

THE KING'S BENCH
Winnipeg Centre

BETWEEN:

THE CITY OF WINNIPEG,

applicant,

- and -

**CAMBRIA HARRIS, KASYN RAPKE, MELISSA (NORMAND) ROBINSON,
GEORGE ROBINSON, TRE LENNOX DELARONDE, JOSEPH ALEXANDER
MUNRO, JOHN DOE, JANE DOE, and OTHER UNKNOWN INDIVIDUALS,**

respondents.

APPLICATION UNDER: Section 188 of *The City of Winnipeg Charter* SM 2002, c 39

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SUPPLEMENTAL BRIEF OF THE APPLICANT

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[File No. CL.1-2022 (249)]

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Relevant Legislation, Bylaws and Rules

1. The purpose of this supplemental brief is to summarize and append the authorities referenced in the Notice of Application, but missing in the City's first brief.

2. Both the *City of Winnipeg Charter*, SM 20 c 39 and the *Highway Traffic Act* CCSM c H60, identify the City as the traffic authority for highways or streets within Winnipeg. They also both give the City broad authority over highways or streets in Winnipeg, including control, management and possession, irrespective of whether or not the City owns the highway or street.

***City Charter*, ss. 136 to 139 (Tab 1)**
***Highway Traffic Act*, ss. 1, 90 (Tab 2)**

3. The City respectfully submits that the Respondents have obstructed the City's ability to exercise its authority over Brady Road and Ethan Boyer Way.

***Affidavit of Michael Gordichuk*,
paras. 27, 28, 32, 35, 48, 58; Exhibit E, F, L, R**

4. On July 7, 2023, the City's Chief Administrative Officer issued a notice ordering that the roadway to the Brady Facility be cleared ("Order"). The Order referred to the *City Charter* and the *Emergency Management Bylaw* 59/2020. Section 186 of the City Charter states:

186(1) Despite any other provision of this Act, when an emergency arises that affects the health or safety of persons or affects property,
(a) the city may take whatever actions and measures are necessary to meet the emergency and to eliminate or reduce its effects; and

(b) no appeal may be taken under section 189 from a decision made to enforce or carry out any action or measure taken under this section or from an order mentioned in subsection (3).

City Charter, s. 186 (Tab 1)
Affidavit of Michael Gordichuk, Exhibit M

5. Emergency is defined in the *Emergency Measures Act* CCSM c E80 and that definition is mirrored in the *Emergency Management Bylaw*:

"emergency" means a present or imminent situation or condition that requires prompt action to prevent or limit

- (a) the loss of life, or
- (b) harm or damage to the safety, health or welfare of people, or
- (c) damage to property or the environment.

Emergency Management Bylaw (Tab 3)

6. The Order referred to violations of City bylaws and provincial legislation. The City submits that the bylaw and legislative violations include the following:

- a) In violation of the *Highway Traffic Act*, the Respondents have stopped, stood, and parked or left vehicles unattended in such a manner that constitute hazards, and obstructed traffic on Brady Road and/or Ethan Boyer Way.

Highway Traffic Act, ss. 122(1)(o), 140, 221, 222 (Tab 2)
Affidavit of Michael Gordichuk paras. 27, 28, 29, 32, 35, 43, 48, 54, 58;
Exhibits E, F, H, L, N, R

- b) In violation of the *Neighbourhood Liveability By-law 1/2008*, some of the Respondents have engaged in dumping or large-scale dumping and set open-air fires on Brady Road and/or Ethan Boyer Way.

Neighbourhood Liveability By-law, ss. 53, 60, 73 (Tab 4)
Affidavit of Michael Gordichuk paras. 27, 28, 29, 35, 54;
Exhibits E, H, L, N, R

c) In violation of the *Solid Waste By-law 110/2012*, some of the Respondents have stopped, parked, or permitted their vehicle to remain stationary on Brady Road and/or Ethan Boyer Way, obstructing the passage of vehicles engaged in the provision of the City's solid waste collection service.

Solid Waste By-law, s. 5(7) (Tab 5)
Affidavit of Michael Gordichuk paras. 27, 28, 29, 35; Exhibits E, H, L

d) In violation of the *Streets By-law 1481/77*, some or all of the Respondents have caused nuisances or dangerous conditions in a street by parking vehicles, setting up a tent, standing on, and piling, depositing or leaving materials on Brady Road and/or Ethan Boyer Way.

Streets Bylaw, ss. 2.02.01 (Tab 6)
Affidavit of Michael Gordichuk paras. 27, 28, 35, 48, 54, 58 and 59;
Exhibits E, F, H, L, N, R

e) In violation of the *Winnipeg Parking By-law 86/2016*, some of the Respondents have stopped or parked vehicles in such a manner as to constitute an obstruction or hazard on Brady Road and/or Ethan Boyer Way.

Winnipeg Parking By-law, ss. 16, 17 (Tab 7)
Affidavit of Michael Gordichuk paras. 27, 28, 29, 35; Exhibits E, H, L

7. A judge of the Court of Kings Bench derives authority to grant an injunction from Part X of the *Court of King's Bench Act*, CCSM c C280, and in particular, subject to the limits in section 57, which the City submits do not apply in the circumstance, section 55:

Injunctions and receivers

55(1) The court may grant a restrictive or mandatory interlocutory injunction or may appoint a receiver or receiver and manager by an interlocutory order where it appears to the judge to be just or convenient to do so

Terms on injunction or appointment

55(2) An order under subsection (1) may include such terms as are considered just.

Court of Kings Bench Act, ss. 55-57 (Tab 8)

8. The *Court of Kings Bench Rules*, MR 553/88 contain a number of rules that are relevant to this proceeding and are excerpted at Tab 9. Of particular importance are the Rules pertaining to applications, notice and injunctions.

Court of Kings Bench Rules 1, 2, 14.02, 14.05, 16.04, 38, 39, 40, 57 (Tab 9)

9. The City submits that given the circumstances, this application should be heard immediately, as contemplated in rule 38.07(2). In 6165347 *Manitoba Inc. et al v. Vandal et al*, 2017 MBCA 81 ("*Vandal*"), the Manitoba Court of Appeal referenced factors to assess whether or not an urgent hearing is appropriate:

8 As a rule, parties want their matters heard expeditiously. Whether a matter deserves urgent consideration will be determined by the facts of each particular case. Relevant considerations will include: i) the seriousness of the issue raised; ii) the nature of the relief sought; iii) the irreparable harm or damages that may be suffered; and iv)

whether the moving party has proceeded with due dispatch. Indeed, the analysis is very similar to the one used by appellate courts when deciding whether to expedite the hearing of an appeal. We are persuaded that, in the circumstances of this case, the plaintiffs' motion ought to be heard on an urgent basis.

Vandal, para. 8 (Tab 10)

-
10. In this case, the City submits that the issues are indeed serious, including:
- a) the rule of law including the City's ability to exercise its authority over roadways;
 - b) the ability to access and operate an essential service and solid waste utility;
 - c) the need to comply with a licence issued under the Manitoba Environment Act;
 - d) the health and safety of Winnipeg residents;
 - e) Charter Freedoms; and
 - f) civil unrest.
-
11. The nature of the relief sought is equitable injunctive relief to permit the City to exercise its statutory authority and carry out its purposes. The City seeks a permanent injunction to keep roadway access to the Brady Facility clear. In the alternative, the City seeks an interim injunction pending a full hearing of the application.
12. The irreparable harm or damages that may occur include an environmental emergency, inducing breaches of agreements with third parties, and incurring significant financial costs to taxpayers.

13. The City submits that it has proceeded with due dispatch. The recent blockade was initiated on July 6, 2023. The City issued an order to clear the blockade on July 7, and after giving nearly three days to comply, the City filed the within application on July 11th.

14. The Court of Appeal in *Vandal* also noted the independence of police at paragraph 9, which the City submits is a relevant consideration for this matter:

...As stated by Lord Denning in *R. v. Commissioner of Police of the Metropolis*, [1968] 1 All E.R. 763 (Eng. C.A.) at 769, "[the Commissioner of Police] should be, and is, independent of the executive" and "he is not the servant of anyone, save of the law itself." The principle of the independence of the police was reaffirmed by the Supreme Court of Canada in *R. v. Shirose*, [1999] 1 S.C.R. 565 (S.C.C.) (at para 29):

[I]n that regard the police are independent of the control of the executive government. The importance of this principle, which itself underpins the rule of law, was recognized by this Court in relation to municipal forces as long ago as *McCleave v. City of Moncton* (1902), 32 S.C.R. 106. That was a civil case, having to do with potential municipal liability for police negligence, but in the course of his judgment Strong C.J. cited with approval the following proposition, at pp. 108-9:

Police officers can in no respect be regarded as agents or officers of the city. Their duties are of a public nature. Their appointment is devolved on cities and towns by the legislature as a convenient mode of exercising a function of government, but this does not render them liable for their unlawful or negligent acts. The detection and arrest of offenders, the preservation of the public peace, the enforcement of the laws, and other similar powers and duties with which police officers and constables are entrusted are derived from the law, and not from the city or town under which they hold their appointment.
[emphasis added]

Vandal, para. 9 (Tab 10)

15. Based upon the foregoing, the City submits that the Court ought to exercise its discretion to grant an injunction restraining the respondents from occupying, blocking, placing materials on, or otherwise interfering with the roadways that give access to the Brady Facility.

ALL OF WHICH IS RESPECTFULLY SUBMITTED this 13th DAY of July, 2023.



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AUTHORITIES

Tab 1	<i>City of Winnipeg Charter</i> , SM 20 c 39 (excerpts)
Tab 2	<i>Highway Traffic Act</i> , CCSM c H60 (excerpts)
Tab 3	<i>Emergency Management By-law</i> , 59/2020
Tab 4	<i>Neighbourhood Liveability By-law</i> , 1/2008
Tab 5	<i>Solid Waste By-law</i> , 110/2012
Tab 6	<i>Streets By-law</i> , 1481/77
Tab 7	<i>Winnipeg Parking By-law</i> , 86/2016
Tab 8	<i>Court of Kings Bench Act</i> , CCSM c C280 (excerpts)
Tab 9	<i>Court of King's Bench Rules</i> , MR 553/8 (excerpts)
Tab 10	<i>6165347 Manitoba Inc. et al v. Vandal et al</i> , 2017 MBCA 81

TAB 1



MANITOBA

THE CITY OF WINNIPEG CHARTER

SM 2002, c. 39

CHARTE DE LA VILLE DE WINNIPEG

L.M. 2002, c. 39

As of 2019-08-26, this is the most current version available. It is current for the period set out in the footer below.

Le texte figurant ci-dessous constitue la codification la plus récente en date du 2019-08-26. Son contenu était à jour pendant la période indiquée en bas de page.

By-laws or resolution inconsistent with Acts

4 A by-law or resolution of council that is inconsistent with an enactment in force in the province is of no effect to the extent of the inconsistency.

Incompatibilité

4 Les règlements municipaux et les résolutions du conseil incompatibles avec un texte législatif en vigueur dans la province sont inopérants dans la mesure de leur incompatibilité.

Purposes of city

5(1) The purposes of the city are

- (a) to provide good government for the city;
- (b) to provide services, facilities or other things that council considers to be necessary or desirable for all or part of the city;
- (c) to develop and maintain safe, orderly, viable and sustainable communities; and
- (d) to promote and maintain the health, safety, and welfare of the inhabitants.

Mission de la ville

5(1) La ville a pour mission :

- a) de bien gouverner la municipalité;
- b) de fournir les services et de mettre à disposition les installations qu'elle juge nécessaires ou souhaitables pour la totalité ou une partie de la municipalité;
- c) de voir au développement et au maintien de collectivités sûres, viables et ordonnées;
- d) de promouvoir et protéger la santé, la sécurité et le bien-être des habitants.

City is responsible and accountable

5(2) The city is created to be a responsible and accountable government with respect to matters within its jurisdiction.

Responsabilité de la ville

5(2) La ville est créée à titre d'administration responsable des questions qui relèvent de sa compétence.

Broad authority

6(1) The powers given to council under this Act are stated in general terms

- (a) to give broad authority to council to govern the city in whatever way council considers appropriate within the jurisdiction given to it under this or any other Act; and
- (b) to enhance the ability of council to respond to present and future issues in the city.

Autorité générale

6(1) Les pouvoirs qui sont conférés au conseil sous le régime de la présente loi sont énoncés en termes généraux afin :

- a) de lui accorder une autorité générale de gouverner la ville de la façon qu'il estime indiquée dans les limites des compétences que lui confèrent la présente loi et toute autre loi;
- b) de promouvoir sa capacité de répondre aux défis, actuels et futurs, auxquels la ville doit faire face.

General powers not limited by specific

6(2) If this Act confers a specific power on the city in relation to a matter that can be read as coming within a general power also conferred by this Act, the general power is not to be interpreted as being limited by the specific power.

Effet des pouvoirs particuliers

6(2) Le pouvoir particulier qu'une disposition de la présente loi confère à la ville dans un domaine qui peut relever d'un pouvoir exprimé en termes généraux et conféré également par la présente loi ne porte pas atteinte à l'intégrité de ce dernier.

ACTIVITIES IN PUBLIC PLACES

General authority

135(1) Council may pass by-laws respecting people, activities and things in, on or near public places or places open to the public.

Meaning of "public places" etc.

135(2) In this section, "public places and places open to the public" includes, without limiting the generality of that expression, parks, community clubs, recreation and leisure facilities, private clubs, streets, restaurants, stores, shopping and business malls, theatres and public facilities of all kinds.

ACTIVITÉS DANS DES LIEUX PUBLICS

Pouvoirs généraux

135(1) Le conseil peut, par règlement municipal, régir la présence des personnes, le déroulement d'activités et la présence d'objets dans les lieux publics et les lieux ouverts au public.

Définition

135(2) Au présent article, « lieu public et lieu ouvert au public » s'entendent notamment des parcs, des centres communautaires, des installations de loisirs, des clubs privés, des rues, des restaurants, des commerces, des centres commerciaux, des théâtres et de toute autre installation publique.

STREETS

Control of streets

136 Subject to this and any other Act, the city has the control and management of streets within the city.

Possession and control vests in city

137 Where the city has the direction, control and management of a street and title to the land on which the street is situated is vested in the Crown, the title remains so vested but the possession and control of the street is vested in the city.

City is traffic authority

138 The city is the traffic authority under *The Highway Traffic Act* in respect of streets of which it has direction, control and management and, in respect of those streets, it has all the powers granted to, or enjoyed by, and the duties charged on, a traffic authority under that Act.

RUES

Gestion

136 Sous réserve des autres dispositions de la présente loi et de toute autre loi, la ville est responsable de la gestion des rues sur son territoire.

Attribution de la possession à la ville

137 Lorsque la ville a la gestion d'une rue mais que le titre de propriété du terrain sur lequel la rue est située appartient à la Couronne, le titre appartient toujours à la Couronne mais la ville a la possession et la charge de la rue.

Autorité chargée de la circulation

138 La ville est l'autorité chargée de la circulation au sens du *Code de la route* à l'égard des rues dont la gestion lui est confiée; elle est investie à cet égard de toutes les attributions que le *Code de la route* confère à une telle autorité.

General authority

139 Council may pass by-laws respecting streets and the parking of vehicles in the city, including, without limiting the generality of the foregoing, by-laws respecting

- (a) the surveying, settling and marking of boundary lines of streets;
- (b) the opening and, subject to section 140, the closing of streets;
- (c) subject to section 141, determining what persons, if any, will be considered to be injuriously affected by the closing of a street;
- (d) subject to section 143, the designation of a street or a portion of a street as a limited access street;
- (e) the process for determining and designating temporary street closings and detours;
- (f) private works in streets;
- (g) the installation and use of parking meters;
- (h) agreements for the installation of parking meters on private land and the enforcement of by-laws respecting parking under such agreements;
- (i) traffic on streets;
- (j) the maintenance of boulevards;
- (k) the distance from a street boundary within which a building shall not be constructed; and
- (l) fixing an administration fee for the purposes of clause 92(3)(b) of *The Provincial Offences Act*.

S.M. 2013, c. 47, Sch. A, s. 139.

Pouvoirs généraux

139 Le conseil peut adopter des règlements municipaux concernant les rues et le stationnement des véhicules sur le territoire de la ville, les règlements pouvant porter notamment sur les points suivants :

- a) l'arpentage, la délimitation et le marquage des limites des rues;
- b) l'ouverture et, sous réserve de l'article 140, la fermeture d'une rue;
- c) sous réserve de l'article 141, la détermination des personnes auxquelles la fermeture d'une rue cause un préjudice;
- d) sous réserve de l'article 143, la désignation d'une rue ou d'une partie de rue comme rue à accès limité;
- e) la procédure applicable à la détermination et la désignation des fermetures temporaires des rues et des déviations;
- f) les ouvrages privés dans les rues;
- g) l'installation et l'utilisation des parcomètres;
- h) les ententes sur l'installation des parcomètres sur des terrains privés et l'application des règlements municipaux sur le stationnement réglementé par ces parcomètres;
- i) la circulation dans les rues;
- j) l'entretien des terre-pleins;
- k) la distance à respecter entre la limite d'une rue et un bâtiment;
- l) la détermination du montant des frais d'administration pour l'application de l'alinéa 92(3)b) de la *Loi sur les infractions provinciales*.

L.M. 2013, c. 47, ann. A, art. 139.

By-laws respecting water supply

160(4) For the purpose of carrying out the city's responsibility and powers under subsections (1) and (2) and without limiting the powers set out in subsection (2), council may pass by-laws respecting

- (a) the protection of the city's water supply from health hazards;
- (b) the manner, extent and nature of the supply of water from its waterworks to properties;
- (c) the installation, movement, connection, disconnection and maintenance of meters and service pipes between properties and water mains and the persons responsible for payment of the costs thereof;
- (d) standards and specifications of design for, and maintenance of, connections with waterworks, including requiring measures to be taken or devices to be installed to cut off or control the connection between property and the waterworks; and
- (e) the individuals authorized to do the work or make the connections set out in clauses (c) and (d).

Approvisionnement en eau

160(4) Pour exercer les attributions que lui confèrent les paragraphes (1) et (2), et sans que soit limitée la portée générale du paragraphe (2), le conseil peut adopter des règlements municipaux concernant :

- a) la protection sanitaire de l'approvisionnement en eau de la ville;
- b) les modalités de l'approvisionnement en eau des propriétés à partir des installations d'alimentation en eau;
- c) l'installation, le déplacement, le branchement, le débranchement et l'entretien des compteurs et des conduits de service entre les propriétés et les conduites d'eau principales, et les personnes responsables du paiement des coûts afférents;
- d) les normes et les caractéristiques techniques applicables à la conception, à l'entretien et aux branchements aux installations d'alimentation en eau, notamment les mesures qui doivent être prises ou les dispositifs qui doivent être installés pour couper ou modifier le débit entre les installations d'alimentation et une propriété;
- e) les personnes qui sont autorisées à effectuer les travaux mentionnés aux alinéas c) et d).

WASTE

General authority

161(1) Council may pass by-laws respecting

- (a) the collection, handling, recycling and disposal of solid waste;
- (b) the collection, handling, treatment and disposal of wastewater; and
- (c) securing the proper drainage of land in the city.

DÉCHETS

Pouvoirs généraux

161(1) Le conseil peut, par règlement municipal, régir :

- a) le ramassage, la manutention, le recyclage et l'élimination des déchets solides;
- b) la collecte, la manutention, le traitement et l'élimination des eaux usées;
- c) le drainage des terrains sur le territoire de la ville.

Solid waste

161(2) Without limiting the generality of clause (1)(a), a by-law authorized under that clause may include provisions

- (a) specifying the location where, and manner in which, owners and occupants of property are required to provide receptacles for solid waste;
- (b) specifying and authorizing persons who may collect and handle solid waste;
- (c) respecting the removal and disposal of solid waste by owners and occupants of property on which the waste originates; and
- (d) respecting the establishment and use of sanitary landfill sites, inorganic materials disposal grounds and other facilities for the disposal of solid waste within or outside the city.

Drainage and wastewater

161(3) Without limiting the generality of clauses (1)(b) and (c), by-laws authorized under those clauses may include provisions respecting

- (a) the placing, depositing or discharging of anything in or into a wastewater system or watercourse or on or onto land;
- (b) the control, diversion or altering of watercourses, whether covered or not, including watercourses passing through private land;
- (c) requirements for owners or occupants of property to construct and maintain works and equipment that council considers necessary for the treatment of wastewater or other health hazard before it is discharged into a wastewater system or watercourse or onto land;

Déchets solides

161(2) Sans que soit limitée la portée générale de l'alinéa (1)a), un règlement municipal adopté en vertu de cet alinéa peut comporter des dispositions :

- a) précisant la façon dont les propriétaires et les occupants d'une propriété doivent fournir des récipients pour les déchets solides et le lieu où ils doivent les garder;
- b) précisant qui sont les personnes autorisées à ramasser les déchets solides et leur en donnant l'autorisation;
- c) concernant l'enlèvement et l'élimination des déchets solides par les propriétaires et les occupants des propriétés où ces déchets sont produits;
- d) concernant la création et l'utilisation des sites d'enfouissement sanitaire, des décharges pour matériaux inorganiques et des autres installations destinées à l'élimination des déchets solides situées sur le territoire de la ville ou à l'extérieur de la ville.

Drainage et eaux usées

161(3) Sans que soit limitée la portée générale des alinéas (1)b) et c), un règlement municipal adopté en vertu de ces alinéas peut comporter des dispositions concernant :

- a) le rejet de quelque objet ou substance que ce soit dans les systèmes d'évacuation des eaux usées, dans les fossés ou sur un terrain;
- b) le contrôle, le détournement ou la modification d'un fossé, couvert ou non, notamment de ceux qui traversent un terrain privé;
- c) les obligations imposées aux propriétaires et aux occupants d'une propriété de construire et d'entretenir les ouvrages et les pièces d'équipement que le conseil estime nécessaires au traitement des eaux usées ou à la prévention des autres risques sanitaires avant leur rejet dans un système d'évacuation des eaux usées, dans un fossé ou sur un terrain;

(d) the installation, movement, connection, disconnection and maintenance of meters and service pipes between properties and wastewater systems and the persons responsible for payment of the costs thereof; and

d) l'installation, le déplacement, le branchement, le débranchement et l'entretien des compteurs et des conduits de service entre une propriété et le système d'évacuation des eaux usées, et les personnes responsables du paiement des coûts afférents;

(e) standards and specifications of design for, and maintenance of, connections with wastewater systems, including requiring measures to be taken or devices to be installed to cut off or control the connection between property and the wastewater system and the persons authorized to make the connections.

e) les normes et caractéristiques techniques applicables à la conception et à l'entretien des systèmes d'évacuation des eaux usées, notamment l'obligation d'installer une valve pour couper ou limiter le débit entre une propriété et le système d'évacuation des eaux usées, et les personnes autorisées à faire ces branchements.

PUBLIC TRANSPORTATION

General authority

162(1) Council may pass by-laws respecting local transportation systems and chartered bus services.

Transit and transportation

162(2) Without limiting the generality of subsection (1), council may pass by-laws

- (a) establishing fare zones for transit service;
- (b) prescribing the types of chartered bus services that the city may provide;
- (c) respecting the provision of transportation services to Birds Hill Provincial Park; and
- (d) respecting the provision of transportation to any facility or site owned or operated by the city whether within or outside the city.

Exclusive authority

163(1) The city has exclusive authority to operate local fixed-fare passenger transportation services within the city except

TRANSPORT EN COMMUN

Pouvoirs généraux

162(1) Le conseil peut adopter des règlements municipaux pour régir un réseau de transport en commun local et des services d'autobus nolisés.

Transport en commun

162(2) Sans que soit limitée la portée générale du paragraphe (1), le conseil peut adopter des règlements municipaux pour :

- a) créer des zones de tarification pour le transport en commun;
- b) déterminer les catégories de services d'autobus nolisés que la ville peut fournir;
- c) régir la fourniture de services de transport au parc provincial Birds Hill;
- d) régir la fourniture de services de transport vers toute installation ou tout lieu qui appartiennent à la ville ou qu'elle exploite, qu'ils soient situés sur son territoire ou non.

Pouvoir exclusif

163(1) La ville a le pouvoir exclusif d'exploiter un service local de transport de passagers à tarif fixe sur son territoire; ce service exclut toutefois :

INSPECTIONS AND ORDERS

Inspections

180(1) If this Act, another enactment or a by-law authorizes or requires anything to be inspected, remedied, enforced or done by the city, a designated employee may, after giving reasonable notice to the owner or occupant of the land or building to be inspected or tested, or in which the thing to be inspected or tested or in respect of which the remedy, enforcement or action is authorized or required is located,

- (a) enter the land or building at any reasonable time, and carry out the inspection, enforcement or action authorized or required by the Act or by-law;
- (b) request that anything be produced to assist in the inspection, remedy, enforcement or action;
- (c) make copies of a record, document, or thing related to the inspection, remedy, enforcement or action; and
- (d) on providing a receipt, remove a record, document, or thing, if it is relevant to the inspection.

Identification of designated employee

180(2) A designated employee exercising any authority under subsection (1) or section 182 must, upon request, display or produce identification showing that he or she has been designated as an employee who may exercise that authority.

No notice in emergencies

181 In an emergency, or in extraordinary circumstances, a designated employee need not give reasonable or any notice to enter land or a building and may do any of the things referred to in subsection 180(1) without the consent of the owner or occupier of the land or building and without a warrant.

INSPECTIONS ET ORDONNANCES

Inspection

180(1) Dans tous les cas où la présente loi, un autre texte législatif ou un règlement municipal autorisent ou exigent une intervention de la ville — inspection, vérification, réparation, exécution de la loi —, un employé désigné peut, à la condition d'en avoir averti au préalable le propriétaire ou l'occupant du lieu ou du bâtiment visé par son intervention :

- a) pénétrer dans le lieu ou le bâtiment à toute heure raisonnable et procéder à l'intervention;
- b) exiger qu'on lui présente tout objet utile à son intervention;
- c) faire des copies de tout dossier, document ou chose liés à son intervention;
- d) emporter un dossier, un document ou une chose liés à son intervention, à la condition d'en donner un reçu.

Identification de l'employé désigné

180(2) L'employé désigné qui procède à une intervention en vertu du paragraphe (1) ou de l'article 182 est tenu, sur demande, de porter ou de montrer un document d'identité qui fait état de son statut d'employé désigné autorisé à procéder à l'intervention en cause.

Exception en situation d'urgence

181 En situation d'urgence ou extraordinaire, l'employé désigné n'est pas tenu de donner un préavis avant de pénétrer sur un terrain ou dans un bâtiment pour y procéder à une intervention; il peut agir sans le consentement du propriétaire ou de l'occupant et sans mandat.

Inspection programs conducted by public notice

182(1) Council may by by-law appoint designated employees who may, at reasonable times, and in accordance with a public notice of an inspection program, enter on and inspect land in the city to determine whether by-laws authorized by the following provisions are being complied with:

- (a) clause 130(a) (nuisance);
- (b) section 131 (property adjacent to streets);
- (c) section 134 (health, safety and well-being);
- (d) clause 150(d) (inspections of construction and construction activity);
- (e) section 159 (waterways);
- (f) subsection 160(4) (by-law respecting water supply);
- (g) section 161 (waste);
- (h) section 165 (fire protection).

Public notice of inspections

182(2) A public notice of an inspection program must include a general description of

- (a) the purpose of the inspection;
- (b) when the inspections may take place; and
- (c) the neighbourhood, district or area of the city in which the inspections will occur.

Council may reappoint employee

182(3) A by-law appointing an employee under subsection (1) expires one year after it is passed, but council may by by-law reappoint the employee.

Programme d'inspection et avis public

182(1) Le conseil peut, par règlement municipal, nommer des employés désignés qui seront autorisés à pénétrer, à toute heure raisonnable et en conformité avec l'avis public du programme d'inspection, sur des terrains situés sur le territoire de la municipalité afin de contrôler l'observation des règlements municipaux adoptés en vertu des dispositions suivantes :

- a) alinéa 130a);
- b) article 131;
- c) article 134;
- d) alinéa 150d);
- e) article 159;
- f) paragraphe 160(4);
- g) article 161;
- h) article 165.

Avis public du programme d'inspection

182(2) L'avis public du programme d'inspection doit comporter les renseignements suivants :

- a) le but des inspections;
- b) le moment où elles auront lieu;
- c) le secteur, le district ou la zone de la ville où elles auront lieu.

Nomination temporaire

182(3) Le règlement de nomination d'un employé adopté en vertu du paragraphe (1) expire un an après son adoption; le conseil peut toutefois renommer, par règlement municipal, l'employé.

Entry for inspection under public notice

182(4) In accordance with a public notice under this section, a designated employee may enter and inspect land.

Autorisation

182(4) L'employé désigné est autorisé à pénétrer sur un terrain et y procéder à une inspection en conformité avec l'avis public du programme d'inspection.

Liability for damages

182(5) The city is liable for any damage arising from the entry of a designated employee upon land under the authority of this section.

Responsabilité

182(5) La ville est responsable des dommages qui découlent de l'inspection qu'effectue un employé désigné sous le régime du présent article.

Application for warrant

183(1) If the owner or occupier refuses to allow or interferes with the entry, inspection, enforcement or action referred to in section 180 or 182, a justice who is satisfied by information under oath that entry to the land or building is necessary in the circumstances shall, on application of the city, issue a warrant authorizing the individual named in the warrant to enter the land or building.

Demande de mandat

183(1) Si le propriétaire ou l'occupant refuse de consentir à une intervention visée à l'article 180 ou une inspection en vertu de l'article 182 ou s'y oppose, un juge peut délivrer un mandat autorisant la personne qui y est nommée à pénétrer sur le terrain ou dans l'immeuble visés; le mandat est demandé par la ville et ne peut être délivré que si le juge est convaincu par les renseignements qui lui sont présentés sous serment que l'intervention ou l'inspection est nécessaire dans les circonstances.

Application before entry attempted

183(2) The city may apply for, and a justice may issue, a warrant under this section before any attempt is made to enter the land or building affected.

Demande de mandat préalable à toute demande d'intervention

183(2) La ville peut demander à un juge de décerner un mandat sous le régime du présent article — et le juge est autorisé à le lui décerner — avant toute tentative d'obtenir le consentement du propriétaire ou de l'occupant du terrain ou du bâtiment visés par l'intervention ou l'inspection projetées.

Daytime execution of warrant

183(3) A warrant issued under subsection (1) shall be executed during daylight hours unless the warrant authorizes it to be executed during the night.

Exécution du mandat le jour

183(3) Le mandat décerné en vertu du paragraphe (1) est exécuté le jour sauf si ses dispositions en permettent l'exécution la nuit.

Order to remedy contravention

184(1) A designated employee who finds that this Act, another enactment that the city is authorized or required to enforce, or a by-law is being contravened, may, by written order, require the person responsible for the contravention to remedy it and shall serve the order on the person.

Ordre de se conformer

184(1) L'employé désigné qui constate qu'une contravention à un règlement municipal, à la présente loi ou à toute autre loi dont la ville peut ou doit contrôler l'application a été commise peut signifier personnellement un ordre écrit au contrevenant pour lui enjoindre de mettre fin à la contravention.

Content of order

184(2) An order under subsection (1) may

- (a) direct the person to stop doing something, or to change the way in which the person is doing it;
- (b) direct the person to take any action or measure necessary to remedy the contravention, including the demolition or removal of a building;
- (c) direct the person to vacate a premises and forbid its use or occupancy;
- (d) specify a time within which the person must comply with the order; and
- (e) state that if the person does not comply with the order within the specified time, the city will take the action or measure ordered at the expense of the person.

Registration of order

184(3) If an order made under subsection (1) or 158(7) (variation of floodproofing criteria) relates to a parcel of land or to a building on a parcel of land, the city may register the order by way of caveat against the parcel in the land titles office.

Content of registered order

184(4) An order under this section may be registered only if it includes

- (a) a description of the parcel of land that the order relates to; and
- (b) a statement that the land, or a building or structure on the land, does not comply with this Act, another enactment that the city is authorized or required to enforce, or a by-law.

District registrar to register order

184(5) The district registrar shall register the order against the title or abstract of title of the land described in the order.

Contenu de l'ordre

184(2) L'ordre peut :

- a) ordonner au contrevenant de cesser d'accomplir un geste ou de l'accomplir différemment;
- b) ordonner au contrevenant de prendre les mesures nécessaires pour remédier à la contravention, notamment de démolir ou d'enlever un bâtiment;
- c) ordonner au contrevenant de quitter un local et en interdire l'utilisation ou l'occupation;
- d) accorder un délai au contrevenant pour se conformer à l'ordre;
- e) préciser que, en cas de refus de se conformer à l'ordre avant l'expiration du délai, la ville le fera exécuter aux frais du contrevenant.

Enregistrement de l'ordre

184(3) Si un ordre donné en vertu du paragraphe (1) ou 158(7) concerne une parcelle de terrain ou un bâtiment, la ville peut faire enregistrer l'ordre au Bureau des titres fonciers sous la forme d'une opposition.

Contenu de l'ordre

184(4) L'ordre visé au présent article ne peut être enregistré que s'il contient :

- a) une description de la parcelle de terrain qui en fait l'objet;
- b) une déclaration selon laquelle le bien-fonds ou un bâtiment qui s'y trouve ne satisfait pas aux exigences de la présente loi, d'une autre loi que la ville est chargée d'appliquer ou d'un règlement municipal.

Enregistrement de l'ordre

184(5) Le registraire de district enregistre l'ordre à l'égard du titre ou du résumé du titre de bien-fonds qui y est décrit.

Subsequent purchasers are deemed served

184(6) A person who acquires an interest in land on or after the date on which an order is registered under subsection (3) is deemed to have been personally served with the order on the date of registration.

Discharge of order

184(7) Where an order registered under this section is no longer relevant, the city shall register a notice of discharge in the land titles office in a form approved under *The Real Property Act*.

S.M. 2013, c. 11, s. 66.

City remedying contravention etc.

185(1) Where

(a) a person has been served with an order under section 184;

(b) the person to whom the order was directed has not complied with the order within the time specified in it; and

(c) the time within which an appeal against the order may be taken has expired or, if an appeal against the order was taken, the appeal has been decided and the decision

(i) confirms the order, or

(ii) varies the order, but the person has not complied with the order as varied;

the city may, subject to subsection (3), take any action or measure that is referred to in the order and that is reasonable to remedy the contravention, and in so doing the city may do any work on adjoining land or buildings that is necessitated by the city remedying the contravention.

Présomption de signification aux acheteurs subséquents

184(6) La personne qui acquiert un intérêt dans un bien-fonds à compter de la date d'enregistrement de l'ordre en vertu du paragraphe (3) est réputée avoir reçu signification en mains propres de l'ordre à la date d'enregistrement.

Mainlevée

184(7) Lorsque l'ordre enregistré en vertu du présent article n'est plus nécessaire, la ville fait enregistrer une mainlevée au Bureau des titres fonciers, selon le modèle approuvé conformément à la *Loi sur les biens réels*.

L.M. 2013, c. 11, art. 66.

Prise des mesures par la ville

185(1) Sous réserve du paragraphe (3), la ville peut prendre l'une ou l'autre des mesures mentionnées dans l'ordre et qui est nécessaire pour remédier à la contravention si les conditions qui suivent sont réunies :

a) l'ordre a été signifié au contrevenant en conformité avec l'article 184;

b) le contrevenant visé ne s'est pas conformé à l'ordre avant l'expiration du délai fixé;

c) le délai d'appel est expiré ou, si un appel a été interjeté, la décision a été rendue en appel et :

(i) soit l'ordre a été confirmé,

(ii) soit l'ordre a été modifié en appel et le contrevenant ne s'est pas conformé à l'ordre modifié.

Ce faisant, la ville est autorisée à effectuer les travaux raisonnables sur les terrains ou dans les bâtiments voisins selon ce qui est nécessaire pour remédier à la contravention.

Closure of building and removal of occupants

185(2) If the actions or measures taken by the city under subsection (1) are for the purpose of removing or demolishing a building, eliminating a danger to public safety or property or putting a building into a sanitary or a safe condition, the city may close the building and use reasonable force to remove the occupants of the building and restrict entry to the building except for the purpose of carrying out the actions and measures.

Notice before removal or demolition

185(3) The city must not remove or demolish a habitable building, or a structure that is an accessory to a habitable building, under subsection (1) unless

- (a) the order is issued under clause 184(2)(b) and includes a statement that the building or structure could be removed or demolished if the order is not complied with; and
- (b) the order is served on the owner of the building or structure personally or by such substitutional service as the Court of Queen's Bench may order on application by the city.

Emergencies

186(1) Despite any other provision of this Act, when an emergency arises that affects the health or safety of persons or affects property,

- (a) the city may take whatever actions and measures are necessary to meet the emergency and to eliminate or reduce its effects; and
- (b) no appeal may be taken under section 189 from a decision made to enforce or carry out any action or measure taken under this section or from an order mentioned in subsection (3).

Fermeture des bâtiments et expulsion des occupants

185(2) La ville peut fermer un bâtiment et utiliser la force raisonnable pour en expulser les occupants, et en interdire l'accès sauf pour permettre la prise des mesures visées au paragraphe (1) si ces mesures sont prises pour déplacer ou démolir un bâtiment, éliminer un danger pour la sécurité du public ou pour les biens ou rendre un bâtiment conforme aux normes d'hygiène ou de sécurité.

Préavis

185(3) La ville ne peut, au titre du paragraphe (1), déplacer ou démolir un bâtiment habitable ou une structure accessoire, sauf si, selon le cas :

- a) l'ordre donné en vertu de l'alinéa 184(2)b) comportait un avis informant son destinataire que le bâtiment ou la structure pouvait être enlevé ou démolir s'il n'était pas mis fin à la contravention;
- b) l'ordre a été signifié au propriétaire du bâtiment ou de la structure, soit en mains propres, soit par tout autre mode substitutif de signification que la Cour du Banc de la Reine a, sur demande de la ville, autorisé.

Situations d'urgence

186(1) Par dérogation aux autres dispositions de la présente loi, lors d'une situation d'urgence qui concerne la santé ou la sécurité des personnes ou constitue un risque pour les biens :

- a) la ville peut prendre les mesures qui sont nécessaires pour faire face à la situation, éliminer le danger ou limiter les risques;
- b) une décision de mise en oeuvre ou d'exécution d'une mesure prise en vertu du présent article ou d'un ordre visé au paragraphe (3) ne peut faire l'objet d'aucun appel, sous le régime de l'article 189.

Application

186(2) This section applies whether or not the emergency involves a contravention of this Act, another enactment or a by-law that the city is authorized or required to administer or enforce.

Compliance with order

186(3) A person who receives an oral or written order under this section requiring the person to provide labour, services, equipment or materials must comply with the order.

Remuneration for compliance

186(4) A person who, in compliance with an order received under this section, provides labour, services, equipment or materials and who did not cause or contribute to the emergency is entitled to reasonable remuneration from the city.

Costs

187(1) The costs incurred by the city in taking actions or measures under section 185 or 186, including remuneration referred to in subsection 186(4), are a debt due and owing to the city

(a) in the case of actions and measures taken under section 185 to remedy a contravention of an Act or by-law, by the person contravening the Act or by-law or responsible for the contravention; and

(b) in the case of actions or measures taken under section 186 to meet or eliminate an emergency, by the person, if any, who caused the emergency;

and, if that person is the owner of real property in the city, may be added to the real property taxes on the property and collected by the city in the same manner and with the same priorities as those taxes.

Application

186(2) Le présent article s'applique que la situation d'urgence implique ou non une contravention d'un règlement municipal ou une contravention de la présente loi ou d'une autre loi que la ville est autorisée ou obligée d'appliquer ou de faire respecter.

Exécution des ordres

186(3) Les personnes auxquelles est donné l'ordre verbal ou écrit de fournir du travail, des services, de l'équipement ou des matériaux sous le régime du présent article sont tenues de s'y conformer.

Rémunération

186(4) Les personnes qui se conforment à l'ordre qui leur est donné en vertu du présent article ont le droit de recevoir une rémunération raisonnable de la ville, à la condition de n'avoir pas causé, directement ou indirectement, la situation d'urgence.

Frais

187(1) Les frais que la ville engage lors de la prise des mesures visées à l'article 185 ou 186, notamment la rémunération qu'elle verse en conformité avec le paragraphe 186(4), constituent des créances de la ville qu'elle peut recouvrer auprès du contrevenant, dans le cas des mesures visées à l'article 185, ou de la personne qui a causé la situation d'urgence, dans le cas de l'article 186. Si le contrevenant ou cette personne possède des biens réels situés dans la ville, ces frais peuvent être ajoutés aux taxes foncières imposées sur ces biens réels et perçus de la même façon et avec les mêmes priorités que les taxes.

Proceeds of sale

187(2) Where the city takes actions or measures to remove or demolish a building and sells all or part of the building or any equipment or materials that remain after the removal or demolition, the proceeds of the sale must be used to offset the costs incurred by the city in taking the actions or measures, and any balance remaining must be paid

- (a) to the person who would be liable under subsection (1) to pay those costs; or
- (b) if another person claims the balance, into the Court of Queen's Bench to be paid out as the court orders.

Application to court to enforce by-law

188 The city may apply to the Court of Queen's Bench for an injunction or other order to enforce a by-law or to restrain a contravention of a by-law or of this or any other Act without initiating a prosecution in respect thereof, and the court may grant or refuse to grant the injunction or other order or make any other order that the court considers fair and just.

Produit de la vente

187(2) Lorsque la ville prend des mesures pour déplacer ou démolir un bâtiment et qu'elle vend la totalité ou une partie du bâtiment ou de toute pièce d'équipement ou des matériaux qui restent après le déplacement ou la démolition, le produit de la vente est affecté à la diminution des frais engagés et le solde est remis :

- a) soit à la personne qui serait débitrice de la ville en application du paragraphe (1);
- b) soit, si une autre personne prétend y avoir droit, à la Cour du Banc de la Reine, pour qu'il en soit disposé en conformité avec l'ordonnance du tribunal.

Requête au tribunal

188 La ville peut présenter une requête à la Cour du Banc de la Reine pour obtenir une injonction ou toute autre ordonnance pour faire respecter un règlement municipal ou empêcher la contravention d'un règlement municipal ou de toute autre loi sans avoir intenté de poursuites à cet égard; le tribunal peut accorder ou refuser l'injonction ou l'ordonnance, ou rendre toute autre ordonnance qu'il estime juste et équitable.

APPEALS

Appeals to designated hearing bodies

189(1) A person

- (a) to whom an order under section 184 (order to remedy contravention) is directed; or
- (b) who is aggrieved by
 - (i) an order or decision of the Winnipeg Building Commission or a planning commission, or
 - (ii) an order or decision of a designated employee in respect of issuing, granting, suspending or cancelling, or refusing to issue or grant, a licence, permit, approval or consent;

APPELS

Appel à un organisme d'audience

189(1) Peut interjeter appel auprès de l'organisme d'audience désigné par le conseil en déposant auprès de lui un avis d'appel écrit, la personne qui :

- a) est visée par un ordre donné en vertu de l'article 184;
- b) est concernée par, soit une ordonnance ou une décision de la Commission sur les immeubles de Winnipeg ou d'une commission de planification, soit un ordre ou une décision d'un employé désigné qui concerne la délivrance, la suspension, l'annulation ou le refus de délivrer ou d'accorder une licence, un permis, une autorisation ou un consentement.

TAB 2

This is an **unofficial version**. If you need an official copy, use the bilingual (PDF) version.

This version is current as of **July 7, 2023**.

It has been in effect since **July 1, 2023**.

The Highway Traffic Act,

C.C.S.M. c. H60

Code de la route, c. H60 de la C.P.L.M.

(Assented to June 26, 1985)

(Date de sanction : le 26 juin 1985)

français seulement

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Manitoba, enacts as follows:

SA MAJESTÉ, conformément à l'avis de l'Assemblée législative du Manitoba, décrète :

DEFINITIONS AND INTERPRETATION

Definitions

1(1) In this Act,

"agricultural equipment" means a vehicle designed and used primarily in agricultural, horticultural or livestock operations, or for a purpose prescribed in the regulations, but excludes

- (a) any vehicle designed primarily for transporting passengers, cargo or vehicles other than agricultural equipment on a highway, and
- (b) a garden tractor, lawnmower or lawn tractor, unless it is of a type prescribed in the regulations and used primarily for a use prescribed

DÉFINITIONS ET INTERPRÉTATION

Définitions

1(1) Les définitions qui suivent s'appliquent à la présente loi.

« agent de la paix »

- a) Les agents de la Gendarmerie royale du Canada, les officiers de police, les agents de police, les gardiens de la paix, ou autres personnes employées à la protection et au maintien de l'ordre public;
- b) les personnes légalement autorisées à diriger ou à régler la circulation, ou à appliquer la présente loi ou les arrêtés ou règlements sur la circulation routière;

in the regulations; (« matériel agricole »)

"alternative measures" means alternative measures authorized under paragraph 717(1)(a) of the *Criminal Code*; (« mesures de rechange »)

"ambulance service" means an emergency medical response system licensed under *The Emergency Medical Response and Stretcher Transportation Act*; (« service d'ambulance »)

"appeal board" means The Licence Suspension Appeal Board for the establishment of which provision is made in section 278; (« commission d'appel »)

"approved instrument" means an approved instrument as defined in section 320.11 of the *Criminal Code*; (« éthylomètre approuvé »)

"approved screening device", except in sections 26.0.1 to 26.3, means an approved screening device as defined in section 320.11 of the *Criminal Code*; (« appareil de détection approuvé »)

"authorized emergency vehicle" means a vehicle used for fire-fighting or rescue purposes by an organization, other than the government or a municipality, local government district or other local authority, that

- (a) operates the vehicle primarily for its own use, and

- c) les signaleurs, mais uniquement aux fins de l'exercice des pouvoirs qui leur sont conférés au paragraphe 77(10) ou à l'article 134 du présent code. ("peace officer")

« **agriculteur** » Personne, corporation ou groupe de personnes qui possède, ou prend à bail des terres aux fins d'une des activités mentionnées ci-dessous :

- a) culture de plantes alimentaires ou de fourrages pour son propre usage ou pour la vente;
- b) élevage d'animaux ou de volaille pour la vente;
- c) exploitation d'un établissement avicole pour la production d'œufs destinés à la vente;
- d) exploitation d'un établissement où sont élevés des visons ou des renards pour la vente de leur fourrure ou pour les vendre à titre de reproducteurs;
- e) exploitation d'un établissement laitier en vue de la production du lait ou de la crème pour la vente;
- f) exploitation d'un parc d'engraissement où le bétail est entretenu ou engraisé pour la commercialisation;

(b) is authorized in writing by the registrar for the purpose of this clause; (« véhicule d'urgence autorisé »)

"axle group" means axle group as defined in the regulations; (« groupe d'essieux »)

"back lane" means a highway situated wholly within the limits of the City of Winnipeg, an urban municipality or a restricted speed area which has been designed, constructed and intended to provide access to and service at the rear of places of residence or business and includes alleys having a width of not more than 9 metres; (« ruelle »)

"bicycle" means a device having any number of wheels upon which a person sits astride and which is propelled solely by human muscular power through the use of pedals; (« bicyclette »)

"bicycle facility" means a bicycle path or any other area, other than a highway, which is designated for the passage of bicycles and upon which motor vehicles, other than those required for maintenance of the path or area, are prohibited; (« piste cyclable »)

"bus" means a motor vehicle designed to carry 11 or more persons including the driver; (« autobus »)

"cab card" means a registration issued under the Canadian Agreement on Vehicle Registration or under an

g) exploitation d'une ferme apicole en vue de la production du miel pour la vente.

Toutefois, seuls les personnes, corporations ou groupes de personnes qui, de l'avis du registraire, sont engagés dans l'une ou plusieurs des activités prévues ci-dessus de façon significative sont considérés comme agriculteurs. ("farmer")

« animaux » :

a) Les chevaux, les bovins, les ovins, les porcs, les chèvres, la volaille vivante, les abeilles et les géniteurs à fourrure;

b) les poissons élevés dans le but de les vendre ou de s'en servir comme géniteurs et les alevins. ("livestock")

« appareil de détection approuvé »

Sauf pour l'application des articles 26.0.1 à 26.3, appareil de détection approuvé au sens de l'article 320.11 du *Code criminel*. ("approved screening device")

« appareil de détection étalonné »

Appareil de détection approuvé qui est étalonné conformément aux exigences applicables du paragraphe 263.1(13). ("calibrated screening device")

« arrêter » Désigne, à l'égard d'un véhicule occupé ou non :

a) le fait d'arrêter le véhicule, lorsque cela est exigé;

agreement made under subsection 4.3(3); (« fiche »)

"calibrated screening device" means an approved screening device that is calibrated in accordance with the applicable requirements in subsection 263.1(13); (« appareil de détection étalonné »)

"cannabis" means cannabis as defined in the *Cannabis Act* (Canada); (« cannabis »)

"centre line" means the centre of a roadway measured from the kerbs or, in the absence of kerbs, from the edges of the roadway; (« ligne médiane »)

"certificate of insurance" means certificate of insurance as defined in *The Drivers and Vehicles Act*; (« certificat d'assurance »)

"class", in relation to

(a) a driver's licence, means class of driver's licence as defined in *The Drivers and Vehicles Act*, and

(b) a motor vehicle or other vehicle, means class of motor vehicle or other vehicle as defined in *The Drivers and Vehicles Act*; (« classe »)

"common-law partner" of an individual means

(a) a person who, with the individual, registered a common-law relationship under section 13.1 of *The Vital Statistics Act*, and who is

b) le fait d'arrêter le véhicule, lorsque cela est interdit, à moins que l'arrêt ne soit nécessaire pour que la circulation d'autres véhicules ne soit pas entravée ou pour que les directives d'un agent de la paix ou les indications d'un dispositif de signalisation soient suivies.

Le mot « arrêt » a une signification correspondante. ("stop", "stopping")

« **autobus** » Véhicule automobile conçu pour le transport d'au moins 11 passagers, y compris le conducteur. ("bus")

« **autobus scolaire** » Véhicule conçu et désigné à titre d'autobus scolaire par le constructeur et utilisé pour le transport d'élèves et d'autres personnes autorisées qui vont à une école ou en reviennent ou dans le cadre d'activités scolaires approuvées. ("school bus")

« **autorité chargée de la circulation** »

a) À l'égard des routes provinciales, des routes d'un territoire non organisé ainsi que des réserves forestières qui sont visées au paragraphe 90(9), le ministre;

b) à l'égard des routes intermunicipales, les municipalités intéressées agissant de concert ou l'une de ces municipalités agissant

cohabiting with the individual,
or

- (b) a person who, not being married to the individual, is cohabiting with him or her in a conjugal relationship and has so cohabited

(i) for a period of at least three years, or

(ii) for a period of at least one year and they are together the parents of a child,

and, if the individual is dead, **"common-law partner"** means a person who, not having been married to the individual, cohabited with him or her at the time of death and so cohabited with him or her as set out in clause (a) or (b); (« conjoint de fait »)

"crosswalk" means

- (a) that part of a highway at an intersection distinctly indicated for pedestrian crossing by a traffic control device or by lines or other markings on the surface thereof, or
- (b) that part of a highway elsewhere than at an intersection distinctly indicated for pedestrian crossing by a traffic control device and by lines or other markings on the surface thereof, or

avec l'autorisation de la Commission municipale;

- c) à l'égard des routes se trouvant dans les limites d'une municipalité, à l'exception des routes qui se trouvent sur un terrain privé, la municipalité dans les limites de laquelle sont situées ces routes;

- d) à l'égard de toute route autre qu'une route provinciale, qui se trouve dans une réserve indienne, le conseil de bande de cette réserve;

- e) à l'égard de toute route située sur un terrain privé, le propriétaire de ce terrain;

- f) à l'égard de toute route située dans un district d'administration locale désigné par décret pris en application de l'article 321, ce district d'administration locale;

- g) à l'égard de toute route située dans un parc provincial qui n'est pas une route provinciale visée à l'alinéa a), le ministre chargé de l'application de la *Loi sur les parcs provinciaux*. ("traffic authority")

« **Avertissement** » » Désignation qu'un appareil de détection étalonné affiche lorsque l'alcoolémie d'une personne dont l'haleine fait l'objet d'une analyse est d'au moins 50

(c) that part of a highway that is included within the straight production across the roadway, directly and not diagonally

(i) of the lateral lines of the sidewalk on either side of any roadway intersecting or meeting the highway, or

(ii) of the lateral lines of any sidewalk that intersects or meets the highway on either side thereof,

measured, in each case, from the kerb, or in the absence of kerbs, from the edge of the roadway on which the crosswalk is situated, and includes a pedestrian corridor; (« passage pour piétons »)

"dealer" means dealer as defined in *The Drivers and Vehicles Act*; (« commerçant »)

"department" means the department that is presided over by the member of the Executive Council designated as minister hereunder by the Lieutenant Governor in Council; (« ministère »)

"directional dividing line" means a line marked or placed on a roadway as provided in section 108, not necessarily at the centre thereof, to indicate to the drivers of vehicles the portions of the roadway that may be used for traffic proceeding in each direction and, in the case of a roadway on which no such line is marked or

milligrammes d'alcool par 100 millilitres de sang. ("WARN")

« **bicyclette** » Vélo à deux roues que l'on enfourche et qui est mû uniquement par la force de l'homme, à l'aide d'un système de pédalier. Sont assimilés aux bicyclettes tous les vélocipèdes, quel que soit le nombre de roues, mûs par la force de l'homme. ("bicycle")

« **bicyclette assistée** » Véhicule qui répond aux conditions suivantes :

a) il est équipé d'un guidon et de pédales;

b) il est conçu pour rouler sur au plus trois roues en contact avec le sol;

c) il peut être propulsé par l'effort musculaire appliqué aux pédales;

d) il est muni uniquement d'un moteur électrique possédant les caractéristiques suivantes :

(i) sa puissance de sortie continue, mesurée à l'arbre du moteur, ne dépasse pas 500 W,

(ii) s'il est enclenché par l'effort musculaire du conducteur, la propulsion par le moteur cesse dès que cesse l'effort,

(iii) s'il est enclenché par une commande d'accélération, la propulsion par le moteur

placed, means the centre line; (« ligne séparatrice des sens de circulation »)

"disease or disability" means disease or disability as defined in *The Drivers and Vehicles Act*; (« maladie ou incapacité »)

"divided highway" means a highway to which subsection 2(3) applies; (« route à chaussées séparées »)

"drive" means drive or have actual physical control of a vehicle, bicycle or motorized mobility aid; (« conduire »)

"driver's licence" means

(a) a driver's licence under *The Drivers and Vehicles Act* that authorizes the licence holder to drive one or more classes of motor vehicle, as prescribed in the regulations under that Act,

(b) a temporary driver's licence under subsection 11(2.1) or 29(3) of *The Drivers and Vehicles Act* or subsection 31(7), 264(11) or (12) or 279(23) or (23.1) of this Act or a temporary permit under subsection 265.2(1) or 268(1) of this Act,

(c) any other driver's licence or permit to drive issued under this Act before the day that *The Drivers and Vehicles Act* comes into force; (« permis de conduire »)

"duly qualified medical practitioner" means duly qualified medical

cesse dès que sont appliqués les freins,

(iv) il n'a plus d'effet d'entraînement lorsque la vitesse de la bicyclette assistée dépasse 32 km/h;

e) [abrogé] L.M. 2021, c. 30, art. 16;

f) il est équipé :

(i) soit d'un mécanisme marche-arrêt pour partir et arrêter le moteur électrique, lequel est installé de façon à pouvoir être actionné par le conducteur et est distinct de la commande d'accélération, le cas échéant,

(ii) soit d'un mécanisme qui empêche la mise en marche du moteur tant que le véhicule n'a pas atteint une vitesse d'au moins 3 km/h. ("power-assisted bicycle")

« **camion agricole** » Véhicule automobile appartenant à un agriculteur et conçu principalement pour le transport de chargements et non de passagers. ("farm truck")

« **cannabis** » Cannabis au sens de la *Loi sur le cannabis* (Canada). ("cannabis")

« **caravane automotrice** » Véhicule automobile :

practitioner as defined in *The Drivers and Vehicles Act*; (« médecin »)

"emergency responder" means

- (a) a firefighter, or
- (b) an emergency medical responder or paramedic certified to practise by the College of Paramedics of Manitoba; (« intervenant d'urgence »)

"emergency vehicle" means

- (a) a vehicle used by a police force,
- (b) a vehicle used by a fire department,
- (c) a vehicle used by an ambulance service,
- (d) an authorized emergency vehicle,
- (e) a vehicle used to respond to emergencies and operated under the authority of a government emergency organization,
- (f) a vehicle used for the purpose of maintaining a public utility and designated as an emergency vehicle by a traffic authority, or
- (g) a vehicle not ordinarily used for emergency purposes that is used to respond to a fire, medical or other emergency by
 - (i) a volunteer, part-time or on-call emergency

a) conçu et construit d'un seul tenant et destiné à servir de logement permanent;

b) équipé d'un ou de plusieurs lits et :

(i) soit d'une cuisinière ou d'un réfrigérateur,

(ii) soit d'installations sanitaires;

c) conçu pour assurer l'accès direct au siège du conducteur à partir du logement. ("motor home")

« carte d'assurance-responsabilité automobile » Carte d'assurance-responsabilité automobile au sens de la *Loi sur les conducteurs et les véhicules*. ("motor vehicle liability insurance card")

« carte d'immatriculation » Carte indiquant que le véhicule qui y est mentionné est immatriculé sous le régime de la *Loi sur les conducteurs et les véhicules* pendant la période d'immatriculation indiquée. Pour l'application des dispositions du présent code et de ses règlements qui exigent qu'une personne produise une telle carte à un agent de la paix, sont assimilés à une carte d'immatriculation :

a) tout permis d'immatriculation délivré sous le régime de la *Loi sur les conducteurs et les véhicules*;

b) toute fiche ou permis délivré en vertu de l'article 87 du

responder, or

- (ii) a person who is not an emergency responder but who has been assigned emergency response duties by a fire department; (« véhicule d'urgence »)

"FAIL" means an indication on a calibrated screening device that the concentration of alcohol in the blood of the person whose breath is being analyzed is not less than 80 mg in 100 mL of blood; (« « Échec » »)

"family" includes a common-law partner; (« famille »)

"farmer" means a person, corporation or group of persons who own, rent or lease land for the purpose of

- (a) growing crops or fodder for their use or sale,
- (b) raising livestock or poultry for sale,
- (c) operating a poultry establishment for the production of eggs for sale,
- (d) operating a mink or fox establishment maintained for their pelts for sale or for sale as breeding stock,
- (e) operating a dairy establishment maintained for the production of milk or cream for sale,
- (f) operating a feed lot upon which cattle are kept or fed

présent code;

- c) tout autre document indiquant que le véhicule est immatriculé en vertu des lois d'une autre autorité législative que le Manitoba. ("registration card")

« **ceinture de sécurité** » S'entend au sens des règlements d'application de la *Loi sur la sécurité automobile* (Canada). ("seat belt assembly")

« **certificat d'assurance** » Certificat d'assurance au sens de la *Loi sur les conducteurs et les véhicules*. ("certificate of insurance")

« **chaussée** » La partie d'une route qui est améliorée, conçue ou normalement utilisée pour la circulation des véhicules, y compris la partie qui, sans la présence d'une zone de sécurité, serait normalement utilisée à cette fin, à l'exclusion de l'accotement; dans le cas où la route comporte deux chaussées distinctes ou plus, ce terme désigne chacune de ces chaussées prise séparément et non l'ensemble. ("roadway")

« **chaussée à plusieurs voies** » Chaussée divisée en deux ou plusieurs voies marquées pour la circulation des véhicules. ("laned roadway")

« **circulation** » La circulation comprend les éléments qui suivent, seuls ou pris ensemble, lorsqu'ils circulent sur une route :

for marketing, or

- (g) operating an apiary of hives of bees maintained for the production of honey for sale,

and in the opinion of the registrar the person, corporation or group of persons is engaged in one or more of those operations to a significant degree; (« agriculteur »)

"farm truck" means a motor vehicle that is owned by a farmer and designed primarily to transport cargo and not passengers; (« camion agricole »)

"field sobriety test" means a test or group of tests approved by a regulation made under subsection 76.2(3); (« test de sobriété sur place »)

"flag person" means a person temporarily controlling traffic on a portion of a highway in accordance with subsection 77(10); (« signaleur »)

"garage" means garage as defined in *The Drivers and Vehicles Act*; (« garage »)

"government emergency organization" means the Fire Commissioners Office, the Manitoba Emergency Management Organization or the Department of Health; (« organisme d'urgence gouvernemental »)

"gross weight" means the combined weight of vehicle and load; (« poids en charge »)

"GVWR" means the gross vehicle weight rating of a vehicle

- a) les véhicules et les autres moyens de locomotion;
- b) les bicyclettes;
- c) les piétons;
- d) les animaux montés ou groupés en troupeau. ("traffic")

« **classe** » Classe de :

- a) permis de conduire au sens de la *Loi sur les conducteurs et les véhicules*;
- b) véhicule, notamment de véhicule automobile, au sens de la *Loi sur les conducteurs et les véhicules*. ("class")

« **classe d'immatriculation** » Classe d'immatriculation au sens de la *Loi sur les conducteurs et les véhicules*. ("registration class")

« **comité d'étude des dossiers médicaux** » Le comité d'étude des dossiers médicaux au sens de la *Loi sur les conducteurs et les véhicules*. ("medical review committee")

« **commerçant** » Commerçant au sens de la *Loi sur les conducteurs et les véhicules*. ("dealer")

« **commission d'appel** » La commission d'appel des suspensions de permis, prévue à l'article 278. ("appeal board")

« **conducteur débutant** » Conducteur débutant au sens de la *Loi sur les conducteurs et les véhicules*. ("novice driver")

- (a) specified by the vehicle manufacturer, or
- (b) if no rating is specified by the vehicle manufacturer, specified by the registrar under section 322.3,

as the maximum loaded weight of the vehicle; (« PNBV »)

"highway" means any place or way, including any structure forming part thereof, which or any part of which the public is ordinarily entitled or permitted to use for the passage of vehicles, with or without fee or charge therefor, and includes all the space between the boundary lines thereof; but does not include any area designed or intended, and primarily used, for the parking of vehicles and the necessary passageways thereon; (« route »)

"image capturing enforcement system" means an image capturing enforcement system approved by the regulations; (« système de saisie d'images »)

"infrastructure equipment" means a vehicle that is

- (a) designed and used primarily for the purpose of constructing or repairing a highway, building or structure and operated on a highway only incidentally,
- (b) operated on a highway for the purpose of grading, scraping, sweeping, cleaning, snow-clearing or otherwise

« **conducteur surveillant** » Conducteur surveillant au sens de la *Loi sur les conducteurs et les véhicules*. ("supervising driver")

« **conduire** » Conduire ou maîtriser physiquement un véhicule, une bicyclette ou un engin motorisé. ("drive")

« **conjoint de fait** » Personne qui, selon le cas :

- a) a fait enregistrer avec un particulier une union de fait en vertu de l'article 13.1 de la *Loi sur les statistiques de l'état civil* et vit avec lui;
- b) vit dans une relation maritale avec un particulier sans être mariée avec lui :
 - (i) soit depuis une période d'au moins trois ans,
 - (ii) soit depuis une période d'au moins un an, s'ils sont les parents d'un même enfant.

Si le particulier est décédé, « **conjoint de fait** » s'entend de la personne qui vivait avec le particulier au moment du décès sans avoir été mariée avec lui, de la façon prévue à l'alinéa a) ou b). ("common-law partner")

« **corridor pour piétons** » Passage pour piétons se trouvant à une intersection ou ailleurs, qui a été désigné à titre de corridor pour piétons par l'autorité chargée de la circulation, et qui est illuminé et distinctement

maintaining the surface of a highway, or

- (c) of a type prescribed in the regulations and used primarily for a use prescribed in the regulations,

but excludes any vehicle designed primarily for the transport of passengers or cargo on a highway, even if an apparatus that may be used for the purpose of clause (a), (b) or (c) is mounted on the vehicle; (« matériel de chantier »)

"intersection" means the area embraced within the prolongation or connection of

- (a) the lateral curb lines, or
- (b) if there are no lateral curb lines, the exterior edges of the roadways,

of two or more highways which join one another at an angle, whether or not one highway crosses the other; (« intersection »)

"laned roadway" means a roadway that is divided into two or more marked lanes for vehicular traffic; (« chaussée à plusieurs voies »)

"licence" means driver's licence; (« permis »)

"livestock" means

- (a) horses, cattle, sheep, swine, goats, live poultry, bees and fur breeding stock, and
- (b) fish raised for market purposes or as breeding

marqué pour la traversée des piétons par :

- a) des feux et autres dispositifs de signalisation installés sur la route;
- b) une signalisation disposée sur la surface de la chaussée.

