



Town of Newmarket  
395 Mulock Drive P.O. Box 328,  
Newmarket, Ontario, L3Y 4X7

Email: [info@newmarket.ca](mailto:info@newmarket.ca) | Website: [newmarket.ca](http://newmarket.ca) | Phone: 905-895-5193

## **Vacant/Derelict Buildings Information Report to Council**

Report Number: INFO-2020-32

Department(s): Planning and Building Services

Author(s): Phoebe Chow, Senior Planner – Policy

Distribution Date: September 11, 2020

In accordance with the Procedure By-law, any member of Council may make a request to the Town Clerk that this Report be placed on an upcoming Committee of the Whole agenda for discussion.

### **Purpose**

The purpose of this report is to inform Council of the research that Planning staff has done regarding a vacant building registry and derelict building development charge credits.

### **Background**

This information report came as a result of Council expressing an interest in finding ways to reduce the occurrences of vacant/derelict buildings that exist throughout the Town. Specifically, Council at its September 30, 2020 meeting requested “that staff circulate an information report related to derelict properties, including information regarding demolition requirements and any impediments that may apply”. In certain instances, vacant/derelict buildings can negatively impact neighbourhoods and individuals by becoming dilapidated, thereby causing hazards, becoming unsightly, becoming infested with pests and attracting trespassers.

### **Discussion**

As discussed below, there are two main ways municipalities can address vacant/derelict buildings: through the use of vacant building by-laws and registries, and by providing development charge credits.

## Vacant Building By-laws and Registries

Some municipalities have adopted a Vacant Building Registry to reduce the number of vacant buildings. Generally, a Vacant Building Registry is a list of buildings that have been vacant for a certain period of time in accordance with a corresponding Vacant Building By-law.

This Registry is governed by a *Municipal Act* by-law, which typically sets out requirements/process such as registration; owner’s responsibilities; inspection by municipal by-law enforcement staff, and a penalty. Some municipalities such as [City of Brampton](#) and [City of London](#) have Vacant Building By-laws, but they do not have Vacant Building Registries; some have both. Municipalities that have established a vacant building by-law, but without a registry tend to focus more on safety from Building Code and Fire Code perspectives. Those that have established a Vacant Building Registry also focus on on-going monitoring of vacant buildings. Attachment 1 provides a comparison of Vacant Building By-laws/Registries from City of Brantford, City of Hamilton, and City of Welland.

Table 1 below sets out some of the advantages and limitations for establishing a vacant building by-law and/or registry.

Advantages	Limitations
Regulates standards for vacant buildings to ensure public safety and reduce urban blight	Reactive – does not prevent buildings from becoming vacant
Helps monitor the number and status of vacant buildings in the Town	Requires additional resources such as administrative, legal, IT, enforcement and finance to establish and enforce the by-law, and maintain the registry
Provides clear expectations for land owners to maintain safe conditions for vacant buildings	

Town of Whitchurch-Stouffville has a [Vacant Building By-law](#), but instead of establishing a Vacant Building Registry, the Town requires all vacant buildings or significantly damaged buildings to be boarded up with specific requirements. Examples of [boarding requirements](#) include painting the boards, covering the windows matte black to resemble window glass and boards covering the door, which must be properly fitted and painted with a colour that matches the original door.

Planning staff also reviewed how municipalities in other provinces deal with vacant buildings. The City of Winnipeg takes a slightly different approach where its emphasis is more on permitting, fees and enforcement. The City’s [Vacant Buildings By-law 79/2010](#) contains detailed provisions regarding maintenance standards and security standards of vacant buildings (see Attachment 2). Furthermore, in addition to Annual Inspection Fees (\$605-\$1200) and Vacant Boarded Building Permit Fee (\$2420 a year for residential and \$2420 - \$7795 for commercial), the City of Winnipeg also added an Empty Building Fee as of January 1, 2020. The Empty Building Fee will be applied annually until such time that the vacant building has been inspected and is determined by the designated City employee to be reoccupied in accordance with the City’s Vacant Buildings By-law (see Attachment 2).

## Development Charge Credits

A more proactive approach to encouraging redevelopment of derelict buildings is to provide development charge (DC) credits. It is understood that in some instances, landowners/developers are hesitant to demolish a derelict building until building permits are issued, because the building will provide DC credits to the proposed redevelopment. Currently, the Town’s Development Charges By-law provides a DC credit for 60 months at 100% from the day a demolition permit is issued. Some municipalities include specific policies for derelict buildings in their DC by-laws. For example, the Town of East-Gwillimbury extends the reduction of development charges from the standard 60 months to a maximum of 120 months from the date of the demolition permit to the date of the building permit to facilitate redevelopment. [York Region](#), [Town of Aurora](#) and [City of Richmond Hill](#) provide development charge credit for up to 120 months from the demolition of the derelict building. The amount of credit is determined by how soon a new building is erected. Table 2 below shows the credit structure that is being used by York Region, the Town of Aurora and the City of Richmond Hill:

Table 1: Development Charges Credit

Number of Months from Date of Demolition Permit to Date of Building Permit Issuance	Credit Provided (%)
Up to and including 48 months	100
Greater than 48 months up to and including 72 months	75
Greater than 72 months up to and including 96 months	50
Greater than 96 months up to and including 120 months	25
Greater than 120 months	0

The Town may wish to consider adopting the same policies as York Region for administrative efficiency purposes.

