, provided: (1) the building or structure has been designated as a Heritage Building; and (2) any unsafe conditions as described in the Code or this by-law are corrected; and (3) the restored building or structure will be no more hazardous with respect to life safety, fire safety and sanitation than the existing building.

#### Exterior Aesthetic Condition

3. The designated officer, may require the repair or replacement of any exterior feature should the feature be in a condition that is deemed unsightly. Exterior features include, but are not limited to, the following: (1) Exterior parging (2) Exterior wall finish (3) Roofs and eaves (4) Doors and windows (5) Porches, attached/detached garages, stairs, steps or any other feature appurtenant to the property (6) Decks and patios (7) Fences

#### Foundation Walls and Foundation Supports

4. (a) Every foundation wall forming part of a building shall be maintained in good repair and structurally sound so as to prevent undue settlement of the building or the entrance of moisture, insects or rodents. Where necessary, the foundation walls shall be so maintained by shoring of the walls, installing of subsoil drains at the footing, grouting masonry cracks and by parging and waterproofing.
- (b) Where any building is on a surface foundation and the designated officer is of the opinion that there is settlement or rotting of the beams or joists to such a degree as to adversely affect the habitability of the building, the building may be required to be jacked up, floors be levelled, broken or rotted flooring

be renewed, and a concrete surface foundation be constructed or concrete piers be installed in compliance with the provisions of the RM of Thompson Building By-law.

(c) Basement walls and floors shall be of material impervious to ground or other external moisture factors. The floor shall be so constructed as to effectively drain all water into a floor drain which is connected to a sewerage system or some other approved system.

#### Structurally Sound

5. (a) Basement, cellar or crawl space floors shall be maintained in good repair and structurally sound and where necessary shall be so maintained by the installation of subsoil drains at the footing, grouting cracks, parging and damp-proofing.

(b) Every part of a building shall be maintained in a structurally sound condition so as to be capable of sustaining safely its own weight and any load to which it may be subject.

(c) Materials which have been damaged or show evidence of rot or other deterioration shall be repaired or replaced.

(d) The designed officer may require that a structural analysis of the building be carried out by a professional structural engineer licensed to practice in the Province of Manitoba.

#### Exterior Walls

6. (a) Every exterior wall shall be free of holes, breaks, loose or rotting boards or timbers, and any other conditions which might admit the entry of rodents or other pests, rain or dampness to the interior portions of the walls or the interior spaces of the building. Such defective materials or objects shall be removed, repaired or replaced.

(b) All exterior surfaces shall be made of materials which provide adequate protection from the weather.

(c) The exterior walls and their components shall be maintained in a manner that prevents their deterioration due to weather. Maintenance of the exterior walls and their components may consist of wall restoration or repair, coping or flashing, waterproofing of the joints and walls, or coverage with a protective surface where this is necessary to resist deterioration of the structural surface.

#### Roof

7. (a) A roof includes the fascia board, soffit, cornice and flashing, all of which shall be maintained in a watertight condition to prevent leakage into the building. Without limiting the generality of this section, the required maintenance may include the eaves troughing and rainwater piping repair or other means as deemed acceptable by the designated officer.

(b) The protective surface of a roof shall be maintained in good repair otherwise replacement of the protective surface may be required if deemed necessary by the designated officer.

(c) Dangerous accumulations of snow or ice or both shall be removed from the roof of any building or part thereof.

#### Dampness

8. The interior floors, ceilings and walls shall be kept free from dampness that may result from the entrance of moisture through an exterior wall, roof or through a cellar, basement or crawl space floor.

#### Doors and Windows

9. (a) Every exterior door to a commercial building and every door to a commercial unit within a building, when closed, shall fit reasonably well within its frame and shall have hardware so it is capable of being locked from both inside and outside.

(b) All windows intended to be opened shall be equipped with hardware, so they are capable of being locked or otherwise secured from the inside of the building. Every window shall be properly glazed and in good repair.

(c) All windows doors, basement or cellar hatchways and their frames shall be constructed and maintained in regard to wall construction, to completely exclude rain and to substantially exclude wind from entering the structure.

(d) The designated officer may require the repair/replacement of doors, door frames, window frames, sashes casings and door and window hardware or the refitting of doors and windows, installation of weather-stripping and window reglazing.

(e) Every opening in an exterior wall used or required for ventilation or illumination, and not protected by a window or door, and may permit the entry of rodents or vermin shall be screened with wire mesh, metal grille, or another durable material, or otherwise protected to effectively prevent the entry of rodents or vermin.

#### Porches, Sheds, Stairs

10. Every porch, shed and stairway in, on or appurtenant to a property shall be maintained in good repair so that no component is broken, loose, rotted, warped, out-of-plumb, off-level or out of alignment to which it was designed or constructed, or is without a protective surface.