Les feux, les dispositifs de signalisation et la signalisation nécessaires sont prévus par règlement. ("pedestrian corridor")

« course » Épreuve de vitesse entre deux ou plusieurs véhicules automobiles caractérisée par une volonté commune de la part des conducteurs de participer à l'épreuve, qu'un prix soit remis ou non à l'issue de celle-ci. ("race")

« cyclomoteur » Véhicule automobile qui :

- a) est équipé de deux roues disposées l'une derrière l'autre ou de trois roues, chacune desquelles ayant un diamètre supérieur à 250 millimètres;
- b) est équipé d'un siège ou d'une selle dont la partie la plus avancée se trouve, à vide, à 650 millimètres au moins du sol;
- c) peut être propulsé à tout moment au moyen d'un pédalier uniquement s'il en est équipé, d'un moteur uniquement ou des deux à la fois.

stock and fingerlings;
(« animaux »)

"medical review committee" means medical review committee as defined in *The Drivers and Vehicles Act*; (« comité d'étude des dossiers médicaux »)

"minister" means the member of the Executive Council who is designated by the Lieutenant Governor in Council as minister hereunder; (« ministre »)

"moped" means a motor vehicle which

- (a) has 2 tandem wheels or 3 wheels, each of which is more than 250 millimetres in diameter,
- (b) has a seat or saddle having a minimum unladen height of 650 millimetres, when measured from the ground level to the top of the forwardmost part of the seat or saddle,
- (c) is capable of being driven at all times by pedals only if so equipped, by motor only, or by both pedals and motor, and

the motor has a piston displacement of not more than 50 cubic centimetres, or is an electric motor neither of which is capable of enabling the moped to attain a speed greater than 50 kilometres per hour; (« cyclomoteur »)

"motorcycle" means a vehicle that

Le moteur du véhicule a une cylindrée qui n'est pas supérieure à 50 centimètres cubes, ou fonctionne à l'électricité et ne permet pas au cyclomoteur d'atteindre une vitesse supérieure à 50 kilomètres à l'heure. ("moped")

« **dispositif de signalisation** » Signe, signal, feu, marque ou appareil approuvé conformément aux règlements ou autorisé en vertu du paragraphe 81(3) en vue de son utilisation :

- a) à titre de dispositif de signalisation;
- b) à des fins précises. ("traffic control device")

« **Échec** » Désignation qu'un appareil de détection étalonné affiche lorsque l'alcoolémie d'une personne dont l'haleine fait l'objet d'une analyse est d'au moins 80 milligrammes d'alcool par 100 millilitres de sang. ("FAIL")

« **école** » À l'exception d'un établissement d'enseignement postsecondaire, s'entend, selon le cas :

- a) d'une école publique ou d'une école indépendante au sens de la *Loi sur l'administration scolaire*;
- b) d'un établissement d'enseignement établi en vertu de la *Loi sur les Indiens* (Canada) ou de toute autre loi

- (a) has a steering handlebar completely constrained from rotating in relation to the axle of one wheel in contact with the ground,
- (b) is designed to travel on not more than three wheels in contact with the ground,
- (c) has a minimum unladen seat height of 650 mm,
- (d) has a minimum wheel rim diameter of 250 mm,
- (e) has a minimum wheelbase of 1,016 mm, and
- (f) has a maximum speed capability of more than 50 km/h,

but does not include a moped or power-assisted bicycle;
(« motocyclette »)

"motor home" means a motor vehicle that

- (a) is designed and constructed as an integral unit to provide permanent living accommodation,
- (b) is equipped with one or more beds and
 - (i) a stove or refrigerator, or
 - (ii) washing and toilet facilities, and
- (c) is designed so that there is direct access from the living quarters to the driver's seat;
(« caravane automotrice »)

du Parlement du Canada.
("school")

« engin motorisé » Appareil expressément fabriqué ou modifié en vue de son utilisation par un handicapé physique et dont :

- a) la vitesse maximale ne dépasse pas 15 kilomètres à l'heure;
- b) la largeur maximale ne dépasse pas 81.2 centimètres;
- c) le poids maximal ne dépasse pas 226 kilogrammes.

La présente définition vise les fauteuils roulants motorisés.
("motorized mobility aid")

« entretenir » Relativement à un véhicule, s'entend au sens de la *Loi sur les conducteurs et les véhicules*.
("service")

« essieu simple » Essieu simple au sens des règlements. ("single axle")

« État des États-Unis » État ou territoire des États-Unis d'Amérique, y compris le district fédéral de Columbia.
("state of the United States")

« éthylomètre approuvé » Éthylomètre approuvé au sens de l'article 320.11 du *Code criminel*.
("approved instrument")

« famille » Fait partie de la famille le conjoint de fait. ("family")

« feu de circulation » Le feu d'un signal réglant la circulation. ("traffic control light")

"motorized mobility aid" means a device which is specifically manufactured or modified for operation by a physically handicapped person and which has

- (a) a maximum speed capability of not more than 15 kilometres per hour,
- (b) a maximum width of not more than 81.2 centimetres, and
- (c) a maximum mass of not more than 226 kilograms,

and includes a motorized wheel chair; (« engin motorisé »)

"motor vehicle" means a self-propelled vehicle other than

- (a) agricultural equipment,
- (b) infrastructure equipment,
- (c) an off-road vehicle, and
- (d) a power-assisted bicycle; (« véhicule automobile »)

"motor vehicle liability insurance card" means motor vehicle liability insurance card as defined in *The Drivers and Vehicles Act*; (« carte d'assurance-responsabilité automobile »)

"novice driver" means novice driver as defined in *The Drivers and Vehicles Act*; (« conducteur débutant »)

"number plate" means number plate as defined in *The Drivers and Vehicles Act*; (« plaque d'immatriculation »)

"off-road vehicle" means an off-road vehicle as defined in *The Off-Road*

« **fiche** » Immatriculation d'un véhicule conformément à l'Entente canadienne sur l'immatriculation des véhicules ou à tout accord conclu en vertu du paragraphe 4.3(3). ("cab card")

« **garage** » Garage au sens de la *Loi sur les conducteurs et les véhicules*. ("garage")

« **groupe d'essieux** » Groupe d'essieux au sens des règlements. ("axle group")

« **immobiliser** » Désigne, à l'égard d'un véhicule occupé ou non :

- a) le fait de garder le véhicule immobile à un endroit, lorsque cela est exigé;
- b) le fait de garder le véhicule immobile à un endroit, lorsque cela est interdit, à moins que l'immobilisation ne soit nécessaire pour que la circulation d'autres véhicules ne soit pas entravée ou pour que les directives d'un agent de la paix ou les indications d'un dispositif de signalisation soient suivies.

Le mot « **immobilisation** » a une signification correspondante. ("stand", "standing")

« **intersection** » La zone comprise dans le prolongement ou la jonction des lignes de bordure latérales d'au moins deux routes qui se joignent à un certain angle, qu'il y ait ou non croisement des routes ou, en l'absence de lignes de bordure

Vehicles Act; (« véhicule à caractère non routier »)

"optometrist" means optometrist as defined in **The Drivers and Vehicles Act**; (« optométriste »)

"out-of-province driving permit" means out-of-province driving permit as defined in **The Drivers and Vehicles Act**; (« permis de conduire de non-résident »)

"overdimensional", in respect of a vehicle, means that the height, width or length of the vehicle or a load carried by the vehicle exceeds the maximum permitted under the regulations; (« surdimensionné »)

"overweight", in respect of a vehicle, means that the vehicle's total weight or the weight on any individual axle group, axle or tire exceeds the maximum permitted under the regulations; (« surchargé »)

"owner" means owner as defined in **The Drivers and Vehicles Act**; (« propriétaire »)

"park", when prohibited, means to stand a vehicle whether occupied or not, except

- (a) when it is caused to stand temporarily for the purpose of, and while actually engaged in, loading or unloading, or
- (b) in obedience to a peace officer or a traffic control device,

latérales, des arêtes extérieures des chaussées de telles routes. ("intersection")

« **intervenant d'urgence** » Selon le cas :

- a) pompier;
- b) répondant médical d'urgence ou travailleur paramédical qui est titulaire d'un certificat d'exercice délivré par l'Ordre des travailleurs paramédicaux du Manitoba. ("emergency responder")

« **ligne médiane** » Le milieu d'une chaussée mesuré à partir des bordures ou, à défaut, des bords de cette chaussée. ("centre line")

« **ligne séparatrice des sens de circulation** » La ligne marquée ou apposée sur une chaussée, conformément à l'article 108, pas nécessairement au centre, pour que soit indiquée aux conducteurs de véhicules la partie de la chaussée qui peut être empruntée pour circuler dans chaque sens; ce terme désigne la ligne médiane de la chaussée si aucune ligne séparatrice n'est marquée ou apposée sur cette chaussée. ("directional dividing line")

« **maladie ou incapacité** » Maladie ou incapacité au sens de la **Loi sur les conducteurs et les véhicules**. ("disease or disability")

« **matériel agricole** » Véhicule conçu et utilisé principalement pour les activités des exploitations agricoles,

and **"parking"** has a corresponding meaning; (« stationner », « stationnement »)

"peace officer" means

- (a) any member of the Royal Canadian Mounted Police Force and any other police officer, police constable, constable, or other person employed for the preservation and maintenance of the public peace,
- (b) any person lawfully authorized to direct or regulate traffic, or to enforce this Act or traffic by-laws or regulations, and
- (c) a flag person, but only for the purpose of exercising the powers of a flag person under subsection 77(10) or section 134 of this Act; (« agent de la paix »)

"pedestrian" means a person afoot, or a person in a wheelchair or a child's carriage or physically handicapped person operating a motorized mobility-aid; (« piéton »)

"pedestrian control signal" means a traffic control signal directed to pedestrians; (« signal pour piétons »)

"pedestrian corridor" means a crosswalk, at an intersection or elsewhere, that has been designated as a pedestrian corridor by the proper traffic authority and that is illuminated

horticoles ou d'élevage ou à des fins prévues par règlement. La présente définition ne vise pas :

- a) les véhicules conçus principalement pour le transport de passagers, de chargements ou de véhicules autres que du matériel agricole sur une route;
- b) les tracteurs de jardin, les tondeuses à gazon ou les tondeuses à siège sauf s'ils sont d'un type réglementaire et s'ils sont utilisés principalement à des fins prévues par règlement. ("agricultural equipment")

« matériel de chantier » Selon le cas :

- a) véhicule qui est conçu et utilisé principalement pour la construction ou la réparation de routes, de bâtiments ou d'ouvrages et qui ne circule sur une route que de façon accessoire;
- b) véhicule qui circule sur une route et qui est utilisé pour l'entretien de sa chaussée, notamment le nivelage, le grattage, le balayage, le nettoyage ou le déneigement;
- c) véhicule d'un type réglementaire qui est utilisé principalement à des fins prévues par règlement.

and distinctly indicated for pedestrian crossing by

- (a) such lights and other traffic control devices on the highway, and
- (b) such lines or other markings on the surface of the roadway,

as are prescribed in the regulations;
(« corridor pour piétons »)

"power-assisted bicycle" means a vehicle that

- (a) has a handlebar for steering and pedals,
- (b) is designed to travel on not more than three wheels in contact with the ground,
- (c) can be propelled by muscle power applied to the pedals,
- (d) has an electric motor but no other type of motor,
 - (i) the motor has a continuous power output rating, measured at its shaft, of 500 W or less,
 - (ii) if engaged by the driver applying muscle power to the pedals, the motor immediately stops providing the vehicle with motive power when the driver stops applying muscle power,
 - (iii) if engaged by a throttle, the motor immediately stops providing the

La présente définition ne vise pas les véhicules conçus principalement pour le transport de passagers ou de chargements sur une route même si y sont installés des appareils pouvant servir aux fins indiquées aux alinéas a), b) ou c).
("infrastructure equipment")

« matériel de loisirs » Tout appareil ou objet, à l'exception des véhicules, sur lequel l'utilisateur peut glisser, rouler ou se déplacer sur terre, notamment :

- a) les traîneaux, les toboggans et les planches à roulettes;
- b) les patins à glace, à roulettes ou à roues alignées, les skis et les raquettes.
("recreational equipment")

« mécanicien qualifié » Mécanicien qualifié au sens de la *Loi sur les conducteurs et les véhicules*.
("qualified mechanic")

« médecin » Médecin au sens de la *Loi sur les conducteurs et les véhicules*. ("duly qualified medical practitioner")

« mesures de rechange » Mesures de rechange autorisées au titre de l'alinéa 717(1)a) du *Code criminel*.
("alternative measures")

« ministère » Le ministère relevant du membre du conseil des ministres, que le lieutenant-gouverneur en conseil désigne à titre de ministre en application de la présente loi.
("department")

vehicle with motive power when the driver activates a brake, and

- (iv) the motor cannot provide the vehicle with motive power when it is travelling at more than 32 km/h, and

(e) [repealed] S.M. 2021, c. 30, s. 16,

(f) has either

- (i) a mechanism to turn the electric motor on and off that can be operated by the driver, and if the vehicle has a throttle, is separate from the throttle, or
- (ii) a mechanism that prevents the motor from engaging until the vehicle is travelling at 3 km/h or more; (« bicyclette assistée »)

"provincial highway" means a highway that is a provincial trunk highway as defined in *The Transportation Infrastructure Act*, and also includes a provincial road as defined in that Act; (« route provinciale »)

"qualified mechanic" means qualified mechanic as defined in *The Drivers and Vehicles Act*; (« mécanicien qualifié »)

"race" means a contest of speed between two or more motor vehicles,

« ministre » Membre du conseil des ministres, que désigne le lieutenant-gouverneur en conseil pour qu'il agisse à titre de ministre pour l'application de la présente loi. ("minister")

« motocyclette » Véhicule, à l'exclusion des cyclomoteurs et des bicyclettes assistées :

- a) qui est équipé d'un guidon dont la rotation se transmet sans intermédiaire à l'axe d'une roue en contact avec le sol;
- b) qui est conçu pour rouler sur au plus trois roues en contact avec le sol;
- c) dont la hauteur minimale, sans charge, de la selle est de 650 mm;
- d) dont le diamètre de la jante est d'au moins 250 mm;
- e) dont l'empattement est d'au moins 1 016 mm;
- f) dont la vitesse maximale est supérieure à 50 km/h. ("motorcycle")

« municipalité urbaine » Municipalité constituée ou maintenue à titre de municipalité urbaine en vertu de la *Loi sur les municipalités*. Il demeure entendu que la présente définition vise les villes — autres que la ville de Winnipeg — ayant leur propre charte. ("urban municipality")

« non obstrué » Le fait pour une chaussée ou une voie, lorsqu'il s'agit

whether or not the contest involves a prize, when there is an indication of a common intention between the drivers to engage in the contest; (« course »)

"recognized agency" means

- (a) the provincial health authority as defined in *The Health System Governance and Accountability Act*; or
- (b) any other agency or person engaged in the diagnosis and treatment of persons suffering from alcoholism or drug addiction and approved by the registrar; (« organisme reconnu »)

"recreational equipment" means a device or thing, other than a vehicle, on which a person can ride, or roll or slide over the ground, and includes, but is not limited to,

- (a) a sled, sleigh, toboggan or skateboard, and
- (b) skates, skis, roller skates, roller blades or snowshoes; (« matériel de loisirs »)

"recycler" means recycler as defined in *The Drivers and Vehicles Act*; (« récupérateur »)

"reflectorized", as applied to any equipment carried in or on a vehicle, or to a traffic control device, means treated in such a manner that, under normal atmospheric conditions, and when illuminated by the light from the lamps of any vehicle approaching it will reflect that light so that it is clearly

d'une chaussée à plusieurs voies, de ne pas être obstruée par un objet immobile. ("unobstructed")

« numéro d'identification de véhicule » Numéro d'identification de véhicule au sens de la *Loi sur les conducteurs et les véhicules*. ("vehicle identification number")

« optométriste » Optométriste au sens de la *Loi sur les conducteurs et les véhicules*. ("optometrist")

« organisme d'urgence gouvernemental » Le Bureau du commissaire aux incendies, l'Organisation de gestion des situations d'urgence du Manitoba ou le ministère de la Santé. ("government emergency organization")

« organisme reconnu » Selon le cas :

- a) l'office provincial de la santé au sens de la *Loi sur la gouvernance et l'obligation redditionnelle au sein du système de santé*;
- b) tout autre organisme ou personne qui est autorisé par le registraire et qui s'occupe du dépistage et du traitement des personnes atteintes d'alcoolisme ou de toxicomanie. ("recognized agency")

« passage pour piétons » Selon le cas :

- a) la partie de la route qui, à une intersection, est distinctement prévue pour le passage des

visible from a distance of at least 150 metres; (« réfléchissant »)

"registrar" means the Registrar of Motor Vehicles appointed under *The Drivers and Vehicles Act*; (« registraire »)

"registration card" means a card that signifies that the vehicle described in the card is registered under *The Drivers and Vehicles Act* for the registration period shown in the card and, in any provision of this Act or of the regulations that requires a person to produce a vehicle's registration card to a peace officer, includes

- (a) a registration permit under *The Drivers and Vehicles Act*,
- (b) a cab card or a permit under section 87 of this Act, or
- (c) any document that signifies that the vehicle is registered under the laws of a jurisdiction outside Manitoba; (« carte d'immatriculation »)

"registration class" means registration class as defined in *The Drivers and Vehicles Act*; (« classe d'immatriculation »)

"registration class sticker" means registration class sticker as defined in *The Drivers and Vehicles Act*; (« vignette de classe d'immatriculation »)

"registration period" means registration period as defined in *The Drivers and Vehicles Act*; (« période d'immatriculation »)

piétons par un dispositif de signalisation ou par des lignes ou autres marques apposées sur la chaussée;

- b) la partie de la route qui, ne se trouvant pas à une intersection, est distinctement prévue pour le passage des piétons par un dispositif de signalisation et par des lignes ou autres marques apposées sur la chaussée;
- c) la partie de la route, comprise entre le prolongement en ligne droite, perpendiculairement et non diagonalement en travers de la chaussée :
 - (i) soit des lignes latérales du trottoir de n'importe quel côté de la chaussée croisant ou joignant cette route,
 - (ii) soit des lignes latérales de tout trottoir qui coupe ou rejoint cette route, de quel côté que ce soit.

Dans chaque cas, la partie de la route est mesurée à partir de la bordure ou, à défaut, du bord de la chaussée sur laquelle se trouve le passage pour piétons; est assimilé à un passage pour piétons le corridor pour piétons. ("crosswalk")

« **période d'immatriculation** » Période d'immatriculation au sens de la *Loi sur*

"regulated vehicle" means, subject to the regulations,

- (a) a motor vehicle or trailer that has a registered gross weight of 4,500 kg or more, or
- (b) a bus; (« véhicule réglementé »)

"regulation", except when specified otherwise, means a regulation made under this Act; (« règlement »)

"repairer" means repairer as defined in *The Drivers and Vehicles Act*; (« réparateur »)

"restricted speed area" means an area designated as a restricted speed area under section 94.1; (« zone de limitation de vitesse »)

"roadway" means the portion of a highway that is improved, designed, or ordinarily used for vehicular traffic, and includes that portion thereof that, but for the presence of a safety zone, would be ordinarily so used, but does not include the shoulder; and where a highway includes two or more separate roadways, the term **"roadway"** refers to any one roadway separately and not all of the roadways collectively; (« chaussée »)

"safety zone" means an area officially set apart within a highway for the exclusive use of pedestrians, and protected or marked or indicated by adequate traffic control devices so as to be clearly visible, but does not include a pedestrian corridor; (« zone de sécurité »)

les conducteurs et les véhicules.
("registration period")

« **permis** » Permis de conduire.
("licence")

« **permis de conduire** »

- a) Permis de conduire délivré sous le régime de la *Loi sur les conducteurs et les véhicules* et autorisant le titulaire à conduire un véhicule automobile d'une ou de plusieurs classes prévues par les règlements d'application de cette loi;
- b) permis de conduire temporaire délivré en vertu du paragraphe 11(2.1) ou 29(3) de la *Loi sur les conducteurs et les véhicules* ou des paragraphes 31(7), 264(11) ou (12) ou 279(23) ou (23.1) du présent code ou permis temporaire délivré en vertu du paragraphe 265.2(1) ou 268(1) de ce code;
- c) tout autre permis de conduire délivré sous le régime du présent code avant l'entrée en vigueur de la *Loi sur les conducteurs et les véhicules.*
("driver's licence")

« **permis de conduire de non-résident** » Permis de conduire de non-résident au sens de la *Loi sur les conducteurs et les véhicules.* ("out-of-province driving permit")

"salesperson" means salesperson as defined in *The Drivers and Vehicles Act*; (« vendeur »)

"school" means

(a) a public school or an independent school as defined in *The Education Administration Act*, or

(b) an educational institution established under the *Indian Act* (Canada) or under any other Act of the Parliament of Canada,

but does not include a post-secondary educational institution; (« école »)

"school bus" means a vehicle that is designed and classified by the manufacturer as a school bus and used for the purpose of transporting pupils and other authorized persons to or from school or to or from approved school related activities; (« autobus scolaire »)

"seat belt" has the same meaning as "seat belt assembly"; (version anglaise seulement)

"seat belt assembly" means a seat belt assembly as defined in the regulations made under the *Motor Vehicle Safety Act* (Canada); (« ceinture de sécurité »)

"service", in relation to a vehicle, means service as defined in *The Drivers and Vehicles Act*; (« entretenir »)

« **perte totale** » Perte totale au sens de la *Loi sur les conducteurs et les véhicules*. ("written off")

« **piéton** » Personne qui circule à pied, à l'aide d'un fauteuil roulant ou à bord d'une voiture d'enfant, ou handicapé physique qui utilise un engin motorisé. ("pedestrian")

« **piste cyclable** » Piste ou espace, autre qu'une route, aménagé pour le passage des bicyclettes et interdit aux véhicules automobiles autres que ceux nécessaires à son entretien. ("bicycle facility")

« **plaque d'immatriculation** » Plaque d'immatriculation au sens de la *Loi sur les conducteurs et les véhicules*. ("number plate")

« **PNBV** » Poids nominal brut d'un véhicule constituant le poids en charge limite fixé par le constructeur du véhicule ou établi par le registraire en vertu de l'article 322.3 si le constructeur ne fixe aucun poids. ("GVWR")

« **poids en charge** » Le poids total du véhicule et de la charge. ("gross weight")

« **propriétaire** » Propriétaire au sens de la *Loi sur les conducteurs et les véhicules*. ("owner")

« **récupérateur** » Récupérateur au sens de la *Loi sur les conducteurs et les véhicules*. ("recycler")

« **réfléchissant** » Le fait pour tout matériel transporté à l'intérieur ou à bord d'un véhicule ou pour un

"service road" means a roadway that is

- (a) located between the primary roadway of a highway and the boundary lines of that highway, and
- (b) used or intended to be used to provide access to land adjacent to the highway that is not accessible from the primary roadway of the highway; (« voie de service »)

"shared street" means a roadway or part of a roadway designated as a shared street in accordance with section 152.1; (« rue partagée »)

"sidewalk" means a footpath, whether or not paved or improved, that is intended primarily for the use of pedestrians and that either

- (a) forms part of that portion of a highway that lies between the kerb line or, if there is none, the lateral boundary line, of the roadway and
 - (i) the adjacent property lines, or
 - (ii) the straight production of the adjacent property lines to the kerb line or if there is none, to the lateral boundary line, of an intersecting highway, or
- (b) although not part of a highway, is a publicly maintained right-of-way, set

dispositif de signalisation d'être traité de telle manière que lorsqu'il est éclairé par les feux d'un véhicule qui approche, ce matériel ou ce dispositif les réfléchit et devient nettement visible, dans des conditions atmosphériques normales, à une distance de 150 mètres au moins. ("reflectorized")

« **registraire** » Le registraire des véhicules automobiles nommé sous le régime de la *Loi sur les conducteurs et les véhicules*. ("registrar")

« **règlement** » Sauf disposition contraire, règlement d'application du présent code. ("regulation")

« **remorque** » Véhicule conçu principalement pour le transport de chargements et pour être tracté par un véhicule automobile sur une route. La présente définition ne vise pas le matériel agricole ou de chantier qui est tracté. ("trailer")

« **réparateur** » Réparateur au sens de la *Loi sur les conducteurs et les véhicules*. ("repairer")

« **route** » Tout lieu ou chemin, y compris tout ouvrage qui en fait partie, normalement ouvert en tout ou en partie à la circulation publique avec ou sans péage, sur toute la largeur comprise entre les limites de la route, à l'exclusion de toute aire conçue, prévue ou principalement utilisée pour le stationnement des véhicules ainsi que des passages nécessaires qui y sont aménagés. ("highway")

aside for pedestrian traffic only and for the purpose of giving access to property adjacent thereto; (« trottoir »)

"single axle" means single axle as defined in the regulations; (« essieu simple »)

"stand", as applied to a vehicle, whether occupied or not, means

- (a) when required, to cause the vehicle to remain motionless in one place, and
- (b) when prohibited, to cause the vehicle to remain motionless in one place, except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer or a traffic control device,

and **"standing"** has a corresponding meaning; (« immobiliser », « immobilisation »)

"state of the United States" means state or territory of the United States of America and includes the District of Columbia; (« État »)

"stop", as applied to a vehicle whether occupied or not, means

- (a) when required, to cause the vehicle to cease to move, and
- (b) when prohibited, to cause the vehicle to cease to move, except when necessary to avoid conflict with other traffic or in compliance with the

« route à chaussées séparées » La route visée au paragraphe 2(3). ("divided highway")

« route provinciale » Route provinciale à grande circulation ou route provinciale secondaire au sens de la *Loi sur les infrastructures de transport*. ("provincial highway")

« rue partagée » Chaussée ou tronçon de chaussée désignés à ce titre en vertu de l'article 152.1. ("shared street")

« ruelle » Route située entièrement dans les limites de la ville de Winnipeg, d'une municipalité urbaine ou d'une zone de limitation de vitesse et qui a été conçue, aménagée ou prévue pour assurer l'accès à des résidences ou à des établissements de commerce ainsi que le service à l'arrière de ces résidences et ces établissements de commerce; sont visées par la présente définition les allées ayant une largeur de 9 mètres au plus. ("back lane")

« service d'ambulance » Entreprise d'intervention médicale d'urgence qui est titulaire d'un permis délivré en application de la *Loi sur les interventions médicales d'urgence et le transport pour personnes sur civière*. ("ambulance service")

« signal "cédez le passage" » Signal obligeant le conducteur d'un véhicule qui lui fait face à céder le passage à la circulation d'une route croisant ou joignant celle sur laquelle il se trouve. ("yield sign")

directions of a peace officer or a traffic control device,

and **"stopping"** has a corresponding meaning; (« arrêter », « arrêt »)

"supervising driver" means supervising driver as defined in *The Drivers and Vehicles Act*; (« conducteur surveillant »)

"traffic" includes any of the following, singly or in combination, while on a highway:

- (a) vehicles and other conveyances,
 - (b) bicycles,
 - (c) pedestrians,
 - (d) ridden or herded animals;
- (« circulation »)

"traffic authority" means

- (a) in the case of provincial highways, and highways in unorganized territory, and the forest reserves to which reference is made in subsection 90(9), the minister,
- (b) in the case of inter-municipal highways, the municipalities acting together or one of the municipalities acting with the approval of The Municipal Board,
- (c) in the case of highways within municipalities, except those on privately-owned land, the municipality within the limits

« signal pour piétons » Signal réglant la circulation destiné aux piétons. ("pedestrian control signal")

« signal réglant la circulation » Dispositif de signalisation, commandé de façon manuelle, mécanique ou électrique et qui, lorsqu'il est en service, commande aux usagers de circuler ou de s'arrêter. ("traffic control signal")

« signaleur » Personne qui contrôle temporairement la circulation sur un tronçon de route conformément au paragraphe 77(10). ("flag person")

« stationner » S'il est interdit de stationner, le fait d'immobiliser un véhicule occupé ou non, sauf dans l'un ou l'autre des cas suivants :

- a) immobilisation momentanée pour le chargement ou le déchargement et pendant ce chargement ou ce déchargement;
- b) obéissance à un agent de la paix ou à un dispositif de signalisation.

Le mot **« stationnement »** a un sens correspondant. ("park", "parking")

« surchargé » Relativement à un véhicule, le fait que son poids total ou le poids sur tout groupe d'essieux individuel, tout essieu ou tout pneu dépasse le poids maximal que permettent les règlements. ("overweight")

of which the highway is situated,

- (d) in the case of a highway in an Indian Reserve, except a provincial highway, the council of the band on the reserve,
- (e) in the case of a highway on privately-owned land, the owner thereof,
- (f) in the case of a highway in a local government district, or part thereof, that has been designated in an order made under section 321, that local government district, and
- (g) in the case of a highway in a provincial park that is not a provincial highway to which clause (a) applies, the minister responsible for the administration of *The Provincial Parks Act*; (« autorité chargée de la circulation »)

"traffic control device" means a sign, signal, light, marking or device approved under the regulations or authorized under subsection 81(3) to be used

- (a) as a traffic control device, and
- (b) for a specified purpose; (« dispositif de signalisation »)

"traffic control light" means the light shown by traffic control signal; (« feu de circulation »)

« **surdimensionné** » Relativement à un véhicule, le fait que la hauteur, la largeur ou la longueur du véhicule ou de la charge qu'il transporte dépasse la hauteur, la largeur ou la longueur maximale que permettent les règlements. ("overdimensional")

« **système de saisie d'images** » Système de saisie d'images approuvé par les règlements. ("image capturing enforcement system")

« **test de sobriété sur place** » Test ou ensemble de tests approuvé sous le régime d'un règlement pris en vertu du paragraphe 76.2(3). ("field sobriety test")

« **trottoir** » Sentier pavé ou non, amélioré ou non, principalement destiné à l'usage des piétons et répondant à l'un des critères suivants :

- a) il constitue la partie de la route, comprise entre la bordure ou, à défaut, entre la ligne de démarcation latérale de la chaussée et :

- (i) soit les lignes de propriétés adjacentes,
- (ii) soit le prolongement en ligne droite des lignes de propriétés adjacentes jusqu'à la bordure ou à défaut, jusqu'à la ligne de démarcation latérale, d'une route joignant ou croisant cette route;

- b) bien que ne faisant pas partie d'une route, il est un droit de

"traffic control signal" means a traffic control device, whether manually, electrically, or mechanically operated, by which, when operating, traffic is directed to stop and to proceed; (« signal réglant la circulation »)

"trailer" means a vehicle designed primarily to carry cargo and to be towed on a highway by a motor vehicle, but does not include towed agricultural equipment or towed infrastructure equipment; (« remorque »)

"unobstructed", as applied to a roadway or a lane of a laned roadway means not obstructed by a stationary object; (« non obstrué »)

"urban municipality" means a municipality established or continued as an urban municipality under *The Municipal Act*, and, for certainty, includes a city (other than The City of Winnipeg) that has a special charter; (« municipalité urbaine »)

"valid", in relation to a driver's licence, out-of-province driving permit or other permit, certificate, student identification sticker or other sticker, vehicle registration or licence, registration card, cab card or other vehicle registration document, means valid as defined in *The Drivers and Vehicles Act*; (« valide »)

"validation sticker" means validation sticker as defined in *The Drivers and Vehicles Act*; (« vignette de validation »)

passage entretenu par l'Administration, réservé exclusivement à la circulation piétonne et servant à assurer l'accès aux propriétés adjacentes. ("sidewalk")

« **valide** » Relativement à un permis, notamment un permis de conduire ou un permis de conduire de non-résident, à un certificat, à une vignette d'identification d'étudiant ou autre, à l'immatriculation ou au permis d'immatriculation d'un véhicule, à une carte d'immatriculation, à une fiche ou à un autre document d'immatriculation de véhicule, s'entend au sens de la *Loi sur les conducteurs et les véhicules*. ("valid")

« **véhicule** » Engin à bord duquel, sur lequel ou grâce auquel une personne ou une chose peut être transportée ou tirée sur route. Sont exclus de la présente définition :

- a) les appareils mus uniquement par la force musculaire humaine ou utilisés exclusivement sur des rails immobiles;
- b) les engins motorisés. ("vehicle")

« **véhicule à caractère non routier** » Véhicule à caractère non routier au sens de la *Loi sur les véhicules à caractère non routier*. ("off-road vehicle")

« **véhicule automobile** » Véhicule automoteur, à l'exclusion :

"vehicle" means a device, in, upon, or by which a person or thing is or may be transported or drawn upon a highway but does not include

(a) a device designed to be moved solely by human muscular power or used exclusively upon stationary rails or tracks, or

(b) a motorized mobility aid;
(« véhicule »)

"vehicle identification number" means vehicle identification number as defined in *The Drivers and Vehicles Act*; (« numéro d'identification de véhicule »)

"vehicle used by a police force" means a vehicle equipped as an emergency vehicle and includes a vehicle equipped as an emergency vehicle that is owned or leased by the government and used by a person employed by the government as a peace officer for the enforcement of an Act or regulation of the Parliament of Canada or the Legislature, but does not include a vehicle equipped as an emergency vehicle when it is used for non-enforcement purposes by a person who is not a peace officer;
(« véhicule utilisé par un service de police »)

"WARN" means an indication on a calibrated screening device that the concentration of alcohol in the blood of the person whose breath is being analyzed is not less than 50 mg in 100 mL of blood; (« « Avertissement » »)

- a) du matériel agricole;
- b) du matériel de chantier;
- c) des véhicules à caractère non routier;
- d) des bicyclettes assistées.
("motor vehicle")

« véhicule d'urgence » Selon le cas :

- a) véhicule utilisé par un service de police;
- b) véhicule utilisé par un service d'incendie;
- c) véhicule utilisé par un service d'ambulance;
- d) véhicule d'urgence autorisé;
- e) véhicule utilisé en cas d'urgence, sous l'autorité d'un organisme d'urgence gouvernemental;
- f) véhicule utilisé pour l'entretien d'un service public et désigné à titre de véhicule d'urgence par une autorité chargée de la circulation;
- g) véhicule qui n'est pas ordinairement utilisé à des fins d'urgence mais qui est utilisé pour répondre à une situation d'urgence, notamment un incendie ou un problème d'ordre médical, soit par un intervenant d'urgence bénévole, à temps partiel ou de service, soit par une personne qui n'est pas intervenant d'urgence mais qu'un service d'incendie a

"written off" means written off as defined in *The Drivers and Vehicles Act*; (« perte totale »)

"yield sign" means a sign requiring the driver of a vehicle facing it to yield the right-of-way to traffic of an intersecting or connecting highway. (« signal "cédez le passage" »)

affectée à une intervention d'urgence. ("emergency vehicle")

« véhicule d'urgence autorisé » Véhicule qu'une organisation, à l'exception du gouvernement ou d'une municipalité, d'un district d'administration locale ou d'autres autorités locales, utilise à des fins de lutte contre les incendies ou de sauvetage, qu'elle utilise principalement pour son propre usage et que le registraire l'autorise par écrit à utiliser à ces fins. ("authorized emergency vehicle")

« véhicule réglementé » Sous réserve des règlements, véhicule qui est :

- a) soit un véhicule automobile ou une remorque dont le poids en charge autorisé est d'au moins 4 500 kg;
- b) soit un autobus. ("regulated vehicle")

« véhicule utilisé par un service de police » Véhicule équipé comme un véhicule d'urgence, y compris tout véhicule de ce genre que le gouvernement possède ou loue et que les personnes employées par le gouvernement à titre d'agents de la paix utilisent pour l'application de lois ou de règlements adoptés par le Parlement du Canada ou par l'Assemblée législative. La présente définition ne vise pas les véhicules équipés comme des véhicules d'urgence qui sont utilisés à d'autres

fins que l'application de lois par d'autres personnes autres que des agents de la paix. ("vehicle used by a police force")

« **vendeur** » Vendeur au sens de la *Loi sur les conducteurs et les véhicules*. ("salesperson")

« **vignette de classe d'immatriculation** » Vignette de classe d'immatriculation au sens de la *Loi sur les conducteurs et les véhicules*. ("registration class sticker")

« **vignette de validation** » Vignette de validation au sens de la *Loi sur les conducteurs et les véhicules*. ("validation sticker")

« **voie de service** » Chaussée qui est :

- a) située entre la chaussée principale d'une route et ses limites;
- b) utilisée ou destinée à être utilisée pour assurer l'accès à des biens-fonds contigus à la route qui ne sont pas accessibles à partir de sa chaussée principale. ("service road")

« **zone de limitation de vitesse** » Zone désignée à titre de zone de limitation de vitesse en vertu de l'article 94.1. ("restricted speed area")

« **zone de sécurité** » Espace officiellement réservé sur une route à l'usage exclusif des piétons et qui est protégé, marqué ou indiqué par des dispositifs de signalisation suffisants

de façon à être clairement visible. Les corridors pour piétons ne sont pas visés par la présente définition. ("safety zone")

Interpretation

1(2) For the purposes of a document, information, application, prosecution, process or other proceeding commenced or issued under or pursuant to this Act, any one or more of the terms "disqualified", "suspended", "cancelled" or "prohibited" or terms to like effect and other parts of speech and tenses of those terms may be used synonymously or interchangeably and the use of one or more or any of those terms does not affect the validity or sufficiency of the document, information, application, prosecution, process or other proceeding.

1(3) [Repealed] S.M. 2005, c. 37, Sch. B, s. 2.

Interpretation re certain provisions requiring driving on the right

1(4) When

- (a) this Act requires the driver or operator of a vehicle to drive or operate it as close as practicable to the right-hand edge or curb of the roadway or in the extreme right-hand lane of a laned roadway; and
- (b) complying with the requirement would require the driver or operator to travel

Interprétation

1(2) Aux fins des documents, des dénonciations, des poursuites, des actes de procédure et des instances prévus par la présente loi, les termes « interdit », « suspendu » et « annulé », et tout autre terme au même effet, sont synonymes. L'utilisation de ces termes ou de l'un quelconque d'entre eux n'a pas pour effet de porter atteinte à la validité de ces documents, dénonciations, poursuites, actes de procédure et instances.

1(3) [Abrogé] L.M. 2005, c. 37, ann. B, art. 2.

Interprétation — obligation de conduire à droite

1(4) Lorsque le présent code exige que le conducteur d'un véhicule le conduise le plus près possible de la bordure ou du bord droit de la chaussée ou dans la voie la plus à droite d'une chaussée à plusieurs voies et que, pour répondre à cette exigence, il lui faudrait circuler soit complètement ou partiellement dans une voie qui n'est pas du tout ni principalement destinée à la circulation des véhicules, soit entre la bordure ou le bord droit de la chaussée et

- (i) completely or partly in a traffic lane that is designated for the exclusive or primary use of non-vehicular traffic, or
- (ii) between the roadway's right-hand edge or curb and a traffic lane that is designated for the exclusive or primary use of non-vehicular traffic;

the driver or operator is deemed to comply with the requirement if the vehicle is driven or operated as close as is safe and practicable to the boundary of the non-vehicular traffic lane that is closer to the roadway's centre.

Interpretation re certain provisions requiring driving on the left

1(5) Subsection (4) applies, with necessary changes, when this Act requires the driver or operator of a vehicle to drive or operate it

- (a) as close as practicable to the left-hand edge or curb of the roadway; or
- (b) in the extreme left-hand lane of a laned roadway.

la voie qui n'est pas destinée à la circulation des véhicules, il est réputé répondre à cette exigence s'il conduit, de façon sécuritaire, aussi près que possible de la limite de la voie qui n'est pas destinée à la circulation des véhicules et qui se situe plus près du centre de la chaussée.

Interprétation — obligation de conduire à gauche

1(5) Le paragraphe (4) s'applique, avec les adaptations nécessaires, lorsque le présent code exige que le conducteur d'un véhicule conduise :

- a) le plus près possible de la bordure ou du bord gauche de la chaussée;
- b) dans la voie la plus à gauche d'une chaussée à plusieurs voies.

S.M. 1985-86, c. 12, s. 1;
 S.M. 1986-87, c. 14, s. 1 and 2;
 S.M. 1988-89, c. 14, s. 2;
 S.M. 1989-90, c. 7, s. 2;
 S.M. 1989-90, c. 56, s. 2;
 S.M. 1991-92, c. 25, s. 2 and 4;
 S.M. 1992, c. 58, s. 11; S.M. 1993, c. 35, s. 2;
 S.M. 1993, c. 48, s. 68; S.M. 1994, c. 4, s. 2;
 S.M. 1995, c. 31, s. 2; S.M. 1996, c. 19, s. 2;
 S.M. 1996, c. 26, s. 2 and 19;
 S.M. 1996, c. 58, s. 455; S.M. 1997, c. 28, s. 13;
 S.M. 1997, c. 37, s. 2; S.M. 2000, c. 35, s. 50;
 S.M. 2001, c. 7, s. 2; S.M. 2001, c. 19, s. 2;
 S.M. 2001, c. 29, s. 2; S.M. 2002, c. 1, s. 2;
 S.M. 2002, c. 24, s. 29; S.M. 2002, c. 26, s. 14;
 S.M. 2002, c. 48, s. 9; S.M. 2004, c. 11, s. 2;
 S.M. 2004, c. 30, s. 2;
 S.M. 2005, c. 37, Sch. B, s. 2;
 S.M. 2010, c. 52, s. 2; S.M. 2012, c. 10, s. 2;
 S.M. 2012, c. 34, s. 3; S.M. 2013, c. 21, s. 2;
 S.M. 2013, c. 49, s. 2;
 S.M. 2014, c. 32, s. 12 and 33;
 S.M. 2017, c. 13, s. 15;
 S.M. 2017, c. 22, s. 8 and 32;
 S.M. 2017, c. 36, s. 15;
 S.M. 2018, c. 10, Sch. B, s. 2;
 S.M. 2018, c. 12, s. 5; S.M. 2019, c. 6, s. 2;
 S.M. 2020, c. 21, s. 172; S.M. 2021, c. 4, s. 28;
 S.M. 2021, c. 5, s. 13; S.M. 2021, c. 15, s. 92;
 S.M. 2021, c. 25, s. 2;
 S.M. 2021, c. 30, s. 7 and 16;
 S.M. 2022, c. 13, s. 8; S.M. 2022, c. 18, s. 2;
 S.M. 2022, c. 21, s. 2; S.M. 2022, c. 39, s. 28;
 S.M. 2023, c. 9, s. 4; S.M. 2023, c. 18, s. 10.

L.M. 1985-86, c. 12, art. 1;
 L.M. 1986-87, c. 14, art. 1 et 2;
 L.M. 1988-89, c. 14, art. 2;
 L.M. 1989-90, c. 7, art. 2;
 L.M. 1989-90, c. 56, art. 2;
 L.M. 1991-92, c. 25, art. 2 et 4;
 L.M. 1992, c. 58, art. 11; L.M. 1993, c. 35, art. 2;
 L.M. 1993, c. 48, art. 68; L.M. 1994, c. 4, art. 2;
 L.M. 1995, c. 31, art. 2; L.M. 1995, c. 33, art. 10;
 L.M. 1996, c. 19, art. 2;
 L.M. 1996, c. 26, art. 2 et 19;
 L.M. 1996, c. 58, art. 455;
 L.M. 1997, c. 28, art. 13; L.M. 1997, c. 37, art. 2;
 L.M. 2000, c. 35, art. 50; L.M. 2001, c. 7, art. 2;
 L.M. 2001, c. 19, art. 2; L.M. 2001, c. 29, art. 2;
 L.M. 2002, c. 1, art. 2; L.M. 2002, c. 24, art. 29;
 L.M. 2002, c. 26, art. 14; L.M. 2002, c. 48, art. 9;
 L.M. 2004, c. 11, art. 2; L.M. 2004, c. 30, art. 2;
 L.M. 2005, c. 37, ann. B, art. 2;
 L.M. 2010, c. 52, art. 2; L.M. 2012, c. 10, art. 2;
 L.M. 2012, c. 34, art. 3; L.M. 2013, c. 21, art. 2;
 L.M. 2013, c. 49, art. 2;
 L.M. 2014, c. 32, art. 12 et 33;
 L.M. 2017, c. 13, art. 15;
 L.M. 2017, c. 22, art. 8 et 32;
 L.M. 2017, c. 36, art. 15;
 L.M. 2018, c. 10, ann. B, art. 2;
 L.M. 2018, c. 12, art. 5; L.M. 2019, c. 6, art. 2;
 L.M. 2020, c. 21, art. 172;
 L.M. 2021, c. 4, art. 28; L.M. 2021, c. 5, art. 13;
 L.M. 2021, c. 15, art. 92; L.M. 2021, c. 25, art. 2;
 L.M. 2021, c. 30, art. 7 et 16;
 L.M. 2022, c. 13, art. 8; L.M. 2022, c. 18, art. 2;
 L.M. 2022, c. 21, art. 2; L.M. 2022, c. 24, art. 17;
 L.M. 2022, c. 39, art. 28; L.M. 2023, c. 9, art. 4;
 L.M. 2023, c. 18, art. 10.

APPLICATION OF ACT

2(1) [Repealed] S.M. 2001, c. 19, s. 3.

2(2) [Repealed] S.M. 2013, c. 49, s. 3.

Separate roadways

APPLICATION DE LA PRÉSENTE LOI

2(1) [Abrogé] L.M. 2001, c. 19, art. 3.

2(2) [Abrogé] L.M. 2013, c. 49, art. 3.

Chaussées séparées

s'engager sur la
chaussée,

(B) a priorité à cette fin sur
les véhicules.

L.M. 1996, c. 26, art. 9; L.M. 2002, c. 40, art. 9.

BY MUNICIPAL AUTHORITY

Certain municipal by-laws respecting motor vehicles prohibited

89 Except as in this Act otherwise provided, the council of a municipality shall not pass, enforce, or maintain any by-law

- (a) requiring from any owner of a motor vehicle or a driver, or a dealer who holds a valid dealer's permit under *The Drivers and Vehicles Act*, any tax, fee, licence, or permit for or on account of the ownership or use of motor vehicles; or
- (b) excluding any of such persons from the use of a highway, except any driveway, speedway, or road that has been expressly set apart, by by-law, for the exclusive use of horses and light carriages; or
- (c) that in any way affects the registration or numbering of motor vehicles; or
- (d) regulating the speed of motor vehicles on a highway; or

CONTRÔLE DE LA CIRCULATION PAR L'AUTORITÉ MUNICIPALE

Arrêtés municipaux interdits

89 Sauf disposition contraire de la présente loi, il est interdit à tout conseil municipal de prendre, d'appliquer ou de maintenir en vigueur un arrêté, quel qu'il soit :

- a) exigeant du propriétaire ou du conducteur d'un véhicule automobile ou d'un commerçant titulaire d'un permis de commerçant valide, délivré en application de la *Loi sur les conducteurs et les véhicules*, une taxe, un droit ou un permis relatif à la propriété ou à l'utilisation de véhicules automobiles;
- b) interdisant aux personnes ci-dessus mentionnées l'usage d'une route, à moins qu'il ne s'agisse d'une entrée, d'une piste de course ou d'une voie expressément réservée par arrêté à l'usage exclusif des chevaux ou des cabriolets;
- c) visant de quelque façon que ce soit l'immatriculation des véhicules automobiles;

- (e) forbidding the use of any highway, contrary to or inconsistent with *The Drivers and Vehicles Act* or this Act;

and any by-law, or the provisions thereof, contrary to this section is or are of no validity or effect.

S.M. 2005, c. 37, Sch. B, s. 27.

Making of certain rules and by-laws by traffic authorities

90(1) A traffic authority may classify vehicles according to dimensions, design, weight, kind of weight carried or otherwise, for any class or all classes of vehicles and may make rules or by-laws supplementary to, or in addition to, but not contrary to, any provision of this Act, *The Drivers and Vehicles Act* or the regulations under either Act and applicable on highways over which the traffic authority has jurisdiction or within any area over which the traffic authority has jurisdiction, with respect to

- (a) parking, stopping and standing of vehicles and bicycles;
- (b) obstruction of traffic;
- (c) one-way streets or one-way roadways;
- (d) prescribing routes of travel, including prohibiting certain traffic from travelling on certain routes of travel or requiring

- d) réglementant la vitesse des véhicules automobiles sur route;
- e) interdisant l'usage d'une route, quelle qu'elle soit, contrairement au présent code ou à la *Loi sur les conducteurs et les véhicules* ou de façon incompatible avec ces textes.

Tout arrêté contraire au présent article est nul, en tout ou en partie, selon le cas.

L.M. 2005, c. 37, ann. B, art. 27.

Réglementation pour l'autorité chargée de la circulation

90(1) Toute autorité chargée de la circulation peut classer les véhicules, selon le gabarit, la conception, le poids, la nature de la charge ou autrement; elle est habilitée à prendre des règles ou des arrêtés qui suppléent le présent code, la *Loi sur les conducteurs et les véhicules* ou les règlements d'application de ces textes sans les contredire, lesquels règles et arrêtés sont applicables aux routes relevant de sa compétence ou à celles qui sont situées dans une région relevant de sa compétence,

- a) en matière de stationnement, d'arrêt et d'immobilisation des véhicules et des bicyclettes;
- b) en matière de blocage de la circulation;
- c) en matière de rues et de chaussées à sens unique;
- d) pour prescrire des itinéraires, y compris pour interdire à certains types de circulation d'emprunter

certain traffic to travel only on
certain routes of travel;

(e) pedestrian traffic including
pedestrian corridors;

(f) loading zones and bus stops;

(g) safety zones;

(h) preventing drivers of motor
vehicles from making
unnecessary noise in the vicinity
of hospitals;

(i) preventing turning otherwise than
at intersections, and otherwise
regulating such turning;

(j) traffic on streets in the vicinity of
public schools;

(k) traffic at intersections;

(l) traffic lanes, including prohibiting
certain traffic from travelling on
certain traffic lanes or requiring
certain traffic to travel only on
certain traffic lanes;

(m) [repealed] S.M. 1988-89, c. 14, s.
10;

(n) the directions that vehicles or
bicycles must follow on certain
streets or roadways;

(o) any matter that is prescribed in
the regulations;

and may impose penalties for a violation
of any such rule or by-law.

certain itinéraires ou pour exiger
qu'ils n'empruntent que certains
itinéraires;

e) en matière de circulation des
piétons, notamment en matière
de corridors pour piétons;

f) en matière de zones de
chargement et d'arrêts
d'autobus;

g) en matière de zone de sécurité;

h) pour interdire aux conducteurs
de faire du bruit, si ce n'est pas
nécessaire, à proximité des
hôpitaux;

i) pour interdire et réglementer les
virages hors intersection;

j) pour réglementer la circulation
dans le voisinage des écoles
publiques;

k) pour réglementer la circulation
aux intersections;

l) en matière de voies de
circulation, y compris pour
interdire à certains types de
circulation d'emprunter certaines
voies ou pour exiger qu'ils
n'empruntent que certaines
voies;

m) [abrogé] L.M. 1988-89, c. 14, art.
10;

n) pour prescrire la direction à
suivre par les véhicules ou les
bicyclettes dans certaines rues
ou sur certaines chaussées;

o) pour prévoir toute question
réglementaire.

L'autorité chargée de la circulation peut également imposer les peines sanctionnant les contraventions à pareil règle ou arrêté.

Penalty to be imposed by by-law

90(2) Where the traffic authority imposing a penalty under subsection (1) is a municipality, the council of the municipality shall impose the penalty by by-law.

Rules affecting provincial highways

90(3) Notwithstanding subsection (1), the council of an urban municipality may make rules or by-laws as provided in subsection (1) applicable to any part of a provincial highway within the municipality; but no such rule or by-law has effect unless approved in writing by the minister or the minister's delegate, and the notice of approval is attached to and forms part of the rule or by-law.

Withdrawal of approval

90(4) The minister or the minister's delegate may, by a notice in writing, withdraw an approval given under subsection (3), and the withdrawal is effective and any rule or by-law previously approved thereunder is void on and from the date set out in the notice.

Notice of rules and by-laws

Peine prévue par arrêté

90(2) Lorsque l'autorité chargée de la circulation qui impose une peine en application du paragraphe (1) est une municipalité, le conseil municipal impose cette peine par voie d'arrêté.

Règles régissant les routes provinciales

90(3) Par dérogation au paragraphe (1), le conseil municipal d'une municipalité urbaine peut prendre les règles ou les arrêtés visés au paragraphe (1) à l'égard d'une section de route provinciale située dans les limites de la municipalité. Toutefois, ces règles ou ces arrêtés n'entrent en vigueur que sur approbation écrite du ministre ou de son délégué. L'avis d'approbation est joint à la règle ou à l'arrêté et en fait partie intégrante.

Retrait de l'approbation

90(4) Le ministre ou son délégué peut, par avis écrit, révoquer l'approbation qu'il a accordée en vertu du paragraphe (3); la révocation prend effet à la date indiquée dans l'avis et la règle ou l'arrêté devient nul à cette date.

Communication des règles et des arrêtés

Where stopping, standing, parking prohibited

122(1) Except when necessary to avoid conflict with traffic or to comply with another provision of this Act or the regulations under this Act or the directions of a peace officer or traffic control device, no person shall stop, stand, or park a vehicle

- (a) on a sidewalk;
- (b) in front of a driveway;
- (c) within an intersection or within 3 metres thereof or such greater distance as may be prescribed by the appropriate traffic authority;
- (d) within three metres from the point on the curb or edge of the roadway immediately opposite a fire hydrant;
- (e) on a crosswalk;
- (f) within 3 metres of the approach side of a crosswalk;
- (g) within 9 metres upon the approach to any flashing beacon, "stop" or "arrêt stop" sign, or traffic control signal situated at the side of a roadway, or within such greater distance therefrom as may be prescribed by the appropriate traffic authority;
- (h) within 30 metres of the nearest rail of a railway crossing, or, except in the case of a railway crossing a provincial trunk

Cas d'interdiction

122(1) Sauf le cas où pareille manœuvre est requise pour éviter de gêner la circulation ou pour se conformer à une disposition du présent code ou des règlements pris en vertu de celui-ci ou aux indications données par un agent de la paix ou un dispositif de signalisation, il est interdit d'arrêter un véhicule, de l'immobiliser ou de le stationner :

- a) sur le trottoir;
- b) devant une entrée;
- c) dans une intersection, à 3 mètres ou moins d'une intersection ou à une distance plus grande que prescrit l'autorité chargée de la circulation compétente;
- d) à trois mètres ou moins du point de la bordure ou du bord de la chaussée opposé à une bouche d'incendie;
- e) sur un passage pour piétons;
- f) à 3 mètres ou moins du côté le plus proche d'un passage pour piétons;
- g) à 9 mètres ou moins d'une balise clignotante, d'un signal « arrêt stop » ou « stop » ou d'un signal réglant la circulation, ou à une distance plus grande que prescrit l'autorité chargée de la circulation compétente;
- h) à 30 mètres ou moins du rail le plus proche d'un passage à niveau ou, sauf le cas d'une voie

highway, within such greater or lesser distance therefrom as may be prescribed by the appropriate traffic authority;

- (i) within 6 metres of a driveway entrance to a fire station, or on the side of a street opposite the entrance to a fire station within 30 metres of the entrance when properly marked with signs, or, except in the case of a fire station adjoining or facing a provincial highway, within such greater or lesser distance as may be prescribed by the appropriate traffic authority;
- (j) alongside or opposite a street excavation or obstruction when stopping, standing, or parking obstructs traffic;
- (k) on the roadway side of a vehicle stopped or parked at the edge or kerb of a street;
- (l) upon a bridge or other elevated structure upon a highway or within a highway tunnel;
- (m) in a place in contravention of a traffic control device that gives notice that stopping, standing, or parking is there prohibited or restricted;
- (n) at a curve upon a highway outside a restricted speed area, unless a clear view of the vehicle may be obtained from a distance of at least 60 metres in each direction upon the highway;

ferrée croisant une route provinciale à grande circulation, à une distance plus grande ou plus petite que prescrit l'autorité chargée de la circulation compétente;

- i) à 6 mètres ou moins de l'entrée d'une caserne de pompiers, ou, s'il s'agit de l'autre côté de la rue, à 30 mètres ou moins de cette entrée si celle-ci est marquée de signaux appropriés, ou, sauf le cas de la caserne de pompiers donnant sur une route provinciale, à une distance plus grande ou plus petite que prescrit l'autorité chargée de la circulation compétente;
- j) à côté ou de l'autre côté de la rue de toute excavation ou obstruction de route, si l'arrêt, l'immobilisation ou le stationnement gêne la circulation;
- k) en double file contre un véhicule arrêté ou en stationnement en bordure ou au bord de la route;
- l) sur un pont ou autre ouvrage surélevé au-dessus d'une route ou à l'intérieur d'un tunnel routier;
- m) en contravention à un dispositif de signalisation qui interdit ou restreint l'arrêt, l'immobilisation ou le stationnement;
- n) dans une courbe sur toute route située à l'extérieur d'une zone de limitation de vitesse, à moins que le véhicule ne soit visible d'une

(o) in such manner that

(i) it constitutes a hazard on the highway, or

(ii) it is parked in contravention of

(A) any provision of this Act, or

(B) a rule or by-law of a traffic authority that has been passed and indicated or made known in accordance with this Act.

(p) and (q) [repealed] S.M. 2018, c. 10, Sch. B, s. 42;

distance de 60 mètres au moins dans les deux directions;

o) de manière

(i) que le véhicule constitue un danger sur la route,

(ii) que le véhicule soit stationné en contravention :

(A) soit avec toute disposition du présent code,

(B) soit avec une règle ou un arrêté pris par une autorité chargée de la circulation et adoptés et communiqués conformément au présent code.

p) et q) [abrogés] L.M. 2018, c. 10, ann. B, art. 42;

When parking permitted in intersection, crosswalk etc.

122(1.1) Notwithstanding clauses (1) (c), (e) and (f), a person may park a vehicle next to the edge or curb of a "T" intersection when a traffic authority permits and there is a traffic control device displayed that permits parking.

Definition

122(1.2) In subsection (1.1), "'T' intersection" means an intersection formed when two highways join one another at an angle but do not cross.

Exception

122(1.1) Par dérogation aux alinéas (1)c), e) et f), les véhicules peuvent être stationnés près de la bordure ou du bord d'un carrefour en T lorsqu'une autorité chargée de la circulation le permet et lorsqu'est en place un dispositif de signalisation permettant ce stationnement.

Définition

122(1.2) Au paragraphe (1.1), « carrefour en T » s'entend de la jonction de deux routes qui ne se croisent pas.

Parking distance from rail crossing

122(1.3) When the traffic authority that prescribes a greater or lesser stopping, standing or parking distance under clause (1)(h) is a municipal council, it must prescribe the distance by by-law.

By-laws affecting provincial highways

122(1.4) When a by-law of a municipal council under subsection (1.3) affects a provincial highway, the by-law has no effect unless it is approved in writing by the minister or the minister's delegate, and the notice of approval is attached to and forms part of the by-law.

Withdrawal of approval

122(1.5) The minister or the minister's delegate may, by a notice in writing, withdraw an approval given under subsection (1.4), and the withdrawal is effective, and the by-law previously approved is void, on and from the date set out in the notice.

Parking other vehicles

122(2) No person shall move a vehicle that is not lawfully under his control into any of the places mentioned in subsection (1).

Approbation des règlements

122(1.3) Si l'autorité chargée de la circulation qui augmente ou diminue une distance d'arrêt, d'immobilisation ou de stationnement en application de l'alinéa (1)h) est un conseil municipal, l'établissement de la distance se fait par voie d'arrêté.

Règles régissant les routes provinciales

122(1.4) L'entrée en vigueur d'un arrêté pris par un conseil municipal en vertu du paragraphe (1.3) et touchant une route provinciale n'a lieu que sur approbation écrite du ministre ou de son délégué. L'avis d'approbation est joint à l'arrêté et en fait partie intégrante.

Retrait de l'approbation

122(1.5) Le ministre ou son délégué peut, par avis écrit, révoquer l'approbation qu'il a accordée en vertu du paragraphe (1.4). La révocation prend effet à la date indiquée dans l'avis et l'arrêté devient nul à cette date.

Stationnement du véhicule d'autrui

122(2) Nul n'a le droit de déplacer un véhicule dont il n'a pas légalement la charge dans l'un des endroits visés au paragraphe (1).

S.M. 2013, c. 54, s. 42;
S.M. 2018, c. 10, Sch. B, s. 48.

PEDESTRIANS' RIGHTS AND DUTIES

Compliance by pedestrians with signals

138 Except when a traffic authority has otherwise ordered, where traffic control signals are operating at an intersection, pedestrians shall comply with them in the manner provided in section 88.

Right-of-way of pedestrian

139(1) Subject to section 140, where traffic control signals are not in place or not in operation when a pedestrian is crossing a highway within a crosswalk, and the pedestrian is upon the half of the highway upon which a vehicle is travelling, or he is approaching from the other half of the highway and is so close that he is in danger, the driver of the vehicle shall yield the right-of-way to the pedestrian.

Pedestrian to observe safety measures

139(2) No pedestrian shall leave a kerb or other place of safety and walk or run into the path of a vehicle that is so close that it is impracticable for the driver to yield.

s'agit d'un autobus scolaire ne soit recouverte.

L.M. 2013, c. 54, art. 42;
L.M. 2018, c. 10, ann. B, art. 48.

DROITS ET OBLIGATIONS DES PIÉTONS

Observation de la signalisation

138 Sauf ordre contraire de l'autorité chargée de la circulation, les piétons doivent se conformer, de la manière prévue à l'article 88, aux dispositifs de signalisation en service aux intersections.

Priorité des piétons

139(1) Sous réserve de l'article 140 et dans les cas où des dispositifs de signalisation ne sont pas en place ou en service, tout conducteur de véhicule doit céder le passage au piéton qui est en train de traverser la route à l'intérieur d'un passage pour piétons, lorsque ce piéton se trouve sur la moitié de la route où circule ce véhicule ou s'il arrive de l'autre moitié de la route, lorsqu'il est si près qu'il est en danger.

Obligation de sécurité des piétons

139(2) Il est interdit à tout piéton de quitter la bordure du trottoir ou autre zone de sécurité pour marcher ou courir devant un véhicule si proche qu'il est impraticable pour le conducteur de lui céder le passage.

Passing vehicle stopped for pedestrian prohibited

139(3) Where a vehicle is stopped at a crosswalk or at an intersection to permit a pedestrian to cross the highway, no driver approaching from the rear shall overtake and pass the stopped vehicle.

139(4) [Repealed] S.M. 2002, c. 40, s. 10.

S.M. 2002, c. 40, s. 10.

Where pedestrians yield right-of-way

140(1) When a pedestrian is crossing a roadway at a point other than within a crosswalk, he shall yield the right of way to a driver.

Duty not to obstruct traffic

140(2) A pedestrian who is crossing a highway shall do so with all reasonable speed so as not to obstruct traffic unnecessarily.

Pedestrian corridor, duties of driver

141(1) Subject to subsection (2), where

- (a) a pedestrian is at
 - (i) the kerb or edge of a roadway, or
 - (ii) a place of safety,
 that is adjacent to a pedestrian corridor that lies across a roadway upon which a vehicle is approaching

Interdiction

139(3) Lorsqu'un véhicule est arrêté à un passage pour piétons ou à une intersection pour permettre à un piéton de traverser, il est interdit à tout conducteur de véhicule s'approchant par derrière de dépasser ce véhicule à l'arrêt.

139(4) [Abrogé] L.M. 2002, c. 40, art. 10.

L.M. 2002, c. 40, art. 10.

Cas où les piétons doivent céder le passage

140(1) Tout piéton qui traverse une route en dehors des passages pour piétons doit céder le passage aux véhicules.

Obligation de ne pas gêner la circulation

140(2) Le piéton qui traverse une route le fait à une vitesse raisonnable afin de ne pas gêner inutilement la circulation.

Corridors pour piétons, obligations du conducteur

141(1) Sous réserve du paragraphe (2), tout conducteur doit ralentir ou, au besoin, arrêter son véhicule pour céder le passage :

- a) au piéton qui se trouve
 - (i) à la bordure ou au bord de la chaussée,
 - (ii) dans une zone de sécurité,

- (c) a vehicle that is in use by a merchant for the delivery of goods and that, at the time it is left unattended or parked, is so left for the purpose of permitting the driver thereof to deliver goods.

S.M. 1996, c. 79, s. 32; S.M. 2017, c. 36, s. 15;
S.M. 2018, c. 10, Sch. B, s. 75.

Where parking off roadway required

222(1) Where, outside a restricted speed area, it is practicable to stop, park, or leave a vehicle off a roadway, no person shall stop, park, or leave the vehicle, either attended or unattended, on the roadway.

Obstruction of traffic prohibited

222(2) No person shall park or leave a vehicle so as to obstruct the free passage of traffic on a highway; but this subsection does not apply in respect of a vehicle that is so disabled that it is not practicable to avoid parking or leaving it temporarily on a highway.

223 [Repealed]

S.M. 2018, c. 10, Sch. B, s. 76.

un règlement sur les véhicules avec chauffeur, au sens de cette loi;

- c) à l'égard de tout véhicule employé par un marchand à la livraison de marchandises et qui est laissé sans surveillance ou en stationnement pour que le conducteur puisse livrer ces marchandises.

