

VILLAGE OF DUNNOTTAR
BY-LAW NO. 955/18

Being a By-Law of the Village of Dunnottar to set property maintenance standards; to regulate nuisances, derelict vehicles; to regulate abandoned, untidy and unsightly property; and to demolish unsightly and or dilapidated buildings or structures.

WHEREAS Section 140(3) of The Municipal Act, S.M. 1997, C.58 provides as follows:
140(3)A council that is required or authorized under a by-law or this or any other Act to do something by resolution or to do something without specifying that it be done by by-law or resolution, may do it by resolution.

AND WHEREAS Section 232(1) of The Municipal Act, S.M., 1997, c.58 provides in part as follows:

232(1)A council may pass by-laws for municipal purposes respecting the following matters:

- a) the safety, health, protection and well-being of people, and the safety and protection of property;
- b)
- c) subject to section 233, activities for things in or on private property;
- d)
- e)
- f)
- g)
- h)
- i)
- j)
- k)
- l)
- m)
- n)
- o) the enforcement of by-laws.

AND WHEREAS Section 232(2) of The Municipal Act S.M. 1996 c.58 provides in part as follows:

232(2)Without limiting the generality of subsection (1), a council may in a by-law passed under this Division

- a) regulate or prohibit;
- b)
- c)
- d) establish fees or other charges for services, activities, or things provided or done by the municipality or for the use of property under the ownership, direction, management or control of the municipality;
- e)
- f)
- g)
- h)

AND WHEREAS Section 233 of The Municipal Act, S.M., 1997, c.58 provides as follows:

233 A by-law under clause 232(1)(c) (activities or things in or on private property) may contain provisions only in respect of

- a) the requirement that land and improvements be kept and maintained in a safe and clean condition;
- b) the parking and storing of vehicles, including the number and type of vehicles that may be kept or stored and the manner of parking and storing;

- c) the removal of top soil; and
- d) activities of things that in the opinion of the council are or could become a nuisance, which may include noise, weeds, odours, unsightly property, fumes and vibrations.

AND WHEREAS Section 236(1) of The Municipal Act, S.M. 1997, c.58 provides as follows:

236(1) Without limiting the generality of clause 232(1)(o) (enforcement of by-laws), a by-law passed under that clause may include provisions

- a) providing for procedures, including inspections, for determining whether by-laws are being complied with; and
- b) remedying contraventions of by-laws, including
 - (i) creating offences,
 - (ii) subject to the regulations, providing for fines and penalties, including the imposition of a penalty for an offence that is in addition to a fine or imprisonment, so long as the penalty relates to a fee, rate, toll, charge, or cost that is associated with the conduct that gives rise to the offence, or related to enforcing the by-law;
 - (iii) providing that an amount owing under subclause (ii) may be collected in any manner in which a tax may be collected or enforced under this Act;
 - (iv) seizing, removing, impounding, confiscating and selling or otherwise disposing of plants, animals, vehicles, or other things related to a contravention;
 - (v) charging and collecting costs incurred in respect of acting under subclause (iv);
 - (vi) imposing a sentence of imprisonment for not more than six months for the commission of offences or non-payment of fines.

AND WHEREAS Section 242 of The Municipal Act, S.M. 1997, c.58 provides as follows:

242(1) 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.

242(2) The order may

- (a) direct a person to stop doing something, or to change the way in which the person is doing it;
- (b) direct a person to take any action or measure necessary to remedy the contravention of the Act or by-law, including the removal or demolition of a structure that has been erected or placed in contravention of a by-law and, if necessary, to prevent a reoccurrence of the contravention;
- (c) state a time within which the person must comply with the directions; and
- (d) state that if the person does not comply with the directions within a specified time, the municipality will take the action or measure at the expense of the person.

AND WHEREAS Section 243(1) of The Municipal Act, S.M. 1997, c.58 provides in part as follows:

243(1) If, in the opinion of a designated officer, a structure, excavation or hole is dangerous to public safety or property, or because of its unsightly condition, is detrimental to the surrounding area, the designated officer may, by written order

- a) in the case of a structure, require the owner
 - (i) to eliminate the danger to public safety in the manner specified; or
 - (ii) remove or demolish the structure and level the site;
- b) in the case of land that contains the excavation or hole, require the owner

- (i) to eliminate the danger to public safety in the manner specified; or
- (ii) fill in the excavation or hole and level the site;
- c) in the case of property that is in an unsightly condition, require the owner
 - (i) to improve the appearance of the property in the manner specified; or
 - (ii) if the property is a building or other structure, remove or demolish the structure and level the site.

- 243(2) The order may
- a) state a time within which the person must comply with the order; and
 - b) state that if the person does not comply with the order within the specified time, the municipality will take the action or measure at the expense of the person.