#### Handrails and Guards

11. (a) Every interior stair that has more than two risers shall have the sides of the stair and the landing or floor level around the stair well enclosed by walls or protected by guards on both sides compliant with the Code.

(b) Handrails for stairs shall be not less than 800 mm and not more than 965 mm above a line drawn through the outside edges of the stair nosings and 1070 mm above landings or as per Code requirements.

(c) Every exterior stair with more than three risers and every exterior landing or porch exceeding 600 mm or more above grade, and every balcony, mezzanine, gallery, raised walkway, and roof, to which

access is provided for other than maintenance purposes, shall be protected by guards on all open sides or per Code requirements.

(d) Guards around stairs shall be at least 920 mm in height. All other guards shall be at least 1070 mm in height or as per Code requirements.

(e) Guards around exterior stairs and landings more than 10 m above the adjacent ground level shall be at least 1500 mm in height.

(f) Openings through a guard shall be sized as to prevent the passage of spherical objects having a diameter of 100 mm or as per Code requirements.

(g) All handrails and guards shall be maintained in good repair and shall be firmly attached to provide adequate protection against accident and injury.

#### Exterior Fire Escapes

12. A fire escape may be considered a second and separate means of egress for a building, provided it is constructed in conformance with the Code:

(1) An existing fire escape will be acceptable as an exit provided it is in a safe condition as determined by the designated officer. If repairs are required, those repairs shall be made in conformance to the Code.

(2) If a new fire escape is required, it shall be constructed entirely in conformance with the Code. Prior to construction, drawings and material specifications shall be submitted to the designated officer for approval. (3) Where the construction of a new fire escape or the repair of an existing fire escape is required, the designated officer may require that a structural analysis be performed on said fire escape by a professional structural engineer licensed to practice in the Province of Manitoba and that all remedial action cited in the aforementioned structural analysis be completed to the satisfaction of the professional structural engineer.

#### Walls and Ceilings

13. Every wall and ceiling in a commercial building including door jams and stops, baseboards, and other components, shall be maintained in good condition and free from holes, large cracks, loose plaster and accident hazards. The designated officer, where he deems necessary, may require that any of the aforementioned components be renewed.

#### Floors

14. (a) Every floor shall be free of loose, warped, protruding or rotting floor boards, shall be free of holes or cracks and other defects that could be fire or accident hazards, and shall be maintained in a clean and sanitary condition.

(b) Floor coverings shall be in good repair, well fitted and capable of being easily kept clean.

(c) Any vertical opening in a floor, including but not limited to, service spaces, chutes, air vents and elevator shafts, must be covered or barricaded in a manner that prevents accident or injury.

### Sewage and Drainage

15. (a) No roof drainage or surface drainage shall be discharged on stairs or neighbouring property, all such drainage shall be conveyed so that it does not cause dampness in the walls, ceilings, or floors of any portion of the building itself or any adjacent building.

(b) Sewage shall only be discharged into a sewerage system in accordance with the provisions of the Village of Miami's Water and Wastewater Control By-law.

(c) Sewage shall not be discharged onto the surface of the ground whether it be a natural or artificial drainage system or otherwise.

(d) Rainwater shall not be discharged into the RM of Thompson sewerage system by means of conduit. Such drainage shall be directly or indirectly channelled into the storm sewer system or into surface drainage channels. Drainage by way of weeping tiles into the RM of Thompson sewerage system shall be allowed. Water Supply 16. Every commercial building shall be provided with an adequate supply of potable running water pursuant to the RM of Thompson Water and Wastewater Control By-Law.

### Water Supply

16. Every commercial building shall be provided with an adequate supply of potable running water pursuant to the Rural Municipality of Thompson's Water and Wastewater Control By-Law.

### Maintenance of Yards

17. (a) A yard shall be kept free and clean from: (1) rubbish, garbage, and other debris; (2) wrecked, dismantled, partially dismantled vehicles, trailers and other machinery or any parts thereof; and (3) objects and conditions, including holes and excavations, that are health, fire or accident hazards.

(b) A yard shall be graded in such a manner as to prevent the excessive or recurrent ponding of storm water or the entrance of water into a basement or cellar and shall be cultivated or protected with a suitable ground cover to prevent erosion of the soil.

(c) Vegetation in yards surrounding vacant commercial buildings must be kept trimmed or in a manner that is satisfactory to the designated officer.

### Walks

18. (a) A walk shall be provided from the principal entrance of every building to a public street or to a driveway affording access to a public street and such walk shall be kept reasonably clear of snow and ice.

(b) Every sidewalk, driveway and parking space and all exterior steps shall be kept in good repair and shall be maintained so as to afford safe passage under normal use and weather conditions.

### Fences and Accessory Buildings

19. All fences and accessory buildings shall be kept weather resistant, in good repair, and free from health, fire and accident hazards.