L.M. 1996, c. 79, art. 32;
L.M. 2017, c. 36, art. 15;
L.M. 2018, c. 10, ann. B, art. 75.

Cas de stationnement interdit sur la chaussée

222(1) Lorsque, en dehors d'une zone de limitation de vitesse, il est possible d'arrêter, de stationner ou de laisser un véhicule en dehors de la chaussée, il est interdit d'arrêter, de stationner ou de laisser ce véhicule, sous surveillance ou non, sur la chaussée.

Interdiction de bloquer la circulation

222(2) Il est interdit de stationner ou de laisser un véhicule de façon à gêner la circulation sur route; le présent paragraphe ne s'applique cependant pas au véhicule en panne au point que le conducteur ne peut éviter de le stationner ou de le laisser temporairement sur la route.

223 [Abrogé]

L.M. 2018, c. 10, ann. B, art. 76.

FALSE STATEMENTS

False statements an offence

224(1) No person shall knowingly make a false statement of fact, whether oral or written,

- (a) in a report made or purporting to be made under any provision of this Act or the regulations; or
- (b) in any information or particulars furnished by him as required under any provision of this Act or *The Drivers and Vehicles Act*; or
- (c) in any application, declaration, affidavit, or paper writing required under this Act or the regulations, or under *The Drivers and Vehicles Act* or *The Manitoba Public Insurance Corporation Act* or the regulations under either of those Acts.

Offence and penalty

224(2) A person who contravenes subsection (1) is guilty of an offence and is liable on summary conviction to a fine of not more than \$5,000.

Additional penalty

224(2.1) If a licence, permit or registration has been issued to the person by reason of the commission of the

FAUSSES DÉCLARATIONS

Infraction en cas de fausses déclarations

224(1) Il est interdit de faire sciemment une fausse déclaration sur les faits, que ce soit de vive voix ou par écrit :

- a) dans un rapport fait ou devant être fait sous le régime de la présente loi ou des règlements pris pour son application;
- b) dans tout renseignement fourni en application d'une disposition du présent code ou de la *Loi sur les conducteurs et les véhicules*;
- c) dans toute demande, déclaration, affidavit ou écrit exigé par le présent code, la *Loi sur les conducteurs et les véhicules* ou la *Loi sur la Société d'assurance publique du Manitoba*, ou les règlements pris pour l'application de l'un de ces textes.

Infraction et peine

224(2) Quiconque contrevient au paragraphe (1) commet une infraction et est passible, sur déclaration de culpabilité par procédure sommaire, d'une amende maximale de 5 000 \$.

Peine supplémentaire

224(2.1) L'immatriculation ou le permis qui a été délivré au contrevenant en raison de la perpétration de l'infraction est

S.M. 2002, c. 40, s. 26.

b) d'une amende maximale de 5 000 \$ si le contrevenant est un commerçant ou une corporation.

L.M. 2002, c. 24, art. 29;

L.M. 2002, c. 40, art. 26.

DIVISION II OFFENCES AND PENALTIES

238(1) [Repealed] S.M. 1996, c. 26, s. 16.

Penalty for speeding offences

238(2) A person who is guilty of an offence under subsection 95(1) is liable to a fine of not more than \$7.70 for each km/h that the vehicle was driven over the speed limit at the place where the offence was committed.

Speeding in a designated construction zone

238(2.1) In addition to the penalty set out in subsection (2), a person who is guilty of an offence under clause 95(1)(c) (speeding in a designated construction zone) is liable to a further fine of \$7.70 for each km/h that the vehicle was driven over the speed limit at the place where the offence was committed.

Additional fine not conditional on construction activity or lower speed limit

238(2.2) To avoid doubt about the application of the additional fine set out in

SECTION II INFRACTIONS ET PEINES

238(1) [Abrogé] L.M. 1996, c. 26, art. 16.

Peine pour excès de vitesse

238(2) Quiconque commet une infraction que vise le paragraphe 95(1) est passible d'une amende maximale de 7,70 \$ pour chaque km/h dépassant la limite de vitesse fixée à l'endroit où l'infraction a été commise.

Excès de vitesse dans une zone de construction désignée

238(2.1) En plus de l'amende prévue au paragraphe (2), quiconque commet une infraction que vise l'alinéa 95(1)c) est passible d'une amende supplémentaire de 7,70 \$ pour chaque km/h dépassant la limite de vitesse fixée à l'endroit où l'infraction a été commise.

Amende supplémentaire — absence de construction ou de limite de vitesse inférieure

subsection (2.1), the additional fine applies whether or not

- (a) workers were present, equipment was being used or active construction work was being done anywhere in the designated construction zone when the offence was committed; or
- (b) the speed limit at the place where the offence was committed was established under section 77.1.

Additional suspension

238(3) When a person is convicted of an offence under subsection 95(1), the convicting judge or justice may, in addition to any other penalty prescribed under this Act, suspend the licence of the person for a period of not more than one year.

S.M. 1996, c. 26, s. 16; S.M. 2002, c. 40, s. 27;
S.M. 2004, c. 30, s. 27; S.M. 2008, c. 3, s. 16;
S.M. 2013, c. 21, s. 8;
S.M. 2018, c. 10, Sch. B, s. 80.

General offences and penalties

239(1) A person who contravenes or fails to comply with or obey

- (a) a provision of this Act or the regulations;

238(2.2) Il est entendu que l'amende supplémentaire prévue au paragraphe (2.1) s'applique que les conditions suivantes soient satisfaites ou non :

- a) les ouvriers étaient présents, du matériel était en cours d'utilisation ou des travaux de construction étaient en cours d'exécution dans une partie quelconque de la zone de construction désignée au moment de l'infraction;
- b) la limite de vitesse à l'endroit où l'infraction a été commise a été établie en vertu de l'article 77.1.

Suspension du permis

238(3) Lorsqu'une personne est déclarée coupable d'une infraction au paragraphe 95(1), le juge prononçant le verdict de culpabilité peut, en sus de toute autre peine imposée en application de la présente loi, suspendre le permis de cette personne pour une période maximale d'un an.

L.M. 1996, c. 26, art. 16;
L.M. 2002, c. 40, art. 27;
L.M. 2004, c. 30, art. 27; L.M. 2008, c. 3, art. 16;
L.M. 2013, c. 21, art. 8;
L.M. 2018, c. 10, ann. B, art. 80.

Infraction et peine générales

239(1) Commet une infraction et est passible, sur déclaration de culpabilité par procédure sommaire, d'une amende maximale de 2 000 \$, sauf si le présent

(b) a municipal by-law passed under the authority of this Act or the regulations; or

(c) an order, direction or requirement of a peace officer, a traffic authority or another authority or person

(i) given under the authority of this Act or the regulations, or

(ii) indicated or conveyed by a traffic control device;

is guilty of an offence and, except where another penalty is provided in this Act, is liable on summary conviction to a fine of not more than \$2,000.

Licence suspension or disqualification

239(2) In addition to imposing a fine under subsection (1), the convicting judge or justice may

(a) suspend the person's licence for a term of not more than one year; or

(b) disqualify the person from holding a licence for a term of not more than one year if, at the time of the conviction,

(i) the person does not hold a licence, or

(ii) the person's licence is suspended or he or she is disqualified from holding a licence.

code prévoit une autre peine, quiconque enfreint ou omet d'observer :

a) une disposition du présent code ou des règlements;

b) un arrêté municipal adopté en vertu du présent code ou des règlements;

c) l'ordre d'un agent de la paix, d'une autorité chargée de la circulation ou d'une autre autorité ou personne :

(i) donné en vertu du présent code ou des règlements,

(ii) indiqué ou transmis par un dispositif de signalisation.

Suspension ou interdiction

239(2) Outre l'amende prévue au paragraphe (1), le juge qui prononce le verdict de culpabilité peut :

a) soit suspendre le permis du contrevenant pendant au plus un an;

b) soit interdire au contrevenant d'être titulaire d'un permis pendant au plus un an, si au moment de la condamnation :

(i) il n'est pas titulaire d'un permis,

(ii) son permis est suspendu ou il lui est interdit d'être titulaire d'un permis.

Non-application to bicycle helmet offences

239(3) Subsections (1) and (2) do not apply to a contravention of section 145.0.1.

S.M. 1989-90, c. 4, s. 6; S.M. 1996, c. 26, s. 17;
S.M. 2002, c. 40, s. 28; S.M. 2004, c. 30, s. 28;
S.M. 2012, c. 39, s. 3; S.M. 2014, c. 32, s. 12;
S.M. 2018, c. 10, Sch. B, s. 81.

239.1 [Repealed]

S.M. 1989-90, c. 4, s. 7; S.M. 1993, c. 47, s. 8;
S.M. 2002, c. 40, s. 29.

Increased penalties for offences resulting in death

239.2(1) If a person's death results from the commission of an offence for which another person is convicted under subsection 239(1) or another provision of this Act, the convicting judge or justice may impose either or both of the following penalties:

- (a) a fine in an amount that is not restricted to the maximum fine otherwise provided for the offence;
- (b) a term of imprisonment of not more than two years.

This is despite section 239 or any other provision of this Act that sets out a penalty for the offence.

Licence suspension or disqualification

Non-application — infractions liées aux casques de bicyclettes

239(3) Les paragraphes (1) et (2) ne s'appliquent pas aux infractions à l'article 145.0.1.

L.M. 1989-90, c. 4, art. 6;
L.M. 1996, c. 26, art. 17;
L.M. 2002, c. 40, art. 28; L.M. 2012, c. 39, art. 3;
L.M. 2014, c. 32, art. 12;
L.M. 2018, c. 10, ann. B, art. 81.

239.1 [Abrogé]

L.M. 1989-90, c. 4, art. 7;
L.M. 1993, c. 47, art. 8; L.M. 2002, c. 40, art. 29.

Peines en cas d'infraction entraînant un décès

239.2(1) Si une personne décède à la suite d'une infraction dont une autre personne est déclarée coupable en vertu du paragraphe 239(1) du présent code ou d'une autre de ses dispositions, le juge qui prononce le verdict de culpabilité peut imposer les deux peines suivantes ou l'une d'entre elles :

- a) une amende qui peut être supérieure à l'amende maximale par ailleurs prévue;
- b) un emprisonnement maximal de deux ans.

Ces peines peuvent être imposées malgré l'article 239 ou toute autre disposition du présent code prévoyant une sanction à l'égard de l'infraction.

Suspension ou interdiction

to a justice, to be dealt with according to law.

Use of force

241.1(12) A peace officer and any person named in a warrant may use whatever reasonable force is necessary to execute the warrant and may call on a police officer for assistance in executing it.

Preserving status quo

241.1(13) A peace officer may take such measures as are reasonably necessary to secure any place or thing in relation to which a warrant under this section may be issued so as to preserve that place or thing pending the making and disposition of an application for the warrant.

S.M. 1997, c. 37, s. 22;

S.M. 2005, c. 37, Sch. B, s. 48.

Usage de la force

241.1(12) L'agent de la paix et toute personne nommée dans le mandat peuvent, dans l'exécution du mandat, recourir à la force nécessaire et faire appel à un agent de police pour les assister.

Maintien du statu quo

241.1(13) Un agent de la paix peut, en attendant qu'une demande de mandat soit présentée et qu'il soit statué sur celle-ci, prendre les mesures qu'il juge nécessaires afin de protéger un lieu ou une chose à l'égard duquel un mandat peut être délivré en vertu du présent article.

L.M. 1997, c. 37, art. 22;

L.M. 2005, c. 37, ann.B, art. 48.

DETENTION OF VEHICLE

Detention of motor vehicle by peace officer

242(1) A peace officer who has reason to believe that an offence has been committed by means of, or in relation to, a motor vehicle may detain the vehicle for five clear days, but the vehicle may be released sooner

- (a) if security for its production is given to the satisfaction of a justice; or

MISE EN FOURRIÈRE

Mise en fourrière ordonnée par un agent de la paix

242(1) L'agent de la paix qui a des motifs raisonnables de croire qu'une infraction a été commise au moyen ou à l'égard d'un véhicule automobile peut mettre en fourrière le véhicule pour une période de cinq jours francs; cependant celui-ci peut être remis plus tôt :

- a) si une sûreté qu'un juge estime suffisante a été déposée pour

(b) the justice is satisfied, by a certificate signed by a qualified mechanic, that the motor vehicle complies with the vehicle and equipment standards for the motor vehicle set out in the regulations.

garantir la production du véhicule automobile; ou

b) si le juge conclut, sur la foi d'un certificat signé par un mécanicien qualifié, que ce véhicule automobile est conforme aux normes réglementaires relatives aux véhicules et au matériel connexe.

Order for extending period of detention

242(2) Where a motor vehicle has been detained under subsection (1) and it is required

- (a) as evidence in a prosecution for an alleged offence under this Act or an alleged offence under the *Criminal Code* (Canada) committed by means of, or in relation to, a motor vehicle or off-road vehicle; or
- (b) for further investigation related to an offence under this Act or an alleged offence under the *Criminal Code* (Canada) committed by means of, or in relation to, a motor vehicle or off-road vehicle; or
- (c) the owner has failed to furnish to a justice a certificate signed by a qualified mechanic as provided for in clause (1)(b);

a peace officer may apply to a justice for an order to continue the detention of the motor vehicle beyond the period prescribed in subsection (1), and the

Prorogation de la période de mise en fourrière

242(2) Lorsqu'un véhicule automobile mis en fourrière en application du paragraphe (1) est exigé :

- a) à titre de preuve dans une poursuite pour infraction au présent code ou au *Code criminel* (Canada) commise au moyen ou à l'égard d'un véhicule automobile ou d'un véhicule à caractère non routier;
- b) pour complément d'enquête relativement à une infraction au présent code ou au *Code criminel* (Canada) commise au moyen ou à l'égard d'un véhicule automobile ou d'un véhicule à caractère non routier; ou
- c) parce que le propriétaire n'a pas pu produire au juge un certificat signé par un mécanicien qualifié conformément à l'alinéa (1)b),

un agent de la paix peut demander à un juge de rendre une ordonnance portant prorogation de la mise en fourrière du

TAB 3

This document is an office consolidation of by-law amendments which has been prepared for the convenience of the user. The City of Winnipeg expressly disclaims any responsibility for errors or omissions.

CONSOLIDATION UPDATE: NOVEMBER 9, 2022

THE CITY OF WINNIPEG

BY-LAW NO. 59/2020

A By-law of THE CITY OF WINNIPEG to ensure adequate preparation for, and an appropriate response to, emergencies.

WHEREAS the ability of the City of Winnipeg to respond appropriately to emergency situations requires appropriate preparation with carefully designed plans of action and clear decision-making structures and lines of responsibility and accountability;

AND WHEREAS the City is required by *The Emergency Measures Act* to develop, adopt and implement emergency preparedness programs and emergency plans and to establish committees and appoint individuals with responsibilities for the creation, revision and implementation of the required programs and plans;

AND WHEREAS the City is further required by regulations under *The Emergency Measures Act* to engage in regular tabletop and functional exercises;

AND WHEREAS the City has significant powers in an emergency granted to it by *The City of Winnipeg Charter* and *The Emergency Measures Act*, including the authority to declare a State of Local Emergency;

AND WHEREAS the City is often asked to provide assistance to governments and other entities during emergencies outside the City;

AND WHEREAS decisions during emergencies must often be made quickly and without the opportunity to consult and to obtain the normal approvals;

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

Short title

1 This By-law may be cited as the "Emergency Management By-law".

Definitions

2 In this By-law

"Business Continuity Plan" means a plan for responding to an event that affects critical services, including an emergency or disaster, which includes measures to ensure the continuation or restoration of those services during and after the event;

"CAO" means the Chief Administrative Officer of the City and includes the individual who occupies that position in an acting or interim capacity;

"Charter" means *The City of Winnipeg Charter*;

"City" means The City of Winnipeg continued under section 8 of the Charter;

"city" means the geographical area within the boundaries of the City of Winnipeg;

"Community Emergency Advisory Committee" means the Community Emergency Advisory Committee established by section 3;

"Council" means the council of the City;

"damage to property" includes but is not limited to harm or damage to the City's information technology infrastructure or to records or information held by the City;

"disaster" means an emergency which meets one or more the following criteria:

- (a) it has resulted or may result in widespread harm or damage to the safety, health or welfare of people or widespread damage to property or the environment;
- (b) an appropriate response to it requires the involvement of eight or more City departments;
- (c) an appropriate response to it requires suspension of normal departmental operations in one or more departments;
- (d) it has or threatens to have significant business continuity impacts on the City;
- (e) it requires the expenditure of more than \$10 million;

and, for purposes of illustration, includes a hazardous materials event threatening a neighbourhood, a tornado touching down within the city, or a power outage affecting a large portion of the city which lasts for two days or more;

“emergency” means a present or imminent situation or condition that requires prompt action to prevent or limit

- a) the loss of life, or
- b) harm or damage to the safety, health or welfare of people, or
- c) damage to property or the environment;

and includes a disaster;

“emergency exercises program” means a program of tabletop and functional exercises required by Provincial legislation;

“The Emergency Measures Act” means *The Emergency Measures Act*, C.C.S.M. c. E80;

“Emergency Plan” means a plan for preparing for, responding to and recovering from emergencies which is required by *The Emergency Measures Act* to be prepared, adopted and revised from time to time by the City and approved by the Provincial Coordinator;

“Emergency Preparedness Program” means a program designed to achieve a state of readiness for emergencies which is required by *The Emergency Measures Act* to be prepared, adopted and revised from time to time in accordance with this By-law and approved by the Provincial Coordinator and includes:

- (a) a hazard and risk assessment;
- (b) an Emergency Plan;
- (c) a Business Continuity Plan;
- (d) an emergency exercises program; and
- (e) a program of public awareness;

“external emergency” means

- (a) an emergency situation located outside the city which has prompted a representative of a governmental authority or other entity to request assistance from the City; or
- (b) an emergency which, although located outside the city, is sufficiently near the city to represent a threat to residents or property within the city;

“hazard and risk assessment” means a hazard and risk assessment required by *The Local Authorities Emergency Planning and Preparedness Regulation*, MR 159/2016;

“Mayor” means the Mayor of the City of Winnipeg and includes the Deputy Mayor or Acting Deputy Mayor when either is performing the duties and functions and exercising the powers of the Mayor;

“Municipal Emergency Coordinator” means the Municipal Emergency Coordinator appointed pursuant to section 6;

“Provincial Coordinator” means the Provincial official identified in *The Emergency Measures Act* as the “coordinator”;

“Public Service” means the employees of the City collectively.

PART 1 – ADMINISTRATIVE STRUCTURES FOR EMERGENCIES

Community Emergency Advisory Committee established

- 3(1)** A Community Emergency Advisory Committee is hereby established as the committee of members of the community to advise the Emergency Management Leadership Team on the development of emergency preparedness programs and emergency plans required by *The Emergency Measures Act*.
- 3(2)** The Community Emergency Advisory Committee has the following responsibilities:
- (a) advising the City on the development of an Emergency Preparedness Program, including an Emergency Plan; and
 - (b) participating in and guiding City efforts toward raising public awareness of emergency management, with particular emphasis on the development of an Emergency Preparedness Week.
- 3(3)** Council must appoint the members of the Community Emergency Advisory Committee in accordance with the Council approved Citizen Appointments to Boards & Commissions Policy, as nominated by the Emergency Coordinator, which shall consist of members of the community representing the diversity of Winnipeg's population and, in particular, Indigenous peoples, newcomers to Canada, persons with disabilities, seniors, and youth.
- 3(4)** The Community Emergency Advisory Committee shall consist of at least five members and shall be appointed to staggered two year terms, so that at roughly half the members' terms terminate annually. Members may serve for more than one term.
- 3(5)** Council shall appoint a Chair and a Vice-Chair of the Community Emergency Advisory Committee, either of whom may be a City Councillor.
- 3(6)** Meetings of the Community Emergency Advisory Committee shall not be held in public.
amended 84/2020
- 3(7)** A majority of the members of the Community Emergency Advisory Committee constitutes a quorum. The Community Emergency Advisory Committee shall make decisions by majority of the members present at a meeting and may make any other procedural rules or follow any procedures it considers appropriate so long as they are not in conflict with this By-law.

Emergency Management Leadership Team established

- 4(1)** The Emergency Management Leadership Team is hereby established as the local emergency response control group required by *The Emergency Measures Act*.
- 4(2)** The Emergency Management Leadership Team has the following responsibilities:
- (a) advising the Municipal Emergency Coordinator in preparing and coordinating an Emergency Preparedness Program for the City;

- (b) advising the CAO concerning the approval and revisions of the Emergency Preparedness Program;
 - (c) reviewing the Emergency Preparedness Program, including the Emergency Plan, at least once each year;
 - (d) reviewing the City's Business Continuity Plan at least once every two years;
 - (e) reporting to Council at least once each calendar year through the Executive Policy Committee as to its activities in the previous calendar year; and
 - (f) providing guidance and advice to the Chief Administrative Officer or their delegate during an emergency.
- 4(3)** The Emergency Management Leadership Team consists of
- (a) Mayor or Deputy Mayor;
 - (b) Chair of the Standing Policy Committee on Community Services;
amended 137/2022
 - (c) Chief Administrative Officer;
 - (d) Chief, Fire Paramedic Service;
 - (e) Chief, Winnipeg Police Service;
 - (f) Municipal Emergency Coordinator;
 - (g) the Executive Chief Officer of the Winnipeg Fire Paramedic Service responsible for emergency management; and
 - (h) other senior members of the leadership of the Public Service as selected by the CAO.
- 4(4)** The CAO or delegate shall chair the Emergency Management Leadership Team.
- 4(5)** A majority of the Emergency Management Leadership Team constitutes a quorum. The Emergency Management Leadership Team shall make decisions by majority of the members present at a meeting and may make any other procedural rules or follow any procedures it considers appropriate so long as they are not in conflict with this By-law.
- 4(6)** A member of the Emergency Management Leadership Team may delegate a senior subordinate to serve on the Emergency Management Leadership Team on their behalf.

CAO to adopt Emergency Preparedness Program and ensure required emergency exercises are conducted

- 5(1) After considering the advice of the Emergency Management Leadership Team, the CAO is authorized to adopt or revise all or part of the Emergency Preparedness Program submitted by the Municipal Emergency Coordinator.
- 5(2) The CAO is authorized to direct the Municipal Emergency Coordinator to revise the City's Emergency Preparedness Program when he or she considers it appropriate to do so and must do so when directed by the Minister under *The Emergency Measures Act* but must consider the advice of the Emergency Management Leadership Team when adopting the revised Program.
- 5(3) The CAO must ensure that the Public Service conducts regular tabletop exercises and functional exercises or full-scale exercises as required by *The Local Authorities Emergency Planning and Preparedness Regulation*, MR 159/2016 and provides the requisite reports on the exercises to the Provincial Coordinator.

Municipal Emergency Coordinator position established

- 6(1) The position of Municipal Emergency Coordinator within the Public Service is hereby established.
- 6(2) The CAO must appoint an individual to the position of Municipal Emergency Coordinator. When the position is vacant, the CAO must name an employee of the City as the Interim Municipal Emergency Coordinator pending the appointment of another individual to fill the post on a permanent basis.
- 6(3) The Municipal Emergency Coordinator must be a full-time City employee.
- 6(4) The individual appointed as Municipal Emergency Coordinator must meet the qualifications prescribed by *The Local Authorities Emergency Planning and Preparedness Regulation*, MR 159/2016.
- 6(5) Council must ensure that the Municipal Emergency Coordinator has the facilities, equipment and staff support reasonably necessary to carry out their responsibilities under this By-law.

Responsibilities of Municipal Emergency Coordinator

- 7 The Municipal Emergency Coordinator is responsible for the following:
 - (a) preparing, reviewing and revising when necessary a hazard and risk assessment that identifies all natural and human-made hazards and risks that could reasonably cause the following within the city:
 - (i) loss of life;
 - (ii) harm or damage to the safety, health or welfare of people;
 - (iii) damage to property or other economic impact;

- (iv) damage to the environment; or
 - (v) an interruption of a critical service;
- (b) preparing an Emergency Preparedness Program, other than a Business Continuity Plan, for adoption by the CAO;
- (c) reviewing the City's Emergency Preparedness Program, except the Business Continuity Plan, at least once each year and providing the results of that review to the Emergency Management Leadership Team for its consideration;
- (d) revising the City's Emergency Preparedness Program, except the Business Continuity Plan,
 - (i) when directed to do so by the CAO,
 - (ii) when the City is directed to do so by the Minister under *The Emergency Measures Act*, or
 - (iii) when the Municipal Emergency Coordinator becomes aware of a hazard or risk not identified in its most recent hazard and risk assessment.
- (e) ensuring that the Public Service conducts regular tabletop exercises and functional exercises or full-scale exercises as required by *The Local Authorities Emergency Planning and Preparedness Regulation*, MR 159/2016 and provides the requisite reports on the exercises to the Provincial Coordinator;
- (f) carrying out responsibilities assigned to the Municipal Emergency Coordinator by the Emergency Preparedness Plan.

PART TWO – EMERGENCY PREPAREDNESS

Content of Emergency Preparedness Program

8(1) An Emergency Preparedness Program adopted by the CAO must include:

- (a) a hazard and risk assessment;
- (b) an Emergency Plan;
- (c) a Business Continuity Plan;
- (d) an emergency exercises program; and
- (e) a program of public awareness.

8(2) As required by *The Local Authorities Emergency Planning and Preparedness Regulation*, MR 159/2016, the Emergency Preparedness Program must:

- (a) assist the City to prepare for, respond to, recover from and mitigate any hazard or risk identified in the most recent hazard and risk assessment;
- (b) include information as to how residents can look after themselves and their families during an emergency; and
- (c) provide for a public awareness campaign alerting residents to existing emergency management tools and where to obtain additional emergency and disaster information.

Contents of Emergency Plan and Business Continuity Plan

9(1) The Emergency Plan must

- (a) set out functions and responsibilities for positions within the Public Service before, during and after an emergency; and
- (b) account both for emergencies in which a State of Local Emergency is declared and emergencies in which it is not declared.

9(2) The Business Continuity Plan must set out functions and responsibilities for individuals occupying positions within the Public Service before, during and after an event that affects critical services, including an emergency.

9(3) The Emergency Plan and a Business Continuity Plan must reflect the full scope of powers available to the City under both the Charter and *The Emergency Measures Act*.

9(4) Notwithstanding the functions and responsibilities assigned to positions within the Public Service in an Emergency Plan or Business Continuity Plan, the CAO is authorized

- (a) to veto or overrule any decision or action proposed or taken by a member of the Public Service in respect of an emergency, except the Incident Commander on the scene of the emergency or the Winnipeg Police Service with respect to specific operational decisions, individual investigations and its day-to-day operations; and
- (b) to take any decision or action which a member of the Public Service could take under the Emergency Plan or Business Continuity Plan.

Confidentiality of portions of Emergency Plan and Business Continuity Plan

10(1) Because the effectiveness of an Emergency Plan and Business Continuity Plan depends on some portions of the plans remaining confidential, members of the Public Service and the Emergency Management Leadership Team who have access to a draft or an approved Emergency Plan or Business Continuity Plan must keep the contents of those plans in strict confidence except to the extent that portions of those plans are made available to the public by the CAO.

10(2) A violation of subsection (1) is an offence punishable under *The Provincial Offences Act*, in addition to employment consequences for members of the Public Service and removal from the Community Emergency Advisory Committee for members of that committee.

PART THREE - EMERGENCIES

Declaration of State of Local Emergency

- 11(1) Where authorized to do so by *The Emergency Measures Act*, Council may declare a State of Local Emergency.
- 11(2) If Council is unable to meet sufficiently quickly in order to respond to an emergency, the Mayor may declare a State of Local Emergency under subsection (1).
- 11(3) For greater certainty, an emergency can exist without a State of Local Emergency having been declared.

Delegation of authority to CAO in emergencies

- 12(1) Subject to this By-law and any restrictions on such delegation identified in *The City of Winnipeg Charter*, other legislation or at common law, all authority of the City to act in an emergency is hereby delegated to the CAO for use in an emergency.
- 12(2) Without in any way restricting the extent of the delegation of authority in subsection (1), the CAO may do any of the following when a State of Local Emergency has been declared:
- (a) cause emergency plans to be implemented;
 - (b) utilize any real or personal property considered necessary to prevent, combat or alleviate the effects of any emergency;
 - (c) authorize or require any qualified person to render aid of such type as that person may be qualified to provide;
 - (d) control, permit or prohibit travel to or from any area or on any road, street or highway;
 - (e) cause the evacuation of persons and the removal of livestock and personal property and make arrangements for the adequate care and protection thereof;
 - (f) control or prevent the movement of people and the removal of livestock from any designated area that may have a contaminating disease;
 - (g) authorize the entry into any building, or upon any land without warrant;
 - (h) cause the demolition or removal of any trees, structure or crops in order to prevent, combat or alleviate the effects of an emergency or a disaster;
 - (i) authorize the procurement and distribution of essential resources and the provision of essential services;
 - (j) regulate the distribution and availability of essential goods, services and resources;

- (k) provide for the restoration of essential facilities, the distribution of essential supplies and the maintenance and co-ordination of emergency medical, social and other essential services; and
 - (l) expend such sums as are necessary to pay expenses caused by the emergency or disaster.
- 12(3) In subsection (2), "emergency" and "disaster" means emergency and disaster as defined in section 1 of *The Emergency Measures Act*.
- 12(4) Without in any way restricting the extent of the delegation of authority in subsection (1), in the absence of a declaration of a State of Local Emergency, the CAO may take any actions and measures that are necessary to meet the emergency and to eliminate or reduce its effects.
- 12(5) For greater certainty and without derogating from the powers delegated in this section , the CAO has authority:
- (a) notwithstanding the budget approved by Council in any year, to approve additional appropriations to the budget, including reallocation of funds provided in a budget, and approval of additional expenditures to a maximum of \$10 million;
 - (b) to obtain goods and services without complying with City by-laws, policies or directives;
 - (c) to waive fees and charges applicable to goods and services provided by the City; and
 - (d) to seek assistance from other governments, including provincial and federal governments, and organizations on whatever terms seem appropriate to the CAO.
- 12(6) The authority delegated to the CAO by this section may only be exercised when:
- (a) it is reasonably necessary to use the authority to address the emergency in a timely manner; and
 - (b) it is reasonable to believe that the use of the authority is a better alternative than using other measures to address the emergency.
- 12(7) The authority granted to the CAO by this section may only be exercised as minimally as is reasonably necessary, consistent with the need to address the emergency.
- 12(8) The authority granted to the CAO by this section may only be exercised for so long as is reasonably necessary to address the emergency.
- 12(9) The authority granted to the CAO by this section may be delegated, in whole or in part, to City employees. For greater certainty, these delegations may be accomplished through any mechanism, including through job descriptions, express written delegations, verbal delegations or the Emergency Plan.

Obligation to report regarding use of delegated emergency powers

13(1) The CAO must annually present a report to Council through Executive Policy Committee setting out, without necessarily addressing specific emergencies:

- (a) the number of instances in which the CAO or other City employees have used the powers delegated by section 12;
- (b) the actions taken in the exercise of those powers; and
- (c) the justification for the exercise of those powers.

13(2) When the powers delegated by section 12 are used to respond to a disaster, the CAO must:

- (a) make reasonable attempts to notify all members of Council within 24 hours after the first use of those powers; and
- (b) provide a report to the members of Executive Policy Committee either verbally or in writing when as soon as practicable after the use of those powers, which report must set out the actions taken in the exercise of those powers and the justification for the exercise of those powers.

13(3) When the use of powers delegated by section 12 materially affects the Winnipeg Police Service' budget, the CAO shall report this fact to the Chair of the Winnipeg Police Board as soon as practicable after the use of those powers.

13(4) The obligation to report imposed by this section does not apply to the exercise of powers by the Winnipeg Police Service pursuant to its common law or statutory authority nor to the exercise of powers by the Winnipeg Fire Paramedic Service in responding to medical emergencies, fires, explosions, hazardous material situations and other similar incidents to which it is designed to respond.

External emergencies

14(1) The CAO is authorized to respond positively to a request for assistance in respect of an external emergency made by an appropriate representative of a governmental authority or other entity, if the assistance can be supplied without unduly impacting the City's operations and if the entity requesting the assistance is prepared to ensure that the City of Winnipeg recovers its costs in providing the assistance.

14(2) Where no fees have been established for the services, equipment or facilities provided under subsection (1), the CAO is authorized to charge the entity that has requested the assistance an amount based on a reasonable estimate of the costs to the City of providing the assistance or based on the loss of revenue or potential revenue to the City due to the provision of the assistance.

- 14(3)** Where an external emergency is sufficiently near the city to represent a threat to residents or property within the city
- (a) the CAO is authorized to utilize the powers set out in section 12;
 - (b) the restrictions and requirements set out in section 12 apply to the CAO's exercise of emergency powers; and
 - (c) the reporting requirements set out in section 13 apply to the CAO's exercise of emergency powers.

DONE AND PASSED this 26th day of June, 2020.

TAB 4

This document is an office consolidation of by-law amendments which has been prepared for the convenience of the user. The City of Winnipeg expressly disclaims any responsibility for errors or omissions.

CONSOLIDATION UPDATE: NOVEMBER 9, 2022

NEIGHBOURHOOD LIVEABILITY BY-LAW

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THE CITY OF WINNIPEG
NEIGHBOURHOOD LIVEABILITY BY-LAW
NO. 1/2008

A By-law of THE CITY OF WINNIPEG to regulate the maintenance of properties and other aspects of neighbourhood liveability in order to develop and maintain safe, orderly, viable and sustainable communities and to promote and maintain the health, safety and welfare of residents.

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

Short Title

1. This By-law may be referred to as the **"Neighbourhood Liveability By-law"**.

Definitions

2. In this By-law

"accessory structure" means a building or structure that is located on the same zoning lot as, and is subordinate or incidental to, a principal building or structure or use, and includes an outbuilding, garage, utility building, play structure, sign and structures supporting a sign, garbage enclosure, awning, fence, racking, storage unit or container, deck, antenna, canopy, marquee, satellite dish, mechanical penthouse, hot tub, fountain, water barrel, pond and swimming pool;

"back lane" means a street that has been designed, constructed and intended to provide access to and service at the rear of places of residence or business;

"basement" means that portion of a building between two floor levels which is partly or wholly below the adjacent finished grade;

"bathroom" means a room containing a bathtub or shower and a sink;

"boulevard" means the portion of a street on either side of a roadway but does not include a sidewalk, median or traffic island;

"Chief Administrative Officer" means the Chief Administrative Officer of the City of Winnipeg or delegate;

"Chief of Police" means the Chief of Police of the City of Winnipeg or delegate;

"Code" means the Manitoba Building Code and the Plumbing Code adopted by the Winnipeg Building By-law, the Manitoba Fire Code adopted by the Fire Prevention By-law and the Electrical Code adopted by the Electrical By-law, whichever is applicable;

"designated employee" means the Chief Administrative Officer of the City of Winnipeg or an employee of the City of Winnipeg to whom he or she has delegated the authority to administer or enforce all or part of this By-law;

"directional sign" means:

- (a) a sign which directs the public to or denotes the name of any thoroughfare, route, educational institution, public building, historical site, or hospital;
- (b) a sign which denotes any public or transportation facility;

"dwelling" means a building or other structure, all or part of which has been used, is used or is capable of being used for human habitation, and includes:

- (a) a single or two-family dwelling house;
- (b) an apartment block or other multiple family residential building;
- (c) a group home, assisted living facility and dormitory;
- (d) a live-work space;
- (e) a mobile home or recreational vehicle;
- (f) a hostel; and
- (g) a hotel;

"dwelling unit" means

- (a) a single family dwelling house;
- (b) a suite within a dwelling; or
- (c) one or more connected rooms within a dwelling, which may or may not include sanitary or kitchen facilities, used as a residence by a single person or by two or more people, whether related or not, who are living together as a housekeeping unit;

"election sign"

repealed 72/2018

"enforcement officer" means

- (a) an employee of the City of Winnipeg to whom the designated employee has delegated authority to enforce, implement or administer all or part of this By-law; and
- (b) any public health inspector with jurisdiction to enforce by-laws related to public health and safety within the boundaries of the City of Winnipeg; and
- (c) a member of the Winnipeg Police Service;

"extended boulevard" means a boulevard that

- (a) is at least 20 feet wide, as measured from the roadway to the sidewalk or property line; or
- (b) is intended to accommodate future street development;

"fence" means a constructed barrier or wall that is a fixture and includes a retaining wall and a railing enclosing a property;

"garage sale sign" *repealed 72/2018*

"garbage" includes:

- (a) animal, vegetable and agricultural wastes, including manure;
- (b) ashes;
- (c) large items of refuse, including appliances, indoor furniture, dilapidated outdoor furniture, mattresses, large auto parts and crates;
- (d) construction and demolition wastes;
- (e) dead animals;
- (f) industrial refuse;
- (g) rubbish;
- (h) abandoned or unattended shopping carts;
- (i) hazardous wastes;
- (j) wrecked, dismantled, partially dismantled, inoperative, discarded, or abandoned trailers, machinery or vehicles or parts thereof;

- (k) any deserted or discarded article, product or goods of manufacture;

but does not include a derelict vehicle, as defined in Division 2 of Part 1;

"guard" means a guard as required by *The Manitoba Building Code*, adopted by the Winnipeg Building By-law, for stairs, landings, porches, balconies, mezzanines, galleries, raised walkways and roofs to which access is provided for purposes other than maintenance;

"habitable room" means any room in a dwelling that is used or capable of being used for living, sleeping, cooking or eating or any combination thereof;

"handbill" *repealed 72/2018*;

"hardwired", in relation to an electrical appliance or device, means the process or condition by which the appliance or device has been permanently connected to an electrical circuit installed in compliance with the Electrical By-law;

"heating system" means:

- (a) a central furnace fuelled by natural gas, propane, electricity or oil;
- (b) a geothermal heat pump;
- (c) hardwired baseboard heaters;
- (d) a stove fuelled by wood or other solid fuel; or
- (e) a furnace fuelled by wood and another fuel;

but does not include one or more electrical space heaters connected by electrical cords to an electrical outlet;

"lux" means the SI unit of illuminance equal to one lumen per m²;

"median" means a portion of a street in the centre of a roadway that is maintained to improve traffic safety by separating lanes of opposing traffic and is not intended to carry vehicular traffic;

"mobile sign" *repealed 72/2018*

"newspaper" means any newspaper or magazine of general circulation for which the occupant has paid or requested delivery;

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

"non-residential property" means real property that is not residential property as defined in this section but does not include a street or a park;

"non-standard treatment" means a modification of the turf planted by the City on a boulevard, median or traffic island and includes aggregate, objects, solid materials or vegetation planted or placed within the boulevard;

"noxious weed" means a noxious weed as defined in *The Noxious Weeds Act*;

"nuisance" means any condition, matter, thing or activity, other than a noise or sound regulated by Part 5 (Noise Control), which causes undue annoyance or offence to a reasonable individual of ordinary sensitivity occupying adjacent properties or dwelling units or living in the neighbourhood;

"occupant" means any person who occupies a property;

"owner" in relation to real property, includes a person who is the owner of a freehold estate in the real property, including, in respect of common elements of a condominium, the condominium corporation, including

amended 85/2019

- (a) the person identified on the certificate of title as a sole owner, joint tenant, or tenant in common of a freehold estate;
- (b) a person who is registered under *The Condominium Act* as the owner, as defined in that Act, of a unit under that Act;
- (c) a real owner, as defined in subsection 1(1) of *The Municipal Assessment Act*;

and further includes a person who is responsible for the real property and any person

- (d) managing a building, whether on his or her own account or as agent or trustee of any other person;
- (e) who is receiving, is entitled to receive or would receive the rent for the building if the building were rented;
- (f) who, despite having sold the real property under an agreement for sale, has paid any real property taxes on the property after the effective date of the agreement;

- (g) for the time being receiving installments of the purchase price of a property sold under an agreement for sale whether on his or her own account or as an agent or trustee of any other person; and
- (h) who would receive the installments of the purchase price if such land or premises were sold under an agreement for sale;

"park" means a park as defined in The City Of Winnipeg Parks and Recreation By-Law No. 3219/82;

"person" includes a firm, partnership, association or other body, whether incorporated or unincorporated;

"poster" *repealed 72/2018*

"principal building" means a building or structure that contains one or more principal uses permitted by the zoning by-law applicable to the property;

"private access" means any modification to a street in order to facilitate vehicular access to private property and includes:

- (a) a vehicular drive, road, path, culvert or other structure constructed or maintained within a street between private property and the edge of a roadway for the use or benefit of the owner or occupant of the property;
- (b) a loading bay constructed entirely on the street to permit parking of vehicles;
- (c) an opening or other modification to a median within the street that facilitates access to private property;
- (d) a traffic lane within the roadway that is reserved for turning vehicles; and
- (e) a private walk;

"protective surface" includes any layer of material over an exterior or interior surface of a building to protect the surface against deterioration and, includes, without limitation paint, varnish, stucco, brick or stone facing, wood and asphalt shingle and insul-bric siding;

"property" means the total of all contiguous land described in a single certificate of title;

"residential property", unless otherwise defined, means property which falls within a "Residential and Residential-Related" use category under the Winnipeg Zoning By-law No. 200/2006 or the Downtown Winnipeg Zoning By-law No.100/2004 and includes dwellings and accessory structures on the property;

"roadside memorial"*added 65/2009; repealed 72/2018*

"roadway" means the portion of a street that is improved, designed or ordinarily used for vehicular traffic and includes a back lane but does not include a multi-use path or a sidewalk;

"rubbish" includes:

- (a) combustible items such as paper, rags, boxes, bedding and wood;
- (b) non-combustible items such as tin cans, metals, pressurized containers, ceramics, metal foils, plastics and glass; and
- (c) vegetative wastes, such as prunings, grass clippings, weeds, leaves and general garden wastes;

"sidewalk" means a footpath, whether or not paved or improved, that is intended primarily for the use of pedestrians and that either

- (a) forms part of a street; or
- (b) although not part of a street, is publicly maintained and set aside for pedestrian traffic only;

"sign"*repealed 72/2018*

"street" means any place or way, including any structure forming part thereof, which or any part of which the public is ordinarily entitled to use for the passage of vehicles or pedestrians, with or without fee or charge therefor, and includes all the space between the boundary lines thereof and includes:

- (a) roadways;
- (b) sidewalks;
- (c) medians;
- (d) boulevards;
- (e) traffic islands; and
- (f) private accesses;

but does not include any place or way that is governed by the Parks and Recreation By-law;

"suite" means one or more connected rooms in a dwelling used or intended to be used for human habitation by one or more people, containing cooking, eating, living, sleeping and sanitary facilities;

"toilet room" means a room which contains a toilet;

"traffic control device" means a sign or signal installed by the City which directs and regulates traffic;

"traffic island" means the area between traffic lanes for the control of vehicle movement or pedestrian refuge which is not intended to carry vehicular traffic;

"turf" means a layer of grass, whether planted or not, but does not include ornamental grasses that have been planted;

"utilities" means infrastructure used in the provision of electric power, natural gas, telephone, cable television, telecommunications services, sewer, storm sewer, water and traffic signals.

PART 1 STANDARDS APPLICABLE TO ALL PROPERTIES

Application of this Part

3(1) Unless otherwise stated, this Part applies to all properties in the City, whether occupied or vacant, except streets and parks.

3(2) Unless otherwise stated, the obligation for compliance with the provisions of this Part is imposed on both the owner and the occupant of a property.

3(3) The obligation for compliance imposed on occupants by this Part is imposed only in respect of that portion of the property which they are legally authorized to occupy.

DIVISION 1 – BASIC MAINTENANCE

Nuisances and unsanitary conditions

3.1(1) The owner and occupant must ensure that nuisances and unsanitary conditions are not created or allowed to exist on any property.

3.1(2) The obligation imposed by subsection (1) includes the obligation to ensure that properties and buildings are kept free of:

- (a) infestations of insects, rats, mice and other pests or vermin; and
- (b) any condition, matter, or thing that provides or may provide food or harbourage for pests or vermin.

3.1(3) The obligation imposed by subsection (1) includes the obligation to prevent the existence of lice, bed bugs, cockroaches, silverfish or other insects in any part of a building.

3.1(4) Where infestation has occurred in contravention of subsection 3.1(2), the owner and occupant must abate any infestation through the use of:

- (a) traps and other self-abatement measures; or
- (b) a monitored pest control program with a Certified Pest Control Agency,

until such time as the infestation has been effectively abated as determined by and to the satisfaction of the enforcement officer.

3.1(5) Where infestation in contravention of subsection 3.1(2) is abated through the use of a monitored pest control program pursuant to subclause 3.1(4)(b), the owner and occupant must:

- (a) maintain pest control records as created by a Certified Pest Control Agency;

- (b) ensure that no part of any pest control records maintained under clause (a) is erased, deleted, removed or otherwise obliterated; and
 - (c) produce pest control records for review by an enforcement officer upon demand.
- Added 72/2016 (entire section 3.1)*

Properties must be safe

4(1) Subject to subsection (2), properties must be maintained so as to prevent the existence of objects and conditions that pose health, safety, fire or accident hazards to people, animals or neighbouring properties.

4(2) Subject to subsection (3), the obligation in subsection (1) includes the obligation to repair, remove, rectify or otherwise prevent the existence of:

- (a) buildings or structures that constitute a fire hazard or are likely to fall or cause an explosion;
- (b) floors, stairs, walls and other structural aspects of buildings or structures that are insecure or pose a danger to people or animals who enter the building or structure;
- (c) a vacant building or structure that is unguarded or open so that entry can be easily gained to it;
- (d) uncovered and unguarded well, holes, excavations and other openings;
- (e) refrigerators and freezers that are not in use and other airtight containers that are large enough to hold a human being, unless the container is not placed door-side down on the ground and:
 - (i) the container is incapable of being locked;
 - (ii) the lock on the door is capable of being released from the inside; or
 - (iii) the lock or door has been removed;
- (f) sharp objects that could result in injuries, such as nails projecting from boards.

4(3) Where it is necessary

- (a) for a temporary period in order to permit construction or for other valid reasons; or
- (b) for the use to which non-residential property is being put in accordance with the relevant zoning by-law;

that a property contain hazardous articles or materials or objects or conditions that pose health, safety, fire or accident hazards, it is not a contravention of subsection (2) if

- (i) reasonable precautions are taken to prevent unauthorized individuals from entering the area;
- (ii) reasonable notice of the hazard is provided to individuals who may be harmed by it; and
- (iii) the existence in that location of the article, material, object or condition does not violate a By-law or other legislative provision.

General obligation to maintain property

5. Properties must be maintained so that they do not substantially depreciate the value of other land and buildings in the vicinity.

Properties must be kept free of garbage

6(1) Garbage must not be allowed to accumulate upon a property.

6(1.1) The following items of garbage must not be allowed to accumulate on private property:

- (a) one or more large items of refuse, including appliances, indoor furniture, dilapidated outdoor furniture, mattresses, large auto parts and crates;
- (b) hazardous waste, as defined in the Solid Waste By-law;
- (c) construction, demolition or renovation waste;
- (d) wrecked, dismantled, partially dismantled, inoperative, discarded, or abandoned trailers, machinery or vehicles or parts thereof;
- (e) six or more bags of garbage.

added 65/2013

6(2) Garbage must not be allowed to blow or otherwise be carried from a property onto other property, a street or a park.

6(3) Garbage that is eligible for removal under the Solid Waste By-Law must be stored in receptacles or plastic garbage bags that are protected from damage and made available for removal in accordance with the Solid Waste By-law.

Properties must be properly drained

7(1) Properties must be maintained so as to prevent water draining in a way that negatively affects buildings on the property or neighbouring properties or that creates hazardous conditions.

7(2) The obligation imposed in subsection (1) includes the obligation to ensure that a property is:

- (a) covered with sufficient ground cover to prevent erosion; and
- (b) graded in such a manner so as to prevent:
 - (i) excessive or recurring ponding of water;
 - (ii) excessive dampness from occurring in buildings on or adjacent to the yard; or
 - (iii) a hazardous condition from being created on any private or public walkway.

7(3) Building interiors must at all times be kept free from standing water.

added 72/2016

7(4) The obligation imposed in subsection (3) includes the obligation to ensure that any standing water is removed and abated.

added 72/2016

Vegetation on properties

8(1) Plants and vegetation must be kept trimmed so as not to become unsightly.

8(2) Other than on properties zoned for agricultural grazing and feeding and agricultural cultivation, turf must be kept trimmed to a maximum length of 15 cm (6 inches).

8(3) Noxious weeds must be controlled on all properties.

8(4) Trees or shrubs on property must not be allowed to interfere with:

- (a) the City's works, including sewer and water pipes;
- (b) the operations of the City on the street;
- (c) pedestrian or vehicular traffic on the street;
- (d) motorists' or pedestrians' view of directional signs or traffic control devices;
- (e) the sightlines of motorists or pedestrians.

Walkways, driveways and parking spaces

9(1) A walkway must be provided from the principal entrance of every principal building to a public street or to a driveway affording access to a public street.

9(2) Every walkway, driveway and parking space must be surfaced with stone, asphalt, concrete, gravel or aggregate or other similar material and must be maintained so as to afford safe passage under normal use and weather conditions.

9(3) Subsection (2) does not apply to private accesses.

Exterior walls of buildings

10(1) Exterior walls of buildings must be maintained in good repair.

10(2) The obligation in subsection (1) includes the obligation to:

- (a) ensure that the exterior surfaces of buildings are constructed of materials that provide adequate protection from the weather;
- (b) protect the exterior walls, chimneys, coping, flashing and other components from deterioration by the application of a protective surface and by restoration and repair;
- (c) ensure that the paint on a painted surface is maintained and renewed so that no more than 25% percent of the area of any painted surface is blistered, cracked, flaked, scaled, or chalked away;
- (d) ensure that the mortar of any masonry, chimney or stone wall is not loose or has fallen out.

Doors and windows

10.1(1) When closed, every exterior door to a building:

- (a) must be properly fitted within its frame; and
- (b) must be equipped with hardware so as to be capable of being locked or secured as required by all applicable by-laws, codes or regulations relevant to the door's egress type.

10.1(2) All windows that are capable of being opened must have locking hardware capable of being opened from inside the building.

10.1(3) All windows, exterior doors, basement and roof hatchways and their frames and other components must be constructed and maintained so as to completely exclude moisture and substantially exclude wind from entering the building.

10.1(4) All windows and doors, including frames, sashes, casings, weatherstripping and other components must be kept in good repair.

10.1(5) All windows must be properly glazed.

added 72/2016 (entire section 10.1)

Roofs of buildings

11(1) Roofs must be kept in good repair.

11(2) The obligation in subsection (1) includes the obligation to ensure that

- (a) roofs are constructed and maintained so as to prevent moisture from entering the building;
- (b) fascia boards, soffits, cornices, flashing, eavestroughing and downspouts are maintained in a watertight condition;
- (c) where the protective surface of a roof consists of wood shingles, they are maintained in good repair and are painted, stained or otherwise treated as may be necessary to protect against deterioration.

11(3) Loose or unsecured objects, including dangerous accumulations of snow or ice or both, must be removed from the roof of a building.

11(4) Roof drainage must be controlled in order to eliminate or minimize runoff that

- (a) accumulates or causes ground erosion or ponding;
- (b) causes dampness in the walls, ceilings or floors of any portion of any neighbouring building;
- (c) accumulates on sidewalks or stairs in a manner so as to create a hazardous condition.

11(5) The obligation in subsection (4) includes the obligation to install eavestroughs and downspouts on any pitched roof.

Foundations of buildings

12. Every foundation wall of a building must be maintained in good repair and must be structurally sound so as to prevent undue settlement of the building.

Porches and entrances

13(1) Porches and entrances to a building must be maintained in good repair so that no component is broken, loose, rotted, warped, out-of-plumb, off-level or out of alignment.

13(2) Exterior steps must be kept in good repair so as to provide safe use under normal use and weather conditions and, if constructed of wood, must be protected against deterioration by the application of an appropriate protective coating.

Accessory structures

14. Accessory structures, including fences, must be maintained in a condition that is:

- (a) weather resistant, through the application of appropriate materials, including paint and preservatives; and
- (b) in good repair.

Termite infestations

15(1) Where termites are found in, on or around any wooden structure, tree or tree stump, the owner must

- (a) treat the surrounding soil with an appropriate, registered insecticide capable of exterminating termites; and
- (b) remove or treat the structure, tree or tree stump to make it resistant to termites.

15(2) A structure that has been infested with termites must not be moved until a designated employee certifies that it is free of termites and that it is structurally capable of being moved.

15(3) A wooden structure may not be erected for a period of three years within 100 m of any area that has been infested with termites unless

- (a) the soil surrounding the structure to a depth lower than the foundation of the structure; and
- (b) the basement and lowest storey of the structure;

have been treated with an insecticide capable of killing termites so that there is no access to the structure except through the treated soil.

15(4) The treatments required by subsections (1) and (3) must be applied by a pesticide applicator who holds a valid licence for this purpose.

Pigeons

16(1) In this section

"aviary" means a pen or run enclosed by wire immediately adjacent to a loft, into which pigeons can only enter directly from the loft;

"loft" means a building, structure or coop in which pigeons are housed or kept;

"racing pigeon" means a pigeon banded with a seamless, numbered leg band issued by an active racing club or association and raised for the purpose of racing;

"show pigeon" means a pigeon banded with a seamless, numbered leg band issued by an active show club or association and raised for the purpose of show.

16(2) The occupant of property must not keep pigeons or allow pigeons to be kept on the property unless authorized by an annual permit issued by a designated employee.

16(3) Subject to subsection (4), the occupant of property must ensure that no more than 40 pigeons over the age of one month are kept on a property unless specifically authorized by the annual permit.

16(4) Notwithstanding subsection (3), up to 150 racing pigeons and show pigeons may be kept on a property.

16(5) The owner and occupant of property must ensure that pigeons kept on the property are contained within a loft which:

- (a) provides at least 0.2 square meters of floor space for each pigeon;
amended 71/2012
- (b) is dry and well-ventilated;
- (c) is cleaned regularly, kept in a sanitary condition and is disinfected at least twice annually;
- (d) is not located within 6 m of a principal building on the property and is not located within 9 m of any other principal building.

16(6) Subject to subsection (7), the occupant of property must ensure that pigeons being kept on the property are contained within the loft and aviary.

16(7) Subsection (6) does not apply to

- (a) 20 or fewer racing pigeons and show pigeons released for exercise at any one time and supervised by a person located on the property to ensure that the pigeons do not roost on other properties;
- (b) racing pigeons returning to the loft from a supervised race or training flight.

16(8) Notwithstanding subsection (7), the occupant of property must not allow any pigeons being kept on the property from being released:

- (a) after 9:00 a.m. on Saturdays, Sundays or statutory holidays; and
- (b) between the hours of 9:00 a.m. and 4:00 p.m. on any other day during the months of May, June, July, August and September.

Minimum heat in non-residential buildings

17(1) Subject to this section, the occupant of a non-residential building must ensure that areas of the building used for any business, trade or occupation are maintained at

- (a) a temperature of no less than 20° C (68° F) during the time that individuals employed by the business or engaged in a trade or occupation are present or are required to be in those areas; and
- (b) a temperature of no less than 15.5° C (60° F) at all other times.

17(2) Section (1) does not apply

- (a) to all or part of a building used for a business, trade or occupation which can only be properly or efficiently carried on in temperatures lower than 68° F;
- (b) during a period when a heating boiler is shut down at the request of the Manitoba Department of Labour for the purposes of an inspection under *The Steam and Pressure Plant Act*.

Caretaker phone number to be posted when 3 or more dwelling units rented

17.1(1) Where three or more dwelling units are rented or offered for rent in a dwelling, the property owner must

added 85/2019

- (a) appoint a property manager or caretaker for that property, who may be the property owner; and
- (b) post in a conspicuous place on the exterior of the building a permanent sign setting out the name of the property manager or caretaker for that property and a telephone number at which the property manager or caretaker can be reached or a voice mail left for him or her.

17.1(2) The property owner must ensure that the property manager or caretaker named on the sign referred to in subsection (1) returns a telephone call with respect to property concerns made to the posted number within 48 hours.

added 85/2019

DIVISION 2 – DERELICT VEHICLES**Definitions**

18. In this Division

"building" means a structure with four walls and a roof but does not include a carport, tarp or covering for a vehicle;

"derelict vehicle" means a used motor vehicle that
amended 91/2022

- (a) is not in an operating condition and is rusted, wrecked or partly wrecked, or is dismantled or partly dismantled;
- (b) is not insured and registered under The Highway Traffic Act and does not have a current, valid license plate attached to it; and
- (c) is entirely or partially located outside of a building.

"operating condition", in relation to a vehicle, means that it is capable of being driven on a highway in compliance with *The Highway Traffic Act*;

Application of this Division

19. This Division applies to all residential and non-residential properties in the City of Winnipeg except a property that is the subject of a subsisting licence issued by the City of Winnipeg as a scrap yard or used material yard.

Prohibition on storing derelict vehicles on property

20(1) A person must not park, store or leave a derelict vehicle on a residential or non-residential property.

20(2) An owner or occupant must not permit a derelict vehicle to be parked, stored or left on his or her property.

Compliance orders

21. Any order to remedy a contravention of section 20 (prohibition on storing derelict vehicles on property) must provide a date for compliance at least thirty days after the date the order was served.

amended 176/2008

Removal of derelict vehicle

22(1) Where an order to remedy a contravention of section 20 (prohibition on storing derelict vehicles on property) has been issued, a designated employee may take action to remedy the contravention in accordance with *The City of Winnipeg Charter* and such action may include removing the derelict vehicle from the private property to a place of impoundment.

amended 176/2008

22(2) Within 72 hours after removing a derelict vehicle from private property to a place of impoundment, the designated employee must notify

- (a) the owner of the derelict vehicle, if known; and

- (b) the owner or occupant of the private property on which the derelict vehicle was situated;

of the removal by personal service, or by sending it by registered mail or delivery to an address determined in accordance with this By-law.

22(3) The notice of the removal of a derelict vehicle required by subsection (2) must:

- (a) describe the derelict vehicle and the location from which it was removed;
- (b) identify the place of impoundment to which it has been removed;
- (c) set out the costs that must be paid before the derelict vehicle may be returned to the owner; and
- (d) advise that a failure to redeem the derelict vehicle by paying the costs could result in the derelict vehicle being disposed of by the City of Winnipeg.

Redemption of derelict vehicle

23. The owner of a derelict vehicle may redeem it by providing proof of ownership and paying the costs of removing it, not to exceed \$100.00, and the daily costs of storing it, not to exceed \$20.00 per day.

Sale of derelict vehicle by the City

24. If a derelict vehicle has not been redeemed by the owner within 10 days after has been removed, the designated employee may dispose of the derelict vehicle and may execute a bill of sale to the purchaser of the derelict vehicle.

Proceeds of sale

25. The proceeds of the sale of a derelict vehicle may be used to offset the costs incurred by the City in enforcing this By-law, including removing and storing the derelict vehicle, and any balance remaining must be paid to the owner of the derelict vehicle or, if another person claims the balance, to the Court of Queen's Bench to be paid out as the court orders.

PART 2 RESIDENTIAL PROPERTIES

Application of this Part

26(1) Unless otherwise stated, this Part applies to all residential properties in the City of Winnipeg which are not vacant, as that term is defined in the Vacant and Derelict Buildings By-law, including dwellings and accessory structures on those properties.

26(2) The obligations imposed by this Part are in addition to, and not in lieu of, any obligation imposed by Part 1 of this By-law.

26(3) Unless otherwise stated, the obligation for compliance with the provisions of this Part is imposed on both the owner and the occupant of a property.

26(4) The obligation for compliance imposed on occupants by this Part is imposed only in respect of that portion of the property which they are legally authorized to occupy.

Limitations on structures and vehicles used for residence

27(1) Subject to subsection (2), other than in a camping ground or a mobile home park zoned for this purpose, a person must not

- (a) reside in;
- (b) use as a shelter; or
- (c) store his or her clothing or personal effects in for the purpose of living in;

an automobile, mobile home, recreational vehicle, camper, tent or other temporary structure.

27(2) It is not a contravention of subsection (1) if a person does any of the things set out in subsection (1) for a period of not more than three days or for a longer period with the written permission of a designated employee.

27(3) A designated employee may issue permission under subsection (2) only if, and to the extent that, the person doing any of the things set out in subsection (1) will not result in a nuisance or an unsanitary condition.

27(4) A person must not

- (a) reside in;
- (b) use as a shelter; or
- (c) store his or her clothing or personal effects in for the purpose of living in;

all or any part of a building and the owner of property must not permit the use of, or rent or offer to rent, all or any part of a building for any of these purposes unless

- (a) the building is located on residential property;
- (b) the building has been designed and constructed or renovated for the purpose of human habitation; and
- (c) the building meets the standards set out in this By-law.

General duties and obligations

28(1) All repairs to dwellings and accessory structures must 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.

28(2) The owner and occupant of a dwelling or dwelling unit must:

- (a) limit the occupancy of the dwelling or dwelling unit to the maximum number of individuals permitted by this By-law or any other by-law;
- (b) maintain safe and unobstructed means of egress to the exterior of the dwelling;
- (c) maintain all required safety features and equipment in good working order;
- (d) maintain the floors, walls, ceilings, furnishings and fixtures in a clean and sanitary condition;
- (e) keep it free from rubbish, garbage and other debris or conditions which constitute a fire, accident or health hazard;
- (f) maintain all plumbing, cooking and refrigeration fixtures and appliances as well as other building equipment and storage facilities in a clean and sanitary condition and provide reasonable care in their operation and use.

Nuisances and unsanitary conditions

29(1) *repealed 72/2016*

29(2) *repealed 72/2016*

29(3) *repealed 72/2016*

Furnished accommodations

30. Where furnished accommodations are provided in any dwelling, all furniture, refrigerators, cooking appliances, beds, bedspreads, bedsprings, pillows, mattresses, bed linen, blankets, bed covers, blinds and curtains must be maintained in good repair and in a clean and sanitary condition.

Exterior surfaces

31. Exterior walls of a dwelling must 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.

Foundations and structural elements

32(1) The foundations of a dwelling must be maintained in a condition so as to prevent the entrance of moisture, rodents, insects or vermin.

32(2) The obligation in subsection (1) includes the obligation to ensure that unprotected openings in an exterior wall or foundation are screened with wire mesh or other such material that will effectively exclude rodents, insects and vermin.

32(3) The structural elements of a dwelling must be capable of sustaining safely the weight of the dwelling and any normal load to which it may be subjected;

32(4) Where a dwelling is on a surface foundation, its beams or joists must be maintained free of rot and must not be settling.

32(5) Where a dwelling on a surface foundation has settled or has beams that have rotted to the point where the habitability of the dwelling is adversely affected, a new foundation must be constructed and concrete piers must be installed, broken or rotted joists, beams and floors be renewed and the building levelled.

Basement floors and walls

33(1) Basement walls and floors of a dwelling must be constructed of masonry, concrete, preserved wood or other material impervious to external moisture.

33(2) Materials in basement walls and floors of a dwelling that have been damaged or show evidence of rot or other deterioration must be repaired or replaced.

33(3) Basement floors of a dwelling must be so constructed as to effectively drain all water into a catch basin which must be connected to a sewerage system, or another subsurface water drainage system.

Floors

34(1) The floors of a dwelling must be maintained so that they are:

- (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.

34(2) Vertical openings on a floor of a dwelling, including service spaces, chutes, air vents and elevator shafts, must be covered or barricaded in a manner that prevents accident or injury.

34(3) Floor coverings in a dwelling must be in good repair, well fitted and capable of being easily cleaned.

34(4) Floors of kitchens, bathrooms, shower rooms, toilet rooms, laundry areas or other areas in a dwelling where large amounts of water are likely to be present must be finished with a material that is resistant to water.

34(5) Floor covering replacements in a dwelling must be a minimum of 2 mm in thickness.

34(6) A smooth subfloor underlay must be provided under resilient flooring, parquet flooring, ceramic tile, felted synthetic fibre floor coverings or carpeting laid over lumber floors in a dwelling.

34(7) Where necessary to prevent condensation, mould, or frost buildup in a dwelling, the floors of habitable rooms adjacent to any unheated area must be insulated and have a vapour barrier installed in accordance with Code.

Walls and ceilings

35(1) Walls and ceilings in a dwelling, including door jams and stops, baseboards, quarter round and other components, must be maintained in good repair.

35(2) The obligation in subsection (1) includes the obligation to finish the walls and ceilings with paint, varnish, stain or wallpaper and to maintain walls and ceilings:

- (a) in a safe condition and free from loose plaster and other hazards;
- (b) in a clean condition; and
- (c) free of holes, large cracks and loose plaster.

35(3) In a dwelling, a waterproof finish such as ceramic, plastic or metal tile, sheet vinyl, tempered hardboard, laminated thermosetting decorative sheets or linoleum must be installed to a height of not less than:

- (a) 1.8 m above the floor in shower stalls;
- (b) 1.2 m above the rims of bathtubs equipped with showers;

- (c) 400 mm above the rims of bathtubs not equipped with showers.

