

REPEALED BY THE NEIGHBOURHOOD LIVEABILITY BY-LAW NO. 1/2008
JANUARY 23, 2008
(effective November 1, 2008)

THE CITY OF WINNIPEG

THE MAINTENANCE AND OCCUPANCY BY-LAW
NO. 4903/88

**A By-law of THE CITY OF WINNIPEG to
establish a minimum standard of maintenance
and occupancy for residential property.**

THE CITY OF WINNIPEG, in Council assembled, enacts as follows:

SECTION 1 - TITLE AND DEFINITIONS

1.1 SHORT TITLE

This By-law may be cited as "**The Maintenance and Occupancy By-law**".

1.2 DEFINITIONS

Whenever used in this By-law;

"Accessory Building" means a building or structure that is:

- (a) appurtenant to a main building forming part of a dwelling; and
- (b) located on the same lot as a main building and includes a building or structure partly or wholly attached to or detached from the main building.

"Basement" means that portion of a building between two floors levels which is partly or wholly below the adjacent finished grade.

"Building" means any structure used or intended to be used for supporting or sheltering any use or occupancy set forth in this By-law.

"City" means The City of Winnipeg.

"Community Committee" means the Local Community Committee of the City.

"Committee on Planning and Community Services" means the Committee on Planning and Community Services of the City.

"Council" means the Council of the City.

"Dwelling" includes any building, part of a building, trailer, mobile home or other covering structure, the whole or any portion of which has been used, is used or is capable of being used for the purposes of human habitation with the land and premises appurtenant thereto and all outbuildings, accessory buildings, fences or erections thereon or therein and every dwelling unit within the dwelling.

"Dwelling Unit" means one or more rooms located within a dwelling and used or intended to be used for human habitation by one or more persons and containing cooking, eating, living, sleeping and sanitary facilities.

"Fence" means a railing, wall or other means of enclosing a yard and includes barriers and retaining walls.

"Habitable Room" means any room in a dwelling used or intended to be used for living, sleeping, cooking or eating purposes or any combination thereof.

"Housekeeping Unit" means one or more rooms located within a dwelling and used or intended to be used for human habitation by one or more persons and containing cooking, eating, living and sleeping facilities and sharing sanitary facilities with other occupants of the dwelling.

"Insanitary Condition" means any condition, matter or thing which in the opinion of the Inspector may be injurious to health or which in his opinion may result in the creation of a nuisance.

"Inspector" means the person from time to time holding the office of Supervisor of Building Inspections the person from time to time holding the office of Medical Officer of Health for the City and such assistants to those officers as may be designated in writing by those officers.

"Non-conformance"

"Immediately Dangerous Non-conformance" means a condition which does not comply with the standards established by this By-Law and which in the opinion of the Inspector is unsafe, dangerous, offensive or injurious to health.

"Hazardous Non-conformance" means a condition which does not comply with the standards established by this By-Law and which in the opinion of the Inspector may become unsafe, dangerous, offensive or injurious to health.

"Non-Hazardous Non-conformance" means a condition which does not comply with the standards established in this By-Law and is other than an "Immediately Dangerous Non-conformance" or a "Hazardous Non-conformance".

"Non-Habitable Room" means any room in a dwelling or dwelling unit other than a habitable room and includes bathroom, toilet room, laundry, pantry, lobby, communicating corridor, stairway, closet, boiler room or other space for service and maintenance of the dwelling for public use, and for access to and vertical travel between storeys.

"Nuisance" means any condition, which is or may become injurious or prejudicial to health or hinder the suppression of disease or which is offensive.

"Order" means a notice of non-conformance or an order to demolish or repair a dwelling pursuant to this By-Law.

"Owner" means a person who is an owner of a freehold estate in the City and includes a person who is owner of such an estate jointly with another person and a person who is registered under the Condominium Act as the owner, as defined in that Act, or a unit under that Act and includes:

- (a) for the time being managing or receiving the rent of the land or premises in connection with which the word "owner" is used, whether on his own account or as agent or trustee of any other person, or
- (b) who would so receive the rent if such land and premises were let, or
- (c) a vendor of such land under an agreement for sale who has paid any land taxes thereon after the effective date of the agreement, or
- (d) the person for the time being receiving installments of the purchase price of the land or premises in connection with which the word "owner" is used, sold under an agreement for sale whether on his own account or as an agent or trustee of any other person, or
- (e) who would so receive the installments of the purchase price if such land or premises were sold under an agreement for sale.

"Premises" includes a building as defined herein and any lands, fences, sheds, outbuildings, accessory buildings and garages appurtenant thereto.

"Protective surface" includes any layer of material over the structural surface of a building intended or required to protect the structural surface against deterioration or to decorate the structural surface and, without limiting the generality of the foregoing, includes paint, varnish, stucco, brick or stone facing, wood and asphalt shingle and insul-bric siding.

"Repair" includes taking the necessary action to bring any dwelling up to the "Standards".

"Standards" means the standards for the maintenance or improvement of the physical condition and for the fitness for occupancy prescribed in this By-Law.

"Yard" means the land other than publicly owned land around and appurtenant to the whole or any part of a dwelling and used or capable of being used in connection with the dwelling.

SECTION 2 - ADMINISTRATION

2.1 RESPONSIBILITY OF INSPECTOR

It shall be the responsibility of the Inspector to enforce the provisions of this By-law.

2.2 RIGHT TO ENTER PREMISES

An Inspector may, at all reasonable times and with the consent of the owner or occupier, but subject to Section 143.1 of The City of Winnipeg Act, enter any building or premises for the purpose of administering or enforcing this By-law, including the posting of orders.

2.3 ORDER ISSUANCE

If as a result of his inspection of a dwelling, an Inspector is satisfied that the dwelling does not conform to the standards, he may make an order, a copy of which shall be served forthwith on the owner of the dwelling by registered mail notice to him at his address as shown on the assessment roll of the City, or by serving him personally, and a copy of the order shall be posted in a conspicuous place in or on the dwelling.

