

**CITY OF THOMPSON
BY-LAW NUMBER 1482-94**

[As amended by AM B/L's 1747-2007, 1815-2009 and 1854-2011]

BEING A BY-LAW OF THE CITY OF THOMPSON TO ESTABLISH STANDARDS OF BUILDING SAFETY, MAINTENANCE, AND OCCUPANCY OF DWELLINGS, NON-RESIDENTIAL PROPERTY, OTHER STRUCTURE OR PROPERTY WITHIN THE CITY AND TO ESTABLISH A BUILDING STANDARDS COMMITTEE, TO BE KNOWN AS THE "BUILDING SAFETY AND PROPERTY STANDARDS BY-LAW."

WHEREAS the City of Thompson is empowered by Part V, Division IV, Subdivision I of The Municipal Act, RSM 1988, CM225, to adopt, by by-law, proper standards for the building safety, maintenance, and occupancy of dwellings, non-residential property, and other structures or property within the City and to establish a Building standards Committee.

AND WHEREAS it is deemed expedient and in the public interest to adopt such standards;

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

PART I: APPLICATION AND DEFINITIONS

1. **Application**

This By-Law applies to the building safety, maintenance, and occupancy of dwellings, non-residential property, other structures or property, or parts thereof, together with the surrounding lands.

2. **Definitions**

(a) Unless otherwise expressly provided, or unless the context otherwise requires, words and expressions in this by-law have the same meaning as the same words and expressions in the Manitoba Building Code, the Municipal Act, and the City's Legislative Standards By-Law.

(b) In this by-law:

- (1) **"Accessory Building"** means a building or structure that is:
- i) appurtenant to a main building forming part thereof; and
 - ii) located on the same property as a main building; and includes a building or structure partly or wholly attached to the main building.

- (2) **“Authority Having Jurisdiction”** means The City of Thompson and its designated agents, including but not limited to the Building Inspector and, for Orders under the Manitoba Fire Code or The Fires Prevention Act, the Fire Chief.
- (3) **“Basement”** means a storey or storey’s located below the first storey or any storey with its floor level one (1) meter or more below average grade level.
- (4) **“Building”** means any structure used or intended for supporting or sheltering any use or occupancy.
- (5) **“Cellar”** means any basement, sub-basement or crawl space to which access can be obtained by way of a trap door, or such other means of access not normally or primarily used as a door for ingress or egress by people, including but not limited to ramps, overhead or sliding doors, shopping and receiving doors, vehicle entrances and exits, located partially or wholly below adjacent grade level.
- (6) **“Code”** means The Manitoba Building Code as adopted by Manitoba Regulation 57/82, pursuant to The Buildings and Mobile Homes Act, RSM 1987, c.B93, as amended from time to time, or any subsequent Manitoba Building Code which may be enacted.
- (7) **“Committee”** means the Building Standards Committee appointed by Council in accordance with Part V hereof and charged with the responsibility of hearing and making decisions on appeals to Orders issued pursuant to the provision of this By-law.
- (8) **“Councilor”** means any person elected as a member of the current Council of the City.
- (9) **“Dangerous to public safety”** means conditions in and about structures and land where injury or death to members of the public is possible if conformance with standards is not obtained in a reasonable timeframe.
- (10) **“Division I Building”** means a building containing a residential occupancy, having a minimum building height of three storey’s, and which was originally designed for use by one or two families but has been converted so as to provide

more than two suites or more than one suite with a commercial occupancy.

- (11) **“Division II Building”** means a building containing a residential occupancy, having a minimum height of three storey’s, and which was originally designed for use by one or two families but has been converted so as to provide more than two suites or more than one suite with a commercial property.
- (12) **“Dwelling”** includes any building, part of a building, mobile home, trailer or other covering or structure, the whole or any portion of which has been used, is used, or is capable of being for the purposes of human habitation with the land and premises appurtenant thereto and all accessory buildings, fences or erections thereon or therein, and every dwelling unit within the building.
- (13) **“Dwelling Unit”** means one or more rooms located within a building and used or intended to be used for human habitation by one or more persons with cooking, eating, living and sleeping facilities and with separate sanitary facilities.
- (14) **“Fence”** means a railing, wall or other means of enclosing a yard and includes barriers and retaining walls.
- (15) **“Fire Protection Rating”** means the time in hours or fraction thereof that a closure, window assembly, or glass block assembly will withstand the passage of flame when exposed to fire under specified conditions of test and performance criteria or as otherwise prescribed in the Code.
- (16) **“Fire Resistance Rating”** means the time in hours or fraction thereof that a material or assembly of materials will withstand the passage of flame and the transmission of heat when exposed to fire under specified conditions of test and performance criteria, or as determined by extension or interpretation of information derived there from as prescribed in the Code.
- (17) **“Fire Separation”** means a construction assembly that acts as a barrier against the spread of fire and may not be required to have a fire resistance rating or a fire protection rating.