35(4) Where necessary to prevent condensation, mould, or frost buildup in a dwelling, the walls and ceilings of habitable rooms adjacent to any unheated area must be insulated and have a vapour barrier installed in accordance with Code.

Doors and windows

36(1) In addition to the obligations imposed in section 10.1, every exterior door to a dwelling and every door to a dwelling unit within a dwelling:

amended 72/2016

- (a) must be equipped with hardware so as to be capable of being locked from both the inside and outside;
amended 72/2016
- (b) must allow individuals within the dwelling unit to exit without the use of a key; and
amended 72/2016
- (c) must not be secured with a lock and hasp.
amended 72/2016

36(2) All enclosed spaces in a dwelling must be provided with an opening of sufficient size to permit entry to the space and fitted with a door or panel to enclose the opening.

amended 72/2016

Screens and storm windows and doors

37(1) Close-fitting screened sashes must be installed on all openable windows in a dwelling from May 1 to November 1 in each year and must be maintained in good condition.

37(2) Screens on sashes required by subsection (1) must be composed of not less than number 14 mesh which is maintained free of holes.

37(3) Where necessary to prevent rodents, insects or vermin from gaining entry to the dwelling, close fitting screen doors must be installed in exterior doorways and must be maintained in good condition.

37(4) Storm sashes, used in windows required for ventilation in a dwelling, must be provided with sliding or hinged sub-sashes or with an other openable device.

37(5) Where necessary to protect against the elements

- (a) properly fitting storm doors must be provided; and
- (b) storm windows must be provided for the windows of habitable rooms and basements;

in a dwelling from November 1 to April 30 in each year.

Guards and handrails

38(1) Within a dwelling, every interior stair that has more than two risers must have the sides of the stair, the landing and the floor level around the stairwell enclosed by walls or protected by guards, except that a stair to an unfinished basement may have one unprotected side.

38(2) Every exterior landing or porch that is attached to a dwelling and that is more than 90 cm above the adjacent grade, and every balcony, mezzanine, gallery, raised walkway and roof to which access is provided for other than maintenance purposes, must be protected by guards on all open sides.

38(3) Within a dwelling, a handrail must 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.

38(4) Where this section requires that stairs must be protected by handrails or guards, the handrails and guards must be at least 75 cm in height above a line drawn through the outside edges of the stair nosings and 90 cm in height above landings.

38(5) Where this section requires that guards must be installed around accessible roof levels, porches, exterior balconies or walkways to which access is provided, the guards must be at least 107 cm in height, except that those within dwelling units may be 90 cm in height.

38(6) Where balustrades are used as a guard in compliance with this section, they must prevent the passage of a spherical object having a diameter of 10 cm through the balustrade.

38(7) All guards and handrails required by this section must be maintained in good repair and must be firmly attached so as to provide reasonable protection against accident and injury.

38(8) Fire escapes on the exterior of dwellings must be maintained in good repair and free of obstructions.

38(9) When stairs within or attached to a dwelling are replaced or substantially repaired, the guards and handrails must be constructed so as to meet the standards of the current edition of the Manitoba Building Code.

Kitchens

39(1) Within a dwelling, a kitchen must be equipped with a kitchen sink and a counter work surface at least 150 cm long and 55 cm wide, including the area occupied by the kitchen sink.

39(2) The backsplash and countertop around the kitchen sink within a dwelling must have a water-resistant surface.

39(3) Storage cabinets must be installed under the counter work surface in a kitchen within a dwelling, providing at least 1.0 m² of shelf area, and must be maintained in good repair and in a clean condition.

39(4) A clear space of 60 cm must be provided above the heating elements of any cooking appliance within a dwelling.

Bedrooms

40(1) A bedroom or other room used for sleeping purposes within a dwelling must have at least one closet or wardrobe for storage of clothing.

40(2) The closet or wardrobe required by subsection (1) must:

- (a) have at least 0.5 m² of floor area;
- (b) be at least 55 cm deep; and
- (c) have a shelf of not less than 27.5 cm in depth at least 1.5 m from the floor.

40(3) Bedrooms within a dwelling must be equipped with a close fitting door with hardware so as to ensure privacy.

Plumbing standards

41(1) Every dwelling must be provided with an adequate supply of running water that is safe and fit for human consumption without further treatment.

41(2) Every sink, wash basin, bathtub or shower in a dwelling must have hot and cold running water and every toilet must have running water in a supply and at a pressure adequate for the purpose for which that fixture is intended to be used.

41(3) In every dwelling, hot water must be supplied at a minimum temperature of 43° C (110° F) and must not exceed a maximum of 57° C (135° F) at the tap.

41(4) All plumbing in a dwelling, including fixtures, drains, water pipes and connecting lines to the water and sewer systems, must be:

- (a) protected from freezing; and
- (b) maintained in good working order; and
- (c) free from leaks or other defects.

41(5) Every dwelling must be provided with at least the following:

- (a) a kitchen sink;
- (b) a toilet;
- (c) a washbasin; and
- (d) subject to subsection (6), a bathtub.

41(6) Notwithstanding clause (5)(d), a dwelling may be provided with a shower rather than a bathtub where there is insufficient space in the dwelling unit for a bathtub.

41(7) Sewage or organic waste from a dwelling must be discharged into a sewerage system as required by the Sewer By-law.

Sanitary facilities

42(1) Bathrooms and toilet rooms in a dwelling must be fully enclosed and fitted with a door and hardware so as to be capable of being locked from the inside in order to provide privacy for the occupant.

42(2) In a dwelling, a wash basin must be installed either in the same room as a toilet or in an accessible adjacent room.

42(3) Bathtubs, showers and toilets in a dwelling must not be located in a habitable room.

42(4) Seats must be provided for all toilets in a dwelling and must be kept in good repair.

42(5) No person may restrict or hinder an occupant from using the toilet, bathtub, shower or wash basin in a dwelling.

42(6) Where sanitary facilities are shared by occupants of more than one dwelling unit:

- (a) all occupants must have convenient access to a toilet, wash basin and bathtub or shower;
- (b) all of the required plumbing facilities must be located within the building so as to be accessible from a common hall or passageway to all persons sharing such facilities without going outside the building and without going through another dwelling unit;
- (c) required plumbing facilities must not be located more than one floor away from every dwelling unit; and
- (d) no more than ten occupants may share a
 - (i) toilet,
 - (ii) wash basin; or
 - (iii) bathtub or shower.

Heating standards

43(1) A dwelling must be provided with a heating system

- (a) installed under permit and in compliance with Code;
- (b) maintained in a safe and good working condition; and

- (c) supplied with fuel or power so as to provide the dwelling with sufficient heat in compliance with this section.

43(2) Subject to subsection (4), a room temperature of not less than 70° F (21° C), measured at a height of 75 cm from the floor in the centre of each occupied room within a dwelling, must be maintained between the hours of 7:00 a.m. and 11:00 p.m.

43(3) Subject to subsection (4), a room temperature of not less than 65° F (18° C), measured at a height of 75 cm from the floor in the centre of each occupied room within a dwelling, must be maintained between the hours of 11:00 p.m. and 7:00 a.m.

43(4) Subsections (2) and (3) do not apply during a period when a heating boiler is shut down at the request of the Manitoba Department of Labour for the purposes of an inspection under *The Steam and Pressure Plant Act*.

43(5) When operating, a space heater within a dwelling must be

- (a) located so as not to cause a fire hazard to walls, curtains or furniture;
- (b) located so as not to impede the movement of persons within the room where the heater is located; and
- (c) operated and maintained in accordance with the manufacturer's instructions.

43(6) A space within a dwelling that contains fuel burning equipment must be provided with a natural or mechanical means of supplying fresh air for combustion.

43(7) A fuel-fired heating appliance within a dwelling must be vented by means of rigid connections to a chimney or vent flue in compliance with The Winnipeg Building By-Law.

43(8) Every chimney, smoke pipe and flue of a dwelling must:

- (a) be maintained so as to prevent any gases, water or any liquid from leaking into the dwelling;
- (b) be kept clear of obstructions; and
- (c) have all defective masonry or metal components repaired or replaced.

43(9) Where all or part of a heating system or an auxiliary heating system in a dwelling burns solid or liquid fuel, a receptacle approved by the Department of Labour for the storage of the fuel must be provided and maintained in a convenient location and must be constructed so as to be free from fire or other hazards.

43(10) Within a dwelling, a fireplace capable of being used and its components must have been designed and must be maintained so that adjacent combustible material and structural members are not heated to unsafe temperatures.

Gas and open flame appliances

44 Within a dwelling, gas stoves, gas water heaters, gas fireplaces and other gas appliances that have open flames must be kept in good repair and must be equipped with suitable pipes or flues or other effective means for the removal of the products of combustion.

amended 54/2015

Ventilation

45(1) All enclosed spaces within a dwelling must be capable of being and must be ventilated sufficiently to prevent mould, mildew and condensation and to provide for an exchange of fresh air.

45(2) Unless serviced by a operational central air conditioning system, habitable rooms within a dwelling, except kitchens and bathrooms, must have at least one window which can be easily opened and held in an open position by window hardware.

45(3) An openable window, a local vent or a mechanical ventilation system must be located in all bathrooms and toilet rooms in a dwelling.

45(4) A mechanical ventilation system installed in a bathroom, toilet room or kitchen in a dwelling must 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.

Electrical services

46(1) Every dwelling must be connected to an electrical supply system and must be hardwired for electricity.

46(2) A supply of hardwired electric power must be available at all times in all areas of every occupied dwelling.

46(3) The capacity of the electrical service to the dwelling and the system of circuits distributing the electrical supply within the dwelling must be adequate for the actual use and intended use of the dwelling.

46(4) Electrical wiring, circuits, fuses, circuit breakers and electrical equipment within a dwelling must be maintained at all times in compliance with the provisions of The Winnipeg Electrical By-Law.

46(5) Subject to subsection (6), every habitable room within a dwelling must be provided with at least one electrical receptacle.

46(6) Every kitchen or room where cooking takes place must be provided with at least two receptacles, suitably located, one for a refrigerator and one over or adjacent to the counter work surface. At least one of the receptacles must be supplied by a branch circuit that does not supply any other outlets.

46(7) If an electric range is provided in a dwelling unit, a receptacle in addition to those required by subsections (5) and (6) must be provided exclusively for the electric range.

46(8) A receptacle and receptacle circuit on an electric range may be taken into account in determining compliance with subsection (6).

46(9) All lighting and appliance branch circuits must be protected by an overcurrent device rated at not more than 15 amperes and must be protected from inadvertent overfusing by the insertion of a fuse rejector into the fuse holder, or by the use of a circuit breaker.

46(10) Extension cords must not be used in place of hardwiring for receptacles, lighting fixtures and switches, and must be replaced with hardwiring.

Light

47(1) Common stairways, corridors and halls as well as storage rooms, locker rooms and service rooms in a multiple family dwelling must at all times be capable of being illuminated to an average level of at least 50 lux at the floor level to provide safe passage and to facilitate cleaning.

47(2) All rooms in a dwelling must be capable of being illuminated by artificial light adequate for the use to which the room is being put.

47(3) Every habitable room must have one or more windows, sliding glass doors or a combination thereof, with translucent panels that face directly to the outside, sufficient to produce 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.

47(4) In calculating compliance with subsection (3), the area of a window whose natural light is blocked by a wall or other portion of the building located less than 1 meter from the window must not be included as contributing to the required minimum window area of the room.

47(5) In calculating compliance with subsection (3), skylights which are constructed so as to be watertight and protected in a suitable manner against condensation may be included in the calculation so long as they are not the sole source of natural light in any room.

Smoke alarms

48(1) The requirements imposed by this section are in addition to, and not in lieu of, requirements imposed by the Fire Prevention By-law and other regulations.

48(2) Smoke alarms conforming to CAN/ULC-S531-02 "Standard for Smoke Alarms" must be installed in every dwelling unit.

48(3) Smoke alarms within dwelling units must be installed between each sleeping area and the remainder of the dwelling unit and, where the sleeping areas are accessed by a hallway, the smoke alarms must be installed within the hallway.

48(4) Smoke alarms in a dwelling must be installed on or near the ceiling and otherwise in conformance with CAN/ULC-S553-02 "Installation of Smoke Alarms".

48(5) Smoke alarms must be hardwired unless they are located in a dwelling constructed prior to 1981 which has not subsequently renovated in a way that would permit hardwiring.

48(6) Where smoke alarms are installed with hardwired, there must be no disconnect switch between the overcurrent device and the smoke alarm.

Fire alarm and smoke alarm systems

49 All fire alarm systems and smoke alarm systems installed in a dwelling must be operational and in good repair at all times.

Space requirements

50(1) Except as provided in section 52 and 53, all dwellings must meet the following minimum space requirements:

- (a) habitable rooms, bathrooms and toilet rooms must have a ceiling height of not less than 210 cm;
- (b) hallways, corridors and passageways must have a ceiling height of not less than 210 cm and a width of not less than 85 cm;
- (c) stairways must have a minimum head room of at least 195 cm, measured vertically from a line drawn through the outer edges of the nosings;
- (d) Each room used for sleeping in a dwelling:
 - (i) must have a floor area of at least 5.6 m² for a single occupant; and
 - (ii) must have at least 3.7 m² of floor area for each occupant when two or more persons occupy the room;
- (e) the total area of the habitable rooms in each dwelling unit must total at least 7.4 m² for each occupant of a dwelling;

50(2) Where a dwelling is being rented, a designated employee is authorized to affix to the dwelling a card setting out the number of persons who may occupy the dwelling and the owner must ensure that the number of occupants of the dwelling does not exceed the number posted.

Basement occupancies

51(1) In this section

"bedroom" means a room that is being used for sleeping, or is furnished with a bed, a cot, a convertible couch or other furniture that is set up or easily converted for sleeping;

51(2) This section applies to all residential buildings, including multiple family residential buildings, except that subsections (5) and (6) do not apply to bedrooms in basements of residential buildings if the owner can demonstrate that

- (a) the bedroom is part of a converted residential building that has been issued a final report under the Residential Buildings Fire Safety By-law No. 4304/86, and that the bedroom was approved under and continues to meet the standards of that By-law;
- (b) the bedroom is part of a residential building that met the fourth or subsequent edition of the Manitoba Building Code, that the bedroom was permitted and inspected for compliance with one of those codes, and that it continues to meet those standards; or
- (c) the bedroom is equipped with an automatic sprinkler system installed and operating in compliance with
 - (i) NFPA 13, Standard for the Installation of Sprinkler Systems, 1984 Edition;
 - (ii) any edition of NFPA 13D, Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes; or
 - (iii) any edition of NFPA 13R, Standard for the Installation of Sprinkler Systems in Low Rise Residential Occupancies.

51(3) Notwithstanding any other section in this Part, habitable rooms in a basement must meet the following requirements:

- (a) floors and walls must be impervious to leakage and surface run-off water;
- (b) the ceiling height in every habitable room must be at least 195 cm, except under beams, doorways and ducting where it must be at least 185 cm;
- (c) stairs leading to the basement must be at least 75 cm in width, must have a maximum rise of 20 cm, a minimum run of 21 cm and a minimum tread of 23.5 cm, and must provide a minimum headroom clearance of 185 cm measured vertically from a line shown through the outer edges of the nosings.

51(4) If a dwelling unit exists in a basement, it must be protected from sewage backflow by the installation of a backwater valve in accordance with the City of Winnipeg Building By-law.

51(5) Every bedroom in a basement must have at least one window or door opening to the outside which is:

- (a) capable of being opened from the inside without the use of keys, tools or special knowledge and without the removal of sashes or hardware;
- (b) subject to subsection (6), unobstructed by any obstacle that would reasonably prevent a person from escaping the bedroom through the door or window.

51(6) If a bedroom complies with subsection (5) because it has a window that opens to the outside,

- (a) the window must provide an unobstructed opening of at least 0.35 m² in area with no dimension less than 38 cm, which opening must be maintained during an emergency without needing to be propped open;
- (b) if the window opens into a window well, a clearance of at least 76 cm must be provided in front of the window;
- (c) If the window opens into a window well and a protective enclosure is installed over the window well, the protective enclosure must be capable of being opened from the inside without the use of keys, tools or special knowledge of the opening mechanism.

amended 54/2015 (entire section 51)

Attic and partial storey occupancies

52(1) Notwithstanding section 50 (general space requirements), dwellings in attics or partial storeys must meet the following requirements:

- (a) at least one-half of the floor area of every habitable room must have a ceiling height of at least 210 cm;
- (b) stairways leading to the dwelling must be at least 75 cm wide and must not be inclined to an angle of more than 50 degrees from horizontal and must provide a minimum clearance height of 180 cm measured vertically from a line drawn through the outer edges of the nosings.

52(2) The floor area of that part of any room in a dwelling in an attic or partial storey where the ceiling height is less than 137 cm must 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 under clause 50(1)(e);

PART 3 LITTERING AND GARBAGE

Littering, dumping and large scale dumping of garbage prohibited

53(1) In this section,

"dumping", in relation to garbage, means depositing, discarding or leaving garbage, other than litter, on a street, in a public place or on private property that is not the property of the person, except in a container designed for garbage collection;

"large scale dumping", in relation to garbage, means

- (a) from a vehicle, depositing, discarding or leaving garbage, other than litter, on a street, in a public place or on private property that is not the property of the person, except in a container designed for garbage collection; or
- (b) depositing, discarding or leaving any of the following items on a street, in a public place or on private property that is not the property of the person, except in a container designed for garbage collection:
 - (i) one or more pieces of furniture or appliances, including mattresses;
 - (ii) hazardous waste, as defined in the Solid Waste By-law;
 - (iii) construction, demolition or renovation waste;
 - (iv) six or more bags of garbage;

"litter", when used as a noun, means a single small item of garbage, such as a cigarette butt, a food or candy wrapper, or a disposable container;

"littering" means depositing, discarding or leaving litter on a street, in a public place or on private property that is not the property of the person, except in a litter receptacle or in a container designed for garbage collection.

53(2) A person must not litter.

53(3) A person must not dump garbage.

53(4) A person must not engage in the large scale dumping of garbage.

53(5) The owner of a vehicle, and the person driving a vehicle, must not permit the vehicle to be used in the large scale dumping of garbage.

amended 65/2013

Spitting prohibited

54. A person must not spit in a public place except in a litter receptacle.

Garbage escaping vehicle

55. The owner of a vehicle that is conveying solid waste, and the person driving the vehicle, must each ensure that

- (a) the solid waste is adequately secured so as to prevent it from escaping from the vehicle.
- (b) the solid waste does not blow off or fall off and is not deposited on
 - (i) a street, including an alley;
 - (ii) any public place; or
 - (iii) on private property, except with the permission of the owner.
amended 110/2012

Duty of property owners/occupants

56. The owner and occupant of property must ensure that

- (a) the public sidewalk and the boulevard in front of and flanking the property;
and
- (b) a back lane in rear of the property;

is kept free of garbage:

Duty of business owners

57. The owner of a business that sells food or drinks in containers or papers must collect and dispose of the containers and papers discarded on the premises or on adjoining public or private land within a distance of 100 metres of the businesses.

PART 4
HANDBILLS, POSTERS, ROADSIDE MEMORIALS
AND TEMPORARY SIGNS ON STREETS

amended 65/2009; 72/2018

57.1 In this Part,

"election sign" means a sign used to promote a candidate or party during a municipal, provincial or federal election, or any election held pursuant to *The Municipal Councils and School Boards Election Act*;

added 72/2018

"garage sale sign" means a sign advertising the sale of personal or household goods from a residential property;

added 72/2018

"handbill" means any printed or written matter, sample or device, and includes a circular, leaflet, pamphlet, paper or booklet that does not identify itself as being directed to a particular person, but does not include a newspaper, mail or notices delivered by Canada Post and material distributed during a municipal, school board, provincial or federal election which has been authorized by the official agent of a candidate;

added 72/2018

"mobile sign" means a sign which is mounted on a trailer, vehicle, stand or similar support structure which is designed in such a manner that the sign can be readily relocated to another location, and which may include copy that can be changed through the use of removable characters or panels;

added 72/2018

"poster" means a printed picture, notice or advertisement which is not self-supporting; and is attached with its entire back surface against a pole, wall or other structure;

added 72/2018

"roadside memorial" means a marker constructed, erected, posted or placed within the street to memorialize an event that resulted in a fatality;

added 72/2018

"sign" includes

- (a) a letter, word or numeral;
- (b) a pictorial representation, illustration or decoration; or
- (c) an emblem, symbol, logo or trademark;

that is placed on an object, including paper, cloth or wood and includes a flag but does not include a poster, traffic control device, directional sign, or roadside memorial.

added 72/2018

Delivery of handbills

- 58(1) A person must not leave a handbill on residential property if
- (a) a sign on the property states: "No handbills", "No flyers", "No trespassing", "No pedlars or agents" or otherwise indicates that handbills are not wanted;
 - (b) the occupant in any other way indicates that handbills are not wanted;
 - (c) the property is vacant.
- 58(2) A person who leaves handbills on residential property must place them so that they will not be blown by the wind from the place where they were left.
- 58(3) A person must not deposit or leave a handbill on or attached to a vehicle.

Posters on private property

59. A person must not post a poster on property without the permission of the occupant or owner of the property.

Posters, signs and roadside memorials on streets

amended 65/2009; 72/2018

- 60(1) Subject to section 62, a person must not place or post, or cause the placing or posting of a poster sign or roadside memorial within a street if it:

amended 65/2009; 72/2018

- (a) is a hazard or obstruction to vehicular or pedestrian traffic;
amended 65/2009
- (b) is attached to or obstructing a directional sign, a traffic control device or a sign erected, placed or authorized by the City of Winnipeg, the Province of Manitoba or the Government of Canada, including the post or standard supporting the sign or traffic control device;
- (c) causes damage to property, including trees or a structure within a street;
- (d) is located within a median or traffic island;
- (e) is attached to a pole, wall or other structure by something other than clear adhesive tape;

- 60(2) Subject to section 62, a person must not place or post, or cause the placing or posting of a poster sign or roadside memorial within any street unless the poster sign or roadside memorial displays on its face

amended 65/2009; 72/2018

- (a) the name and telephone number of the person responsible for placing the poster, sign or roadside memorial or causing it to be placed; and
amended 72/2018
- (b) the date the poster, sign or roadside memorial was placed;
amended 72/2018

60(3) Subject to section 62, the person placing or posting, or causing to be placed or posted, a poster sign within any street must remove it within 14 days of the date it was posted or within 24 hours after the event identified in the poster sign, whichever is sooner.
amended 72/2018

60(4) Notwithstanding subsection 60(3), garage sale signs may not be placed within a street earlier than the day prior to the garage sale.

60(5) ~~Notwithstanding subsection 60(3),~~ The person placing or posting, or causing to be placed or posted, a roadside memorial within any street must remove it within 365 days of the date of the event that resulted in a fatality.
added 65/2009; amended 72/2018

Temporary signs on streets

61(1) Subject to section 62, a person must not place or post, or cause the placing or posting of a sign, ~~other than a poster~~, within any street which is identified on Schedule "A", which Schedule is attached to and forms part of this By-law.
amended 72/2018

61(2) Subject to section 62, a person must not place or post, or cause the placing or posting of a sign, ~~other than a poster~~, within any street which is not identified on Schedule "A", if the sign
amended 176/2008; 72/2018

- (a) is within 30 metres of an intersection, measured from the nearest curb of the intersection;
- (b) is within 30 metres of a turning lane, deceleration or acceleration lane or traffic storage lane;
- (c) is within 2 metres of a curb or the edge of a roadway;
- (d) is within 0.5 metres of a sidewalk;
- (e) is within 5.0 metres of a private access;
- (f) is permanently affixed;
- (g) is supported by string, rope, wire or metal stakes;
- (h) is a mobile sign;
- (i) is greater than 0.6 square metres in size;

- (j) is higher than 1 metre, measured from the existing grade to the top of the sign;
- (k) has more than 2 faces per sign;
- (l) is illuminated, electrified, spins or rotates;
- (m) could be reasonably mistaken for a street sign or a traffic control device;

61(3) Subsections 61(1) and 61(2) do not apply to roadside memorials.

added 65/2009

61(4) Subject to subsection 61(5) and section 62, a person must not place or post, or cause the placing or posting of a roadside memorial that:

- (a) is larger than (1) metre in height as measured from the roadway surface
- (b) is larger than (1) metre in width as measured along the roadway;
- (c) is larger than (1) metre in depth as measured perpendicular to the roadway;
- or
- (d) contains or uses breakable objects, including items made of glass or ceramic.

added 65/2009

61(5) Notwithstanding subsection 61(4)(d) breakable objects are permitted to be used during a memorial service but must be removed immediately following the completion of the service.

added 65/2009

Exceptions to sign and roadside memorials restrictions

amended 65/2009

62(1) Sections 60 and 61 do not apply to:

- (a) signs and roadside memorials placed, posted or erected by the City of Winnipeg;
amended 65/2009
- (b) signs, including advertising, placed, posted or erected on facilities owned by the City of Winnipeg, including Winnipeg Transit facilities, pursuant to agreements with the City of Winnipeg;
- (c) signs placed, posted or erected by Manitoba Hydro or other utility companies upon their own poles or structures of the Province of Manitoba or the Government of Canada;
- (d) signs placed, posted or erected by a Business Improvement Zone to beautify or improve the zone;

(e) signs specially authorized under or required by:

- (i) the Downtown Winnipeg Zoning By-law;
- (ii) the Winnipeg Zoning By-law;
- (iii) the Winnipeg Building By-law;
- (iv) the Encroachment By-law;
- (v) the Traffic By-law;
- (vi) the Streets By-law.

62(2) Notwithstanding subsection 60(3), the obligation to remove a sign no later than 14 days after it was placed does not apply to an election sign that is placed within the street no earlier than the date notice is given of the opening of nominations and is removed within 7 days after the close of polls for that election.

Removal of signs and roadside memorials by City

amended 65/2009

63(1) A sign or roadside memorial is permitted to be placed within a street on condition that it may be removed by or on behalf of the City of Winnipeg in order to allow work to be done on or within the street without notice to the person who owns or has placed the sign or roadside memorial.

amended 65/2009

63(2) A sign removed pursuant to subsection (1) must be retained by a designated employee for a period of three days, during which time the person whose name appears on the sign pursuant to clause 61(2)(a) may reclaim it.

63(2.1) Notwithstanding subsection 63(2) a roadside memorial removed pursuant to subsection (1) shall not be retained by the City for reclaiming.

added 65/2009

63(3) A sign or roadside memorial that contravenes this By-law or is damaged or falls into disrepair may be removed by a designated employee and destroyed forthwith without notice.

amended 65/2009

Posters in City buildings

64(1) Members of the public may not post notices and posters on property or in buildings owned or occupied by the City except on notice boards and poster areas designated for this purpose and with the approval of a designated employee.

64(2) A notice board or poster area not less than 60 cm by 60 cm must be provided for use by the public at every branch library, community office, arena, swimming pool and wading pool operated by the City of Winnipeg.

64(3) An employee designated for this purpose must:

- (a) record on the poster the date it was received and the date it was posted;
- (b) post notices and posters in the order they were received and as space becomes available;
- (c) remove a poster immediately after the event it is publicizing or two weeks after it was posted, whichever occurs earlier;

PART 5 NOISE CONTROL

Definitions

65. In this Part

"A' weighted sound level" means the sound pressure level in decibels, designated as dBA, measured on a precision sound level meter using the "A" weighting network and "slow" meter response;

"ambient sound level" means the 'A' weighted sound level at a point of reception, excluding the noise or sound which is the subject of an investigation for a potential contravention of this Part;

"Decibel (dB)" means a unit for measuring the amplitude of sound, equal to 20 times the logarithm to the base 10 of the ratio of pressure of the sound measured to the reference pressure, which is 20 micropascals;

"point of reception" means any point on any property where sound, originating from other property, is heard by a person who is engaged in normal activities;

"precision sound level meter" means an instrument used to measure sound levels and specified as Type I or Type II Precision Sound Level Meter in CSA specification, Z107, 1-1973, or the American National Standards Institute specification, ANSI SI.4-1971 (R1976), as amended from time to time.

"statutory holiday" means a holiday identified in *The Interpretation Act*;

"weekday" means every day of the week except Saturday, Sunday and statutory holidays.

Exemptions

66. This Part does not apply to:

- (a) emergency sirens and signals used during an emergency by an ambulance, fire vehicle or police vehicle;
- (b) sound produced in the course of constructing, maintaining, rehabilitating or otherwise working on a street or property owned by the City of Winnipeg;
- (c) military bands or parades or other parades operating under a permit issued under the Traffic By-law or a successor by-law;
- (d) activities normally associated with

- (i) places of religious worship, religious retreat and religious instruction that qualify for a partial exemption from real property taxation under clause 22(1)(i) of *The Municipal Assessment Act*; and
- (ii) public schools, as that term is used in *The Public Schools Act*, and private schools, as that term is used in *The Education Administration Act*;

including worship services, children's play and school-sponsored activities on school yards, and the ringing of church or school bells.

- (e) sound producing devices used during the month of December for the rendering of Christmas carols;
- (f) aircraft and railway rolling stock;
- (g) an activity, work or undertaking performed by or through the City in respect of public services, facilities or installations;
- (h) an activity for which a permit has been issued by the designated employee under this Part.

Noise nuisance prohibited

67(1) Except to the extent permitted under this By-law, a person must not make or continue, or cause to be made or continued, or own or harbour an animal that makes:

- (a) an unreasonably loud, unnecessary or excessive noise or sound;
- (b) a noise or sound which unreasonably disturbs, injures or endangers the comfort, repose, health, peace or safety of a reasonable individual of ordinary sensitivity; or
- (c) a noise or sound which is so harsh, prolonged, unnatural or unusual in time and place so as to occasion unreasonable discomfort to any individual or so as to detrimentally affect residential properties or places of business.

67(2) In determining whether a noise or sound has been made which contravenes subsection (1), the following factors, among others, may be taken into account:

- (a) the time of day and day of the week on which the noise or sound was made;
- (b) the nature and use of the area from which the noise or sound emanates and the nature and use of the area at which it is received;
- (c) the nature of the event or activity producing the noise or sound;

- (d) the volume, duration and nature of the sound, including whether it is recurrent, intermittent or constant; and
- (e) the 'A' weighted sound level of the noise or sound and the ambient sound level, if measured, but not 'B', 'C' or 'linear' weighted sound levels.

Certain activities prohibited

68. A person must not

- (a) except in any emergency, engage, operate, apply or otherwise use an engine retarder brake in any vehicle driven within the City of Winnipeg;
- (b) offer for sale or sell anything by shouting or amplified sound within any residential or commercial district;

Certain activities prohibited at specific times

69(1) A person must not do any of the following before 7:00 a.m. and after 9:00 p.m. on weekdays or before 9:00 a.m. and after 9:00 p.m. on Saturdays, Sundays and statutory holidays:

- (a) operate or permit the operation of any mechanical powered saw, drill, sander, grinder, lawn or garden tool, snowblower, or similar device out of doors within 150 m of a residential property;
- (b) operate or permit the operation of heavy equipment, machinery or tools used in construction, drilling or demolition within 150 m of a residential property;
- (c) repair, rebuild, modify or test out of doors any motor vehicle, motorcycle, motor boat, outboard motor or recreational vehicle within 150 m of a residential property.

69(2) A person must not:

- (a) operate or permit the operation of any engine or motor in or on any motor vehicle or attached auxiliary equipment for a continuous period exceeding 10 minutes, while such vehicle is stationary within 150 meters of a residential property before 7:00 a.m. and after 10:00 p.m. on any day;
- (b) operate or permit the operation of a powered model vehicle before 9:00 a.m. and after 9:00 p.m. on any day.

Air conditioners, fans, etc.

70(1) Subject to subsection (2), the owner and occupant of property must ensure that air conditioning equipment, air moving devices or fans located on his or her property do not collectively exceed a sound level at the point of reception of

- (a) 55 dBA between 7:00 a.m. and 9:00 p.m.; and
- (b) 50 dBA between 9:00 p.m. and 7:00 a.m.

70(2) Notwithstanding subsection (1), where the ambient sound level at the point of reception exceeds the sound level limits set out in subsection (1), the air conditioning equipment, air moving device or fan is not contravening this section unless the sound level it produces measures 5 dBA in excess of the ambient sound level.

Permits

71(1) The designated employee may issue a permit authorizing an activity that would otherwise be prohibited under this By-law and, in so doing, in addition to exercising the powers granted in section 100, the designated employee may impose conditions on the permit designed to restrict or minimize the noise produced by or in the course of the activity or its effect on people.

71(2) In addition to exercising the authority granted in section 102, an enforcement officer may suspend and a designated employee may revoke a permit issued under subsection (1) where the designated employee concludes that if the activity authorized by the permit were to proceed it would or be likely to

- (a) create an undue noise nuisance;
- (b) not comply with this By-law and other applicable laws, by-laws, codes and regulations; or

PART 6 OPEN AIR BURNING

Definitions

72. In this Part:

"approved receptacle" means an approved fire pit, approved outdoor barbeque, approved outdoor fireplace or approved outdoor warming fire receptacle that meets the requirements set out in this Part;

"Chief" means the Chief of the Winnipeg Fire Paramedic Service or delegate;

"open-air fire" means a fire set outdoors for any purpose, including cooking, recreation, generation of heat, the disposal of wood, stubble or crop residue and for religious or ceremonial purposes;

"operate", in relation to a portable barbeque, includes lighting, igniting, maintaining a fire within and cooking on a portable barbeque;

"permit" means an open-air fire permit issued under this Part;

"person in charge of an open-air fire" includes a person who ignites an open-air fire and the owner or occupant of any property on which an open-air fire is set;

"person in charge of a portable barbeque" includes a person who ignites a portable barbeque, the owner of the portable barbeque and the owner or occupant of any property on which a portable barbeque is operated;

"portable barbeque" means any appliance manufactured and sold for the purpose of cooking food outdoors and designed to burn propane, natural gas, wood or charcoal briquettes or to use electricity as a heat source;

All open-air fires subject to this Part

73. A person must not set any open-air fire, and the owner or occupant of any property may not permit any open-air fire to be set or to remain lit on the property, unless the fire meets the requirements of this Part.

Declaration of Emergency Open-air Fire Ban

added 82/2019

73.1(1) In this section,

"Ban" means an Emergency Open-Air Fire Ban declared under subsection (2); and

"open-air fire" does not include a barbeque burning only propane or natural gas.

73.1(2) The Chief may declare a ban on open-air fires in a geographical area within the boundaries of the City of Winnipeg if he or she concludes that prevailing climatic, environmental, or other conditions constitute an emergency and a Ban is necessary to reduce the risk of fires being spread.

73.1(3) Unless otherwise specified in the declaration, a Ban applies to the entirety of the geographical area within the boundaries of the City of Winnipeg at all times and to all forms of open-air burning.

73.1(4) A Ban may be partial and may, among other things, specify that it applies

- (a) only to identified neighbourhoods or parts of the city;
- (b) only to identified forms of open-air burning; or
- (c) only during specific times of the day.

73.1(5) A Ban takes effect when all of the following have taken place:

- (a) the Chief has signed a declaration of the Ban;
- (b) the City Clerk has been notified in writing of the Ban;
- (c) the declaration has been posted on the City of Winnipeg's website;
- (d) the Chief has released a communique to the media that
 - (i) states that a Ban has been declared; and
 - (ii) provides details of the Ban.

73.1(6) Unless a Ban declared under subsection (1) sets out either a specific date and time at which it will end or the length of time during which is effective, the Ban ends 48 hours after it takes effect.

73.1(7) A Ban declared under subsection (1) supersedes and suspends a permit which authorizes an open-air fire.

73.1(8) A person must not set an open-air fire, and the owner or occupant of property must not permit any open-air fire to be set or remain lit on the property in contravention of a Ban.

73.1(9) Because an open-air fire during a Ban constitutes an emergency, members of the Winnipeg Fire Paramedic Service are hereby authorized to take immediate measures to extinguish an open-air fire burning in contravention of a Ban.

Open-air fire permit required

74(1) Subject to subsection (2), a person must not set any open-air fire within the City of Winnipeg, and the owner or occupant of any property may not permit any open-air fire to be set or to remain lit on the property, unless the Chief has issued an open air fire permit authorizing the fire.

74(2) Subsection (1) does not apply to

- (a) fires set and contained within an approved receptacle and maintained in accordance with this By-law on a residential property;
- (b) fires set and maintained for ceremonial or religious purposes which are contained within an approved receptacle and maintained in accordance with this By-law;
- (c) portable barbeques that are fuelled, operated and maintained in conformance with the manufacturer's instructions;
- (d) appliances that are approved by the Canadian Gas Association (CGA), are installed, operated and maintained in conformance with the manufacturer's instructions, and are fuelled by propane or natural gas;
- (e) fires permitted by the City in outdoor fire pits, outdoor barbeques or outdoor fireplaces provided as fixtures in campgrounds or parks owned by the City of Winnipeg; and
- (f) burning conducted by the Winnipeg Fire Paramedic Service or persons authorized by the Chief for the purpose of training members of the Winnipeg Fire Paramedic Service and the public.

Requirements for fire pits

75. An approved fire pit must

- (a) be enclosed on all sides and constructed of masonry, concrete, heavy gauge metal or other non-combustible materials acceptable to the Chief;
- (b) be at least 15 cm (6 in) in height above the surrounding grade but no more than 60 cm (24 in) in depth when measured from the top of the pit opening to the bottom of the pit;
- (c) have an opening that does not exceed 75 cm (2.5 ft) in diameter or an area of .56 m² (6 ft²) and in which neither the width nor length is greater than 75 cm (2.5 ft);
- (d) have a spark arrestor, grille or mesh with openings no larger than 12 mm (1/2 in) and constructed of a non-combustible material, which is used to cover the entire area of the fire pit opening; and

- (e) not be used for commercial or industrial applications.

Requirements for outdoor barbeques

76. An approved outdoor barbeque must

- (a) be constructed of masonry, concrete, heavy gauge metal or other noncombustible materials acceptable to the Chief;
- (b) be enclosed on all sides, except for any opening completely covered by a removable, non-combustible spark arrestor, grille or mesh with openings no larger than 12 mm (1/2 in);
- (c) have a cooking surface which is at least 75 cm (2.5 feet) and no more than 120 cm (4 ft) in height when measured from the surrounding grade;
- (d) have a cooking surface which does not exceed 75 cm (2.5 ft) in diameter or an area of .56 m²(6 ft²), and in which neither the width nor length is greater than 75 cm (2.5 ft); and
- (e) not be used for commercial or industrial applications.

Requirements for outdoor fireplaces

77. An approved outdoor fireplace must

- (a) be constructed of masonry, concrete, heavy gauge metal or mesh or other non-combustible materials acceptable to the Chief;
- (b) have a chimney designed and constructed as a proportional and integral part of the fireplace to ensure that an adequate draft is created;
- (c) have its chimney opening entirely covered by a non-combustible spark arrestor, grille or mesh with openings no larger than 12 mm (1/2 in);
- (d) have a side opening to the fire chamber which does not exceed 0.56 m²(6ft²) in area, and in which neither the width nor length is greater than 75 cm (2.5 ft);
- (e) has its side opening entirely covered by a non-combustible spark arrestor, grille or mesh with openings no larger than 12mm (1/2 in); and
- (f) not be used for commercial or industrial applications.

Requirements for outdoor warming fire receptacles

78. An approved outdoor warming fire receptacle must be a metal receptacle in good repair that has a maximum capacity of 225 litres (50 gallons) with all openings entirely covered by removable, non-combustible spark arrestors, grilles or mesh with openings no larger than 12 mm (1/2 inch).

Rules regarding all open air fires

79. A person in charge of an open-air fire must ensure that:

- (a) the fire is always supervised by a person 18 years of age or older until and unless it is fully extinguished;
- (b) the fire is always kept under control;
- (c) an adequate supply of water, sand or some other means of controlling and extinguishing the fire is readily accessible;
- (d) the fire is not set or maintained in conditions or locations which will or could result in:
 - (i) reduced visibility on any highway or road;
 - (ii) a rapid spread of fire through grass or brushed area;
- (e) the fire is not set or maintained when the wind exceeds 25 kilometres per hour (15 miles per hour);
- (f) if the fire becomes uncontrollable or spreads beyond its assigned limits, the Winnipeg Fire Paramedic Service is alerted by calling 911.

Rules regarding fires in receptacles

80(1) Unless a permit issued pursuant to subsection (2) permits otherwise, a person in charge of an open air fire on the grounds of a residential property must ensure that

- (a) the fire is maintained within an approved receptacle;
- (b) the fire is maintained a minimum of 3 metres (10 feet), as measured from the nearest edge of the fire, from any combustible buildings or structures, combustible fences, trees and overhead wires;
- (c) only clean, dry, unpainted and untreated wood is burned in the fire, and no solid waste, as that term is defined in the Solid Waste By-law, of any kind, including grass, leaves, brush or tree prunings are burned in the fire.

amended 110/2012

80(2) A designated employee may issue a permit authorizing a fire that does not strictly comply with subsection (1) where the designated employee is satisfied that doing so will not expose people or property to undue risk.

Operation of portable barbeque

81(1) A person in charge of a portable barbeque must ensure that it is

- (a) operated only out of doors in a well ventilated area;
- (b) operated and maintained in accordance with the manufacturer's instructions;
- (c) not operated within 1 metre (39"), or such greater distance as may be recommended by the manufacturer of the portable barbeque, from combustible materials; and
- (d) not left unattended when lit.

81(2) A person must not operate a portable barbeque within 20 feet of any building unless it

- (a) is located in the yard of a single family dwelling;
- (b) uses electricity or natural gas as a heat source; or
- (c) uses propane as fuel and equipped with a Quick Connect Coupling Valve (Q.C.C.1) and an Overfill Protection Device (O.P.D.).

81(3) Notwithstanding subsections (1) and (2), no one may operate a portable barbeque that uses solid fuel on a balcony, patio or deck of a multiple family dwelling.

81(4) Notwithstanding subsections (1) and (2), no one may store a portable barbeque on a balcony, patio or deck of a multiple family dwelling unless it

- (a) uses electricity or natural gas as a heat source; or
- (b) uses propane as fuel and is equipped with a Quick Connect Coupling Valve (Q.C.C.1) and an Overfill Protection Device (O.P.D.).

Storage and handling of propane storage cylinders (tanks)

82(1) The owner of a propane storage cylinder designed for use on a portable barbeque and the occupant of the property in which the cylinder is located must ensure that, whether attached to a portable barbeque or not, the cylinder is

- (a) maintained in an upright position at all times;
- (b) shut off at the valve when not in use;
- (c) not stored in a vehicle, building, or below grade; and
- (d) unless attached to a portable barbeque, not stored within 2 metres (6.5 feet) of a portable barbeque.

82(2) The owner of a propane storage cylinder designed for use on a portable barbeque and the occupant must ensure that a propane storage cylinder designed for use on a portable barbeque is only stored on a balcony if:

- (a) the balcony is not enclosed by screen or glass;
- (b) no more than two 20 pound tanks are stored on any balcony, including any tank attached to a portable barbeque;
- (c) tank valves are not nearer than 1 metre (39 inches) from any door or window that is lower than the valve.

PART 7 ADDRESSES AND BUILDING NAMES

Street address and name to be attached to building

83(1) Subject to this section, the owner of a principal building must ensure that the number assigned to and any name approved for the building under this Part is attached to the building or otherwise posted on the property so as to be clearly visible from the street on which it is located.

83(2) Where a principal building on a property is in a location that results in a building number or name not being clearly visible from the street, the number assigned to and name approved for the building must be both attached to the building and displayed in another form that is clearly visible from the street. Where more than one principal building is located on a single property, the requirement that the numbers be displayed in another form that is clearly visible from the street may be met by displaying the range of building numbers on that property.

83(3) Where a property is adjacent to a back lane, the number assigned to the building must be attached to the building or to a fence or accessory structure so as to be clearly visible from the back lane.

83(4) Building numbers required to be attached or displayed by in this section must be at least 8 cm (3 inches) in height and of a colour that contrasts with the colour of the structure to which it is attached so as to be clearly visible.

83(5) The owner of a building must ensure that no other numbers or names are attached to the building that could be confused with the numbers assigned or names approved under this Part.

83(6) The owner of a building must ensure that the number assigned to a building under this Part is clearly visible from the street while the building is under construction.

Designated employee to assign addresses

84(1) A designated employee must assign numbers to each principal building in the City of Winnipeg at the time a building permit is issued.

84(2) When assigning numbers to buildings, the designated employee may use any method that is convenient and rational but must try to accommodate the following principles:

- (a) where a street terminates at a river, the numbering of buildings on the street should begin at the river;
- (b) the numbering of buildings on parallel streets should correspond to each other.

84(3) A designated employee may change the number assigned to a building to correct an error or to mitigate any confusion or inconvenience.

Building names to be approved by designated employee

85(1) The owner of an apartment block, high rise condominium or commercial building, must not

- (a) name or rename the building;
- (b) attach a name to the building or otherwise post it on the property;

unless the name has first been approved for use on that building by the designated employee.

85(2) The designated employee must approve the use of a building name unless it is the same as, or is likely to cause confusion with, the approved or commonly-used name of another building or place in the City of Winnipeg or would be offensive to a person of ordinary sensibilities.

85(3) The designated employee may require that the name approved for a building under this section be changed in order to correct an error or to mitigate any confusion or inconvenience.

85(4) Where the designated employee acts under subsection (3), he or she must notify the owner of the building of this action and order the owner to remove the existing name from the building within a reasonable period of time.

PART 8 BOULEVARD MAINTENANCE

Definitions

86. In this Part

"adjacent", when referring to the proximity of boulevards to private property, includes boulevards that are separated from private property by sidewalks;

"shrub" means a woody plant smaller than a tree and having a very short stem with low branches;

"tree" means any species of woody plant which, at maturity, is usually 5 or more metres in height, having one or more self-supporting trunks and includes the roots, branches, trunk, crown and all parts thereof.

Obligation to maintain boulevard

87(1) Subject to the provisions of this section and section 88, the owner and occupant of property adjacent to a boulevard are each responsible for maintaining that portion of the boulevard that is adjacent to the property and are each guilty of an offence under this By-law for failing to do so.

amended 176/2008

87(2) The obligation imposed in subsection (1) includes the obligation to ensure that no aspect of the boulevard nor anything located on the boulevard contravenes the restrictions on non-standard boulevard treatments set out subsection 89(3) or, alternatively, that the boulevard fully complies with a permit issued under section 90.

amended 176/2008

87(3) The obligation imposed in subsection (1) includes the obligation to

- (a) keep turf and any vegetation that has not been planted pursuant to this Bylaw or the designated employee's authorization trimmed to a maximum length of 15 cm (6 in);
- (b) ensure that vegetation that has been planted, other than turf, is no more than 1.0 m (39 in) in height; and
- (c) ensure that the boulevard is kept free of garbage.

87(4) The obligation imposed in this section applies whether or not a non-standard boulevard treatment has been applied to the boulevard.

87(5) The obligation imposed in subsection (1) does not include the responsibility to maintain trees within the boulevard and does not supersede any Policy adopted by the City respecting the removal of trees from boulevards.

Exceptions

88. The obligation imposed in section 87 and the authorization provided in section 89 do not apply to the following:

amended 100/2008

- (a) boulevards adjacent to regional streets listed in Schedule "E" of the Streets By-law No. 1481/77;
- (b) boulevards flanking properties adjacent to regional streets listed in Schedule "E" of the Streets By-law No. 1481/77;
- (c) ditches in which turf has never been planted;
- (d) boulevards located at the rear of a property;
- (e) extended boulevards.

Authorization for non-standard boulevard treatments

89(1) Without restricting the obligation imposed under section 87 and subject to the provisions of this Part, the owner or occupant of property may apply a non-standard treatment to that portion of the boulevard that is adjacent to the property.

amended 176/2008

89(2)

repealed 55/2017

89(3) The owner or occupant of property need not obtain a permit under this Part to apply a non-standard boulevard treatment under subsection (1) if the non-standard boulevard treatment:

- (a) does not interfere with the movement of vehicular or pedestrian traffic upon the right of way;
- (b) does not obscure the sightlines of pedestrians or drivers of vehicles;
- (c) does not obscure or obstruct access to
 - (i) fire hydrants;
 - (ii) installations belonging to the City of Winnipeg, Manitoba Hydro or Manitoba Telephone System; or
 - (iii) post office boxes located in the boulevard;
- (d) does not inhibit or obstruct snow removal operations, including the storage of snow removed from the roadway or sidewalk;
- (e) does not include any object weighing more than 10 kilograms;

- (f) does not include vegetation that is or will be more than 1.0 m in height when fully grown;
- (g) does not include a shrub or shrubs;
- (h) does not include noxious weeds as defined in *The Noxious Weeds Act*;
- (i) does not include a plant that is a fruit or vegetable;
- (j) does not include vegetation other than turf located within 1.0 m from the curb;
- (k) does not include vegetation other than turf within 0.5 m from the public sidewalk;
- (l) does not harm a tree planted in the boulevard;
- (m) does not result in trees planted or removed except to the extent authorized under the tree removal policy of the City of Winnipeg;
- (n) does not result in the placement of aggregate materials smaller than 20 mm ($\frac{3}{4}$ in) or greater than 40 mm ($1\frac{1}{2}$ in) on the boulevard;
- (o) does not result in the placement of aggregate to a depth of more than 75 mm (3 in);
- (p) with the exception of concrete paving stones that are installed flush to grade, does not result in the placement of asphalt or concrete on the boulevard;
- (q) does not create or widen a private access for which a permit is required under the Private Approaches By-law or a successor by-law;
- (r) ensures that the boulevard is graded so that water flows from the edge of the street into the roadway and that vegetation or objects do not obstruct rainwater and snow melt from flowing from the edge of the street into the roadway; and
- (s) in the absence of an agreement with the owner of neighbouring property, does not allow non-standard vegetation to spread beyond that portion of the boulevard that is adjacent to his or her property.

89(4) Where a non-standard boulevard treatment results in the undermining or failure of the adjacent roadway, the owner of the property adjacent to the boulevard to which a non-standard treatment has been applied must pay a fee equal to the reasonable costs of replacing the non-standard boulevard treatment with turf.

Other non-standard treatments

90(1) Except as authorized in section 89, a person must not apply a non-standard treatment to a boulevard without a permit issued by the designated employee.

amended 176/2008

90(2) A person must not apply a non-standard treatment to a median or traffic island without a permit issued by the designated employee.

90(3) The designated employee may issue a permit for a non-standard treatment pursuant to subsections (1) and (2) only if he or she is satisfied that the non-standard treatment:

- (a) will comply with applicable by-laws;
- (b) will not
 - (i) interfere with the movement of vehicular or pedestrian traffic upon the right of way;
 - (ii) obscure the sightlines of drivers of vehicles or of pedestrians;
 - (iii) obscure or obstruct access to fire hydrants or installations belonging to the City of Winnipeg, Manitoba Hydro or Manitoba Telephone System;
 - (iv) inhibit or obstruct snow removal operations, including the storage of snow removed from the roadway or sidewalk; or
 - (v) cause damage to the roadway or any installation of the City; and
- (c) is otherwise in the public interest.

Items placed in boulevard become City property

91. Where a person is authorized by or pursuant to this By-law to apply a non-standard boulevard treatment to a portion of the boulevard or a non-standard treatment to a median or traffic island, the authorization is granted subject to the condition that any

- (a) vegetation planted on;
- (b) items placed on and affixed to; and
- (c) improvements made to;

the boulevard, median or traffic island become the property of the City of Winnipeg and are subject to removal or destruction by the City, or with the authorization of the City, without any obligation on the City to replace or repair them or to compensate the owner or occupant of the property for their loss or destruction.

Damage to boulevards

92(1) Subject to sections 89 and 90, in the absence of a permit issued by the designated employee, a person must not

amended 176/2008

- (a) break, dig up, remove, injure, damage or deface trees, shrubs, plants or turf located in a boulevard;
- (b) make an excavation deeper than 30 centimetres (one foot) into a boulevard;
- (c) subject to subsection (2), deposit or store any substance upon a boulevard.

92(2) Notwithstanding clause (1)(c), the owner or occupant of property adjacent to a boulevard may deposit soil or well-rotted lawn dressing on a boulevard for up to seven days.

92(3) A person must not make an excavation into a boulevard unless he or she has first contacted owners of utilities and other underground structures to ensure that no underground structures will be disturbed or damaged by the proposed excavation.

92(4) The designated employee may issue a permit for the activities referred to in this section after taking into account:

- (a) the possibility of damage to the boulevard or anything located in or under the boulevard as a result of the proposed activity;
- (b) the safety of the applicant, motorists, pedestrians and others while the activity takes place;
- (c) other relevant facts;

and may impose reasonable conditions on the authorization.

Director may enter into agreements

93. The Director of Public Works of the City of Winnipeg may enter into and execute agreements with individuals, businesses, organizations or groups that are consistent with other By-laws and Policies, to plant, prune, protect, nurture or remove trees in the right of way.

PART 9 MOSQUITO CONTROL

Definitions

94. In this Part

"larval and pupal development site" includes a low-lying area, receptacle or any other place or thing that contains mosquitoes in the egg, larval or pupal stages of development or in which mosquitoes in those stages of development can reasonably be expected to be found in the appropriate environmental conditions;

"larvicide" means any chemical or combination of chemicals, other compound or any material used for destroying mosquitoes at the larval stage of development;

"low-lying area" means an area in which standing water is able to accumulate or other wet location where mosquitoes are or are likely to congregate or breed at any stage of development and includes pools, ponds, sloughs, lakes, and ditches, whether natural or created by humans, but does not include flowing rivers and streams;

"mosquito" means any insect of the family classification of Culicidae in any stage of its development;

"mosquito larva" means a mosquito in the larval stage of development;

"property" does not include the interior of a building;

"receptacle" means an object in which standing water can accumulate and in which mosquitoes can breed as a result of its location and position and includes but is not limited to such objects as basins, barrels, pots, cans, tarpaulins, swimming and wading pools, boats, canoes, spare tires and clogged eavestroughs and drainpipes.

Larval and pupal development sites prohibited

95. An owner or occupant of property must not permit a larval and pupal development site to exist on the property.

Inspection programs conducted by public notice

96(1) In order to determine whether this By-law is being complied with, the designated employee may conduct an inspection program by public notice in accordance with *The City of Winnipeg Charter*.

96(2) Employees of the City of Winnipeg who hold the following positions within a period of one year after the coming into force of this Part are hereby appointed as designated employees for the purpose of entering on and inspecting land in accordance with a public notice of an inspection to determine whether this By-law is being complied with:

- (a) Administrative Coordinator of By-law Enforcement Services;
- (b) Entomologist – Insect Control Services;
- (c) By-law Constables who have been authorized to enforce this Part; and
- (d) Entomology Technicians and Entomology Technical Assistants.

Orders to deal with larval and pupal development site

97(1) An order to remedy a contravention of section 95 (Larval and pupal development sites prohibited) may require the owner or occupant to implement a program or measure for the elimination of the site or the prevention and control of mosquito breeding in the site.

97(2) A program or measure under subsection (1) ordered by an inspector may require several actions or options for preventing or controlling mosquito breeding, including one or more of the following:

- (a) relocating, resituating or repositioning receptacles so that they will not permit the accumulation of stormwater;
- (b) removing obstacles to the drainage of stormwater from eavestroughs, drainpipes, and similar sites;
- (c) eliminating low-lying areas by filling them in or elevating them, installing or creating a system of drainage or taking some other action to prevent the possibility of the accumulation of storm water;
- (d) introducing fish or other natural organisms to ornamental ponds and other similar sites in order to reduce or eliminate the proliferation of mosquito larvae through breeding;
- (e) draining or cleaning receptacles on a regular basis;
- (f) applying a larvicide to a larval and pupal development site;
- (g) taking other actions to eliminate or reduce the possibility of mosquito breeding.

97(3) An order made under subsection (1) may specify a continuing action or series of actions to be taken.

Notice of entry for larviciding

98. Notice of entry for the purposes of larviciding as a service on private property may be given by annually publishing in a newspaper having general circulation in the city a notice setting out the purpose for which entry is being made, the chemical or biological agents employed and the dates between which entries to private property may take place without further notice and, pursuant to section 119 of *The City of Winnipeg Charter*, the requirements for giving notice of entry for these purposes are hereby varied.

PART 10 ADMINISTRATION

DIVISION 1 - PERMITS

When permits may be issued

99(1) Subject to this Division, where this By-law prohibits an activity unless the activity is permitted by a designated employee or provides that an activity may take place if authorized or permitted by a designated employee, a designated employee may issue a permit authorizing the activity if he or she concludes that

- (a) the activity is unlikely to create an undue hazard to people or property or, alternatively, that conditions can be imposed on the permit so that it will not create an undue hazard to people or property;
- (b) the activity will comply with this By-law and other applicable by-laws and relevant provincial and federal statutory provisions;
- (c) the activity will not create an undue noise or nuisance to people in the vicinity or that that conditions can be imposed on the permit so that it will not create an undue noise or nuisance;
- (d) where the activity is proposed to take place on private property, the owner or occupant of the property has authorized the activity to take place;

99(2) A designated employee must refuse to issue a permit where he or she reasonably concludes that the activity for which a permit is sought cannot be conducted in compliance with subsection (1), even with appropriate conditions imposed upon the permit.

99(3) A designated employee may refuse to issue a permit to an applicant or in respect of an applicant who has failed to comply with

- (a) by-law provisions relevant to the activity for which the permit is being sought; or
- (b) conditions imposed on a similar permit;

or if a similar permit has been revoked within the preceding year.

Conditions on permits

100(1) A designated employee may impose reasonable conditions upon permits in order to

- (a) prevent, reduce, mitigate or compensate for any potential harm or damage to people or property;

- (b) ensure that the activity will comply with this By-law and other applicable by-laws and relevant provincial and federal statutory provisions;
- (c) ensure that the activity will not create an undue noise or an undue nuisance to adjacent properties or to people in the vicinity or to minimize or mitigate the any nuisance caused;
- (d) facilitate the administration of the permit.

100(2) Without limiting the generality of subsection (1), the designated employee may require as a condition of a permit, that the applicant

- (a) provide proof of insurance in any amount sufficient to compensate the City of Winnipeg or any other person for harm or damage suffered as a result of the permitted activity;
- (b) provide a deposit of monies, bond or surety sufficient to compensate the City of Winnipeg for harm or damage suffered as a result of the permitted activity;
- (c) indemnify the City against all loss, costs, charges or damages caused by or arising out of anything done pursuant to the permit;
- (d) conduct the activity in a particular manner, at specified locations or at specified times;
- (e) utilize certain persons or categories of persons to carry out specified aspects of the activity;
- (f) provide details of plans for the activity before the permit becomes effective;
- (g) provide evidence of compliance with applicable laws, by-laws, codes and regulations and/or with conditions imposed upon the permit;
- (h) complete the activity by a specified date or within a specified period of time;
- (i) obtain approval of owners of utilities that might be affected by the activity prior to the initiation of the activity; or
- (j) construct hoardings or other protective structures;
- (k) require inspections of the site prior to or during the activity permitted.

100(3) It is a condition of all permits issued pursuant to this By-law that the permit holder

- (a) must comply with this By-law and other applicable by-laws and relevant provincial and federal statutory provisions in carrying out the activity authorized by the permit;

- (b) must comply with any conditions imposed upon the permit;
- (c) must not create an undue hazard to people or property;
- (d) must ensure that the permit is available for examination by an enforcement officer at the site of the permitted activity at all reasonable times.

Permit may be flexible

101. A permit

- (a) may be issued for a specific occasion or for an extended period of time; and
- (b) may allow for more than one instance of an activity at a single area or location.

Suspension and revocation of permit

102(1) An enforcement officer may suspend a permit immediately for up to 30 days where the enforcement officer concludes that, if the activity authorized by the permit were to proceed or to continue, it would or be likely to

- (a) create an undue hazard to people or property;
- (b) unduly disrupt or interfere with vehicular or pedestrian traffic;
- (c) result in harm or damage to the street or structures on the street or to private property; or
- (d) not comply with this By-law and other applicable laws, by-laws, codes and regulations.

102(2) A designated employee may revoke a permit where

- (a) misleading or false information was provided upon which the decision to issue the permit was based;
- (b) the facts giving on which the decision to issue the permit was based have changed and would not now justify issuing the permit;
- (c) the designated employee concludes that if the activity authorized by the permit were to proceed or to continue it would or be likely to
 - (i) create an undue hazard to people or property;
 - (ii) unduly disrupt or interfere with vehicular or pedestrian traffic;

- (iii) result in harm or damage to the street or structures on the street or to private property; or
- (iv) not comply with this By-law and other applicable laws, by-laws, codes and regulations; or
- (v)
- (d) the permit holder has failed to observe a condition imposed on a permit or has failed to comply with this and other applicable laws, by-laws, codes and regulations;

102(3) Before revoking a permit, a designated employee must give the permit holder a reasonable opportunity to be heard.

102(4) Where a designated employee has revoked a permit, the applicant may not apply for a similar permit for a period of one year or such lesser period as the designated employee may impose at the time of the revocation.

Administration of permits

103(1) A designated employee may impose requirements reasonably required to administer the issuance of permits, including requirements concerning:

- (a) the completion and submission of application forms;
- (b) the provision of information reasonably required in order to consider an application;
- (c) reasonable time limitations for the submission of application forms.

103(2) Where a fee for a permit has been imposed pursuant to this or another By-law, the designated employee must not issue a permit until the fee has been paid.

DIVISION 2 - APPEALS

Appeals to Standing Policy Committee on Community Services

104. Subject to section 105, where an appeal from an order or decision under this By-law is authorized by *The City of Winnipeg Charter*, the appeal may be made to the Standing Policy Committee on Community Services in accordance with *The City of Winnipeg Charter*.

amended 106/2015; 113/2015; 137/2022

Appeals to hearing body

105(1) Notwithstanding section 104, where an appeal from an order or decision made in the enforcement or administration of subsections 8(1) and 8(2) (vegetation on properties), Part 8 (Boulevard Maintenance) or Part 9 (Mosquito Control) is authorized by *The City of Winnipeg Charter*, the appeal may be made to a hearing body consisting of

amended 176/2008

- (a) the Chief Administrative Officer of the City;
- (b) the Chief Financial Officer of the City;
- (c) the Director of Planning, Property and Development; and
- (d) the Director of Water and Waste;

or their delegates.

105(2) The Chief Administrative Officer of the City or his or her designate shall serve as the Chair of the hearing body referred to in subsection (1) and the Chief Financial Officer of the City or his or her designate shall be the vice-chairperson.

105(3) The hearing body referred to in subsection (1) shall sit in panels of three members selected by the chairperson.

105(4) Sections 54.10 and 54.11 of the Procedure By-law apply to hearings conducted under this section and the hearing body may adopt other rules of practice and procedure.

Administration fee for appeals

106(1) Subject to subsections (2) and (3), an administration fee of \$250.00 is hereby imposed for an appeal made under section 104 and 105.

106(2) An appeal may not be accepted by the City Clerk until the fee imposed by subsection (1) has been paid to the City Clerk.

106(3) The appeal body hearing the appeal may order the administration fee referred to in subsection (1) to be refunded to the appellant if the appeal has been made in good faith and has some merit.

Notice of appeals to be posted

106.1(1) Where the owner of property has appealed an order or decision made under this By-law in respect of that property, the owner must, at least seven days prior to the hearing date of the appeal, post in a conspicuous place on the property for at least seven consecutive days a notice setting out the date, time and subject matter of the appeal, as well as the hearing body for the appeal, as directed by the designated employee. A failure to comply with this provision invalidates the appeal and it must not be heard by the hearing body for the appeal.

added 85/2019

106.1(2) The designated employee is authorized to direct the posting of notices as required by subsection (1), and, without restricting this general power, is authorized to prescribe particular or standard forms for the notice, the information to be set out on a particular notice and the location on properties where the notice is to be posted.

added 85/2019

DIVISION 3 - MISCELLANEOUS

Powers of designated employees and enforcement officers

107. Designated employees and enforcement officers to whom these powers have been delegated may conduct inspections and take steps to administer and enforce this By-law or remedy a contravention of this By-law and to provide services or do work in accordance with *The City of Winnipeg Charter* and, for these purposes, have the powers of a "designated employee" under *The City of Winnipeg Charter*.

Address for service

108(1) Where an address for service of an order or notice is required, the following shall be used:

- (a) if the person to be served is the owner of real property, the address maintained by the tax collector for the purpose of issuing the tax notice for that property; and
- (b) if the person to be served is the occupant of real property, the address assigned to that property under Part 7 of this By-law.

108(2) Where an address for service is required for sending an order or notice issued under Division 2 of Part 1 to the owner of a derelict vehicle, the last address registered for that vehicle at the Motor Vehicle Branch shall be used.