#### Garbage Disposal

20. Garbage disposal shall be in accordance with the RM of Thompson's Solid Waste Collection and Disposal By-law.

#### Unsafe Conditions and Dangerous Buildings

21. When a commercial building or structure or part thereof, or a well, excavation, or opening, is in an unsafe condition, the designated officer may proceed to take action pursuant to the provisions contained in the RM of Thompson's Building By-law as it relates to unsafe conditions.

#### Hazardous Conditions

22. No commercial building, or any part thereof, or the lot upon which it is situated shall be used as a place of storage, keeping or handling of any article dangerous or detrimental to life or health, nor of any combustible article, except under such conditions as may be prescribed by the designated officer of the Fire and Emergency Services under authority of a written permit issued by him.

#### Hazardous Materials

23. The owner must ensure that a copy of the records of the inventory and annual inspection of the hazardous materials contained in a property are available for reference by the designated officer as per the Manitoba Workplace Safety and Health Act & Regulations.

#### Heating Requirements

24. Vacant commercial buildings shall be heated so that the temperature therein does not fall below 10 degrees Celsius unless an assessment performed by a professional structural engineer licensed to practice in the Province of Manitoba has deemed it acceptable and safe for the building to remain without heat.

#### Gas and Open Flame Appliances

25. All appliances within a commercial building using open flames such as gas stoves, gas water heaters or other gas appliances must be in good repair and shall be provided with suitable exhaust piping or flues or other adequate means for the removal of the products of combustion.

#### Ventilation

26. (a) Every basement, cellar, crawl space or similar enclosed space within a building must be ventilated sufficiently to prevent the occurrence of mold, mildew and condensation and shall provide an exchange of fresh air.

(b) All open or enclosed spaces within a commercial building shall be adequately ventilated, and access of sufficient size to permit entry shall be provided.

#### Plumbing

27. All plumbing in a commercial building including but not limited to plumbing fixtures, drains, water pipes and connecting lines to the water and sewer system shall be protected from freezing, shall be maintained in good working order. All plumbing shall be free from leaks and defects and meet the requirements of the RM of Thompson's Building By-law and Water and Wastewater Control By-law.

#### Electrical Services

28. (a) Commercial buildings shall be hardwired to an electrical supply system. A continuous supply of hardwired electric power must be available to all areas of the building which shall include, but will not be limited to, the minimum lighting requirements deemed necessary by the Code.

(b) The capacity of the electrical service to the commercial building, and the system of circuits distributing the electrical service throughout the building, shall be adequate for the actual or intended use of the building. The designated officer may require that a Certificate of Approval from Manitoba Hydro be provided for the building.

#### Fire Safety Plan

29. The owner of a commercial building to which Part 3 of the Manitoba Building Code applies, or a building to which Part 9 of the Manitoba Building Code applies and in which a fire alarm or sprinkler system has been installed, must submit a Fire Safety Plan with the designated officer within 90 days of the building being identified as vacant.

#### Fire Protection Systems

30. A fire protection system must remain operational and be connected to an approved fire signal receiving centre in compliance with CAN/ULC-S561-03, adopted and published by the Underwriter's Laboratories of Canada, so that Fire and Emergency Services are notified of a fire alarm activation in the building.

## **SCHEDULE B TO BY-LAW NO. 8-2021**

### **MAINTENANCE STANDARDS FOR RESIDENTIAL BUILDINGS**

#### Re-occupancy of Vacant Residential Buildings

1. Prior to re-occupancy, a Vacant Residential Building for which a Vacant Building Certificate has been issued must comply, or be made to comply with the Municipality of Thompson Building Safety and Property Standards By-Law.

#### Certificate of Re-Occupancy

2. (a) A Certificate of Re-Occupancy is required for all Vacant Residential Buildings for which a Vacant Building Certificate has been issued prior to re-occupancy; and

(b) A Vacant Residential Building may require upgrading, including but not limited to, in order to meet the following objectives of the Code prior to re-occupancy: (1) Safety (2) Health (3) Accessibility for persons with disabilities (4) Fire and structural protection of buildings

#### Heritage Buildings

3. (a) Repairs, alterations and additions necessary for the preservation, restoration, rehabilitation or continued use of a building or structure may be made without conformance to all requirements of the Code when authorized by a designated officer, provided: (1) the building or structure has been designated as a Heritage Building; and (2) any unsafe conditions as described in the Code or this by-law are corrected; and (3) the restored building or structure will be no more hazardous based on life safety, fire safety and sanitation than the existing building.

(b) The designated officer may require that a Code analysis of the building be carried out by a professional designer licensed to practice in the Province of Manitoba prior to re-occupancy.