2.4 SUBSTITUTIONAL SERVICE

Where the Inspector is unable to locate the owner of a dwelling for the purpose of serving him with an order under Subsection 2.3, the Inspector may apply to a judge of the Court of Queen's Bench of Manitoba for an order allowing substitutional service of the order and, if the judge is satisfied that all reasonable efforts have been made to effect personal service of the order on the owner, he may order that service of the order be effected by posting it on the building or by publication in the newspaper or by other means or by any or all of these means and compliance with the order shall be conclusively deemed to be equivalent to personal service on the owner.

2.5 INFORMATION CONTAINED IN ORDER

The order shall contain:

- (a) a description of the dwelling sufficient to identify it; and
- (b) the particulars of each non-conformance and the date by which it must be corrected; and
- (c) the final date for giving notice of objection from the order and may also contain an outline of what action may be taken to make the premises conform to the standards and any other information that the Inspector deems necessary.

2.6 DATES FOR COMPLIANCE

The date by which the non-conformance shall be corrected shall be:

- (a) not less than three (3) weeks from the date of service of the notice in the case of non-hazardous non-conformance; and
- (b) not less than ten (10) days from the date of service of the notice in the case of a hazardous non-conformance; and
- (c) forthwith, in the case of an immediately dangerous non-conformance.

2.7 POSTPONEMENT OF COMPLIANCE DATE

The Inspector may postpone the last day when a non-conformance must be corrected as shown in the order only when the owner has shown that he is making reasonable efforts to correct the non-conformance, but can not achieve full correction within time provided because of technical difficulties, inability to obtain necessary materials or labour or inability to gain access to the dwelling unit wherein the non-conformance occurs.

2.8 ATTACHMENT TO ORDER

There shall be attached to the order:

- (a) a form Notice of Objection, as set forth in Schedule "A" of this by-law which shall indicate the place to which the Notice of Objection shall be delivered; and
- (b) a Notice of Correction as set forth in Schedule "B" of this by-law to be returned to the city when the non-conformances have been corrected; and
- (c) notice of the penalty for each non-conformance.

2.9 OBJECTION TO ORDER

The owner, or person authorized in writing by him to act on his behalf, may object to an order or any provision thereof by filing with the City the Notice of Objection within seven (7) days following the serving and posting of a copy of the order whichever last occurs.

2.10 COMMUNITY COMMITTEE TO CONSIDER OBJECTION

The objection shall be considered by the Community Committee for the community in which the dwelling is located.

2.11 NOTICE OF OBJECTION HEARING

The Community Committee shall fix a time and a place for a meeting to consider the objection and cause not less than three days notice of the meeting to be served by certified or registered mail on the owner at his address as shown on the City's last assessment roll, provided that in no case shall a meeting date be fixed later than thirty (30) days following the filing of the Notice of Objection pursuant to Subsection 2.9 aforesaid.

2.12 REPRESENTATION AT MEETING

The notice pursuant to Subsection 2.11 aforesaid shall inform the owner that he may appear at the meeting and make such representation as he so desires and that in the event that he does not appear at the said meeting, a decision may be made by the Community Committee in his absence.

2.13 CONDUCT OF MEETING

On the day and at the time and place stated in the notice, the Community Committee shall conduct the meeting and receive representations from the owner, the Inspector and any other person affected by the order who wishes to be heard.

2.14 ADJOURNMENT OF MEETING

The meeting may be adjourned from time to time and may be resumed at such time and place as the Community Committee, which is conducting the meeting, may decide.

2.15 ACTION BY COMMUNITY COMMITTEE

The Community Committee, after conducting the meeting may:

- (a) affirm the order; or
- (b) rescind the order if they find the appellant conformed to the standards; or
- (c) vary the order to meet the circumstances of the case, either by extending the time within which compliance with the order shall be made, or otherwise.

2.16 NOTIFICATION OF DECISION

The Community Clerk shall cause a copy of the Community Committee's decision to be mailed to the appellant and to any other person who has made representation before the Community Committee.

2.17 APPEAL TO COMMUNITY COMMITTEE DECISION

Should the owner feel aggrieved by the decision of the Community Committee, he may further appeal to the Committee on Planning and Community Services within seven (7) days of receipt of the notice from the Community Clerk.

2.18 REVIEW BY COMMITTEE ON PLANNING AND COMMUNITY SERVICES

The Committee on Planning and Community Services may review the Community Committee's decision to rescind or vary the order within fourteen (14) days following the decision and may:

- (a) affirm the decision of the Community Committee; or
- (b) set aside the decision and restore the order made by the Inspector.

2.19 CITY MAY REPAIR OR DEMOLISH

- (1) If the owner of a dwelling fails to repair or demolish it in accordance with an order, the City may repair or demolish all or any part of it and in so acting do any work on adjoining land, buildings or structures necessitated by such demolition or repair.
- (2) For the purposes of Sentence (1), officers, employees and agents of the City may enter upon the dwelling referred to in the order and any adjoining land, buildings or structures after giving reasonable notice of such entry to the owner or owners and to the occupant or occupants of such dwelling and such adjoining land, buildings or structures.
- (3) The notice referred to in Sentence (2) is properly given if it is sent to the owner or owners by registered mail at his or their address as shown on the assessment roll of the City and to the occupant or occupants if it is sent to him or them by registered mail addressed to them at the dwelling or adjoining land, building or structure, as the case may be.
- (4) Before the Council exercises its powers under Sentence (1), a notice in writing shall be sent to all persons a registered interest in the dwelling specifying wherein the dwelling does not conform to the standards and stating that if all the non-conformances are not corrected within one (1) month after the serving of such notice, the City may proceed to repair or demolish in accordance with the order.