Monetary penalty for violation of order under section 8

108.1(1) *repealed 55/2017*

108.1(2) *repealed 55/2017*

repealed 55/2017

DIVISION 4 – PENALTIES

Failing to comply with orders

amended 111/2013; 55/2017

109(1) A person who fails to comply with an Order issued by a designated employee requiring the person to comply with a provision of this By-law contravenes this By-law.

amended 111/2013; 65/2013 ; 55/2017

109(2) A person who fails to comply with an order issued by a justice as part of a sentence for a contravention of this By-law contravenes this By-law.

amended 111/2013; 65/2013 ; 55/2017

109(3) *repealed 55/2017*

109(4) *repealed 55/2017*

Mechanisms for enforcement, minimum and set penalties, discounted amounts

amended 111/2013; 55/2017

109.1 (1) Subject to the Municipal By-law Enforcement Act (MBEA) Enabling By-law, a person who contravenes a provision of this By-law that is referred to in Schedule A of the Municipal By-law Enforcement Act (MBEA) Enabling By-law must pay the administrative penalty for that contravention set out in that Schedule. If an Early Payment Discount amount is set out for a provision in that schedule, a person who is issued a penalty notice for a contravention of that provision may, within 14 days after the penalty notice has been issued, voluntarily pay to The City of Winnipeg the applicable Early Payment Discount amount and will thereafter not be prosecuted for the contravention.

amended 111/2013; 55/2017

109.1(2) Schedule B to this By-law sets out provisions of this By-law that are enforceable by way of a preset fine under The Provincial Offences Act. If Schedule B sets out a preset fine for a provision, a person who contravenes that provision must pay that preset fine, plus applicable court costs and surcharges under The Provincial Offences Act.

amended 55/2017

109.1(3) Despite subsection (2), if a provision set out in Schedule B identifies different fines for individuals and corporations, then a person who contravenes that provision must pay the applicable fine depending on whether the person is an individual or a corporation.

added 55/2017

109.1(4) Despite subsections (2) and (3), if an Early Payment Discount amount is set out for a provision referred to in Schedule B to this By-law, a person who is issued a ticket for a contravention of that provision may, within 14 days after the ticket has been signed, voluntarily pay to The City of Winnipeg the applicable Early Payment Discount amount and will thereafter not be prosecuted for the contravention.

added 55/2017

Monetary penalties imposed*amended 55/2017*

109.2(1) A monetary penalty pursuant to sub-clause 175(d)(i) of The City of Winnipeg Charter is hereby imposed for a contravention of section 6 and Part 3 of this By-law. The monetary penalty is in the amount of the costs of any collection, clean-up and disposal of litter or garbage that is associated with the conduct that is in contravention of the provisions.

amended 55/2017

109.2(2) A monetary penalty pursuant to sub-clause 175(d)(i) of The City of Winnipeg Charter in the amount of \$100.00 is hereby imposed for a contravention of an order to remedy a contravention of section 8 of this By-law. The monetary penalty is in addition to a fine or imprisonment imposed for a contravention of section 8 and is in addition to the costs of the actions or measures taken by the City of Winnipeg pursuant to subsection 185(1) of The City of Winnipeg Charter that may be added to the real property taxes on the property pursuant to section 187 of the Charter.

amended 55/2017

109.2(3) *repealed 55/2017*

109.2(4) *repealed 55/2017*

109.2(5) *repealed 55/2017*

109.2(6) *repealed 55/2017*

DIVISION 5 – CONSEQUENTIAL AMENDMENTS**Repealed by-laws**

110. The following by-laws are repealed in their entirety:

- (a) the Anti-Litter By-law No. 1075/75;
- (b) the Boulevard Maintenance By-law No. 125/2007;
- (c) the Building Names and Numbers By-law No. 1416/76;
- (d) the Derelict Vehicles By-law No 41/2005;
- (e) the Handbill and Poster By-law No. 1076/75;
- (f) the Maintenance and Occupancy By-law No. 4903/88;
- (g) the Mosquito Control By-law No. 101/2003;
- (h) the Minimum Standard of Housing Repair By-law No. 19165/65;
- (i) the Noise Control By-law No. 2480/79;

- (j) the Pigeon Control By-law No. 978/75;
- (k) the Refrigerators and Freezers By-law No. 17267/54;
- (l) the Smoking Regulation By-law No. 88/2003;
- (m) the Temporary Street Signs By-law No. 64/2003;
- (n) the Termite Control By-law No. 4891/88;
- (o) the Tree Trimming By-law No. 8155/2002;
- (p) the Unsightly Premises By-law No. 8151/2002;
- (q) the Winnipeg Heating By-law No. 19791/70.

Fire Prevention By-law amended

111. *Repealed by 35/2017*

City Organization By-law amended

112(1) The City Organization By-law No. 7100/97 is amended by this section.

112(2) Clause 10(k.1) is repealed and the following is substituted:

"k.1) To hear and decide appeals against orders or decisions made under the Neighbourhood Liveability By-law."

112(3) Clause 11(a.1) is repealed.

Streets By-law amended

113. The Streets By-law No. 1481/77 is amended by adding the following immediately after section 4.07:

"CONDUCTING BUSINESS ON A BOULEVARD

4.07(1) A person must not use a boulevard for business purposes or to conduct business on a boulevard unless the Director has issued a permit for the use of a street authorizing this activity.

4.07(2) The Director may issue a permit authorizing a person to use a boulevard for business purposes or to conduct business on a boulevard after taking into account:

- (a) the possibility of damage to the boulevard as a result of the proposed activity;*

- (b) *the safety of the applicant, motorists, pedestrians and others while the activity takes place;*
- (c) *the impact on other businesses in the area; and*
- (d) *other relevant facts;*

and may impose reasonable conditions on the permit."

DIVISION 6 – COMING INTO FORCE

Coming into force

114. This By-law comes into force on November 1, 2008.

DONE AND PASSED in Council assembled, this 23rd day of January, 2008.

SCHEDULE "A"
(Section 61)
amended 56/2018

Streets on Which Temporary Signs are Prohibited

STREETS	LENGTH
Bishop Grandin Boulevard	Between Kenaston Boulevard and Lagimodiere Boulevard
Bison Drive	Between Waverley Street and Pembina Highway
Brookside Boulevard	Entire length
Oak Point Highway	Entire length
King Edward Street	Entire length
Century Street	Entire length
St. James Bridge	Entire length
Kenaston Boulevard (ROUTE 90)	Between Inkster Boulevard and Bishop Grandin Boulevard
Chief Peguis Trail	Between Main Street and Lagimodiere Boulevard
Donald Street and Midtown Bridge	Between Red River and Osborne Street
Dunkirk Drive and St. Vital Bridge	Between Red River and Fermor Avenue
Fermor Avenue	Between Dunkirk Drive and Plessis Road
Henderson Highway	Between Red River and Glenway Avenue
Lagimodiere Boulevard	Between Prairie Grove Road and North City Limit
Moray Street <i>amended 119/2010</i>	Between the north bank of the Assiniboine River and Portage Avenue <i>amended 119/2010</i>
Osborne Street and Osborne Bridge	Between Assiniboine River and St. Vital Bridge
Pembina Highway	Between Osborne Street and South City Limit
Portage Avenue	Between Spence Street and St. Charles Street
St. James Street	Between Portage Avenue and Wellington Avenue
Waverley Street	Between Taylor Avenue and Bison Drive
Wellington Avenue	Between James A. Richardson International Airport and St. James Street
Grant Avenue	Between Shaftesbury Boulevard and Roblin Boulevard
Main Street	Between Logan Avenue and North City Limit
St. Anne's Road	Between Fermor Avenue and St Mary's Road
St. Mary's Road	Between St. Anne's Road and Queen Elizabeth Way
Corydon Avenue/Roblin Boulevard	Between Shaftesbury Boulevard and West City Limit
boulevard Provencher	Entire length
William R. Clement Parkway <i>added 119/2010</i>	Entire length <i>added 119/2010</i>
Wilkes Avenue <i>added 52/2011</i>	Between Provincial Trunk Highway 100 and Shaftesbury Boulevard
Sterling Lyon Parkway <i>added 52/2011</i>	Between Shaftesbury Boulevard and Victor Lewis Drive

SCHEDULE "B"
Preset Fine Provisions
Enforceable through The Provincial Offences Act ¹
added 111/2013; amended 55/2017

Provision	Contravention Summary	Preset Fine (\$)	Early Payment Discount
s. 6(1.1)	Garbage on property – Individual	2000	1000
	Garbage on property – Corporation	4000	2000
s. 43(1)	Heating system in dwelling not compliant with By-law – Individual	1000	
	Heating system in dwelling not compliant with By-law – Corporation	5000	
s. 53(4)	Large scale dumping of garbage - Individual	2000	1000
	Large scale dumping of garbage - Corporation	4000	2000
s. 53(5)	Own or operate a vehicle used in large scale dumping to garbage – Individual	2000	1000
	Own or operate a vehicle used in large scale dumping to garbage – Corporation	4000	2000

TAB 5

This document is an office consolidation of by-law amendments which has been prepared for the convenience of the user. The City of Winnipeg expressly disclaims any responsibility for errors or omissions.

CONSOLIDATION UPDATE: NOVEMBER 9, 2022

THE CITY OF WINNIPEG

BY-LAW NO. 110/2012

A By-law of THE CITY OF WINNIPEG to regulate the storage, collection and disposal of solid waste

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

Short title

- 1** This By-law may be cited as **"the Solid Waste By-law"**.

Definitions and interpretation

- 2** In this By-law

"base level of service" means the number and size of carts or other containers for the collection of solid waste and the frequency of collection established by City Council as the minimum requirement for all properties containing a single dwelling unit;

added 152/2012

"bulky waste" means solid waste designated as eligible for collection as part of the City of Winnipeg's solid waste services at times other than during the normal schedules of collection of solid waste;

"care home" means a dwelling used for the boarding or other residential accommodation plus care, treatment or rehabilitation of not more than six persons, in which care or treatment is not provided to any persons not resident in the dwelling;

"cart" means a wheeled eligible container issued by the Director;

"City" means the City of Winnipeg;

"compostable waste" means solid waste designated as eligible for composting as part of the City's solid waste services;

"designated", with respect to solid waste or a container, means solid waste or a container that has been designated by the Director under this By-law;

"designated employee" means any employee or agent of the City of Winnipeg to whom the Director has delegated authority to administer or enforce this By-law or to exercise any of the powers given to the Director under this By-law;

"Director" means the Director of Water and Waste of the City of Winnipeg, or his or her designate;

"dwelling unit" means

- (a) a building or a portion of a building designed or used for residential occupancy by a single person or a group of people living together has a housekeeping unit, which includes cooking, eating, living, sanitary and sleeping facilities;
- (b) a care home;
- (c) a single room occupancy;
- (d) a mobile home;

"eligible container" means a container designated as eligible for having specific types of solid waste contained within it collected as part of the City's solid waste services;

"garbage" means solid waste that is not:

- (a) compostable waste;
- (b) recyclable waste;
- (c) special waste;
- (d) bulky waste; or
- (e) non-collectible waste;

"hazardous waste" means:

- (a) "household hazardous material and prescribed material" as defined in the Household Hazardous Material and Prescribed Material Stewardship Regulation MR 16/2010;
- (b) "hazardous waste" as defined in The Dangerous Goods Handling and Transportation Act, C.C.S.M. c. D12;
- (c) other solid waste designated as hazardous waste;

"hostel" means a building or portion of a building other than a private home where temporary accommodation with cooking facilities or meals is provided, but does not include a hospital, a care home, a rehabilitation home, or a social service facility.

"hotel" means a building or portion of a building providing temporary accommodation in individual guest rooms or suites with or without provision for cooking in any individual guest room or suite.

"non-collectible waste" means solid waste designated as not eligible for collection as part of the City's solid waste services;

"non-residential property" means a property that is not a residential property;

"recyclable waste" means solid waste designated as eligible for recycling as part of the City's solid waste services;

"residential property" means a property that contains

- (a) a building that contains seven or fewer dwelling units, whether occupied or not;
- (b) one or more mobile homes or recreational vehicles in which people are residing, regardless of the number of mobile homes or recreational vehicles on the property;

but does not include a property that contains a hotel or hostel;

"single-room occupancy" means room or connected series of rooms providing sleeping and living facilities within a building, other than a hotel, hostel or care home, that provides some combination of shared bath or toilet facilities and that may or may not have separate or shared cooking facilities for the residents;

"solid waste" means all discarded waste materials except liquid or semi-liquid wastes and includes:

- (a) bulky waste;
- (b) compostable waste;
- (c) garbage
- (d) non-collectible waste;
- (e) recyclable waste; and
- (f) special waste;

"solid waste disposal site" means a site designated for the disposal of one or more forms of solid waste and may include an incinerator, a recycling depot or a composting facility;

"solid waste services" means programs, systems and facilities provided, implemented or managed under this By-law for the collection, storage, handling, processing and disposal of solid waste;

"special waste" means solid waste designated as requiring special handling in its collection, processing, storage or disposal as part of the City's solid waste services, and may include hazardous waste, electronic waste, pharmaceutical waste and biomedical waste;

"standard level of service" means the number and size of carts or other containers for the collection of solid waste and the frequency of collection of solid waste determined by City Council to be appropriate for each dwelling unit on all properties with between two and seven dwelling units;

added 152/2012

"street" means any place or way, including any structure forming part thereof, which or any part of which the public is ordinarily entitled to use for the passage of vehicles or pedestrians, with or without fee or charge therefor, and includes all the space between the boundary lines thereof and includes:

- (a) roadways;
- (b) sidewalks;
- (c) medians;
- (d) boulevards;
- (e) traffic islands;
- (f) private accesses; and
- (g) back lanes;

Solid waste collection for residential properties

3(1) Subject to subsection (2), the suspension or termination of the obligations of a property owner under subsections 6(4) or 6(5) or the suspension of solid waste collection services to a property under section 8,

- (a) the Director must provide a standard level of service to every residential property within the boundaries of the City of Winnipeg; and
- (b) the owner of the residential property to which solid waste collection services are provided is liable for payment of a service fee imposed for a standard level of service with respect to the property.

3(2) Notwithstanding subsection (1), the owner of a property which contains between two and seven dwelling units and who is being billed for the service fee referred to in clause (1)(b), upon payment of any applicable fee established by Council, may apply to the Director for a reduction of service provided to the property below the standard level of service and a commensurate reduction in the service fee. The Director may approve a reduction of service provided to the property if he or she is satisfied that

- (a) the occupants of the dwelling units will receive solid waste collection services sufficient for their needs;
- (b) the reduction will not result in garbage or other solid waste accumulating on the property in contravention of The Neighbourhood Liveability By-law or of The Public Health Act.

The Director must not approve a reduction of service to the property below the base level of service.

3(4) The Director is authorized to reverse an approval for a reduction of service to property under subsection (2) or to increase the service level provided to the property that has had a reduction approved under subsection (2) if he or she concludes that:

- (a) the occupants of the dwelling units are not receiving solid waste collection services sufficient for their needs;
- (b) garbage or other solid waste has accumulated or is accumulating on the property in contravention of The Neighbourhood Liveability By-law or of The Public Health Act.

Where the Director acts under this subsection, the owner must pay the service fee applicable to the service level being provided.

added 152/2012 (entire Section 3)

Administrative powers of Director

4(1) The Director is authorized to provide, implement and manage solid waste services in the city of Winnipeg.

4(2) The authority in subsection (1) includes the power to:

- (a) designate types or items of solid waste as bulky waste, compostable waste, garbage, hazardous waste, non-collectible waste, recyclable waste, and special waste;
- (b) establish schedules for the collection of solid waste from properties and adjust the schedules as he or she determines to be appropriate;
- (c) establish rules for the collection of solid waste, which may, among other things:
 - (i) include different rules for different types or volumes of solid waste or for different types of properties which produce the solid waste, and
 - (ii) require that, in order to be eligible for collection, all or certain categories of solid waste must be contained in specified eligible containers and set out in particular locations at particular times;
- (d) designate containers as eligible containers;
- (e) establish rules for the storage of solid waste on property or on streets, including rules for enclosures holding solid waste and for the storage of solid waste set out for collection;

- (f) designate solid waste disposal sites, including sites for the disposal of special waste, and establish rules for their operation, including rules about the types of solid waste that are allowed be deposited at the sites, rules for who can deliver different types of solid waste to the sites, and rules about processing or removing material deposited at the sites;
- (g) designate sites within the city for disposal of specific items or forms of solid waste;
- (h) determine how persons responsible for paying fees and charges under this By-law will be notified about the amount of the fees and charges, and when and how to make payments;
- (i) issue carts for the use of occupants of residential properties;
- (j) at the request of the owner, permit a residential property to receive solid waste collection services from the City as a non-residential property if doing so would assist the City in providing the services to the property; and
- (k) offer collection services to non-residential properties within the city.

4(3) Where the Director exercises his or her authority under this By-law in a way that affects general services provided to, or imposes general requirements on, residents and businesses located within the city of Winnipeg, the rules, designations, determinations and other actions of the Director take effect only after they have been:

- (a) communicated in writing to the City Clerk; and
- (b) posted on the City's website.

4(4) In addition to meeting the requirements of subsection (3), where the Director acts under clause 4(2)(b) to adjust or change, either temporarily or permanently, a schedule for the collection of solid waste from private properties, the Director must release a communiqué to the media that provides information about the adjustment or change.

4(5) Where solid waste is located within a street, whether or not it is within an eligible container, the Director may collect or arrange for the collection of the solid waste.

Prohibitions

5(1) A person must not contravene a rule, designation, determination, or requirement made, or other authority exercised, by the Director under this By-law.

5(2) The owner and occupant of property are each responsible to ensure that solid waste on the property is stored and set out for collection in compliance with rules made by the Director under section 4.

5(3) A person must not:

- (a) remove solid waste from one property and deposit it on another property, unless this complies with a rule made by the Director under section 4;
- (b) place solid waste from one property into any container that belongs to the owner or occupant of another property or has been issued for the use of the occupants of another property;
- (c) set out solid waste for collection from a property unless the solid waste originates from that property;
- (d) place any solid waste that has not been designated as recyclable into a container designated as eligible exclusively for recyclable waste, or place waste that has not been designated as compostable waste into a container designated as eligible exclusively for compostable waste;
- (e) place any solid waste designated as special waste or non-collectible waste into a container designated as eligible exclusively for garbage;
- (f) scavenge, pick through or remove solid waste that is located at a solid waste disposal site without the authorization of the Director;
- (g) scavenge, pick through or remove solid waste that is placed in the street in an eligible container for collection unless he or she is the owner or occupant of the property with respect to which the container has been issued, or who has the permission of the owner or occupant of the property on which the solid waste is located;
- (h) place solid waste in a street for collection in a manner or in a location that poses a hazard

5(4) The owner of a vehicle and the person driving the vehicle must each ensure that the vehicle is not used to transport solid waste that has been scavenged in violation of clause 5(3)(f) or (g).

5(5) Any person who produces special waste must ensure that it is taken for disposal to a waste disposal facility designated by the Director for the disposal of special waste.

5(6) The owner or occupant of property must ensure that:

- (a) snow and other obstacles do not block access to an eligible container for collection purposes; and
- (b) no obstacle, including a vehicle, is located on a street or back alley next to the property in a way that obstructs the passage or operation of a vehicle used to collect solid waste as part of the City's solid waste services.

5(7) The owner of a vehicle must ensure that it is not stopped, parked or permitted to remain stationary on a street or back alley so that it obstructs the passage of a vehicle engaged in the provision of the City's solid waste collection service. Where a vehicle is in contravention of this provision, a special constable or other peace officer with authority to enforce this By-law is authorized to act under section 243 of The Highway Traffic Act, C.C.S.M. c. H-60 to have the vehicle moved or stored in a suitable place.

Property owner's responsibilities for carts

6(1) Where the Director issues one or more carts under clause 4(2)(i), the owner of the property must pay the applicable fees with respect to the cart or carts issued and must ensure that the carts:

- (a) are not defaced or damaged;
- (b) are clean and odour-free;
- (c) are stored on the private property other than when placed on a street for collection; and
- (d) are available for storage of solid waste at all times.

6(2) Where a cart is damaged to the point where it cannot be used for the storage of solid waste, or is not available on the property to which it was issued for storage of solid waste, the owner of the property must pay the costs of repair or a fee established by Council to have a replacement cart issued for the use of the occupants of that property.

6(2.1) Despite clause (1)(a) and subsection (2), the owner of property is not responsible for damage to a cart, and no fee is applicable for the repair or replacement of a damaged cart, if the designated employee determines that

- (a) the cart has been damaged by someone other than the property owner through no fault of the property owner;
- (b) the cart was not damaged as a result of the property owner or resident at the property failing to comply with clause 6(1)(b) or with rules regarding the collection of solid waste established by the Director pursuant to clause 4(2)(c);
- (c) the cart is no longer functional for garbage or recycling collection;
- (d) the damaged cart has been returned to the City; and
- (e) the damage to the cart took place after January 28, 2015.
added 22/2015 (entire subsection 6.2.1)

6(3) Upon request by a designated employee, the owner of property must surrender a cart that has been issued by the Director.

6(4) The obligations to pay fees imposed in this section and in subsection 3(2) may be terminated by a designated employee in writing when

- (a) the designated employee has determined that the residential building with respect to which the cart or carts have been issued has been demolished pursuant to a demolition permit;
- (b) the owner has requested in writing that solid waste collection services be terminated; and
- (c) the owner has returned the cart or carts to a designated employee.

6(5) The obligations to pay fees imposed in this section and in section 3(2) may be suspended in writing by a designated employee for the length of time that a Vacant Residential Boarded Building Permit or a Boarded Building Exemption Certificate is in effect. The designated employee may only do so when the owner has requested in writing that solid waste collection services be suspended and has provided a valid Vacant Residential Boarded Building Permit or a Boarded Building Exemption Certificate with respect to the property. During the suspension period, the obligations on the owner with respect to the care and maintenance of the cart or carts continue unchanged.

Enforcement powers

7(1) The Director has, and any employee of the City of Winnipeg to whom he or she delegates the authority to enforce or administer all or part of this By-law has to the extent of that delegation, the authority to conduct inspections and take steps to administer and enforce this By-law or remedy a contravention of this By-law and to provide services or do work in accordance with The City of Winnipeg Charter and, for these purposes, have the powers of a "designated employee" under The City of Winnipeg Charter.

7(2) Without restricting the general authority given to the Director and his or her delegates under subsection (1), the Director has the specific authority to

- (a) inspect material being brought to a solid waste disposal site for disposal in order to administer and enforce this By-law; and
- (b) use the authority of the City under The Petty Trespasses Act to prohibit from entering a solid waste disposal site individuals who have repeatedly contravened subsection 5(1) or clause 5(3)(f) with respect to a solid waste disposal site.

Right to refuse to provide service

8(1) Notwithstanding subsection 3(1) and in addition to his or her powers of enforcement as a designated employee, the Director may refuse to provide solid waste collection services:

- (a) to a property whose owner or occupant fails to pay the applicable fees respecting solid waste; or

- (b) with respect to any property that is not in compliance with this or another by-law of the City respecting solid waste or with a rule, designation, determination or other exercise of authority by the Director under section 4.

8(2) Where a property owner or occupant repeatedly fails to comply with this or another by-law of the City respecting solid waste, or with a rule, designation, determination or other exercise of authority by the Director under section 4, the Director may suspend the provision of solid waste collection services to any property owned or occupied by that individual for a period of time set out by the Director in imposing the suspension, which may not exceed one year.

8(3) Before suspending the provision of solid waste collection services under subsection (2), the Director must

- (a) notify the property owner or occupant in writing that suspending or terminating the provision of solid waste collection services is being considered;
- (b) provide in writing the reasons why suspending or terminating the provision of solid waste collection services is being considered; and
- (c) give the property owner or occupant a reasonable opportunity to be heard concerning the proposed suspension.

8(4) Where solid waste collection services have been refused or suspended under this section, the property owner is nonetheless liable for the payment of the Garbage and Recycling Service Charge and all other applicable fees with respect to solid waste collection services for that property.

Appeal

9(1) Where an appeal from an order or decision under this By-law is authorized by The City of Winnipeg Charter, the appeal may be made to the Standing Policy Committee on Water, Waste and Environment.

amended 106/2015; 137/2022

9(2) An appeal under subsection (1) must not be accepted by the City Clerk until an administrative fee in an amount established by Council has been paid to the City Clerk. The appeal body hearing the appeal may order the administrative fee to be refunded to the appellant if the appeal has been made in good faith and has some merit.

Penalties

10(1) Subject to subsection (2), a person who contravenes a provision of this By-law is guilty of an offence and is liable, upon summary conviction for the contravention of that provision, to a fine of not less than the following amount plus mandatory court costs as provided by The Summary Convictions Act:

- (a) in the case of an individual, \$300.00; and
- (b) in the case of a corporation, a fine of \$600.00

10(2) Notwithstanding subsection (1), a person who contravenes a provision of this By-law may pay a discounted fine in the following amount plus mandatory court costs as provided by The Summary Convictions Act within 15 days following the date the offence notice alleging the contravention was issued and thereafter will not be prosecuted for the contravention:

- (a) in the case of an individual, \$150.00; and
- (b) in the case of a corporation, \$300.00.

10(3) A monetary penalty pursuant to sub-clause 175(d)(i) of The City of Winnipeg Charter is hereby imposed for a contravention of this By-law. The monetary penalty is in the amount of the costs of any collection, clean-up and disposal of solid waste that is associated with the conduct that is in contravention of this By-law.

10(4) Subject to the Municipal By-law Enforcement Act Enabling By-law, a person who contravenes a provision of this By-law that is referred to in Schedule A of the Municipal By-law Enforcement Act Enabling By-law must pay the administrative penalty for that contravention set out in that Schedule. If an Early Payment Discount amount is set out for a provision in that Schedule, a person who is issued a penalty notice for a contravention of that provision may, within 14 days after the penalty notice has been issued, voluntarily pay to The City of Winnipeg the applicable Early Payment Discount amount and will thereafter not be prosecuted for contravention.

added 103/2021

Streets By-law amended

11 The Streets By-law No. 1481/77 is amended by adding the following immediately after subsection 5.02.05:

SOLID WASTE BIN PERMIT

- 5.03.01 In this subsection, "non-residential" means any building other than a building occupied solely by seven or fewer residential units. It includes a building with no residential units, a mixed-use building, and a building occupied by more than seven residential units.
- 5.03.02 Notwithstanding the Encroachment By-law, but subject to payment of any fee established by Council, the Director may issue a permit authorizing the owner or occupant of a non-residential building to place and maintain within the street adjacent to or near the building one or more containers for the purposes of solid waste collection. The permit may only be issued with respect to a building that existed on August 1, 2012 and where no reasonable alternative location for the container exists.

- 5.03.03 The Director may impose reasonable conditions on the permit to accommodate relevant factors, such as the ability to collect solid waste from the container, the safe and efficient movement of pedestrian and vehicular traffic, access to structures within and under the street, fire prevention and fire fighting, and maintaining or improving the aesthetics of the street. Without limiting this power, these conditions may include a requirement to install or construct a pad under the container, to construct a structure to shield the container or to move the container to the specified location on the street only on days that are scheduled for solid waste collection.
- 5.03.04 A person who complies with a permit issued under this section is not required to comply with the Encroachment By-law and is not required to obtain a Use of Street Permit, a Street Cut Permit or a Street Crossing Permit.
- 5.03.05 A permit issued under this section is issued to a particular owner or occupant. A new owner or occupant must obtain a new permit.

Neighbourhood Liveability By-law amended

12 The Neighbourhood Liveability By-law No. 1/2008 is amended

- (a) by replacing section 53 with the following:

Littering and dumping garbage prohibited

53(1) A person must not discard, leave, deposit or dump garbage in any place, including a street, public place or private property, except in a litter receptacle or in compliance with the Solid Waste By-law.

53(2) The owner of a vehicle, and the person driving the vehicle, must each ensure that no garbage escapes from or is discarded, deposited, removed or dumped from the vehicle except in compliance with the Solid Waste By-law.

- (b) by replacing section 55 with the following:

Garbage escaping vehicle

55 The owner of a vehicle that is conveying solid waste, and the person driving the vehicle, must each ensure that

- (a) the solid waste is adequately secured so as to prevent it from escaping from the vehicle.
- (b) the solid waste does not blow off or fall off and is not deposited on
 - (i) a street, including an alley;

- (ii) any public place; or
- (iii) on private property, except with the permission of the owner.

(c) by replacing clause 80(1)(c) with the following:

- (d) only clean, dry, unpainted and untreated wood is burned in the fire, and no solid waste, as that term is defined in the Solid Waste By-law, of any kind, including grass, leaves, brush or tree prunings, are burned in the fire.

(c) By adding the following after section 109:

Penalties for violation of Part 3 (Littering and Garbage)

109.1(1) Subject to subsection (2), a person who contravenes a provision of Part 3 of this By-law (Littering and Garbage) is guilty of an offence and is liable, upon summary conviction for the contravention of that provision, to a fine of not less than the following plus mandatory court costs as provided by The Summary Convictions Act:

- (a) in the case of an individual, \$300.00; and
- (b) in the case of a corporation, \$600.00.

109.1(2) Notwithstanding subsection (1), a person who contravenes a provision of Part 3 of this By-law (Littering and Garbage) may pay a discounted fine in the following amount plus mandatory court costs as provided by The Summary Convictions Act within 15 days following the date the offence notice alleging the contravention was issued and thereafter will not be prosecuted for the contravention:

- (a) in the case of an individual, \$150.00; and
- (b) in the case of a corporation, \$300.00.

109.1(3) A monetary penalty pursuant to sub-clause 175(d)(i) of The City of Winnipeg Charter is hereby imposed for a contravention of sections 53, 55 and 56 of this By-law. The monetary penalty is in the amount of the costs of any collection, clean-up and disposal of litter or garbage that is associated with the conduct that is in contravention of the provision.

Solid Waste By-law No. 1340/76 repealed

13 The Solid Waste By-law No. 1340/76 is repealed.

Coming into force

13 This By-law comes into force on August 1, 2012.

DONE AND PASSED, this 18th day of July, 2012.

TAB 6

This document is an office consolidation of by-law amendments which has been prepared for the convenience of the user. The City of Winnipeg expressly disclaims any responsibility for errors or omissions.

CONSOLIDATION UPDATE: NOVEMBER 9, 2022

CITY OF WINNIPEG
STREETS BY-LAW NO. 1481/77

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CONSOLIDATION UPDATE: NOVEMBER 9, 2022

THE CITY OF WINNIPEG

STREETS BY-LAW
NO. 1481/77

**A By-law of THE CITY OF WINNIPEG to
regulate the use of streets in the City of
Winnipeg.**

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

This By-law may be referred to as the "**Streets By-law**".

Unless otherwise expressly provided, or unless the context otherwise requires, the words and expressions in this by-law have the same meaning as the same words and expressions in *The Highway Traffic Act* of the Province of Manitoba.

DEFINITIONS

amended 1/2011

1. In this By-law

"Abandoned vehicle"

repealed 86/2016

"boulevard" *repealed 8162/2002*

"City" *repealed 8162/2002*

"City Solicitor", "Chief Financial Officer" etc., means the respective holders of such offices in The City of Winnipeg or any person duly appointed to act in their stead;

amended 8162/2002

"Council" *repealed 8162/2002*

"designated employee" means an employee of the City of Winnipeg to whom the Director has delegated authority to administer or enforce all or part of this By-law;

added 62/2010

"Director" means the Director of Public Works and any person to whom the Director has delegated authority given to the Director under this By-law;
added 8162/2002, amended 62/2010

"Garage Sale" means the display and sale of a collection of used goods from residential premises;
added 3996/85

"Graded" when used to describe a roadway means a roadway that has been constructed having an earth or granular surface, which may or may not be treated with a dust palliative;

"Highway" *repealed 8162/2002*

"Horse" includes any animal used for the purpose of transportation of people, goods or materials;

"Manual of Temporary Traffic Control" means the Manual of Temporary Traffic Control in Work Areas on City Streets approved by Council from time to time and, unless otherwise specified, refers to the most recent edition;
added 62/2010

"Owner" means a person in whose name a subject property or vehicle is registered;

"Pavement" or the adjective "Paved" when used to describe a street, road, alley, sidewalk, or other area, refers to an area which has a surface constructed of Portland Cement concrete, asphaltic concrete, brick, tile or similar material;

"Person" *repealed 8162/2002*

"Street" *repealed 8162/2002*

"Standard Construction Specifications" means the City of Winnipeg Standard Construction Specifications issued by the Director from time to time;
added 62/2010

"street" means any place or way, including any structure forming part thereof, which or any part of which has been dedicated as a roadway, lane, avenue, footpath, walkway, road or highway pursuant to *The Real Property Act* or which the public is ordinarily entitled to use for passage, with or without fee or charge therefor, and includes all the space between the boundary lines thereof;
added 62/2010

"street cut" means any cut, break, tear or excavation in a street surface or the removal of any part of a street surface;
added 62/2010

"Street Cuts Manual" means the Streets Cuts Manual issued by the Director under clause 4.12.02(1) of this By-law and, unless otherwise specified, refers to the edition of the Manual posted on the City of Winnipeg website at the relevant time;

added 62/2010

"Structure" in the public street means any manufactured or constructed thing legally erected, constructed or installed on, over or under the ground surface within the right-of-way of the street and, without affecting the generality of the above, shall include such things as roadways and sidewalks, utility housings, buried wires and cables, utility poles, utility duct lines, sewers, watermain, and as well, the appurtenant fixtures thereof, parking meters and posts, fences, chutes, areaways, etc.;

"Tree" includes trees, shrubs, and other decorative plants such as flowers;

"Underground Structures Committee" means a Committee made up of seven representatives of City departments, one each from Manitoba Hydro, Manitoba Telephone System and Greater Winnipeg Gas Company whose purpose is to maintain records of Utility installations in the street, approve utility locations in the street and to coordinate the use of the streets for utility installations;

"Utility" means any corporation, company, city department, or other legal entity established for the purpose of and engaged in the supplying of a service to the Community-at-large through the distribution or collection of electrical energy, steam, gas, water, sewage refuse, or the supply of communications, and signal services;

"Vehicle" includes an automobile, motorcycle, bicycle, traction engine, truck, tractor, trailer, snowmobile, go-cart and any vehicle drawn, propelled or driven by any kind of power including muscular power but does not include vehicles running only upon rails, lawnmowers, shopping carts; or sleighs, wagons, or carriages, etc., intended primarily for children's play or transportation;

PROHIBITED ACTIVITIES

DAMAGING STRUCTURES IN STREETS

- 2.01. (a) No person shall wilfully or intentionally damage any structure in a street.
- (b) No person other than a duly authorized employee or agent of the owner of the structure shall climb, break, cut, wilfully destroy, tear down or interfere with a utility housing, or any light, power, telegraph, telephone, police or fire alarm or signal pole or tower or any other pole, tower, wire or cable or any guy wire or other support or accessory thereto.

NUISANCES AND DANGEROUS CONDITIONS

2.02.01 Subject to subsection 2.02.02 and subsection 4.01.01, no person shall:

- (a) throw, pile, deposit or leave any articles, merchandise, water or material of any kind on a street;
- (b) carry out or permit any action causing or resulting in the creation of a nuisance in a street;
- (c) carry out or permit any action causing or resulting in the creation of a dangerous condition in a street.

amended 62/2010

2.02.02 Subsection 2.02.01 does not apply to the reasonable portion of a street for a reasonable time during the pick up or delivery of goods, wares or merchandise or if solid waste picked up under the Solid Waste By-law.

amended 62/2010

VEHICLES NOT TO DEPOSIT EARTH, ETC.

2.03 Without the permission of the Director, the driver of a vehicle must not allow or cause:

- (a) earth, stone, refuse, garbage or other solid waste, or any other substance to fall, spill or be deposited from the vehicle onto a street;
or
- (b) mud, clay or other material to be deposited from the wheels of the vehicle on a street.

amended 62/2010

USE OF LUGS

2.04. No person shall operate on a street any vehicle having on the wheel or treads thereof, any metal lugs, cleats, shoes, grouser shoes or like devices, unless permission to do so has been obtained from the Director except that studded tires and tire chains may be used in accordance with the provisions of *The Highway Traffic Act* of the Province of Manitoba.

REPAIRS TO VEHICLES

2.05. *repealed 86/2016*

WASHING VEHICLES

2.06. *repealed 86/2016*

ABANDONED VEHICLES

- 2.07.01 *repealed 86/2016*
- 2.07.02 *repealed 86/2016*
- 2.07.03 *repealed 86/2016*
- 2.07.04 *repealed 86/2016*

SNOW AND ICE

- 2.08. No person shall move snow or ice from private property onto a street.

DE-ICING CHEMICALS

- 2.09. No person other than an employee or agent of the City in the course of his duties shall sprinkle, spread or place a de-icing chemical of any kind in a street.

USE OF DANGEROUS MISSILES

- 2.10. No person shall cast, project or throw stones, snowballs, ice or other missiles dangerous to the public, in, or onto a street.

FIREWORKS

- 2.11. No person shall explode any firecracker or ignite any display of fireworks in a street without the permission of the Director.

COASTING

- 2.12. *repealed 7656/2000*

DOORS NOT TO SWING OVER STREETS

- 2.13.01 Subject to the remainder of this section, unless he or she obtains permission to do so under the Encroachment By-law, no person shall allow the door or gate of any premises or property he owns or occupies to swing over a street.
amended 62/2010; 88/2013
- 2.13.02 The prime contractor for a construction project, as defined in The Workplace Health and Safety Act, must not allow the gate of a fence at the site of the construction project to swing over a street unless he or she ensures that it is closed at all times other than when allowing a vehicle to enter or exit the site.
added 62/2010
- 2.13.03 The door of an enclosure around a garbage container may swing over a street or lane but the owner or occupant of property on which the enclosure is located must ensure that the door is closed at all times except when the garbage container is being emptied and must also ensure that the door does not obstruct or inhibit vehicular traffic on the street or lane at any time.
added 62/2010

MARKING IN STREET

- 2.14. No person may paint, chalk, stencil or mark any advertisement, logo, sign or writing of any kind on the sidewalk, roadway or any structure in a street unless he or she has been given permission to do so by the Director.

amended 62/2010

ELECTRICAL CORDS

- 2.15. No person other than a Utility shall place or leave on or across any part of a City street, an unattended wire, cord or cable, that is capable of transmitting electrical energy from public or private property to or across a City street.

amended 3298/82

TREES AND SHRUBS

- 2.16. No owner or occupier of any land shall allow any part of a tree, shrub or sapling growing thereon to extend over or upon any street, or public place so as to interfere with, impede or endanger persons using such street or public place. When deemed necessary for the convenient and safe use of a street, the Director of Environment may, after notice cause any tree, sapling or shrub growing or planted on any adjoining land to be trimmed within the street and the cost as certified by the Director of Environment may be charged to the owner of the property on which the tree, sapling or shrub is growing. No person other than an employee or agent of the City shall climb, break, bark, peel, cut, trim, injure any tree, sapling or shrub in a street. No person shall plant or remove any tree in a street without having first obtained permission from the Director of Environment.

amended 3789/84

SHOPPING CARTS

- 2.17.01. In this part the phrase "shopping cart" means a four-wheeled or other vehicle belonging to the owner or proprietor of a retail grocery store or other store and kept by such owner for the use of its customers but does not include a two-wheeled shopping cart or wheeled basket or other shopping cart which belongs to the customer and not to the owner or proprietor of a retail grocery store or other store.

added 4239/86

- 2.17.02. No person shall move, and no proprietor shall permit to be moved, a shopping cart(s) from any store or from a parking area operated in connection therewith onto a street or any portion thereof.

added 4239/86

- 2.17.03. Every owner or proprietor of a retail grocery store or other store where shopping carts are provided for the use of the customers shall cause the name of the owner or proprietor to be painted, printed or stamped on each shopping cart provided for use in that store or attached thereto by a plate or similar device.

added 4239/86

- 2.17.04. Where a shopping cart has been abandoned on a street, a police officer or an employee of the City may take possession of the shopping cart and cause it to be impounded by the City in such place as the Director may designate for that purpose.
added 4239/86
- 2.17.05. Where a shopping cart has been impounded by the City, the person in charge of the place where the shopping cart is impounded may advise its owner of its location.
added 4239/86
- 2.17.06. Forthwith upon ascertaining or being advised that a shopping cart belonging to him is impounded by the City the owner of the shopping cart shall:
- (a) pay an impoundment fee of twenty-five (\$25.00) dollars or such other fee as established by Council from time to time to the City for the cost of removing and impounding the shopping cart;
amended 4784/88; 25/2007
 - (b) furnish the person in charge of the place where the shopping cart is impounded with adequate proof of ownership of the shopping cart;
 - (c) remove the shopping cart forthwith.
added 4239/86
- 2.17.07. The City may dispose of any unclaimed shopping carts by sale, auction, shredding, or by any other means determined by the Director.
added 4784/88

SOLICITING BUSINESS IN A ROADWAY

- 2.18. No person shall enter a roadway or occupy a roadway for the purpose of offering the occupant or occupants of vehicles any goods or service, nor shall a person provide any goods or service in a roadway to the occupant or occupants of vehicles in the roadway, provided however, that this Section shall not be construed to render it unlawful for a person to enter a roadway to render assistance where such assistance is deemed necessary due to accident or breakdown.
added 7204/98

SITTING OR LYING DOWN ON SIDEWALKS IN THE DOWNTOWN AND NEIGHBOURHOOD COMMERCIAL ZONES

- 2.19. (1) No person shall, during the period 10:00 hours to 22:00 hours of any day, sit or lie upon a sidewalk, or upon a blanket, chair, stool or any other object placed upon the sidewalk, where the sidewalk:
- (a) is located in the Downtown Zone, defined as the area within the geographical boundaries of the Downtown Business Improvement Zone and the Exchange District Business Improvement Zone as set out in City of Winnipeg By-laws Nos. 5080/89 and 5081/89, respectively; or

- (b) abuts or is adjacent to lands and premises in commercial areas zoned C1-5 under City of Winnipeg By-law No. 6400/94.
- (2) The prohibition set out in subsection (1) shall not apply to any person:
- (a) sitting or lying down on a sidewalk due to a medical emergency;
 - (b) who, as a result of a disability, utilizes a wheelchair or similar device to move about the sidewalk;
 - (c) operating or patronizing a commercial establishment conducted on a sidewalk pursuant to a permit or lease agreement;
 - (d) participating in or attending a parade, festival, performance, rally demonstration, meeting or similar event conducted on the roadway or sidewalk pursuant to permit; or
 - (e) sitting on a sidewalk or on a bench provided for that purpose at a bus stop while awaiting a bus.
added 7219/98

SUBMISSION AND APPROVAL OF DRAWINGS REQUIRED

- 2.20 (1) In addition to obtaining any permit that is required under this By-law, a person must submit drawings to and obtain approval from the designated employee before carrying out any installation, reconstruction, repair, renewal or realignment of a structure in, on, over or under a street.
added 62/2010
- 2.20 (2) The drawings required by subsection (1) must be in a form acceptable to the designated employee, must include any information reasonably required by the designated employee in order to approve the drawings and, except in the case of emergency work, must be submitted to the designated employee at least seven days prior to the work referred to in subsection (1). In the case of emergency work, the drawings referred to in subsection (1) must be submitted as soon as reasonably possible.
added 62/2010
- 2.20 (3) Where the work referred to in subsection (1) results in changes of alignment or grade or when required by the designated employee to do so, the person carrying out the work must submit "as built" drawings to the designated employee within 60 days after the work has been completed.
added 62/2010

LICENSES

LICENCE REQUIRED FOR WORK ON STREET

3.01 Unless a person holds a subsisting and applicable licence issued under this section or issued under the Private Access By-law, the Waterworks By-law or the Sewer By-law, or unless authorized by Part 8 (Boulevard Maintenance) of the Neighbourhood Liveability By-law, a person must not do any of the following within or to a street:

- (a) landscaping;
 - (b) excavating, including making street cuts;
 - (c) constructing or repairing streets;
 - (d) constructing road grades or drainage ditches;
 - (e) constructing or repairing water pipes, wastewater and storm sewer pipes;
 - (f) any other work or repair or construction.
- amended 62/2010*

LICENCEE TO BE QUALIFIED

3.02. No licence shall be issued to any person who, at the time of his application, fails to furnish a certificate of qualification satisfactory to the Director.

LICENCE FEE

3.03. No licence shall be issued by the Director until the applicant has paid the required fees as established by Council from time to time. The City's copy of the licence shall be signed by the applicant and will state that he will replace and restore the street to a condition satisfactory to the City, that he will keep barricades by day and barricades and lights by night at the location of all work in progress and maintain the same in good order to the satisfaction of the Director and that he will conform in all respects to the rules, regulations and by-laws of the City and to any applicable statute of the Province of Manitoba pertaining to streets or works done therein.

amended 25/2007

EXPIRATION OF LICENCE

3.04. Every licence issued under the provision of this By-law shall remain in force until the first day of January next succeeding the issue thereof or otherwise provided in that licence.

LIABILITY INSURANCE

amended 5297/89

- 3.05. Every person to whom a licence is issued under this By-law shall provide liability insurance in accordance with Part 6.
amended 5297/89

SUSPENSION OF LICENCE

- 3.06.01 The Director may immediately, without prior notice to the licence holder, suspend a licence for up to 30 days if the Director determines that the licence holder
- (a) is engaged in an activity for which a permit is required in a way that poses a significant threat to people, property or the environment; ~~or~~
amended 94/2019
 - (b) is not carrying insurance coverage as required by subsection 3.05; or
amended 62/2010; amended 94/2019
 - (c) has failed to pay outstanding fees for a permit or licence for 90 days or more.
added 94/2019
- 3.06.02 Within 30 days of suspending a licence, the Director must either reinstate the licence or revoke the licence under section 3.07.
added 62/2010

REVOCATION OF LICENCE

- 3.07.01 Whether the licence holder's licence has been suspended or not, the Director may revoke a licence where
- (a) the licence was issued on the basis of misleading or false information and the licence would not have been issued if the accurate information had been known;
 - (b) the facts on which the decision to issue the licence was based have changed and would not now justify issuing the licence;
 - (c) the licence holder has repeatedly failed to observe conditions imposed on a permit or has failed to comply with this by-law or other applicable laws, by-laws, codes and regulations;
 - (d) after being suspended for up to 30 days for not carrying insurance coverage, the licence holder is still not carrying insurance coverage as required by section 3.05; or
amended 94/2019
 - (e) after having his or her licence suspended under clause 3.06.01(c) for failing to pay outstanding fees and after being sent notice by ordinary mail of the suspension and the reason for the suspension, the licence holder continues to fail to pay outstanding fees for a permit or licence for a further 30 days or more.
added 94/2019

- 3.07.02 The Director must not revoke a licence unless the licence holder has been notified that a revocation is being considered and has been given a reasonable opportunity to be heard concerning the revocation.
- 3.07.03 In revoking a licence, the Director must specify a date after which the licence holder is permitted to re-apply for a licence.
added 62/2010

ACTIVITIES FOR WHICH PERMIT REQUIRED

USE OF STREET PERMITS

- 4.01.01 A person must not engage in any of the following in a street unless he or she holds a Use of Street Permit issued by a designated employee which authorizes the activity:
- (a) engaging in an activity, including parking or stopping a vehicle in a street, that obstructs vehicular traffic on a street;
 - (b) engaging in an activity that obstructs pedestrian traffic on a roadway or sidewalk;
 - (c) subject to subsection 4.01.02, engaging in a commercial transaction on a street;
 - (d) depositing or storing equipment, materials, garbage, waste materials or any other thing on a street;
 - (e) engaging in work on or over a street, including operating equipment on or over a street;
 - (f) erecting a fence, hoarding or protective cover on or over a roadway or sidewalk;
 - (g) erecting or operating a construction crane which extends over a street in any way.
- 4.01.02 Notwithstanding subsection 4.01.01
- (a) clause 4.01.01(c) does not apply to a mobile vendor who is operating a mobile food unit parked or located on a street under the authority of a Mobile Vendor's Parking Permit issued under the Winnipeg Parking By-law;
amended 56/2014; 42/2015; 86/2016
 - (b) clauses 4.01.01(a), (b) and (c) do not apply to an individual participating in an event for which a parade permit has been issued under the Traffic By-law.
added 56/2014

- 4.01.03 A designated employee may issue Use of Street Permits for particular times and places or may issue Use of Street Permits for unlimited locations within the City over a period of time not exceeding one year.
- 4.01.04 A vehicle that is parked or stopped in a portion of a street covered by a Use of Street Permit in order to engage in an activity authorized by the Use of Street Permit is not in contravention of the provisions of a City by-law that would otherwise prohibit it from being parked or stopped. However, unless the Use of Street Permit specifically provides for an exemption from section 14 (paid parking) of the Winnipeg Parking By-law, the vehicle must still comply with that section.
amended 86/2016
- 4.01.05 Except for items installed by or on behalf of the City of Winnipeg, a person must not install temporary or seasonal street furniture, including bicycle racks, public art installations, benches, vending machines, garbage or recycling bins or other street furniture without a Use of Street Permit authorizing the installation of the street furniture.
amended 62/2010
- 4.01.06 A designated employee may issue a Use of Street Permit to a mobile vendor, authorizing the vendor to conduct business on a boulevard or sidewalk. A vendor operating out of a motor vehicle or a trailer that is parked on a roadway or shoulder is not eligible for such a permit.
added 42/2015
- 4.01.07 In addition to conducting business only in compliance with a Use of Street Permit which authorizes it, a mobile vendor must not conduct business:
- (a) on a roadway or with a person who is on a roadway;
 - (b) on a street where the posted speed limit for vehicular traffic exceeds 60 kilometres per hour or within 20 metres of such a street;
 - (c) in a manner that obstructs or causes a danger to or from pedestrian or vehicular traffic;
 - (d) within 5 metres of an intersection or crosswalk;
 - (e) within 3 metres of the public entrance to a building;
 - (f) within 20 metres of a bus stop;
 - (g) within 20 metres of the vehicular or pedestrian entrance to a park;
 - (h) if the mobile vendor is selling food, within 20 metres of a restaurant, grocery store or other food service establishment that is located in a building.
added 42/2015 (entire section 4.01.07))

EXCLUSIVE USE OF STREET

- 4.02.01 A designated employee may issue a Use of Street Permit granting a person the exclusive right to use all or part of a street for a period of time specified in the permit. Such a permit prohibits any other person from using that portion of the street for the period of time specified in the permit.
- 4.02.02 A permit under clause 4.02.01 may grant the permit holder the right to park or stop a vehicle in curb lanes
- (a) in areas and at times where parking and stopping are not otherwise permitted; and
 - (b) for periods of time in excess of the time limits posted on traffic control devices.
- 4.02.03 Unless it is done pursuant to the authority delegated to the Chief Administrative Officer to approve sponsorship agreements which allow for exclusive rights to engage in commercial transactions, a designated employee may not issue a permit giving a person the exclusive right to use all or part of a street under 4.02.01 for the purposes of engaging in commercial transactions.
amended 62/2010, 80/2012

FEES FOR USE OF STREET PERMITS

- 4.03.01 Subject to 4.03.02, Council may establish permit fees for Use of Street Permits issued under this section, which must be paid before a permit is issued.
- 4.03.02 No fee is payable when a Use of Street Permit is issued authorizing the use of a street for film production.
amended 62/2010

RENTAL FEES FOR USE OF STREETS

- 4.04 In addition to a permit fee and an administration fee, a Use of Street Permit issued under this section is conditional upon the payment of fees established by Council for the rental or use of the street or portion of the street authorized in the permit, which fees may be based on:
- (a) the size of the area of the street being used;
 - (b) the length of time the area of the street is being used;
 - (c) the part of the street being used; and
 - (d) other factors determined by Council.
amended 62/2010

AUTHORITY TO ISSUE USE OF STREET PERMITS

4.05.01 A designated employee may issue a Use of Street Permit for a period of up to 12 months if he or she has reason to believe that the proposed activity or use of the street will be conducted in a way which

- (a) will not create an undue hazard to people or property;
- (b) will not unduly disrupt or interfere with vehicular or pedestrian traffic;
- (c) will not unduly disrupt or interfere with police, fire, paramedic or other emergency services;
- (d) will not result in harm or damage to the street or structures on the street or to private property or, where it is likely to result in harm or damage, the applicant will rectify any harm or damage or will provide appropriate compensation for the harm or damage;
- (e) will comply with this By-law and other applicable laws, by-laws, codes and regulations.

4.05.02 A designated employee must refuse to issue a Use of Street Permit where he or she reasonably concludes that the proposed activity or use of street cannot be conducted in compliance with clauses 4.05.1(a) to (e), even with appropriate conditions imposed upon the permit pursuant to section 4.06.

4.05.03 A designated employee may renew a Use of Street Permit for a specified period of time if the permit holder pays the renewal fee established pursuant to this By-law. The provisions of this Part apply to the decision to issue the renewal and the terms and conditions of a renewal as if it were an initial permit.

4.05.04 A designated employee may refuse to issue or renew a Use of Street Permit where an applicant or permit holder is in arrears for fees or charges imposed pursuant to this By-law.

amended 62/2010

CONDITIONS ON USE OF STREET PERMITS

4.06.01 A designated employee may impose reasonable conditions upon a Use of Street Permit in order to

- (a) prevent, reduce, mitigate or compensate for any potential harm or damage to people, property or the environment, including harm to the City of Winnipeg or damage to its property;
- (b) prevent or minimize any disruption or interference with vehicular or pedestrian traffic caused by the permitted activity;

- (c) ensure that the activity will not result in harm or damage to the street or structures on the street or to private property or, where it is likely to result in harm or damage, the applicant will rectify any harm or damage or will provide appropriate compensation for the harm or damage;
- (d) ensure that the permitted activity will comply with this By-law and other applicable laws, by-laws, codes and regulations;
- (e) reduce the impact of the permitted activity on businesses or residents in the area; or
- (f) facilitate the administration of the permit.

4.06.02 Without limiting the generality of subsection 4.06.01, a designated employee may require as a condition of a Use of Street Permit, that the applicant

- (a) provide proof of insurance naming the City as an additional insured party in any amount sufficient to compensate the City of Winnipeg or any other person for harm or damage suffered as a result of the permitted activity;
- (b) provide a deposit of monies, bond, letter of credit or other surety sufficient to compensate the City of Winnipeg for harm or damage suffered as a result of the permitted activity;
- (c) agree, in a form satisfactory to the City Solicitor, to indemnify the City of Winnipeg and save it harmless from any harm or damage suffered as a result of the permitted activity;
- (d) conduct the activity in a particular manner, at specified locations and at specified times;
- (e) utilize certain persons or categories of persons to carry out specified aspects of the activity;
- (f) provide details of plans for the activity before the permit becomes effective;
- (g) provide evidence of compliance with applicable laws, by-laws, codes and regulations and/or with conditions imposed upon the permit;
- (h) complete the activity by a specified date or within a specified period of time;
- (i) obtain approval of corporations responsible for utilities that might be affected by the activity prior to the initiation of the activity;

- (j) construct hoardings or other protective structures; or
- (k) ensure that the site of the activity is maintained during the activity and leave upon completion of the activity in a clean and safe condition.

4.06.03 A permit holder who violates a condition imposed on a Use of Street Permit or who permits a condition to be violated is in violation of this By-law and is subject to a fine set out in Schedule H.
amended 62/2010

SUSPENSION OF USE OF STREET PERMIT

4.07.01 The Director may immediately, without prior notice to the permit holder, suspend a Use of Street Permit for up to 30 days if the Director concludes that allowing the activity authorized by the permit to proceed or to continue would or be likely to

- (a) create an undue hazard to people or property;
- (b) unduly disrupt or interfere with vehicular or pedestrian traffic;
- (c) result in harm or damage to the street or structures on the street or to private property or, where it is likely to result in harm or damage, the applicant will not rectify any harm or damage and will not provide appropriate compensation for the harm or damage; or
- (d) not comply with this By-law and other applicable laws, by-laws, codes and regulations; or

4.07.02 Within 30 days of suspending a permit, the Director must either reinstate the Use of Street Permit or revoke the permit under section 4.08.
amended 62/2010

REVOCATION OF USE OF STREET PERMIT

4.08.01 Whether the Use of Street Permit has been suspended or not, the Director may revoke a permit where

- (a) misleading or false information was provided upon which the decision to issue the permit was based;
- (b) the facts given on which the decision to issue the permit was based have changed and would not now justify issuing the permit;
- (c) the Director concludes that, if the activity authorized by the permit were to proceed, it would or would be likely to
 - (i) create an undue hazard to people or property;

- (ii) unduly disrupt or interfere with vehicular or pedestrian traffic;
 - (iii) result in harm or damage to the street or structures on the street or to private property or, where it is likely to result in harm or damage, the applicant will not rectify any harm or damage and will not provide appropriate compensation for the harm or damage; or
 - (iv) not comply with this By-law and other applicable laws, by-laws, codes and regulations; or
- (d) a permit holder has failed to observe a condition imposed on a permit or has failed to comply with this and other applicable laws, by-laws, codes and regulations;

4.08.02 The Director must not revoke a permit unless the permit holder has been notified that a revocation is being considered and has been given a reasonable opportunity to be heard concerning the revocation.
amended 62/2010

ADMINISTRATION OF USE OF STREET PERMITS

4.09.01 The Director may impose requirements reasonably required to administer the issuance of Use of Street Permits, including requirements concerning:

- (a) the completion and submission of application forms;
- (b) the provision of information reasonably required in order to consider an application;
- (c) reasonable time limitations for the submission of application forms.

4.09.02 Where a fee for a Use of Street Permit has been imposed pursuant to this By-law, the Director must not issue a permit until the fee has been paid.

4.09.03 Where the Director has required, as a condition of issuing a Use of Street Permit, that the applicant provide a deposit under clause 4.06.02(b), the Director:

- (a) may use all or some of the deposit to pay the reasonable costs of remedying damage caused by the actions of the permit holder or to compensate the City of Winnipeg for harm or damage caused by or as a result of the permitted activity, or both; and
- (b) must refund the deposit or the remainder of the deposit to the applicant as soon as reasonably possible after the activity has been concluded.

amended 62/2010

4.10

repealed 62/2010

MOVING OF BUILDINGS AND OTHER LARGE OBJECTS

4.11. No person except a licensed mover, shall move any building, boat, machine or other article in any street within the limits of the City if such buildings, boat, machine or other article while being moved exceeds any of the height, width or weight restrictions set out in *The Highway Traffic Act* of the Province of Manitoba. Every such mover shall annually, before engaging in such occupation, obtain a license from the City pursuant to the City of Winnipeg License By-law No. 260/72.

4.11.01. An applicant for a move permit shall supply the following information:

- (a) Present location, proposed route, and final destination of building, boat, machine or other article to be moved.
- (b) Weight, length, width and loaded height of the building, boat, machine or other vehicle.
- (c) Date, time and duration of proposed move.

4.11.02. No permit shall be issued for the removal of any building until the applicant has:

- (a) Satisfied the Director of Finance that the taxes upon the land upon which said building is situated have been paid in full and that the said land has not been sold for taxes, or if so sold, has been redeemed. A tax clearance form must be submitted by the applicant;
- (b) Obtained a crossing permit and has made such deposit as may be required by the Director;
- (c) Made arrangements with each utility for the supply of any services required, and to pay a deposit to the utility concerned for such services and/or for possible damage to the plant or equipment of the utility, as may be required by each utility. A list of the utilities and agencies which the applicant must contact and obtain clearance from will be supplied to the applicant when application is made for a permit;
- (d) Obtained clearance from the City of Winnipeg Police Department (Winnipeg Police Service).

GENERAL CONDITIONS

- 4.11.03. (a) No mover shall anchor any equipment to any structure or tree in a street.
- (b) All moves shall strictly comply with the conditions specified in the permit.

- (c) All necessary removing or cutting of wire necessitated by the moving of any building, boat, machine or other article shall only be done by the duly authorized workmen of the owners of such wires, and it shall be the duty of the utility whose wires are likely to be affected by any such moving upon being duly notified by the licensee as aforesaid, to have competent workmen in attendance during such moving who shall take all necessary precautions to prevent any accidents or injury to the public or any damage other than to the building, boat, machine or other article being moved.

STREET CUT PERMITS

- 4.12.01(1) Subject to this section, a person must not make a street cut unless a Street Cut Permit has been issued by the Director which authorizes the street cut.
- 4.12.01(2) Subsection (1) does not apply to
 - (a) a person who makes a street cut under a subsisting and applicable licence and permit issued under the Private Access By-law; or
 - (b) a person who makes a street cut in a boulevard that is authorized under Part 8 (Boulevard Maintenance) of the Neighbourhood Liveability By-law,
- 4.12.01(3) Except in the case of emergency repair work, the person responsible for making a street cut must make an application for a Street Cut Permit at least 48 hours prior to the actions being initiated. The person responsible for engaging in emergency repair work must obtain a Street Cut Permit as soon as reasonably possible after the work is completed.
- 4.12.01(4) The Director may require as part of the application any information required to assess the application, including alignment, grade and structural details concerning the proposed street cut.
- 4.12.01(5) As part of an application, the applicant must pay a Street Cut Permit fee and one or more street cut repair fees established by Council from time to time. A street cut repair fee may be based on the size of the street cut or on the size of the street surface that, in the reasonable opinion of a designated employee, may be damaged or undermined by the street cut.

If the size of the area requiring restoration following the work is larger than the size estimated by a designated employee when the street cut permit was issued, the permit shall be amended to account for the additional size of the area and the permit holder must pay any applicable fees associated with the additional size.

amended 156/2011; 94/2019

4.12.01(6) In addition to any other conditions imposed on a permit by the Director, the following conditions are imposed on all Street Cut Permits:

- (a) the permit holder must notify the Director at least 24 hours before backfilling of the street cut begins;
- (b) the permit holder must ensure that trees or structures within the street or under the street are not damaged as a result of the work authorized by the permit

4.12.01(7) A Street Cut Permit lapses 60 days after being issued unless the permit holder has initiated the street cut within that time.

COMPLIANCE WITH STREET CUTS MANUAL REQUIRED

4.12.02(1) The Director is authorized to issue from time to time and to post on the City of Winnipeg website a Street Cuts Manual which sets out the requirements and rules for street cuts and restoration of street cuts in City streets. The Director is authorized to require in the Street Cuts Manual that different categories of streets be restored differently and that specified types of restoration may only be carried out by restoration contractors licensed under subsection 4.12.06 or by employees of the City of Winnipeg.

4.12.02(2) If required by the Street Cuts Manual, the person who has made a street cut in a portion of a street must ensure that the street surface is restored in compliance with the Street Cuts Manual.

TEMPORARY RESTORATION

4.12.03 Where the Street Cuts Manual authorizes restoration to be done in stages, the person who has carried out the street cut must ensure that the temporary restoration of the street surface is maintained at all times in a condition that is safe for the use to which that portion of the street is reasonably expected to be put. This obligation continues until the street surface is fully restored to the satisfaction of the Director.

FULL RESTORATION MAY BE REQUIRED

4.12.04 Notwithstanding any other provision in this section, the Director may at the time of issuing a Street Cut Permit direct a permit holder to carry out the full restoration of the street surface at locations where the permit holder has been authorized to make street cuts. Where a full or partial restoration is carried out by the permit holder to the satisfaction of the Director, the Director may issue a full or partial refund of the Street Cut Permit repair fee.

CALL FOR INSPECTION

- 4.12.05(1) The person who has carried out the street cut or, where the restoration is being carried out by a restoration contractor licenced under subsection 4.12.06, the licenced restoration contractor, must, at least 24 hours prior to the street cut being resurfaced, ensure that arrangements are made with a designated employee to inspect the restoration.
- 4.12.05(2) Where restoration of the street cut has been completed without an inspection having been arranged in compliance with subsection (1), the permit holder must, at no cost to the City of Winnipeg, either demonstrate to the satisfaction of a designated employee that the restoration meets the requirements of this By-law, including compliance with the Standard Construction Specifications, or must remove the surface material and re-construct the restoration.

RESTORATION CONTRACTOR'S LICENCE

- 4.12.06(1) Subject to 4.12.06(2), the Director shall issue an annual Restoration Contractor's Licence to a person who
- (a) pays a fee for a licence in an amount established by Council from time to time;
 - (b) provides evidence of a policy of commercial general liability insurance consistent with part 6 of this By-law;
 - (c) provides security in a form satisfactory to the Director and in an amount determined by the Director to adequately protect the City from risks associated with the inappropriate or inadequate restoration of street cuts; and
 - (d) satisfies the Director that the person has the knowledge and ability to meet the requirements of this By-law and other applicable by-laws, the Standard Construction Specifications, the Street Cuts Manual and the Manual of Temporary Traffic Control.
- 4.12.06(2) For the purposes of issuing Restoration Contractor's Licences, the Director may distinguish between different categories of restoration and, without restricting the generality of the foregoing, may draw a distinction between the restoration of street cuts on regional and non-regional streets.
- 4.12.06(3) The Director may impose conditions upon a Restoration Contractor's Licence.
- 4.12.06(4) A Restoration Contractor's Licence expires on December 31 of the year for which it was issued.
- 4.12.06(5) A licence fee is payable in full notwithstanding that a licence may be issued during the course of a calendar year.

