



CITY OF DAUPHIN

BYLAW NUMBER 10/2011

BEING A BYLAW OF THE CITY OF DAUPHIN TO ESTABLISH A RENTAL UNIT DWELLINGS SAFETY STANDARD

BEING A BYLAW of The City of Dauphin to establish minimum standards of building safety of residential rental dwellings within the City of Dauphin.

WHEREAS subsection 232(1) of *The Municipal Act*, S.M. 1996, c. 58 (the "Act") provides, in relevant part as follows:

Spheres of Jurisdiction

232(1) A Council may pass bylaws for municipal purposes respecting the following matters:

- (a) the safety, health, protection and well-being of people and the safety and protection of property;
- (c) subject to Section 233, activities or things in or on private property;
- (n) businesses, business activities and persons engaged in business;
- (o) the enforcement of bylaws.

AND WHEREAS subsection 232(2) of the Act provides, in relevant part, as follows:

Exercising Bylaw-making powers

232(2) Without limiting the generality of subsection (1), a Council may in a bylaw passed under this Division:

- (a) regulate or prohibit;
- (b) adopt by reference in whole or in part, with any changes the Council considers necessary or advisable, a code or standard made or recommended by the Government of Canada or a Province or a recognized technical or professional organization, and require compliance with the code or standard;
- (e) subject to the regulations, provide for a system of licenses, permits or approvals, including any or all of the following:

- (i) establishing fees, and terms for payment of fees, for inspections, licenses, permits and approvals, including fees related to recovering the costs of regulations,

AND WHEREAS, subsection 236(1) of the Act provides, in relevant part, as follows:

Content of bylaws under clause 232(1)(o)

236(1) Without limiting the generality of clause 232(1)(o) (enforcement of bylaws), a bylaw passed under that clause may include provisions:

- (a) providing for procedures, including inspections, for determining whether bylaws are being complied with, and;
- (b) remedying contravention of bylaws, including:
 - (i) creating offenses,
 - (ii) subject to the regulations, providing for fines and penalties, including the imposition of a penalty for an offense 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 offense, or related to enforcing the bylaw,
 - (iii) providing the amount owing under sub clause (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 action under sub clause (iv),
 - (vi) imposing a sentence of imprisonment for not more than six months for the commission of offenses or nonpayment of fines.

AND WHEREAS Council of the City of Dauphin deems it necessary and expedient to pass a bylaw for the purposes of ensuring that rental housing conditions are safe for the general welfare and health of persons occupying rental dwellings within the City of Dauphin;

NOW THEREFORE COUNCIL OF THE CITY OF DAUPHIN, DULY ASSEMBLED, HEREBY ENACTS AS A BYLAW AS FOLLOWS:

1. Definitions

- (a) "Appliance" means a device to convert fuel into energy and includes all components, controls, wiring and piping required to be part of the device by the applicable standard.
 - (b) "Designated Officer" means Bylaw Enforcement Officer, Building Inspector, Fire Chief
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or any other person or agency employed by or acting for the City of Dauphin and partially or wholly responsible for public safety, fire safety, building safety, and property standards within the City of Dauphin.

- (c) "Dwelling Unit" means a suite operated as a housekeeping unit, used or intended to be used by one or more persons and usually containing cooking, eating, living, sleeping and sanitary facilities.
 - (d) "Smoke Alarm" means a combined smoke detector and audible alarm device designed to sound an alarm within the room or suite in which it is located upon the detection of smoke within that room or suite.
2. All owners of rented rental units occupied by tenants at the time of passage of this Bylaw must provide the following basic obligations to the tenant:

(a) Smoke Alarms

A landlord must:

- i) Install a smoke alarm in each rental unit they own. This smoke alarm must be:
 - a hard wired, 120 volt AC powered smoke alarm, installed in conformance with the Manitoba Building Code; or
 - a 10-year lithium powered smoke alarm installed in conformance the manufacturer's instructions.
- ii) Ensure smoke alarms within dwelling units are installed between each sleeping area and the remainder of the dwelling unit, and where the sleeping areas are served by hallways, ensures smoke alarms are installed in the hallways.
- iii) Test and inspect the smoke alarms at least once a year to ensure it is working properly.
- iv) Re-test the smoke alarms whenever a new tenant moves in to ensure it is working properly.
- v) Demonstrate to tenants how to use and test the smoke alarms.
- vi) Provide phone numbers for tenants to call if the smoke alarm is not working properly.
- vii) Replace a smoke alarm that is not working properly within 24 hours of notification.

(b) Carbon Monoxide Alarms

- i) Carbon monoxide alarms are required where a fuel burning appliance is installed.
 - ii) Carbon monoxide alarms must be installed:
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- inside each bedroom, or
- outside each bedroom, within 5m of each bedroom door.

iii) Shall be installed in conformance with the manufacturer's instructions.

(c) Egress

i) Every building shall have an access so as to provide a safe, continuous and unobstructed exit from the interior of the building to the exterior.

ii) Means of egress shall not be nailed shut and all egress shall be:

- maintained in good repair; and
- free of objects or any other conditions which could cause an accident or fire hazard.

(d) Third Party Liability & Fire Insurance Coverage

i) Ensure that each rental dwelling unit has third party liability and fire insurance coverage.