## **Built Heritage Protection**

The Town benefits from a large stock of older buildings, some of which are designated under the *Ontario Heritage Act*, and others are on the municipal list of non-designated properties. This building stock is celebrated and forms a point of pride for residents. It is recognized, at times, there can be competing priorities between encouraging the demolition of vacant/derelict buildings and preserving our cultural heritage resources. Should Council pursue a course of action to reduce the instances of vacant/derelict buildings, special emphasis should be placed on doing so in a way that safeguards our built heritage. For example, this may involve including all designated and listed properties in any future Vacant Building Registry, but excluding them from DC Credit program.

## **Options for Council's Consideration**

Based on staff's research, below are a couple of options for Council's consideration:

### **Option #1 – Maintain Existing Regulations**

Similar to the City of Brampton and the City of London, Section 22 of the Town's Property Standards By-law 2017-62 requires vacant properties to comply with the following regulations:

- Properties must be protected against risks such as fire or accidents;
- Buildings must be securely boarded to prevent entry or trespassing; and
- Buildings left vacant for more than 90 days shall ensure all utilities are properly disconnected.

Under the Town's Fees and Charges By-law, a re-inspection fee of \$182 may be charged to any property owner if a Property Standards Officer is required to re-inspect a property for compliance.

By maintaining this option, the Property Standards Division can now enforce the above provisions of property standards under the Administrative Monetary Penalty System (AMPS), allowing tickets to be issued for noncompliance. Any outstanding work may also be undertaken by a Town contractor and costs recovered through municipal taxes. Council may elect to monitor compliance rates through AMPS prior to considering alternative options

### **Option #2 – Introduce a Vacant Building Registry Program**

In addition to the existing property standards requirements established for vacant properties, other regulations may be imposed to further promote occupancy or demolition of a vacant building within Town. Such considerations include:

- The requirement to register a vacant building with the Town;
  - Registration includes an annual fee;
  - Additional fees are charged for ongoing re-inspections by Fire, Building, or Property Standards; and
  - A registry may also establish a time limitation for compliance (e.g., a property owner is only permitted to register for up to 24 months before being required to take action to occupy, sell, restore, or demolish the vacant building if ongoing violations remain);
- Additional regulations to require the vacant building or property to remain free from infestation of pests;
- The requirement for property owners to inspect the property every two weeks for compliance (or arrange for an agent to);
  - This provision also requires the property owner to maintain records and provide these records upon request; and
- Empower a Property Standards Officer to issue an Order, which will require the property owner to fully restore or demolish a vacant building.

This option and the regulatory changes proposed may also be enforced under AMPS, with the process for doing so highlighted in option #1 above.

## **Conclusion**

Vacant and/or derelict buildings sometimes pose safety concerns to the community. Different municipalities take different approaches in the attempt to reduce the number of vacant buildings or manage the conditions of such buildings. At a minimum, municipalities require vacant and/or derelict buildings to be in safe condition under the *Building Code Act* and *Fire Code Act*. Some municipalities take steps to discourage vacant/derelict buildings to remain for extended periods of time by imposing extra fees/charges or encouraging redevelopment of derelict buildings by providing development charge credit.

## **Business Plan and Strategic Plan Linkages**

- Long-term Financial Sustainability
- Extraordinary Places and Spaces

## **Consultation**

This report includes input from Regulatory Services and Financial Services.

## **Human Resource Considerations**

None

## **Budget Impact**

None

## **Attachments**

Attachment 1 – City of Brantford, City of Hamilton and City of Welland Vacant Building By-laws Comparison Table

Attachment 2 – Excerpts of City of Winnipeg Vacant Building By-law Schedule A Maintenance Standards for Vacant Buildings; Schedule B Security Requirements for Vacant Buildings, and Schedule C Re-Occupancy Standards for Vacant Buildings

## **Contact**

Phoebe Chow, Senior Planner – Policy, [pchow@newmarket.ca](mailto:pchow@newmarket.ca)

## **Approval**

Adrian Cammaert, Acting Manager, Planning Services

Jason Unger, Acting Director, Planning & Building Services

Peter Noehammer, Commissioner, Development & Infrastructure Services

	<b>City of Brantford</b>	<b>City of Hamilton</b>	<b>City of Welland</b>
<b>By-law Number</b>	<a href="#">By-law 4-2016</a>	<a href="#">By-law 17-127</a>	<a href="#">By-law 2011-64</a>
<b>Definitions of Vacant Building or Derelict Building</b>	<p>“vacant building means any Building that is or appears to be vacant, partially vacant, or unoccupied, or that, by reason of its unfinished or dilapidated condition, is open to the elements and in a state such that there is little to no control over unauthorized entry, but does not include:</p> <ul style="list-style-type: none"> <li>(i) A dwelling unit occupied by the Owner on a seasonal basis but otherwise maintained throughout the year;</li> <li>(ii) A Building, except a dwelling unit, on Property used as a farm; or</li> <li>(iii) A Building that is owned by the City.”</li> </ul>	<p>“vacant building, subject to subsections 3(2) and 3(3), means a building that does not appear to be in use and, without limiting this definition, is deemed to be a building:</p> <ul style="list-style-type: none"> <li>(a) that is not protected from the entry of unauthorized persons;</li> <li>(b) that is not protected from the entry of rain, snow, vermin or birds into the interior of the building;</li> <li>(c) where the supply of any one or more of the electricity, gas or water utilities serving the building is discontinued or disconnected;</li> <li>(d) where one or more of the electricity, gas or water utilities serving the building is not being used;</li> <li>(e) if the building contains 1, 2 or 3 dwellings, where one or more dwellings are not fit for an individual or individuals to live in in accordance with the Building Code Act, 1992 and its regulations, the Fire Protection and Prevention Act, 1997 and its regulations, the Property Standards By-law, the Vital Services By-law or any other applicable statute, regulation or by-law;</li> <li>(f) where 25% or more of the door and window openings to the building are partially or completely boarded up (for example, if there are 8 door and window openings to a building and 2 or more of</li> </ul>	<p>“vacant building means a building that is not used by an owner, and includes a building damaged by fire, a building that is unoccupied, no maintained, unsupervised, or appears abandoned in the opinion of an Inspector”</p>