QUALIFICATIONS FOR RESTORATION CONTRACTOR'S LICENCE

4.12.07 Without limiting the generality of clause 4.12.06(1)(d), in determining whether an applicant for a licence is able to meet the requirements of this By-law and other applicable by-laws, the Standard Construction Specifications, the Street Cuts Manual and the requirements of the Manual of Temporary Traffic Control, the Director may:

- (a) require that the applicant or, if appropriate, an employee of the applicant complete a written or verbal examination;
- (b) rely on observations and reports of the applicant's past work;
- (c) issue a probationary licence to the applicant, and subject the work of a probationary contractor to a specific inspection regime.

CONSEQUENCES OF NON-COMPLIANCE

4.12.08(1) Where a licensed contractor fails to call for an inspection in compliance with subsection 4.12.05, or fails to comply with the Standard Construction Specifications, the Street Cuts Manual or the requirements of the Manual of Temporary Traffic Control, or otherwise fails to comply with this or another By-law, the Director may

- (a) require that the contractor and, if appropriate, the contractor's employees complete a written or verbal examination concerning the contents of:
 - (i) this By-law and other applicable by-laws;
 - (ii) the Standard Construction Specifications;
 - (iii) the Street Cuts Manual; and/or
 - (iv) the Manual of Temporary Traffic Control;
- (b) substitute the contractor's licence with a probationary licence;
- (c) impose conditions upon the contractor's licence;
- (d) subject the contractor to a specific inspection regime;
- (e) suspend the contractor's licence for a period of less than 12 months;
- (f) revoke the contractor's licence;
- (g) refuse to renew the contractor's licence.

4.12.08(2) Before acting under subsection (1), the Director must give the contractor a reasonable opportunity to be heard.

- 4.12.08(3) Where the Director has revoked or refused to renew a contractor's licence, the Director must specify a period of time after which the contractor may re-apply for a licence and the period of time may not be greater than 12 months.
- 4.12.08(4) A contractor's licence is conditional upon the maintenance of a policy of commercial general liability insurance as required by clause 4.12.06(1)(b) and a failure to maintain the policy of insurance renders the licence immediately invalid.

REMEDYING NON-COMPLIANCE

- 4.12.09(1) Where a street cut that has been restored by a licenced contractor does not comply with this By-law, the conditions imposed on a permit, the Standard Construction Specifications or the Street Cuts Manual, the licenced contractor must bring the street cut into compliance within a reasonable period of time specified by the Director.
- 4.12.09(2) Where a licenced contractor fails to comply with subsection (1), the Director may bring the street cut into compliance and may utilize all or part of the security provided by the licenced contractor under clause 4.12.06(1)(c) in order to pay the costs of doing so.
- 4.12.09(3) Where the Director utilizes all or part of a security pursuant to subsection (2), the Restoration Contractor's Licence is suspended until such time as the contractor provides additional security sufficient to meet the requirements of section 4.12.06(1)(c).
- 4.12.09(4) The Director may retain a security provided by a licenced restoration contractor for a period of up to one year following the expiration of the contractor's licence as a guarantee that work done by the contractor during the period of the licence complies with this By-law.
- 4.12.09(5) The Director must refund the deposit required under subsection 4.12.06(1)(c) or the remainder of the deposit to the applicant as soon as reasonably possible after the activity has been concluded.
amended 62/2010

WORK SITE PROTECTION

- 4.13.01. Every work of excavating in a street shall proceed expeditiously and the permittee shall not allow a street cut excavation to remain open, unless the work is actively in progress.
- 4.13.02. A person who:
- (a) uses a street in a manner referred to in section 4.01 or 4.02 or in any other way takes actions that obstruct or inhibit or are likely to obstruct or inhibit traffic in a street; or

- (b) excavates or creates or exposes a hole within a roadway or sidewalk or creates some other hazard to traffic in a street;

must comply with the *Manual of Temporary Traffic Control*.
amended 8166/2002; 47/2008; 62/2010

4.13.03 (1) Subject to subsection (2), a person who contravenes subsection 4.13.02 commits an offence punishable upon summary conviction by a fine referred to in Schedule "H".

- (2) Notwithstanding subsection (1), a person who contravenes subsection 4.13.02 by failing to place and maintain any traffic control devices whatsoever as required by the Manual of Temporary Traffic Control is guilty of an offence punishable upon summary conviction by a fine referred to in Schedule "H".
amended 4416/86; 8166/2002; 47/2008; 62/2010

4.13.04. Whenever vehicular or pedestrian traffic is to be maintained through or adjacent to the work area, the following requirements shall be observed:

- (a) Excavations in boulevard, sidewalk or roadway areas - when work is temporarily suspended, all such excavations shall be protected with a covering of structural capacity sufficient to ensure the safe passage of pedestrian traffic.
- (b) Excavation in roadways - when work is temporarily suspended and where vehicular traffic is to be maintained, all such excavations shall be covered by a steel plate or similar device of structural capacity sufficient to ensure the safe passage of vehicular traffic and shall use some positive means of anchorage to prevent lateral displacement of the plate or similar device.

4.13.05. Every licence issued under this part of the By-law shall remain in force until the first day of January next succeeding the issue thereof.

4.13.06. Every person receiving a licence under this By-law shall submit an indemnity bond in accordance with Part (Section) 6.

CROSSING PERMITS

5.01.01 Except at a private approach or unless the Director has issued a Crossing Permit authorizing it, a person must not drive or tow a vehicle across a curb, boulevard or sidewalk.

- 5.01.02 As a condition of issuing a Crossing Permit, the Director may require that the applicant provide a deposit of monies, bond, letter of credit or other surety in an amount sufficient to
- (a) reimburse the City for the costs of repairing possible damage to the street or structures in the street resulting from the crossing; or
 - (b) compensate the City for damage to the street resulting from the crossing that cannot be repaired.
- 5.01.03 The Director may retain the deposit required under subsection 5.01.02 until the activity for which the Crossing Permit is required is complete and an inspection is made of the site to determine the amount of damage or harm, if any, resulting from the crossing.
- 5.01.04 Where
- (a) the person who has provided a deposit under subsection 5.01.02 fails to comply with an order requiring that he or she ensures that the damage resulting from the crossing is repaired by a licenced contractor; or
 - (b) the damage resulting from the crossing cannot be repaired;
- the deposit required under subsection 5.01.02 may be used to repair the damage or to compensate the City, or both.
- 5.01.05 Subject to subsection 5.01.03, the Director must refund the deposit required under subsection 5.01.02 or the remainder of the deposit to the applicant as soon as reasonably possible.
amended 25/2007; 62/2010

DAMAGE DEPOSITS

- 5.02.01 The Director may require that a person who requires a building permit under the City of Winnipeg Building By-law provide a deposit of monies, bond, letter of credit or other surety in an amount sufficient to
- (a) reimburse the City for the costs of repairing possible damage to the street or structures in the street or to City property resulting from the construction activity; or
 - (b) compensate the City for damage to the street or to City property resulting from the construction activity that cannot be repaired.
- 5.02.02 Where a damage deposit is required under subsection 5.02.01, the person must not engage in construction work until the deposit has been paid.

5.02.03 The Director may retain the damage deposit required under subsection 5.02.01 until all work, including lot grading, has been completed on the construction site.

5.02.04 Where

(i) the person who has provided a damage deposit under subsection 5.02.01 fails to comply with an order requiring that he or she ensure that the damage to a street or a structure in a street resulting from the construction activity is repaired by a licenced contractor; or

(ii) damage to a street resulting from the construction activity cannot be repaired;

the damage deposit required under subsection 5.02.01 may be used to repair the damage or to compensate the City, or both.

5.02.05 The Director must refund the deposit required under subsection 5.02.01 or the remainder of the deposit to the applicant as soon as reasonably possible after the activity has been concluded.

amended 25/2007; 62/2010

SOLID WASTE BIN PERMIT

5.03.01 In this subsection, "non-residential" means any building other than a building occupied solely by seven or fewer residential units. It includes a building with no residential units, a mixed-use building, and a building occupied by more than seven residential units.

5.03.02 Notwithstanding the Encroachment By-law, but subject to payment of any fee established by Council, the Director may issue a permit authorizing the owner or occupant of a non-residential building to place and maintain within the street adjacent to or near the building one or more containers for the purposes of solid waste collection. The permit may only be issued with respect to a building that existed on August 1, 2012 and where no reasonable alternative location for the container exists.

5.03.03 The Director may impose reasonable conditions on the permit to accommodate relevant factors, such as the ability to collect solid waste from the container, the safe and efficient movement of pedestrian and vehicular traffic, access to structures within and under the street, fire prevention and fire fighting, and maintaining or improving the aesthetics of the street. Without limiting this power, these conditions may include a requirement to install or construct a pad under the container, to construct a structure to shield the container or to move the container to the specified location on the street only on days that are scheduled for solid waste collection.

5.03.04 A person who complies with a permit issued under this section is not required to comply with the Encroachment By-law and is not required to obtain a Use of Street Permit, a Street Cut Permit or a Street Crossing Permit.

- 5.03.05 A permit issued under this section is issued to a particular owner or occupant. A new owner or occupant must obtain a new permit.

added 110/2012 (Solid Waste Bin Permit - section 5.03.01 to 5.03.05 inclusive)

LIABILITY INSURANCE

amended 5297/89

6. Every person to whom a licence is issued under this By-law shall, prior to commencing any work, file with the Director insurance in a form satisfactory to the Corporate Risk Manager naming the City as an insured party, containing a cross-liability clause, and indemnifying and saving harmless the City from and against all accidents, suits and damages of whatsoever nature consequent thereupon for or by reason of any work performed under a licence or related to or for any other purpose or object whatsoever in an amount covering personal injury and property damage and with a deductible that, in the opinion of the Corporate Risk Manager, is sufficient to adequately protect the City of Winnipeg from risk.

amended 5297/89; 8162/2002; 62/2010

POWERS OF THE DIRECTOR

RESTRICT USE OF, CLOSING, AND BARRICADING STREETS

- 7.01. (a) The Director may close a street to public traffic or restrict the use of the street when the same is being repaired, paved, or work is being carried on or to prevent damage to the street or for any other reasons deemed to be in the public interest.
- (b) The Director may erect or cause to be erected signs and barricades at any point or points of any street which is being repaired, paved or to prevent damage to the street, or where any work is being done therein, and no person shall put down, destroy or interfere with a barricade or sign so erected or drive or ride over that portion of the street so barricaded or drive or ride over that portion of the street so signed in contravention to the signing.
- (c) The Director may charge fees as established by Council from time to time for acting under this subsection.

amended 25/2007

REMEDIAL ACTION

- 7.02.01 A dangerous or hazardous condition in a street constitutes an emergency and, pursuant to section 185 of *The City of Winnipeg Charter*, the Director and any person authorized by the Director is hereby given authority to take whatever actions or measures are reasonable to remedy such a condition without notice to any person.

7.02.02 Without restricting the general authority granted in subsection 7.02.01, where the operator of a vehicle cannot be readily located or fails immediately to comply with a written or verbal order to remove the vehicle, and where the vehicle is:

- (a) creating a hazardous condition in a street;
- (b) obstructing traffic without having obtained permission to do so, in contravention of subsection 4.01; or
- (c) parked or stopped in a street without complying with the *Manual of Temporary Traffic Control*;

any special constable authorized by the Director to do so is hereby authorized to have the vehicle removed to a compound and the costs of the removal and storage must be borne by the owner of the vehicle.

amended 62/2010

CANCELLATION OF PERMITS

7.03. *repealed 62/2010*

AUTHORITY TO DENY PERMIT

repealed 5381/90

INTERFERENCE WITH OFFICIALS

7.04.01 No person shall interfere in any way with the Director, or other City official or anyone acting under the authority of, or by the instructions of the Director or any such official in the performance of any of the duties imposed upon them by this By-law.

amended 5381/90; renumbered 62/2010

7.04.02 Without restricting the generality of subsection 7.04.01, where a special constable authorized by the Director to administer or enforce subsection 7.02.02 has ordered that a vehicle be removed to a compound under subsection 7.02.01), a person who is in the vehicle must exit the vehicle in order to allow it to be removed.

added 62/2010

ENFORCEMENT OFFICIALS

7.05.1 The Director, and any employee of the City of Winnipeg or other individual appointed as a special constable under section 176 of *The City of Winnipeg Charter* whose special constable appointment authorizes him or her to enforce this By-law, is an enforcement official, and has the powers of a peace officer within the limits of his or her appointment, for the purposes of enforcing this By-law.

added 55/2011

APPEALS

- 7.1. An appeal from an order to remedy a contravention of this By-law or a decision made under this By-law may be made in accordance with *The City of Winnipeg Charter* to the Standing Policy Committee on Public Works.¹
added 8162/2002; 106/2015; 137/2022

SERVICE OF DOCUMENTS

- 7.2. Where an address for sending a notice, order, decision or other document is required, one of the following shall be used:
- (a) if the person to be served is the owner of real property, the address maintained by the tax collector for the purpose of issuing the tax notice for that property; and
 - (b) if the person to be served is the occupant of real property, the street address for that property; and
 - (c) if the document to be served relates to a permit, licence or other document for which the person to be served has applied, the address provided by the person in the application.²
amended 8162/2002

GENERAL PENALTIES

- 8.01 Subject to the Municipal By-law Enforcement Act (MBEA) Enabling By-law, a person who contravenes a provision of this By-law that is referred to in Schedule A of the Municipal By-law Enforcement Act (MBEA) Enabling By-law must pay the administrative penalty for that contravention set out in that Schedule. If an Early Payment Discount amount is set out for a provision in that schedule, a person who is issued a penalty notice for a contravention of that provision may, within 14 days after the penalty notice has been issued, voluntarily pay to The City of Winnipeg the applicable Early Payment Discount amount and will thereafter not be prosecuted for the contravention.

amended 58/2017

- 8.02 Schedule H to this By-law sets out provisions of this By-law that are enforceable by way of a preset fine or a minimum fine under The Provincial Offences Act. If Schedule H sets out a preset fine for a provision, a person who contravenes that provision must pay that preset fine, plus applicable court costs and surcharges under The Provincial Offences Act. If Schedule H sets out a minimum fine for a provision, a person who contravenes that provision must pay a fine imposed by a justice under The Provincial Offences Act that is not less than the minimum fine set out, plus applicable court costs and surcharges under The Provincial Offences Act.

added 3298/82; amended 62/2010; 58/2017

APPLICATION TO CITY

9(1) The following provisions of this By-law do not apply to employees or agents of the City of Winnipeg acting under the direction of the City:

(a) 2.02.01;

(b) 2.03;

(c) 2.14;

(d) 5.01.01.

9(2) The Director is authorized to waive the need to obtain a permit or licence under this By-law for departments or administrative units of the City or for employees or agents of the City where the Director concludes that obtaining a permit or licence is not necessary in order to accomplish the purposes for which the permit or licence is required.

amended 8162/2002; 62/2010

REPEAL OF EXISTING BY-LAWS

10. All by-laws, resolutions, and orders passed prior hereto by any Area Municipality as defined in Clause (a) of Section 1 of *The City of Winnipeg Act* and still in force, relating to the use of streets other than those pertaining to vehicular and pedestrian traffic, shall hereinafter cease to have effect.

11. This By-law shall be referred to as the "**Streets By-law**".

added 8162/2002

DONE AND PASSED in Council assembled, this 16th day of March, A.D., 1977.

1 See sections 189 and 121 of *The City of Winnipeg Charter* for information about appeals, including information about the time limit for appeals and how appeals are to be filed.

2 See sections 116 and 117 of *The City of Winnipeg Charter* for information about how to serve orders, decisions and other documents.

SCHEDULE "A" TO STREETS BY-LAW NO. 1481/77

*amended 2576/80; 4782/88; 5131/89; 5684/91; 5733/91; 5756/91; 6153/93; 6202/93;
6270/93; 6558/95; 6791/96; 6938/96; 6985/97; 7157/98; 7587/2000; 7696/2000; 7745/2000*

repealed 25/2007

SCHEDULE "B" TO STREETS BY-LAW NO. 1481/77

*(3271/82 - repealed); amended 3777/84; (4869/88 - repealed); 5041/88; 5756/91; 6938/96; 7157/98; 7587/2000;
7696/2000; 7745/2000*

repealed 25/2007

SCHEDULE "C" TO STREETS BY-LAW NO. 1481/77

repealed 25/2007

SCHEDULE "D" TO STREETS BY-LAW NO. 1481/77

repealed 4416/86

SCHEDULE "E" TO STREETS BY-LAW NO. 1481/77

amended 7669/2000; 97/2003; 174/2005; 155/2008; 61/2010; 63/2010; 153/2012; 10/2015; 51/2015; 52/2015

List of streets on which trucks or other equipment may not be stored, nor on which any work may take place between the hours of 07:00 and 09:00 and between the hours of 15:30 and 17:30, on any day excepting Saturdays, Sundays and public holidays, except where emergency repairs are being carried out or except if permission to do so has been received from the Director of Public Works.

(Section 4.12.09)

Academy Road
Alexander Avenue
Archibald rue
Arlington Street
Arlington Street Bridge

Balmoral Street
Bishop Grandin Boulevard
Bison Drive
Bison Drive
Broadway
Brookside Boulevard

Carlton Street
Century Street
Century Street/Portage
Avenue Interchange

Chancellor Matheson Road
Chancellor Drive
Chief Peguis Trail

amended 80/2011

Colony Street
Colony Street
Concordia Avenue
Concordia Overpass
Cornish Avenue
Corydon Avenue
Cumberland Avenue

Dakota Street
Des Meurons rue
Day Street
Disraeli Bridge and Overpass
Disraeli Freeway
Disraeli Freeway Interchange
Disraeli Street
Donald Street
Dublin Avenue

Maryland Bridge
Main Street
CPR Keewatin Subdivision
Portage Avenue

Notre Dame Avenue
Kenaston Boulevard
Kenaston Boulevard
Waverley Street
Portage Avenue
Mollard Road

Notre Dame Avenue
St. James Bridge

Pembina Highway
Pembina Highway
Main Street

Portage Avenue
St. Mary Avenue
Gateway Road

Maryland Street
Donald Street
Maryland Street

St. Mary's Road
Provencher Boulevard
Pandora Avenue

Main Street

Sutherland Avenue
Notre Dame Avenue
Notre Dame Avenue

Kenaston Boulevard
Princess Street
Fermor Avenue
Inkster Boulevard

Ellice Avenue
Lagimodiere Boulevard
Kenaston Boulevard (southbound)
Pembina Highway
Main Street
Oak Point Highway

Broadway
Dublin Avenue

University Crescent
A point 100 m West
Lagimodiere Boulevard

Ellice Avenue
York Avenue
Lagimodiere Boulevard

Sherbrook Street
Roblin Boulevard
Donald Street

Aldgate Road
Marion Street
Regent Ave West

Disraeli Bridge

Rover Avenue
McMillan Avenue
King Edward Street

Dublin Avenue Crossing of
Omand's Creek
Dufferin Avenue
Dugald Road
Dugald Road Overpass of the
CNR Line West of
Terracon Place
Dunkirk Avenue
Dunkirk Drive/Kingston Row/
Churchill Dr.
Interchange

Salter Street
Lagimodiere Boulevard

McGregor Street
P.T.H. 101

St. Vital Bridge

St. Mary's Road

Eastway
Edmonton Street
Edmonton Street
Ellice Avenue
Empress Street East
Empress Street
Empress Street Overpass
Erin Street

Empress Street
Broadway
Ellice Avenue
Notre Dame Avenue
Doreen Street
Portage Avenue

Empress Street E.
Portage Avenue
Cumberland Avenue
Ferry Road
Rapelje Avenue
Wellington Avenue

Notre Dame Avenue

Portage Avenue

Fermor Avenue
Fermor Avenue Crossing of
Seine River
Ferry Road
Fort Street
Fort Garry Bridge

Dunkirk Drive

Plessis Road

Portage Avenue
Broadway

Ellice Avenue
Portage Avenue

Garry Street
Gateway Road
amended 80/2011
Gladstone Street
Goulet Street
Graham Avenue
Grant Avenue
Grassie Boulevard

Broadway
Munroe Avenue
Sutherland Avenue
St. Mary's Road
Vaughan Street
Pembina Highway
Lagimodiere Boulevard

Ellice Avenue
Chief Peguis Trail

Disraeli Street
Youville Street
Main Street
Roblin Boulevard
Plessis Road

Hargrave Street
Harkness Avenue
Harry Lazarenko Bridge
added 52/2015
Henderson Highway
Henderson Highway/Talbot
Avenue Interchange
Hespeler Avenue

Broadway
Stradbrook Avenue
Redwood Avenue
added 52/2015
Disraeli Bridge

Notre Dame Avenue
Mayfair Avenue
Hespeler Avenue
added 52/2015
Glenway Avenue

Higgins Avenue
Inkster Boulevard
Isabel Street

Harry Lazarenko Bridge
amended 52/2015
Princess Street
Main Street
Notre Dame Avenue

Henderson Highway
Louise Bridge
Brookside Boulevard
Logan Avenue

Israel Asper Way
added 10/2015

James Avenue
Johnson Avenue
Jubilee Avenue
Jubilee Overpass of Pembina
Highway

Pioneer Avenue/William
Stephenson Way
added 10/2015

King Street
Henderson Highway
Osborne Street

York Avenue
added 10/2015

Main Street
Levis Street
Pembina Highway

Keewatin Street
Kenaston Boulevard

Kenaston Blvd/St. James
Bridge Interchange

Kennedy Street
Kennedy Street
Kildonan Settlers Bridge
King Street
King Edward Street E.
King Edward Street
King Edward Street Crossing
of Omand's Creek
Kintyre Street

Lagimodiere Blvd
Lagimodiere Blvd/Concordia
Avenue Interchange
Lagimodiere Blvd Overpass of
CNR Reddit
Subdivision

Notre Dame Avenue
Provincial Trunk Highway No.
100

Cumberland Avenue
Portage Avenue

Smith Street
St. Matthews Avenue
King Edward Street E.

St. James Bridge

John Bruce Road

Old Commonwealth Path
St. James Bridge

Ellice Avenue
Broadway

Higgins Avenue
King Edward Street
Oak Point Highway

Portage Avenue

North City Limit

Leila Avenue
Levis Street
Levis Street
Logan Avenue
Louise Bridge

Agnes Arnold Place
Johnson Avenue
Nairn Avenue
Disraeli Freeway

Main Street
Watt Street
Talbot Avenue
King Edward Street

McGillivray Blvd
McGregor Street
McMillan Avenue
McPhillips Street
Main Street
Main/Norwood Bridges
Marion Street
Maryland Bridges
Maryland Street
Mayfair Avenue
Memorial Boulevard
Midtown Bridge
Midwinter Avenue

Pembina Highway
Dufferin Avenue
Donald Street
Notre Dame Avenue
Assiniboine River

St. Mary's Road

Notre Dame Avenue
Harkness Avenue
York Avenue

Henderson Highway

Southwest City Limit
Templeton Avenue
Osborne Street
North City Limit
North City Limit

Lagimodiere Blvd

Maryland Bridge
Queen Elizabeth Way
Portage Avenue

Stradcona Street

Mission Street
Mountain Avenue
Moray Street

Munroe Avenue

Nairn Avenue
Nairn Overpass
Ness Avenue
Notre Dame Avenue
Oak Point Highway
Osborne Bridge
Osborne Street

Pandora Avenue E.
Partridge Avenue
Pembina Highway
Pembina Highway/Bishop
Grandin Blvd.
Interchange
Pembina Highway Crossing of
La Salle River
Pembina Highway/Jubilee
Avenue Interchange
Pioneer Avenue
Plessis Road
Portage Avenue
Portage Avenue Crossing of
Omand's Creek
Portage Avenue Crossing of
Sturgeon Creek
Portage Avenue East
Prairie Grove Road
Princess Street
Provencher Blvd
Provencher Blvd Crossing of
Seine River
Provencher Bridge

Queen Elizabeth Way
Queen Street

Ravenhurst Street
Redwood Avenue

deleted 52/2015

Regent Avenue
River Avenue
River Road

Plinguet Street
Main Street
North Bank of the Assiniboine
River

Henderson Highway

Stradcona Street

Sturgeon Road
Portage Avenue
King Edward Street

St. Mary Avenue

Daly Street
Leila Avenue
Osborne Street

Main Street
P.T.H 1 East
Main Street

Westbrook Street
St. Anne's Road
Notre Dame Avenue
Archibald rue

Assiniboine River
Portage Avenue

Pandora Avenue E.
Salter Street

Panet Road
Harkness Avenue
St. Vital Road

Panet Road
McPhillips Street
Ness Avenue

Gateway Road

Panet Road

St. James Street
King Edward Street
Brookside Boulevard

St. Vital Bridge

Ravenhurst Street
Main Street
South City Limit

Provencher Bridge
Grassie Boulevard
St. Charles Street

Main Street
P.T.H. 59
Higgins Avenue
Provencher Bridge

Red River
Century Street Ramp

Dugald Road
Harry Lazarenko Bridge
amended 52/2015

Day Street
Wellington Crescent
St. Mary's Road

Riverton Avenue
Roblin Boulevard

St. Anne's Road
St. James Bridges and
Interchange

St. James Street
St. John Ambulance Way
St. Mary Avenue
St. Mary's Road
St. Matthews Avenue
added 21/2016

St. Vital Bridges
Salter Street
Sargent Avenue
Saskatchewan Avenue
Selkirk Avenue
Shaftesbury Boulevard
Sherbrook Street
Silver Avenue
Silver Avenue
Slaw Rebchuk Bridge
Smith Street
Spence Street
deleted 80/2011

Stadacona Street
Stafford Street
Sterling Lyon Parkway
Stradbrook Avenue
deleted 51/2015

Sturgeon Access
added 51/2015
Sturgeon Road

Sturgeon Road Crossing of
Sturgeon Creek

Tache Avenue
Talbot Avenue
Taylor Avenue
deleted 99/2015
Tuxedo Avenue

University Crescent

Vaughan Street

Wall Street
Warde Avenue
deleted 10/2015

Henderson Highway
Corydon Avenue

St. Mary's Road

Portage Avenue
Portage Avenue
Main Street
Red River
Century Street
added 21/2016

Logan Avenue
Ferry Road
P.T.H 101
McPhillips Street
Wilkes Avenue
Maryland Bridge
Sturgeon Road
Century Street

Midtown Bridge
St. Mary Avenue
deleted 80/2011

Louise Bridge
Pembina Highway
Wilkes Avenue
Wellington Crescent
deleted 51/2015

Sturgeon Road
added 51/2015
Portage Avenue

St. Mary's Road
Riverton Avenue
Pembina Highway
deleted 99/2015
Kenaston Blvd

Pembina Highway

York Avenue

Portage Avenue
St. Mary's Road
deleted 10/2015

Midwinter Avenue
P.T.H No. 100

Forbes Road

Notre Dame Avenue
Empress Street E.
Spence Street
Red River Floodway
Empress Street
added 21/2016

Leila Avenue
Edmonton Street
Sturgeon Road
Main Street
Corydon Avenue
Logan Avenue
Hamilton Avenue
St. James Street

Notre Dame Avenue
Portage Avenue
deleted 80/2011

Talbot Avenue
Academy Road
McCreary Road/Shaftesbury Blvd
Queen Elizabeth Way
deleted 51/2015

CentrePort Canada Way
added 51/2015
Sturgeon Access
amended 51/2015

Provencher Blvd
Stadacona Street
Kenaston Blvd
deleted 99/2015
Corydon Avenue

Chancellor Matheson Road

Ellice Avenue

Notre Dame Avenue
St. Anne's Road
deleted 10/2015

Watt Street	CPR Keewatin Subdivision	Munroe Avenue
Waverley Street	Grant Avenue	Kenaston Blvd
<i>deleted 99/2015</i>	<i>deleted 99/2015</i>	<i>deleted 99/2015</i>
Wellington Avenue	Winnipeg International Airport	Empress Street
Wellington Crescent	Academy Road	River Avenue
Westbrook Street	Water Avenue	Portage Avenue E.
Weston Street	Notre Dame Avenue	Logan Avenue
Westway	Empress Street	Empress Street E.
Wilkes Avenue	Waverley Street	Sterling Lyon Parkway
Wilkes Avenue	McCreary Road/Shaftesbury Blvd	Provincial Trunk Highway No. 100
William Avenue	Main Street	McPhillips Street
William R. Clement Parkway	North Bank of Assinibione River	Grant Avenue
William Stephenson Way	Main Street	Provencher Bridge
York Avenue	Colony Street	Israel Asper Way
Youville Street	Goulet Street	<i>amended 10/2015</i>
		Marion Street

SCHEDULE "F" TO STREETS BY-LAW NO. 1481/77

repealed 64/2003

SCHEDULE "G" TO STREETS BY-LAW NO. 1481/77

added 5381/90; amended 174/2005

MOUNTING OF FLAGS, BANNERS AND DEVICES ON UTILITY POLES

1. Banners, flags, signs and other devices may be mounted upon utility poles located within streets only as provided herein.
2. The person seeking to have the banner, flag, sign or device mounted shall submit an application to the Director containing the following information:
 - (a) Name, address and telephone number of the applicant.
 - (b) Location of the utility pole(s) upon which the device is to be mounted.
 - (c) Position of each device in relation to nearby buildings or structures.
 - (d) Drawing of the proposed device and specifications as to its construction, including size, weight, shape, material, colour and content.
 - (e) Specifications as to the manner of mounting.
 - (f) Period during which the applicant requests that the device be mounted.
 - (g) Where the utility poles are the property of a government authority or crown corporation, a written undertaking from that authority to mount the device upon such terms and conditions as the authority may impose.
amended 174/2005
3. The applicant shall, if required by the Director, provide:
 - (a) An Engineer's Report and calculation demonstrating that the device shall be constructed and mounted in such manner as to safely withstand the deadload and anticipated wind pressures.
 - (b) Such further information as the Director may require to demonstrate compliance with all other City by-laws.
4. The Director shall consider all requests and shall approve on a first come basis those requests which comply with the following criteria:
 - (a) The mounting locations are within those portions of those streets identified in Schedule "A" of By-law No. 1991/78.

- (b) The utility poles upon which mounting is requested are available. The utility pole shall be deemed to be unavailable where prior approval has been given pursuant to
- (c) clauses 5.1(a) or 5.1(c) for the mounting of a difference device during the period to which the application relates.
- (c) The device will be mounted by means of metal brackets, anchors, bolts, rubber connections or other connections which, in combination with the device, will be safe, secure and visually attractive. In no case shall the device be attached by wire, strips of wood, nails, glue or tape.
- (d) The device will be mounted in a manner which will not present a danger to the public nor cause damage to the utility pole.
- (e) The device will be mounted at least sixteen (16') feet above grade.
- (f) The device will be a safe distance from any power line.
- (g) The device will not be mounted at the intersection of any streets in such a manner as to obstruct vision, or at any location where, by reason of its position, shape or colour, it may interfere with, obstruct the view of or be confused with any traffic sign or device.
- (h) The device will not block natural light from the doors or windows of surrounding buildings.
- (i) The device is compatible with general architectural lines and forms of nearby buildings and the character of the streetscape or area within which it is to be located.
- (j) The device does not direct attention to a business operated for profit not to a commodity or service for sale.
- (k) The device is not, in the opinion of the City Solicitor, contrary to the Criminal Code of Canada or any other law.

5.1. Where a request complies with the criteria set forth in Section 4, the Director shall approve the request in writing as follows:

- (a) Where the period specified in the application does not exceed 30 days approval shall be given for the period specified in the application;

- (b) Where the application is for the posting of a sign or device identifying a business improvement zone established pursuant to section 436 of *The City of Winnipeg Charter* or identifying a neighbourhood watch area or providing direction to a church, community centre or other permanent public facility, approval shall be given for the period specified in the application, including a permanent installation;

amended 8162/2002

- (c) Except as provided in clause (b) hereof, where the period specified in any application exceeds 30 days, approval shall be given for an initial 30 day period, subject to such extensions as may be provided pursuant to Section 7.

5.2. *repealed 174/2005*

6. *repealed 174/2005*

- 7.1. Where an application to mount a sign for a period exceeding 30 days is approved pursuant to clause 5.1(c), the Director shall, prior to the end of the 30 day period, review the application. In the event that he finds the device to remain in good condition and there has been no other request approved for the posting of a different sign at the same location, the Director shall extend his approval for the balance of the period requested to a maximum of a further 30 days.

- 7.2. The Director shall continue to review applications to post devices for periods exceeding 60 days at 30-day intervals and shall continue to extend his approval where the criteria contained in subsection 7.1 are met.

8. Notwithstanding anything contained herein, the Director may withdraw his approval of the mounting of a banner, flag, sign or other device if the said device becomes a potential danger to the public.

9. Upon the expiry or withdrawal of the Director's approval of the mounting of a banner, flag, sign or other device upon a utility pole, the said device shall forthwith be removed by the owner of the utility pole.

SCHEDULE "H" TO THE STREETS BY-LAW NO. 1481/77

Specified Fine Provisions**Enforceable through The Provincial Offences Act****(Subsections 8.01, 8.02 and 8.03)***added 62/2010; amended 59/2016; 86/2016; 58/2017***PENALTIES FOR CONTRAVENTIONS OF BY-LAW**

Provision	Contravention Summary	Minimum Fine (\$)	Set Fine (\$)	Early Payment Discount (\$)
s. 2.02.01(c)	Carry out or permit any action causing or resulting in the creation of a dangerous condition in a street	500	N/A	N/A
2.17.02	Unlawful movement of a shopping cart	N/A	75	35
2.18	Soliciting Business in a roadway	N/A	100	50
s. 4.13.03(2)	Fail to display any traffic control devices when working in or obstructing the normal use of a regional street	1000	N/A	N/A

TAB 7

This document is an office consolidation of by-law amendments which has been prepared for the convenience of the user. The City of Winnipeg expressly disclaims any responsibility for errors or omissions.

CONSOLIDATION UPDATE: MAY 30, 2023

WINNIPEG PARKING BY-LAW

City of Winnipeg By-law No. 86/2016

Amendments: 113/2017; 129/2017; 84/2019

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CONSOLIDATION UPDATE: MAY 30, 2023

THE CITY OF WINNIPEG

BY-LAW NO. 86/2016

A By-law of THE CITY OF WINNIPEG to regulate vehicle parking and stopping on streets, parking in city parking facilities and in designated parking spaces, and vehicle parking and storage on residential property with single and two-family dwellings.

WHEREAS section 138 of *The City of Winnipeg Charter* provides that the City of Winnipeg is the traffic authority under *The Highway Traffic Act* in respect of streets of which it has direction, control and management and, in respect of those streets, has all the powers granted to, or enjoyed by, and the duties charged on, a traffic authority under that Act;

AND WHEREAS section 139 of *The City of Winnipeg Charter* grants the City of Winnipeg an additional general authority to pass by-laws respecting streets and the parking of vehicles in the City;

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

**PART 1
INTRODUCTORY PROVISIONS**

Short title

1 This By-law may be cited as the Winnipeg Parking By-law.

Definitions and interpretation

2(1) The following definitions apply in this by-law:

"alley" means a street that is not more than 9 metres wide.

"block" means the area of a street between one intersection and the next intersection.

"boulevard" means the portion of a street, on either side or in the centre of the street, that

(a) is adjacent to the roadway or its shoulder;

(b) is maintained for the purpose of improving the appearance or safety of the street;

- (c) is not intended to be used to carry vehicular traffic unless it is a private approach as defined under the Private Access By-law; and

amended 103/2021

- (d) is not a shoulder.

"bus" means a motor vehicle that

- (a) is designed, constructed or modified for the principal purpose of carrying passengers; and
- (b) has a seating capacity of at least 11 persons, including the driver.

"CAO" means the Chief Administrative Officer appointed under section 96 of the Charter.

"Carshare organization" means a legal entity, approved by the City, whose business includes providing its members with exclusive access to a fleet of not less than ten dedicated carshare vehicles which may be booked for a fee on an hourly basis through an online platform.

added 7/2022

"Carshare vehicle" means a vehicle owned by a carshare organization and used exclusively by its members.

added 7/2022

"Charter" means *The City of Winnipeg Charter*.

"City" means the City of Winnipeg continued under section 8 of the Charter.

"city parking facility" means a parking facility owned or operated by the City.

repealed 7/2022

"Council" means the council of the City.

"crested" means emblazoned with the City's crest.

"designated parking space" means a parking space that

- (a) is located
 - (i) on a street, or
 - (ii) within a public parking lot or facility or a private parking lot or facility to which the public has access; and
- (b) is designated by a sign or by markings on the parking surface as being for the use of a vehicle displaying a disabled person's parking permit.

"disabled loading zone" means the portion of a street designated by traffic control devices as an area for the loading and unloading of a vehicle used for transporting a disabled person.

"disabled person's parking permit" means a parking permit issued under section 124.3 of *The Highway Traffic Act*.

"General Manager" means the General Manager of the Winnipeg Parking Authority.
added 7/2022

"large vehicle" means, except in Part 4, a vehicle that, alone or together with any trailer connected to it, is longer than 6.7 m (22 ft).

"mobile vending unit" means

- (a) a mobile food unit as defined in the *Food and Food Handling Establishments Regulation*, Manitoba Regulation 339/88R; and
- (b) a motor vehicle or trailer, other than a mobile food unit referred to in clause (a), that is used to sell, offer or provide goods or services from the vehicle or from within the vehicle while it is parked on a roadway or the shoulder of a roadway.

"mobile vendor" means

- (a) an owner of a mobile vending unit and any person in charge of a mobile vending unit; and
- (b) an owner of a vending unit that is operated on a sidewalk or boulevard under the authority of a Use of Street Permit issued under section 4.01.06 of the *Streets By-law*.

"operator", in relation to a vehicle, means the person having charge of the vehicle.

"owner", in relation to a vehicle, means the person in whose name the vehicle is registered under *The Drivers and Vehicles Act* or under a similar law of another jurisdiction.

"paid parking" means parking that, according to a traffic control device, is permitted upon the payment of a fee.

"paid parking space" means

- (a) in relation to street parking, any space that is adjacent to the curb or edge of the roadway and within the portion of the street to which paid parking applies; and
- (b) in relation to a city parking facility to which paid parking applies,

- (i) a parking space marked with lines on the floor or ground surface of the facility, or
- (ii) where no lines have been marked, a space no more than 3 meters wide.

"penalty notice" means a penalty notice issued under *The Municipal By-law Enforcement Act* in respect of a contravention of this By-law and, until *The Municipal By-law Enforcement Act* comes into force, means the summons part of an offence notice issued under *The Summary Convictions Act*.

"physical permit" means a card or other object evidencing a permit that is given to or sent to an applicant under clause 32(b);

"recreational vehicle" means, except in Part 4, a vehicle designed for camping and other recreational purposes. It includes, but is not limited to, a motorhome, a truck on which a camper has been installed, a camping or travel trailer, and any trailer carrying recreational equipment such as a boat or other watercraft, a snowmobile, all-terrain vehicle or other off-road vehicle

"roadway" means the portion of a street that is improved or ordinarily used for vehicular traffic, but does not include the shoulder.

"special purpose vehicle" means

- (a) a special mobile machine as defined in the *Highway Traffic Act*; and
- (b) any other vehicle that is not required to be registered under *The Drivers and Vehicles Act* or a similar law of another jurisdiction.

"street" means a place or way, and all the space between the boundaries of a place or way, which or any part of which has been dedicated, opened or set apart under *The Real Property Act* or *The Expropriation Act* for public use as a roadway, lane, avenue, road or highway. In addition to the roadway, it includes all shoulders, curbs, boulevards and sidewalks located within those boundaries.

"traffic control device" means a sign, signal, light, marking or device placed or erected by or on behalf of the City for the purpose of regulating parking or regulating, warning or guiding traffic.

"trailer" means a vehicle designed for carrying goods or persons and for being towed by a motor vehicle.

"vehicle" means a vehicle as defined in subsection 1(1) of *The Highway Traffic Act*.

"Winnipeg Parking Authority" means the City's special operating agency that manages parking on streets and in city parking facilities.

2(2) For the purposes of this by-law,

- (a) a vehicle, whether occupied or not, is stopped when it stands motionless, unless it is standing motionless in order to avoid conflict with other traffic, to allow an emergency vehicle to pass, or to comply with a traffic control device or a direction of a peace officer; and
- (b) a vehicle that is stopped is also parked if it
 - (i) is left unattended, or
 - (ii) remains stopped for more than 5 minutes.

2(3) If one vehicle is placed in or on a second vehicle, such as a truck or trailer, this by-law applies to the second vehicle but not to the first vehicle.

Reference to time

3 A reference to a time in this by-law or on any traffic control device that prohibits or regulates stopping or parking on a street or in a city parking facility is a reference to the time determined in accordance with *The Official Time Act*.

Contravention by owner or operator

4(1) If a vehicle is stopped or parked in contravention of a provision of this by-law, the operator of the vehicle is in contravention of that provision and is liable to pay any fine or administrative penalty imposed in respect of that contravention.

4(2) If a vehicle is stopped or parked in contravention of a provision of this by-law, an owner of the vehicle who was not the operator is also responsible for that contravention and is liable to pay any fine or administrative penalty imposed in respect of that contravention unless the owner establishes that the vehicle was in the possession of the operator without the owner's consent.

4(3) If both the owner of a vehicle and its operator are liable for the same contravention, a penalty notice may be issued to either of them or separate penalty notices may be issued to each of them. If they are each issued a penalty notice, each is liable for the amount payable under the notice issued to him or her.

4(4) If a trailer connected to a motor vehicle is stopped or parked in contravention of this by-law, the operator and the owner of the motor vehicle are liable for that contravention.

Causing or permitting contravention

5 A person who causes or permits a contravention of a provision of this by-law is in contravention of that provision.

Peace officer's direction supersedes

6 A provision of this by-law prohibiting or regulating the stopping or parking of a vehicle does not apply to a vehicle stopped or parked as directed by a peace officer.

PART 2
RESTRICTIONS THAT APPLY TO VEHICLES ON STREETS OR IN CITY PARKING
FACILITIES OR DESIGNATED PARKING SPACES

APPLICATION OF RULES

Exemption by permit

7(1) A provision of this Part does not apply to a vehicle for which a permit has been issued under Part 3 if

- (a) the permit is valid and applies to that provision at the time when, and at the place where, the vehicle is stopped or parked in contravention of the provision; and
- (b) all the conditions that apply to the permit or the permit holder are being complied with.

7(2) A provision of this Part, other than a provision that requires the payment of a parking fee, does not apply to a vehicle while it is parked or stopped in accordance with a valid Use of Street Permit issued under the *Streets By-law* if the permit is made immediately available for inspection on request by an enforcement officer.

Emergency response vehicles

8 This Part does not apply to an emergency response vehicle (such as a police vehicle, an ambulance or a paramedic or fire response vehicle) when it is being used in connection with an emergency response.

Certain vehicles exempt

9(1) A provision of this Part that prohibits or regulates the stopping or parking of a vehicle (other than a provision that requires the payment of a parking fee) does not apply to the following:

- (a) a vehicle being used in a policing operation if the vehicle
 - (i) bears the markings of a police vehicle or is registered with the Winnipeg Parking Authority for the purpose of this section, and
 - (ii) is being used by the Winnipeg Police Service or by a person providing a service to or on behalf of the Winnipeg Police Service under a contract with the City;

(b) any of the following vehicles if it is stopped or parked where it is safe to do so and stopping or parking the vehicle at that location is required to perform work on a street:

(i) a vehicle of the City or of a contractor performing work on the street under a contract with the City,

(ii) a vehicle of Manitoba Hydro,

(iii) a vehicle of the government of Manitoba or the Government of Canada.

9(2) A provision of this Part that requires the payment of a parking fee does not apply to the following:

(a) a vehicle of the Winnipeg Police Service that bears the markings of a police vehicle or is registered with the Winnipeg Parking Authority for the purpose of this section;

(b) a crested vehicle of the City if it is being used by the operator in the performance of his or her duties;

(c) a vehicle of the Department of National Defence of Canada that displays number plates issued by that department;

(d) any of the following vehicles if it is stopped or parked where it is safe to do so and stopping or parking the vehicle at that location is required to perform work on a street:

(i) a vehicle of the City or of a contractor performing work on the street under a contract with the City,

(ii) a vehicle of Manitoba Hydro,

(iii) a vehicle of the government of Manitoba or the Government of Canada.

9(3) For the purposes of subsections (1) and (2), "work on a street" refers to work being done within the street, including any structure forming part of the street, and does not refer to work being done on property adjacent to a street.

added 113/2017

PARKING AND STOPPING RULES

No stopping zone

10(1) No person may be stopped at a place where stopping is prohibited by a traffic control device other than the type of traffic control device referred to in subsection (2).

amended 113/2017

10(2) No person may be stopped at a place where stopping is prohibited by a traffic control device which prohibits stopping between the hours of 7:00 and 9:00, or between the hours of 15:30 and 17:30, or both.

added 113/2017

No parking zone

11(1) No vehicle may be parked at a place where parking is prohibited by a traffic control device.

11(2) No vehicle, other than a bus, may be stopped or parked in a space designated by a traffic control device for bus parking.

11(3) No vehicle other than a taxi licensed under the Vehicles for Hire By-law may be stopped or parked in a space designated by a traffic control device for taxi or taxicab parking.

amended 129/2017

11(4) No vehicle other than a carshare vehicle with a valid Carshare Parking Permit may be stopped or parked in a space designated by a traffic control device for carshare vehicle parking.

added 7/2022

TIME RESTRICTIONS

Time-limited parking zone

12(1) Subject to this section, where a parking space is governed by a traffic control device that specifies the length of time that a vehicle may be parked in that space, no vehicle may be parked in that space for a greater length of time.

12(2) When paid parking applies to a parking space, a vehicle may be parked in that space for up to 30 extra minutes as long as the fee for parking in that space during that extra time has been paid.

12(3) If a disabled person's parking permit is being used and displayed in a vehicle in accordance with *The Highway Traffic Act* and the regulations under that Act, the vehicle may be parked in the same space for up to four hours if paid parking does not apply to that space or if the maximum fee that may be paid at one time for parking in that space has been paid.

12(4) The limits in subsections (1) to (3) apply even if the period of time for which a parking fee has been paid has not yet expired.

12(5) Subsections (2) and (3) do not authorize parking in a space during any time that parking or stopping in that space is prohibited by a traffic control device.

12(6) During any period throughout which a parking time limit applies to a parking space, no vehicle may be parked more than once per day on the same side of the block that includes that space.

12(7) During the period to which an order under section 63 (lifting of time-limit restrictions) applies to a paid parking space, subsections (1) to (3) do not apply to any vehicle parked in that space other than a large vehicle.

One-hour limit for large vehicles, trailers and special purpose vehicles

13(1) Despite section 12, none of the following vehicles may be parked on a street for more than one hour:

- (a) a large vehicle;
- (b) a trailer;
- (c) a special purpose vehicle.

13(2) Subsection (1) does not apply to

- (a) a vehicle shown to be in active use by a tradesperson working on premises in the immediate area; or
- (b) a bus parked in a space designated by a traffic control device for bus parking.

13(3) The one-hour limit in subsection (1) applies to a paid parking space even if the time period for which a parking fee has been paid has not yet expired.

PAID PARKING

Paid parking

14(1) When paid parking applies to a parking space, a vehicle must not be parked in that space unless

- (a) the fee for parking in that space at that time, as specified by a parking meter or traffic control device, has been paid; and
- (b) the payment is evidenced by
 - (i) a parking meter that indicates that the period for which the fee has been paid has not yet expired,
 - (ii) a receipt that indicates a period of time that has not yet expired is displayed in a manner that makes the time of expiry clearly visible from the outside of the vehicle, or
 - (iii) a valid prepaid parking voucher that applies to the time the vehicle is parked there is displayed in a manner that makes the date and start time clearly visible from the outside of the vehicle.

14(2) Clause (b) does not apply if the owner or operator of the vehicle uses a method of payment approved by the General Manager to charge the parking fee to a credit card account by means of an electronic communication that identifies

amended 7/2022

- (a) by reference to the meter number or otherwise, the area or location at which the vehicle is parked;
- (b) the plate number of the vehicle; and
- (c) the period or the expiration time of the period for which the fee is paid

and the vehicle is parking within the period for which the fee has been paid.

14(3) The parking fee for a large vehicle is twice the amount that would otherwise be payable in order to comply with subsection (1).

14(4) Despite a traffic control device that indicates that paid parking applies, this section does not apply to any vehicle on a holiday as determined by *The Interpretation Act*, but sections 12 and 13 (time limits for free or paid parking) do apply on such a holiday.¹

14(5) During the period to which an order under section 63 (lifting of time-limit restrictions) applies, subsection (1) does not apply to a vehicle that is parked in a space to which that order applies unless it is a large vehicle.

¹ Note: Under *The Interpretation Act*, the following days are holidays:
amended 96/2022

- Sundays
 - New Year's Day, and the following Monday when New Year's Day falls on a Sunday
 - Louis Riel Day
 - Good Friday
 - Victoria Day
 - Canada Day, and the following Monday when Canada Day falls on a Sunday
 - Labour Day
 - Thanksgiving Day
 - Remembrance Day
 - Christmas Day, and the following Tuesday when Christmas falls on a Sunday
 - Boxing Day, and the following Monday when Boxing Day falls on a Sunday
 - Any day declared a holiday by a proclamation of the Governor General or Lieutenant Governor.
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OTHER PARKING RESTRICTIONS

Temporary parking or stopping restrictions to accommodate street work

amended 103/2021

15(1) If a temporary traffic control device prohibiting stopping or parking during specified hours in order to accommodate work within the street is placed or erected on a street by or on behalf of the City, no vehicle may be stopped or parked on that street in contravention of that sign

amended 103/2021

15(2) Subsection (1) does not apply within the first 24 hours after the sign is placed or erected on that street by or on behalf the City.

Various stopping and parking restrictions

16(1) Except when necessary to comply with a traffic control device, no vehicle may be stopped or parked

- (a) on a sidewalk or where a sidewalk crosses a roadway;
- (b) on a bicycle path or a pathway for pedestrians and cyclists or where such a path or pathway crosses a roadway;
- (c) on a crosswalk or within three metres of a crosswalk situated in front of the vehicle;
- (d) within three metres of the point on the edge of the roadway directly opposite a fire hydrant;
- (e) on a boulevard;
- (f) in an intersection or within three metres of an intersection;
- (g) in front of a driveway;
- (h) in such a manner as to constitute an obstruction or hazard on a roadway;
- (i) on the roadway side of a vehicle stopped or parked at the edge of the roadway;
- (j) within 30 metres of the nearest rail of a railway crossing; or
- (k) within nine metres of a flashing beacon, stop or arrêt sign or traffic control signal located ahead of the vehicle at the side of the roadway.

16(2) For the purpose of clause (1)(f), the distance from an intersection is to be measured along the curb of the roadway in question — or edge of the roadway in the absence of a curb — from the point at which that curb or edge ceases to follow the lateral curb line of the roadway and begins to arc toward the nearest curb or edge of the other roadway.

16(3) For the purpose of clause (1)(g), a vehicle is considered to be in front of a driveway if any part of the vehicle is parked between the points where the driveway's edges intersect the roadway, or, in the case of a widened private approach, the edge(s) of the private approach.

added 103/2021

Position and direction of parked or stopped vehicle

amended 103/2021

17(1) Except as otherwise required or authorized by a traffic control device, a vehicle parked on a street must be parked parallel to the edge of the roadway and

- (a) within 45 cm (18 in) of the physical barrier or painted line separating the roadway and a bicycle path, if there is one;
- (b) within 45 cm (18 in) of the curb, if there is one, and no bicycle path lies between the curb and the roadway;
- (c) on the shoulder if there is one; or
- (d) as close as practicable to the edge of the roadway if there is no bicycle path, no curb and no shoulder.

17(2) If a vehicle on a street is stopped or parked in a traffic lane in which parking is permitted, it must face the same direction as the flow of traffic in that lane. If it is stopped or parked on a shoulder or a lane reserved for parking, it must face the same direction as the flow of traffic in the adjacent lane.

amended 103/2021

17(3) Subsection (2) does not apply in areas to which a Use of Street Permit issued under the Streets By-law applies, or in a work area, as defined in the Manual of Temporary Traffic Control approved by Council, so long as the Manual of Temporary Traffic Control is being followed.

Spaces reserved for physically disabled persons

18(1) No vehicle may be stopped or parked

- (a) in a designated parking space or a disabled loading zone; or
- (b) in such a manner as to obstruct access to such a space;

unless a disabled person's parking permit is being used and displayed in the vehicle in accordance with *The Highway Traffic Act* and the regulations under that Act.

18(2) No vehicle may be stopped or parked in a designated parking space or a disabled loading zone while there is displayed in the vehicle a card or other object that is not, but when seen from outside the vehicle could reasonably be mistaken for, a valid disabled person's parking permit.

Stopping or parking in loading zones

19(1) No vehicle may be stopped or parked in a loading zone unless it is in the process of being loaded or unloaded.

19(2) No vehicle may remain in a loading zone, even if it is in the process of being loaded or unloaded, for longer than the length of time specified on the traffic control devices designating the loading zone or, if no time limit is specified,

- (a) 30 minutes, if the loading zone is designated by a traffic control device as a disabled loading zone; or
- (b) 15 minutes, in any other case.

Parking in alley

20 No vehicle may be parked in an alley for more than 15 minutes.

No parking of advertising vehicle

21 None of the following vehicles may be stopped or parked on a street:

- (a) a vehicle displaying a sign on which the advertising copy is not fixed and may be changed while the vehicle is in motion or while it is stopped or parked on a street;
- (b) a vehicle displayed for sale;
- (c) a vehicle being used for the purpose of displaying goods for sale.

No parking of vehicle without current plate and registration

22 No vehicle may be parked on a street unless it

- (a) is currently registered under *The Drivers and Vehicles Act* or a similar law of another jurisdiction and has attached to it a valid and current number plate issued under that law; or
- (b) is a special purpose vehicle.

No electrical cord or wire crossing street, sidewalk or boulevard

amended 103/2021

23 No vehicle may be parked while connected to an electrical cord or wire that crosses the edge of a street, sidewalk or boulevard.

amended 103/2021

MOBILE VENDORS**Mobile vending unit on roadway or shoulder**

24(1) A mobile vendor may carry on business from a mobile vending unit parked on a roadway or the shoulder of a roadway only if

- (a) in the case of a unit that is a mobile food unit,
 - (i) the vendor holds a valid permit issued under section 3 of the *Food and Food Handling Establishments Regulation*, Manitoba Regulation 153/2003, and the permit is made immediately available for inspection upon request by an enforcement officer, and
 - (ii) the unit is not located within 20 metres of the nearest entrance to a restaurant, grocery store or other retail food service establishment other than a mobile vending unit;
- (b) the vendor holds a Mobile Vendor's Parking Permit issued under Part 3 that is valid for the location at which the unit is parked;
- (c) the unit is legally parked and being used to sell, offer or provide goods or services only to persons who are not on the roadway;
- (d) neither the unit nor its customers are obstructing vehicular or pedestrian traffic or posing a risk to persons or vehicles; and
- (e) the unit is not located
 - (i) within three metres of the nearest public entrance to a building,
 - (ii) within 20 metres of the nearest vehicular or pedestrian entrance to a park as defined in the *Parks By-law*,
 - (iii) within five metres of the nearest intersection of a street on which the posted speed limit is 60 km/h or less, or
 - (iv) on a street on which the posted speed limit is more than 60 km/h or within 20 metres of such a street.

24(2) For the purpose of subclause (1)(e)(iii), the distance from an intersection is to be measured as described in subsection 16(2).

OTHER RESTRICTIONS

No washing of vehicle on street

25 A person must not wash any of the following vehicles on a street:

- (a) a large vehicle;
- (b) any other vehicle that is used for the commercial carriage of goods or people.

No washing of concrete mixer or other equipment

26 A person must not cause or allow the wash water or other waste material discharged from a concrete mixer or any other construction or maintenance vehicle or equipment to be deposited on or flow onto a street.

No repairing of vehicle on street

27 A person must not make any repairs or improvements to a vehicle while it is on a street, other than repairs of an emergency nature.

Other prohibitions

28 A person must not

- (a) remove, alter, obliterate or deface a mark after it is made or placed on a vehicle under section 58 and before the vehicle has been moved through the nearest intersection;
- (b) deposit in a parking meter a slug or other object as a substitute for a form of payment authorized by the instructions on the meter; or
- (c) remove from a vehicle a penalty notice or other notice left on the vehicle for the purpose of enforcing this by-law, unless the person is the owner or operator of the vehicle.

PART 3 PARKING PERMITS

GENERAL PROVISIONS

Providing false information to obtain permit

29(1) A person must not provide false information in support of an application for a permit under this Part.

29(2) If information in support of an application under this Part is false or misleading with respect to any material fact, any permit issued in response to that application is invalid.

29(3) Although the General Manager is required to give notice to the person to whom a permit has been issued that it is invalid due to the provision of false or misleading information provided in support of the application, the invalidity of the permit is not affected by delays in giving notice or a failure to give notice.

amended 7/2022

Permit application requirements

30(1) An application for a permit under this Part must

- (a) be made to the General Manager in the form and manner required by him or her;
amended 7/2022
- (b) include or be accompanied by such evidence as the General Manager requires to ensure that the applicant or the vehicle is eligible for the permit;
amended 7/2022
- (c) if the permit to be issued is to apply to a specific vehicle, include or be accompanied by information that General Manager requires to identify the vehicle; and
amended 7/2022
- (d) be accompanied by a payment of the applicable fee, if any.

30(2) After an application for a permit is made, the General Manager may request the applicant to provide any additional information or document he or she requires to ensure that the applicant or the vehicle is eligible for the permit.

amended 7/2022

General Manager may impose permit conditions and restrictions

amended 7/2022

31(1) The General Manager may impose conditions or restrictions on a permit in addition to those set out in this by-law. Such conditions or restrictions may not be inconsistent with this by-law and must be consistent with the purpose of the permit or for ease of administration. They must be set out in

amended 7/2022

- (a) the application form for the permit or in a document presented to the applicant during the application process; or
- (b) a document given to the applicant at the time of issuing the permit.

31(2) The failure of a person or vehicle to comply with a condition or restriction imposed on a permit is a contravention of this by-law.

Issuance of permit

32 A permit is issued when either

- (a) details of the permit are entered in the Winnipeg Parking Authority's system for the registration of permits and a receipt or other written notice confirming the issuance of the permit is given or sent to the applicant; or
- (b) a physical permit is given or sent to the applicant.

Alteration and reproduction of physical permit prohibited

33 No person may alter or reproduce or copy a physical permit that has been issued under this Part.

Display of physical permit

34(1) If a physical permit is issued for a specific vehicle,

- (a) no person may display the permit in any vehicle other than the vehicle for which it was issued; and
- (b) the owner of the vehicle must not allow the permit to be displayed in any other vehicle.

34(2) A physical permit is not effective to exempt a vehicle from a provision of this by-law unless it is displayed so that it is clearly visible from the outside of the vehicle.

34(3) When a vehicle that is stopped or parked has displayed in it a card or other physical object that is not, but when seen from outside the vehicle could reasonably be mistaken for, an unaltered physical permit referred to in section 32, the vehicle is stopped or parked in contravention of this by-law.

General Manager may revoke or refuse to issue permit

amended 7/2022

35(1) The General Manager may revoke or refuse to issue a permit if

amended 7/2022

- (a) the City is entitled to take collection proceedings in respect of an administrative penalty or fine payable by the applicant or permit holder for stopping or parking a vehicle in contravention of this or any other City by-law; or
- (b) the vehicle to which the permit applies — or to which the permit would apply if it were issued — is or has been repeatedly stopped or parked in contravention of this by-law or of a condition of a permit that applies to that vehicle.

35(2) Before revoking a permit under this section, the General Manager must give or send the permit holder a notice stating

amended 7/2022

- (a) his or her intention to revoke the permit and why;
- (b) that the permit holder may respond to the notice on or before a specified date, which must be at least 7 days after the date the notice is given or sent, by
 - (i) providing reasons why the permit should not be revoked; and
 - (ii) if a fine or administrative penalty is owing, paying the outstanding fine or penalty or entering into an payment arrangement satisfactory to the General Manager; and
- (c) the permit will be revoked if the permit holder fails to respond as set out in the notice.

amended 7/2022

35(3) If the permit holder has failed to respond as set out in the notice, or the response is not satisfactory to the General Manager, the General Manager may revoke the permit by written notice to the permit holder.

amended 7/2022

35(4) If a payment arrangement entered into with the General Manager in response to a revocation notice is not complied with, the General Manager may revoke the permit by written notice to the permit holder. Subsections (2) and (3) do not apply to such a revocation.

amended 7/2022

35(5) A person whose permit has been revoked under this section is not eligible for a similar permit for a period of one year after the date of the revocation.

SPECIFIC PERMITS

PAID PARKING PERMIT

Issuance of Paid Parking Permit

36(1) On application, the General Manager may issue a Paid Parking Permit that exempts the vehicle specified in the permit from the fee payment requirement in section 14.

amended 7/2022

36(2) A Paid Parking Permit may be issued on a daily, weekly, monthly, seasonal or annual basis and is valid only for the period specified on the permit.

36(3) The General Manager may establish classes of Paid Parking Permits with different conditions or restrictions. Such classes may include, for example,
amended 7/2022

- (a) permits for buses parked in spaces designated for bus parking;
- (b) permits for vehicles of or used by the City or by contractors performing work for the City;
- (c) permits for vehicles of or used by the government of Manitoba or of Canada.

STADIUM EVENT ZONE PARKING PERMIT

Issuance of Stadium Event Zone Parking Permit

37(1) On application by the owner of a vehicle who resides in an area marked in Schedule A to this by-law as a stadium event zone, the General Manager may issue a Stadium Event Zone Parking Permit exempting that vehicle from the restrictions imposed by traffic control devices that

amended 7/2022

- (a) are placed or erected within a stadium event zone for the purpose of regulating parking in relation to stadium events; and
- (b) specify the dates and times when parking is prohibited.

37(2) The permit may not be issued if two such permits — which are still valid — have been issued for other vehicles belonging to or being used by persons residing in the same dwelling unit as the applicant.

CONTRACTOR PARKING PERMIT

Issuance of Contractor Parking Permit

38(1) On application, the General Manager may issue a Contractor Parking Permit that, subject to subsection (4) and any conditions or restrictions imposed on the permit, exempts a vehicle from the parking restrictions in subsection 12(1) (parking time limits), section 13 (one-hour limit for large vehicles, trailers, etc.) and section 20 (parking in alley).

amended 7/2022

38(2) Such a permit may be issued only for a vehicle that is used in the business of providing a carpentry, plumbing, gas fitting, roofing, electrical or other contractor service relating to the construction, renovation, repair, landscaping or maintenance of real property.

38(3) A single permit may be issued under this section for both a trailer and a motor vehicle used for towing the trailer.

38(4) A permit under this section does not exempt a vehicle

- (a) when it is parked on a block after having been parked on that block for more than a total of 72 hours in that year;
- (b) when it is parked for personal use and not in the course of providing a contractor service; or
- (c) when it is parked in a space to which paid parking applies.

SOCIAL SERVICE PROVIDER PARKING PERMIT

Issuance of Social Service Provider Parking Permit

39(1) On application, the General Manager may issue a Social Service Provider Parking Permit that, subject to subsection (3), exempts a vehicle from the parking restrictions in subsection 12(1) (parking time limits).

amended 7/2022

39(2) The permit may be issued only for a vehicle that

- (a) is used in the business of providing home care, occupational therapy, speech therapy or another social service; and.
- (b) without a trailer, is not a large vehicle.

39(3) Such a permit does not exempt a vehicle

- (a) when it is parked for personal use and not in the course of providing a social service; or
- (b) when it is parked in a space to which paid parking applies.

RESIDENTIAL PARKING PERMIT AND VISITOR'S RESIDENTIAL PARKING PERMIT

Issuance of Residential Parking Permit

40(1) On application, the General Manager may issue a Residential Parking Permit that exempts a vehicle, other than a large vehicle, from the parking restrictions in subsection 12(1) (parking time limits) as they apply to the street or portion of a street specified in the permit.

amended 7/2022

40(2) The permit may be issued only for a street or portion of a street

- (a) that is not listed in Schedule E of the *Streets By-law*, and
- (b) on which there is no traffic control device prohibiting parking for one or more specific periods during the day;

and only for a vehicle registered in the name of an applicant whose residence is in the immediate vicinity of the street or portion of the street specified in the permit.

Issuance of Visitor's Residential Parking Permit

41(1) On application by a person who is eligible for a Residential Parking Permit, the General Manager may issue a Visitor's Residential Parking Permit that exempts a vehicle, other than a large vehicle, for a period of up to 30 days from the parking restrictions in subsection 12(1) (parking time limits) as they apply to the street or portion of the street specified in the permit, which must satisfy the requirements of subsection 40(2).

amended 7/2022

41(2) The permit may be issued only if the General Manager is satisfied that

amended 7/2022

- (a) allowing the vehicle to be parked on the street would not unduly inconvenience or adversely affect residents of that street; and
- (b) the vehicle will be used, during the period of the permit, by a person residing temporarily at the applicant's residence.

