

THE CITY OF FLIN FLON

**BY-LAW NO. 2021 - 04**

Being a By-Law of The City of Flin Flon  
To establish a system to regulate the  
Condition and maintenance of vacant  
And derelict buildings and to discourage  
The boarding of vacant buildings.

Passed: February 1, 2022

WHEREAS Part 7, Division 2 Section 232 of The Municipal Act of Manitoba provides for the Council of the municipality to pass bylaws with respect to the condition and maintenance of vacant buildings and;

WHEREAS Section 247.2 provides for the process to take title of vacant and derelict buildings and;

WHEREAS it is necessary to establish a process for issuing the necessary orders, notices and derelict building certificates pursuant to the provisions in The Municipal Act;

NOW THEREFORE, The Council of The City of Flin Flon, duly assembled, enacts as follows:

**1. Definitions**

In this By-Law, the following definitions shall apply:

**Boarded 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.

**Designated Committee** means the committee appointed by the Council of The City of Flin Flon charged with the oversight of this bylaw.

**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.

**Owner** includes a person responsible for real property and any person

- (a) Who is managing a building, whether on his or her own account or as agent or trustee of any person,
- (b) Who would receive the rent for the building if the building were rented,
- (c) Who, despite having sold the real property under an agreement for sale, has paid any real property taxes on the property after the effective date of the agreement,
- (d) For the time being receiving installments of the purchase price of a property sold under an agreement for sale whether on his or her own account or as an agent or trustee of any other person, or
- (e) Who would so receive the installments of the purchase price if such land or premises were sold under an agreement for sale.

**Vacant** means a building that is not being used or occupied. A building that has had its water shut off shall be conclusively deemed vacant for the period of shut off.

**Clarification of “use” or “occupancy”**

For the purposes of this By-law, a building-is not being used or occupied solely by reason of

- (a) the presence of individuals in the building without the consent of the owner;

- (b) The existence of equipment or stock in trade within a building or the occasional operation of such equipment; or
- (c) A health hazard order issued under The Public Health Act; or
- (d) Another order issued under an Act or by-law prohibiting the occupancy or use of the building.

## **DIVISION 1 – MAINTENANCE & SECURING OF VACANT BUILDINGS**

### **2. Maintenance of Vacant Buildings**

The owner of a vacant building must maintain it in compliance with the standards set out in The Maintenance and Occupancy Bylaw currently in force. Every Vacant Building must be inspected annually.

### **3. Securing Vacant Buildings**

The owner of a vacant building must ensure that the building is secure from unauthorized entry.

## **DIVISION 2 – ENFORCEMENT**

### **4. Designated Employees and Enforcement Officers**

Designated employees and enforcement officers may conduct inspections and take appropriate steps to administer and enforce this by-law or remedy a contravention of this by-law.

## **DIVISION 3 – ADMINISTRATION**

### **5. Address for Service**

Where it is necessary to determine an address for sending or delivering an order, notice or some other document shall be sent to the address maintained by the tax collector for the purpose of issuing the tax notice for that property.

### **6. Appeal of Order or Decision**

A decision or order made under this by-law may be appealed to Flin Flon City Council.

## **DIVISION 4 – TAKING TITLE TO VACANT BUILDINGS**

### **7. Definitions**

In this By-law and for the purposes of Division 6 herein, as well as for the purposes of applying Section 247 of The Municipal Act,

**derelict building by-law** means the Vacant Buildings By-law of The City of Flin Flon;

**derelict property** has the same meaning as in Sections 247.1 to 247.13 of The Municipal Act, and means any property which is in non-compliance with the terms of the Vacant Buildings By-law of The City of Flin Flon;

**Designated Committee** means the Engineering Services Committee;

**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 granted or duty imposed under this By-law.

**DIVISION 5 – FEES, FINES, & CHARGES**

8. Any applicable fees shall be charged as set out in the Fees Fines and Charges Bylaw-Schedule C

**DIVISION 6 – APPEALS**

Flin Flon City Council is hereby authorized to hear appeals that are permitted under Section 247 of The Municipal Act.

By-Law 2013-13 and amendments thereto is hereby repealed.

PASSED AND ENACTED AS A BY-LAW OF THE CITY OF FLIN FLON, THIS 1<sup>ST</sup> DAY OF, FEBRUARY, A.D. 2022.

*Original Signed by Cal Huntley*

\_\_\_\_\_  
Mayor

*Original Signed by Nicole Hartman*

\_\_\_\_\_  
Chief Administrative Officer

Read a first time this 7th day of December, A.D. 2021.

Read a second time this 1st day of February, A.D. 2022.

Read a third time this 1st day of February, A.D. 2022, DONE AND FINALLY PASSED.

**Schedule "A"**

**Vacant and Derelict Buildings By-Law  
Preliminary Derelict Building Order**

As owner of the property located at

\_\_\_\_\_  
(civic address)

bearing the legal description

\_\_\_\_\_  
Lot

\_\_\_\_\_  
Block

\_\_\_\_\_  
Plan

you are hereby given this Preliminary Derelict Building Order.