AND WHEREAS it is deemed expedient to pass a by-law for the purpose of maintaining property, buildings and structures to minimum standards; for regulating and abating nuisances related to unsightly, vacant, abandoned or dilapidated structures, buildings or property; for removal and demolition of unsightly or unsafe buildings or structures; the regulation of derelict and or unlicensed vehicles on property and such other matters that may be detrimental to the health, safety and comfort of the residents of the Village of Dunnottar.

NOW THEREFORE the Council of the Village of Dunnottar, in open Council assembled, enacts as follows:

1. DEFINITIONS

- 1.1 “**Authorized Staff**” means an employee or employees designated to enforce municipal bylaws excluding members of Council.
- 1.2 “**Council**” means the council duly elected in the Village of Dunnottar.
- 1.3 “**Designated Officer**” means a building inspector, development officer or other official appointed by council, from time to time, to enforce this by-law, or, in the absence of such an appointment, the Chief Administrative Officer.
- 1.4 “**Interested person**” means the owner, occupier or mortgagee of property which is the subject of an order made under the authority of this by-law.
- 1.5 “**Mortgagee**” in the case of any property means any person holding a registered real property mortgage against the property according to the records of the land titles office for the area within which the property is situated.
- 1.6 “**Municipality**” means the Village of Dunnottar.
- 1.7 “**Occupier**” in the case of any property means any person in actual or constructive possession of the property pursuant to a lease, tenancy license or other right to occupy.
- 1.8 “**Owner**” in the case of any property means the registered owner of the property according to the current assessment records of the Municipality.
- 1.9 “**Person**” means an individual, firm, partnership or corporation and where the context requires shall include the plural as well as the singular.
- 1.10 “**Property**” means any land as defined in *The Municipal Assessment Act* within the Municipality whether or not there is situated thereon a dwelling house or any other building.

- 1.11 **“Rubbish”** means any garbage, trash, or junk including, but not limited to unwanted or discarded household items, appliances, furniture, waste from building construction, demolition, remodelling and repair; tree branches, grass and shrub clippings, leaves or other general yard and garden waste; motor vehicle parts or tires; newspapers, magazines, packaging materials, waste paper or cardboard, dead animal carcasses, and any other unsightly or discarded material which causes or is likely to cause a public hazard or nuisance, or is unacceptably offensive in light of community standards of cleanliness or generally accepted neighbourhood aesthetics.
- 1.12 **“Unsafe structure”** means any structure, whether a building, fence, excavation or hole, which in the opinion of the designated officer is at risk of collapse or otherwise dangerous to public safety or property.
- 1.13 **“Unsightly property”** means a property which in the opinion of a municipal official or designated officer is detrimental to the surrounding area, including but not limited to the growth of grass to a length which is unsightly or the growth of weeds so that same become a nuisance to adjoining properties.
- 1.14 **“Vacant Dwelling”** for the purposes of this by-law, means a dwelling that is unoccupied for more than twelve (12) consecutive months.
- 1.15 **“Written complaint”** means a complaint filed in writing with the municipality or a complaint telephoned to the municipality and recorded in writing by an employee in a manner which states the civic address at which the complaint is directed, the nature of the complaint, and the name of the person complaining.

2. APPLICATION

- 2.1 This by-law applies to all property and to all owners and occupiers of property within the Village of Dunnottar.

3. STANDARDS

- 3.1 No owner or occupier of property shall permit on such property, and each owner and occupier of property shall keep such property free and clear of:
- a) Offence 955-1: Rubbish;
 - b) Offence 955-2: Unsafe structure(s);
 - c) Offence 955-3: Unsightly or untidy property;
 - d) Offence 955-4: Unsightly, unmaintained or dilapidated buildings or structures;
 - e) Offence 955-5: The storage of motor vehicles capable of registration under the Highway Traffic Act or the Off-Road Vehicles Act, which are not registered under either of those statutes, unless the said property and/or structures are lawfully used and licensed as a commercial automobile dealership;
 - f) Offence 955-6: The storage of household appliances, whether or not the same are capable of operation;
 - g) Offence 955-7: The growth of weeds as defined in *The Noxious Weeds Act* so that the same become a nuisance to adjoining properties;
 - h) Offence 955-8: The growth of grass to a length greater than 6 inches.
 - i) Offence 955-9: Fallen branches, tree limbs or brush or bush which is unsightly or a fire hazard.
 - j) Offence 955-10: Any condition, that in the opinion of the designated officer, is dangerous to property or public safety.
- 3.2 Offence 955-11: No owner or occupier shall permit property, or buildings or structures on property to remain in a condition which does not meet the standards for occupied, abandoned, vacant, boarded up or dilapidated building(s), structure(s) or property as set out in Schedules E, F and G.