Limitations of permit

42 A permit issued under section 40 (residential parking permit) or 41 (visitor's residential parking permit) is valid only for

- (a) the period for which it is issued;
- (b) the vehicle for which it is issued; and
- (c) the street or portion of a street specified in the permit.

TEMPORARY RECREATIONAL VEHICLE PARKING PERMIT

Issuance of Temporary Recreational Vehicle Parking Permit

43(1) Subject to this By-law, on application by the owner of a recreational vehicle, the General Manager must issue a Temporary Recreational Vehicle Parking Permit for that vehicle.

amended 7/2022

43(2) Such a permit exempts the vehicle specified in the permit from the parking restrictions in subsection 12(1) (parking time limits) and section 13 (one-hour limit for large vehicles, trailers, etc.) on the streets or portions of streets specified in the permit for the period or periods specified in the permit. All periods to which such a permit applies must fall within a single 3-day period.

43(3) A permit must not be issued under this section for a vehicle if four such permits have already been issued to the applicant in that calendar year in respect of one or more recreational vehicles.

TEMPORARY EXEMPTION PERMIT

Issuance of Temporary Exemption Permit

44(1) On application, the General Manager, if satisfied that exceptional circumstances justify it in the public interest, may issue a Temporary Exemption Permit that exempts a vehicle from one or more of the following in the area and for the period or periods specified in the permit, which may be not more than seven days:

amended 7/2022

- (a) the parking restrictions in subsection 12(1) (parking time limits);
- (b) the parking restrictions in section 13 (one-hour limit for large vehicles, trailers etc.);
- (c) the restrictions imposed by traffic control devices described in subsection 37(1) (stadium event zone parking).

44(2) Such a permit does not exempt a vehicle when it is parked in a space to which paid parking applies.

44(3) The General Manager may waive the fee that would otherwise apply to the permit if he or she considers it to be in the public interest to do so.

amended 7/2022

MOBILE VENDOR'S PARKING PERMIT

Issuance of Mobile Vendor's Parking Permit

45(1) On application by a mobile vendor, the General Manager may issue a Mobile Vendor's Parking Permit that exempts

amended 7/2022

- (a) the vendor's mobile vending unit and, if that unit is a trailer, the motor vehicle used to transport the unit; or

- (b) the motor vehicle used to transport a mobile vending unit that is operated on a sidewalk or boulevard under the authority of a Use of Street Permit issued under section 4.01.06 of the *Streets By-law*,

from the parking restrictions in subsection 12(1) (parking time limits), section 13 (one-hour limit for large vehicles, trailers, etc.), section 14 (paid parking) and clause 21(1)(c) (displaying goods for sale) at the location or within the area specified in the permit.

45(2) The conditions and restrictions imposed by the General Manager may include a noise restriction relating to the operation of the mobile vending unit and may limit the application of the permit to particular locations, streets or areas of the city.

amended 7/2022

45(3) A Mobile Vendor's Parking Permit is valid only for

- (a) the period or periods of time for which it was issued;
- (b) the area or location for which it was issued;
- (c) the mobile vending unit and any other vehicle for which it was issued;
- (d) areas and during times when parking is permitted, and is not valid for areas and times to which a Use of Street Permit issued under the Streets By-law applies.

CARSHARE PARKING PERMIT

Issuance of Carshare Parking Permit

added 7/2022

45.1(1) On application by a carshare organization, the General Manager may issue a Carshare Parking Permit that exempts a registered carshare vehicle from the parking restrictions in subsection 12(1) (parking time limits), subsection 12(6) and section 14 (paid parking). By-law No. 7/2022 Page 2 of 2

amended 51/2023

45.1(2) A Carshare Parking Permit is valid only for

- (a) the period or periods of time for which it was issued;
- (b) the area or location for which it was issued;
- (c) the vehicle for which it was issued;
- (d) areas and during times when parking is permitted, and is not valid for areas and during times when a Use of Street Permit issued under the Streets By-law applies.

PART 4

RESTRICTIONS THAT APPLY TO VEHICLES ON RESIDENTIAL PROPERTY

Application

46 This Part applies to the parking and storage of vehicles on residential property with a single-family detached dwelling or a two-family dwelling as defined in section 48 of the *Winnipeg Zoning By-law*.

Definitions

47 The following definitions apply in this Part.

"GVWR" means the gross vehicle weight rating of a vehicle as stated by the vehicle manufacturer, on a sign on the vehicle or in the vehicle registration.

"large truck" means a truck with a GVWR of more than 4,536 kg (10,000 lbs).

"large vehicle" means a vehicle, other than a recreational vehicle, that

- (a) is a large truck; or
- (b) has one or more of the following characteristics:
 - (i) tandem axles;
 - (ii) a passenger capacity in excess of 15 persons; or
 - (iii) dual wheels where the vehicle includes a flat deck or other form of utility deck; or
- (c) can be generally described as
 - (i) a bus,
 - (ii) a limousine,
 - (ii) a cube van,
 - (iii) a dump truck, tow truck or flatbed truck, or
 - (iv) a tractor, trailer, or tractor-trailer combination.

"passenger vehicle" means a motor vehicle (other than a bus, commercial vehicle, motor home, or taxicab) that is designed, used, or maintained primarily for the transportation of people on a street or highway. It includes a pickup truck, a van (other than a cube van), a minivan, a motorcycle, a moped and a scooter.

"property" means a residential property described in section 46.

"recreational vehicle" means a vehicle (other than a passenger vehicle, motor home, travel trailer) that is designed for recreational purposes. It includes a boat, an off-road vehicle as defined in *The Off-Road Vehicles Act* and a trailer designed specifically for transporting a recreational vehicle.

"small truck" means a truck that is neither a large vehicle nor a passenger vehicle.

"travel trailer" means a trailer that is equipped with sleeping quarters.

No more than six vehicles

48 No person may park or store a vehicle on a property if, at the time of placing the vehicle on the property, at least six other vehicles are already parked or stored on the property.

No more than four passenger vehicles

49 No person may park or store a passenger vehicle on a property if, at the time of placing the vehicle on the property, at least four other passenger vehicles are already parked or stored on the property.

No more than one small truck

50 No person may park or store a small truck on a property if, at the time of placing the truck on the property, another small truck is already parked or stored on the property.

No more than one travel trailer or motor home

51 No person may park or store a travel trailer or motor home on a property if, at the time of placing the vehicle on the property, a travel trailer or motor home is already parked or stored on the property.

Large vehicle restrictions

52(1) No person may park or store a large vehicle on a property if, at the time of the placing the vehicle on the property, another large vehicle is already parked or stored on the property.

amended 103/2021

52(2) No person may park or store a large vehicle on a property unless; (a) It is parked further from the street than the front wall of the dwelling;

amended 103/2021

- (a) It is parked further from the street than the front wall of the dwelling;
- (b) It is parked in an enclosed structure or is shielded from view from adjacent properties through the use of landscaping that meets the side and rear yard buffering requirements of sections 188 to 193 of the Winnipeg Zoning By-law; and

- (c) The owner of the property has a conditional use approval for the parking of the vehicle on the property.

52(3) Despite subsections (1) and (2), and in addition to any large vehicle parked or stored on a property in compliance with those subsections, one large vehicle with a GVWR of more than 4,536 kg (10,000 lbs.) may be stopped or parked on the property while it is being actively loaded or unloaded.

amended 103/2021

Front yard parking restrictions

53(1) From May 15 to October 31 of the same year, no person may park or store a recreational vehicle, motor home or travel trailer on a driveway in the front yard of a property if, at the time of placing the vehicle on the property, another recreational vehicle is already parked or stored on a driveway in the front yard of the property.

53(2) From November 1 to May 14 of the following year, no person may park or store a recreational vehicle, motor home or travel trailer on a driveway in the front yard of a property.

53(3) No person may park or store a vehicle on a driveway in the front yard of a property if, at the time of placing the vehicle on the driveway, the number of vehicles in the front yard is already at the maximum. For this purpose, the maximum number of vehicles in the front yard of a property is

- (a) two vehicles, if they are not parked in tandem; or
- (b) four vehicles, if they are parked in tandem.

No parking except on driveway or parking pad

54 No person may park or store a vehicle on any part of a front or side yard of a property unless that part is a driveway or other area that has been improved for use as a parking area.

PART 5 ADMINISTRATIVE AND ENFORCEMENT PROVISIONS

Authority includes power to act negatively

55 Unless otherwise stated, a duty, power or function given to an employee in this By-law to act positively, includes the authority to act negatively in respect of the same matter. For example, the power given to the Director of Public Works and the CAO in section 59 to prohibit parking on portions on streets includes the authority to remove prohibitions on parking on portions of streets where parking is prohibited, either at all times or at specific times or days.

Delegation

56(1) The General Manager may, in writing, delegate to one or more persons employed by the City the exercise of any duty, power or function assigned by this by-law to the General Manager. The delegation may be made subject to any conditions or restrictions that the General Manager considers appropriate.

amended 7/2022

56(2) An employee to whom the General Manager has delegated a duty, power or function under this section may not further delegate it except as authorized by the General Manager.

amended 7/2022

Enforcement officers

57(1) The following persons are enforcement officers for the purpose of this by-law:

- (a) the CAO;
- (b) every person designated under subsection 176(1) of the Charter as an enforcement officer for the purpose of this by-law;
- (c) every person appointed under subsection 176(2) of the Charter as a special constable who, by the terms of the appointment, is authorized to enforce this by-law.

57(2) For the purpose of enforcing this by-law, an enforcement officer has the powers of a peace officer within the limits of his or her designation or appointment.

Marking of parked vehicle

58 For the purpose of enforcing this by-law, an enforcement officer may make or place a mark on a vehicle parked on a street.

REGULATION OF PARKING**Director of Public Works and CAO authorized to establish parking prohibitions**

59(1) In addition to other powers delegated to him or her by Council, the Director of Public Works for the City may prohibit parking on portions of streets, either at all times or at specific times or days, taking into account vehicular and pedestrian traffic in that location and generally-accepted engineering principles.

59(2) In addition to other powers delegated to him or her by Council, the CAO may establish portions of streets where parking is prohibited, either at all times or at specific times or days, in order to accommodate the needs and development of the surrounding area.

CAO to establish paid parking locations, hours, time limits

60(1) The CAO may establish, in accordance with subsections (2) and (3) and any applicable resolution of Council,

- (a) where paid parking is to apply or not to apply;
- (b) the days on which, and the time or times during which, paid parking is to apply at each location; and
- (c) subject to subsection 12(2), the parking time limits for paid parking.

60(2) When exercising his or her authority under subsection (1), the CAO must take into account

- (a) Plan Winnipeg;
- (b) all applicable resolutions and policies adopted or approved by Council;
- (c) the Operating Charter of the Winnipeg Parking Authority as amended from time to time; and
- (d) the needs and characteristics of the surrounding area.

60(3) Paid parking may be applied to a portion of a street only where, and during a time of day when, parking is not prohibited by or under

- (a) *The Highway Traffic Act*;
- (b) any other by-law of the City; or
- (c) a by-law, a resolution of Council or the Standing Policy Committee in the exercise of the City's powers as a traffic authority, or a decision of the Director of Public Works in the exercise of a power delegated to him or her by Council.

60(4) The CAO's authority under this section may not be delegated.

General Manager may place and maintain meters

amended 7/2022

61 The General Manager may place and maintain parking meters in city parking facilities and wherever the CAO determines that paid parking is to apply.

amended 7/2022

Temporary closing of paid parking spaces

62(1) The CAO may cause a paid parking space to be temporarily closed for parking when necessary to accommodate

- (a) Maintenance of underground structures under the street;
- (b) Construction in the street;
- (c) Street cleaning;
- (d) Parades;
- (e) Closures for which a Use of Streets Permit has been issued; and
- (f) Other circumstances in which the temporary closure of parking is reasonable.

62(2) A paid parking space may be closed under this section by placing a sign prohibiting parking in that space.

LIFTING OF TIME-LIMIT RESTRICTIONS**Temporary lifting of time-limit restrictions**

63(1) Upon application or on his or her own initiative, the General Manager may, in order to facilitate parking for a particular event, issue a written order that exempts all vehicles, other than large vehicles, from the restrictions in section 12 (parking time limits).

amended 7/2022

63(2) In deciding whether to issue an order under subsection (1), the General Manager must

amended 7/2022

- (a) take into account the purposes for the parking time limit restrictions and the extent to which a temporary exemption would undermine those purposes; and
- (b) weigh the importance of the purposes for the parking time limit restrictions against the benefits of a temporary exemption from them.

63(3) If there is an application fee for the permit, the General Manager may waive the fee if he or she considers it in the public interest to do so.

amended 7/2022

63(4) The order must specify

- (a) the area, street, streets or portions of streets to which the exemption applies; and
- (b) the day or days and the time or times during which the exemption applies.

63(5) The General Manager may cause the details of the exemption to be communicated to the public in any manner he or she considers appropriate.

amended 7/2022

PILOT PROJECTS

added 113/2017

Council may institute pilot projects

63.1(1) Despite any other provision of this By-law but subject to this section, Council may institute a pilot project in which enforcement officers will not enforce one or more provisions of this By-law or will do so in a manner less stringent than is contemplated by this By-law.

63.1(2) In order for a pilot project instituted under subsection (1) to be valid, the resolution instituting it must

- (a) Identify the provisions of this By-law whose enforcement is affected by the project;
- (b) Specify the manner in which enforcement of those provisions shall take place;
- (c) Specify the time period of the pilot project, which must not be in excess of one year; and
- (d) Unless it applies to the entire city, clearly delineate the specific area or areas of the city to which the pilot project applies.

REMOVAL OF VEHICLES

amended 113/2017

Authority to remove vehicles

64 Subject to section 65, an enforcement officer with authority to issue penalty notices or tickets or otherwise to initiate prosecution for a contravention of this By-law has authority to move vehicles or cause them to be moved, or to take vehicles into his or her custody and cause them to be taken to and stored in a suitable place, pursuant to section 243 of The Highway Traffic Act.

Definition of inoperable vehicle

added 68/2022

64.1 For the purposes of section 65, a vehicle is to be considered an inoperable vehicle if it meets one or more of the following criteria:

- (a) it is wholly or partially wrecked, wholly or partially dismantled, or wholly or partially stripped;
- (b) it has one or more flat tires;
- (c) it suffers from any other defect or characteristic that prevents it from being driven on a highway in compliance with The Highway Traffic Act.

Abandoned and inoperable vehicles

amended 68/2022

65(1) Despite section 64, an enforcement officer must not take a vehicle into his or her custody and cause it to be taken to and stored in a suitable place pursuant to section 243 of The Highway Traffic Act on the basis that it is an apparently abandoned vehicle unless the vehicle is parked on the street and

amended 68/2022

- (a) meets one or more of the following conditions:
 - (i) the vehicle appears to be an inoperable vehicle;
 - (ii) the vehicle is parked in contravention of section 22 (parking of unregistered vehicle);
 - (iii) the vehicle appears not to have been moved for a period of 10 days or more; and
- (b) an enforcement officer has left a notice on the vehicle requiring the vehicle to be removed from the street by a specified time that is at least 72 hours after the time the notice is left on the vehicle, and the vehicle has not been removed by that time.

65(2) The owner of a vehicle has contravened this By-law if his or her vehicle is parked on the street and the vehicle:

amended 68/2022

- (a) meets one or more of the following conditions:
 - (i) is an inoperable vehicle;
 - (ii) has not been moved for a period of 10 days or more; and

- (b) an enforcement officer has left a notice on the vehicle requiring the vehicle to be removed from the street by a specified time that is at least 72 hours after the time the notice is left on the vehicle, and the vehicle has not been removed by that time

NOTICES

Manner of giving notice

66(1) A notice or other document to be given or sent to a person under this by-law must be in writing and may be given or sent as follows:

- (a) by personal delivery to the person;
- (b) delivering it, or sending it by registered or ordinary mail, to the person's last known address, which may be an address indicated in the records of the Winnipeg Parking Authority or of the Registrar of Motor Vehicles;
- (c) sending it by facsimile transmission, e-mail or another method of electronic communication to a number or address provided by the person for the receipt of such a notice.

66(2) A notice that is delivered or sent by registered mail to a person's address in accordance with clause (1)(b) is deemed to have been given to the person on the day it is delivered to that address.

66(3) A notice that is sent by ordinary mail to a person's address in accordance with clause (1)(b) is deemed to have been given to the person seven days after the day it is mailed.

66(4) A notice that is sent to a person in accordance with clause (1)(c) is deemed to have been given to the person on the first day after the day it was sent unless a written acknowledgment of receipt confirms receipt of the notice on the day it was sent.

66(5) For greater certainty, this section does not apply to the giving or delivery of a penalty notice or other document under the *Voluntary Payment of Fines By-law* or under *The Municipal By-law Enforcement Act*, or to a notice that, under this by-law, may be left on a vehicle.

OFFENCES AND ENFORCEMENT

Offence

67 A person who obstructs or interferes with, or attempts to obstruct or interfere with, an enforcement officer carrying out or attempting to carry out his or her responsibilities in the enforcement of this by-law is guilty of an offence.

68 The Municipal By-law Enforcement Act and the Municipal By-law enforcement Act Enabling By-law apply to the enforcement of this by-law other than section 67.

amended 103/2021; 96/2022

APPEALS

Appeals

69 Where an order, decision or other matter is subject to appeal under *The City of Winnipeg Charter*, it may be appealed to the Standing Policy Committee on Public Works or such other appeal body designated for this purpose by Council.

amended 84/2019; 137/2022

PART 6 AMENDMENTS AND REPEALS

Streets By-law amended

70(1) The *Streets By-law No. 1481/77* is amended by this section.

70(2) Section 1 is amended by repealing the definition "abandoned vehicle".

70(3) Sections 2.05, 2.06 and 2.07 are repealed.

70(4) Subclause 4.01.02(a) is amended by replacing "*Traffic By-law*" with "*Winnipeg Parking By-law*".

70(5) Subsection 4.01.04 is amended

- (a) by replacing "*the Traffic By-law which*" with "*a City by-law that*"; and
- (b) by replacing "*the Parking Meter By-law, the vehicle must still comply with that By-law*" with "*section 14 (paid parking) of the Winnipeg Parking By-law, the vehicle must still comply with that section*".

70(6) Schedule H is amended by deleting the rows for contraventions of sections 2.05 and 2.06.

Traffic By-law amended

71(1) The *Traffic By-law No.* Subsection 2(2) is amended by repealing the definitions "disabled loading zone" and "loading zone".

71(2) Sections 20 to 28, 29 to 33 and 35 are repealed.

71(3) Section 28.1 is amended by striking out everything after "*along a boulevard*".

71(4) Schedules 10, 12, 13 and 14 are repealed.

Voluntary Payment of Fines By-law amended

72(1) If the Voluntary Payment of Fines By-law No. 789/74 has not been repealed by the time this By-law comes into force, then it is amended by this section.

72(2) Sections 2 and 3 are replaced with the following:**2(1)** *A parking tag must set out the following information:*

- (a) the description of the contravention set out in Schedule A;*
- (b) if the contravention relates to a plated vehicle, the plate number of that vehicle;*
- (c) if the contravention does not relate to a vehicle or is alleged to have been committed by someone other than the owner or operator of the vehicle, the name of the person alleged to be responsible for the contravention;*
- (d) the date and time of the contravention;*
- (e) any other facts the knowledge of which is necessary for an understanding of the circumstances of the contravention.*

2(2) *The parking tag may be attached to the vehicle to which the contravention relates or be handed or delivered to the owner or operator of the vehicle. If the contravention does not relate to a vehicle or is alleged to have been committed by someone other than the owner or operator of the vehicle, it must be handed or delivered to the person who is alleged to have committed the contravention.***3(1)** *Within 15 days after the parking tag for a contravention is attached to a vehicle or is handed or delivered to the owner or operator of the vehicle or to the person named in the parking tag (each of whom is referred to in this section as the "alleged offender"), the alleged offender may request the Chief Operating Officer of the Winnipeg Parking Authority to review the parking tag to determine*

- (a) whether the alleged contravention occurred;*
- (b) whether the parking tag contains the information required by The Summary Convictions Act to be included;*
- (c) whether the parking tag contains accurate information about the alleged contravention;*
- (d) whether for any other reason a recommendation should be made to stay the prosecution of the alleged contravention or to recommend that a justice should exercise his or her powers under section 7 of The Summary Convictions Act.*

3(2) *Within 15 days after the parking tag for a contravention is attached to a vehicle or is handed or delivered to the alleged offender, the alleged offender may pay the discounted fine for that contravention as set out in Schedule A. If a request for a review is made under subsection (1), the 15-day period within which to pay the discounted fine is extended by four days or the number of days required to complete the review and notify the alleged offender, whichever is less.*

3(3) If

(a) *the discounted fine for a contravention is paid within the 15-day period referred to in subsection (1), or any extension of that period by subsection (2); or*

(b) *the full fine for a contravention is paid at any time after the time allowed for paying the discounted fine;*

there is to be no prosecution for that contravention under The Summary Convictions Act.

72(3) Schedule A of the Voluntary Payment of Fines By-law is replaced with the Schedule B attached to this by-law.

Municipal By-law Enforcement Act (MBEA) Enabling By-law amended

73 Schedule A of the Municipal By-law Enforcement Act (MBEA) Enabling By-law is replaced with Schedule C attached to this by-law.

By-laws repealed

74 The following by-laws are repealed:

- (a) *the Disabled Persons Parking By-law No. 7171/98;*
- (b) *the Winnipeg Parking Meter By-law No. 6547/95.*

PART 7 TRANSITIONAL PROVISIONS AND COMING INTO FORCE

Transitional — permits issued before this by-law

75 On the coming into force of this by-law, each permit that

- (a) is listed in the first column of the following table; and
- (b) was a valid unexpired permit immediately before the coming into force of this by-law;

continues to apply as if it were a permit listed in the second column opposite and issued under this by-law. It is subject to any conditions that apply to such a permit under this by-law, but also continues to be subject to any conditions imposed on that permit at the time it was issued.

Existing permit	Continues as
Parking Permit under Schedule F of the <i>Parking Meter By-law</i>	Paid Parking Permit under section 36
Stadium Event Zone Parking Permit under section 26.2 of the <i>Traffic By-law</i>	Stadium Event Zone Parking Permit under section 37
Residential Parking Permit under Schedule 10 of the <i>Traffic By-law</i>	Residential Parking Permit under section 40
Visitor's Residential Parking Permit under Schedule 10 of the <i>Traffic By-law</i>	Visitor's Residential Parking Permit under section 41
Contractor Parking Permit under Schedule 12 of the <i>Traffic By-law</i>	Contractor Parking Permit under section 38
Social Service Provider Parking Permit under Schedule 12 of the <i>Traffic By-law</i>	Social Service Provider Parking Permit under section 39
permit for a temporary exemption under Schedule 13 of the <i>Traffic By-law</i>	Temporary Time-limit Exemption Permit under section 44
Mobile Vendor's Parking Permit under Schedule 15 of the <i>Traffic By-law</i>	Mobile Vendor's Parking Permit under section 45

Transitional — reference to "penalty notice"

76(1) Despite the definition "penalty notice" in subsection 2(1), a reference in this by-law to a penalty notice is also deemed to be a reference to a notice issued under the *Voluntary Payment of Fines By-law* and referred to in that by-law as a parking tag.

76(2) This section is repealed on the day that section 68 (application of Municipal By-law Enforcement Act) comes into force.

Continuing application of Voluntary Payment of Fines By-law

77(1) If it has not been repealed by the time this by-law comes into force, the *Voluntary Payment of Fines By-law*, as it read immediately before that section came into force, continues to apply in respect of any contravention for which a parking tag was issued before the day section 72 came into force.

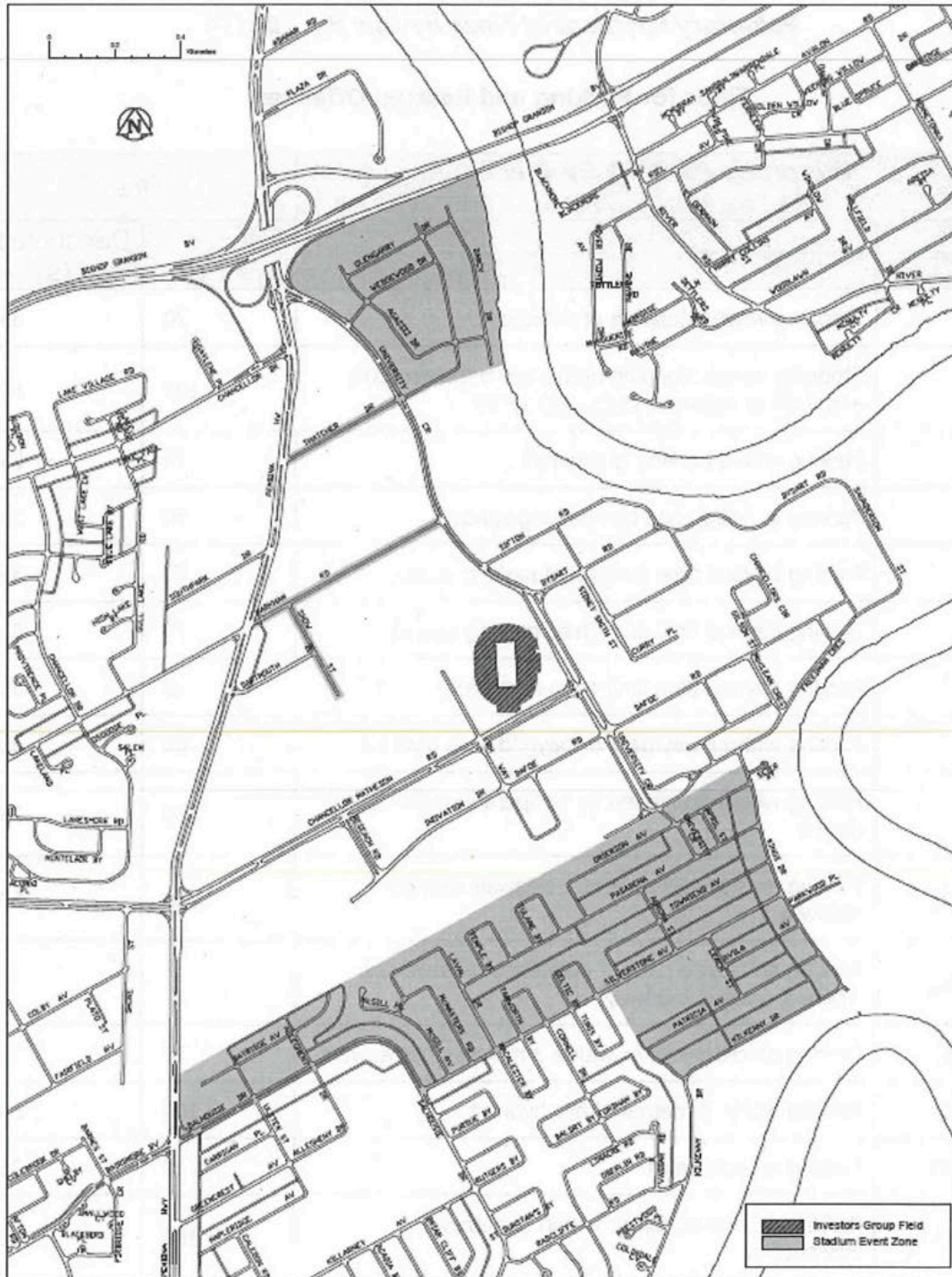
77(2) If it has not been repealed by the time this by-law comes into force, the *Voluntary Payment of Fines By-law*, as it read immediately before this by-law comes into force, continues to apply in respect of any contravention for which a parking tag was issued before the day that this by-law came into force.

Coming into force

78(1) Subject to subsection (2), this by-law comes into force on September 1, 2016.

78(2) If the *Municipal By-law Enforcement Act (MBEA) Enabling By-law* is not yet in force on September 1, 2016, section 68 (application of Municipal By-law Enforcement Act) and subsection 77(2) come into force on the day that that by-law comes into force.

DONE AND PASSED, this 13th day of July, 2016.

SCHEDULE A TO THE WINNIPEG PARKING BY-LAW

SCHEDULE B TO THE WINNIPEG PARKING BY-LAW

**This is Schedule A to the
Voluntary Payment of Fines By-law No. 789/74**

Fines for Parking and Related Offences

Winnipeg Parking By-law, By-Law No. ___/2016		Fine	
Provision	Contravention	Full Fine (\$)	Discounted Fine (\$)
s. 10	Stopping where stopping prohibited	70	35
s. 10	Stopping where stopping prohibited between 7:00 and 9:00 or between 15:30 and 17:30	100	50
s. 11(1)	Parking where parking prohibited	70	35
s. 11(2)	Parking in designated bus parking space	70	35
s. 12(1)	Parking beyond time limit (paid parking space)	70	35
s. 12(1)	Parking beyond time limit (free parking space)	70	35
s. 13(1)	Parking beyond time limit (one-hour limit)	70	35
s. 14(1)	Parking without payment or beyond time paid for	60	30
s. 15(1)	Parking where prohibited by temporary traffic control device	150	75
s. 16(1)(a)	Parking on sidewalk or where sidewalk crosses roadway	100	50
s. 16(1)(b)	Parking on bicycle path or pedestrian pathway or where it crosses roadway		
s. 16(1)(c)	Parking on crosswalk or within 3 metres of crosswalk	70	35
s. 16(1)(d)	Parking within 3 metres of fire hydrant	100	50
s. 16(1)(e)	Parking on boulevard	70	35
s. 16(1)(f)	Parking in intersection or within 3 metres of intersection	100	50
s. 16(1)(g)	Parking in front of driveway	70	35

Winnipeg Parking By-law, By-Law No. ___/2016		Fine	
Provision	Contravention	Full Fine (\$)	Discounted Fine (\$)
s. 16(1)(h)	Parking in manner that obstructs or causes hazard	100	50
s. 16(1)(i)	Parking on roadway beside another vehicle	70	35
s. 16(1)(j)	Parking within 30 metres of railway crossing	70	35
s. 16(1)(k)	Parking within 9 metres of beacon, stop or arrêt sign or traffic control signal	70	35
s. 17(1)	Improper parking	70	35
s. 17(2)	Parking in wrong direction	70	35
s. 18	Parking on wrong side of roadway	70	35
s. 19(1)	Parking in designated parking space	300	150
s. 19(1)	Parking in disabled loading zone	300	150
s. 19(1)	Obstructing access to designated parking space or disabled loading zone	300	150
s. 19(2)	Displaying invalid form of permit in designated parking space or disabled loading zone	300	150
s. 20(1)	Parking in loading zone while not loading or unloading	70	35
s. 20(2)	Remaining overtime in loading zone	70	35
s. 21	Parking overtime in alley	70	35
s. 22(1)(a)	Parking or stopping advertising vehicle	70	35
s. 22(1)(b)	Parking or stopping vehicle displayed for sale	70	35
s. 22(1)(c)	Parking or stopping vehicle displaying goods for sale	70	35
s. 23	Parking unplatd or unregistered vehicle	100	50
s. 24	Parking with electrical cord crossing street boundary	100	50
s. 25(1)(a)(ii)	Operating mobile food unit within 20 metres of entrance to retail food service establishment	300	150
s. 25(1)(b)	Operating mobile vending unit without Mobile Vendor's Parking Permit	300	150

Winnipeg Parking By-law, By-Law No. ____/2016		Fine	
Provision	Contravention	Full Fine (\$)	Discounted Fine (\$)
s. 25(1)(c)	Serving customer located on roadway	300	150
s. 25(1)(d)	Mobile vending unit obstructing traffic or posing risk	300	150
s. 25(1)(e)(i)	Operating mobile vending unit within 3 metres of entrance to a building	300	150
s. 25(1)(e)(ii)	Operating mobile vending unit within 20 metres of park entrance	300	150
s. 25(1)(e)(iii)	Operating mobile vending unit within 5 metres of intersection	300	150
s. 25(1)(e)(iv)	Operating mobile vending unit on street with speed limit greater than 60 km/h or within 20 meters of such street	300	150
s. 26	Parking or storing vehicle(s) on private property contrary to Rule ____	100	50
s. 27	Washing vehicle on street	100	50
s. 28	Discharging waste material onto street	100	50
s. 29	Non-emergency repair of vehicle on street	100	50
s. 30(1)(a)	Removing, altering, obliterating or defacing mark placed on parked vehicle	100	50
s. 30(1)(b)	Depositing slug or other object in parking meter	300	150
s. 30(1)(c)	Removing penalty or other notice from vehicle	300	150
s. 30(2)	Displaying invalid form of permit	300	150
s. 31(1)	Providing false information in support of permit application	300	150
s. 32(2)	Failing to comply with condition or restriction of permit (other than mobile vendor's parking permit).	100	50
s. 32(2)	Failing to comply with condition or restriction of mobile vendor's parking permit	300	150
s. 34(3)	Displaying invalid form of physical permit	300	150

Winnipeg Parking By-law, By-Law No. ____/2016		Fine	
Provision	Contravention	Full Fine (\$)	Discounted Fine (\$)
s. 35(1)(a)	Unlawfully displaying permit in vehicle	300	150
s. 35(1)(b)	Owner allowing permit to be unlawfully displayed in vehicle	300	150
s. 64	Failing to remove abandoned or derelict vehicle	300	150

Fire Prevention By-law, By-Law No. 150/2004		Fine	
Provision	Contravention	Full Fine (\$)	Discounted Fine (\$)
50.1(2)(a)	Parking so as to obstruct access by Winnipeg Fire Paramedic Service vehicle	300	150
50.1(2)(b)	Parking in contravention of sign that prohibits parking that obstructs access by fire department vehicles	300	150

Winter Parking Ban By-law, By-Law No. 76/2011		Fine	
Provision	Contravention	Full Fine (\$)	Discounted Fine (\$)
4	Park/stop on snow route between 2:00 a.m. and 7:00 a.m. (Annual Snow Route Parking Ban, December to February)	100	50
5(2)	Park/stop on snow route between 12:00 midnight and 7:00 a.m. (Declared Snow Route Parking Ban)	100	50
6(3)	Park/stop in snow clearing zone when Residential Parking Ban applies to the zone	150	75

SCHEDULE C TO THE WINNIPEG PARKING BY-LAW

This is Schedule A to the *Municipal By-law Enforcement Act (MBEA) Enabling By-law*

The following are the by-law contraventions which may be dealt with by a penalty notice under

The Municipal By-law Enforcement Act, as well as the administrative penalties for each contravention, and the discounted amount for each contravention referred to in Part 2 of the Bylaw:

Fines for Parking and Related Offences

<i>Winnipeg Parking By-law,</i> By-Law No. ____/2016		Administrative Penalty	
Provision	Contravention	Administrative Penalty (\$)	Discounted Amount (\$)
s. 10	Stopping where stopping prohibited	70	35
s. 10	Stopping where stopping prohibited between 7:00 and 9:00 or between 15:30 and 17:30	100	50
s. 11(1)	Parking where parking prohibited	70	35
s. 11(2)	Parking in designated bus parking space	70	35
s. 12(1)	Parking beyond time limit (paid parking space)	70	35
s. 12(1)	Parking beyond time limit (free parking space)	70	35
s. 13(1)	Parking beyond time limit (one-hour limit)	70	35
s. 14(1)	Parking without payment or beyond time paid for	60	30
s. 15(1)	Parking where prohibited by temporary traffic control device	150	75
s. 16(1)(a)	Parking on sidewalk or where sidewalk crosses roadway	100	50
s. 16(1)(b)	Parking on bicycle path or pedestrian pathway or where it crosses roadway		
s. 16(1)(c)	Parking on crosswalk or within 3 metres of crosswalk	70	35

Winnipeg Parking By-law, By-Law No. ___/2016		Administrative Penalty	
Provision	Contravention	Administrative Penalty (\$)	Discounted Amount (\$)
s. 16(1)(d)	Parking within 3 metres of fire hydrant	100	50
s. 16(1)(e)	Parking on boulevard	70	35
s. 16(1)(f)	Parking in intersection or within 3 metres of intersection	100	50
s. 16(1)(g)	Parking in front of driveway	70	35
s. 16(1)(h)	Parking in manner that obstructs or causes hazard	100	50
s. 16(1)(i)	Parking on roadway beside another vehicle	70	35
s. 16(1)(j)	Parking within 30 metres of railway crossing	70	35
s. 16(1)(k)	Parking within 9 metres of beacon, stop or arrêt sign or traffic control signal	70	35
s. 17(1)	Improper parking	70	35
s. 17(2)	Parking in wrong direction	70	35
s. 18	Parking on wrong side of roadway	70	35
s. 19(1)	Parking in designated parking space	300	150
s. 19(1)	Parking in disabled loading zone	300	150
s. 19(1)	Obstructing access to designated parking space or disabled loading zone	300	150
s. 19(2)	Displaying invalid form of permit in designated parking space or disabled loading zone	300	150
s. 20(1)	Parking in loading zone while not loading or unloading	70	35
s. 20(2)	Remaining overtime in loading zone	70	35
s. 21	Parking overtime in alley	70	35
s. 22(1)(a)	Parking or stopping advertising vehicle	70	35
s. 22(1)(b)	Parking or stopping vehicle displayed for sale	70	35

Winnipeg Parking By-law, By-Law No. ____/2016		Administrative Penalty	
Provision	Contravention	Administrative Penalty (\$)	Discounted Amount (\$)
s. 22(1)(c)	Parking or stopping vehicle displaying goods for sale	70	35
s. 23	Parking unplatd or unregistered vehicle	100	50
s. 24	Parking with electrical cord crossing street boundary	100	50
s. 25(1)(a)(ii)	Operating mobile food unit within 20 metres of entrance to retail food service establishment	300	150
s. 25(1)(b)	Operating mobile vending unit without Mobile Vendor's Parking Permit	300	150
s. 25(1)(c)	Serving customer located on roadway	300	150
s. 25(1)(d)	Mobile vending unit obstructing traffic or posing risk	300	150
s. 25(1)(e)(i)	Operating mobile vending unit within 3 metres of entrance to a building	300	150
s. 25(1)(e)(ii)	Operating mobile vending unit within 20 metres of park entrance	300	150
s. 25(1)(e)(iii)	Operating mobile vending unit within 5 metres of intersection	300	150
s. 25(1)(e)(iv)	Operating mobile vending unit on street with speed limit greater than 60 km/h or within 20 meters of such street	300	150
s. 26	Parking or storing vehicle(s) on private property contrary to Rule ____	100	50
s. 27	Washing vehicle on street	100	50
s. 28	Discharging waste material onto street	100	50
s. 29	Non-emergency repair of vehicle on street	100	50
s. 30(1)(a)	Removing, altering, obliterating or defacing mark placed on parked vehicle	100	50
s. 30(1)(b)	Depositing slug or other object in parking meter	300	150

Winnipeg Parking By-law, By-Law No. ____/2016		Administrative Penalty	
Provision	Contravention	Administrative Penalty (\$)	Discounted Amount (\$)
s. 30(1)(c)	Removing penalty or other notice from vehicle	300	150
s. 30(2)	Displaying invalid form of permit	300	150
s. 31(1)	Providing false information in support of permit application	300	150
s. 32(2)	Failing to comply with condition or restriction of permit (other than mobile vendor's parking permit).	100	50
s. 32(2)	Failing to comply with condition or restriction of mobile vendor's parking permit	300	150
s. 34(3)	Displaying invalid form of physical permit	300	150
s. 35(1)(a)	Unlawfully displaying permit in vehicle	300	150
s. 35(1)(b)	Owner allowing permit to be unlawfully displayed in vehicle	300	150
s. 64	Failing to remove abandoned or derelict vehicle	300	150

Fire Prevention By-law, By-Law No. 150/2004		Administrative Penalty	
Provision	Contravention	Administrative Penalty (\$)	Discounted Amount (\$)
50.1(2)(a)	Parking so as to obstruct access by Winnipeg Fire Paramedic Service vehicle	300	150
50.1(2)(b)	Parking in contravention of sign that prohibits parking that obstructs access by fire department vehicles	300	150

<i>Winter Parking Ban By-law,</i> By-Law No. 76/2011		Administrative Penalty	
Provision	Contravention	Administrative Penalty (\$)	Discounted Amount (\$)
4	Park/stop on snow route between 2:00 a.m. and 7:00 a.m. (Annual Snow Route Parking Ban, December to February)	100	50
5(2)	Park/stop on snow route between 12:00 midnight and 7:00 a.m. (Declared Snow Route Parking Ban)	100	50
6(3)	Park/stop in snow clearing zone when Residential Parking Ban applies to the zone	150	75

TAB 8

This is an **unofficial version**. If you need an official copy, use the bilingual (PDF) version.

This version is current as of July 10, 2023.

It has been in effect since July 1, 2023.

The Court of King's Bench Act,

C.C.S.M. c. C280

Loi sur la Cour du Banc du Roi,

c. C280 de la C.P.L.M.

(Assented to November 16, 1988)

(Date de sanction : 16 novembre 1988)

français seulement

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Manitoba, enacts as follows:

SA MAJESTÉ, sur l'avis et du consentement de l'Assemblée législative du Manitoba, édicte :

PART I DEFINITIONS

PARTIE I DÉFINITIONS

Interpretation

- 1 In this Act,
- "action"** means a civil proceeding, other than an application, that is commenced in the court by
- (a) a statement of claim,
 - (b) a counterclaim,
 - (c) a crossclaim,
 - (d) a third or subsequent party claim, or
 - (e) a petition; (« action »)

Définitions

- 1 Les définitions qui suivent s'appliquent à la présente loi.
- « **action** » Instance civile, autre qu'une requête, introduite devant le tribunal par l'une des procédures suivantes :
- a) un exposé de la demande;
 - b) une demande reconventionnelle;
 - c) une demande entre défendeurs;

54 Where support payments payable under an order are in default, a judge may, on application, relieve the judgment debtor, or the estate of the judgment debtor, of the obligation to pay the whole or part of the amount in default if the judge is satisfied that

- (a) having regard to the interests of the judgment debtor or the estate of the judgment debtor, as the case may be, it would be grossly unfair and inequitable not to do so; and
- (b) having regard to the interests of the judgment creditor or the estate of the judgment creditor, as the case may be, it is fair and equitable to do so.

54 Si des versements de pension alimentaire exigibles aux termes d'une ordonnance sont en défaut, un juge peut, sur requête, libérer le débiteur judiciaire ou la succession de ce dernier de l'obligation de paiement de la totalité ou d'une partie du montant en défaut, si le juge est convaincu de ce qui suit :

- a) il serait extrêmement injuste de ne pas agir de la manière indiquée ci-dessus, eu égard aux intérêts du débiteur judiciaire ou de la succession de ce dernier;
- b) il est juste d'agir de la manière indiquée ci-dessus, eu égard aux intérêts du créancier judiciaire ou de la succession de ce dernier.

PART X

INTERLOCUTORY PROCEEDINGS

Injunctions and receivers

55(1) The court may grant a restrictive or mandatory interlocutory injunction or may appoint a receiver or receiver and manager by an interlocutory order where it appears to the judge to be just or convenient to do so.

PARTIE X

PROCÉDURES INTERLOCUTOIRES

Injonctions et séquestres

55(1) Le tribunal peut accorder une injonction interlocutoire de faire ou de ne pas faire ou peut nommer un séquestre ou un administrateur-séquestre au moyen d'une ordonnance interlocutoire, dans tous les cas où le juge estime qu'il est juste ou approprié d'agir ainsi.

Terms on injunction or appointment

55(2) An order under subsection (1) may include such terms as are considered just.

Conditions

55(2) L'ordonnance prévue au paragraphe (1) peut être assortie des conditions que le tribunal estime justes.

No injunction re personal services

56(1) The court shall not grant an injunction which requires a person to work or perform personal services for an employer.

Injonction portant sur des services personnels

56(1) Le tribunal ne peut accorder une injonction qui enjoint à une personne de travailler pour un employeur ou de lui rendre des services personnels.

No contempt re personal services

56(2) No person shall be held in contempt of court by reason only of a refusal, neglect or failure of the person to work or perform personal services for an employer.

Outrage au tribunal

56(2) Une personne ne peut être condamnée pour outrage au tribunal pour la seule raison qu'elle a refusé, négligé ou omis de travailler pour un employeur ou de lui rendre des services personnels.

No injunction re freedom of speech

57(1) Subject to subsection (3), the court shall not grant an injunction that restrains a person from exercising the right to freedom of speech.

Liberté d'expression

57(1) Sous réserve du paragraphe (3), le tribunal ne peut accorder une injonction qui restreint l'exercice de la liberté d'expression d'une personne.

"Exercise right to freedom of speech"

57(2) For the purposes of this section, the communication by a person on a public thoroughfare of information

Définition de l'« exercice de la liberté d'expression »

57(2) Pour l'application du présent article, la communication de

by true statements, either orally or through printed material or through any other means, is an exercise of the right to freedom of speech.

renseignements qu'une personne fournit sur une voie publique au moyen de déclarations véridiques, soit verbalement, soit par documents imprimés ou par tout autre moyen, constitue un exercice de la liberté d'expression de cette personne.

Exceptions

57(3) Nothing in this section affects

(a) enforcement by criminal or quasi criminal proceedings of an Act of Parliament or of the Legislature or of a by-law of a municipality respecting

(i) the use of public thoroughfares,

(ii) the protection of public property,

(iii) the general conduct of persons in public places, or

(iv) restrictions on or prohibitions against the making of certain statements or statements of certain types; or

(b) enforcement by a civil proceeding

(i) of an Act of Parliament or of the Legislature respecting restrictions on or prohibitions against certain statements or statements of certain types, or

Exception

57(3) Le présent article ne porte pas atteinte :

a) soit à l'exécution, par voie d'instance en matière criminelle ou quasi-criminelle, d'une loi du Parlement ou de la Législature ou d'un règlement municipal régissant, selon le cas :

(i) l'usage des voies publiques,

(ii) la protection de la propriété publique,

(iii) la conduite générale des personnes dans des endroits publics,

(iv) la limitation ou l'interdiction de certaines déclarations ou de certaines sortes de déclarations;

b) soit à l'exécution, par voie d'instance en matière civile :

(i) d'une loi du Parlement ou de la Législature concernant la limitation ou l'interdiction de certaines déclarations ou de

(ii) of the law respecting
defamation.

certaines sortes de
déclarations,

(ii) du droit concernant la
diffamation.

"Public thoroughfare"

57(4) In this section, "public thoroughfare" includes a walk, driveway, roadway, square and parking area provided outdoors at the site of and in conjunction with a business or undertaking and to which the public is usually admitted without fee or charge and whether or not the walk, driveway, roadway, square or parking area is owned by the person carrying on the business or undertaking or is publicly owned.

Définition de « voie publique »

57(4) Au présent article, l'expression « **voie publique** » s'entend d'une promenade, d'une allée, d'une chaussée, d'un square ou d'une aire de stationnement extérieur, situé sur les lieux d'un commerce ou d'une entreprise et offert conjointement avec ces lieux, où le public est généralement admis gratuitement, que la promenade, l'allée, la chaussée, le square ou l'aire de stationnement soit ou non la propriété de la personne qui exploite le commerce ou l'entreprise ou qu'il soit ou non propriété publique.

Pending litigation order

58(1) The commencement of a proceeding that involves an interest in land is not notice of the proceeding to a person who is not a party until a pending litigation order made by the court is registered in the land titles office of the land titles district in which the land is situated.

Ordonnance d'affaire en instance

58(1) L'introduction d'une instance qui met en cause un intérêt dans un bien-fonds ne constitue un avis de l'instance à une personne qui n'est pas partie à celle-ci que lorsqu'une ordonnance d'affaire en instance rendue par le tribunal est enregistrée au bureau des titres fonciers du district des titres fonciers dans lequel est situé le bien-fonds.

Registration in Land Titles Office

Enregistrement

TAB 9

This is an **unofficial version**. If you need an official copy, use the bilingual (PDF) version.

As of July 12, 2023, this is the most current version available.

- It has been in effect since July 1, 2023.
- Last amendment included: M.R. 38/2023; 39/2023

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This search is not case sensitive.

Court of King's Bench Rules,

M.R. 553/88

The Court of King's Bench Act,
C.C.S.M. c. C280

Règles de la Cour du Banc du Roi, R.M. 553/88

Loi sur la Cour du Banc du Roi,
c. C280 de la C.P.L.M.

Regulation 553/88

Registered December 13, 1988

Règlement 553/88

Date d'enregistrement : le 13
décembre 1988

français seulement

PART I GENERAL MATTERS

RULE 1 CITATION, APPLICATION AND INTERPRETATION

PARTIE I DISPOSITIONS GÉNÉRALES

RÈGLE 1 RENOIS, CHAMP D'APPLICATION ET PRINCIPES D'INTERPRÉTATION

« **tribunal** » La Cour du Banc du Roi du Manitoba ou une division de cette Cour. La présente définition s'entend également d'un juge et d'un conseiller-maître. ("court")

R.M. 25/90; 185/96; 120/2004; 148/2009;
11/2018; 43/2022

INTERPRETATION

General principle

1.04(1) These rules shall be liberally construed to secure the just, most expeditious and least expensive determination of every civil proceeding on its merits.

Proportionality

1.04(1.1) In applying these rules in a proceeding, the court is to make orders and give directions that are proportionate to the following:

- (a) the nature of the proceeding;
- (b) the amount that is probably at issue in the proceeding;
- (c) the complexity of the issues involved in the proceeding;
- (d) the likely expense of the proceeding to the parties.

M.R. 130/2017

PRINCIPES D'INTERPRÉTATION

Principe général

1.04(1) Les présentes règles doivent recevoir une interprétation large afin que soit assurée la résolution équitable sur le fond de chaque instance civile, de la façon la plus expéditive et la moins onéreuse.

Proportionnalité

1.04(1.1) Lorsqu'il applique les présentes règles dans le cadre d'une instance, le tribunal rend des ordonnances et donne des directives qui sont proportionnées :

- a) à la nature de l'instance;
- b) au montant probablement en litige;
- c) au degré de complexité des questions en litige;
- d) au coût probable de l'instance pour les parties.

R.M. 130/2017

Matters not provided for

1.04(2) Where matters are not provided for in these rules, the practice shall be determined by analogy to them.

Party acting in person

1.04(3) Where a party to a proceeding is not represented by a lawyer but acts in person in accordance with subrule 15.01(2) or (3), anything these rules require or permit a lawyer to do shall or may be done by the party.

DATES OF ORDERS

Interpretation

1.04.1 In these rules,

- (a) a reference to the date an order or judgment is "made", "given" or "granted" is deemed to be a reference to the date the order or judgment is pronounced; and
- (b) a reference to the date an order or judgment is "entered" is deemed to be a reference to the date the order or judgment is signed.

M.R. 127/94

Silence des règles

1.04(2) En cas de silence des présentes règles, la pratique applicable est déterminée par analogie avec celles-ci.

Partie agissant en son propre nom

1.04(3) La partie à l'instance qui n'est pas représentée par un avocat mais qui agit en son propre nom conformément au paragraphe 15.01(2) ou (3) doit ou peut accomplir elle-même tout ce que les présentes règles exigent d'un avocat ou lui permettent de faire.

DATES DES ORDONNANCES

Interprétation

1.04.1 Dans les présentes règles :

- a) toute mention de la date à laquelle une ordonnance ou un jugement est « rendu » vaut mention de la date à laquelle la décision en question est prononcée;
- b) toute mention de la date à laquelle une ordonnance ou un jugement est « inscrit » vaut mention de la date à laquelle la décision en question est signée.

R.M. 127/94

ORDERS ON TERMS

1.05 When making an order under these rules the court may impose such terms and give such directions as are just.

FORMS

1.06 The forms prescribed by these Rules shall be used where applicable and with such variations as the circumstances require.

RULE 2

NON-COMPLIANCE WITH THE RULES

EFFECT OF NON-COMPLIANCE

Not a nullity

2.01(1) A failure to comply with these rules is an irregularity and does not render a proceeding or a step, document or order in a proceeding a nullity, and the court,

(a) may grant all necessary amendments or other relief, on such terms as are just, to secure the just determination of the real matters in dispute; or

(b) only where and as necessary in the interest of justice, may set aside the proceeding or a step,

ORDONNANCES SOUS CONDITIONS

1.05 Le tribunal qui rend une ordonnance en application des présentes règles peut y ajouter des directives et des conditions justes.

FORMULES

1.06 Les formules prescrites par les présentes Règles sont utilisées s'il y a lieu et avec les adaptations nécessaires.

RÈGLE 2

INOBSERVATION DES RÈGLES

EFFET DE L'INOBSERVATION

Procédure ou document non entaché de nullité

2.01(1) L'inobservation des présentes règles constitue une irrégularité et n'est pas cause de nullité de l'instance ni d'une mesure prise, d'un document donné ou d'une ordonnance rendue dans le cadre de celle-ci. Le tribunal peut :

a) soit autoriser les modifications ou accorder les mesures de redressement nécessaires, à des conditions justes, afin d'assurer

document or order in the proceeding in whole or in part.

une résolution équitable des véritables questions en litige;

- b) soit annuler l'instance ou une mesure prise, un document donné ou une ordonnance rendue dans le cadre de celle-ci, en tout ou en partie, seulement si cela est nécessaire dans l'intérêt de la justice.

Originating process

2.01(2) The court shall not set aside an originating process on the ground that the proceeding should have been commenced by an originating process other than the one employed.

ATTACKING IRREGULARITY

2.02 A motion to attack a proceeding or a step, document or order in a proceeding for irregularity shall not be made,

- (a) after the expiry of a reasonable time after the moving party knows or ought reasonably to have known of the irregularity; or
- (b) if the moving party has taken any further step in the proceeding after obtaining knowledge of the irregularity,

except with leave of the court.

Acte introductif d'instance

2.01(2) Le tribunal n'annule pas un acte introductif d'instance pour le motif que l'instance aurait dû être introduite par un autre acte.

CONTESTATION DE LA RÉGULARITÉ

2.02 La requête qui vise à contester la régularité d'une instance ou d'une mesure prise, d'un document donné ou d'une ordonnance rendue dans le cadre de celle-ci, n'est pas présentée, sauf avec l'autorisation du tribunal :

- a) après l'expiration d'un délai raisonnable après que l'auteur de la motion a pris ou aurait raisonnablement dû prendre connaissance de l'irrégularité;
- b) si l'auteur de la motion a pris une autre mesure dans le cadre de l'instance après avoir pris connaissance de l'irrégularité.

COURT MAY DISPENSE WITH COMPLIANCE

2.03 The court may, only where and as necessary in the interest of justice, dispense with compliance with any rule at any time.

Modification or waiver of rules

2.04 If a person acts in a vexatious, evasive, abusive or improper manner or if the expense, delay or difficulty in complying with a rule would be disproportionate to the likely benefit, a judge may, on motion by any party or on his or her own motion, without materials being filed, do one or more of the following:

- (a) modify or waive compliance with any rule;
- (b) make a costs award or require an advance payment against costs payable, or both;
- (c) make any other order respecting a proceeding that the judge considers appropriate in the circumstances.

M.R. 130/2017

DISPENSE DU TRIBUNAL

2.03 Le tribunal peut dispenser de l'observation d'une règle seulement si cela est nécessaire dans l'intérêt de la justice.

Modification des présentes règles ou renonciation à leurs exigences

2.04 Lorsqu'une personne agit de manière vexatoire, évasive, abusive ou inappropriée ou que l'observation d'une règle entraînerait des coûts, des délais ou des difficultés dont l'ampleur serait disproportionnée face à l'avantage attendu, un juge peut, sur motion d'une des parties ou de son propre chef, et sans que des documents n'aient été déposés, prendre une ou plusieurs des mesures suivantes :

- a) modifier tout droit ou pouvoir que confère une règle ou en écarter l'application;
- b) adjuger des dépens et exiger un versement préalable en vue du paiement de frais exigibles, ou prendre une de ces mesures;
- c) rendre toute autre ordonnance concernant une instance qu'il estime indiquée compte tenu des circonstances.

R.M. 130/2017

d'un acte introductif d'instance par un registraire.

Exceptions

14.01(2) A counterclaim that is only against persons who are already parties to the main action, and a crossclaim, shall be commenced by the filing and serving of the pleading containing the counterclaim, or crossclaim, and the pleading need not be issued.

Where leave required

14.01(3) Where leave of the court is required to commence a proceeding, the leave shall be sought by preliminary motion.

Relying on subsequent fact

14.01(4) A party may rely on a fact that occurs after the commencement of a proceeding, even though the fact gives rise to a new claim or defence, and, if necessary, may move to amend an originating process or pleading to allege the fact.

Exceptions

14.01(2) La demande reconventionnelle ne visant que des parties à l'action principale, ainsi que la demande entre défendeurs, sont introduites par le dépôt et la signification de l'acte de procédure contenant la demande reconventionnelle ou la demande entre défendeurs. L'acte de procédure n'a pas à être délivré.

Demande d'autorisation

14.01(3) L'autorisation du tribunal nécessaire pour qu'une instance soit introduite est demandée par voie de motion préliminaire.

Faits postérieurs

14.01(4) Une partie peut s'appuyer sur un fait postérieur à l'introduction de l'instance même si ce fait donne lieu à une nouvelle demande ou à une nouvelle défense. La partie peut, au besoin, par voie de motion, modifier l'acte introductif d'instance ou l'acte de procédure en vue d'invoquer ce fait.

PROCEEDINGS BY
ACTION AS GENERAL
RULE

MODE ORDINAIRE
D'INTRODUCTION
D'UNE INSTANCE

14.02 Every proceeding shall be by action, except where a statute or these rules provide otherwise.

14.02 Sauf disposition contraire d'une loi ou des présentes règles, les instances sont introduites par voie d'action.

ACTIONS — BY STATEMENT OF CLAIM

14.03 The originating process for the commencement of an action is a Statement of Claim (Form 14A) except as provided by;

- (a) rule 70.03 (commencement of family proceedings);
- (b) rule 27.01 (counterclaim against person not already a party);
- (c) rule 29.01 (third party claim); and
- (d) rule 29.11 (fourth and subsequent party claims).

M.R. 151/2002

WHERE STATEMENT OF CLAIM TO BE FILED

14.04 A statement of claim may be issued and filed at any administrative or judicial centre except as otherwise provided by statute and subject to the transfer provisions of this Rule.

INTRODUCTION DE L'ACTION PAR DÉCLARATION

14.03 L'acte introductif d'instance d'une action constitue en une déclaration (formule 14A), sauf dans les cas prévus aux règles suivantes :

- a) la règle 70.03 (introduction des instances en matière familiale);
- b) la règle 27.01 (demande reconventionnelle contre une personne qui n'est pas déjà partie à l'action principale);
- c) la règle 29.01 (mise en cause);
- d) la règle 29.11 (mises en cause subséquentes).

R.M. 151/2002

DÉPÔT DE LA DÉCLARATION

14.04 Sauf disposition contraire d'une loi et sous réserve des dispositions relatives au renvoi et prévues à la présente Règle, une déclaration peut être délivrée et déposée dans un centre administratif ou judiciaire.

APPLICATIONS — BY NOTICE OF APPLICATION

INTRODUCTION DE LA REQUÊTE PAR AVIS DE REQUÊTE

Notice of application

14.05(1) The originating process for the commencement of an application is a notice of application (Form 14B or such other form prescribed by these Rules).

Proceedings which may be commenced by application

14.05(2) A proceeding may be commenced by application,

- (a) where authorized by these rules;
- (b) where a statute authorizes an application, appeal or motion to the court and does not require the commencement of an action;
- (c) where the relief claimed is for,
 - (i) the opinion, advice or direction of the court on a question affecting the rights of a person in respect of the administration of the estate of a deceased person or the execution of a trust,
 - (ii) an order directing executors, administrators or trustees to

Avis de requête

14.05(1) L'acte introductif d'instance d'une requête constitue en un avis de requête (formule 14B ou toute autre formule prescrite par les présentes Règles).

Instance introduite par voie de requête

14.05(2) Une instance peut être introduite par voie de requête dans l'un quelconque des cas suivants :

- a) lorsque les présentes règles l'autorisent;
- b) lorsqu'une loi autorise la présentation d'une requête, d'un appel ou d'une motion au tribunal sans qu'il soit nécessaire qu'une action soit introduite;
- c) lorsque la mesure de redressement demandée est l'une de celles qui suivent :
 - (i) l'avis, les conseils ou les directives du tribunal quant à une question ayant une incidence sur les droits d'une personne relativement à l'administration de la

- do or abstain from doing any particular act in respect of an estate or trust for which they are responsible,
- (iii) the removal or replacement of one or more executors, administrators or trustees, or the fixing of their compensation,
 - (iv) the determination of rights which depend upon the interpretation of a deed, will, agreement, contract or other instrument, or upon the interpretation of a statute, order in council, order, rule, regulation, by-law or resolution,
 - (v) the declaration of an interest in or charge on land, including the nature and extent of the interest or charge or the boundaries of the land, or the settling of the priority of interests or charges, or
 - (vi) the approval of an arrangement or compromise or the approval of a purchase, sale, mortgage, lease or variation of trust; or
- (d) in respect of any matter where it is unlikely there will be any material facts in dispute.
- succession d'un défunt ou à l'exécution d'une fiducie,
- (ii) une ordonnance enjoignant aux exécuteurs testamentaires, aux administrateurs successoraux ou aux fiduciaires d'accomplir ou de s'abstenir d'accomplir un acte particulier relativement à la succession ou à la fiducie dont ils sont responsables,
 - (iii) la destitution ou le remplacement d'un ou de plusieurs exécuteurs testamentaires, administrateurs successoraux ou fiduciaires, ou la détermination de leur rémunération,
 - (iv) la précision des droits qui dépendent de l'interprétation d'un acte scellé, d'un testament, d'un accord, d'un contrat ou d'un autre instrument, d'une loi, d'un décret, d'une ordonnance, d'une règle, d'un règlement, d'un règlement municipal ou d'une résolution,
 - (v) la déclaration d'un droit sur un bien-fonds ou d'une charge grevant un bien-fonds, y compris la nature et l'étendue du droit ou de la

charge ou les limites du bien-fonds, ou la détermination de l'ordre de priorité des droits ou des charges,

(vi) l'approbation d'un arrangement ou d'une transaction, ou d'un achat, d'une vente, d'une hypothèque, d'un bail ou de la modification d'une fiducie;

d) à l'égard d'une mesure relative à une question qui n'est pas susceptible de donner lieu à une contestation des faits pertinents.

Injunction, declaration, receiver

14.05(3) Where the relief claimed in a proceeding includes an injunction, declaration or the appointment of a receiver, the proceedings shall be commenced by action; but the court may also grant such relief where it is ancillary to relief claimed in a proceeding properly commenced by application.

Injonction, déclaration, séquestre

14.05(3) Lorsque les mesures de redressement demandées dans une instance comprennent une injonction, une déclaration ou la nomination d'un séquestre, l'instance est introduite par voie d'action. Le tribunal peut aussi accorder des mesures accessoires à celles qui sont demandées dans une instance introduite en bonne et due forme au moyen d'une requête.

TITLE OF PROCEEDING

**INTITULÉ DE
L'INSTANCE**

Originating process generally

Actes introductifs d'instance

copy of the document to the person at the place of residence,

and service in this manner is effective on the fifth day after the document is mailed.

autre copie du document au lieu de résidence du destinataire.

Cette signification est valide à compter du cinquième jour suivant l'envoi par la poste du document.

Service on a corporation

16.03(6) Where the head office, registered office or principal place of business of a corporation or, in the case of an extra-provincial corporation, the attorney for service in Manitoba, cannot be found at the last address recorded with the director appointed under *The Corporations Act*, service may be made on the corporation as provided in section 247 of *The Corporations Act* but such service will not be effective if there are reasonable grounds for believing that the corporation did not receive the document.

M.R. 6/98

SUBSTITUTED
SERVICE OR
DISPENSING WITH
SERVICE

Where order may be made

16.04(1) Where it appears to the court that it is impractical for any reason to effect prompt service of an originating

Signification à une corporation

16.03(6) Si le siège social, le bureau enregistré ou le principal établissement d'une corporation ou, s'il s'agit d'une corporation extra-provinciale, son fondé de pouvoir aux fins de signification au Manitoba, ne se trouve pas à la dernière adresse figurant dans les dossiers du directeur nommé en vertu de la *Loi sur les corporations*, la signification peut être effectuée selon les dispositions de l'article 247 de la *Loi sur les corporations*. Cependant, une telle signification ne sera pas valide s'il existe des motifs raisonnables de croire que la corporation n'a pas reçu le document.

R.M. 6/98

SIGNIFICATION
INDIRECTE OU
DISPENSE DE
SIGNIFICATION

Décision du tribunal

16.04(1) Si la signification à personne ou un autre mode de signification directe d'un acte introductif

process or any other document required to be served personally or by an alternative to personal service the court may make an order for substituted service or, where necessary in the interest of justice, may dispense with service.

d'instance ou d'un autre document est requis et que le tribunal considère qu'il est difficile de l'effectuer sans délai, celui-ci peut ordonner la signification indirecte ou, si l'intérêt de la justice l'exige, dispenser de la signification.