		the door and window openings are partially or completely boarded up, no matter what the size of each door or window opening); or (g) where an Application for Rebate or Property Taxes for the entire building has been submitted to the City's Tax Section."	
<b>Registration Fee</b>	\$270 Renewal Fee of \$600/year following registration	\$1,115 (initial administration fee \$291 + the yearly inspection fee \$729.20 + HST)	Free
<b>When to Register Vacant Building</b>	60 consecutive days of becoming vacant	90 days of becoming vacant or within 30 days after notice from the city.	90 days of becoming vacant
<b>Inspections</b>	Municipal Law Enforcement Officer/Property Standards Officer may inspect building at any reasonable time	Municipal Law Enforcement Officers inspect vacant buildings at least 4 times a year and will enforce by-law violations	
<b>Penalty for By-law Contravention</b>	"Every person who contravenes any provision of this By-law is, upon conviction, guilty of an offence and is liable: (a) on a first conviction, to a fine of not more than \$10,000; and, (b) on any subsequent conviction, to a fine of not more than \$25,000. Despite the above, where the person convicted is a corporation, the maximum fine on first conviction is \$50,000 and the maximum fine in any subsequent conviction is \$100,000."	Every person who is found guilty in contravening any provision of this By-law is liable: (a) on a first conviction, to a fine of not more than \$10,000; and, (b) on any subsequent conviction, to a fine of not more than \$25,000. Despite the above, where the person convicted is a corporation, the maximum fine on first conviction is \$50,000 and the maximum fine in any subsequent conviction is \$100,000.	First Offence: Max. \$25,000 Subsequent Offence: Max. \$50,000

This document is an office consolidation of by-law amendments which has been prepared for the convenience of the user. The City of Winnipeg expressly disclaims any responsibility for errors or omissions.

***CONSOLIDATION UPDATE: SEPTEMBER 26, 2019***

**THE CITY OF WINNIPEG**

**VACANT BUILDINGS BY-LAW**  
**NO. 79/2010**

**A By-law of THE CITY OF WINNIPEG to  
regulate the condition of vacant buildings and  
to discourage the boarding of vacant buildings**

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

**Short title**

**1** This By-law may be cited as the **Vacant Buildings By-law**.

**Definitions and interpretation**

**2(1)** In this By-law

**"additional permit"** means an Additional Boarded Building Permit approved by the Designated Committee under section 10;

**"areaway"** has the same meaning as in the Winnipeg Building By-law;

**"boarded"**, in relation to a building, means a vacant building in which any door, window or other opening has been covered for more than 7 days by affixing wood, metal or some other material over it to prevent entry;

**"building"** means any structure that has been used or is intended to be used to support or shelter any use or occupancy;

**"commercial building"** means any building that is not a residential building;

**"Designated Committee"** means the Standing Policy Committee on Property and Development, Heritage and Downtown Development;  
*amended 48/2011; 106/2015*

**"designated employee"** means the Chief Administrative Officer of the City and any employee of the City to whom he or she has delegated an authority or duty granted or imposed under this By-law;

**SCHEDULE A  
TO THE VACANT BUILDINGS BY-LAW  
(Section 3)**

**MAINTENANCE STANDARDS FOR  
VACANT BUILDINGS**

**Exterior walls**

**1(1)** The exterior of every building must be constructed, repaired and maintained in a manner that

- (a) ensures the integrity of the building envelope to protect the building from the weather and from infestations of insects, rodents and other pests; and
- (b) prevents a substantial depreciation in property values in the immediate neighbourhood.

**1(2)** Without restricting the general obligation set out in subsection (1)

- (a) all exterior surfaces must consist of materials that provide adequate protection from the weather;
- (b) all exterior walls and their components, including coping and flashing, must be maintained in good repair;
- (c) all exterior walls must be free of holes, breaks, loose or rotting boards or timbers and any other condition which might permit the entry of insects, rodents or other pests to the interior of the wall or the interior of the building;
- (d) exterior wood surfaces must be adequately protected against deterioration by the periodic application of paint, stain or other protective coating;
- (e) no more than 25% percent of any painted area of any exterior wall may be blistered, cracked, flaked, scaled, or chalked away;
- (f) the mortar of any masonry or stone exterior wall may not be loose or dislodged;
- (g) the exterior of every building must be free of graffiti; and
- (h) loose material must be removed from exterior walls, doors and window openings.

**Roofs**

**2(1)** Roofs must be constructed and maintained so as to prevent

- (a) rainwater or melting snow falling on the roof from entering the building; and
- (b) rainwater or melting snow falling on the roof from negatively affecting neighbouring buildings or properties;
- (c) objects and materials from falling from the roof.