#### Exterior Aesthetic Condition

4. (a) The designated officer may require the repair or replacement of any exterior feature should the feature be in a condition that is deemed unsightly. Exterior features, include but are not limited to, the following: (1) Exterior parging (2) Exterior wall finish (3) Roofs and eaves (4) Doors and windows (5) Porches, attached/detached garages, stairs, steps or any other feature appurtenant to the property (6) Decks and patios (7) Fences

#### Foundation Walls and Foundation Supports

5. (a) Every foundation wall forming part of a building shall be maintained in good repair and structurally sound so as to prevent undue settlement of the building or the entrance of moisture, insects or rodents. Where necessary the foundation walls shall be so maintained by shoring of the walls, installing of subsoil drains at the footing, grouting masonry cracks and by parging and waterproofing.

(b) Where any building is on a surface foundation and the designated officer is of the opinion that there is settlement or rotting of the beams or joists to such a degree as to adversely affect the habitability of the building, the building may be required to be jacked up, floors be leveled, broken or rotted flooring be renewed, and a concrete surface foundation be constructed or concrete piers be installed in compliance with the provisions of the RM of Thompson's Building By-law.

(c) Basement walls and floors shall be of material impervious to ground or other external moisture factors. The floor shall be so constructed as to effectively drain all water into a floor drain which is connected to a sewerage system or some other approved system.

#### Structurally Sound

6. (a) Basement, cellar or crawl space floors shall be maintained in good repair and structurally sound and where necessary shall be so maintained by the installation of subsoil drains at the footing, grouting cracks, parging and damp-proofing.

(b) Every part of a building shall be maintained in a structurally sound condition so as to be capable of sustaining safely its own weight and any load to which it may be subject.

(c) Materials which have been damaged or show evidence of rot or other deterioration shall be repaired or replaced.

(d) The designated officer may require that a structural analysis of the building, or a portion thereof, be carried out by a professional structural engineer licensed to practice in the Province of Manitoba.

#### Exterior Walls

7. (a) Every exterior wall shall be free of holes, breaks, loose or rotting boards or timbers, and any other conditions which might admit the entry of rodents or other pests, rain or dampness to the interior portions of the walls or the interior spaces of the building. Such defective materials or objects shall be removed, repaired or replaced.

(b) All exterior surfaces shall be of made materials which provide adequate protection from the weather.

(c) The exterior walls and their components shall be maintained in a manner that prevents their deterioration due to weather. Maintenance of the exterior walls and their components may consist of wall restoration or repair, coping or flashing, waterproofing of the joints and walls, or coverage with an acceptable protective surface where this is necessary to resist deterioration of the structural surface.

#### Roof

8. (a) A roof includes the fascia board, soffit, cornice and flashing, all of which shall be maintained in a watertight condition to prevent leakage into the building. Without limiting the generality of this section, the required maintenance may include the eaves troughing and rainwater piping repair or other means as deemed acceptable by the designated officer.

(b) The protective surface of a roof shall be maintained in good repair deterioration otherwise replacement of the protective surface may be required if deemed necessary by the designated officer.

(c) Dangerous accumulations of snow or ice or both shall be removed from the roof of any building or part thereof.

#### Dampness

9. The interior floors, ceilings and walls shall be kept free from dampness that may result from the entrance of moisture through an exterior wall, roof or through a cellar, basement or crawl space floor.

#### Doors and Windows

10. (a) Every exterior door to a residential building and every door to a dwelling unit and every other door to rooms occupied by boarders or lodgers, when closed, shall fit reasonably well within its frame and shall have hardware so it is capable of being locked from both inside and outside.

(b) All doors to dwelling units and/or boarding or lodging units must allow persons within the respective unit to exit without use of a key and must not be secured with a lock and hasp.

(c) All windows intended to be opened shall be equipped with hardware, so they are capable of being locked or otherwise secured from the inside of the building. Every window shall be properly glazed and in good repair.

(d) All windows doors, basement or cellar hatchways and their frames shall be constructed and maintained in regard to wall construction, to completely exclude rain and to substantially exclude wind from entering the structure.

(e) The designated officer may require the repair/replacement of doors, door frames, window frames, sashes casings and door and window hardware, or the refitting of doors and windows, installation of weather-stripping and window reglazing.

(f) Every opening in an exterior wall used or required for ventilation or illumination, and is not protected by a window or door, and may permit the entry of rodents or vermin shall be screened with wire mesh, metal grille, or other durable material, or otherwise protected to effectively prevent the entry of rodents or vermin.

#### Screens and Storm Doors

11. (a) Close-fitting screen doors when provided shall be maintained in good condition.

(b) Storm sashes used in windows required for ventilating purposes shall be provided with sliding or hinged sub-sashes or with any other opening device satisfactory to the designated officer.

(c) Where storm windows are installed in a residential building, such windows shall be kept in good repair and glazed.

(d) Where considered necessary by the designated officer, properly fitting storm doors or storm windows shall be provided in a residential building.

#### Porches, Sheds, Stairs

12. Every porch, shed and stairway in, on or appurtenant to a property shall be maintained in good repair so that no component is broken, loose, rotted, warped, out-of-plumb, off-level or out of alignment to which it was designed or constructed, or is without a protective surface.