Exception

16.04(1.1) Subrule (1) does not apply when service must be made in accordance with the Hague Service Convention.

M.R. 11/2018

Exception

16.04(1.1) Le paragraphe (1) ne s'applique pas si la signification doit s'effectuer en conformité avec la Convention Notification de La Haye.

R.M. 11/2018

Effective date of service

16.04(2) In an order for substituted service, the court shall specify when service in accordance with the order is effective.

Date de la signification

16.04(2) Si l'ordonnance prévoit la signification indirecte, le tribunal précise la date à laquelle la signification est valide.

Service dispensed with

16.04(3) Where an order is made dispensing with service of a document, the document shall be deemed to have been served on the date the order is signed, for the purpose of the computation of time under these rules.

M.R. 127/94

Dispense de signification

16.04(3) Si l'ordonnance dispense de la signification d'un document, celui-ci est réputé, aux fins de la computation des délais aux termes des présentes règles, être signifié à la date à laquelle l'ordonnance est signée.

R.M. 127/94

SERVICE ON LAWYER
OF RECORD

SIGNIFICATION À
L'AVOCAT

RULE 38 APPLICATIONS — JURISDICTION AND PROCEDURE

APPLICATION OF RULE

38.01 This Rule applies to all proceedings under rule 14.05 which are commenced by a notice of application.

ISSUING OF NOTICE OF APPLICATION

38.02 A notice of application (Form 14B) shall be issued and filed as provided by rule 14.05, before it is served; and may be issued and filed in any administrative centre.

APPLICATIONS — TO WHOM TO BE MADE

38.03 All applications shall be made to a judge.

PLACE AND DATE OF HEARING

Place

38.04(1) The applicant shall name in the notice of application as the place of

RÈGLE 38 REQUÊTES — COMPÉTENCE ET PROCÉDURE

CHAMP D'APPLICATION DE LA RÈGLE

38.01 La présente règle s'applique à toutes les instances visées à la règle 14.05 et introduites par un avis de requête.

DÉLIVRANCE DE L'AVIS DE REQUÊTE

38.02 L'avis de requête (formule 14B) est délivré et déposé conformément à la règle 14.05, avant sa signification. Il peut être délivré et déposé dans tout centre administratif.

PRÉSENTATION DES REQUÊTES

38.03 Les requêtes sont présentées à un juge.

DATE ET LIEU DE L'AUDIENCE

Lieu

38.04(1) Le requérant précise dans l'avis de requête le lieu de l'audience qui

hearing the judicial centre in which the applicant proposes the application to be heard.

doit être le centre judiciaire où le requérant propose que la requête soit entendue.

Hearing date

38.04(2) The notice of application must name as the hearing date any date on which a judge sits to hear applications.

M.R. 130/2017

38.04(3) [Repealed]

M.R. 130/2017

Date d'audience

38.04(2) L'avis de requête indique comme date d'audience toute date à laquelle un juge siège pour entendre les requêtes.

R.M. 130/2017

38.04(3) [Abrogé]

R.M. 130/2017

SERVICE OF NOTICE

SIGNIFICATION DE L'AVIS

Generally

38.05(1) The notice of application shall be served on all parties and, where it is uncertain whether anyone else should be served, the applicant may, without notice, make a motion to a judge for an order for directions.

Dispositions générales

38.05(1) L'avis de requête est signifié à toutes les parties. En cas de doute concernant l'obligation de signifier l'avis à une autre personne, le requérant peut demander des directives à un juge par voie de motion, sans préavis.

Where notice ought to have been served

38.05(2) Where it appears to the judge hearing the application that the notice of application ought to be served on a person who has not been served, the judge may,

- (a) dismiss the application or dismiss it only against the person who was not served;

Cas où l'avis aurait dû être signifié

38.05(2) Le juge qui entend la requête, s'il est d'avis que l'avis de requête doit être signifié à une personne et ne l'a pas été, peut, selon le cas :

- a) rejeter la requête ou la rejeter seulement contre la personne qui n'en a pas reçu signification;

- (b) adjourn the application and direct that the notice of application be served on the person; or
- (c) direct that any order made on the application be served on the person.

- b) ajourner la requête et ordonner la signification de l'avis de requête à cette personne;
- c) ordonner la signification à cette personne de l'ordonnance rendue à la suite de la requête.

Time for service

38.05(3) Unless the court abridges the time for service, where an application is made on notice, the notice of application must be served at least 14 days before the date on which the application is to be heard.

M.R. 130/2017

38.05(4) [Repealed]

M.R. 130/2017

AMENDMENTS

When amendments may be made

38.05.1(1) The applicant may amend a notice of application

- (a) on filing the written consent of all parties and, if a person is to be added as a party, with the written consent of that person;
- (b) at any time on requisition to correct clerical errors; or
- (c) with leave of the court.

M.R. 130/2017

Délai de signification

38.05(3) Sauf si le tribunal abrège le délai de signification, lorsqu'une requête est présentée sur avis, l'avis de requête est signifié au moins 14 jours avant la date à laquelle elle doit être entendue.

R.M. 130/2017

38.05(4) [Abrogé]

R.M. 130/2017

MODIFICATIONS

Moment d'apporter des modifications

38.05.1(1) Le requérant peut modifier un avis de requête :

- a) en déposant le consentement écrit de toutes les parties et, le cas échéant, celui de la personne qui doit être jointe ou substituée comme partie;
- b) en tout temps sur demande, afin de corriger des erreurs d'écriture;
- c) avec l'autorisation du tribunal.

R.M. 130/2017

When court may grant leave

38.05.1(2) The court may grant leave on motion at any stage of an application to amend a notice of application on such terms as are just, unless prejudice would result that could not be compensated by costs or an adjournment.

M.R. 130/2017

Application

38.05.1(3) Rules 26.04 and 26.05 apply, with necessary changes, to amendments to a notice of application.

M.R. 130/2017

TRANSFER OF APPLICATION

By registrar

38.06(1) Where a notice of application is issued in a centre other than the judicial centre in which it is to be heard, the registrar shall forthwith forward the court file to the judicial centre named as the place of hearing.

Rule 14.08, excepting subrule (1), applies

38.06(2) Rule 14.08, excepting subrule (1) thereof, applies with necessary

Pouvoir du tribunal

38.05.1(2) À moins qu'il n'en résulte un préjudice qui ne saurait être réparé par les dépens ou par un ajournement, le tribunal peut, à la suite d'une motion présentée à une étape d'une requête, accorder l'autorisation de modifier un avis de requête à des conditions qu'il estime justes.

R.M. 130/2017

Application

38.05.1(3) Les règles 26.04 et 26.05 s'appliquent, avec les modifications nécessaires, aux modifications aux avis de requête.

R.M. 130/2017

TRANSFERT DE LA REQUÊTE

Transfert par le registraire

38.06(1) Si un avis de requête est délivré dans un centre autre que le centre judiciaire où la requête doit être entendue, le registraire envoie immédiatement le dossier au centre judiciaire indiqué à titre de lieu d'audience.

Application de la règle 14.08

38.06(2) La règle 14.08, à l'exception du paragraphe (1) de celle-ci, s'applique

modification to the transfer of an application.

CONTESTED APPLICATION

To be adjourned for a hearing date

38.07(1) Subject to subrule (2), where a notice of application has been served under subrule 38.05(3) and it transpires that the application is to be contested, the judge shall adjourn the application and the applicant may obtain a hearing date.

M.R. 130/2017

Immediate hearing where urgent, etc.

38.07(2) In case of urgency or where otherwise appropriate, the judge may proceed to hear the application.

Applicant's brief

38.07(3) Where the application is to be contested, the applicant shall, at the time of obtaining a hearing date, file in the judicial centre in which the application is to be heard and serve on all other parties, a brief consisting of

- (a) a list of any documents, specifically identified, including filing date, filed in court to be relied on by the applicant, unless the court orders that copies of all

avec les adaptations nécessaires au transfert d'une requête.

REQUÊTES CONTESTÉES

Ajournement et obtention d'une date d'audience

38.07(1) Sous réserve du paragraphe (2), si un avis de requête a été signifié en vertu du paragraphe 38.05(3) et qu'il semble que la requête sera contestée, le juge ajourne la requête et le requérant peut obtenir une date d'audience.

R.M. 130/2017

Audience immédiate en cas d'urgence

38.07(2) Le juge peut entendre la requête lorsqu'il l'estime opportun, notamment en cas d'urgence.

Mémoire du requérant

38.07(3) Si la requête qui doit être entendue par un juge est contestée, le requérant doit, au moment de l'obtention d'une date d'audience, déposer au centre judiciaire où la requête sera entendue et signifier aux autres parties, un mémoire constitué de ce qui suit :

- a) une liste de documents portant une marque précise, y compris la date de dépôt, déposée au tribunal afin que le requérant puisse l'invoquer, sauf si le

documents be filed as part of the brief;

(b) a list of any cases and statutory provisions to be relied on by the applicant; and

(c) a list of the points to be argued.

tribunal ordonne que les copies des documents soient déposées pour qu'elles fassent partie du mémoire;

b) une liste des causes et des dispositions législatives que le requérant entend invoquer;

c) une liste des questions en litige.

R.M. 44/2022

Respondent's brief

38.07(4) A respondent party who has been served with a brief under subrule (3) shall file in the judicial centre in which the application is to be heard and serve on all other parties, a brief consisting of:

(a) a list of any documents described in clause (3)(a), not included in the applicant's brief and to be relied on by the respondent; and

(b) a list of items described in clauses (3)(b) and (c), not included in the applicant's brief, to be relied on by the respondent.

M.R. 12/92; 17/2015; 130/2017

Mémoire de l'intimé

38.07(4) L'intimé qui a reçu signification d'un mémoire en vertu du paragraphe (3) dépose au centre judiciaire où la requête sera entendue et signifie à toutes les autres parties un mémoire constitué de ce qui suit :

a) une liste des documents visés à l'alinéa (3)a), qui ne sont pas inclus dans le mémoire du requérant et que l'intimé entend invoquer;

b) une liste des pièces décrites aux alinéas (3)b) et c) qui ne sont pas incluses dans le mémoire du requérant et que l'intimé entend invoquer.

R.M. 12/92; 17/2015; 130/2017

Bilingual statutory provisions in brief

38.07(4.1) If a party relies on a statutory provision that is required by law to be printed and published in English and French, their brief must contain a bilingual version of that provision.

Dispositions législatives bilingues dans le mémoire

38.07(4.1) La partie qui entend invoquer une disposition législative dont la loi exige l'impression et la publication en

Waiver

38.07(5) A judge may, either before or at the hearing of the application waive or vary the requirements of this rule where there is insufficient time to comply or where, due to the nature of the application, a brief is not justified.

**SCHEDULING OF
CONTESTED
APPLICATIONS**

Schedule

38.07.1(1) Subject to subrules (2) to (4), preliminary steps in an application must be completed in accordance with the following schedule:

- (a) the applicant must file and serve all supporting affidavits within 30 days after the notice of application was filed;
- (b) the respondent must file and serve all supporting affidavits within 30 days after service of the applicant's affidavits or the expiry of the deadline for doing so, whichever is earlier;

Abandon des conditions de la présente règle

38.07(5) Un juge peut, avant ou pendant l'audition de la requête, abandonner ou modifier les conditions de la présente règle lorsque le délai est insuffisant pour l'observation de ces conditions ou qu'en raison de la nature de la requête, un mémoire n'est pas justifié.

**DATE D'AUDIENCE DES
REQUÊTES
CONTESTÉES**

Échéancier

38.07.1(1) Sous réserve des paragraphes (2) à (4), les étapes préliminaires d'une requête doivent être terminées en conformité avec l'échéancier suivant :

- a) le requérant dépose et signifie tous les affidavits à l'appui de sa requête dans les 30 jours suivant le dépôt de la requête;
- b) l'intimé dépose et signifie tous les affidavits à l'appui de sa requête dans les 30 jours suivants la signification de ceux du requérant ou, si elle survient plus tôt, l'expiration du délai de leur signification;

- (c) the applicant must file and serve any affidavits in response to affidavits filed by the respondent within 20 days after service of the respondent's affidavits;
- (d) cross-examination on affidavits must be completed by all parties within 20 days after the service of all affidavits or the expiry of the deadline for doing so, whichever is earlier;
- (e) the applicant may file and serve any additional brief within ten days after cross-examinations on affidavits have been completed or the expiry of the deadline for doing so, whichever is earlier;
- (f) the respondent must file and serve a brief within 20 days after the applicant serves an additional brief or the expiry of the deadline for doing so, whichever is earlier.

M.R. 130/2017

Scheduling agreement

38.07.1(2) The parties may establish their own schedule by filing a written agreement that sets out specific deadlines for completing preliminary steps in the application.

M.R. 130/2017

- c) le requérant dépose et signifie les affidavits qu'il désire utiliser en réponse à ceux de l'intimé dans les 20 jours suivant leur signification;
- d) les contre-interrogatoires sur affidavit doivent être terminés par toutes les parties dans les 20 jours suivant la signification de tous les affidavits ou, si elle survient plus tôt, l'expiration du délai de leur signification;
- e) le requérant peut déposer et signifier un mémoire additionnel dans les dix jours suivant les contre-interrogatoires sur affidavit ou, si elle survient plus tôt, l'expiration du délai de contre-interrogatoire;
- f) l'intimé dépose et signifie un mémoire dans les 20 jours suivant la signification du mémoire du requérant ou, si elle survient plus tôt, l'expiration du délai de sa signification.

R.M. 130/2017

Consentement des parties

38.07.1(2) Les parties peuvent déterminer l'échéancier elles-mêmes; elles déposent alors un consentement écrit faisant état des échéances à respecter pour les étapes préliminaires à la requête.

R.M. 130/2017

Motion to set schedule

38.07.1(3) If a party objects to the schedule under subrule (1) but is unable to reach a scheduling agreement with the other party, the party may bring a motion to a judge to establish a schedule for completion of the preliminary steps in the application.

M.R. 130/2017

Amending schedule by agreement

38.07.1(4) The parties may amend a schedule established under subrule (1), (2) or (3) by filing a written agreement that sets out new deadlines for completing preliminary steps in the application.

M.R. 130/2017

Filing deadline

38.07.1(5) No agreement may permit the filing of materials less than seven days before the hearing of the application.

M.R. 130/2017

Sanctions for failure to comply with schedule

38.07.1(6) If a party has failed to comply with a schedule established under this rule, a judge may do one or more of the following:

- (a) strike out the application, if the offending party is the applicant;

Opposition d'une partie — motion

38.07.1(3) La partie qui s'oppose à l'échéancier visé au paragraphe (1) et qui ne peut s'entendre avec la partie adverse sur un autre échéancier peut présenter une motion à juge lui demandant d'en fixer un.

R.M. 130/2017

Modification de l'échéancier

38.07.1(4) Les parties peuvent s'entendre sur une modification à apporter à l'échéancier établi en vertu des paragraphes (1), (2) ou (3) et déposer un consentement faisant état des nouveaux délais à respecter.

R.M. 130/2017

Limite

38.07.1(5) Un consentement ne peut autoriser le dépôt d'un document moins de sept jours avant l'audition de la motion.

R.M. 130/2017

Défaut de se conformer à l'échéancier

38.07.1(6) Si une partie fait défaut de se conformer à l'échéancier, un juge peut prendre une ou plusieurs des mesures suivantes :

- a) rejeter la requête, si la contravention est commise par le requérant;

- (b) adjourn the hearing of the application;
- (c) order costs against the offending party;
- (d) direct the hearing to proceed on the scheduled date without allowing the offending party to
 - (i) file or rely on any affidavit, transcript or brief that was not filed or served in accordance with the schedule, or
 - (ii) conduct a cross-examination on an affidavit after the expiry of the scheduled deadline for cross-examinations to occur;
- (e) make any other order or give any other direction that he or she considers appropriate in the circumstances.

M.R. 130/2017

- b) ajourner l'audition de la requête;
- c) ordonner au contrevenant d'acquitter les dépens;
- d) ordonner de procéder à l'audition à la date prévue sans autoriser le contrevenant :
 - (i) soit à déposer un affidavit, une transcription ou un mémoire qui n'a pas été déposé ou signifié en conformité avec l'échéancier, ou lui interdire de s'appuyer sur eux,
 - (ii) soit à procéder à un contre-interrogatoire sur affidavit après l'expiration du délai prévu par l'échéancier;
- e) rendre les ordonnances et donner les directives qu'il estime indiquées dans les circonstances.

R.M. 130/2017

Who may impose sanctions

38.07.1(7) The sanctions set out in subrule (6) may be imposed

- (a) on motion to a judge; or
- (b) by the judge presiding at the hearing of the application.

M.R. 130/2017

Autorité compétente

38.07.1(7) Les sanctions visées au paragraphe (6) peuvent être infligées par un juge ou par le juge qui préside à l'audition de la requête.

R.M. 130/2017

Exception

38.07.1(8) This rule does not apply to urgent applications.

M.R. 130/2017

Exception

38.07.1(8) La présente règle ne s'applique pas à une requête urgente.

R.M. 130/2017

HEARING BY
TELEPHONE, VIDEO
CONFERENCE OR
OTHER MEANS OF
COMMUNICATION

AUDIENCE PAR
TÉLÉPHONE, PAR
VIDÉOCONFÉRENCE OU
PAR TOUT AUTRE
MOYEN DE
COMMUNICATION

Consent

38.08(1) If all the parties to an application consent and the court permits, an application may be heard by telephone, video conference or other means of communication.

M.R. 121/2002

Consentement

38.08(1) Une requête peut être entendue par téléphone, par vidéoconférence ou par tout autre moyen de communication si les parties à la requête y consentent et que le tribunal l'autorise.

R.M. 121/2002

Order, no consent

38.08(2) If not all the parties consent, the court may, on motion, make an order directing the manner in which the application is to be heard.

M.R. 121/2002

Ordonnance en l'absence de consentement unanime

38.08(2) Si certaines parties ne donnent pas leur consentement, le tribunal peut, sur motion, rendre une ordonnance indiquant la manière selon laquelle la requête doit être entendue.

R.M. 121/2002

Motion to determine manner

38.08(3) The motion under subrule (2) to determine the manner of hearing an application may be held

- (a) without the necessity of filing a notice of motion or evidence; and

Motion portant sur la détermination du mode d'audition

38.08(3) La motion portant sur la détermination du mode d'audition de la requête peut être entendue :

- a) sans qu'il soit nécessaire de déposer un avis de motion ou une preuve;

(b) by telephone, video conference or other means of communication.

M.R. 121/2002

b) par téléphone, par vidéoconférence ou par tout autre moyen de communication.

R.M. 121/2002

Arrangements

38.08(4) Where an application under subrule (1) or a motion under clause (3)(b) is to proceed by telephone, video conference or other means of communication, the applicant or the moving party, as the case may be, shall make the necessary arrangements and give notice of those arrangements, including the date, time and manner of hearing, to the other parties and to the court.

M.R. 121/2002

Prise de dispositions

38.08(4) Lorsqu'une requête ou une motion doit être entendue par téléphone, par vidéoconférence ou par tout autre moyen de communication, le requérant ou l'auteur de la motion prend les dispositions nécessaires et en donne avis aux autres parties et au tribunal, notamment en leur indiquant la date et l'heure auxquelles la requête ou la motion sera entendue ainsi que son mode d'audition.

R.M. 121/2002

DISPOSITION OF APPLICATION

38.09 On hearing an application, a judge may,

- (a) allow or dismiss the application or adjourn the hearing, with or without terms; or
- (b) where satisfied that there is a substantial dispute of fact, direct that the application proceed to trial or direct the trial of a particular issue or issues and, in either case, give such directions and impose such terms as may be just, subject to which the

DÉCISION

38.09 Lors de l'audition d'une requête, un juge peut, selon le cas :

- a) accorder ou rejeter la requête ou ajourner l'audience, avec ou sans conditions;
- b) s'il est convaincu qu'il existe une contestation importante des faits, ordonner que la requête soit instruite ou ordonner l'instruction d'une ou de plusieurs questions en litige particulières et dans l'un ou l'autre cas, donner les directives et imposer les conditions qui sont justes, sous

proceeding shall thereafter be treated as an action.

réserve par la suite à ce que l'instance soit traitée comme une action.

SETTING ASIDE OR VARYING ORDER WITHOUT NOTICE

ANNULATION OU MODIFICATION DE L'ORDONNANCE SANS PRÉAVIS

Motion to set aside or vary

38.10(1) A person affected by an order made without notice, or a person who has failed to appear on an application due to accident, mistake or insufficient notice, may, by notice of motion filed, served and made returnable promptly after the order first came to the person's notice, move to set aside or vary the order.

Motion en annulation ou en modification

38.10(1) La personne sur laquelle une ordonnance rendue sans préavis a une incidence ou celle qui n'a pas comparu à l'audition d'une requête pour cause d'accident, d'erreur ou d'avis insuffisant peut demander, par voie de motion, l'annulation ou la modification de l'ordonnance au moyen d'un avis de motion déposé, signifié et rapportable promptement après que la personne ait pris connaissance de l'ordonnance.

To original judge

38.10(2) Where practicable, a motion under subrule (1) shall be made to the judge who made the order.

Juge

38.10(2) Une motion en application du paragraphe (1) est présentée au juge qui a rendu l'ordonnance, si cela est possible.

ABANDONMENT OF APPLICATIONS

DÉSISTEMENT DE REQUÊTE

Abandonment of applications, where not served

38.11(1) Where a party makes an application by filing a Notice of Application

Désistement — requête non signifiée

38.11(1) Une partie peut se désister d'une requête qu'elle a présentée par voie de dépôt d'un avis de requête

(Form 14B) in accordance with this rule and has not served the Notice of Application, the party may abandon the application by filing a Notice of Abandonment of Application (Form 38A) and an affidavit deposing that the Notice of Application has not been served.

M.R. 25/90

Abandonment of applications, where served

38.11(2) Where a party makes an application by filing and serving a Notice of Application (Form 14B) in accordance with this rule, the party may abandon the application

(a) by serving a Notice of Abandonment of Application on the parties who were served with the Notice of Application; and

(b) by filing the Notice of Abandonment of Application along with proof of service of the Notice of Abandonment of Application.

M.R. 25/90

Deemed abandonment of applications

38.11(3) Where a party files and serves a Notice of Application (Form 14B) and does not appear at the hearing of the application, the party is deemed to have abandoned the application, unless the court orders otherwise.

M.R. 25/90

(formule 14B) conformément à la présente règle si l'avis de requête en question n'a pas été signifié. Le désistement est fait par dépôt d'un avis de désistement de requête (formule 38A) ainsi que d'un affidavit attestant que l'avis de requête n'a pas été signifié.

R.M. 25/90

Désistement — requête signifiée

38.11(2) Une partie peut se désister d'une requête qu'elle a présentée par voie de dépôt et de signification d'un avis de requête (formule 14B) conformément à la présente règle :

a) en signifiant un avis de désistement de requête aux parties qui ont reçu signification de l'avis de requête;

b) en déposant l'avis de désistement de requête ainsi qu'une preuve de la signification de l'avis de désistement de requête.

R.M. 25/90

Désistement réputé

38.11(3) Une partie est réputée s'être désistée d'une requête, à moins d'ordonnance contraire du tribunal, si elle dépose et signifie l'avis de requête (formule 14B), mais ne comparaît pas à l'audience portant sur la requête.

R.M. 25/90

Costs on abandoned applications

38.11(4) Where an application is abandoned by a Notice of Abandonment of Application under subrule (2) or is deemed to be abandoned under subrule (3), a party on whom the Notice of Application (Form 14B) is served is entitled to the costs of the application, unless the court orders otherwise.

M.R. 25/90

DISMISSAL OF APPLICATION FOR DELAY

Motion

38.12(1) The court may on motion dismiss an application for delay.

M.R. 26/97

Grounds

38.12(2) On hearing a motion under this rule, the court may consider,

- (a) whether the applicant has unreasonably delayed in obtaining a date for a hearing of a contested application;
- (b) whether there is a reasonable justification for any delay;

Dépens pour requêtes faisant l'objet d'un désistement

38.11(4) À moins d'ordonnance contraire du tribunal, une partie à qui a été signifié un avis de requête (formule 14B) a droit de recevoir des dépens si la requête fait l'objet d'un désistement par voie de l'avis de désistement de requête visé au paragraphe (2) ou est réputé faire l'objet d'un désistement conformément au paragraphe (3).

R.M. 25/90

REJET DES REQUÊTES POUR CAUSE DE RETARD

Motion

38.12(1) Le tribunal peut, sur motion, rejeter une requête pour cause de retard.

R.M. 26/97

Motifs

38.12(2) Lorsqu'il entend une motion en vertu de la présente règle, le tribunal peut tenir compte :

- a) de la question de savoir si le requérant a retardé excessivement la fixation d'une date pour l'audition d'une requête contestée;
- b) de la question de savoir s'il existe des motifs valables pour tout

- (c) any prejudice to the respondent;
and
- (d) any other relevant factor.

M.R. 26/97

Dismissal not a defence to subsequent application

38.12(3) The dismissal of an application for delay is not a defence to a subsequent application unless the order dismissing the application provides otherwise.

M.R. 26/97

Failure to pay costs

38.12(4) Where an applicant's application has been dismissed for delay with costs, and another application involving the same subject matter is subsequently brought between the same parties or their representatives or successors in interest before payment of the costs of the dismissed application, the court may order a stay of the subsequent application until the costs of the dismissed application have been paid.

M.R. 26/97

RULE 39 EVIDENCE ON MOTIONS AND APPLICATIONS

délai;

- c) de tout préjudice causé à l'intimé;
- d) de tout autre facteur pertinent.

R.M. 26/97

Défense

38.12(3) Le rejet d'une requête pour cause de retard ne constitue pas une défense à une requête subséquente, sauf disposition contraire de l'ordonnance de rejet.

R.M. 26/97

Défaut de paiement des dépens

38.12(4) Lorsqu'une requête a été rejetée avec dépens pour cause de retard et qu'avant le paiement des dépens les mêmes personnes, leurs représentants ou leurs ayants droit sont parties à une requête présentée par la suite relativement au même objet, le tribunal peut ordonner le sursis de cette requête jusqu'au paiement des dépens.

R.M. 26/97

RÈGLE 39 ADMINISTRATION DE LA PREUVE DANS LES MOTIONS ET LES REQUÊTES

EVIDENCE BY AFFIDAVIT

Generally

39.01(1) Evidence on a motion or application may be given by affidavit unless a statute or these rules provide otherwise.

Affidavits in support

39.01(2) Except when a motion or application is to be contested, if a motion or application is made on notice, the affidavits on which the motion or application is founded shall be served within the time for service of the motion or application, and shall be filed in the court office where the motion or application is to be heard not later than 2 p.m. on the day before the hearing.

M.R. 130/2017

39.01(3) [Repealed]

M.R. 130/2017

Contents — motions

39.01(4) An affidavit for use on a motion, including a motion for summary judgment, may contain statements of the deponent's information and belief, if the source of the information and the fact of the belief are specified in the affidavit.

M.R. 130/2017

PREUVE PAR AFFIDAVIT

Dispositions générales

39.01(1) Sauf disposition contraire d'une loi ou des présentes règles, une preuve dans une motion ou une requête peut être établie par affidavit.

Affidavit à l'appui d'une motion ou d'une requête

39.01(2) Dans le cas d'une motion ou d'une requête présentée sur préavis — sauf s'il s'agit d'une motion ou d'une requête qui sera contestée —, les affidavits à l'appui sont signifiés dans le délai prévu pour la signification de la motion ou de la requête et déposés au greffe du lieu où la motion ou la requête doit être entendue, au plus tard à 14 heures le jour précédant l'audience.

R.M. 130/2017

39.01(3) [Abrogé]

R.M. 130/2017

Contenu — Motions

39.01(4) L'affidavit à l'appui d'une motion notamment une motion en vue d'obtenir un jugement sommaire peut faire état des éléments que le déposant tient pour véridiques sur la foi de renseignements, pourvu que la source de ces renseignements et le fait qu'ils sont tenus pour véridiques soient indiqués.

Contents — applications

39.01(5) An affidavit for use on an application may contain statements of the deponent's information and belief with respect to facts that are not contentious, if the source of the information and the fact of the belief are specified in the affidavit.

Full and fair disclosure on motion or application without notice

39.01(6) Where a motion or application is made without notice, the moving party or applicant shall make full and fair disclosure of all material facts, and failure to do so is in itself sufficient ground for setting aside any order obtained on the motion or application.

Affidavits on intended proceedings

39.01(7) An affidavit for use on an intended application or preliminary motion may be sworn before the application or preliminary motion is filed.

EVIDENCE BY CROSS-
EXAMINATION ON
AFFIDAVIT

Contenu — Requêtes

39.01(5) L'affidavit à l'appui d'une requête peut faire état des éléments que le déposant tient pour véridiques sur la foi de renseignements relativement à des faits non contestés, pourvu que la source de ces renseignements et le fait qu'ils sont tenus pour véridiques soient indiqués.

Divulgence complète et impartiale des faits relatifs à une motion ou à une requête présentée sans préavis

39.01(6) Dans une motion ou une requête présentée sans préavis, l'auteur de la motion ou le requérant procède à une divulgation complète et impartiale de tous les faits pertinents. Le défaut de ce faire constitue un motif suffisant d'annulation de l'ordonnance obtenue à la suite de la motion ou de la requête.

Affidavits relatifs à des instances prévues

39.01(7) L'affidavit à l'appui d'une requête prévue ou d'une motion préliminaire prévue peut être souscrit avant le dépôt de la requête ou de la motion préliminaire.

PREUVE ÉTABLIE PAR
LE CONTRE-
INTERROGATOIRE DU

DÉPOSANT DE L'AFFIDAVIT

Cross-examination

39.02(1) Where a party to a motion or application has served every affidavit on which the party intends to rely and has completed all examinations under rule 39.03, the party may cross-examine the deponent of any affidavit served by a party who is adverse in interest on the motion or application.

No subsequent affidavit

39.02(2) A party who has cross-examined on an affidavit filed by an adverse party shall not subsequently file an affidavit for use at the hearing or conduct an examination under rule 39.03 without leave or consent, and the court shall grant leave, on such terms as are just, where it is satisfied that the party ought to be permitted to respond to a matter raised on the cross-examination with evidence in the form of an affidavit or a transcript of an examination under rule 39.03.

M.R. 150/89

To be exercised with reasonable diligence

39.02(3) The right to cross-examine shall be exercised with reasonable diligence, and the court may refuse an

Contre-interrogatoire

39.02(1) La partie qui a signifié tous les affidavits qu'elle entend invoquer à l'appui d'une motion ou d'une requête et qui a complété tous les interrogatoires visés à la règle 39.03 peut contre-interroger le déposant d'un affidavit signifié par une partie adverse relativement à la motion ou à la requête.

Non-délivrance d'affidavits supplémentaires

39.02(2) La partie qui a procédé à un contre-interrogatoire à l'égard d'un affidavit déposé par une partie adverse ne doit plus déposer d'autres affidavits pour utilisation à l'audience et ne doit plus procéder à un interrogatoire visé à la règle 39.03, sans l'autorisation du tribunal ou le consentement des parties. Le tribunal accorde l'autorisation, à des conditions justes, s'il est convaincu que la partie devrait être autorisée à répondre à une question soulevée pendant le contre-interrogatoire, au moyen d'une preuve présentée sous la forme d'un affidavit ou d'une transcription d'un interrogatoire visé à la règle 39.03.

Obligation de diligence

39.02(3) Le droit de contre-interroger est exercé avec diligence. Le tribunal peut refuser d'ajourner une motion ou une

adjournment of a motion or application for the purpose of cross-examination where the party seeking the adjournment has failed to act with reasonable diligence.

Examining parties' duties

39.02(4) A party who cross-examines on an affidavit shall

- (a) order copies of the transcript for the court and the party being examined if a trial or hearing date is set for the proceeding;
- (b) file a copy of the transcript with the court;
- (c) provide the party being examined with a copy of the transcript, free of charge; and
- (d) other than on a motion for summary judgment or a contempt order, pay the party and party costs of the party being examined in respect of the cross-examination, regardless of the outcome of the proceeding, unless the court orders otherwise.

M.R. 50/2001; 12/2005

EVIDENCE BY
EXAMINATION OF A

requête pour permettre la tenue d'un contre-interrogatoire si la partie qui demande l'ajournement n'a pas agi avec diligence.

Devoirs de la partie interrogatrice

39.02(4) La partie qui procède à un contre-interrogatoire à l'égard d'un affidavit :

- a) demande des copies de la transcription pour le tribunal et pour la partie qui fait l'objet du contre-interrogatoire si la date de l'instruction ou de l'audience est fixée pour l'instance;
- b) dépose une copie de la transcription auprès du tribunal;
- c) fournit gratuitement une copie de la transcription à la partie qui fait l'objet du contre-interrogatoire;
- d) sauf dans le cadre d'une motion en vue de l'obtention d'un jugement sommaire ou d'une ordonnance pour outrage au tribunal et sauf ordonnance contraire du tribunal, paie les dépens entre parties de la partie qui fait l'objet du contre-interrogatoire relativement à celui-ci, indépendamment de l'issue de l'instance.

R.M. 50/2001; 12/2005

PREUVE PAR
INTERROGATOIRE D'UN

WITNESS

Before the hearing

39.03(1) Subject to subrule 39.02(2), a person, other than an expert, may be examined as a witness before the hearing of a pending motion or application for the purpose of having a transcript of the person's evidence available for use at the hearing.

M.R. 50/2001

Cross-examination

39.03(2) A witness examined under subrule (1) may be cross-examined by the examining party and any other party and may then be re-examined by the examining party on matters raised by other parties, and the re-examination may take the form of cross-examination.

To be exercised with reasonable diligence

39.03(3) The right to examine shall be exercised with reasonable diligence, and the court may refuse an adjournment of a motion or application for the purpose of an examination where the party seeking the adjournment has failed to act with reasonable diligence.

At the hearing

39.03(4) With leave of the presiding judge or officer, a person may be examined

TÉMOIN

Avant l'audience

39.03(1) Sous réserve du paragraphe 39.02(2), toute personne, à l'exception d'un expert, peut être interrogée à titre de témoin avant l'audition d'une motion ou d'une requête en instance afin que le tribunal puisse disposer d'une transcription de son témoignage à l'audience.

R.M. 50/2001

Contre-interrogatoire

39.03(2) Le témoin interrogé en application du paragraphe (1) peut être contre-interrogé par la partie interrogatrice et par une autre partie, puis réinterrogé par la partie interrogatrice sur des questions soulevées par les autres parties. Le réinterrogatoire peut prendre la forme d'un contre-interrogatoire.

Diligence

39.03(3) Une partie exerce une diligence normale si elle exerce son droit d'interrogatoire. Le tribunal peut refuser d'ajourner une motion ou une requête pour permettre la tenue d'un interrogatoire si la partie qui demande l'ajournement n'a pas exercé une diligence normale.

À l'audience

39.03(4) Avec l'autorisation du juge ou de l'auxiliaire de la justice qui préside, une

at the hearing of a motion or application in the same manner as at a trial.

39.03(5) [Repealed]

M.R. 130/2017

UNDERTAKINGS

Order re undertakings

39.03.1 If a person being cross-examined on an affidavit or examined as a non-party refuses to give an undertaking or fails to provide the information or documents requested after giving an undertaking to do so, the court may order the person to provide the information or documents in question if

- (a) the undertaking relates to an important issue in the application or motion;
- (b) it would not be overly onerous or expensive to obtain the information or documents; and
- (c) the provision of the information or documents would significantly assist the court in determining the application or motion.

M.R. 130/2017

EVIDENCE BY EXAMINATION FOR DISCOVERY

personne peut être interrogée au cours de l'audition d'une motion ou d'une requête, de la même façon que s'il s'agissait d'un procès.

39.03(5) [Abrogé]

R.M. 130/2017

ENGAGEMENTS

Ordonnance concernant les engagements

39.03.1 Si la personne contre-interrogée sur un affidavit ou interrogée sans être une partie refuse de donner un engagement ou fait défaut de fournir les renseignements ou les documents demandés après s'être engagée à le faire, le tribunal peut lui ordonner de s'exécuter si les conditions qui suivent sont réunies :

- a) l'engagement porte sur un aspect important de la motion ou de la requête;
- b) il ne serait ni excessivement difficile ou coûteux de fournir les renseignements ou les documents;
- c) les renseignements ou les documents aideraient de façon importante le tribunal à trancher la motion ou la requête.

R.M. 130/2017

PREUVE ÉTABLIE PAR INTERROGATOIRE PRÉALABLE

39.04 On the hearing of a motion, an examination for discovery in the proceeding may be used in evidence and rule 31.11 (use of discovery at trial) applies, with necessary modifications.

39.04 Lors de l'audition d'une motion, un interrogatoire préalable effectué dans l'instance peut servir d'élément de preuve, auquel cas la règle 31.11 (utilisation de l'interrogatoire préalable au procès) s'applique avec les adaptations nécessaires.

PART X PRESERVATION OF RIGHTS IN PENDING LITIGATION

RULE 40 INTERLOCUTORY INJUNCTION

HOW OBTAINED

40.01 An interlocutory injunction under section 55 of *The Court of King's Bench Act* may be obtained on motion to a judge,

- (a) by a party to a proceeding; and
- (b) in a situation of urgency and with leave of the judge, by a person who undertakes to commence proceedings forthwith.

WHERE MOTION MADE WITHOUT NOTICE

Maximum period

PARTIE X PROTECTION DES DROITS PENDANT LE LITIGE

RÈGLE 40 INJONCTION INTERLOCUTOIRE

OBTENTION

40.01 L'injonction interlocutoire visée à l'article 55 de la *Loi sur la Cour du Banc du Roi* peut être obtenue par voie de motion présentée à un juge :

- a) par une partie à une instance;
- b) dans un cas d'urgence et avec l'autorisation du juge, par une personne qui s'engage à introduire immédiatement des procédures.

MOTION SANS PRÉAVIS

Durée maximale

WHERE MOTION MADE WITHOUT NOTICE

Maximum period

40.02(1) Where an interlocutory injunction is granted on motion without notice, it may be made for a period not exceeding 10 days from the date the injunction is granted.

M.R. 127/94

Extension

40.02(2) Where an interlocutory injunction is granted on a motion without notice, a motion to extend the injunction may be made only on notice to every party affected by the injunction, unless the judge is satisfied that because a party has been evading service or because there are other exceptional circumstances, the injunction ought to be extended without notice to the party.

Further period

40.02(3) Where an extension is granted on motion without notice, it may be made for a further period not exceeding 10 days from the date the extension is granted.

MOTION SANS PRÉAVIS

Durée maximale

40.02(1) La durée maximale d'une injonction interlocutoire accordée à la suite d'une motion présentée sans préavis est de 10 jours à compter de la date à laquelle l'injonction est accordée.

R.M. 127/94

Prorogation

40.02(2) Si une injonction interlocutoire est accordée à la suite d'une motion présentée sans préavis, une motion visant l'obtention de la prorogation de l'injonction ne peut être présentée que sur préavis aux parties sur lesquelles l'injonction a une incidence, à moins que le juge ne soit convaincu qu'en raison du fait qu'une partie s'est soustraite à la signification ou d'autres circonstances exceptionnelles, l'injonction doit être prorogée sans préavis à ces parties.

Délai supplémentaire

40.02(3) La prorogation maximale accordée à la suite d'une motion présentée sans préavis est de 10 jours à compter de la date à laquelle elle est accordée.

À L'OBTENTION D'UNE MESURE DE REDRESSEMENT

56.09 Notwithstanding rules 56.01 and 56.02, any party to a proceeding may be ordered to give security for costs where, under rule 1.05 or otherwise, the court has discretion to impose terms as a condition of granting relief, and where such an order is made, rules 56.04 to 56.08 apply, with necessary modifications.

56.09 Par dérogation aux règles 56.01 et 56.02, il peut être ordonné à une partie à une instance de verser un cautionnement pour frais si, en vertu de la règle 1.05 ou autrement, le tribunal peut accorder une mesure de redressement sous conditions. Dans ce cas, les règles 56.04 à 56.08 s'appliquent, avec les modifications nécessaires.

RULE 57 AWARD AND FIXING OF COSTS BY COURT

RÈGLE 57 ADJUDICATION ET FIXATION DES DÉPENS PAR LE TRIBUNAL

GENERAL PRINCIPLES

PRINCIPES GÉNÉRAUX

Factors in discretion

Pouvoir discrétionnaire du tribunal

57.01(1) In exercising its discretion under section 96 of *The Court of King's Bench Act*, to award costs, the court may consider, in addition to the result in the proceeding and any offer to settle made in writing,

57.01(1) Dans l'exercice du pouvoir discrétionnaire d'adjudication des dépens que lui confère l'article 96 de la *Loi sur la Cour du Banc du Roi*, le tribunal peut prendre en considération, outre le résultat de l'instance et une offre de transaction présentée par écrit :

- (a) the amount claimed and the amount recovered in the proceeding;
- (b) the complexity of the proceeding;
- (c) the importance of the issues;
- (d) the conduct of any party which tended to shorten or lengthen

- a) le montant demandé dans l'instance et le montant obtenu;
- b) le degré de complexité de l'instance;
- c) l'importance des questions en litige;

unnecessarily the duration of the proceeding;

(d.1) the conduct of any party which unnecessarily complicated the proceeding;

(d.2) the failure of a party to meet a filing deadline;

(e) whether any step in the proceeding was improper, vexatious or unnecessary;

(f) a party's denial or refusal to admit anything which should have been admitted;

(f.1) the relative success of a party on one or more issues in a proceeding in relation to all matters put in issue by that party;

(g) whether it is appropriate to award any costs or more than one set of costs where there are several parties with identical interests who are unnecessarily represented by more than one counsel; and

(h) any other matter relevant to the question of costs.

M.R. 130/2017

d) la conduite d'une partie qui a eu pour effet d'abrégé ou de prolonger inutilement la durée de l'instance;

d.1) la conduite d'une partie qui a compliqué l'instance inutilement;

d.2) le défaut d'une partie de déposer un document dans le délai imparti;

e) une mesure prise dans l'instance qui était irrégulière, vexatoire ou inutile;

f) la dénégation, par une partie, d'un fait qui aurait dû être reconnu ou son refus de reconnaître un tel fait;

f.1) le fait qu'une partie ait eu gain de cause à l'égard d'une ou plusieurs questions en litige dans une instance compte tenu de l'ensemble des questions qu'elle a soulevées;

g) l'opportunité de condamner aux dépens d'une ou de plusieurs instances, s'il y a plusieurs parties qui ont des intérêts identiques et qui sont représentées inutilement par plus d'un avocat;

h) les autres facteurs pertinents à la question des dépens.

R.M. 130/2017

Costs against successful party

57.01(2) The fact that a party is successful in a proceeding or a step in a

Condamnation aux dépens d'une partie qui obtient gain de cause

proceeding does not prevent the court from awarding costs against the party in a proper case.

Court may fix costs

57.01(3) In awarding costs, the court may fix all or part of the costs, with or without reference to Tariff A or B, instead of referring them for assessment, but in exercising its discretion to fix costs the court will not consider any tariff as establishing a minimum level for costs.

M.R. 140/2010

Disbursements

57.01(4) The court may disallow a disbursement in whole or in part where, based on all circumstances of the case, it is satisfied that a disbursement claimed by a party was not reasonably necessary for the conduct of the proceeding or was for an unreasonable amount.

Costs may be assessed

57.01(5) Where the costs are not fixed, they may be assessed under Rule 58.

Authority of court

57.01(2) Le fait qu'une partie obtienne gain de cause dans une instance ou dans une mesure dans l'instance n'empêche pas le tribunal de la condamner aux dépens, le cas échéant.

Dépens fixés par le tribunal

57.01(3) Dans la condamnation aux dépens, le tribunal peut fixer ceux-ci en totalité ou en partie, en ayant ou non recours au tarif A ou B, au lieu de prescrire un renvoi pour leur liquidation; cependant, dans l'exercice discrétionnaire de ce pouvoir, le tribunal ne considérera pas que l'un quelconque des tarifs établit un niveau minimal quant aux dépens.

Débours

57.01(4) Le tribunal peut rejeter des débours en totalité ou en partie lorsque, compte tenu des circonstances de la cause, il est convaincu que des débours dont une partie demande le paiement n'étaient pas raisonnablement nécessaires pour le déroulement de l'instance ou qu'ils constituaient un montant déraisonnable.

Liquidation des dépens

57.01(5) Les dépens qui ne sont pas fixés peuvent être liquidés conformément à la Règle 58.

Pouvoir du tribunal

57.01(6) Nothing in this Rule affects the authority of the court,

- (a) to award or refuse costs in respect of a particular issue or part of a proceeding;
- (b) to award a percentage of assessed costs or award assessed costs up to or from a particular stage of a proceeding; or
- (c) to award all or part of the costs on a lawyer and client basis.

DIRECTIONS TO ASSESSMENT OFFICER

Directions

57.02(1) Where costs are to be assessed, the court may give directions to the assessment officer in respect of any matter referred to in rule 57.01.

To be recorded

57.02(2) The court shall record,

- (a) any direction to the assessment officer;
- (b) any direction that is requested by a party and refused; and
- (c) any direction that is requested by a party and that the court declines to make but leaves to the

57.01(6) La présente règle ne porte pas atteinte au pouvoir du tribunal d'exécuter l'un des actes suivants :

- a) d'accorder ou de refuser d'accorder les dépens relatifs à une question donnée ou à une partie de l'instance;
- b) d'accorder un pourcentage des dépens liquidés ou de les accorder pour une période déterminée de l'instance;
- c) d'accorder la totalité ou une partie des dépens avocat-client.

DIRECTIVES AU LIQUIDATEUR DES DÉPENS

Directives

57.02(1) Si les dépens doivent être liquidés, le tribunal peut donner au liquidateur des dépens des directives au sujet d'une question visée à la règle 57.01.

Inscription

57.02(2) Le tribunal inscrit :

- a) les directives données au liquidateur des dépens;
- b) les directives demandées par une partie et refusées;
- c) les directives demandées par une partie et que le tribunal refuse de donner mais qu'il laisse à la

discretion of the assessment officer.

COSTS OF A MOTION

Contested motion

57.03(1) Where, on the hearing of a contested motion, the court is satisfied that the motion ought not to have been made or opposed, as the case may be, the court shall,

- (a) fix the costs of the motion and order them to be paid forthwith; or
- (b) order the costs of the motion to be paid forthwith after assessment.

Failure to pay costs

57.03(2) Where a party fails to pay the costs of a motion as required under subrule (1), the court may dismiss or stay the party's proceeding, strike out the party's defence or make such order as is just.

Motion without notice

57.03(3) On a motion made without notice, there shall be no costs to any party, unless the court orders otherwise.

discrétion du liquidateur des dépens.

DÉPENS D'UNE MOTION

Motion contestée

57.03(1) Si, lors de l'audition d'une motion contestée, le tribunal est convaincu que la motion n'aurait pas dû être présentée ou contestée, selon le cas, il doit :

- a) soit fixer les dépens de la motion et ordonner leur paiement immédiat;
- b) soit ordonner que les dépens de la motion soient payés dès leur liquidation.

Défaut de payer les dépens

57.03(2) Si une partie, en contravention des dispositions du paragraphe (1), ne paie pas les dépens d'une motion, le tribunal peut rejeter l'instance qu'elle a introduite ou y surseoir, radier sa défense ou rendre une autre ordonnance juste.

Requête sans préavis

57.03(3) Sauf ordonnance contraire du tribunal, une partie ne peut être condamnée aux dépens d'une motion présentée sans préavis.

COSTS ON SETTLEMENT

57.04 Where a proceeding is settled on the basis that a party shall pay or recover costs and the amount of costs is not included in or determined by the settlement, the costs may be assessed under Rule 58 on filing in the office of the assessment officer a copy of the minutes of settlement or a written consent signed by the party agreeing to pay costs.

COSTS WHERE COURT LACKS JURISDICTION

57.05 Where a proceeding is dismissed for want of jurisdiction, the court may make an order for costs of the proceeding.

COSTS OF LITIGATION GUARDIAN

Payment by successful party

57.06(1) The court may order a successful party to pay the costs of the litigation guardian of a party under disability who is a defendant or respondent and add them to his own, but may further order that the successful party pay those

DÉPENS EN CAS DE TRANSACTION

57.04 Si une instance fait l'objet d'une transaction qui prévoit le paiement ou le recouvrement des dépens par une partie et que le montant des dépens n'est pas visé ni fixé dans la transaction, les dépens peuvent être liquidés conformément à la Règle 58 après le dépôt d'une copie du procès-verbal de la transaction au bureau du liquidateur des dépens ou d'un consentement écrit signé par la partie qui accepte de payer les dépens.

DÉPENS DE L'ACTION INTRODUITE DEVANT UN TRIBUNAL NON COMPÉTENT

57.05 Si une instance est rejetée pour défaut de compétence, le tribunal peut rendre une ordonnance relative aux dépens de l'instance.

DÉPENS DU TUTEUR À L'INSTANCE

Dépens payés par la partie ayant eu gain de cause

57.06(1) Le tribunal peut ordonner à la partie qui a eu gain de cause de payer les dépens du tuteur à l'instance d'un défendeur ou d'un intimé incapable et de les ajouter à ses propres dépens. Il peut

costs only to the extent that the successful party is able to recover them from the party liable for them.

Recovery

57.06(2) A litigation guardian who has been ordered to pay costs is entitled to recover them from the person under disability for whom the litigation guardian has acted, unless the court orders otherwise.

LIABILITY OF LAWYER FOR COSTS

Order against lawyer

57.07(1) Where a lawyer for a party has caused costs to be incurred without reasonable cause or to be wasted by undue delay, or other default, the court may make an order requiring the lawyer personally to pay the costs of any party.

Right to be heard

57.07(2) An order under subrule (1) may be made by the court on its own initiative or on the motion of any party to the proceeding, but no such order shall be made unless the lawyer is given a reasonable opportunity to make representations to the court.

toutefois ordonner à cette partie de ne les payer que dans la mesure où elle peut elle-même les recouvrer de la partie condamnée à payer ces dépens.

Recouvrement des dépens

57.06(2) Sauf ordonnance contraire du tribunal, le tuteur à l'instance qui est condamné aux dépens a le droit de les recouvrer de la personne incapable au nom de laquelle il agissait.

RESPONSABILITÉ DE L'AVOCAT QUANT AUX DÉPENS

Ordonnance rendue contre un avocat

57.07(1) Si l'avocat d'une partie a fait engager des dépens sans raison valable ou les a fait augmenter inutilement par des retards abusifs ou par une autre omission, le tribunal peut, par ordonnance, lui enjoindre de payer personnellement les dépens d'une autre partie.

Droit de l'avocat d'être entendu

57.07(2) L'ordonnance visée au paragraphe (1) peut être rendue par le tribunal, de son propre chef ou à la suite d'une motion d'une partie à l'instance; elle ne peut être rendue que si l'avocat a eu une occasion raisonnable d'être entendu par le tribunal.

Notice to client

57.07(3) The court may direct that notice of an order against a lawyer under subrule (1) be given to the client in the manner specified in the order.

Avis donné au client d'un avocat

57.07(3) Le tribunal peut prescrire que le client de l'avocat contre lequel une ordonnance est rendue en application du paragraphe (1) en soit avisé de la façon prévue par l'ordonnance.

RULE 58 ASSESSMENT OF COSTS

GENERAL

58.01 Where a rule or order provides that a party is entitled to the costs of all or part of a proceeding and the costs have not been fixed by the court, they shall be assessed in accordance with rules 58.02 to 58.09.

WHO MAY ASSESS COSTS

General rule

58.02(1) Costs shall be assessed by an assessment officer at the judicial centre where the proceeding was commenced or heard, or at a centre agreed upon by the parties.

Reference

RÈGLE 58 LIQUIDATION DES DÉPENS

DISPOSITIONS GÉNÉRALES

58.01 Si une règle ou une ordonnance prévoit qu'une partie a droit aux dépens de la totalité ou d'une partie de l'instance et que les dépens ne sont pas fixés par le tribunal, les dépens sont liquidés conformément aux règles 58.02 à 58.09.

PERSONNE POUVANT LIQUIDER LES DÉPENS

Règle générale

58.02(1) Les dépens sont liquidés par un liquidateur au centre judiciaire du lieu où l'instance a été introduite ou entendue ou à un centre convenu par les parties.

Renvoi

TAB 10

2017 MBCA 81
Manitoba Court of Appeal

6165347 Manitoba Inc et al v. Vandal et al

2017 CarswellMan 402, 2017 MBCA 81, 283 A.C.W.S. (3d) 56

**6165347 MANITOBA INC. and 7138793 Manitoba Ltd.
(Plaintiffs / Appellants) and JENNA VANDAL, CAL
DUECK, LAURA PEARSON, DIRK HOEPPNER, PARKER
WETLANDS CONSERVATION, COMMITTEE, JOHN
DOE #1, JOHN DOE, #2, JOHN DOE #3, JOHN DOE #4,
JANE DOE #1, JANE DOE #2, JANE DOE #3, JANE DOE
#4 AND PERSONS UNKNOWN (Defendants / Respondents)**

Richard J. Chartier C.J.M., Alan D. MacInnes J.A., William J. Burnett J.A.

Judgment: August 30, 2017

Docket: AI17-30-08905

Counsel: D.G. Hill, K.D. Toyne, for Appellants
H.I. Pollock, Q.C., for Respondent, D. Hoepfner
K.L. Unruh, C. Poapst, for Respondent, C. Dueck
J. Vandal, for herself
N.G. Thomas, for Respondent, L. Pearson

Subject: Civil Practice and Procedure

Headnote

Civil practice and procedure --- Practice on interlocutory motions and applications —
Conduct of hearing — Adjournments

Plaintiffs were lawful owners of large piece of land — Plaintiffs were in process of developing property by clearing some of trees — Defendants opposed development, and had set up encampment on property to prevent tree-clearing operation from continuing — Motion judge decided to adjourn plaintiffs' motion for injunctive relief, to remove defendants from their property, to date approximately three and one-half months later, rather than hear it on urgent basis — Motion judge explained that motion need not be heard on urgent basis during summer recess because he was not satisfied that plaintiffs could not be compensated in damages for any economic harm they might suffer — Plaintiffs appealed — Appeal allowed — Motion judge misapprehended evidence in material way — There was no evidence on record before motion judge to support

conclusion that defendants were in any position to compensate plaintiffs in damages — Plaintiffs' motion should be heard on urgent basis.

Table of Authorities

Cases considered by *Richard J. Chartier C.J.M.*:

R. v. Commissioner of Police of the Metropolis (1968), [1968] 2 Q.B. 118, [1968] 1 All E.R. 763, [1968] 2 W.L.R. 893 (Eng. C.A.) — followed

R. v. Myran (1975), [1976] 2 S.C.R. 137, [1976] 1 W.W.R. 196, 5 N.R. 551, 23 C.C.C. (2d) 73, 58 D.L.R. (3d) 1, 1975 CarswellMan 61, 1975 CarswellMan 83 (S.C.C.) — referred to

R. v. Shirose (1999), 1999 CarswellOnt 948, 1999 CarswellOnt 949, (sub nom. *R. v. Campbell*) 237 N.R. 86, 133 C.C.C. (3d) 257, (sub nom. *R. v. Campbell*) 42 O.R. (3d) 800 (note), 171 D.L.R. (4th) 193, (sub nom. *R. v. Campbell*) 119 O.A.C. 201, (sub nom. *R. v. Campbell*) 43 O.R. (3d) 256 (note), 24 C.R. (5th) 365, (sub nom. *R. v. Campbell*) [1999] 1 S.C.R. 565 (S.C.C.) — followed

Raubach v. Canada (Attorney General) (2004), 2004 MBCA 95, 2004 CarswellMan 331 (Man. C.A.) — referred to

6165347 Manitoba Inc et al v. Vandal (2017), 2017 MBCA 75, 2017 CarswellMan 374 (Man. C.A.) — referred to

Statutes considered:

Petty Trespasses Act, R.S.M. 1987, c. P50

Generally — referred to

APPEAL by plaintiffs from decision of motion judge to adjourn plaintiffs' motion for injunctive relief to date approximately three and one-half months later, rather than hear it on urgent basis.

Richard J. Chartier C.J.M. (for the Court):

1 The plaintiffs appeal the motion judge's decision to adjourn their motion for injunctive relief (to remove the defendants from their property) to a date approximately three and one-half months later, rather than hear it on an urgent basis.

2 Some background is necessary. The plaintiffs are the lawful owners of a large piece of land situated in the City of Winnipeg (the property). It is currently zoned industrial and is surrounded by the CN main rail line on one side and residential and commercial development on the other sides. The plaintiffs are in the process of developing the property by clearing some of the trees. The defendants oppose the development for a number of reasons, including: to save the trees and the wildlife therein; to protect wetlands; and because of alleged Indigenous and Métis claims to the property. The defendants have set up an encampment on the property to prevent the tree-clearing operation to continue. The plaintiffs cannot develop their property because of the

defendants' action and suffer harm as a result. The defendants have refused to leave despite repeated requests by the plaintiffs. The Winnipeg Police Service has advised the plaintiffs that it will not remove the defendants from the property, unless ordered by a court.

3 The plaintiffs want to set aside the motion judge's decision to adjourn the matter until November so that the merits of their injunctive relief motion can be heard and determined on an urgent basis. To that end, they requested, and I granted, an expedited hearing of this appeal (see 2017 MBCA 75 (Man. C.A.)).

4 The motion judge's decision that the matter did not have to be heard on an urgent basis is an exercise in judicial discretion and is owed considerable deference. Absent misdirection on the part of the judge, a court of appeal should only intervene if satisfied that the decision was clearly wrong or results in an injustice.

5 In his reasons, the motion judge explained that the motion need not "be heard on an urgent basis during the [summer] recess, because [he was] not satisfied that the plaintiff[s] could not be compensated in damages for any economic harm that they might suffer."

6 The plaintiffs submit that the motion judge's decision cannot be allowed to stand. They argue that there was no direct or circumstantial evidence before the motion judge that could allow him to conclude that the defendants were in any position to compensate the plaintiffs in damages.

7 We agree. The motion judge misapprehended the evidence in a material way. There was no evidence on the record before him, inferentially or otherwise, to support that conclusion. As a result, appellate intervention is justified and we may substitute our view.

8 As a rule, parties want their matters heard expeditiously. Whether a matter deserves urgent consideration will be determined by the facts of each particular case. Relevant considerations will include: i) the seriousness of the issue raised; ii) the nature of the relief sought; iii) the irreparable harm or damages that may be suffered; and iv) whether the moving party has proceeded with due dispatch. Indeed, the analysis is very similar to the one used by appellate courts when deciding whether to expedite the hearing of an appeal. We are persuaded that, in the circumstances of this case, the plaintiffs' motion ought to be heard on an urgent basis.

9 First, there can be no doubt that this matter raises serious issues involving property rights and the enforcement of those rights. There is evidence, albeit hearsay at this point, that the police were ordered by the "executive" to take no steps to remove the

defendants from the property, unless ordered by a court. If there is any credence to this, we find it alarming because when police are engaged in the enforcement of the law, they are to act independently. As a rule, persons have no right of access to private property except with the owner's permission. Absent permission, trespassers are subject to civil action for trespass and prosecution under *The Petty Trespasses Act*, CCSM c P50 (see *R. v. Myran* (1975), [1976] 2 S.C.R. 137 (S.C.C.)). As stated by Lord Denning in *R. v. Commissioner of Police of the Metropolis*, [1968] 1 All E.R. 763 (Eng. C.A.) at 769, "[the Commissioner of Police] should be, and is, independent of the executive" and "he is not the servant of anyone, save of the law itself." The principle of the independence of the police was reaffirmed by the Supreme Court of Canada in *R. v. Shirose*, [1999] 1 S.C.R. 565 (S.C.C.) (at para 29):

[I]n that regard the police are independent of the control of the executive government. The importance of this principle, which itself underpins the rule of law, was recognized by this Court in relation to municipal forces as long ago as *McCleave v. City of Moncton* (1902), 32 S.C.R. 106. That was a civil case, having to do with potential municipal liability for police negligence, but in the course of his judgment Strong C.J. cited with approval the following proposition, at pp. 108-9:

Police officers can in no respect be regarded as agents or officers of the city. Their duties are of a public nature. Their appointment is devolved on cities and towns by the legislature as a convenient mode of exercising a function of government, but this does not render them liable for their unlawful or negligent acts. The detection and arrest of offenders, the preservation of the public peace, the enforcement of the laws, and other similar powers and duties with which police officers and constables are entrusted are derived from the law, and not from the city or town under which they hold their appointment.

[emphasis added]

10 Second, the nature of the relief sought favours an expedited consideration on the merits. The plaintiffs are seeking injunctive relief. The type of relief sought is for an order pending final determination of the law suit. It is temporary in nature, not permanent. Unless requests for interlocutory injunctions are frivolous, they typically should be heard expeditiously and the relief either granted or refused.

11 Third, on the issue of harm and damages, the record shows that the defendants' actions are delaying the plaintiffs' ability to develop the property. We are satisfied that the cost of delay is real and that the plaintiffs will suffer substantial harm. Moreover, and as stated by The Honourable Mr. Justice Robert J Sharpe, *Injunctions and Specific Performance* (Toronto: Thomson Reuters, 2016) (loose-leaf release no 25, November

2016) at 4.10, where property rights are concerned, damages are generally presumed to be inadequate.

12 Finally, the injunctive relief the plaintiffs are seeking is an equitable relief. As the English translation of the Latin maxim of equity states, equity aids the vigilant and not those who sleep on their rights. A court will not be inclined to proceed on an urgent basis if the moving party has not been vigilant in seeking to enforce its rights. It is our opinion that the plaintiffs have proceeded with due dispatch.

13 We make one last comment. In our view, the motion judge's reference to the Court of Queen's Bench's "summer recess" in the ratio of his decision is unfortunate as it is a completely immaterial consideration. As stated in a notice and a practice direction issued by the Chief Justice of the Court of Queen's Bench, *Notice: Court of Queen's Bench of Manitoba: Re: Hearing of Civil Motions During Summer Court Recess* (5 May 2017); and *Practice Direction: Court of Queen's Bench of Manitoba: Re: Civil Uncontested List — Urgent Matters* (7 December 2015), contested matters, if found to be urgent, are to be heard irrespective of the time of year (the notice and practice direction are reproduced and attached as Appendix A).

14 In the result, the plaintiffs' appeal is granted and the order of the motion judge is set aside. We order that the motion for an injunctive relief be set down for hearing on the merits in the Court of Queen's Bench on Thursday, September 14, 2017; that the defendants' responding affidavits be filed and served by Thursday, September 7, 2017; and any further affidavits by the plaintiffs be filed and served by Monday, September 11, 2017.

15 With respect to the issue of costs regarding this appeal, as this appeal is interlocutory, we have the option of leaving costs to be in the cause and that is what we order (see *Raubach v. Canada (Attorney General)*, 2004 MBCA 95 (Man. C.A.)).

Appendix A — NOTICE

COURT OF QUEEN'S BENCH OF MANITOBA

RE: HEARING OF CIVIL MOTIONS DURING SUMMER COURT RECESS

During the summer court recess from July 4 to September 4, 2017, the uncontested civil motions list will sit on Wednesdays and Fridays each week. Emergency matters during these days will first need to be placed on an uncontested list. Emergency matters outside those days can be arranged by contacting the Civil Motion Coordinator or, if unavailable, calling the court's off-hours emergency number.

ISSUED BY:

"Original signed by Chief Justice Joyal"

.....

The Honourable Chief Justice Glenn D. Joyal Court of Queen's Bench (Manitoba)

DATE: May 5, 2017

Appendix — PRACTICE DIRECTION

COURT OF QUEEN'S BENCH OF MANITOBA

RE: CIVIL UNCONTESTED LIST — URGENT MATTERS

Civil applications and motions which are considered by a moving party to be urgent should be set at first instance on the Civil Uncontested List. When the matter is called on the List, the first issue for the moving party to address will be urgency. If the presiding judge concludes that the matter is in fact urgent, the judge will adjudicate the merits of the matter at that time or schedule an appropriate time before him or herself to adjudicate the merits. If the presiding judge concludes that the matter is not urgent, the matter will be adjourned to the Contested List in the ordinary course.

In those situations where the nature of the potential immediate harm suggests some demonstrable merit to the moving party's position that the matter is urgent, but the matter cannot be adjudicated at that time, the presiding judge may grant interim relief and/or set early timelines for the filing of further material, with the matter next returnable on the Civil Uncontested List. When the matter next appears, the moving party will need to address the issue of urgency as a preliminary issue.

In those rare and exceptional circumstances where it is the moving party's position that a matter is of such urgency it cannot wait until the next sitting of the Civil Uncontested List, counsel may contact the Civil Motion Coordinator and/or the Trial Coordinator to discuss the possibility of alternative arrangements.

Coming into effect

This Practice Direction comes into effect immediately.

ISSUED BY:

"Original signed by Chief Justice Joyal"

.....
The Honourable Chief Justice Glenn D. Joyal Court of Queen's Bench (Manitoba)

DATE: December 7, 2015

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