- (18) **“Grade”** means the average level of finished ground adjoining a building or structure at all exterior walls as determined by the Authority having jurisdiction.
- (19) **“Habitable Room”** means any room used or intended to be used for living, sleeping, cooking or eating purposes or any combination thereof.
- (20) **“Heritage Building”** means a building having special historical or architectural significance and officially designated as a heritage building by the City pursuant to The Heritage Resources Act, R.S.M. 1985-86, c.H391.1, or by the Federal Government or the Provincial Government.
- (21) **“Housekeeping Dwelling Unit”** means one or more adjacent rooms used for dwelling purposes providing private culinary facilities including a sink and refrigerator, relative to which a wash basin, water closet, bathtub or shower is shared with the occupants of another housekeeping dwelling unit in the building.
- (22) **“Immediately Dangerous Non-Conformance”** means a condition which does not comply with the standards established by this By-Law which in the opinion of the Inspector is unsafe or dangerous or injurious to health or safety.
- (23) **“Immediately dangerous to public safety”** means conditions in and about structures and land where injury or death to members of the public is either imminent or probable and thus requires urgent conformance with standards.
- (24) **“Inspector”** means Building Inspector, Fire Inspector, Health Inspector or any other person or agency employed by or acting for the City or the Board and partially or wholly responsible for fire safety, building safety, and property standards within the City.
- (25) **“Multiple Dwelling”** means a building containing two or more dwelling units.
- (26) **“Necessary Authority”** means the identity card issued by the Authority having jurisdiction to its employees or agents or such other written authorization as the Authority having jurisdiction deems appropriate.

- (27) **“Non-Conformance”** means a condition which does not comply with the standards established by this By-Law.
- (28) **“Non-Conformance, Immediately Dangerous”** - see “Immediately Dangerous Non-Conformance”.
- (29) **“Non-Habitable Room”** means any room in a dwelling or dwelling unit other than a habitable room and includes bathroom, toilet room, laundry, pantry, lobby, common hallway, stairway closet, of the dwelling for public use, and for access to, and vertical travel between storey’s.
- (30) **“Non-Residential Property”** means any building, accessory building, or land used for any purpose other than a dwelling.
- (31) **“Nuisance”** means any condition which is or may become injurious or prejudicial to health or hinder the suppression of disease, or which is offensive.
- (32) **“Occupier”** means the person in occupation or having the charge, management or control of any building, whether on his own account or as an agent.
- (33) **“Order”** means a notice of non-conformance and order to establish, repair, or demolish a building or other structure or clear all yards of refuse and debris pursuant to this by-law.
- (34) **“Owner”** means the registered owner of the land and premises and includes:
- (i) the person that the time being is managing or receiving the rent of the land or premises in connection with which the word “owner” is used, whether on this own account or as agent or trustee of any other person; or
 - (ii) the person who would so receive the rent if such land and premises are let; or
 - (iii) the vendor of such land under an agreement for sale who has paid any land taxes thereon after the effective date of the agreement; or
 - (iv) the person that for the time being is receiving installments of the purchase price of the land or premises under an agreement for sale whether on his

own account or as an agent or trustee of any other person; or

- (v) the person who would so receive the installments of the purchase price if such land or premises were sold under an agreement for sale.
- (35) **“Planning Act (The)”** means the Planning Act of the Province of Manitoba being chapter P80 of the Revised Statutes of Manitoba 1987.
- (36) **“Premises”** include a building, accessory building, or non-residential property as defined herein and any lands, fences, shed, or garages on which the same are situated.
- (37) **“Protective Surface”** includes any layer of material over the structural surface of a building intended or required to protect the structural surface against deterioration or to decorate the structural surface and, without limiting the generality of the foregoing, includes paint, varnish, stucco, brick or stone facing, wood or asphalt shingle, and insul-brick siding or any other kind of siding.
- (38) **“Repair”** includes taking the necessary action to bring any building or other structure up to the standards required by this by-law.
- (39) **“Rooming House”** means a dwelling or portion thereof where lodging and meals are provided for compensation for four or more persons exclusive of the proprietor and his family.
- (40) **“Sewage”** means a combination of the water borne wastes from residences, business structures and commercial, institutional and industrial establishments together with such ground, surface and storm waters as may be present.
- (41) **“Sewerage System”** means the City Sewerage System or a private sewage disposal system.
- (42) **“Standards”** means the standards prescribed in this by-law for the maintenance and improvement of the physical condition and for the fitness for occupancy of any building or other structure or properties, or parts thereof, together with the surrounding lands.

- (43) **“Storey”** means that portion of a building which is situated between the top of any floor and the top of the next floor above it, and if there is no floor above it, that portion between the top of such floor and the ceiling above it.
- (44) **“Storey, First”** means the uppermost storey having its floor level not more than 2 meters above grade level.
- (45) **“Structure”** means anything constructed or erected with a fixed location on or below the ground, or attached to something having a fixed location on the ground and includes buildings, walls, fences, signs, billboards, poster panels, light standards and similar items.
- (46) **“Unsightly”** means premises that are unpleasant to look at or are aesthetically objectionable.
- (47) **“Untidy”** means premises that are in a disorderly, slovenly, or littered condition or are not kept in generally good order.
- (48) **“Wrecked”** means a vehicle that for reasons of neglect, vandalism or accident is not road worthy and would not meet Provincial safety standards for highway use.
- (49) **“Yard”** means the land, other than publicly owned land, around and appurtenant to the whole or any part of a dwelling or other building and used or capable of being used in connection with such building.

PART II - ADMINISTRATION

- 3. It shall be the responsibility of the City of Thompson to administer and enforce the provisions of this by-law, subject always to such direction as may from time to time be given by the Council and subject to the right of appeal as set out in Section 11 hereof. For the purpose of the enforcement of this by-law, the Building Inspector shall be deemed an officer of the City.
- 4. The employees of the City of Thompson charged with the enforcement of this by-law while acting for the City shall not thereby render themselves liable personally, and they are hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of their official duties. Any suit instituted against any officer or employee because of an act performed by

him in the lawful discharge of these duties until the final termination of the proceedings. In no case shall the Building Inspector or his designate be liable for costs in any action, suite or proceeding that may be instituted in pursuance of the provisions of this by-law, and any officer of the City, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of his official duties in connection therewith.

