



CITY OF DAUPHIN

BYLAW 05/2026

VACANT AND BOARDED BUILDINGS BYLAW

BEING A BYLAW of the City of Dauphin
to regulate vacant and boarded buildings and to establish requirements for registration,
maintenance, security, and enforcement pursuant to *The Municipal Act*

WHEREAS sections 232(1)(c.1) and 233.1(1) of *The Municipal Act*, C.C.S.M. c. M225, authorize a municipality to establish a system to regulate the condition and maintenance of vacant dwellings and non-residential buildings;

AND WHEREAS section 232(1) of the Act authorizes a municipal council to pass bylaws for municipal purposes respecting the safety, health, protection and well-being of people and the safety and protection of property;

AND WHEREAS sections 232, 236, 242, and 243 of the Act authorize a municipality to enforce its bylaws, issue orders to remedy contraventions, carry out remedial work where a person fails to comply with an order, and recover the costs of such work;

AND WHEREAS vacant and boarded buildings may contribute to increased fire risk, vandalism, deterioration, unsafe conditions, unauthorized occupancy, and negative impacts on surrounding properties;

AND WHEREAS Council considers it necessary to regulate vacant and boarded buildings in order to reduce risks to public safety, prevent neighbourhood deterioration, and discourage prolonged vacancy;

NOW THEREFORE the Council of the City of Dauphin enacts as follows:

PART 1 – PURPOSE, APPLICATION, AND INTERPRETATION

1.1 Purpose

The purpose of this Bylaw is to:

- a) establish a Vacant Building Registry;
- b) mitigate risks associated with Vacant and Boarded Buildings;
- c) allocate administrative and monitoring costs to Owners;
- d) complement the Property Standards Bylaw, the Derelict Buildings Bylaw, and the Fire Prevention and Emergency Services Bylaw; and
- e) encourage timely re-occupation, redevelopment, or lawful demolition.

1.2 Application

This Bylaw applies to all Vacant Buildings and Boarded Buildings located within the municipal boundaries of the City of Dauphin.

Compliance with this Bylaw does not relieve any person from compliance with:

- a) the Property Standards Bylaw;
- b) the Derelict Buildings Bylaw;
- c) the Fire Prevention and Emergency Services Bylaw;
- d) *The Fire Prevention and Emergency Response Act*, and
- e) *The Municipal Act*.

1.3 Interpretation

References to legislation include amendments to and successor legislation replacing such legislation.

Words and phrases defined in the Act have the same meaning in this Bylaw unless the context otherwise requires.

Words in the singular include the plural and vice versa where the context requires.

Headings are for convenience only and do not form part of this Bylaw.

Nothing in this Bylaw limits the authority of the Fire Chief or the Authority Having Jurisdiction under the Fire Prevention and Emergency Services Bylaw, and enforcement under that Bylaw may proceed independently where circumstances warrant.

Nothing in this Bylaw limits or restricts the authority of the City to enforce any other bylaw, enactment, permit, approval, agreement, or applicable legislation.

Enforcement under this Bylaw does not preclude:

- a) enforcement under another City bylaw or applicable legislation;
- b) prosecution for an offence; or
- c) the exercise of any other remedy available to the City at law.

Where a conflict exists between this Bylaw and another City bylaw, the more restrictive provision applies unless otherwise expressly provided.

If any provision of this Bylaw is declared invalid by a court of competent jurisdiction, the invalid provision shall be severed and the remainder of the Bylaw shall continue in force.

1.4 Enforcement

Enforcement of this Bylaw shall be carried out in accordance with the General Enforcement Bylaw and, where a contravention of this Bylaw has been designated under the Administrative Penalties Bylaw, a Designated Officer may issue a Penalty Notice in accordance with that Bylaw.

Without limiting the generality of the foregoing, inspections, Notices of Contravention, Orders, service, reviews and objections, emergency action, remedial action, cost recovery, registration against title, Enforcement Charges, offences, penalties, and prosecutions relating to this Bylaw shall be governed by the General Enforcement Bylaw.

Notices, decisions, Orders, and other documents issued pursuant to this Bylaw may be served in accordance with the General Enforcement Bylaw.