**2(2)** Without restricting the general obligation set out in subsection (1)

- (a) roofs, including fascia boards, soffits, cornices, flashing, eavestroughing and downspouts must be maintained in a watertight condition;
- (b) roof drainage must be controlled in order to eliminate or minimize runoff to neighbouring properties that
  - (i) accumulates or causes ground erosion;
  - (ii) causes dampness in the walls, ceilings or floors of any portion of any neighbouring building;
  - (iii) accumulates on sidewalks or stairs in a manner so as to create a hazardous condition;
- (c) loose or unsecured objects and materials, including accumulations of snow or ice or both that are likely to fall on passersby or are likely to result in the collapse of the roof, must be removed from the roof of a building or an accessory building;

**Foundations, walls and floors**

**3(1)** Every wall or floor must be structurally sound and maintained in a condition so as to prevent undue settlement of the building and prevent the entrance of moisture, insects, rodents or pests.

**3(2)** Without restricting the general obligation set out in subsection (1)

- (a) basement walls and floors must be constructed of masonry, concrete, preserved wood or other material impervious to external moisture;
- (b) floors must be so constructed as to effectively drain all water into a catch basin which shall be connected to a sewerage system, or a subsurface water drainage system;

- (c) 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 normal load to which it may be subjected;
  - (c.1) every part of a building must be kept free of standing water; and  
*added 72/2016; amended 74/2016*
- (d) materials that have been damaged, or show evidence of rot or other deterioration must be repaired or replaced.

### **Foundations of Historical Resources**

3.1(1) The basement or crawlspace of a vacant listed resource, as defined by the Historical Resources By-law, must be heated to a temperature of 10 degrees Celsius so as to prevent undue shifting, heaving or "frost-jacking" of the listed resource.

3.1(2) Subsection (1) does not apply where an owner provides evidence to an enforcement officer such that the enforcement officer is reasonably satisfied that the listed resource was not built using shallow foundations as defined by the Manitoba Building Code.

*added 72/2016 (entire section 3.1)*

### **Porches and stairs**

**4(1)** Every porch and stairway within, on or attached to a building must be maintained in good repair so as to afford safe passage under normal use and weather conditions.

**4(2)** Without restricting the general obligation set out in subsection (1)

- (a) component parts of a porch or stairway must not be broken, loose, rotted, warped, out-of-plumb, off-level or out of alignment to the point where it creates a hazard;
- (b) wooden or metal exterior steps must be protected against deterioration by the application of appropriate protective coating.

### **Guards, balustrades and handrails**

**5(1)** Every exterior or interior stair that has more than two risers must have the sides of the stair, the landing and the floor level around the stairwell enclosed by walls or protected by balustrades, except that a stair to an unfinished basement may have one unprotected side.

**5(2)** Every exterior landing or porch more than 900 millimetres above the adjacent grade and every balcony, mezzanine, gallery, raised walkway and roof to which access is provided for other than maintenance purposes, shall be protected by balustrades or guards on all open sides.

**5(3)** All guards, handrails and balustrades shall be maintained in good repair and firmly attached so as to provide reasonable protection against accident and injury.

**5(4)** Exterior fire escapes must be maintained in good repair and free of obstructions.

**Floors**

**6(1)** Every floor must be maintained:

- (a) free of loose, warped, protruding or rotting floors boards;
- (b) free of holes or cracks and other defects that may be a fire, health or other hazard.

**6(2)** Any vertical opening on a floor, including service spaces, chutes, air vents and elevator shafts, must be covered or barricaded in a manner that prevents accident or injury.

**Walls and ceilings**

**7** Every wall and ceiling in a building shall be maintained in safe condition and free from loose plaster and other hazards.

**Fire protection systems**

**8(1)** Unless a fire protection system has been decommissioned by permission of the Chief of the Fire Paramedic Service, it must be maintained in an operational condition.

**8(2)** Unless a fire alarm system has been decommissioned by permission of the Chief of the Fire Paramedic Service, it must be connected to an approved fire signal receiving centre in compliance with Can/ULC-S561-03, adopted and published by the Underwriters' Laboratories of Canada, so as to notify the Fire Department of a fire alarm activation in the building.

**Yards**

**9(1)** Yards surrounding a vacant building must be maintained so as to prevent

- (a) the depreciation of property values in the immediate neighbourhood as a result of the vacancy of the building;
- (b) drainage of water that negatively affects neighbouring properties or creates hazardous conditions.

**9(2)** Without restricting the general obligation under subsection (1), yards surrounding a vacant building must be maintained so as to prevent the accumulation of:

- (a) rubbish, garbage, junk and other debris;
- (b) wrecked, dismantled, partially dismantled, inoperative, discarded, abandoned or unused vehicles, trailers and other machinery or any parts thereof;
- (c) objects and conditions, including holes and excavations, that pose health, fire or accident hazards.

**9(3)** Plants and vegetation in yards surrounding vacant buildings must be kept trimmed.

**9(4)** Yards surrounding vacant buildings must be:

- (a) covered with sufficient ground cover to prevent erosion; and
- (b) graded in such a manner so as to prevent:
  - (i) excessive or reoccurring ponding of water;
  - (ii) excessive dampness from occurring in buildings on or adjacent to the yard; or
  - (iii) any hazardous condition from being created on any private or public walkway.