- 3.3 Offence 955-12: No owner or occupier shall permit property to drain inadequately to a public drain or:
- 3.3.1 Offence 955-13: Permit any excavation, depression, drain, ditch or watercourse to hold standing water;
- 3.3.2 Offence 955-14: Permit any lot or site to not have adequate surface drainage to a public drain;

4. COMPLAINT

- 4.1 Any person may allege a violation of this by-law by filing a “*written complaint*” with the municipality in such form and with such particulars as the Village of Dunnottar may from time to time require.
- 4.2 Any municipal official, designated officer, development officer, or inspector may determine a violation of this by-law.

5. INSPECTIONS

- 5.1 Upon receipt of a complaint, as aforesaid, the designated officer shall inspect all property alleged to be in violation of this by-law, in such manner as shall be reasonably necessary in order to determine whether or not there has been a violation of this by-law.

6. WARNINGS AND ORDERS

- 6.1 Where inspections reveal a violation of any provision of this by-law, the designated officer:
 - a) May at his or her discretion issue a letter of inquiry about the condition of the property, building and/or structure(s) and enclose a copy of this by-law and schedules.
 - b) May at his or her discretion give written *warning notice(s)*, substantially in the form attached as Schedule A1 or Schedule A2 First Warning Notice, of the contravention to the owner and occupier of the property by regular mail.
 - c) If the contravention continues following the warning notice(s) in Section 6.1.2 a follow-up second inspection and second warning letter or notice, substantially in the form attached as Schedule B1 or D1 Second Warning Notice, shall be sent accompanied by an order, substantially in the form attached as Schedule B2 or D2 Designated Officer Order, following the requirements for contents of an order listed in Section 6.1.4 below, to the owner, and/or occupier and mortgage holder where applicable.

OR
 - d) May at his or her discretion not provide a letter of inquiry or a warning notice or letter, and the designated officer may issue a *written order*, which shall:
 - 1. specify the non-compliance with this by-law and schedules where applicable.
 - 2. specify the manner in which to improve the appearance, bring in compliance with the schedules or correct the nuisance by removing or demolishing the building(s) or structure(s).
 - 3. specify the time, which shall be no less than 19 days, nor greater than 40 days, within which compliance shall be required;
 - 4. advise that should compliance not be effected within the specified time, the Municipality may undertake the correction, remediation and/or demolition at the expense of the owner of the property and that such expense may be collected in the same manner that a tax may be collected or enforced under The Municipal Act,
 - 5. advise of the process of appeal, which shall be substantially in the form as in Schedule C.
 - 6. the order shall be substantially in the form attached as Schedule B2 or D2 Designated Officer Order.

7. APPEALS

- 7.1 Any interested person may appeal an order made by the designated officer by filing with the Chief Executive or Administrative Officer of the Municipality within 19 days from the date of the order, an objection or appeal of the order substantially in the form attached as Schedule C Objection or Appeal to Designated Officer Order.
- 7.2 Upon receipt of an appeal in the required objection and/or appeal form, the Chief Administrative Officer of the Municipality shall cause a copy thereof to be forwarded to the council forthwith and the council shall entertain such appeal within forty days of receipt of it by holding a hearing. Council may hear the appeal as a committee of the whole or by subcommittee especially established for this purpose. A notice of hearing shall be issued by council and shall be served upon the persons and in the manner specified in Section 8 below no later than 5 days prior to the appeal hearing.
- 7.3 The council shall determine an appeal within 30 days of a hearing and shall serve a notice of disposition forthwith upon determination, upon the interested persons. The council may:
- a) Confirm the order of the designated officer; or
 - b) Vary the order of the designated officer; or
 - c) Substitute an order or dates of compliance of the designated officer; or
 - d) Cancel the order of the designated officer.

8. SERVICE OF NOTICES OR ORDER

- 8.1 A letter of inquiry or warning letter may be served by regular prepaid Canada Post mail, or be hand delivered.
- 8.2 Any order issued by the designated officer under section 6, or a notice of hearing issued under Section 7, or a notice or order of Council confirming, varying, substituting or cancelling a designated officer order; shall be served by personal service, certified mail or by registered mail upon:
- a) The owner(s) of the property affected
 - b) The occupier(s) of the property affected, if any; and
 - c) The holder(s) of any mortgage of the property affected, in respect to any order alleging a violation of the following subsections:
 - 3.1.2 Unsafe structure(s);
 - 3.1.3 Unsightly or untidy property;
 - 3.1.4 Unsightly, unmaintained or dilapidated buildings or structures to be demolished
- 8.3 Service made personally shall be deemed to have been made on the date of such service and service made by certified or registered mail shall be deemed to have been made 5 days after posting.
- 8.3.1 Service by regular prepaid mail to the address of the property owner shall constitute notice and service.
- 8.3.2 Service to the property owner may be made by posting on the property in a conspicuous place and in any event in the entrance way and service shall be deemed to have been made 3 days following posting.
- 8.3.3 In the case of service upon an occupier, the address for mailing shall be the address of the property. In the case of an owner, the address for mailing shall be as shown on the current assessment records of the Municipality. In the case of a mortgage holder, the address for mailing shall be as shown according to the records of the Land Titles Office for the area within which the property is situated.