5. Any Inspector, duly appointed and authorized for the purpose, may, at all reasonable times, without the consent of the owner or occupier and upon production of the necessary authority, if demanded, enter upon any land, building or premises in the City for the purpose of:
 - (a) inspecting any appliance or equipment;
 - (b) examining any dwelling or other building thereon or anything appurtenant to any such dwelling or building;
 - (c) ascertaining whether compliance is being made with any by-law or regulation enacted or made by Council, or with this by-law;
 - (d) carrying into effect or enforcing any by-law or regulation to which subsection (c) applies, or any requirements of this by-law; or
 - (e) ascertaining whether a condition of overcrowding exists.

6.
 - (a) If as a result of the inspection of any land, building or premises an Inspector is satisfied that the land, building or premises does not comply to a standard, he may make an Order, in a form as set out in Schedule "A" hereto, a copy of which shall be served on the owner by personal service or by certified or registered mail mailed to him at his address as shown on the latest assessment roll of the City. When service cannot be effected either by personal service or by certified or registered mail, then such Order and/or placard may be posted on the property subject to the Order.

 - (b) Copies of all Orders shall be served by certified or registered mail, or personal service on any mortgagee shown on the title to the real property subject to such Order, and such mortgagee shall be notified that all defects must be remedied within one month or Section 307 and 308 of the Act apply.

 - (c) If, upon attempt to effect service of an Order hereunder an Inspector learns the owner of the property is deceased then the Order shall be served upon the executor, administrator, successor or assignee of the deceased. If such party cannot be located then service shall be effected by posting the Order on the property subject to the Order.

7. The Order shall contain:
- (a) a description of the land, building or premises sufficient to identify it;
 - (b) the particulars of each non-conformance and the date by which it must be corrected;
 - (c) except in the case of an immediately dangerous non-conformance, the final date for giving notice of objection from the Order; and may also contain an outline of what action may be taken to make the land, building or premises conform to the standards and any other information that the Inspector deems necessary.
- 7.1 If, in the opinion of an officer designated under this By-law, a structure, excavation or hole is dangerous to public safety and/or public property the designated officer may by written order:
[AM B/L 1854-2011]
- a) In the case of a structure, require the owner to:
 - i) eliminate the danger to public safety and/or property 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 to:
 - i) eliminate the danger to public safety and/or property in the manner specified, or
 - ii) fill in the excavation or hole and level the site;
- 7.2 If, in the opinion of an officer designated under this By-law, a structure, excavation or hole is, due to its unsightly condition, detrimental to the surrounding area the designated officer may by written order:
[AM B/L 1854-2011]
- a) In the case of property that is in an unsightly condition, require the owner to:
 - i) 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.
8. Except in the case of an immediately dangerous non-conformance, the date by which the non-conformance shall be corrected shall be not less than fourteen (14) days from the date of service of the Order made pursuant to Section 6. If the Order is served by mail the Order shall be deemed to have been serviced and received by the owner on the day of the date of receipt thereof shown on the "Acknowledgement of Receipt" form issued by the Canada Post Office or "Proof of Delivery" form signed by the person acknowledging receipt thereof.

[AM B/L 1815-2009]

9. There shall be attached to the Order:
 - (a) a notice of objection form as set out in Schedule “B” hereto, which shall indicate the place to which any notice of objection shall be delivered;
 - (b) a notice of correction form as set out in Schedule “C” hereto, to be returned to the Authority having jurisdiction when the non-conformance have been corrected; and
 - (c) notice of the penalty for each non-conformance, as set out in Section 61.
10. The Building Inspector may postpone the last day when a non-conformance must be corrected as shown in the Order only upon a showing by the owner that he is making reasonable efforts to correct the non-conformance, but that full correction cannot be completed within the time provided because of technical difficulties, inability to obtain necessary materials or labour, or inability to gain access to the building unit wherein the non-conformance occurs. Any postponement of the last day for compliance does not extend the initial 7 day period for appealing the Order however, the owner does have 7 days from the date the postponement was granted to appeal the postponement.
11. Except in the case of an immediately dangerous non-conformance the owner, or a person authorized in writing by him to act on his behalf, may appeal:
 - (a) an Order of an Inspector to regulate and compel the alteration, or repair, of buildings to be such as to ensure warmth and comfort to the occupants thereof; [MA 301(6)(f)]
 - (b) an Order of an Inspector for the removal or disconnection of an appliance that is unsafe or dangerous; [MA 304(d)]
 - (c) an Order of an Inspector to remedy a condition respecting premises whereon there is any dwelling in an apparent unhealthful or unsafe condition or likely to be a cause of fire; [MA 306(2)(d)]
 - (d) action by the City to make a dwelling conform to standards required by by-law or put it in a condition to which subsection 306(3) of the Act does not apply or action by the City to demolish, or cause to be demolished, all or any part of any building, structure or premises, or appurtenant forming part of the dwelling; [MA 308(1)]
12. Except in the case of an immediately dangerous non-conformance, the filing of a notice of objection to an Order or any provision thereof as set

- out in Section 11 shall operate as a stay of proceedings to correct a hazardous or non-hazardous non-conformance pending consideration of the appeal by the Committee, in accordance with the provisions of Part V hereof.
13. Where an owner has failed to comply with an Order either of an Inspector or an Order made by the Committee, as the case may be, then the Authority having jurisdiction may cause the non-conformance to be corrected without any further notice to the owner. The entire cost of correcting the non-conformance shall be added to the taxes of the owner subject to the conditions set out in Section 308 of the Act.
 14. In the case of an immediately dangerous non-conformance the City may promptly, take such reasonable emergency action as is required to eliminate or minimize the hazard and the Inspector will refer the matter to Council for further action pursuant to Section 312 of the Act.
 15. The occupier shall comply with any order issued pursuant to this by-law.