2.20 ORDER TO VACATE DWELLING

- (1) Where the owner of a dwelling fails to repair or demolish a dwelling in accordance with an order, the Inspector may order that such dwelling be vacated and may prohibit its use as a dwelling until it is repaired or demolished in accordance with the former order.

- (2) Notwithstanding Sentence (1), an order shall not be made under it unless the Inspector is of the opinion that alternative accommodation is available in the City for all occupants of the dwelling or dwelling unit.
- (3) A copy of the order to vacate shall be served on the owner and posted in the dwelling in accordance with Subsection 2.3.
- (4) In addition to the service and posting referred to in Sentence (3), a copy of the order shall be served on at least one adult occupant of the dwelling or dwelling unit.
- (5) An order to vacate comes into effect after the expiry of seven (7) days following the date of the last service or posting of the order.
- (6) An owner may object to an order to vacate, in which case the appeal procedure in this Section shall be followed.
- (7) Failure to comply with an order to vacate is an offence and subject to the penalties outlined in Section 10.

2.21 CONFLICT WITH OTHER BY-LAWS

- (1) Where any order is issued pursuant to this By-law and the provisions of this by-law conflict with the provisions of the Residential Buildings Fire Safety By-Law, the technical provisions of the Residential Buildings Fire Safety By-Law may be accepted as an alternative to the provisions of the Maintenance and Occupancy By-Law, provided that all the ancillary conditions are complied with as specified in the Residential Buildings Fire Safety By-Law within the time frame specified by the order issued under the Maintenance and Occupancy By-Law.
- (2) Where a provision of this By-Law conflicts with the provisions of any other by-law of the City or any other statute or regulation which regulates health, fire or safety in existing buildings, the provision that establishes the higher standard to protect the health, safety and welfare of the general public shall prevail.

SECTION 3 - GENERAL REQUIREMENTS

3.1 GENERAL DUTIES AND OBLIGATIONS

- (1) No person shall use, permit the use of, rent or offer to rent any dwelling unit, housekeeping unit or room that does not conform to the standards contained in this By-Law.

- (2) The owner of any dwelling shall either:
 - (a) maintain the dwelling in accordance with the standards contained herein; or
 - (b) repair or demolish the whole or the offending part of any dwelling that is not in accordance with the standards.
- (3) No person shall remove a copy of the Order posted on a premises except with the consent of the Inspector.
- (4) All repairs to a dwelling shall be made in a manner accepted as good workmanship in the trade concerned, with materials suitable and sufficient for the purpose and in compliance with all applicable by-Laws and regulations.

3.2 RESPONSIBILITIES OF THE OWNER AND TENANT

Subject to the provisions of any lease, the owner and tenants of a dwelling shall:

- (a) limit the occupancy of that part of the premises which they occupy or control to the maximum permitted by this By-Law; and
- (b) maintain safe, continuous and unobstructed exits to the exterior of the building; and
- (c) maintain all required safety features and equipment in an operating condition; and
- (d) maintain that part of the premises, which they occupy or control so that every floor, wall, ceiling, furnishing and fixture is in a clean and sanitary condition and keep it free from rubbish and other debris or conditions which constitute fire, accident or health hazards; and
- (e) maintain all plumbing, cooking and refrigeration fixtures and appliances as well as other building equipment and storage facilities in that part of the premises which they occupy or control in a clean and sanitary condition and provide reasonable care in the operation and use thereof; and
- (f) dispose of garbage and refuse into provided facilities in a clean and sanitary manner; and

- (g) maintain yards in a clean, sanitary and safe condition and free from infestation insofar as they occupy and control the yard; and
- (h) keep their domestic animals and pets in an appropriate manner and under control.

3.3 INSANITARY AND HAZARDOUS CONDITIONS

- (1) No person shall create or allow the existence of any nuisance or maintain any insanitary condition in any premises within their control or management nor shall they permit the existence of any condition, matter or thing which, in the opinion of the Inspector, provides or may provide food or harborage for rodents, vermin and insects.
- (2) No owner shall permit the existence of mice, rats, lice, bed bugs, cockroaches, silverfish or other insects, rodents or vermin in any dwelling or part thereof.
- (3) No person shall occupy or rent any dwelling or portion thereof which is not clean and sanitary.
- (4) Where furnished accommodation is provided in any dwelling, all furniture, refrigerators, cooking appliances, beds, bedspreads, bedsprings, pillows, mattresses, bed linen, blankets, bed covers, blinds and curtains shall be maintained in good repair and in a clean and sanitary condition.
- (5) No dwelling, any part thereof or the lot upon which it is situated, shall be used as a place for storing, keeping or handling of any article dangerous or detrimental to life or health nor of any combustible article, except under such conditions as may be prescribed by the Fire Chief under authority of a written permit issued by him.
- (6) Every dwelling and accessory building shall be maintained free of rodents, vermin and insects at all times and methods used for exterminating rodents, vermin or insects shall conform with generally accepted practice in the City.

3.4 OTHER OCCUPANCY

- (1) No camper, automobile, mobile home, recreation vehicle, tent nor other temporary structure shall be used as a shelter of persons and their effects for the purpose of living therein without the written permission of the Inspector, except in licensed trailer camps and tourist courts.

- (2) No commercial or industrial building, accessory building nor any portion thereof, not designed and intended to be used as a dwelling unit, shall be occupied as a dwelling unless it is altered in compliance with the current edition of the Winnipeg Building By-Law.