Because the above noted property is in violation of the Vacant and Derelict Buildings By-Law, or of other By-Laws referred to therein, it is now being named as a derelict property, and shall be subject to the remedies provided within the Vacant and Derelict Buildings By-Law. In particular, title to the property may be transferred to The City of Flin Flon if the property is not brought into compliance with the standards of the Vacant and Derelict Buildings By-Law, or other by-laws referenced therein.

In order to remove the property from proceedings under the Vacant and Derelict Properties By-Law that would result in the City taking title, the list of conditions identified in Appendix "A", attached to this order must be improved or otherwise dealt with in a manner satisfactory to the City's designated officer within [no period shorter than 90 days must be inserted here].

You have a right to appeal this order to the Council of The City of Flin Flon, both for purposes of potentially changing or removing some or all of the conditions identified in Appendix "A", or potentially to lengthen the period of time allowed for implementing improvements. This appeal must be made within (a number of days no less than 90 must be inserted here – in most cases this period would be the same as the one provided in the preceding paragraph) days. City Council is free to uphold this order in whole or in part, or to remove or vary any of the contents of the order or the attached Appendix "A".

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_

\_\_\_\_\_  
Acting as Designated Officer for The City of Flin Flon

(Appendix "A" shall individually list the conditions complained of, shall reference the section number of the By-Law or Schedule with which the condition is not in compliance, and shall offer a numerical value, from one to five, with five representing the most severe conditions, for each condition identified. A cumulative score of 12 or higher shall result in the property retaining its derelict status and being subject to procedures for the City taking title, except that structural or safety issues, or a combination thereof, if these be of sufficient importance or severity, may result in derelict status despite a lower cumulative total.)

**Schedule "B"**

Vacant and Derelict Buildings By-Law  
Preliminary Derelict Building Order  
Second Notice

As owner of the property located at

\_\_\_\_\_  
(civic address)

bearing the legal description

\_\_\_\_\_  
Lot

\_\_\_\_\_  
Block

\_\_\_\_\_  
Plan

you are hereby given this Second Notice of the Preliminary Derelict Building Order.

Because the above noted property is in violation of the Vacant and Derelict Buildings By-Law, or of other By-Laws referred to therein, it continues to be named as a derelict property, and shall be subject to the remedies provided within the Vacant and Derelict Buildings By-Law. In particular, if the property is not brought into compliance with the standards of the Vacant and Derelict Buildings By-Law, or other by-laws referenced therein. Title to the property may be issued in the name of The City of Flin Flon and the person being served may be forever estopped and debarred from setting up any claim to or in respect of the property.

In order to remove the property from proceedings under the Vacant and Derelict Properties By-Law that would result in the City taking title, the list of conditions identified in Appendix "A", attached to this order must be improved or otherwise dealt with in a manner satisfactory to the City's designated officer within [no period shorter than 60 days must be inserted here].

You have a right to appeal this order to the Council of The City of Flin Flon, both for purposes of potentially changing or removing some or all of the conditions identified in Appendix "A", or potentially to lengthen the period of time allowed for implementing improvements. This appeal must be made within (a number of days no less than 60 must be inserted here – in most cases this period would be the same as the one provided in the preceding paragraph) days. City Council is free to uphold this order in whole or in part, or to remove or vary any of the contents of the order or the attached Appendix "A".

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_

\_\_\_\_\_  
Acting as Designated Officer for The City of Flin Flon

(Appendix "A" shall individually list the conditions complained of, shall reference the section number of the By-Law or Schedule with which the condition is not in compliance, and shall offer a numerical value, from one to five, with five representing the most severe conditions, for each condition identified. A cumulative score of 12 or higher shall result in the property retaining its derelict status and being subject to procedures for the City taking title, except that structural or safety issues, if these be of sufficient importance or severity, or non-compliance with the portions of this By-Law relative to vacant properties, or any combination of these conditions, may result in derelict status despite a cumulative total less than 12).

**Schedule "C"**

Vacant and Derelict Buildings By-Law

Statutory Declaration

Re: property located in the City of Flin Flon at

\_\_\_\_\_  
(civic address)

bearing the legal description

\_\_\_\_\_  
Lot

\_\_\_\_\_  
Block

\_\_\_\_\_  
Plan

I, \_\_\_\_\_

a Designated Employee for the purposes of the Vacant and Derelict Buildings By-Law, MAKE OATH (OR AFFIRM) AND SAY THAT:

1. A Preliminary Derelict Building Order in respect of the above-noted property was issued on \_\_\_\_\_  
and a Second Notice of a Preliminary Derelict Building Order in respect of the above-noted property was issued on \_\_\_\_\_
2. Both the Preliminary Derelict Building Order and the Second Notice of a Preliminary Derelict Building Order have been registered at the Land Titles Office and have been served in accordance with The City of Flin Flon's Vacant and Derelict Buildings By Law and the corresponding provisions of The Municipal Act.
3. The time period for bringing the above-noted property into compliance with the Vacant and Derelict Buildings By-Law provided in the Preliminary Derelict Building Order and the Second Notice of a Preliminary Derelict Building Order has expired.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_

\_\_\_\_\_  
Acting as Designated Officer for The City of Flin Flon