PART III – STANDARDS

DIVISION I: BUILDING AND STRUCTURAL STANDARDS

Sewage and Drainage

16.
 - (a) No roof drainage or surface drainage shall be discharged on stairs or neighboring property or discharged into a storm sewer system and all such drainage shall be conveyed so as not to cause dampness in the walls, ceilings, or floors of any portion of the building itself or any adjacent building.
 - (b) Sewage shall be discharged only into a sanitary sewerage system and Sewage shall not be discharged onto the surface of the ground whether into a natural or artificial drainage system or otherwise.
 - (c) Rainwater and water from the weeping tiles shall not be discharged into the City Sewerage System. Water from the weeping tile shall be directly or indirectly channeled into the storm sewer or into surface drainage channels.

Foundation Walls and Foundation Supports

17. (a) Every foundation wall forming part of a building shall be maintained in good repair and structurally sound so as to prevent undue settlement of the building or the entrance of moisture, insects or rodents. Where necessary the foundation walls shall be so maintained by shoring of the walls, installing of subsoil drains at the footing, grouting masonry cracks and by parging and waterproofing.
- (b) Where any building is on a surface foundation and the Inspector is of the opinion that there is settlement or rotting of the beams or joists to such a degree as to adversely affect the habitability of the building, an engineer's report would be required in accordance with 17(d). He may require that the building be jacked up, floors be leveled, broken or rotten flooring be renewed, and a concrete surface foundation be constructed or concrete piers be installed in compliance with the provisions of the City's Building By-law.
- (c) Basement walls and floors shall be constructed of material impervious to ground or other external moisture factors. The floor shall be so constructed as to effectively drain all water into a floor drain which is connected to a sewerage system or some other approved system.

Structurally Sound

18. (a) Basement, cellar or crawl space floors shall be maintained in good repair and structurally sound and where necessary shall be so maintained by the installation of subsoil drains at the footing, a vapour barrier, grouting cracks, parging and damp-proofing.
- (b) Every part of a building shall be maintained in a structurally sound condition so as to be capable of sustaining safely its own weight and any load to which it may be subject.
- (c) Materials which have been damaged or show evidence of rot or other deterioration shall be repaired or replaced.
- (d) The Authority having jurisdiction may require that a structural analysis of the building be carried out by a Professional Structural Engineer licensed to practice in the Province of Manitoba. Such analysis shall include but not be limited to an assessment of the structure as to its ability to conform to proper design standards, and a recommendation as to what repairs are required before the building meets the appropriate standards.

Roof

20. (a) A roof includes the fascia board, soffit, cornice and flashing, and shall be maintained in a watertight condition so as to prevent leakage of water into the building. Without limiting the generality of this section, the maintenance required thereby includes the repairing of eavestroughing and rain water piping or using other suitable means.
- (b) Where the protective surface of a roof consists of wood shingles they shall be maintained in good repair or resist their deterioration.
- (c) If in the opinion of the Building Inspector, dangerous accumulation of snow or ice exist he shall require that the dangerous accumulations be removed from the roof or any building or part thereof.

Dampness

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

Doors and Windows

22. (a) Every exterior door to a dwelling, every door to a dwelling unit or housekeeping dwelling unit, and every door to rooms occupied by roomers, when closed, shall fit reasonably well within its frame and shall have hardware so as to be capable of being locked from both inside and outside.
- (b) All windows shall have a minimum of two panes.
- (c) All windows intended to be opened shall have hardware so as to be capable of being locked or otherwise secured from the inside of the building.
- (d) All window and doors, basement or cellar hatchways and their frames shall be constructed and maintained in such relation to wall construction as to completely exclude rain and substantially exclude wind from entering the structure. Every window shall be properly glazed.

- (e) The Inspector may when he deems necessary, require that doors, door frames, window frames, sashes and casings be renewed, or doors and windows be refitted, weather-stripping be installed, door and window hardware be renewed and reglazing be done.
- (f) Every opening in an exterior wall that is used or required for ventilation or illumination, and is not protected by a window or door, and could permit the entry of rodents or vermin shall be screened with wire mesh, metal grille, or other durable materials, or otherwise protected so as to effectively prevent the entry of rodents or vermin.

Screens and Storm Doors

- 23. (a) Close fitting sash screens shall be provided in all windows used for ventilating purposes from May 1 to November 1 in each year. Such screens shall have a mesh of not less than number fourteen, and shall be maintained in good condition.
- (b) Where storm windows are installed in a dwelling, such windows shall be kept in good repair and glazed.
- (c) Where considered necessary by an Inspector, storm windows shall be provided in a dwelling.
- (d)

Porches, Sheds Stairs

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

Guardrails

- 25. (a) Every interior stair that has more than three risers shall have the sides of the stair and landing or floor level around the stairwell enclosed by walls or protected by handrails or guards, except that a stair to an unfinished basement or cellar may have one unprotected side.
- (b) All guardrails shall be maintained in accordance with the standards specified under the Manitoba Building Code.

Egress

26. (a) Every dwelling unit and habitable room shall have a separate access to a public corridor which provides a means of egress from the floor area it serves to the exterior of the building at street or grade level.
- (b) All public corridors shall be fire rated as per the Manitoba Building Code.
- (c) All means of egress shall be maintained in accordance with the standards specified under the Manitoba Building Code.

Walls and Ceilings

27. (a) Every wall and ceiling in a dwelling shall be maintained in good condition and free from holes, large cracks, loose plaster and accident hazards.
- (b) The Inspector, where he deems necessary, may require that wood trim be renewed.