SECTION 4 - STANDARDS FOR THE MAINTENANCE OF YARDS AND ACCESSORY BUILDINGS

4.1 MAINTENANCE OF YARDS

- (1) A yard shall be kept free and clean from:
 - (a) rubbish, garbage, junk and other debris; and
 - (b) wrecked, dismantled, partially dismantled, inoperative, discarded, abandoned or unused vehicles, trailers and other machinery or any parts thereof; and
 - (c) excessive growth of weeds or grass; and
 - (d) objects and conditions, including holes and excavations, that are health, fire or accident hazards.
- (2) Yards shall be protected by suitable ground cover which prevents erosion of the soil.
- (3) Plants and vegetation shall be kept trimmed so as not to become unsightly.
- (4) The yard shall be graded in such a manner so as to prevent:
 - (a) excessive or reoccurring ponding of water; or
 - (b) excessive dampness from occurring in buildings on or adjacent to the yard; or
 - (c) any hazardous condition from being created on any private or public walkway.

4.2 WALKS, DRIVEWAYS AND PARKING SPACES

- (1) A walk shall be provided from the principal entrance of every dwelling to a public street or to a driveway affording access to a public street.
- (2) Every walk, driveway and parking space shall be surfaced with stone, asphalt, concrete or other material capable of providing a hard surface and shall be maintained so as to afford safe passage under normal use and weather conditions.

4.3 FENCES AND ACCESSORY BUILDINGS

All fences and all accessory buildings shall be kept:

- (a) weather resistant by the application of appropriate materials, including paint and preservatives; and
- (b) in good repair; and
- (c) free from health, fire and accident hazards; and
- (d) consistent with the design thereof.

4.4 GARBAGE DISPOSAL

- (1) Every dwelling shall be provided with a sufficient number of receptacles to contain all garbage, rubbish, and ashes in accordance with the provisions of the City's Solid Waste By-Law.
- (2) Receptacles shall be acceptable plastic bags or other containers:
 - (a) of watertight construction; and
 - (b) provided with a tight fitting cover; and
 - (c) maintained in a clean state.
- (3) Plastic bags shall not be stored outdoors unless protected from damage.
- (4) Garbage, rubbish, and ashes shall be promptly stored in receptacles and made available for removal in accordance with the City's Solid Waste By-Law.

SECTION 5 - STANDARDS FOR THE MAINTENANCE AND OCCUPANCY OF DWELLINGS**5.1 GENERAL SPACE REQUIREMENTS**

Except as provided in subsections 5.2 and 5.3, the following minimum space requirements apply to all dwellings.

- (1) No person shall use or permit the use of a non-habitable room in a dwelling as a habitable room; and
- (2) All habitable rooms, bathrooms and toilet rooms shall have a ceiling height of not less than 2100 mm; and
- (3) All hallways, corridors and passageways must have ceiling height of not less than 2100 mm and a width of not less than 850 mm; and
- (4) Stairways shall have a minimum head room measured vertically from a line drawn through the outer edges of the nosings of at least 1950 mm; and
- (5) Each dwelling unit shall have at least 7.4 m² of habitable floor area for each occupant thereof and the floor area shall be calculated on the bases of the total area of the habitable rooms; and
- (6) Each room used for sleeping purposes in a dwelling:
 - (i) shall have a floor area of at least 5.6 m² for a single occupant; and
 - (ii) shall have at least 3.7 m² of floor area for each occupant when two or more persons occupy the room; and
- (7) Where deemed necessary, the Inspector may affix to any dwelling, a card stating thereon the number of persons who may occupy such and the owner or person in charge shall be held responsible for the number of persons so occupying.

5.2 BASEMENT OCCUPANCIES

Notwithstanding the other requirements of this section, basement space shall not be used as a dwelling unit, housekeeping unit or habitable room unless it meets the following requirements:

- (1) Floors and walls shall be impervious to leakage of underground and surface run-off water.

- (2) Each habitable room shall be separated from solid or fuel fired heating equipment by walls and doors.
- (3) Access to each habitable room shall be gained without passage through a furnace, boiler or service room.
- (4) Every habitable room shall have
 - (a) sufficient artificial or natural lighting to produce an average illumination of at least 119 lx at the floor level; and
 - (b) an openable window with a minimum unobstructed area of at least 0.3 m² with the exception of the kitchen, bathroom and toilet room which may have mechanical ventilation to produce at least one air change per hour in lieu of the openable window; and
 - (c) a minimum window glass area not less than 10% of the floor area for living and dining rooms and not less than 5% of the floor area for bedrooms.
- (5) Whenever window wells are used, only that part of the window which is above a 45 degree line projected downwards from the top of the window well shall be used in calculating the required light transmitting area.
- (6) At least one-half of the floor area of every habitable room in a basement suite shall have a ceiling height of 2100 mm and the floor area of that part of any room where the ceiling height is less than 1800 mm shall not be considered as part of the floor area in computing the total floor area of the room for the purpose of determining the maximum permissible occupancy of the dwelling unit.
- (7) Obstructions in dwelling units are allowed only in the area where the ceiling height is at least 2100 mm and the obstructions shall not descend more than 175 mm from the ceiling.
- (8) All hallways, corridors or passageways must have a ceiling height of not less than 2100 mm and a minimum width of 850 mm.
- (9) Stairs shall be at least 750 mm in width, have a maximum rise of 200 mm, a minimum run of 210 mm, a minimum tread width of 235 mm and shall provide a minimum headroom clearance of 1950 mm measured vertically from a line shown through the outer edges of the nosings.
- (10) A second means of egress from a dwelling in a basement suite shall be provided.

