



CITY OF DAUPHIN

BYLAW o6/2026

DERELICT BUILDINGS BYLAW

BEING A BYLAW of the City of Dauphin to establish a process for the designation of derelict property and, in limited circumstances, the acquisition of title by the City pursuant to sections 247.1 to 247.13 of *The Municipal Act*

WHEREAS sections 247.1 to 247.13 of *The Municipal Act*, C.C.S.M. c. M225, authorize a municipality to establish a process for the designation of derelict property and, in prescribed circumstances, the acquisition of title to such property;

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 Council considers it necessary to establish a clear and fair process to address properties that remain vacant, abandoned, or significantly deteriorated despite prior enforcement action, and which may negatively affect neighbourhood safety, property values, and community well-being;

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:

- a) to establish a process for identifying Derelict Property;
- b) to provide procedural fairness to Owners and interested parties; and
- c) to enable the City, as a last resort, to apply for title to property pursuant to the Act.

1.2 Application

This Bylaw may be applied where:

- a) a Building is Vacant or abandoned;
- b) the property is in contravention of a municipal bylaw; and
- c) prior enforcement efforts have failed to achieve compliance.

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

Except where otherwise expressly provided by this Bylaw or required by sections 247.1 to 247.13 of *The Municipal Act*, 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, Orders, service, remedial action, emergency action, cost recovery, registration against title, Enforcement Charges, offences, penalties, and prosecutions relating to this Bylaw shall be governed by the General Enforcement Bylaw, except where otherwise required by sections 247.1 to 247.13 of *The Municipal Act*.

Notices, decisions, Orders, and other documents issued pursuant to this Bylaw may be served in accordance with the General Enforcement Bylaw, except where otherwise required by *The Municipal Act*.

PART 2 – DEFINITIONS

In this Bylaw:

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

“Building” means any structure used or intended for supporting or sheltering any use or occupancy.

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

“Derelict Building Certificate” means a certificate issued by Council pursuant to Part 5 of this Bylaw and Section 247.7(1) of the Act.

“Derelict Property” means property upon which is located a Vacant Building that:

- a) has been subject to one or more Orders issued pursuant to a municipal bylaw and remains in substantial non-compliance with those Orders; and
- b) in the opinion of the Designated Officer appears abandoned or lacking responsible property management.

For the purpose of determining whether a Building appears abandoned, the Designated Officer or Council may consider indicators including, but not limited to:

- i. prolonged vacancy;
- ii. disconnection of utilities;
- iii. accumulation of tax arrears;
- iv. absence of active property management; or
- v. failure to respond to enforcement notices.

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

“Owner” means the registered owner of the property according to the records of The Property Registry and includes any person having a registered interest in the Property, including mortgagees and lienholders.

“Preliminary Derelict Building Order” means an order issued under Part 3 of this Bylaw.

“Second Notice” means a notice issued under Part 4 of this Bylaw.

“Vacant” has the same meaning as in the Vacant and Boarded Buildings Bylaw.

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

PART 3 – PRELIMINARY DERELICT BUILDING ORDER

3.1 Conditions for Issuance

The Designated Officer may issue a Preliminary Derelict Building Order where satisfied that:

- a) the Building is Vacant;
- b) the Property is in contravention of a municipal bylaw;
- c) one or more Orders have been lawfully issued under a municipal bylaw and remain substantially unfulfilled;

- d) reasonable enforcement efforts have failed; and
- e) the Property has been referred for review under the Vacant and Boarded Buildings Bylaw, or the Designated Officer otherwise determines that review under this Bylaw is appropriate.

3.2 Form of Order

The Preliminary Derelict Building Order must include:

- a) the legal description and civic address;
- b) a summary of the non-compliance;
- c) a statement that the property is considered a Derelict Property;
- d) a requirement to bring the property into compliance within ninety (90) days;
- e) notice of the right to request Council review; and
- f) notice that failure to comply may result in transfer of title to the City.

3.3 Service and Registration

The Designated Officer must:

- a) register the Order against title at The Property Registry; and
- b) serve the Order in accordance with section 247.3(2)(b) of the Act on the Owner and all persons appearing to have a registered interest.

3.4 Right to Request Council Review

Any person served with the Order may request Council review within ninety (90) days of service.

Council may:

- a) confirm the Order;
- b) vary the Order; or
- c) rescind the Order.