Floors

28. (a) Every floor shall be:
- (i) free of loose, warped, protruding or rotting floor boards; and
 - (ii) free of wide holes or cracks; and
 - (iii) maintained in a clean and sanitary condition; and
 - (iv) free of other defects that may be a fire, health or other hazard.
- (b) Floor coverings shall be in good repair, well fitted and capable of being easily cleaned.
- (c) The floor of each kitchen, bathroom, shower room, toilet room, laundry area or other areas where large amounts of water are likely to be encountered shall be finished with a material that is resistant to water.
- (d) All floor covering replacements shall be a minimum of 2 mm in thickness.

- (e) Panel type underlay shall be provided under resilient flooring, parquet flooring, ceramic tile, felted synthetic fibre floor coverings or carpeting laid over lumber floors.
- (f) When deemed necessary by the Inspector, the floors of habitable rooms adjacent to any unheated area may be required to be insulated and to have a vapour barrier installed in accordance with approved practice.

Water

- 29. (a) Every dwelling shall be provided with an adequate supply of potable running water.
- (b) Every sink, wash basin, bathtub or shower which is used for sanitary purposes in a dwelling shall have an adequate supply of hot and cold running water and every water closet shall have an adequate supply of running water.
- (c) All hot water shall be supplied at a minimum temperature of 43 degrees Celsius at the tap.

Plumbing

- 30. All plumbing in a dwelling, including plumbing fixtures, drains, water pipes and connecting lines to the water and sewer system, shall be protected from freezing, shall be maintained in good working order and repair and free from leaks or other defects, and shall meet the requirements of the City's Building By-law.

Heating, Ventilation and Air Conditioning (HVAC)

HVAC – Heating

- 31. (a) Every dwelling shall be provided with a heating system properly installed and maintained in a safe and good working condition, capable of providing the minimum temperature as provided for in subsection (b).
- (b) (1) At all times between 0700 hours and 2300 hours of every day between September 1 and June 1 next following, any

person responsible for the heating of any building shall heat all parts of the premises ordinarily used for working, living or sleeping quarters, so that the temperature therein does not fall below 20 degrees Celsius.

- (2) During the time before 0700 hours and 2300 hours on any day during the period mentioned in paragraph (a), the said premises shall be heated so that the temperature therein shall not fall below 16 degrees Celsius.
- (c) All heating systems shall be maintained in accordance with the standards specified under the Manitoba Building Code.

HVAC – Chimney, Fireplaces

- 32. (a) Every chimney, smoke pipe and flue of a dwelling shall be so maintained so as to prevent any gases, water or any liquid from leaking into the dwelling.
- (b) Every fireplace used or intended to be used in a dwelling for burning fuels in open fires shall be maintained so that adjacent combustible material and structural members shall not be heated to unsafe temperatures.
- (c) Solid fuel burning appliances must comply with the latest standards referenced in the Code.

HVAC – Ventilation

- 33. (a) Every basement, cellar, crawl space and similar space shall be adequately ventilated to the outside air as determined by the Inspector.
- (b) Any opening in a cellar, basement, or crawl space used or intended to be used for ventilation and any other opening in a cellar, basement or crawl space which might admit rodents shall be screened with wire mesh or other such material as will effectively exclude rodents.
- (c) Unless a satisfactory alternative means of ventilation is provided every habitable room shall have at least one window which can be easily opened and held in an open position by window hardware.

- (d) Bathrooms and toilet rooms shall be ventilated with a window which can be opened and held in an open position by window hardware or by local or mechanical ventilation.
- (e) Where in a dwelling a system of mechanical ventilation is provided in a bathroom, toilet room or kitchen, it shall be:
 - (1) capable of completely changing the air in the room at least once per hour, and;
 - (2) maintained in good repair and working order at all times.
- (f) All enclosed spaces within a dwelling shall be adequately ventilated, and access of sufficient size to permit entry shall be provided thereto and fitted with a door or panel to enclose the opening.

Gas and Open-Flame Type Appliances

- 34. (a) Gas stoves, water heaters and other gas appliances shall be provided with suitable pipes or flues or other effective means for the removal of the products of combustion, and all such appliances shall be kept by the owner of such appliances in a proper state of repair and in efficient working order.
- (b) No gas or open-flame type appliance of any kind shall be installed in any room used for sleeping purposes or in any room connected by an archway to a room used for sleeping purposes, and no person shall use or allow to be used for sleeping purposes any room containing a gas stove or other gas or open-flame type appliance, or any room connected by an archway to such room.

Electrical Services

- 35. (a) Every dwelling shall be connected to an electrical supply system and shall be wired for electricity.
- (b) An adequate supply of electric power shall be available at all times in all parts of every occupied dwelling and the capacity of the connection to the dwelling and the system of circuits distributing the electrical supply within the dwelling shall be adequate for the use and intended use in the dwelling and shall be in compliance with the Canadian Electrical Code.

- (c) The electrical wiring, circuits, fuses, circuit-breakers and electrical equipment shall be maintained at all times in compliance with the provisions of the Canadian Electrical Code.
- (d) No person shall place an extension cord directly beneath a floor covering, or through a doorway, transom, wall, ceiling or floor, and no person shall use, cause or permit the use of an extension cord so placed.
- (e) When the capacity of a circuit within a dwelling or dwelling unit is in full or nearly full use as indicated by the amperage of wattage requirements shown on the appliance or appliances in use, no person shall use any additional appliance so as to increase the use beyond the capacity of the circuit.
- (f) When required by the Building Inspector, the owner or agent may be required to submit a certificate from the electrical authorities outlining the safety of the buildings electrical system.