PART 2 – DEFINITIONS

In this Bylaw:

“Act” means *The Municipal Act*, C.C.S.M. c. M225, as amended from time to time.

“Boarded” means that one or more exterior openings of a Building, including doors or windows, are covered or secured by wood, plywood, metal, polycarbonate, or similar materials affixed for the purpose of preventing entry to or securing the building, and such condition continues for more than seven (7) consecutive days.

“Boarded” does not include:

- a) temporary protective measures installed during active construction, repair, or renovation pursuant to a valid building permit;
- b) temporary emergency securing following fire, vandalism, or other damage where active repair or insurance arrangements are underway; or
- c) permanent building features that form part of the original Building design and are not intended as security coverings.

“Boarded Building” means a Vacant Building that is Boarded.

“Building” means any structure used or intended for supporting or sheltering any use or occupancy and includes accessory structures.

“City” means the City of Dauphin.

“City Manager” means the person appointed by Council as the Chief Administrative Officer of the City pursuant to the Act and includes any person lawfully acting in this capacity or delegated authority under this Bylaw.

“Council” means the Council of the City of Dauphin.

“Designated Officer” means a person authorized to administer and enforce this Bylaw.

“Occupied” means that a Building is lawfully used for residential, commercial, institutional, or industrial purposes consistent with applicable law, and does not include trespass, squatting, sporadic or intermittent presence, or unauthorized use.

Evidence of Occupied status may include continuous utility usage, lawful tenancy, active business operations, or other objective indicators of normal lawful occupancy.

A Building shall not be considered Occupied where it is furnished or supplied in a manner that does not reflect normal lawful use.

“Owner” includes:

- a) the registered owner of the land on which the Building is located;
- b) a person in possession of the Building or land;
- c) a property manager or person receiving or entitled to receive rent;
- d) a receiver, trustee, or agent exercising control;
- e) a mortgagee in possession, where applicable.

“Responsible Person” means a person designated by the Owner who:

- a) is at least 18 years old;
- b) has authority to act on behalf of the Owner;
- c) is capable of responding within a reasonable timeframe to urgent matters; and
- d) has an address for service in Manitoba.

“Security Plan” means a written plan outlining how the building will be secured and monitored and how risks will be managed.

“Vacant” means unoccupied and not lawfully used for its intended purpose and does not include sporadic or intermittent presence that does not constitute normal lawful occupancy.

“Vacant Building” means a Building that is:

- a) not lawfully Occupied; and
- b) remains unoccupied for ninety (90) consecutive days or more.

In determining whether a Building is Vacant, the Designated Officer may consider objective indicators including:

- i. utilities discontinued or substantially inactive;
- ii. accumulation of mail, flyers, or debris;
- iii. absence of furnishings or stock consistent with the normal lawful occupancy;
- iv. repeated unauthorized entry, vandalism, or fire-setting incidents;
- v. written or documented statements or admissions of vacancy by the Owner;
- vi. other objective evidence demonstrating lack of normal lawful occupancy.

A Building shall not be considered Vacant solely by reason of temporary or seasonal absence of the Owner or occupant, provided that the Building:

- i. remains furnished or otherwise equipped for lawful use;
- ii. is maintained and secured; and
- iii. shows no objective evidence of abandonment or deterioration.

A Building shall not be considered Vacant where:

- i. the Building has been newly constructed and is actively offered for sale or lease in the normal course of development; and
- ii. the Building is maintained, secured, and compliant with applicable bylaws.

“Vacant Building Registry” means the registry established under this Bylaw.

Words defined in this Part shall have the same meaning throughout this Bylaw and shall be capitalized.

PART 3 – VACANCY DETERMINATION AND REGISTRATION

3.1 Determination of Vacancy

A Designated Officer may determine that a Building is a Vacant Building where, based on objective evidence and on a balance of probabilities, the Building meets the definition of Vacant under this Bylaw.

In making this determination, the Designated Officer may consider factors including but not limited to:

- a) inspection or observation;
- b) complaints or reports;
- c) lawfully obtained information from utilities, insurers, or emergency services;
- d) written Owner admission;
- e) other objective evidence; or
- f) the Building is used primarily for storage of personal property, equipment, or materials and is not actively occupied for its intended lawful use.