#### Handrails and Guards

13. (a) Every interior stair that has more than two risers shall have the sides of the stair and the landing or floor level around the stair well enclosed by walls or protected by guards at least 900 mm in height on both sides.

(b) Handrails for stairs shall be not less than 800 mm and not more than 965 mm above a line drawn through the outside edges of the stair nosings and 1070 mm above landings.

(c) Every exterior stair with more than three risers and every exterior landing or porch exceeding 600 mm or more above grade, and every balcony, mezzanine, gallery, raised walkway, and roof, to which access is provided for other than maintenance purposes, shall be protected by guards.

(d) All guards shall be at least 1070 mm high, except for guards within dwelling units, guards within houses with secondary suites and guards around interior flights of stairs which shall be at least 900 mm in height above a line drawn through the outside edges of the stair nosings.

(e) Guards around exterior stairs and landings not more than 1.8 m above the adjacent ground level shall be at least 900 mm in height. Guards around exterior stairs and landings more than 1.8 m above the adjacent ground level shall be at least 1070 mm in height.

(f) Openings through a guard shall be sized to prevent the passage of spherical objects having a diameter of 100 mm.

(g) All handrails and guards shall be maintained in good repair and shall be firmly attached to provide adequate protection against accident and injury.

#### Exterior Fire Escapes

14. (a) A fire escape may be considered a second and separate means of egress for a building, provided it is constructed in conformance with the Code.

(1) An existing fire escape will be acceptable as an exit provided it is in safe condition as determined by the designated officer. If repairs are required, those repairs shall be made in conformance to the Code.

(2) If a new fire escape is required, it is to be constructed entirely in conformance with the Code and prior to construction, drawings and material specifications are required to be submitted to the designated officer for approval. (3) Where the construction of a new fire escape or the repair of an existing fire escape is required, the designated officer may require that a structural analysis be

performed on said fire escape by a professional structural engineer licensed to practice in the Province of Manitoba and that all remedial action cited in the aforementioned structural analysis be completed to the satisfaction of the professional structural engineer.

#### Walls and Ceilings

15. (a) Every wall and ceiling in a residential building including door jams and stops, baseboards, and other components, shall be maintained in good condition and free from holes, large cracks, loose plaster and accident hazards. The designated officer, where he deems necessary, may require that any of the aforementioned components be renewed.

(b) Waterproof wall finish shall be provided: (1) To a height of at least 1.8 m above the floor in shower stalls; (2) To a height of at least 1.2 m above the rims of bathtubs equipped with showers; and (3) To a height of at least 400 mm above the rims of bathtubs not equipped with showers.

(c) Acceptable waterproof wall finishes include ceramic, plastic or metal tile, sheet vinyl, tempered hardboard, laminated thermosetting decorative sheets or linoleum.

#### Floors

16. (a) Every floor shall be free of loose, warped, protruding or rotting floor boards, shall be free of holes or cracks and other defects that could be fire or accident hazards, and shall be maintained in a clean and sanitary condition.

(b) Floor coverings shall be in good repair, well fitted and capable of being easily kept clean.

#### Sewage and Drainage

17. (a) No roof drainage or surface drainage shall be discharged on stairs or neighbouring property and all such drainage shall be conveyed so that it does not cause dampness in the walls, ceilings, or floors of any portion of the building itself or any adjacent building.

(b) Sewage shall only be discharged into a sewerage system in accordance with the provisions of the RM of Thompson's Water and Wastewater Control By-law.

(c) Sewage shall not be discharged onto the surface of the ground whether it be a natural or artificial drainage system or otherwise.

(d) Rainwater shall not be discharged into the RM of Thompson sewerage system by means of conduit. Such drainage shall be directly or indirectly channelled into the storm sewer system or into surface drainage channels. Drainage by way of weeping tiles into the RM of Thompson sewerage system shall not be allowed.

#### Water Supply

18. (a) Every dwelling shall be provided with an adequate supply of potable running water pursuant to the RM of Thompson's Water and Wastewater Control By-Law.

(b) Every sink, wash basin, bathtub or shower that is used for sanitary purposes in a dwelling shall have an adequate supply of hot and cold running water and every water closet shall have an adequate supply of running water.

(c) Hot water supplied to a dwelling shall be capable of meeting a minimum temperature of 43 degrees Celsius at each tap.

#### Maintenance of Yards

19. (a) A yard shall be kept free and clean from: (1) rubbish, garbage, and other debris; (2) wrecked, dismantled, partially dismantled vehicles, trailers and other machinery or any parts thereof; and (3) objects and conditions, including holes and excavations, that are health, fire or accident hazards.

(b) A yard shall be graded in such a manner as to prevent the excessive or recurrent ponding of storm water or the entrance of water into a basement or cellar and shall be cultivated or protected with a suitable ground cover to prevent erosion of the soil.