9. ENFORCEMENT

- 9.1 If a person receiving a written order of the “designated officer” or a confirmed, varied or substituted order of Council, does not comply with the order within the period of time specified, Council may authorize staff to take the action or measure necessary at the expense of the person to correct the contravention.
- 9.2 The costs of actions or measures taken by the Village of Dunnottar to carry out the terms of an order issued by the designated officer and confirmed, varied or substituted by Council on appeal, are an amount owing to the Municipality by the owner of the property. In addition to all other rights of collection, which the Municipality may have at law, the Municipality may collect such amounts in the same manner as a tax may be collected or enforced under The Municipal Act.
- 9.3 Any person who contravenes or disobeys, or refuses or neglects to obey or comply with any order made under this by-law is guilty of an offence and is liable, on summary conviction, to a fine:
- a) \$250.00 for a first offence;
 - b) \$500.00 for a second or subsequent offence;
 - c) where a contravention continues for more than one day, the person is guilty of a separate offence for each day it continues;
 - d) or in the case of an individual, to imprisonment for a term not exceeding six months, or to both such a fine and such an imprisonment.
- 9.4 Where a corporation commits an offence under this by-law, each director or officer of the corporation who authorized, consented to, connived at or knowingly permitted or acquiesced in the doing of the act or omission that constitutes the offence or offences, is likewise guilty of the offence and is liable on summary conviction, to a fine not to exceed \$5,000.00 for each offence.
- 9.5 Where the contravention, refusal, neglect, omission, or failure continues for more than one day, the person or corporation is guilty of a separate offence for each day it continues.
- 9.6 The Authorized Staff of the Village of Dunnottar is authorized to enter onto any land or premises during reasonable hours to inspect for conditions that may be in contravention to this by-law.
10. That resolutions of Council may be passed to adopt or amend policy and procedures regarding this by-law.
11. That By-Law No. 815/05 is hereby repealed.

DONE AND PASSED by the Council of the Village of Dunnottar, in Council duly assembled, at Dunnottar, in Manitoba, this _____ day of _____, 2018.

Richard Gamble, Mayor

J.M. Thevenot, Administrator

Read a first time this	day of	A.D. 2018.
Read a second time this	day of	A.D. 2018
Read a third time this	day of	A.D. 2018.

**Schedule A1
First Warning Letter to Correct Violations
Unsightly Property By-law No. 955/18**

File Number: *insert File # same as street address*
Roll Number: *insert File # same as street address*
Date of Letter: *Insert date letter mailed*
Date Response Required By: *Insert date determined by DO*

To: Owner/Occupier: *send separate letter to each owner on C of T*

Mailing Address: *Insert mail address for each owner separate letter*

Dear Sir/Madam:

**Subject: Village of Dunnottar Unsightly Premises By-law No. 955/18
Correction of Violations Required**

Acting upon a **complaint**, the Development Officer or the Designated Officer had cause to inspect your property located in the Village of Dunnottar at: *Insert Street Address*

Upon inspection, it is apparent that a violation(s) exists in accordance with Village of Dunnottar By-law #955/18 due to:

insert contraventions

Therefore, the Village of Dunnottar requests you rectify the situation by: *Date determined by DO*

In accordance with Section 239 (1) of the Municipal Act, I will enter onto the property on *date by DO* to conduct a second inspection. If there is no compliance with this warning notice and the violations are not corrected, a Designated Officer Order may be issued by me, authorizing the Village of Dunnottar to bring the property into compliance with the By-law Number 955/18. The costs of any action or measure taken by the Village are an amount owing to the Village of Dunnottar by the owner of the property. In addition to the rights of collection, which the Village may have at law, such amounts maybe collected by the Village in the same manner as a tax may be collected or enforced under the Municipal Act.

Your immediate attention to this matter and cooperation is appreciated.

If you have any questions please contact me immediately.

Yours truly,

Designated Officer

Enclosed: Inspection Sheet(s), digital photograph(s)

**Schedule A2
First Warning Letter to Demolish Building or Structure
Unightly Property By-law No. 955/18**

File Number: *Insert file #which street address*
Roll Number: *Insert file roll #*
Date of Letter: *date to be mailed*
Date Response Required By: *as per DO*

To: Owner/Occupier: *Separate letter to each owner on C of 7*

Mailing Address: *Separate letter to each owner on C of 7*

Dear Sir/Madam:

**Subject: Village of Dunnottar Unightly Premises By-law No. 955/18
Demolition of Unightly Buildings and Structures**

Acting upon a **complaint**, the Development Officer or the Designated Officer had cause to inspect your property located in the Village of Dunnottar at: *Insert street address*

Upon inspection, it is apparent that a violation(s) exists in accordance with Village of Dunnottar By-law No. 955/18 due to the building(s) on the property being dilapidated, unmaintained and in a state of disrepair.

