

The Safer Communities and Neighbourhoods Act



Manitoba has a new law to make communities and neighbourhoods safer.

The *Safer Communities and Neighbourhoods Act* is the first of its kind in Canada.

It works by holding property owners accountable for threatening or disturbing activities that regularly take place on their property related to:

- Unlawful drug use, dealing, production or cultivation
- Prostitution and related activities
- Unlawful sale of liquor
- Unlawful use or sale of intoxicating substances – non-potable and solvent-based products
- Sexual abuse or exploitation of a child or related activities
- Possession or storage of an unlawful firearm, weapon or explosive

The act refers to activities that are ongoing, not those happening occasionally.

How do you define property?

Under the act, property can include a structure, business, house, apartment, suite, co-operative housing unit, mobile home or land on which there is no building.

How does the process start?

The process starts when one or more residents of a neighbourhood who fear for their safety or security file a complaint with Manitoba's director of law enforcement.

The complaint is kept confidential. The identity of those who file it cannot be revealed at any time.

The director may launch an investigation. If there is evidence to support the claim, the director has several options:

- issue a warning letter to the property owner
- resolve the problem out of court
- apply for a Community Safety Order, with or without a Closure Order against the property
- apply for an Emergency Closure Order

If the director decides not to act on the complaint, the person or persons who made the complaint can take the matter to court at their own cost.

Who investigates the complaint?

Public Safety Investigations of Manitoba Justice will receive and investigate the complaint.

What happens if either a Community Safety Order or an Emergency Closure Order is granted?

A notice and a copy of the order outlining conditions are posted on the property. At the same time, a copy of the order is served on the owner. It will order the owner to take steps to stop the problem and also bar tenants from continuing in specified activities. It may order some or all people to leave for a specific period of time if they have been involved in such activities. The tenancy agreement or lease of any tenant may also be terminated. The property may also be closed for up to 90 days.

What can a tenant do who is not involved in illegal activities?

Tenants who have not been involved in any illegal activities can apply to the court for a variance of the order, which allows them to return to the property. The application has to be done within 14 days of being served, although the court may extend this time.

What can an owner do if they receive an order to close the property?

Before the closure date, the owner may ask the court to set aside the order. A property owner may also appeal an order if it involves a question of law and if a judge of the Court of Appeal has given leave to do so. This must be done within 14 days after the order is pronounced or within such further time as a judge allows. The judge's decision on the application for leave to appeal is final and not subject to further appeal.

What happens if the owner does not comply with a Community Safety Order?

An owner who does not comply may face a number of penalties, including a fine of up to \$500 for every day compliance does not occur and possibly fines or imprisonment if found in contempt of court.

An owner who transfers property to another party without letting them know that an order is in effect may be liable to a fine of up to \$20,000 and/or a year in prison.

What happens if the tenants do not comply?

If the tenants involved in unlawful activity ignore the order, they may be liable to a fine of up to \$500 and may also be liable to fines and/or imprisonment if found in contempt of court.

Defacing an Order or entering a closed building.

Anyone who removes or defaces an order or in any way interferes with it faces a fine up to \$2,500 and/or three months in prison. Someone who enters a property closed under an order may be liable to a fine up to \$5,000 and/or six months in prison.

What happens if an owner is falsely accused?

Each complaint is thoroughly investigated. If no evidence is found to support it, the complaint is dropped.

An owner found to be innocent and who has also taken reasonable steps to prevent illegal activities on their premises can get help in removing problem tenants.

Who is responsible for the costs of closure?

The owner of the property is responsible for costs related to the closure of the property.

Does the act apply to gangs?

Yes, if they are habitually involved in one or more of the activities defined above.

Can my house be closed if my teenager has a noisy party while I am away?

Not unless there is evidence that your home is habitually used for one or more of the activities defined above.

For more information, contact

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