



## THE RURAL MUNICIPALITY OF LAC DU BONNET POLICY & PROCEDURES

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| <b>Policy Name:</b><br>Seizure Policy           | <b>Policy Number:</b><br>ADMIN-2026-07     |
| <b>Policy Manual Section:</b><br>Administration | <b>Number of Pages:</b><br>6               |
| <b>Resolution Number:</b><br>2026-0358          | <b>Resolution Date:</b><br>August 11, 2026 |
| <b>Status:</b><br><b><i>Approved</i></b>        |                                            |
| <b>Review Date:</b><br>As Required              | <b>Revision Date:</b><br>As Required       |

### 1) PURPOSE

The purpose of this Policy is to establish a consistent, lawful, and transparent process for the Rural Municipality of Lac du Bonnet to identify ownership and, where authorized in the course of by-law enforcement or the enforcement of an Order to Remedy or Court Order, seize, remove, impound, store, release, sell, or otherwise dispose of personal property. This Policy also sets out notice, record-keeping, cost-recovery, and sale-proceeds requirements intended to support fair and accountable enforcement while protecting the interests of property owners and known third parties.

### 2) LEGISLATIVE FRAMEWORK

The enforcement of by-laws pursuant to *The Municipal Act*, CCSM c. M225, including sections 236(1)(o), 242, and 243, 245(1), and 246(1) specifically the seizure, removal, sale, impoundment, and disposal of personal property in conducting by-law enforcement and/or enforcement of a Court Order and in accordance with General Enforcement By-law No. 06-22, as amended from time to time, shall proceed in accordance with the following provisions in this policy.

### 3) DEFINITIONS

The following definitions shall apply to this Policy:

- a) "Property Owner(s)" means a person with any right, title, estate or interest in land/property or improvements, including a person shown as Property Owner on the most current assessment records of the Municipality.



- b) “Third Party Owner(s)” means an owner of personal property located on the subject lands, the placement of which contravenes a by-law, the terms or conditions of a permit, approval or order made or issued under *The Planning Act*, C.C.S.M. c. P80, the provisions of *The Municipal Act*, and/or a Court Order.
- c) “Court Order”: means an order issues by a judge of the Manitoba Court of King’s Bench pursuant to section 248 of *The Municipal Act*.

#### **4) POLICY**

1. Prior to seizing personal property, the Municipality must attempt to determine the status of ownership of the goods to be seized.
2. Ownership of seized goods may be investigated by way of conducting Personal Property Security Registry searches as well as by speaking with the Property Owner or occupier of the subject property or Third Party Owner and requesting that the owner provide the required information.

#### **5) NOTICE REQUIREMENT**

3. Except for when the Municipality obtains a Court Order the Municipality must serve a Notice of Contravention and Order to Remedy prior to seizing goods on the Property Owner as well as any Third Party Owners, if the identity and contact details for third parties is known.<sup>1</sup>

#### **6) WARRANT TO ENFORCE**

4. If the goods that are unlawfully located on the subject property have not been removed within the timeframe required under the Notice of Contravention and Order to Remedy, and/or if entry to the subject property is refused, the Municipality may apply to the Provincial Court for a warrant to enter the subject property to carry out the remedy, enforcement or action including the seizure, removal, impoundment, confiscating, sale, and/or disposal of any involved goods to

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<sup>1</sup> *John Deere Financial Inc. v. The Rural Municipality of Macdonald and Samborski Environmental Ltd.*, 2020 MBCA 90.



bring the subject property into compliance in accordance with the requirements of the Order to Remedy.<sup>2</sup>