3.2 Notice to Register

Where a Designated Officer determines that a Building is a Vacant Building, the Designated Officer may issue a Notice requiring the Owner to register the Building in the Vacant Building Registry.

The Notice to Register may be served in accordance with the General Enforcement Bylaw.

Failure to receive a Notice to Register does not relieve the Owner from the obligation to register a Vacant Building in accordance with this Bylaw.

3.3 Registration Requirement for Vacant Buildings

The Owner of a Vacant Building shall register the Building:

- a) within thirty (30) days after it becomes a Vacant Building; or
- b) within fourteen (14) days after receiving a Notice to Register, whichever is earlier.

3.4 Failure to Register

An Owner who fails to register a Vacant Building in accordance with this Bylaw contravenes this Bylaw.

3.5 Registration Information

Registration shall include:

- a) civic address and legal description;
- b) Owner name and contact information;
- c) Responsible Person name and contact information;

- d) date vacancy commenced (best information);
- e) intended disposition (sale, renovation, demolition, re-occupancy timeline);
- f) evidence of insurance (if required);
- g) Security Plan where required;
- h) known hazards.

The Owner shall notify the Designated Officer of any change to registration information within ten (10) business days of the change.

3.6 Presumption of Vacancy

Where multiple objective indicators of vacancy are present, a Building may be presumed Vacant unless the Owner provides evidence satisfactory to the Designated Officer demonstrating lawful occupancy.

PART 4 – OWNER OBLIGATIONS

4.1 Security and Maintenance

The Owner of a Vacant Building shall:

- a) secure the Building against unauthorized entry;
- b) maintain compliance with the Property Standards Bylaw;
- c) mitigate hazards;
- d) remove combustible debris; and
- e) maintain a Responsible Person.

4.2 Boarding Regulation

No person shall maintain a Building in a Boarded condition for more than ninety (90) consecutive days unless:

- a) the Building is registered as a Vacant Building; or
- b) the Owner demonstrates to the satisfaction of the Designated Officer that:
 - i. boarding is reasonably necessary due to active repair, renovation, or reconstruction; and
 - ii. the work is progressing in a timely manner; and
 - iii. the Building is otherwise maintained in compliance with applicable bylaws.

Boarding materials shall be securely fastened, properly maintained, and installed in a manner that reasonably prevents unauthorized entry.

4.3 Security Plan

Where, in the opinion of the Designated Officer, a Vacant Building presents an elevated risk of unauthorized entry, vandalism, fire, or other safety concern, the Designated Officer may require the Owner to submit a Security Plan.

A Security Plan shall outline the measures proposed to:

- a) secure doors, windows, and other openings;

- b) monitor the Building;
- c) mitigate fire and safety risks; and
- d) address any other risks identified by the Designated Officer.

4.4 Vacant Building Management Plan

Where a Building has remained registered on the Vacant Building Registry for more than twelve (12) consecutive months, or where the Designated Officer determines that a Vacant Building presents ongoing risks to the surrounding area, the Designated Officer may require the Owner to submit a Vacant Building Management Plan.

A Vacant Building Management Plan may include:

- a) measures to secure and monitor the Building;
- b) measures to prevent vandalism, fire risk, or unauthorized entry;
- c) exterior maintenance arrangements including removal of debris, graffiti, and vegetation;
- d) a proposed timeline for repair, rehabilitation, sale, redevelopment, or lawful occupancy; and
- e) any other information reasonably required by the Designated Officer.

The Owner shall comply with an approved Vacant Building Management Plan.

The Designated Officer may require the Owner to provide periodic updates or progress reports demonstrating that the actions and timelines identified in the Vacant Building Management Plan are being implemented.

4.5 Insurance

Where a Vacant Building presents an elevated risk to public safety or adjoining properties, the Designated Officer may require the Owner to provide evidence of general liability insurance coverage in an amount determined by the Designated Officer to be reasonably proportionate to the identified risk.

Evidence of such insurance shall be provided upon request and may be required to be maintained for so long as the Building remains registered as a Vacant Building.

PART 5 – INSPECTIONS

5.1 Inspections

Inspections conducted for the purposes of this Bylaw shall be carried out in accordance with the General Enforcement Bylaw, as amended from time to time.