Light

- 36. (a) Light shall be available at all times in every stairway, storage rooms, locker rooms, corridors, hallways and stairways in a building, and shall be illuminated at an average level of at least 50 lx at the floor level, at all times, so as to provide safe passage and to facilitate cleaning.
- (b) All rooms, stairways and halls shall be capable of being illuminated by adequate artificial light.
- (c) Every habitable room above grade except for a kitchen, shall have a window or windows, or translucent panels that face directly to the outside at least six inches above the adjoining finished grade.
- (d) Skylights as a sole means of lighting any room in any dwelling are prohibited, but they may be used only as a supplementary means provided that they are constructed so as to be water tight and protected in a suitable manner against condensation.

Space Requirements

- 37. (a) No person shall use or permit the use of a non-habitable room in a dwelling for a habitable room purpose.

- (b) All space requirements shall be in accordance with the standards specified under the Manitoba Building Code:

Basement and Cellar Occupancy

- 38. (a) No cellar shall be used as a dwelling unit or habitable room.
- (b) No basement shall be used as a revenue earning or rental dwelling unit unless it meets the following requirements:
 - (1) in the opinion of the Authority having jurisdiction, the minimum standards as set out in Part III (Standards) have been met;
 - (2) floor and walls are constructed so as to be impervious to leakage of underground and surface run-off water;
 - (3) each habitable room or dwelling unit is separated from the heating equipment, or other similarly hazardous equipment by a fire separation having a fire resistance rating of at least one hour excepting wall and baseboard mounted electrical heaters, hot air, steam or hot water registers, which have been properly installed;
 - (4) access to each habitable room or dwelling is gained without passage through a furnace or boiler room.
- (c) All basements partially or wholly intended for use as dwelling units or habitable rooms shall have a secondary means of ingress and egress.
- (d) (1) In any basement dwelling unit or habitable room where a window is the secondary means of egress the window must be a casement window having an unobstructed opening of not less than 900 mm high by 600 mm wide with a sill height of not more than 900 mm above the inside floor and the window must open outwards.
 - (2) If the Authority having jurisdiction is of the opinion that some other window arrangement provides an acceptable alternative means of egress then such window arrangement can be authorized on a dwelling unit by dwelling unit basis.
- (e) All such window exists are referred to in subsection (d) must have a window well which is kept free of debris, refuse and anything else

which may hinder exiting and there must also be a clear passage away from the building.

- (f) A basement or part thereof may be used as a recreation room or family room for casual use only without the provision of a secondary exit.

Fire Alarm and Detection Systems

39. (a) All fire alarm and detection systems shall be as per the current Manitoba Building and Fire Codes.

Unsafe Conditions and Dangerous Buildings

40. When a building or structure or part thereof, or a well, excavation, or opening, is in an unsafe condition, an Inspector may proceed to take action pursuant to the provisions contained in the City's Building By-law as it relates to unsafe conditions.

Hazardous Conditions

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

DIVISION II: PROPERTY STANDARDS

Maintenance of Yards

42. (a) A yard shall be kept free and clean from:
- (1) rubbish, garbage, and other debris;
 - (2) wrecked, dismantled, partially dismantled vehicles, trailers and other machinery or any parts thereof; and

- (3) objects and conditions, including holes and excavations, that are health, fire and accident hazards.
- (b) A yard shall be graded in such a manner as to prevent the excessive or recurrent pounding of storm water or the entrance of water into a basement or cellar and shall be cultivated or protected with a suitable ground cover to prevent erosion of the soil.
- (c) All yards shall be kept free of all noxious weeds and noxious weed seeds growing or located within the yard as often as may be necessary to prevent the growth, ripening and scattering of weeds or weed seeds. Noxious weeds means a weed named in the schedule of the Manitoba Noxious Weeds Act that is declared by a regulation of the Lieutenant Governor in Council to be a noxious weed and includes the seed thereof.
- (d) All lawns shall be cut and maintained to a standard acceptable to the Inspector.
- (e) Notwithstanding any by-law to the contrary, a wrecked or dismantled vehicle, trailer or other machinery may be allowed to be stored in a yard if the owner files a written request for permission to store the said equipment with the City Engineer and if the City Engineer supplies permission in the form of a permit.
- (f) A permit referred to in (e) shall be issued for a period not exceeding six months and only if the owner supplies the City Engineer with proof of insurance for the said vehicle.

Walks

43. (a) A walk shall be provided from the principal entrance of every building to a public street or to a driveway affording access to a public street and such walk shall be kept reasonably clear of snow and ice.
- (b) Every sidewalk, driveway and parking space and all exterior steps shall be kept in good repair and shall be maintained so as to afford safe passage under normal use and weather conditions.

Structures

44. All structures (including, but not limited to fences, buildings and accessory buildings) shall be kept weather resistant, in good repair and free from health, fire and accident hazards.
[AM B/L 1854-2011]

Garbage Disposal

45. Garbage disposal shall be in accordance with the City's Litter and Garbage By-Laws.

DIVISION III: HERITAGE BUILDINGS

46. (a) Repairs, alterations and additions necessary for the preservation, restoration, rehabilitation or continued use of a building or structure may be made without conformance to all the requirements of the Code when authorized by the Building Inspector, provided:
- (1) the building or structure has been designated as a Heritage Building; and
 - (2) any unsafe conditions as described in the Code or this by-law are corrected; and
 - (3) the restored building or structure will be no more hazardous based on life safety, fire safety and sanitation than the existing building.
- (b) The Authority having jurisdiction may require that a Code analysis of the building be carried out by a Professional Designer licensed to practice in the Province of Manitoba.