(c) Vegetation in yards surrounding vacant dwellings must be kept trimmed or in a manner that is reasonably satisfactory to the designated officer.

#### Walks

20. (a) A walk shall be provided from the principal entrance of every building to a public street or to a driveway affording access to a public street and such walk shall be kept reasonably clear of snow and ice.

(b) Every sidewalk, driveway and parking space and all exterior steps shall be kept in good repair and shall be maintained so as to afford safe passage under normal use and weather conditions.

#### Fences and Accessory Buildings

21. All fences and accessory buildings shall be kept weather resistant, in good repair, and free from health, fire and accident hazards.

#### Garbage Disposal

22. Garbage disposal shall be in accordance with the RM of Thompson's Solid Waste Collection and Disposal By-law.

#### Unsafe Conditions and Dangerous Buildings

23. When a residential building or structure or part thereof, or a well, excavation or opening, is in an unsafe condition, the designated officer may proceed to take action pursuant to the provisions contained in the RM of Thompson's Building By-law as it relates to unsafe conditions.

#### Hazardous Conditions

24. No residential building, or any part thereof, or the lot upon which it is situated shall be used as a place of storage, keeping or handling of any article dangerous or detrimental to life or health, nor of any combustible article, except under such conditions as may be prescribed by a designated officer of the Fire and Emergency Services under authority of a written permit issued by him.

#### Hazardous Materials

25. The owner must ensure that a copy of the records of the inventory and annual inspection of the hazardous materials contained in a property are available for reference by the designated officer as per the Manitoba Workplace Safety and Health Act & Regulations.

#### Heating Requirements

26. (a) Residential vacant buildings shall be heated so that the temperature therein does not fall below 10 degrees Celsius.

(b) Any space within a residential building containing fuel-burning equipment shall have a natural or mechanical means of supplying fresh air for combustion and shall be vented in compliance with the Manitoba Building Code.

(c) All chimneys, smoke pipes and flues of a residential building shall not permit any gases, water or other liquid to leak into the dwelling, shall be clear of obstructions and shall have no defective masonry or metal components.

(d) Where a heating system or part of a heating system in a residential building burns solid or liquid fuel, a receptacle approved by the Department of Labour for the storage of fuel must be provided and maintained in a location that is free from fire or other hazards.

(e) A designated officer may require that a Certificate of Approval from Manitoba Hydro be provided for a fuel-burning appliance.

(f) Every fireplace used or intended to be used in a residential building for burning fuels in open fires shall be maintained so that adjacent combustible material and structural members shall not be heated to unsafe temperatures.

(g) Solid fuel burning appliance must comply with the latest standards referenced in the Code.

#### Gas and Open Flame Appliances

27. All appliances within a residential building using open flames such as gas stoves, gas water heaters or other gas appliances must be in good repair and shall be provided with suitable exhaust piping or flues or other adequate means for the removal of the products of combustion.

#### Ventilation

28. (a) Every basement, cellar, crawl space or similar enclosed space within a building must be ventilated sufficiently to prevent the occurrence of mold, mildew and condensation and shall provide an exchange of fresh air.

(b) All open or enclosed spaces within a residential building shall be adequately ventilated, and access of sufficient size to permit entry shall be provided.

#### Plumbing

29. All plumbing in a residential building including but not limited to plumbing fixtures, drains, water pipes and connecting lines to the water and sewer system shall be protected from freezing, shall be maintained in good working order. All plumbing shall be free from leaks and defects and meet the requirements of the RM of Thompson's Building By-law and Water and Wastewater Control By-law.

#### Electrical Services

30. (a) Residential buildings shall be hardwired to an electrical supply system. A continuous supply of hardwired electric power must be available to all areas of the building which shall include, but will not be limited to, the minimum lighting requirements deemed necessary by the Code.

(b) The capacity of the electrical service to the residential building and the system of circuits distributing the electrical service throughout the building shall be adequate for the actual or intended use of the building. A designated officer may require that a Certificate of Approval from Manitoba Hydro be provided. Smoke Alarm and Carbon Monoxide Alarm Systems 31. All residential buildings used as revenue earning or rental dwelling units, shall contain at least one smoke alarm or carbon monoxide (CO) alarm certified by the Underwriters Laboratories of Canada (ULC) or Canadian Standards Association (CSA).