- (11) Where the requirement of sentence (10) is not practical:
- (a) access to grade shall be provided by an acceptable unobstructed opening of not less than 500 mm in any dimension with a minimum of 0.37 m² in area which shall be readily openable from the inside without the use of keys, tools, or special knowledge; and
 - (b) where the sill of the opening in paragraph (a) is higher than 500 mm above the floor, a stair and landing constructed to the following requirements shall be installed to provide access to the opening:
 - (i) the stair shall:
 - A. be at least 550 mm in width; and
 - B. have a maximum rise of not more than 200 mm, a minimum run of 210 mm and a minimum tread width of 235 mm; and
 - (ii) the landing shall:
 - A. be at least 550 mm in width; and
 - B. extend the width of the opening or 760 mm, whichever is greater; and
 - C. be located not less than 450 mm nor more than 600 mm below the sill of the opening; and
 - (iii) the stair and landing shall be protected by guards, handrails and balustrades in accordance with Sentence 5.9;
 - (c) a permanent sign shall be placed on or adjacent to such openings to indicate that these openings are emergency exits; and
 - (d) the window is hinged to swing on its vertical axis and has no obstructions such as screens or storm windows to impede its swing; and
 - (e) or where the window is of a double-hung or check-rail type, is equipped with a device that will hold it in an open positions.

- (12) Catch basins shall not be located in any habitable room.
- (13) Plumbing fixtures, including catch basins, installed below the level of the adjoining street shall be protected from backflow by the installation of an approved backwater valve.

5.3 ATTIC AND PARTIAL STOREY OCCUPANCIES

Notwithstanding the space requirements of subsection 5.1, the following requirements are applicable to dwellings in attics or partial storeys.

- (1) At least one-half of the floor area of every habitable room shall have a ceiling height of at least 2100 mm and the floor area of that part of any room where the ceiling height is less than 1370 mm shall not be considered as part of the floor area in computing the total floor area of the room for the purpose of determining the maximum permissible occupancy of the dwelling unit.
- (2) Stairways must be at least 750 mm wide and shall not be inclined to an angle of more than 50 degrees with the horizontal and shall provide a minimum clearance height of 1800 mm measured vertically from a line drawn through the outer edges of the nosings.

5.4 EXTERIOR WALLS

- (1) All exterior surfaces shall be of materials which provide adequate protection from the weather.
- (2) The exterior walls and their components shall be maintained so as to prevent deterioration by restoring or repairing the walls, coping or flashing, or by the application of a protective surface.
- (3) Every exterior wall shall be free of holes, breaks, loose or rotting boards or timbers and any other condition which might admit insects, rodents or pests to the interior of the wall or the interior space of the dwelling.
- (4) Exterior wood surfaces shall be adequately protected against deterioration through the periodic application of approved protective coatings.
- (5) Without limiting the generality of the above, a protective surface of a building shall be deemed to be out of repair if:

- (a) the paint on more than 25% percent of the area of any painted plane or wall is blistered, cracked, flaked, scaled, or chalked away;
or
 - (b) the mortar of any masonry or stone wall is loose or has fallen out.
- (6) The exterior of every building shall be so maintained so as not to cause a substantial depreciation in property values in the immediate neighbourhood.

5.5 ROOFS

- (1) A roof, including the fascia board, soffit, cornice and flashing shall be maintained in a watertight condition so as to prevent deterioration or leakage of water into the dwelling.
- (2) Where the protective surface of a roof consists of wood shingles, they shall be maintained in good repair and be painted, stained or otherwise treated as may be necessary to protect against deterioration.
- (3) Loose or unsecured objects and materials, including dangerous accumulations of snow or ice or both, shall be removed from the roof of a dwelling or an accessory building.
- (4) Roof drainage or surface drainage shall be controlled in order to eliminate or minimize any effects on:
 - (a) neighbouring property so as not to cause dampness in the walls, ceilings or floors of any portion of any adjacent building; or
 - (b) its own property so as not to cause dampness in the walls, ceilings or floors of any portion of any building located thereon; or
 - (c) neighbouring or public sidewalks or stairs so as not to create a hazardous condition; or
 - (d) neighbouring property thereby causing noticeable ponding or ground erosion.
- (5) Eavestroughing and downspouts shall be watertight and maintained in good repair.

5.6 DOORS AND WINDOWS

- (1) When closed, every exterior door to a dwelling, every door to a dwelling unit or housekeeping unit and every door to rooms occupied by roomers:
 - (a) shall fit reasonable well within its frame; and
 - (b) shall have a hardware so as to be capable of being locked from both inside and outside; and
 - (c) shall allow occupants to exit without the use of a key; and
 - (d) shall not be secured with a lock and hasp.
- (2) All bedroom, bathroom and toilet rooms within a dwelling shall be equipped with a close fitting door complete with hardware so as to ensure privacy.
- (3) All windows intended to be opened shall have acceptable locking hardware.
- (4) All windows, doors, basement and attic hatchways and their frames shall be so constructed and maintained to completely exclude rain and substantially exclude wind from entering the structure.
- (5) Every window shall be kept in good repair, and properly glazed.
- (6) The Inspector may, when he deems necessary, require that:
 - (a) doors, door frames, window frames, sashes and casings be renewed;
or
 - (b) doors and windows be refitted; or
 - (c) weather stripping be installed; or
 - (d) door and window hardware be renewed; or
 - (e) windows be reglazed.

5.7 SCREENS AND STORMS

- (1) Close fitting screens shall:

- (a) be provided from May 1 to November 1 in each year for ventilation in all habitable rooms;
 - (b) have a mesh of not less than Number Fourteen; and,
 - (c) be maintained in good condition.
- (2) Where considered necessary by an Inspector, close fitting screen doors shall be provided and installed to exterior doorways and shall be maintained in good condition.
 - (3) Storm sashes, used in windows required for ventilation, shall be provided with sliding or hinged sub-sashes or with some other openable device satisfactory to the Inspector.
 - (4) Where considered necessary by an Inspector, properly fitting storm doors shall be provided on a dwelling.
 - (5) Storm windows shall be provided for the windows of all habitable rooms and basements from November 1 to April 30 in each year.

5.8 PORCHES, SHEDS, STAIRS

- (1) Every porch, shed and stairway in, on or appurtenant to a building shall be maintained in good repair so that no component thereof is broken, loose, rotted, warped, out-of-plumb, off-level or out of alignment.
- (2) All exterior steps shall be kept in good repair so as to afford safe passage under normal use and weather conditions and protected against deterioration by the application of appropriate protective coating if of wood construction.