DIVISION IV: HEALTH STANDARDS**Pest Prevention**

47. Every building shall be maintained free of rodents, vermin and insects at all times and methods used for exterminating rodents, vermin or insects shall conform with generally accepted practice in the City as determined by the Authority having

Cleanliness

48. Every occupier shall maintain his dwelling unit so that every floor, wall, ceiling, furnishing and fixture in that dwelling is in a clean and sanitary condition and the dwelling shall be kept free from rubbish or other debris or conditions which constitute a fire, accident or health hazard.

Kitchens

49. The back splash and countertop around the kitchen sink shall have a water resistant surface. Every kitchen shall be provided with an adequate and approved gas or electrical supply for cooking purposes, and there shall be at least 600 mm clear space above any exposed cooking surface of such apparatus.

PART IV – GENERAL REQUIREMENTS

General Duties and Obligations

50. (a) No person shall rent, or offer to rent any dwelling, dwelling unit, room or other property that does not conform to the standards and provisions of this by-law.
- (b) The owner of any dwelling or non-residential property shall either:
- (1) repair and maintain the dwelling or non-residential property in accordance with the standards; or
 - (2) demolish the whole or the offending part of any dwelling or non-residential property that is not in accordance with the standards.
- (c) Where an Inspector has placed or caused to be placed a copy of an Order upon premises under the authority of this by-law, no person shall remove such copy of the Order except with the consent of the Building Inspector.
- (d) All repair to a building shall be made in a manner accepted as good workmanship in the trade concerned and with materials suitable and sufficient for the purposes and in compliance with all applicable by-laws.

Conflict With Other By-Laws

51. Where a provision of this by-law conflicts with a provision of another by-law in force in the City, the provision that establishes the higher standard to protect the health, safety and welfare of the general public prevails.

PART V: BUILDING STANDARDS COMMITTEE

Establishment of Committee

52. There is hereby established a Building Standards Committee.

Membership of Committee

53. (a) The Committee shall be comprised of three Councilors, and two additional Councilors who shall act as alternate members for the purpose of hearing any appeal, when necessary, in the absence of any member.
- (b) (1) The membership, including the alternate members, shall be appointed by resolution of Council for a term of one year, expiring at the annual organizational meeting each year, with members being eligible for reappointment upon the expiration of their term of office.
- (2) Council shall appoint a Chairman and Acting Chairman at the time of making its appointments. In the event neither the Chairman or Acting Chairman are in attendance at a hearing the membership in attendance shall appoint an Acting Chairman for the purpose of that hearing.
- (c) Two members shall constitute a quorum of the Committee.

Notice of City Clerk

54. (a) The City Clerk, upon request of an appeal or notice of objection against any order or notice issued pursuant to the provisions of this by-law, shall set a time and place for a hearing by the Committee, provided that in no case shall a hearing be held later than fifteen days following the filing of the appeal or notice of objection.
- (b) The City Clerk shall cause not less than three days notice of the hearing to be served, by certified mail, registered mail, or personal service sworn to by affidavit, on the appellant at his address as shown on the City's latest assessment roll, and such notice shall

inform the appellant that he, or his agent, may appear at the hearing and make such representation as he so desires and that, in the event he or his agent does not appear at the said hearing, a decision may be made by the Committee in his absence.

Hearings of Committee

55. (a) On the day at the time set out in the notice of the City Clerk, the Committee shall conduct the hearing and receive representations from the appellant and the Inspector or Inspectors, or any person appearing on their behalf.
- (b) The hearing may be adjourned from time to time and may be resumed at such time and place as the Committee may decide.
- (c) In the event there is no quorum present to conduct a set hearing, the City Clerk shall adjourn the hearing until the first available date, as established by the City Clerk, when a quorum will be available. Notice of the continued hearing date must be given in accordance with subsection 54(b), however the requirement for 3 days notice may be waived if such time is not available, providing notice is by personal service sworn to by affidavit.

Limitation on Defense

56. Where a person accused of an offence of non-compliance with an order was the owner of the dwelling or other building on the day the order was served and/or posted, then pursuant to subsection 306(6) of the Act it is not a defense to a prosecution under the provisions of this by-law that the alleged owner of the property in question is no longer the owner thereof.

Recommendation for Advance of Cost by Municipality

57. Where the Committee is of the opinion that the owner of a dwelling or other building is unable to pay the cost of making it conform to the standards, the Committee may make a recommendation to the Council that the City advance money to the extent necessary to pay the cost subject to the conditions set forth in section 307 of the Act.

Decision or Order of Committee

58. (a) Upon hearing an appeal, the Committee may:

- (1) rescind or suspend the order given by an Enforcement Officer;
 - (2) extend the time within which compliance with the order shall be made;
 - (3) make such other order as in the circumstances of each case it deems just; and the decision or order of the Committee, upon being communicated to the appellant, stands in place of the order against which appeal is made.
- (b) Any failure to comply with a decision or order of the Committee is an offence and is subject to the penalty provisions and such further action as set out in this by-law.

Notice of Decision or Order

59. The City Clerk, as soon as practicable following the adjournment of the hearing, shall provide written notice to the appellant and the City of Thompson as to the decision or order of the Committee, and shall advise the appellant of the right to appeal such decision or order pursuant to Section 60 herein.

Appeal from Decision or Order of the Committee

60. Any person affected by a decision or order of the Committee on an appeal made to it, may appeal from the decision or order to a judge of the Court of Queen's Bench.