### **Walks and driveways**

**10(1)** Access from a public street to the principal entrance of every vacant building must be afforded by way of a walk or driveway.

**10(2)** Every walk or driveway and parking space on the property on which a vacant building is located must be surfaced with stone, asphalt, concrete or other material capable of providing a hard surface and must be maintained and cleared of snow so as to afford safe passage under normal use and weather conditions.

### **Fences and accessory buildings**

**11** All fences and all accessory buildings on the property on which a vacant building is located must be kept:

- (a) weather resistant by the application of appropriate materials, including paint or preservatives; and
- (b) in good repair.

### **Storage of combustible material**

**12(1)** Unless approved in writing by an enforcement officer,

- (a) combustible materials; or
- (b) flammable or combustible liquids or gases;

must not be stored within a vacant building.

**12(2)** An enforcement officer may approve the storage of combustible materials or flammable or combustible liquids or gases pursuant to subsection (1) where they can be stored without unduly increasing the likelihood that

- (a) a fire will start;
- (b) a fire will spread; or
- (c) the safety of individuals, including fire fighters, will be jeopardized.

**Nuisances and unsanitary conditions**

12.1(1) Nuisances and unsanitary conditions must not exist on any property.

12.1(2) The obligation imposed by subsection (1) includes the obligation to ensure that properties and buildings are kept free of:

- (a) infestations of insects, rats, mice and other pests or vermin; and
- (b) any condition, matter, or thing that provides or may provide food or harbourage for pests or vermin.

12.1(3) The obligation imposed by subsection (1) includes the obligation to prevent the existence of lice, bed bugs, cockroaches, silverfish or other insects in any part of a building.

12.1(4) Where infestation has occurred in contravention of subsection (2), the infestation must be abated through the use of:

- (a) traps and other self-abatement measures; or
- (b) a monitored pest control program with a Certified Pest Control Agency,

until such time as the infestation has been effectively abated as determined by and to the satisfaction of the enforcement officer.

12.1(5) Where infestation in contravention of subsection (2) is abated through the use of a monitored pest control program pursuant to subclause 12.1(4)(b):

- (a) pest control records as created by a Certified Pest Control Agency must be maintained;
- (b) any part of pest control records maintained under clause (a) must not be erased, deleted, removed or otherwise obliterated; and
- (c) pest control records must be produced for review by an enforcement officer upon demand.

*added 72/2016 (entire section 12.1)*

**SCHEDULE B  
TO THE VACANT BUILDINGS BY-LAW  
(Section 5)**

**SECURITY REQUIREMENTS FOR  
VACANT BUILDINGS**

The owner of a vacant building must comply with either Part I or Part II of this Schedule.

**PART I**

In order to comply with Part I of this Schedule, the owner of a vacant building must ensure that

- (a) all exterior doors to the dwelling are operational, fit tightly within their frames when closed and are locked so as to prevent entry;
- (b) all windows are either permanently sealed or locked so as to prevent entry;
- (c) all windows, doors, basement and attic hatchways and their frames are so constructed and maintained to completely exclude rain and substantially exclude wind from entering the building; and
- (d) all windows are in good repair, and properly glazed.

**PART II**

In order to comply with Part II of this Schedule, the owner of a vacant building must ensure that the following requirements are met:

- (a) all doors, windows and other openings, other than the principal entrance, at the basement and main (first) floor levels must be covered in compliance with this Part with a solid piece of plywood, at least 11 millimeters thick and secured with coated spikes at least 75 millimeters in length, spaced not more than 150 millimeters on centre;
- (b) the principal entrance must be covered in compliance with this Part with a solid piece of plywood, at least 11 millimeters thick, adequately secured with screws at least 50 millimeters in length, spaced not more than 150 millimeters on centre;
- (c) windows, doors and other openings at the second floor level must be covered in compliance with this Part with a solid piece of plywood, at least 8 millimeters thick and secured with coated spikes at least 75 millimeters in length, spaced not more than 150 millimeters on centre;

- (d) windows, doors and other openings at the third floor level or higher must be either
  - (i) secured in accordance with Part I of this Schedule; or
  - (ii) covered in compliance with this Part with a solid piece of plywood, at least 8 millimeters thick and secured with coated spikes at least 75 millimeters in length, spaced not more than 150 millimeters on centre;
- (e) windows, doors and other openings at the third floor level or higher may be secured from inside the building; plywood applied to all other openings must be secured from the exterior;
- (f) plywood applied to openings must be installed and maintained in a way that is weather-tight and must be protected from the elements with at least two coats of white paint;
- (g) plywood applied to openings must be installed and maintained as follows:
  - i) for conventional, wood framed windows, the plywood must be installed on top of the sill and snugly between the brickmoulds on the sides and top with fasteners penetrating the actual frame of the window;
  - ii) for windows that have components that are flush with the face of the brickmould (e.g. wood storm windows), the plywood must be installed on top of the sill and flush with the outer edge of the brickmoulds on the sides and top with fasteners penetrating the face of the brickmoulds;
  - iii) for windows that have components that protrude past the face of the brickmould (e.g. aluminum storm windows), the brickmoulds must be built out flush to the outer edge of the brickmoulds with solid, dimensional lumber, painted white, as required to clear the protruding window components. The plywood shall then be installed on top of the sill (where possible) and flush with the outer edge of the built-up frame;
  - iv) for PVC windows, the area directly adjacent to the outer edge of the PVC brickmould and sill must be framed with solid, dimensional lumber, painted white, as required to clear the PVC components. The plywood must then be installed flush with the outer edge of the built-up frame;