5.9 GUARDS, BALUSTRADES AND HANDRAILS

- (1) Every interior stair that has more than two risers shall have the sides of the stair, the landing and the floor level around the stairwell enclosed by walls or protected by balustrades, except that a stair to an unfinished basement may have one unprotected side.
- (2) A handrail shall be installed on at least one side of all interior stairs having more than two risers and on exterior stairs having more than three risers.

- (3) Handrails and balustrades for existing stairs shall be at least 750 mm above a line drawn through the outside edges of the stair nosings and 900 mm above landings.
- (4) Every exterior landing or porch more than 900 mm above the adjacent grade and every balcony, mezzanine, gallery, raised walkway and roof to which access is provided, for other than maintenance purposes, shall be protected by balustrades or guards on all open sides.
- (5) Guards and balustrades around accessible roof levels, porches, exterior balconies or walkways, to which access is provided, shall be at least 1070 mm in height, except those within dwelling units which may be 900 mm in height.
- (6) Openings through existing balustrades shall be of a size so as to prevent the passage of a spherical object having a diameter of 150 mm.
- (7) Where stairs are constructed, replaced or substantially repaired, the balustrades shall be installed to meet the requirements of The Winnipeg Building By-Law.
- (8) All guards, handrails and balustrades shall be maintained in good repair and firmly attached so as to provide reasonable protection against accident and injury.

5.10 FLOORS

- (1) Every floor shall be:
 - (a) free of loose, warped, protruding or rotting floors boards;
 - (b) free of wide holes or cracks;
 - (c) maintained in a clean and sanitary condition; and
 - (d) free of other defects that may be a fire, health or other hazard.
- (2) Floor coverings shall be in good repair, well fitted and capable of being easily cleaned.
- (3) The floor of each kitchen, bathroom, shower room, toilet room, laundry area or other areas where large amounts of water are likely to be encountered shall be finished with a material that is resistant to water.
- (4) All floor covering replacements shall be a minimum of 2 mm in thickness.

- (5) Panel type underlay shall be provided under resilient flooring, parquet flooring, ceramic tile, felted synthetic fibre floor coverings or carpeting laid over lumber floors.
- (6) When deemed necessary by the Inspector, the floors of habitable rooms adjacent to any unheated area may be required to be insulated and to have a vapour barrier installed in accordance with approved practice.

5.11 WALLS AND CEILINGS

- (1) Every wall and ceiling in a dwelling shall be maintained in good condition and free from holes, large cracks, loose plaster and other hazards.
- (2) The surface of every wall and ceiling in a dwelling shall be maintained in a reasonably clean condition.
- (3) Every wall and ceiling shall be painted or finished with an additional surface satisfactory to the Inspector.
- (4) The Inspector may require that damaged trim, including but not limited to door jams and stops, window casings, baseboards, quarter round and similar components, be renewed.
- (5) A waterproof finish such as ceramic, plastic or metal tile, sheet vinyl, tempered hardboard, laminated thermosetting decorative sheets or linoleum shall be provided to a height of not less than:
 - (a) 1.8 m above the floor in shower stalls; and
 - (b) 1.2 m above the rims of bathtubs equipped with showers; and
 - (c) 400 mm above the rims of bathtubs not equipped with showers.
- (6) When deemed necessary by the Inspector, the walls and ceilings of habitable rooms adjacent to any unheated area may be required to be insulated and to have a vapour barrier installed in accordance with approved practice.

5.12 KITCHENS

- (1) A counter work surface at least 1500 mm long and 550 mm wide, including the area occupied by the kitchen sink, shall be provided in the kitchen.

- (2) The backsplash and countertop around the kitchen sink shall have a water resistant surface.
- (3) Storage cabinets shall be provided under the counter work surface, providing at least 1.0 m² of shelf area and they shall be maintained in good repair and in a clean condition.
- (4) A clear space of 600 mm shall be provided above the heating elements of any cooking appliance.

5.13 BEDROOM STORAGE

Unless otherwise approved by the Inspector, each bedroom or other room used for sleeping purposes shall have at least one closet or wardrobe for storage of clothing and such closet or wardrobe shall:

- (a) have at least 0.5 m² of floor area; and
- (b) be at least 550 mm deep; and
- (c) have a shelf of not less than 275 mm in depth approximately 1.8 m from the floor.

SECTION 6 - STRUCTURAL STANDARDS FOR DWELLINGS

6.1 FOUNDATION WALLS

Every foundation wall forming part of a dwelling shall be maintained in good repair and structurally sound so as to prevent undue settlement of the building and prevent the entrance of moisture, insects, rodents or pests.

6.2 SURFACE FOUNDATIONS

Where any dwelling is on a surface foundation and the Inspector is of the opinion that there is settlement or rotting of the beams or joists to such an extent to as to adversely affect the habitability of the dwelling, the Inspector may require that an approved foundation be constructed and concrete piers be installed, broken or rotted joists, beams and floors be renewed and the building levelled.

6.3 BASEMENT WALL AND FLOORS

Basement walls and floors shall be constructed of masonry, concrete or other material impervious to external moisture and the floor shall be so constructed as to effectively drain all water into a catch basin which shall be connected to a sewerage system, or a subsurface water drainage system.

6.4 STRUCTURAL STABILITY

- (1) Every part of a dwelling shall be maintained in a structurally sound condition so as to be capable of sustaining safely its own weight and any normal load to which it may be subjected.
- (2) Materials which have been damaged, show evidence of rot or other deterioration, shall be repaired or replaced.

