

TOWN OF SWAN RIVER  
BYLAW NUMBER 1/2016

BEING A BYLAW OF THE TOWN OF SWAN RIVER TO ESTABLISH A  
RENTAL UNIT DWELLINGS SAFETY STANDARD

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**BEING A BYLAW** of the Town of Swan River to establish minimum standards of building safety of residential rental dwellings within the Town of Swan River.

**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 and 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 cost of regulations,

**AND WHEREAS**, subsection 236(1) of the Act provides in relevant parts, 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 subsection (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 cost 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 Town of Swan River 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 Town of Swan River;

NOW THEREFORE COUNCIL OF THE TOWN OF SWAN RIVER, 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) "Code" means the Manitoba Fire Code, Manitoba Building Code or any other Standard regulating Buildings and their construction.
- (b) "Designated Officer" means Bylaw Enforcement Officer, Building Inspector, Fire Chief or any other person or agency employed by or acting for the Town of Swan River and partially or wholly responsible for public safety, fire safety, building safety, and property standards within the Town of Swan River.
- (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 the 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 power smoke alarm, installed in conformance with the Manitoba Building Code; or
    - a 10 year lithium powered smoke alarm installed in conformance with 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 per year to ensure it is working properly, keeping a written record.
  - iv) Re-test the smoke alarms whenever a new tenant moves in to ensure it is working properly, keeping a written record.
  - v) Demonstrate to tenants how to use and test smoke alarms, keeping a written record
  - 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
  - free of objects or any other conditions which could cause an accident or fire Hazard.
- iii) Where required by Code a secondary path of egress shall be implemented.

**(d) Third Party Liability 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 premises giving the owner 30 days to comply with the order.


4. The Town shall serve 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) or
  - iv) If for any reasons written notice cannot be served notice may be instead given by posting it in the Town Office and on the property in non-compliance for at least 30 days.
5. Everyone who after 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 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 Offence Notice of bylaw violation, in a form set out in Schedule "B" hereto, levying the applicable fine.
8. The Information and Summons Offence Notice shall require the person to pay the Town 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 Town may have at law, such amounts may be collected by the Town 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 Town Council.

**DONE AND PASSED** as a bylaw of the Town of Swan River by the Mayor and Council in open session assembled this 19<sup>th</sup> day of January, A.D. 2016.

Read a first time this 5<sup>th</sup> day of January, A.D. 2016.

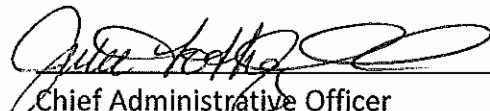
Read a second time this 19<sup>th</sup> day of January, A.D. 2016.

Read a third time this 19<sup>th</sup> day of January, A.D. 2016.



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Mayor



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Chief Administrative Officer



Town of Swan River  
Manitoba, Canada

**SCHEDULE "A"**  
**INSTANT VIOLATIONS**

<u>TICKET CODE</u>	<u>INSTANT VIOLATION</u>
01	Fire or life safety hazard
02	Warning Ticket (for first time offence, if warrants)
	1 <sup>st</sup> Violation \$100 fee
	2 <sup>nd</sup> Violation \$200 fee
	3 <sup>rd</sup> Violation \$500 fee



**SCHEDULE "B"**

**Rental Unit Dwellings Safety Standards Bylaw no. 1/2016**

**Town of Swan River**  
Offence Notice No. \_\_\_\_\_

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

Day:	Month:	Year:	Time:	
Owner's Name:				
Address:				
Location of Violation:				
Ticket Code	Violation	1st Offence \$100	2nd Offence \$200	3rd Offence \$500
1	Fire or Life Safety Hazard			
2	Warning Ticket (1st Offence) If warranted			

<p><b>SUMMONS</b></p> <p>Voluntary Payment of Fine Make cheque or money order payable to: Town of Swan River 439 Main Street Box 879 Swan River MB R0L 1Z0</p> <p>Payment may be made by mail or <b>IN PERSON</b> Hours 08:30 am to 4:30 pm Monday-Friday</p>
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Issued By:	Amount Paid:
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Payable with 14 days of offence

**SCHEDULE "C"**  
Owner Identification

Name, Street Address, Telephone Number, Property Roll Number

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Order to Comply**

Pursuant to the Town of Swan River *Rental Unit Dwellings Safety Standards Bylaw* \_\_\_\_\_  
(to be delivered by Registered Mail or Personal Service)

Order number: (Optional) \_\_\_\_\_ 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 Town of Swan River *Rental Unit Dwellings Safety Standards Bylaw* \_\_\_\_\_. 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

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 Services Act CCS.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. *Town of Swan River Rental dwellings safety Standards Bylaw No.* \_\_\_\_\_.