PART 6 – OCCUPANCY AND DEREGISTRATION

6.1 Occupancy

A Building registered as Vacant shall not be considered Occupied for purposes of this Bylaw until the Owner provides evidence satisfactory to the Designated Officer that the Building is lawfully Occupied.

6.2 Deregistration

Upon satisfactory evidence of lawful occupancy, the Designated Officer may verify occupancy through inspection in accordance with this Bylaw and shall remove the Building from the Vacant Building Registry once satisfied that lawful occupancy has been established.

6.3 Evidence of Occupancy

For the purposes of this Bylaw, a Building shall not be considered Occupied where the Building is furnished, supplied with utilities, or otherwise arranged in a manner that does not reflect normal lawful use or where occupancy is intermittent, temporary, or staged for the purpose of avoiding registration or fees under this Bylaw.

PART 7 – FEES AND DEFERRALS

7.1 Authority to Impose Fees

The City is authorized to impose and collect fees in relation to:

- a) registration of Vacant Buildings;
- b) Annual Vacant Building Monitoring Fees;
- c) Boarding Surcharges; and
- d) any other fee specifically established for the administration of this Bylaw in the Fees, Fines and Charges Bylaw.

Fee amounts shall be as set out in the City's Fees, Fines & Charges Bylaw.

7.2 Registration Fee

Upon registration of a Vacant Building, the Owner shall pay the Registration Fee.

7.3 Annual Vacant Building Monitoring Fee

An Owner of a Vacant Building shall pay an Annual Vacant Building Monitoring Fee for each year that the Building remains registered as a Vacant Building.

The Annual Vacant Building Monitoring Fee is due upon registration and annually thereafter while the Building remains on the Vacant Building Registry.

Payment of the Annual Vacant Building Monitoring Fee does not authorize continued vacancy and does not relieve the Owner from compliance with this Bylaw or any enforcement action taken under the General Enforcement Bylaw.

Payment of fees under this Bylaw does not authorize a Building to remain Vacant or Boarded indefinitely, and the City may require the Owner to take corrective action including repair, rehabilitation, sale, redevelopment, or demolition of the Building where circumstances warrant.

7.4 Continuous Vacancy

Where a Building is removed from the Vacant Building Registry and subsequently becomes Vacant again within twelve (12) months of deregistration, the Building shall be deemed to have remained continuously registered for the purposes of calculating the Annual Vacant Building Monitoring Fee.

The previous registration period shall be included when determining the applicable fee year.

7.5 Boarding Surcharge

Where a Vacant Building is a Boarded Building for more than ninety (90) consecutive days following registration under this Bylaw, the Owner is subject to the Boarding Surcharge as set out in the Fees, Fines and Charges Bylaw.

For greater certainty, the ninety (90) day period begins on the date the Building is registered in the Vacant Building Registry.

The Boarding Surcharge applies in addition to any Annual Vacant Building Monitoring Fee.

Payment of the Boarding Surcharge does not authorize continued boarding and does not relieve the Owner from compliance with this Bylaw or any enforcement action taken under the General Enforcement Bylaw.

7.6 Existing Boarded Buildings

Where a Building is in a Boarded condition on the date of registration under this Bylaw, the Designated Officer may determine, based on objective evidence and on a balance of probabilities, that the Building has been Boarded for more than ninety (90) consecutive days and may apply the Boarding Surcharge immediately upon registration.

7.7 Estate Administration Deferral

Where a Building becomes Vacant due to the death of the Owner, the Designated Officer may defer payment of the first Annual Vacant Building Monitoring Fee for a period not exceeding six (6) months from the date of registration, provided that:

- a) a written request is submitted by the estate representative;
- b) documentation reasonably establishing probate or estate administration is provided; and
- c) the property is maintained and secured, and the estate representative demonstrates reasonable progress toward administration or disposition of the property.

The Registration Fee remains payable.

Nothing in this section exempts compliance with this Bylaw or any enforcement action taken under the General Enforcement Bylaw.