Therefore, the Village of Dunnottar requests you rectify the situation by:

1. Demolishing the dwelling on the property as well as the accessory buildings listed below;
2. Remove any foundation(s);
3. Remove any debris to an approved landfill;
4. Level the site and create positive drainage to an approved public drain on the road or lane;
5. The building(s) to be demolished are: *Insert list by DO*

(and are circled on the enclosed digital photograph)

Date: The demolitions of the buildings and or structures listed above are to be completed by:
Date by DO

In accordance with Section 239 (1) of the Municipal Act, I will enter onto the property on *Date by DO* to conduct a second inspection. If there is no compliance with this warning notice and the buildings are not demolished, a Designated Officer Order may be issued by me, authorizing the Village of Dunnottar to demolish the building(s) and bring the property into compliance with the By-law Number 955/18. The costs of any measure or action taken by the Village of Dunnottar, such as demolition, are an amount owing to the Village of Dunnottar by the owner of the property. In addition to the rights of collection, which the Village may have at law, the Village may collect such amounts in the same manner as a tax may be collected or enforced under the Municipal Act.

Your immediate attention to this matter and cooperation is appreciated.

If you have any questions, please contact me immediately.

Yours truly,

Designated Officer

Enclosed: Inspection Sheet(s), digital photograph(s)

**Schedule B1
Second Warning Letter Regarding Unsightly Premises or Property Requiring Cleanup
Unsightly By-law No. 955/18**

File Number: *insert street address*
Roll Number: *Insert roll #*
Date of this Letter: *Date by DO*
Date Appeal or Objection Response Required By: *Date is 19 days after mail date*
To: Owner/Occupier: *Separate letter of each owner on C of 7*
Mailing Address: *Separate letter of each owner on C of 7*

Dear Sir/Madam:
**Subject: Village of Dunnottar Unsightly Premises By-law No. 955/18
Correction of Violations Required: Second Warning Letter
and Attached Designated Officer Order on Form B2**

You received notification by letter dated *Date of FIRST warning letter* of a complaint causing the designated officer or development officer to inspect your property at *address of property*

Upon inspection, it was apparent that a violation existed in accordance with the Village of Dunnottar By-law Number 955/18 due to *List contraventions as in 1st warning and second in*

You were requested to rectify the situation by *Date by DO*

A second inspection was completed at the property on *Insert date* and found it continues to be in violation of Unsightly Property By-law Number 955/18.

Specifically, *list contraventions*

The attached “**Designated Officer Order**” on Schedule B2 requests you correct the contravention(s). It authorizes the municipality through the Municipal Act to correct bylaw contraventions and charge the owner for the cleanup, if necessary, by collecting the amount owing as if were taxes

The order informs you there is an objection or appeal process and date by which the appeal must be made. Please read the order carefully and insure you know the dates.

I trust you will govern yourself accordingly.

Yours truly,

Designated Officer

Schedule B2
Designated Officer Order to Improve the Appearance of Unsightly Premises in Manner Specified Below
Section 243(1)(c) of The Municipal Act
Unsightly By-law No. 955/18

Order File Number: *Address is file number*
Roll Number: *insert roll number*
Date of Order: *Date by DO*
Date Review/Appeal to Village Council Required By: *Date by DO*
Date Improvements Required to be Completed By: *Date by DO*

To: Owner/Occupier: *list all owners separately and send letter to each*

Mailing Address:

Mailed by Certified Mail/Registered Mail OR Served Personally

Dear Sir/Madam:

Subject: Village of Dunnottar Unsightly Premises By-law No. 955/18
Correction of Violations Required at: *Insert Street Address*
Legal Description:

As Designated Officer for the Village of Dunnottar, I am informing that a second inspection of your property *insert street address* in the Village of Dunnottar was conducted on *Date by DO* found that it is or continues to be in violation of the Village of Dunnottar Unsightly Property By-law No. 955/18.

Specific Contraventions

A. Specifically, *list infractions or contraventions to be removed* on your property has not been removed.

OR

B. Specifically your property does not meet the requirements of Schedule E or F or G for the maintenance of property *list infractions or contraventions to be removed*

Pursuant to Section 243(1)(c)(i) of the Municipal Act, as Designated Officer of the Village of Dunnottar, you are hereby ordered to:

1. Remove the following debris or rubbish
2. Make the following list of improvements to the buildings specified

And further, pursuant to Section 243(2)(a) of the Municipal Act, my order is stating that you must complete these items by: *insert date by DO 19 days* at 3 PM.