A request for Council review under this section does not stay the issuance of a Derelict Building Certificate unless Council directs otherwise.

PART 4 – SECOND NOTICE

4.1 Issuance of Second Notice

If, thirty (30) days after service of the Preliminary Derelict Building Order, the Property remains non-compliant, the Designated Officer may issue a Second Notice.

4.2 Contents

The Second Notice must:

- a) include a copy of the Preliminary Derelict Building Order;
- b) confirm continued non-compliance;
- c) require compliance within sixty (60) days;

- d) state that a Derelict Building Certificate may be issued; and
- e) advise of the right to request Council review within sixty (60) days.

The Second Notice shall be registered and served in the same manner as the Preliminary Order pursuant to section 247.4(3) of the Act.

PART 5 – DERELICT BUILDING CERTIFICATE

5.1 Application to Council

After expiry of the compliance period in the Second Notice, the Designated Officer may apply to Council for issuance of a Derelict Building Certificate.

The application must include:

- a) confirmation of service and registration;
- b) confirmation that any requests for Council review have been resolved or the time for requesting review has expired;
- c) evidence of continued non-compliance.

The Designated Officer shall provide Council with a statutory declaration confirming compliance with the procedural requirements of this Bylaw and the Act.

5.2 Council Decision

Council may, by resolution, issue a Derelict Building Certificate if satisfied that:

- a) the statutory process has been followed;
- b) the Property remains a Derelict Property; and
- c) acquisition of title is in the public interest having regard to the condition of the Property, its impact on surrounding properties, and the broader objectives of the City respecting community safety, redevelopment, and neighbourhood stability.

In determining whether a Property remains a Derelict Property and whether issuance of a Derelict Building Certificate is in the public interest, Council may consider, without limitation:

- a) the history of enforcement respecting the Property;
- b) the condition of the Building;
- c) the duration of vacancy or apparent abandonment;
- d) any outstanding tax arrears; and
- e) the impact of the Property on surrounding properties and the community.

PART 6 – APPLICATION FOR TITLE

6.1 Registration and Application

Upon issuance of a Derelict Building Certificate, the Designated Officer may:

- a) register the Certificate at The Property Registry; and
- b) apply to the District Registrar for issuance of title in the name of the City of Dauphin pursuant to the Act.

Application for title must be made within one hundred and twenty (120) days of issuance of the Certificate.

6.2 No Compensation

Acquisition of title under this Bylaw is effected pursuant to the Act and does not constitute an expropriation. No compensation is payable except as expressly provided by statute.

PART 7 – GENERAL AND COMING INTO FORCE

7.1 Council Discretion

Nothing in this Bylaw requires Council to issue a Derelict Building Certificate or to proceed with an application for title, and Council retains complete discretion in determining whether to do so.

For greater certainty, once a Derelict Building Certificate is issued, the City may proceed in accordance with sections 247.1 to 247.13 of the Act, including the requirement to apply for title within the statutory timeframe prescribed by the Act.

7.2 Protection from Liability

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

The City assumes no obligation to repair, maintain, or improve any property acquired under this Bylaw unless and until Council determines otherwise.

7.3 Technical Defects

No proceeding or action taken under this Bylaw is invalid by reason only of a technical defect, irregularity, error, or omission that does not affect the substantive rights of the Owner or any person having a registered interest in the property.

7.4 Service

Service shall be effected in accordance with *The Municipal Act* and the General Enforcement Bylaw, as applicable.

7.5 No Limitation of Other Powers

Nothing in this Bylaw limits the authority of the City to enforce any other municipal bylaw or applicable legislation, including the issuance of Orders to Comply, demolition orders, or remediation orders under other City bylaws.

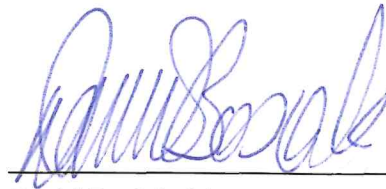
7.6 Recovery of Costs

Costs incurred by the City in relation to this Bylaw may be recovered in accordance with the General Enforcement Bylaw, *The Municipal Act*, and any other applicable legislation.

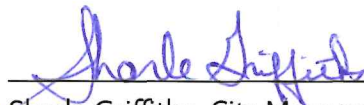
7.7 Coming into Force

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.



David Bosiak, Mayor



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.