SECTION 7 - PLUMBING, HEATING AND MECHANICAL STANDARDS FOR DWELLINGS

7.1 WATER SUPPLY

- (1) Every dwelling shall be provided with an adequate supply of potable running water from a source approved by the Commissioner of Works and Operations.
- (2) Every sink, wash basin, bathtub or shower in a dwelling shall have an adequate supply of hot and cold running water and every water closet shall have an adequate supply of running water.
- (3) All hot water shall be supplied at a minimum temperature of 110 F (43 C) and shall not exceed a maximum of 135 F (57 C) at the tap.
- (4) All plumbing fixtures shall be supplied with potable water at an adequate pressure.

7.2 PLUMBING

- (1) All plumbing in a dwelling, including fixtures, drains, water pipes and connecting lines to the water and sewer systems, shall be:
 - (a) protected from freezing; and
 - (b) maintained in good working order; and

- (c) free from leaks or other defects.
- (2) Every dwelling unit shall be provided with at least the following:
- (a) a kitchen sink; and
 - (b) a water closet; and
 - (c) a washbasin; and
 - (d) a bathtub, except that the Inspector may permit a shower to be installed as an alternative where:
 - (i) there is insufficient space in the dwelling unit for a bathtub; and
 - (ii) the dwelling unit is unlikely to be used by young children or elderly persons who are unable to use a shower.
- (3) In every dwelling, where sanitary facilities are shared:
- (a) all occupants shall have convenient access to a water closet, wash basin and bathtub or shower;
 - (b) all of the required plumbing facilities shall be located within the building so as to be accessible from a common hall of passageway to all persons sharing such facilities without going outside the building and without going through another occupant's quarters;
 - (c) no such required plumbing facilities shall be located more than one (1) floor away; and
 - (d) the number of occupants sharing the use of a water closet, wash basin and bathtub or shower shall not exceed ten (10) persons.
- (4) The wash basin shall be in the same room as the water closet or in an accessible adjoining room.
- (5) All bathrooms and water closet rooms shall be fully enclosed and fitted with a door capable of being locked from the inside in order to provide privacy for the occupant.

- (6) No bathtub, shower, or water closet shall be located in any habitable room.
- (7) Seats shall be provided for all water closets, shall be kept in good repair and except for those in a dwelling unit, shall be the open front type.
- (8) No owner or tenant shall restrict or hinder an occupant in his use of the water closet, bathtub, shower or wash basin.
- (9) Sewage or organic waste shall be properly discharged into a sewerage system.

7.3 HEATING

- (1) Every dwelling shall be provided with an adequate heating system properly installed and maintained in a safe and good working condition.
- (2) Room temperatures shall be maintained not less than 70° F (21° C) at all times, except that between the hours of 11:00 p.m. and 7:00 a.m., the room temperature shall be not less than 65° F (18° C).
- (3) The required temperature shall be taken at a height of 750 mm from the floor in the centre of each occupied room.
- (4) The requirements of Sentence (2) do not apply during a period when a heating boiler is shut down at the request of The Department of Labour for the purposes of an inspection under the *Steam and Pressure Plant Act*.
- (5) No room heater shall be placed so as to cause a fire hazard to walls, curtains or furniture or to impede the movement of persons within the room where the heater is located.
- (6) A space that contains fuel burning equipment shall be provided with a natural or mechanical means of supplying combustion air.
- (7) Fuel-burning equipment shall be vented by means of rigid connections to a chimney or vent flue in compliance with The Winnipeg Building By-Law.
- (8) Every chimney, smoke pipe and flue of a dwelling shall:
 - (a) be maintained so as to prevent any gases, water or any liquid from leaking into the dwelling; and

- (b) be kept clear of obstructions; and
 - (c) have all defective masonry or metal components repaired or replaced.
- (9) Where a heating system, or part of it or any auxiliary heating system, burns solid or liquid fuel, an approved receptacle for the storage of the fuel shall be provided and maintained in a convenient location and shall be constructed so as to be free from fire or other hazards.
- (10) Every fireplace and components thereof, used or intended to be used in a dwelling, shall be maintained so that adjacent combustible material and structural members are not heated to unsafe temperatures.

7.4 GAS AND OPEN FLAME-TYPE APPLIANCES

- (1) Gas stoves, water heaters and other gas appliances shall be provided with suitable pipes or flues or other effective means for the removal of the products of combustion and all such appliances shall be kept in a proper state of repair.
- (2) No gas or open flame type appliance of any kind shall be installed in any room used for sleeping purposes nor in any room connected by an archway to a room used for sleeping purposes and nor person shall use or allow to be used for sleeping purposes any room containing a gas stove or other gas or open flame type appliance, or any room connected by an archway to such a room.

7.5 VENTILATION

- (1) Every basement, crawl space and similar space shall be adequately ventilated to the outside.
- (2) Every unprotected opening in an exterior wall or foundation shall be screened with wire mesh or other such material that will effectively exclude rodents, insects and pests.
- (3) Every habitable room, except kitchens and bathrooms, shall have at least one window which can be easily opened and held in an open position by window hardware.
- (4) Bathrooms and water closet rooms shall have an openable window, shall be ventilated by a local vent or shall have a mechanical ventilation system.

- (5) Where a system of mechanical ventilation is provided in a bathroom, water closet room or kitchen, it shall be:
 - (a) capable of completely changing the air in the room at least once per hour; and
 - (b) maintained in good repair and working order.
- (6) All enclosed spaces within a dwelling unit shall be:
 - (a) adequately ventilated; and
 - (b) be provided with an access of sufficient size to permit entry thereto; and
 - (c) be fitted with a door or panel to enclose the opening.