And further, pursuant to Section 243(2)(b) of the Municipal Act, you are informed that if you do not comply with this order by the date and time specified above, the Village of Dunnottar may and will take the action(s) or measure(s) necessary to bring the specified contraventions into compliance with the by-law at your expense. The costs of an action or measure taken by the Village of Dunnottar are an amount owing to the Village of Dunnottar by the person who contravened the bylaw or the owner of the property.

You, as Owner or Occupant may request Council to review this order within 19 days of the date on this order. Your appeal and request for review must be made in writing to the Chief Administrative Officer of the Village of Dunnottar by: *insert date 19 days* substantially in the form attached to this bylaw as Schedule C. (enclosed)

I trust you will govern yourself accordingly.

Yours truly,

Designated Officer
Date:

Attachments:
1st inspection report
1st warning letter
Photocopy of digital photo showing specific contraventions and showing the building(s) for which compliance is required.

**Schedule C
Appeal and/or Objection to a Designated Officer Order
Unightly Property By-law Number No. 955/18
Village of Dunnottar**

Dear Village of Dunnottar Chief Administrative Officer:
P.O. Box 321
Matlock, Manitoba
R0C 2B0

**Attention Council:
File Number and Dunnottar property address:**

Please take notice that I object to Designated Officer Order and am appealing the order on the following grounds:

-
-
-
-
-
-

Signed:

Sign Name Registered Owner

Date: _____

Print Name

This form of notice authorized by Section 7 of Unightly By-law Number 955/18 of the Village of Dunnottar.

Registered Owner is the name of the owner listed in the current assessment record.

**Schedule D1
Second Warning Letter Regarding Unsightly Premises or Property Requiring Demolition
Unsightly By-law No. 955/18**

File Number: *insert file # as street address*
Roll Number: *insert roll number*
Date of this Letter: *date of letter mailed*
Date Appeal or Objection Response Required By: *19 days after mail date*
To: Owner/Occupier: *separate letter to each owner*

Mailing Address:

Dear Sir/Madam:

**Subject: Village of Dunnottar Unsightly Premises By-law No. 955/18
Correction of Violations and Demolition Required: Second Warning Letter
and Attached Designated Officer Order on Form D2**

You received notification by letter dated *Date of FIRST warning letter* of a complaint causing the designated officer or development officer to inspect your property at *address of property*

Upon inspection, it was apparent that a violation existed in accordance with the Village of Dunnottar By-law Number 955/18 due to *List contraventions as in 1st warning and second in*

You were requested to rectify the situation by demolishing the main building and the accessory building(s) by *date in first letter*

A second inspection was completed at the property on *date of End inspection* and found it continues to be in violation of Unsightly Property By-law Number 955/18 as the demolition has not been completed.

The attached "Designated Officer Order" order on Schedule D2 requests you correct the contravention(s) and demolish the main building and accessory building(s) as noted. It authorizes the municipality through the Municipal Act to demolish the building(s) and correct bylaw contraventions and charge the owner for the cleanup, if necessary, by collecting the amount owing as if were taxes

The order informs you there is an objection or appeal process and date by which the appeal must be made. Please read the order carefully. An appeal letter is included as Schedule C

I trust you will govern yourself accordingly.

Yours truly,

Designated Officer

Schedule D2
Designated Officer Order to Demolish Unightly Building or other Structure as per Section
243(1)(c)(ii) of The Municipal Act
This is an official Designated Officer Order issued by the Village of Dunnottar pursuant to Section
243(1) of the Municipal Act of the Province of Manitoba.

Order File Number: *street address*
Roll Number: *Insert roll*
Date of Order: *date of mailing*
Date Review/Appeal to Village Council Required By: *19 days*
Date Demolition Required to be Completed By: *inset date*

To: *separate letter of each owner on the C of T*

Mailing Address:

Mailed by Certified Mail/Registered Mail OR Served Personally

Dear Sir/Madam:

Subject: Village of Dunnottar Unightly Premises By-law #1/2005
Demolition of Unightly Building or Structure at:
Legal Description:

As Designated Officer for the Village of Dunnottar I am informing that a second inspection of your property at *inset ADDRESS*

in the Village of Dunnottar was conducted on *inset date*

and this inspection found that it is or continues to be in violation of the Village of Dunnottar Unightly Property By-law No. 955/18.

Specifically, the building(s) and or structure(s) have not been demolished.