**SCHEDULE C TO BY-LAW NO. 8-2021**

**ORDER TO MAINTAIN**

TO: \_\_\_\_\_, as registered owner

FROM: Rural Municipality of Thompson

PURSUANT to The Rural Municipality of Thompson Residential and Commercial Buildings Maintenance By-law No. 8-2021, an Inspector for the Rural Municipality of Thompson has inspected the land, building and premises commonly known as: *(civic address)*, in the Village of Miami, in Manitoba, said property being legally described as:

*( LEGAL DESCRIPTION and ROLL NUMBER )*

the registered owner of the said property being:

*( NAME OF REGISTERED OWNER )*

and as a result of this inspection, the Inspector is satisfied that the land, building, and premises do not comply with the standards prescribed in the said By-law in that:

*( LIST OF NON-COMPLIANCE ITEMS )*

The above are contraventions of Section(s)

*( LIST SECTION NUMBERS OF BY-LAW CONTRAVENTIONS )*

PURSUANT to SECTION 7 of the said By-law, {NAME OF INSPECTOR}, being an Inspector of the Rural Municipality of Thompson, herewith orders you to bring the property into conformity with the provisions of the said by-law and herewith orders you to bring the said property into conformity with the provisions of the said by-law within \_\_\_\_\_ days from the date of service of this Order.

A BUILDING PERMIT UNDER THE MSTW BUILDING BY-LAW WILL BE REQUIRED TO DO THE WORK NECESSARY TO COMPLY WITH THE VACANT AND DERELICT BUILDING STANDARDS BY-LAW.

PURSUANT to SECTION 11 of the said by-law, the owner(s) or a person authorized in writing by him/her to act on his/her behalf, may appeal this Order or any provisions hereof by filing with the Office of the Rural Municipality of Thompson, a NOTICE OF OBJECTION within FOURTEEN (14) DAYS following the service of this Order.

SECTION 14 of the said by-law provides:

"Where an owner has failed to comply with an Order either of an inspector or an Order made by the Committee, as the case may be, then the Authority having jurisdiction may cause the nonconformance to be corrected without any further notice to the owner. The entire costs of correcting the non-conformance are considered an amount owing to the municipality as per provisions of The Municipal Act and shall be added to the taxes of the owner."

SIGNED at the Village of Miami, in Manitoba, this     day of     A.D. 2021.

RURAL MUNICIPALITY OF THOMPSON

PER:

\_\_\_\_\_ DESIGNATED OFFICER

**SCHEDULE D TO BY-LAW NO. 8-2021**  
**PRELIMINARY DERELICT BUILDING ORDER**

RE:           ( *legal description of property* )

commonly known as       ( *civic address* )       in the Village of Miami:

WHEREAS the registered owner of the above-noted property has been found guilty of contravening the Rural Municipality of Thompson Residential and Commercial Buildings Maintenance By-law No. 8-2021, 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 Rural Municipality of Thompson Residential and Commercial Buildings Maintenance By-law that the property continues to be in contravention of the By-law;

THEREFORE, TAKE NOTICE THAT

The above-noted property is a derelict property as defined in The Municipal Act of Manitoba.

The above-noted property may be transferred to the Rural Municipality of Thompson if it is not brought into compliance with the Rural Municipality of Thompson Residential and Commercial Buildings Maintenance By-law within ninety (90) days after this Order has been served on the registered owner.

AND FURTHER TAKE NOTICE THAT

You may have a right to appeal this Order to the Building Standards Committee of the Rural Municipality of Thompson. Your appeal must be in writing and must be received by the Office of the Rural Municipality of Thompson at 530 Norton Avenue in Miami, Manitoba, within ninety (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 \_\_\_\_\_ By-law No. 8-2021--- please contact     at 204 435-2114.

Designated Officer \_\_\_\_\_ Date \_\_\_\_\_

**SCHEDULE E TO BY-LAW NO. 8-2021**

**SECOND NOTICE OF A PRELIMINARY DERELICT BUILDING ORDER**

RE: *(legal description of property)*

commonly known as *(civic address)* in the Village of Miami:

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

AND WHEREAS more than thirty (30) days have passed since all the persons required by The Municipal Act of Manitoba 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 RM of Thompson Residential and Commercial Buildings Maintenance By-law 8-2021;

THEREFORE TAKE NOTICE THAT Unless the above-noted property is brought into compliance with the By-law within sixty (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 Rural Municipality of Thompson; 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 By-law to the Office of the Rural Municipality of Thompson. Your appeal must be in writing and must be received by the Office of the Rural Municipality of Thompson at 530 Norton Avenue in the Village of Miami, Manitoba within sixty (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 By-law please contact \_\_\_\_\_ at 204 435-2114.

Designated Officer \_\_\_\_\_ Date \_\_\_\_\_

**SCHEDULE F TO BY-LAW NO. 8-2021**

**STATUTORY DECLARATION**

RE: (legal description of property)

commonly known as (civic address) in the Village of Miami:

I, \_\_\_\_\_, a Designated Officer for the purposes of the Rural Municipality of Thompson Residential and Commercial Buildings Maintenance By-law No. 8-2021,

MAKE OATH (OR AFFIRM) AND SAY THAT

A Preliminary Derelict Building Order in respect of the above-noted property was issued on (date) (Exhibit A) and a Second Notice of a Preliminary Derelict Building Order in respect of the above-noted property was issued on (date) (Exhibit B). 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 The Municipal Act of Manitoba.