3. Upon investigating a complaint, if the Designated Officer determines that a person has contravened or does not comply or improperly complies, or only partly complies with any provision of an Act of the Legislature, a bylaw of the municipality or a regulation, the Designated Officer shall issue a "Notice of Violation & Order To Comply" as Schedule "C" attached hereto and deliver a copy to the registered owner and/or occupier of the premise giving the owner 30 days to comply with the order.
 4. The City shall serve the notice indicated above in one of the following manners:
 - i) Personal service on the owner(s) or
 - ii) Certified mail service on the owner(s) or
 - iii) Registered mail service on the owner(s)
 - iv) If for any reason written notice cannot be served notice may instead be given by posting it in the City Office and on the property in non compliance for at least 30 days.
 5. Everyone who after the 30 days notice and order to comply continues to contravene or does not comply or improperly complies, or only partly complies with any provision of an Act of the Legislature, a bylaw of the municipality or a regulation commits an offence as stated in Schedule "A" Instant Violations attached hereto.
 6. Everyone who commits an offence under section (5) is guilty of a summary offence and liable to a fine as set out in the attached Schedule "B" hereto.
 7. A Designated Officer may issue an Information and Summons Offence Notice of bylaw violation, in a form set out in Schedule "B" hereto, levying the applicable fine.
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8. The Information and Summons Offence Notice shall require the person to pay to the City the amount set out in Schedule "B" as a fine within 14 days of the alleged offence and the method of payment shall be set as set out on the Information and Summons Offence Notice.
9. In addition to all other rights of collection, which the City may have at law, such amounts may be collected by the City in the same manner as a tax may be collected or enforced under The Municipal Act and added to the owner's taxes.
10. This bylaw shall become effective immediately upon its passage by City Council.

DONE AND PASSED as a Bylaw of the City of Dauphin by the Mayor and Council in open session assembled this 12th day of December A.D., 2011.



Eric Irwin, Mayor



Brad D. Collett, CA, Chief Administrative Officer

READ A FIRST TIME this 28th day of November, A.D. 2011.
READ A SECOND TIME this 12th day of December, A.D. 2011.
READ A THIRD TIME this 12th day of December, A.D. 2011.

**SCHEDULE "A"
INSTANT VIOLATIONS**

<u>TICKET CODE</u>	<u>INSTANT VIOLATIONS</u>
01	Fire or life safety hazard
02	Warning Ticket (for first time offence, if warrants)

1st Violation - \$100 fee
2nd Violation - \$200 fee
3rd Violation - \$ 500.00 fee

SCHEDULE "B"



Dauphin Fire Department
121 - 2nd Street N.W.
Dauphin MB R7N 1G1
(204) 622-3100



Dauphin

Rental Unit Dwellings Safety Standards Bylaw No. 10/2011

City of Dauphin

Offence Notice No. _____

The undersigned, being an Officer, says that (s)he has reasonable and probably grounds to believe, and does believe that in Dauphin, Manitoba on the:

DAY:	MONTH:	YEAR:	TIME:	AM PM
OWNER'S NAME:				
ADDRESS:				
LOCATION OF VIOLATION:				
TICKET CODE	VIOLATION:	1st Offence \$100	2nd Offence \$200	3rd Offence \$500
01	Fire or Life Safety Hazard			
02	Warning Ticket (for 1st time offence, if warranted)			

Issued by:	Amount Paid:
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*In Accordance with the City of Dauphin Fire Prevention and Emergency Services
Bylaw 10/2011
Payable within 14 days of Offence*

SUMMONS

VOLUNTARY PAYMENT OF FINE
Make cheque or money order payable to:
City of Dauphin
100 Main Street South, Dauphin MB
R7N 1K3

Payment may be made by MAIL or
IN PERSON
Hours 9:00 A.M. - 4:30 P.M.,
Monday - Friday OR
May be dropped off in the after hours
drop box
(front door of City Hall)

SCHEDULE "C"



Owner Identification
Name, Street Address, Telephone No, Property Roll Number

Order to Comply

Pursuant to the City of Dauphin *Rental Unit Dwellings Safety Standards By-Law No. 10/2011*
(to be delivered by Registered Mail or Personal Service)

Order Number: (optional) _____ Date Order issued: _____

Address to which Order applies: _____

Order issued to (name and address): _____

The inspection on or about _____ (date) at the above-referenced address found the following
contravention(s) of the City of Dauphin *Rental Unit Dwellings Safety Standards By-Law No. 10/2011*

You are hereby ordered to correct the contraventions itemized below immediately, by the dates listed below, or
by _____ (date).

Item	Reference	Description and location	Compliance date

Order issued by:

Name: _____

Title: _____

Signature: _____

Telephone no.: _____

Note:

- It is illegal to remove a copy of a posted Order unless authorized by the Authority Having Jurisdiction. [*The Fires Prevention and Emergency Response Act C.C.S.M. c. F80 Section 44(1)(d)*]
- An Order may be appealed to _____
- Failure to comply with this Order is an offence which could result in a fine. [*City of Dauphin Rental Unit Dwellings Safety Standards By-Law No. 10/2011*]