- v) for conventional doors without storm doors, the plywood must be installed on top of the sill and snugly between the brickmoulds on the sides and top with fasteners penetrating the actual door jamb and header of the door. A hole must be cut in the plywood just large enough for the door hardware to protrude;
  - vi) for entrance doors with storm doors, the area directly adjacent to the outer edge of the brickmould and sill must be framed out with solid, dimensional lumber, painted white, as required to clear all storm door components. The plywood must then be installed flush with the outer edge of the built-up frame. A hole must be cut in the plywood just large enough for the door hardware to protrude where necessary;
- (h) all floors above the first floor must rendered inaccessible to entry by raising fire escapes and ladders to a height of at least four meters or guarding them in some other manner acceptable to an enforcement officer;
- (i) all areaways must be adequately secured either by:
- (i) filling them with concrete or unshrinkable fill; or
  - (ii) covering opening to them with a metal plate of at least 8 millimeters thick and securing it so as to prevent it from shifting;
- (j) electricity, natural gas and water must not be cut off if they are necessary to maintain fire protection systems or fire alarms; and
- (k) where they are not necessary to maintain fire protection systems or fire alarms, electricity, natural gas and water must not be cut off except in a manner satisfactory to an enforcement officer.

**SCHEDULE C  
TO THE VACANT BUILDINGS BY-LAW  
(Section 13)**

**RE-OCCUPANCY STANDARDS FOR  
VACANT BUILDINGS**

**Definitions**

**1** Unless otherwise stated, terms and phrases in this Schedule have the same meaning as in the Neighbourhood Liveability By-law.

**Relationship between Schedules A and C**

**2(1)** The standards set out in this Schedule are in addition to and not in place of the requirements set out in Schedule A.

**2(2)** Where it is impossible to comply with both Schedule A and C, the standard set out in this Schedule prevails.

**PART 1  
General Standards**

**Application of this Part**

**3** The requirements of this Part apply to both residential and commercial properties.

**Properties must be safe**

**4(1)** Subject to subsection (2), properties must be maintained so as to prevent the existence of objects and conditions that pose health, safety, fire or accident hazards to people, animals or neighbouring properties.

**4(2)** The obligation in subsection (1) includes the obligation to repair, remove, rectify or otherwise prevent the existence of:

- (a) buildings or structures that constitute a fire hazard or are likely to fall or cause an explosion;
- (b) floors, stairs, walls and other structural aspects of buildings or structures that are insecure or pose a danger to people or animals who enter the building or structure;
- (c) uncovered and unguarded well, holes, excavations and other openings;

- (d) refrigerators and freezers that are not in use and other airtight containers that are large enough to hold a human being, unless the container is not placed door-side down on the ground and
  - (i) the container is incapable of being locked;
  - (ii) the lock on the door is capable of being released from the inside; or
  - (iii) the lock or door has been removed;
- (e) sharp objects that could result in injuries, such as nails projecting from boards.

### **Properties must be properly drained**

**5** Properties must be maintained so as to prevent water draining in a way that negatively affects buildings on the property or neighbouring properties or that creates hazardous conditions.

### **Vegetation on properties**

**6(1)** Plants and vegetation must be kept trimmed so as not to become unsightly.

**6(2)** Other than on properties zoned for agricultural grazing and feeding and agricultural cultivation, turf must be kept trimmed to a maximum length of 15 cm (6 inches).

**6(3)** Noxious weeds must be controlled.

### **Roofs of buildings**

**7(1)** Roofs must be in good repair.

**7(2)** The standards in subsection (1) includes the following

- (a) roofs must have been constructed and maintained so as to prevent moisture from entering the building;
- (b) where the protective surface of a roof consists of wood shingles, they must be in good repair and be painted, stained or otherwise treated as may be necessary to protect against deterioration.

**7(3)** Roof drainage must be controlled in order to eliminate or minimize runoff that

- (a) accumulates or causes ground erosion or ponding;
- (b) causes dampness in the walls, ceilings or floors of any portion of any building.

**7(4)** The obligation in subsection (3) includes the obligation to install eavestroughs and downspouts on any pitched roof.

### **Porches and entrances**

**8(1)** Porches and entrances to a building must be in good repair so that no component is broken, loose, rotted, warped, out-of-plumb, off-level or out of alignment.

**8(2)** Exterior steps must be in good repair so as to provide safe use under normal use and weather conditions and, if constructed of wood, must be protected against deterioration by the application of an appropriate protective coating.

### **Accessory structures**

**9** Accessory structures, including fences, must be in a condition that is:

- (a) weather resistant, through the application of appropriate materials, including paint and preservatives; and
- (b) in good repair.

## **PART 2 Residential Properties**

### **Application of this Part**

**10** This Part applies to residential properties.

### **General requirements**

**11(1)** There must be a safe and unobstructed means of egress to the exterior of a dwelling.

**11(2)** All required safety features and equipment must be in good working order.

**11(3)** The floors, walls, ceilings, furnishings and fixtures must be in a clean and sanitary condition.

**11(4)** The property must be free from rubbish, garbage and other debris or conditions which constitute a fire, accident or health hazard.