Pursuant to Section 243(1)(c)(ii) of the Municipal Act, as Designated Officer of the Village of Dunnottar, you are hereby ordered to:

1. Demolish the buildings listed here and circled on the enclosed digital photograph.
2. Remove all debris to an approved landfill site.
3. Level the site and create positive drainage to an approved public drain on the road or lane allowance

List of buildings:

And further, pursuant to Section 243(2)(a) of the Municipal Act, my order is stating that you must complete demolition and levelling by: *Date by Do* at 3 PM.

And further, pursuant to Section 243(2)(b) of the Municipal Act, you are informed that if you do not comply with this order by the date and time specified above, the Village of Dunnottar may and will take the action(s) or measure(s) necessary to demolish the building(s) and bring the property into compliance with the by-law at your expense. The costs of an action or measure taken by the Village of Dunnottar are an amount owing to the Village of Dunnottar by the person who contravened the bylaw or the owner of the property.

You as Owner and/or Occupant may request Council to review this order within 19 days of the date on this order. Your appeal and request for review must be made in writing to the Chief Administrative Officer of the Village of Dunnottar by
INSERT DATE 19 DAYS AFTER MAIL DATE **substantially in the form attached to this bylaw as Schedule C. (enclosed)**

I trust you will govern yourself accordingly.

Yours truly,

Designated Officer
Village of Dunnottar
Dated this day of 2005.

Attachments:

1st inspection report

1st warning letter

Photocopy of digital photo showing specific contraventions and showing the building(s) for which compliance is required.

SCHEDULE "E"
VILLAGE OF DUNNOTTAR
BY-LAW No. 955/18
UNSIGHTLY PREMISES

STANDARDS FOR BUILDINGS AND PREMISES

1. Exterior Walls

1. Exterior walls of the buildings must be maintained in good repair and, in particular:
 - a. they must be protected against deterioration, by maintaining the walls, coping or flashing, or by the application of a protective surface;
 - b. wood surfaces must be adequately protected against deterioration through the periodic application of appropriate protective coatings, such as paint, varnish, stucco, brick or stone facing, wood or asphalt shingle or siding;
 - c. the paint on more than 25% percent of the area of any painted plane or wall must not be blistered, cracked, flaked, scaled, or chalked away;
 - d. the mortar of any masonry or stone wall must not be loose or have fallen out.

2. Roofs

1. Roofs must be kept in good repair.
2. Loose or unsecured objects, including dangerous accumulations of snow or ice or both, must be removed from the roof of a building.
3. Roof drainage or surface drainage must be controlled in order to eliminate or minimize any effects on:
 - a. neighbouring property so as not to cause dampness in the walls, ceilings or floors of any portion of any adjacent building; or
 - b. neighbouring or public sidewalks or stairs so as not to create a hazardous condition; or
 - c. neighbouring property thereby causing noticeable ponding or ground erosion.
4. Eavestroughing and downspouts must be watertight and maintained in good repair.

3. Foundations

1. Every foundation wall forming part of a dwelling must be maintained in good repair and structurally sound so as to prevent undue settlement of the building.

4. Porches and Entrances

1. Every porch and entrance to a building must be maintained in good repair so that no component thereof is broken, loose, rotted, warped, out-of-plumb, off-level or out of alignment.
2. All exterior steps must be kept in good repair so as to afford safe passage under normal use and weather conditions and protected against deterioration by the application of appropriate protective coating if of wood construction.

5. Grounds

1. Premises must be kept free and clean from:
 - 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. excessive growth of weeds or grass: and
 - d. objects and conditions, including holes and excavations that are health, fire or accident hazards.
2. Plants and vegetation must be kept trimmed so as not to become unsightly.
3. The yard must be graded in such a manner so as to prevent:
 - a. excessive or reoccurring ponding of water; or
 - b. excessive dampness from occurring in buildings on or adjacent to the yard; or
 - c. any hazardous condition from being created on any private or public walkway.

6. Walks, Driveways, and Parking Spaces

1. A walk may be provided from the principle entrance of every building to a public street or to a driveway affording access to a public street.
2. Every walk, driveway and parking space must be surfaced with stone, asphalt, concrete or other material capable of providing a hard surface and must be maintained so as to afford the safe passage under normal use and weather conditions.

7. Fences and Accessory Buildings

1. All fences must be kept:
 - a. weather resistant by the application of appropriate materials, including paint and preservatives; and
 - b. in good repair; and
 - c. free from health, fire and accident hazards.

SCHEDULE "F"
VILLAGE OF DUNNOTTAR
BY-LAW No. 955/18
UNSIGHTLY PREMISES

REQUIREMENTS FOR VACANT DWELLINGS

The owner of a vacant dwelling must ensure that the dwelling meets the following requirements:

1. Exterior Walls

1. The exterior of every dwelling must be constructed, repaired and maintained in order to
 - a. ensure the integrity of the building envelope to protect the dwelling from the weather and from infestation of pests, and
 - b. prevent a substantial depreciation in property values in the immediate neighbourhood.
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 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 admit insects, rodents or other pests to the interior of the wall or the interior of the dwelling;
 - 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 dwelling must be free of graffiti.

