

The Rural Municipality of Mountain

BY-LAW NO. 04/14

BEING A BY - LAW OF THE RURAL MUNICIPAL OF MOUNTAIN TO ESTABLISH A RENTAL UNIT AND DAYCARE SAFETY STANDARD.

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 Rural Municipality of Mountain 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 R.M. of Mountain.

NOW THEREFORE, the Council of the Rural Municipality of Mountain, duly assembled, hereby enacts as a bylaw as follows:

1. **Definitions**

(a) **“Fuel Burning 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) **“Daycare”** means the facility that charge a fee to provide for the care and supervision of children in the absence of their parents.

(c) **“Designated Officer”** means Bylaw Enforcement Officer, Building Inspector, Fire Chief or any other person or agency employed by or acting for the Rural Municipality of Mountain and partially or wholly responsible for public safety, fire safety, building safety, and property standards within the RM of Mountain.

(d) **“Rental Dwelling Unit”** means a non primary residence or suite operated for profit 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.

(e) **“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. **THAT** all owners of rental units occupied 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. The 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 to 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 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.

(e) Annual Inspection

- (i) A Designated Officer shall on an annual basis perform a fire prevention and life safety inspection on all rental unit dwellings and daycare facilities.

3. **THAT** upon investigating a complaint or completion of an annual inspection, 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 "Notice of Violation & Order to Comply" as Schedule 'C' attached hereto and deliver a copy to the registered owner and occupier of the premise giving the owner 30 days to comply with the order.
4. **THAT** the Order made pursuant to Section 3:
 - (a) Must state a time in which the person must comply with the Order
 - (b) Must direct the owner to take corrective or remedial action in order to comply with the bylaw.
5. **THAT** the Municipality 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, notice may instead be given by posting it in the Municipal Office and on the property in non-compliance for at least 30 days.
6. **THAT** 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 will be issued an Offense Notice as set in the attached Schedule 'B' and is liable to a fine as set out in the attached Schedule 'A'.
7. **THAT** a Designated Officer may issue an Information and Offence Notice of bylaw violation, in a form set out in Schedule 'B' hereto, levying the applicable fine.
8. **THAT** if the owner does not comply with the Order within a specific time, the Municipality will take the action or measure at the expense of the owner.

9. **THAT** the Information and Summons Offence Notice shall require the person to pay to the Municipality 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.
10. THAT in addition to all other rights of collection, which the Municipality may have at law, such amounts may be collected by the Municipality in the same manner as a tax may be collected or enforced under The Municipal Act and added to the owner's taxes.
11. THAT any interested person may appeal an order made by a designated officer by filing a Notice of Objection (attached Schedule 'D') with the Chief Administrative Officer of the Municipality, at any time before the time for compliance with such an order.
12. THAT upon receipt of an appeal in the required form, the Chief Administrative Officer of the Municipality shall cause a copy thereof to be forwarded to the Council forthwith and the Council shall entertain such appeal within forty days of receipt of the same by holding a hearing. Council may hear the appeal as a Committee of the Whole or by a subcommittee especially established for this purpose. A notice of hearing shall be issued by Council and shall be served upon the persons and in the manner specified in section 7 no later than five days prior to the appeal hearing.
13. THAT the Council shall determine an appeal within five days of a hearing and shall serve notice of disposition forthwith upon determination upon the interested persons. The Council may:
 - (i) confirm the order of the designated officer
 - (ii) vary the order of the designated officer in any respect; or
 - (iii) set aside the order of the designated officer.
14. THAT this by-law shall become effective immediately upon its passage by Council and that all other bylaws inconsistent herewith are hereby repealed.

DONE AND PASSED as a Bylaw of The Rural Municipality of Mountain, at the LUD of Birch River, in the Province of Manitoba, this 20th day of October, A.D. 2014.

.....
 Robert Hanson
 Reeve

.....
 Robin Wiebe
 Chief Administrative Officer

Read a first time this 8th day of October, A.D. 2014.
 Read a second time this 8th day of October, A.D. 2014.
 Read a third time this 20th day of October, A.D. 2014.

SCHEDULE 'A'
INSTANT VIOLATIONS

<u>TICKET CODE</u>	<u>INSTANT VOILATIONS</u>
01	Fire or Life Safety Hazard
02	Warning Ticket
	1st Violation - \$100.00 Fine
	2nd Violation - \$200.00 Fine
	3rd Violation - \$500.00 Fine

SCHEDULE 'B'

THE RURAL MUNICIPALITY OF MOUNTAIN

OFFENCE NOTICE NO. _____

The undersigned, being an Officer, says that he has the reasonable and probably grounds to believe, and does believe that in the L.U.D. of _____, Manitoba on the:

DAY:	MONTH:	YEAR:	TIME:	AM PM
OWNER'S NAME:				
ADDRESS:				
LOCATION OF VIOLATION:				
TICKET CODE	VIOLATION:	1 ST Offence \$100	2 nd Offence \$200	3 rd Offence \$500
01	Fire or Life Safety Hazard			
02	Warning Ticket			
Issued by:			Amount Paid:	

SUMMONS

VOLUNTARY PAYMENT OF FINE

**Make Cheque or Money Order payable to:
The Rural Municipality of Mountain
P.O. Box 155
Birch River, MB R0L 0E0**

**Payment may be made by MAIL or IN PERSON
Hours 8:30 a.m. – 12:00 p.m. 1:00 p.m. – 4:30 p.m.**

SCHEDULE 'C'

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

Order to Comply
Pursuant to the Rural Municipality of Mountain
Rental Unit Dwelling and Daycare Safety Standard By-Law No. 4/2014
(to be delivered by Registered Mail or Personal Service)

Order Number: _____ Date Order Issued: _____

Address to which Order applies: _____

Order issued to:

The inspection on or about _____ (date) at the above-referenced address found the following contravention(s) of the Rural Municipality of Mountain Rental Unit Dwelling and Daycare Safety Standard By-Law No. 4/2014.

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 by _____
- Failure to comply with this Order is an offence which could result in a fine. {Rural Municipality of Mountain Rental Unit Dwelling and Daycare Safety Standard By-Law No. 04/2014}

SCHEDULE 'D'

IN THE MATTER of By-Law No. 04/2014 of the Rural Municipality of Mountain

NOTICE OF OBJECTION

TO: The Rural Municipality of Mountain

PLEASE TAKE NOTE that the undersigned Appellant hereby appeals to the Council of the Rural Municipality of Mountain from the Order to

_____ (Nature of Repair/Remedy)

made by _____ on the _____ day of _____
(name and title)

Respecting the premises known as _____.

Dated at _____, Manitoba, this _____ day of _____, 20____.

Name of Appellant (please print)

Signature of Appellant

Address