**11(5)** All plumbing, cooking and refrigeration fixtures and appliances as well as other building equipment and storage facilities must be in a clean and sanitary condition.

### **Nuisances and unsanitary conditions**

**12(1)** Nuisances and unsanitary conditions must not exist on the property.

**12(2)** Without restricting the generality of subsection (1), the property must be free of

- (a) infestations of insects, rats, mice and other pests and vermin;
- (b) any condition, matter, or thing that provides or may provide food or harbourage for pests or vermin.

**12(3)** Without restricting the generality of subsection (1), there must be no evidence of mice, rats, lice, bed bugs, cockroaches, silverfish or other rodents, insects or vermin in any part of a dwelling or accessory building.

### **Basement floors and walls**

**13(1)** Basement walls and floors of a dwelling must be constructed of masonry, concrete, preserved wood or other material impervious to external moisture.

**13(2)** Materials in basement walls and floors of a dwelling must not show evidence of rot or other deterioration.

**13(3)** Basement floors of a dwelling must be so constructed as to effectively drain all water into a catch basin which must be connected to a sewerage system, or another subsurface water drainage system.

### **Floors**

**14(1)** The floors of a dwelling must be in a clean and sanitary condition.

**14(2)** Floor coverings in a dwelling must be in good repair, well fitted and capable of being easily cleaned.

**14(3)** Floors of kitchens, bathrooms, shower rooms, toilet rooms, laundry areas or other areas in a dwelling where large amounts of water are likely to be present must be finished with a material that is resistant to water.

**14(4)** Where necessary to prevent condensation, mould, or frost buildup in a dwelling, the floors of habitable rooms adjacent to any unheated area must be insulated and have a vapour barrier installed in accordance with the Manitoba Building Code.

### **Walls and ceilings**

**15(1)** Walls and ceilings in a dwelling, including door jams and stops, baseboards, quarter round and other components, must be in good repair.

**15(2)** Without restricting the generality of subsection (1), walls and ceilings must be

- (a) finished with paint, varnish, stain or wallpaper:
- (b) in a clean condition; and
- (c) free of holes, large cracks and loose plaster.

**15(3)** In a dwelling, a waterproof finish such as ceramic, plastic or metal tile, sheet vinyl, tempered hardboard, laminated thermosetting decorative sheets or linoleum must be installed to a height of not less than:

- (a) 1.8 m above the floor in shower stalls;
- (b) 1.2 m above the rims of bathtubs equipped with showers;
- (c) 400 mm above the rims of bathtubs not equipped with showers.

**15(4)** Where necessary to prevent condensation, mould, or frost buildup in a dwelling, the walls and ceilings of habitable rooms adjacent to any unheated area must be insulated and have a vapour barrier installed in accordance with the Manitoba Building Code.

### **Doors and windows**

**16(1)** When closed, every exterior door to a dwelling and every door to a dwelling unit within a dwelling:

- (a) must be properly fitted within its frame;
- (b) must be equipped with hardware so as to be capable of being locked from both inside and outside;
- (c) must allow individuals within the dwelling unit to exit without the use of a key; and
- (d) must not be secured with a lock and hasp.

**16(2)** All windows in a dwelling that are capable of being opened must have locking hardware capable of being opened from inside the dwelling unit.

**16(3)** All windows, exterior doors, basement and attic hatchways and their frames and other components in a dwelling, must completely exclude moisture and substantially exclude wind from entering the structure.

**16(4)** Windows in a dwelling, including frames, sashes, casings, weatherstripping and other components, must be in good repair.

**16(5)** Windows in a dwelling must be properly glazed.

**16(6)** All enclosed spaces in a dwelling must be provided with an opening of sufficient size to permit entry to the space and fitted with a door or panel to enclose the opening.

**Guards and handrails**

**17(1)** Within a dwelling, every interior stair that has more than two risers must have the sides of the stair, the landing and the floor level around the stairwell enclosed by walls or protected by guards, except that a stair to an unfinished basement may have one unprotected side.

**17(2)** Every exterior landing or porch that is attached to a dwelling and that is more than 90 cm above the adjacent grade, and every balcony, mezzanine, gallery, raised walkway and roof to which access is provided for other than maintenance purposes, must be protected by guards on all open sides.

**17(3)** Within a dwelling, a handrail must be installed on at least one side of all interior stairs having more than two risers and on exterior stairs having more than three risers.

**17(4)** Where this section requires that stairs must be protected by handrails or guards, the handrails and guards must be at least 75 cm in height above a line drawn through the outside edges of the stair nosings and 90 cm in height above landings.

**17(5)** Where this section requires that guards must be installed around accessible roof levels, porches, exterior balconies or walkways to which access is provided, the guards must be at least 107 cm in height, except that those within dwelling units may be 90 cm in height.

**17(6)** Where balustrades are used as a guard in compliance with this section, they must prevent the passage of a spherical object having a diameter of 10 cm through the balustrade.

**17(7)** All guards and handrails required by this section must be in good repair and must be firmly attached so as to provide reasonable protection against accident and injury.

**17(8)** Fire escapes on the exterior of dwellings must be in good repair and free of obstructions.

**Kitchens**

**18(1)** Within a dwelling, a kitchen must be equipped with a kitchen sink and a counter work surface.

**18(2)** A clear space of 60 cm must be provided above the heating elements of any cooking appliance within a dwelling.

**Plumbing standards**

**19(1)** Every dwelling must have an adequate supply of running water that is safe and fit for human consumption without further treatment.