PART VI: PENALTY PROVISION

General Offense and Punishment

61. Penalties will be assessed in accordance with the terms and provisions of the City of Thompson Compliance By-Law No. 1735-2007.
[AM B/L 1747-2007]

PART VII: REPEAL AND ENACTMENT

Repeal

- 62. Building Standards By-law 735, By-law 640 Respecting Building Standards for Cellar Dwellers and its amending By-law 662 are hereby repealed.

Enactment

- 63. This By-law shall come into full force and take effect on the 12th day of April A.D. 1994.

DONE AND PASSED by Council of the City of Thompson duly assembled this 11th day of April, A.D. 1994.

Bill Comaskey
MAYOR

Wayne Morrissey
CITY CLERK

| | | | |
|-------------------------|----|--------------|-------|
| Read a first time | 14 | day of March | 1994. |
| Read a second time this | 11 | day of April | 1994. |
| Read a third time this | 11 | day of April | 1994. |

SCHEDULE "A"

BUILDING SAFETY AND PROPERTY STANDARDS BY-LAW NO. 1482-94

ORDER TO MAINTAIN

TO: _____, as registered owner

AND TO: _____, as Mortgagee

FROM: CITY OF THOMPSON

PURSUANT to the City of Thompson Building Safety and Property Standards By-law No. 1482-94 an Inspector for the City of Thompson has inspected the land, building and premises commonly known as:

{Civic Address}, in the City of Thompson, in Manitoba,

said property being legally described as:

{Legal Description}

the registered owner of the said property being:

{Name of Registered Owner}

and found that they do not comply with the standards prescribed in the said By-law in that:

{List of Non-Compliance Items}

The above are contravention of Section(s) {List section numbers of by-law contravention} (applicable by-law excerpts are attached).

PURSUANT to SECTION 6 of the said By-law, {Name of Inspector}, being an Inspector of the City of Thompson, herewith orders you to bring the property into conformity with the provisions of the said by-law and herewith orders you to bring the said property into conformity with the provisions of the said by-law within ____ days from the date of service of this Order.

{A BUILDING PERMIT UNDER THE CITY OF THOMPSON BUILDING BY-LAW WILL BE REQUIRED TO DO THE WORK NECESSARY TO COMPLY WITH THIS BUILDING SAFETY AND PROPERTY STANDARDS BY-LAW}

PURSUANT to Section 11 of the said by-law, the owner(s) or a person authorized in writing by him/her to act on his/her behalf, may appeal this Order or any provision hereof by filing with the City Clerk, a NOTICE OF OBJECTION (attached herewith) within SEVEN (7) DAYS following the service of this Order.

SECTION 13 of the said by-law provides:

“Where an owner has failed to comply with an Order either of an Inspector or an Order made by the Committee, as the case may be, then the Authority having jurisdiction may cause the non-conformance to be corrected without any further notice to the owner. The entire cost of correcting the non-conformance shall be added to the taxes of the owner subject to the condition set out in SECTION 308 of the Act.”

SECTION 50 of the By-law provides:
“General Duties and Obligations”

- 50. (a) No person shall rent, or offer to rent any dwelling, dwelling unit, or room that does not conform to the standards and provisions of this by-law.
- (b) The owner of any dwelling or non-residential property shall either:
 - (1) repair and maintain the dwelling or non-residential property in accordance with the standards; or
 - (2) demolish the whole or the offending part of any dwelling or non-residential property that is not in accordance with the standards.
- (c) Where an Inspector has placed or caused to be placed a copy of an Order upon premises under the authority of this by-law, no person shall remove such copy of the Order except with the consent of the Building Inspector.
- (d) All repairs to a building shall be made in a manner accepted as good workmanship in the trade concerned and with materials suitable and sufficient for the purpose, and in compliance with all applicable by-laws.

SIGNED at the City of Thompson, in Manitoba, this day of A.D. 199 .

CITY OF THOMPSON

PER:

(Building Inspector)

SCHEDULE “B”

BUILDING SAFETY AND PROPERTY STANDARDS BY-LAW NO. 1482-94

IN THE MATTER of the Building Safety and Property Standards By-law No. 1482-94 of the City of Thompson.

NOTICE OF OBJECTION

TO: City Manager
City Hall
226 Mystery Lake Road
Thomson, Manitoba

R8N 1S6

PLEASE TAKE NOTICE that the undersigned Appellant hereby appeals to the Building Standards Committee from the Order to

SCHEDULE "D"

APPLICATION FOR DERELICT VEHICLE LICENSE

1. Name of owner of derelict vehicle _____

Address _____

2. Describe derelict vehicle:

Make: _____

Model: _____

Serial No. _____

3. Name of owner, occupant, or person in charge of land where derelict vehicle to be parked: _____

Address: _____

Legal description of land: _____

Nature of ownership, etc.: _____

4. From whom was derelict vehicle acquired, when, and what terms:

a) Address: _____

b) Date of acquisition: _____

c) Terms: _____

DATED at the City of Thompson this _____ **day of** _____, _____

Signature of owner of derelict vehicle named in paragraph 1 hereof.

Signature of person named in paragraph 3 hereof
DERELICT VEHICLE INFORMATION SHEET

ADDRESS: _____

OWNER OR OCCUPANT OF PREMISE: _____

PHONE NUMBER: _____

1. Is the car/truck in running condition YES NO

2. Currently licensed _____

3. Abandoned by owner _____

4. Salvage _____

5. Owner of vehicle in residence _____

VEHICLE INFORMATION:

6. Type: _____

7. Make: _____

8. Model: _____

9. Color: _____

10. Serial No. _____

11. Motor: _____

12. Transmission: _____

13. Windows: _____

14. Tires: _____

15. Body: _____

16. Interior: _____

17. License No.: _____

18. Owner of vehicle: _____

19. Address: _____