The time period for bringing the above-noted property into compliance with the Residential and Commercial Buildings Maintenance 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 Rural Municipality of Thompson who are authorized to enforce the Residential and Commercial Buildings Maintenance 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 2021, in the Village of Miami in the Province of Manitoba.

Signature of Designated Officer \_\_\_\_\_ A (Commissioner of Oaths/Notary Public) in and for the Province of Manitoba. My commission expires on \_\_\_\_\_.

**SCHEDULE G TO BY-LAW NO. 8-2021**

**APPLICATION FOR DERELICT BUILDING CERTIFICATE**

RE: (*legal description of property*) commonly known as (*civic address*) in the Village of Miami:

I, \_\_\_\_\_, a Designated Officer for the purposes of the Rural Municipality of Thompson Residential and Commercial Buildings Maintenance By-law No. 8-2021,

HEREBY MAKE APPLICATION TO THE RURAL MUNICIPALITY OF THOMPSON COUNCIL FOR A DERELICT BUILDING CERTIFICATE.

A Preliminary Derelict Building Order in respect of the above-noted property was issued on (*date*) (Exhibit A) and a Second Notice of a Preliminary Derelict Building Order in respect of the above-noted property was issued on (*date*) (Exhibit B). 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 The Municipal Act of Manitoba.

The time period for bringing the above-noted property into compliance with the Residential and Commercial Buildings Maintenance 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 order as varied has not been complied with.

I am satisfied on the basis of inspections carried out by me or by other employees of the Rural Municipality of Thompson who are authorized to enforce the Residential and Commercial Buildings Maintenance 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 2021, in the Village of Miami in the Province of Manitoba.

Signature of Designated Officer \_\_\_\_\_ A (Commissioner of Oaths/Notary Public)  
in and for the Province of Manitoba. My commission expires on \_\_\_\_\_.

**SCHEDULE H TO BY-LAW NO. 8-2021**

**Notice of Intent for Demolition of Unsafe Residential or Commercial Building**

TO: \_\_\_\_\_, as registered owner

FROM: Rural Municipality of Thompson

PURSUANT to The Rural Municipality of Thompson Residential and Commercial Buildings Maintenance By-law No. 8-2021, an Inspector for the Rural Municipality of Thompson has inspected the land, building and premises commonly known as: (civic address) , in the Village of Miami, in Manitoba,

said property being legally described as:

( LEGAL DESCRIPTION and ROLL NUMBER )

the registered owner of the said property being:

( NAME OF REGISTERED OWNER )

and as a result of this inspection, the Inspector is satisfied that the land, building, and premises do not comply with the standards prescribed in the said By-law in that:

( LIST OF NON-COMPLIANCE ITEMS RENDERING THE PROPERTY UNSAFE )

The above is/are contraventions of Part V Section 31.

PURSUANT to PART VI SECTION 37 of the said by-law, the owner(s) or a person authorized in writing by him/her to act on his/her behalf, may appeal this Order or any provisions hereof by filing with the Office of the Rural Municipality of Thompson, a NOTICE OF OBJECTION within FOURTEEN (14) DAYS following the service of this Order.

SIGNED at the Village of Miami, in Manitoba, this      day of      A.D. 2021.

RURAL MUNICIPALITY OF THOMPSON

PER:

\_\_\_\_\_ DESIGNATED OFFICER

**SCHEDULE I**

**TO BY-LAW NO. 8-2021**

**Notice of Demolition of Unsafe Residential or Commercial Building**

TO: \_\_\_\_\_, as registered owner

FROM: Rural Municipality of Thompson

PURSUANT to The Rural Municipality of Thompson Residential and Commercial Buildings Maintenance By-law No. 8-2021, an Inspector for the Rural Municipality of Thompson inspected the land, building and premises commonly known as: (civic address) , in the Village of Miami, in Manitoba,

said property being legally described as:

( LEGAL DESCRIPTION and ROLL NUMBER )

the registered owner of the said property being:

( NAME OF REGISTERED OWNER )

AND WHEREAS a Notice of Intent for Demolition of an Unsafe Residential or Commercial Building has issued on \_\_\_\_\_. (copy attached);

AND WHEREAS the time period within which an appeal against the Notice of Intent for Demolition of an Unsafe Residential or Commercial Building 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.

THEREFORE TAKE NOTICE THAT the building or buildings on the above noted property will be scheduled for demolition by the Rural Municipality of Thompson;

AND FURTHER TAKE NOTICE THAT total cost of demolition of the above noted property will be considered a cost owing to the Municipality pursuant to provisions of The Municipal Act and may be collected by the Municipality in the same manner as a tax may be collected or enforced in accordance with The Municipal Act.

SIGNED at the Village of Miami, in Manitoba, this     day of     A.D. 2021.

RURAL MUNICIPALITY OF THOMPSON

PER:

\_\_\_\_\_ DESIGNATED OFFICER