**19(2)** Every sink, wash basin, bathtub or shower in a dwelling must have hot and cold running water and every toilet must have running water in a supply and at a pressure adequate for the purpose for which that fixture is intended to be used.

**19(3)** All plumbing in a dwelling, including fixtures, drains, water pipes and connecting lines to the water and sewer systems, must be:

- (a) protected from freezing;
- (b) in good working order; and
- (c) free from leaks or other defects.

**19(4)** Every dwelling must contain:

- (a) a kitchen sink;
- (b) a toilet;
- (c) a washbasin; and
- (d) a bathtub or a shower.

**19(5)** Sewage or organic waste from a dwelling must be discharged as required by the Sewer By-law.

### **Heating standards**

**20(1)** A dwelling must be provided with a heating system

- (a) installed under permit and in compliance with the Manitoba Building Code; and
- (b) in a safe and good working condition.

**20(2)** A space within a dwelling that contains fuel burning equipment must be provided with a natural or mechanical means of supplying fresh air for combustion.

**20(3)** A fuel-fired heating appliance within a dwelling must be vented by means of rigid connections to a chimney or vent flue in compliance with the Winnipeg Building By-Law.

**20(4)** Every chimney, smoke pipe and flue of a dwelling must:

- (a) not permit any gases, water or any liquid to leak into the dwelling;
- (b) be clear of obstructions; and
- (c) have no defective masonry or metal components.

**20(5)** Where all or part of a heating system or an auxiliary heating system in a dwelling burns solid or liquid fuel, a receptacle approved by the Department of Labour for the storage of the fuel must be provided and maintained in a convenient location that has been constructed so as to be free from fire or other hazards.

**20(6)** Within a dwelling, any fireplace that capable of being used, and its components, must not permit adjacent combustible material and structural members to be heated to unsafe temperatures.

### **Gas and open flame appliances**

**21(1)** Within a dwelling, gas stoves, gas water heaters, gas fireplaces and other gas appliances that use open flames:

- (a) must be provided with suitable pipes or flues or other effective means for the removal of the products of combustion;
- (b) must be in good repair;
- (c) must not be installed in any room used for sleeping purposes.

**21(2)** A room used for sleeping purposes in a dwelling must be separated by a door from a room in which a gas or open-flame appliance is located.

**21(3)** A person must not use or allow to be used for sleeping purposes in a dwelling any room that contains a gas or open-flame appliance, or any room which is not separated by a door from such a room.

### **Ventilation**

**22** All enclosed spaces within a dwelling must be capable of being ventilated sufficiently to prevent mould, mildew and condensation and to provide for an exchange of fresh air.

### **Electrical services**

**23(1)** Every dwelling must be connected to an electrical supply system and must be hardwired for electricity.

**23(2)** A supply of hardwired electric power must be available at all times in all areas of every occupied dwelling.

**23(3)** The capacity of the electrical service to the dwelling and the system of circuits distributing the electrical supply within the dwelling must be adequate for the actual use and intended use of the dwelling.

**23(4)** Electrical wiring, circuits, fuses, circuit breakers and electrical equipment within a dwelling must be maintained at all times in compliance with the provisions of The Winnipeg Electrical By-Law.

**23(5)** Subject to subsection (6), every habitable room within a dwelling must be provided with at least one electrical receptacle.

**23(6)** Every kitchen or room where cooking takes place must be provided with at least two receptacles, suitably located, one for a refrigerator and one over or adjacent to the counter work surface.

**23(7)** If an electric range is provided in a dwelling unit, a receptacle in addition to those required by subsections (5) and (6) must be provided exclusively for the electric range.

**23(8)** A receptacle and receptacle circuit on an electric range may be taken into account in determining compliance with subsection (6).

**23(9)** All lighting and appliance branch circuits must be protected by an overcurrent device rated at not more than 15 amperes and must be protected from inadvertent overfusing by the insertion of a fuse rejector into the fuse holder, or by the use of a circuit breaker.

#### **Smoke alarms**

**24(1)** The dwelling must be in full compliance with the Fire Prevention By-law and other regulations.

**24(2)** Smoke alarms conforming to CAN/ULC-S531-02 "Standard for Smoke Alarms" must be installed in every dwelling unit.

**24(3)** Smoke alarms within dwelling units must be installed between each sleeping area and the remainder of the dwelling unit and, where the sleeping areas are accessed by a hallway, the smoke alarms must be installed within the hallway.

**24(4)** Smoke alarms in a dwelling must be installed on or near the ceiling and otherwise in conformance with CAN/ULC-S553-02 "Installation of Smoke Alarms".

**24(5)** Smoke alarms must be hardwired unless they are located in a dwelling constructed prior to 1981 which has not subsequently renovated in a way that would permit hardwiring.

**24(6)** Where smoke alarms are installed with hardwired, there must be no disconnect switch between the overcurrent device and the smoke alarm.

#### **Fire alarm and smoke alarm systems**

**25** All fire alarm systems and smoke alarm systems installed in a dwelling must be operational and in good repair at all times.

#### **Air conditioners, fans, etc.**

**26** Air conditioning equipment, air moving devices or fans located on the property must not be able collectively to exceed a sound level at the point of reception of 55 dBA unless there is reason to believe that they will not violate Part 5 of the Neighbourhood Liveability By-law.