SECTION 8 - ELECTRICAL STANDARDS FOR DWELLINGS

8.1 ELECTRICAL SERVICES

- (1) Every dwelling shall be connected to an electrical supply system and shall be wired for electricity.
- (2) An adequate supply of electric power shall be available at all times in all areas of every occupied dwelling.
- (3) The capacity of the electrical service to the dwelling and the system of circuits distributing the electrical supply within the dwelling shall be adequate for the use and intended use in the dwelling.
- (4) The electrical wiring, circuits, fuses, circuit breakers and electrical equipment shall be maintained at all times in compliance with the provisions of The Winnipeg Electrical By-Law.
- (5) Every habitable room, other than kitchens, shall be provided with at least one receptacle.
- (6) Every kitchen or individually rented room where cooking is permitted, shall be provided with at least two receptacles, suitably located, one for a refrigerator and one over or adjacent to the counter work surface.

- (7) At least one of the receptacles required in Sentence (6), shall be supplied by a branch circuit that does not supply any other outlets.
- (8) A receptacle and receptacle circuit on an electric range may be considered in determining compliance with Sentences (6) and (7).
- (9) All lighting and appliance branch circuits shall be protected by an overcurrent device rated at not more than 15 amperes and shall be protected from inadvertent overfusing by the insertion of a fuse rejector into the fuse holder, or by the use of a circuit breaker.
- (10) Extension cords, used in lieu of permanent wiring for receptacles, lighting fixtures and switches, shall be replaced with permanent wiring.

8.2 LIGHT

- (1) Light shall be available at all times in every stairway, corridor, hall, storage room, locker room and service room in a building and shall be capable of being illuminated to an average level of at least 50 lx at the floor level so as to provide safe passage and to facilitate cleaning.
- (2) All rooms, stairways and halls shall be capable of being illuminated by adequate artificial light.
- (3) Every habitable room shall have windows, sliding glass doors, and translucent panels that face directly to the outside with an unobstructed light transmitting area of not less than 10% of the floor area for living and dining rooms and not less than 5% of the floor area for bedrooms.
- (4) Whenever walls or other portions of structures are located parallel to and located less than 1 meter from a window, such a window shall not be deemed to face directly to the outside and shall not be included as contributing to the required minimum window area of the room.
- (5) Skylights shall not be used as a sole means of lighting any room in a dwelling but may be used as a supplementary means provided that they are constructed so as to be watertight and protected in a suitable manner against condensation.

SECTION 9 - FIRE SAFETY STANDARDS FOR DWELLINGS9.1 EGRESS

Egress from a habitable room, housekeeping unit or dwelling unit to the exterior of the building shall be maintained in good repair and free from obstructions.

9.2 SMOKE ALARMS

- (1) Smoke alarms conforming to ULC-S531-1978 "Standard for Smoke Alarms" shall be installed in each dwelling unit, housekeeping unit and in each sleeping room not within a dwelling unit, or housekeeping unit in dwellings containing more than two families or more than one family with some other occupancy.
- (2) Smoke alarms within dwelling units shall be installed between each sleeping area and the remainder of the dwelling unit and, where the sleeping areas are served by hallways, the smoke alarms shall be installed within the hallway.
- (3) Smoke alarms shall be installed on or near the ceiling in conformance with acceptable installation instructions.
- (4) Except for buildings constructed in accordance with the second or subsequent edition of the Manitoba Building Code, smoke alarms may be battery operated.
- (5) Where smoke alarms are installed with permanent connections to an electrical circuit, there shall be no disconnect switch between the overcurrent device and the smoke alarm.

9.3 FIRE ALARM AND SMOKE ALARM SYSTEMS

All fire alarm systems and smoke alarm systems shall be maintained operational and in good repair.

SECTION 10 - PENALTIES10.1 FAILURE TO COMPLY WITH AN ORDER

Every person, who fails to comply with an order or the decision of a Committee of Council or who obstructs or interferes with an Inspector in the performance of his duties under this By-Law, is guilty of an offence and is liable on summary conviction:

- (a) if an individual, to a fine not exceeding One Thousand Dollars (\$1,000), to imprisonment for a term not exceeding six (6) months or to both fine and imprisonment; or
- (b) if a corporation, to a fine not exceeding Five Thousand Dollars (\$5,000).

10.2 SEPARATE OFFENCE FOR EVERY DAY

Every person shall be deemed guilty of a separate offence for each and every day during any portion of which he fails to comply with an order or fails to comply with a decision of a Committee of Council as the case may be.

10.3 WHERE OWNER DISPOSES OF INTEREST IN PROPERTY

Where a person accused of an offence was the owner of the dwelling on the day the order was served and posted, it is not a defence that he is no longer the owner thereof.

SECTION 11 - REPEAL

- 11.1 By-Law No. 763/74, and amendments thereto are hereby repealed upon the effective date of this By-Law.

SECTION 12 - FORCE AND EFFECT

- 12.1 This By-Law shall come into force and effect on October 1, 1988.

DONE AND PASSED in Council assembled, this 15th day of June, 1988.

SCHEDULE A TO BY-LAW NO. 4903/88

IN THE MATTER of the "Maintenance and Occupancy By-law"

By-law No. _____ of the City of Winnipeg

NOTICE OF OBJECTION

PLEASE TAKE NOTICE that the undersigned Appellant hereby appeals

to the _____

Community Committee of the City of Winnipeg from the Order to

_____ Repair or Demolish; Vacate Dwelling, etc.

made by _____
Name and Title

on the _____ day of _____ 19 _____

respecting the residential premises known as _____

Dated at _____ this _____ day of _____

19 _____

Signature of Appellant

Address

SCHEDULE B TO BY-LAW NO. 4903/88

IN THE MATTER of the "Maintenance and Occupancy By-law"

By-law No. _____ of the City of Winnipeg

NOTICE OF CORRECTION

TO: The City of Winnipeg

Attention: Mr. _____

PLEASE TAKE NOTICE that the undersigned hereby advised that the non-conformances noted in ORDER NO. _____ with respect to the residential property located at _____

have been corrected as required.

Dated at _____ this _____ day of _____
19 _____

Signature of Owner

Address