2. Roofs

1. Roofs must be constructed and maintained so as to prevent
 - a. rainwater or melting snow falling on the roof from entering the dwelling; and
 - b. rainwater or melting snow falling on the roof from negatively affecting neighbouring buildings or properties;
 - c. objects and materials from falling on the roof.
2. Without restricting the general obligation set out in subsection (1)
 - a. All 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 dangerous accumulations of snow or ice or both, must be removed from the roof of a dwelling or an accessory building.

3. Foundations

1. Every foundation wall forming part of a dwelling 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.
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;
 - c. Every part of a dwelling 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;
 - d. Materials that have been damaged, or show evidence of rot or other deterioration;
 - e. Dwellings on a surface foundation must maintain structural soundness and must not contain broken or rotted beams or joists.

4. Porches and Stairs

1. Every porch and stairway within, on or attached to a dwelling must be maintained in good repair so as to afford safe passage under normal use and weather conditions.
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;
 - b. exterior steps must be protected against deterioration by the application of appropriate protective coating.

5. Guards, Balustrades and Handrails

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

6. Floors

1. Every floor must be maintained:
 - a. free of loose, warped, protruding or rotting floor boards;
 - b. free of wide holes or cracks;
 - c. free of other defects that may be a fire, health or other hazard

7. Walls and Ceilings

1. Every wall and ceiling in a dwelling shall be maintained in a safe condition and free from loose plaster and other hazards.

8. Fire Protection Systems

1. All existing fire protection systems must be maintained in an operational condition to the satisfaction of an enforcement officer and must be connected to a central monitoring system.
2. All existing sprinkler and standpipe systems in vacant apartment buildings must be maintained in an operational condition to the satisfaction of an enforcement officer.
3. Combustible materials may not be stored in a vacant dwelling.

9. Yards

1. Yards surrounding a vacant dwelling 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 dwelling;
 - b. drainage of water that negatively affects neighbouring properties or creates hazardous conditions.
2. Without restricting the general obligation under subsection (1), yards surrounding a vacant dwelling 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.
3. Plants and vegetation in yards surrounding vacant dwellings must be kept trimmed.
4. Yards surrounding vacant dwellings 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; or
 - 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.

10. Walkways and Driveways

1. Access from a public street to the principle entrance of every vacant dwelling must be afforded by way of a walk or driveway.
2. Every walk or driveway and parking space must be surfaced with stone, asphalt, concrete or other material capable of providing a hard surface and must be maintained in good repair.

11. Fences and Accessory Buildings

1. All fences and all accessory buildings must be kept:
 - a. weather resistant by the application of appropriate materials, including paint or preservatives; and
 - b. in good repair.

SCHEDULE "G"
BY-LAW No. 955/18
Unsightly Premises

REQUIREMENTS FOR BOARDED-UP BUILDINGS

In order to comply with Section 5, the owner of a boarded-up dwelling must ensure that the dwelling meets the following requirements:

- a. All doors, windows and other openings at the basement and first floor levels must be covered with a solid piece of plywood at least three-eighths (3/8) inch (11 millimetres) thick and secured with screws or coated nails at least two (2) inches (50 millimetres) in length, spaced not more than six (6) inches (150 millimetres) on centre.
- b. All doors, windows and other openings above the first floor must be covered with a solid piece of plywood, at least one quarter (1/4) inch (8 millimetres) thick adequately secured with nails or screws at least two (2) inches (50 millimetres) in length, spaced not more than six (6) inches (150 millimetres) on centre.
- c. Where plywood is applied to openings, it must first be installed from the exterior, fitted within the frames in a watertight manner, and protected from the elements with paint or preservatives in a manner that does not detract from the appearance of other properties in the immediate vicinity.
- d. Exterior access to floors above the first floor, including fire escapes and ladders, must be rendered inaccessible by removing them to a height of at least thirteen (13) feet (four metres) or guarded in some other manner acceptable to a designated officer.
- e. Openings to areaways must be adequately secured and protected by one of the following methods:
 - i. Covered by a metal plate of at least five-sixteenths (5/16) (8 millimetres) thick and secured so as to prevent it from shifting;
 - ii. Filled with concrete or unshrinkable fill.
- f. Loose material on the exterior of a building must be removed and any condition which is or may become dangerous must be eliminated.
- g. Electricity, natural gas and water must not be cut off where they are necessary to maintain fire protection systems or fire alarms.
- h. Where they are not necessary to maintain fire protection systems or fire alarms, electricity, natural gas and water may be cut off in a manner satisfactory to an enforcement officer.
 - i. Any doors, windows or other openings that are not boarded-up must be kept in a watertight condition.