5. If a warrant is issued and within the timeframe permitted in said warrant the Municipality shall enter the subject property and carry out the remedy, enforcement or action including the seizure, removal, impoundment, confiscating, sale, and/or disposal of any involved goods to bring the subject property into compliance as required in the Notice of Contravention and Order to Remedy. Nothing in this Policy shall prevent the Municipality from proceeding with remedying the contraventions pursuant to an Order to Remedy without a warrant as permitted in the Enforcement By-law, *The Municipal Act*, and *The Planning Act*.
6. The Municipality and/or its enforcement officer must only enter the subject property between the hours of 8 a.m. and 8 p.m. unless a warrant or Court Order specifies otherwise and, if a warrant has been obtained, must provide a copy of the warrant to a person who appears to be in control of the subject property before entering the property or as soon as possible after entering or, if no person is at the property, post a copy of the warrant on a conspicuous part of the land, building, yard or place for which the warrant pertains.<sup>3</sup>
7. The Municipality and its designated officers as authorized by a warrant, Court Order, and/or Order to Remedy, the General Enforcement By-law, *The Municipal Act*, and/or *The Planning Act* to enter property and carry out the remedy, enforcement or action may enter the land and break open and enter a building, yard or place where the goods liable to seizure, impoundment, confiscation, sale, and/or disposal may be situated, and may, in accordance with this Policy:
  - a. seize the goods and remove them;<sup>4</sup>
  - b. impound the goods;
  - c. confiscate the goods;
  - d. sell the goods; or
  - e. otherwise dispose of the goods.
8. The Municipality's designated officer shall have sole discretion to determine whether to seize, impound, confiscate, sell, or otherwise dispose of goods in accordance with this Policy.

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<sup>2</sup> *The Municipal Act*, C.C.S.M. c. M225, section 240(1); and *The Planning Act*, C.C.S.M. c. P80, section 177

<sup>3</sup> *The Municipal Act* at section 351.

<sup>4</sup> *The Municipal Act* at sections 245(1), 246(1), 179(1), and 350.



## 7) AFTER SEIZURE PROCEDURE

9. Once the Municipality has seized goods in accordance with this Policy, the Municipality shall within a reasonable amount of time thereafter demand payment for all costs incurred in the enforcement proceedings from the Property Owner.<sup>5</sup>

The Municipality shall provide a copy of the demand to all other interested parties including any known Third Party Owners of goods seized.

10. Once the Municipality has seized goods in accordance with this Policy, it must arrange for the storage of the goods, to continue until:
  - a. the Municipality's costs of the enforcement, including but not limited to costs of storage of the seized goods, third-party contractors engaged by the Municipality and the Municipality's legal fees associated with the respective enforcement, have been paid; and
  - b. the Property Owner and/or Third Party Owner of the seized goods has advised, including any required supporting documentation, of an appropriate relocation for the seized goods where the goods will be placed without further contravention of the Municipality's by-laws, the terms or conditions of a permit, approval or order made or issued under *The Planning Act*, *The Municipal Act*, *The Planning Act*, or any other act or by-law, or Court Order the Municipality can enforce.
11. Upon satisfaction of the requirements of paragraph 10 of this Policy, the Municipality shall release the seized goods back to the Property Owner and/or Third Party Owner
12. The Municipality may release some or all of the seized goods on payment of part of the by-law enforcement costs or, with respect to goods owned by Third Party Owners, without payment of the by-law enforcement costs, without prejudice to its right to use any remedy, including seizure and sale, to recover the balance of the bylaw enforcement costs in arrears subject to the requirements of this Policy including paragraph 10 herein.<sup>6</sup>

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<sup>5</sup> *The Municipal Act* at section 245(3). *The Planning Act* section 179(2).

<sup>6</sup> *The Municipal Act* at section 353.



13. Should the Municipality's enforcement costs remain in arrears for more than thirty (30) days after demand for payment has been made and/or should the Property Owner and/or Third Party Owners of the seized goods fail to advise of an appropriate location for the seized goods in accordance with paragraph 10 of this Policy, the Municipality shall be entitled to sell the seized goods by public auction by posting a notice at least 30 days before an auction of goods seized in
14. the Municipality office setting out (a) the time and place of the proposed auction; and (b) a list of the goods to be sold at the auction.<sup>7</sup>
15. In addition to the Property Owner's obligation to pay for the Municipality's enforcement costs, nothing in this Policy shall prevent the Municipality from pursuing payment from any other party that contravened the by-law(s) including any Third Party Owners of goods that knew or ought to have known of the bylaw contravention and/or failed to comply with an Order to Remedy or Court Order requiring removal of goods. Should the Municipality choose to pursue payment from a Third Party Owner, the requirements of this Policy shall apply in the same manner.