7.8 Active Reconstruction Deferral

Where a Building is Vacant due to fire, structural damage, natural disaster, or other circumstances requiring substantial repair or reconstruction, the Designated Officer may defer payment of the first Annual Vacant Building Monitoring Fee for a period not exceeding six (6) months from the date of registration, provided that:

- a) a valid building permit has been issued for repair or reconstruction;
- b) repair or reconstruction work has commenced;
- c) the work is progressing in a reasonable manner; and
- d) the building remains secured and maintained during the reconstruction period.

The Registration Fee remains payable.

Deferral may be revoked where reconstruction ceases or fails to progress in a reasonable manner.

7.9 Good Faith Marketing Deferral

Where a Vacant Building is actively offered for sale or lease in the open market and the Owner demonstrates to the satisfaction of the Designated Officer that reasonable efforts are being made to sell, lease, or redevelop the property, the Designated Officer may defer or reduce the Annual Vacant Building Monitoring Fee for a period not exceeding twelve (12) months.

In considering a request under this section, the Designated Officer may consider:

- a) whether the property is listed with a licensed real estate brokerage;
- b) the duration and nature of marketing efforts;
- c) whether the property is reasonably priced relative to market conditions;
- d) whether the Building is maintained and secured in compliance with this Bylaw; and
- e) any other factor reasonably relevant to demonstrating bona fide efforts to return the Building to lawful occupancy.

Deferral under this section does not exempt the Owner from compliance with this Bylaw or any enforcement action taken under the General Enforcement Bylaw.

7.10 Collection of Fees

Fees imposed under this Bylaw constitute a debt owing to the City and may be recovered in accordance with the General Enforcement Bylaw, *The Municipal Act*, and any other applicable legislation.

PART 8 – ENFORCEMENT

8.1 Enforcement

This Bylaw shall be enforced in accordance with the General Enforcement Bylaw, as amended from time to time.

Where authorized by the Administrative Penalties Bylaw, a Designated Officer may issue a Penalty Notice for a Designated Bylaw Contravention in accordance with that Bylaw.

8.2 Contraventions

A person who contravenes this Bylaw is subject to enforcement action under the General Enforcement Bylaw and, where applicable, the Administrative Penalties Bylaw.

PART 9 – ESCALATION TO DERELICT BUILDING REVIEW

9.1 Referral for Derelict Building Review

Where a Building:

- a) remains a Vacant Building for two (2) or more consecutive years;
- b) remains Boarded for two (2) or more consecutive years; or
- c) is subject to repeated non-compliance,

the Designated Officer may recommend that the property be reviewed under the Derelict Buildings Bylaw.

PART 10 – GENERAL, TRANSITIONAL AND COMING INTO FORCE

10.1 Transitional

Any Building that meets the definition of a Vacant Building on the day this Bylaw comes into force shall be registered within sixty (60) days of that day.

Upon registration, the Registration Fee and the Annual Vacant Building Monitoring Fee apply in accordance with Part 7 of this Bylaw.

Prior to commencing formal enforcement action respecting an existing Vacant Building, the City may provide the Owner with written notice of the registration requirement and a reasonable opportunity to comply voluntarily.

Nothing in this section prevents the City from taking immediate enforcement action where a Vacant or Boarded Building presents a risk to public safety.

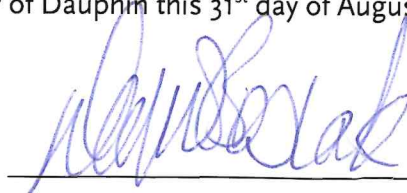
10.2 Protection from Liability

No action lies against the City, Council, a Designated Officer, or any employee or agent of the City for anything done or omitted to be done in good faith in the exercise of authority under this Bylaw.

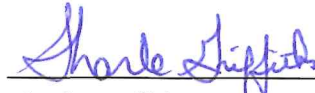
10.3 Coming into Force

This Bylaw comes into force on the day it receives third reading.

DONE AND PASSED by the Council of the City of Dauphin this 31st day of August 2026.

A handwritten signature in blue ink, appearing to read "David Bosiak", written over a horizontal line.

David Bosiak, Mayor

A handwritten signature in blue ink, appearing to read "Sharla Griffiths", written over a horizontal line.

Sharla Griffiths, City Manager

READ A FIRST TIME this 10th day of August 2026.

READ A SECOND TIME this 31st day of August 2026.

READ A THIRD TIME this 31st day of August 2026.