## **8) Disposal of Goods**

16. If seized goods are perishable or hazardous or of negligible value as determined in the sole discretion of the Municipality's designated officer, the Municipality may destroy or dispose of the goods in any way the Municipality shall determine appropriate and in accordance with this Policy.
17. During the execution of a warrant and/or the enforcement of an Order to Remedy or Court Order, the Municipality's designated officer may determine, in their sole discretion, to dispose of the goods on site, including the crushing or shredding of scrap metal or other derelict vehicles / equipment to be recycled and sold for good value.
18. The sale of scrap metal shall be for reasonable value, as determined in the sole discretion of the Municipality's designated officer, and the Municipality shall apply any sale proceeds towards the satisfaction of the Municipality's enforcement costs incurred, with any surplus sale proceeds being paid in accordance with this Policy.
19. In disposing goods pursuant to this Policy, the Municipality and its designated officer(s) shall make reasonable efforts to maintain detailed records of the goods subject to disposal, including a reasonable description of the goods disposed of, date, and value obtained, if any.

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<sup>7</sup> *The Municipal Act* at sections 356(1)-(3).



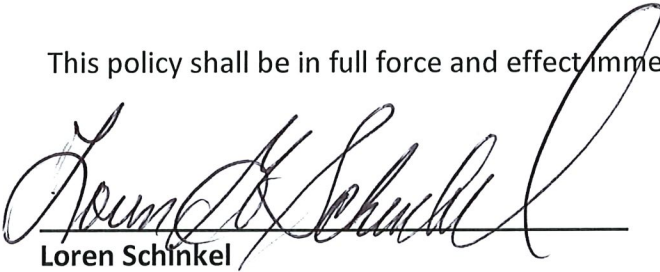
## 9) COSTS OF SEIZURE AND SALE

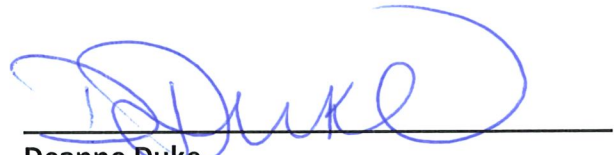
20. The costs incurred by the Municipality in the seizure and sale of goods are amounts owing to the Municipality by the person who contravened the Municipality's bylaws, the terms or conditions of a permit, approval or order made or issued under *The Planning Act*, *The Municipal Act*, or *The Planning Act*, the law or Municipality by-law.<sup>8</sup>

## 10) SALE PROCEEDS

21. The Municipality may recover its enforcement costs from the proceeds of the sale of the seized goods, if any.<sup>9</sup>
22. If the proceeds of a sale of seized goods are greater than the total of the recoverable enforcement costs, the Municipality must pay the surplus (a) to the Property Owner or the Third Party Owner of the goods; or (b) if another person claims the surplus, into court to be paid out as the court orders.

This policy shall be in full force and effect immediately upon adoption by Council resolution.

  
Loren Schinkel  
Reeve

  
Deanne Duke  
Chief Administrative Officer

<sup>8</sup> *The Municipal Act* section 245(3); 246(3); and *The Planning Act* section 179(2)

<sup>9</sup> *The Distress Charges Regulation*, M.R. 316/87 R, section 8

**R.M. of Lac du Bonnet  
Resolution No. 2026 0358  
11 August, 2026**

Moved By: Jeff Easton

Seconded By: Cindy Kellendonk

**BE IT RESOLVED** that the Council of the Rural Municipality of Lac du Bonnet hereby adopt the 2026-07 Seizure policy as presented.

**Carried Unanimously**