

**RURAL MUNICIPALITY OF REYNOLDS**  
**GENERAL ENFORCEMENT**  
**SEIZURE, IMPOUNDMENT, & DISPOSAL POLICY NO. 63**

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 owner or occupier of the subject property.

**Notice Requirement**

3. The Municipality must serve a Notice of Contravention and Order to Remedy prior to seizing goods in accordance with General Enforcement By-law No. 06-2021 on the Property Owner as well as any third parties that own goods that are unlawfully located on the subject property.

**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, 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 bring the subject property into compliance in accordance with the requirements of the Order to Remedy.<sup>1</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 specifies otherwise and must provide a copy of any 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>2</sup>

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<sup>1</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>2</sup> *The Municipal Act* at section 351.

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7. The Municipality and its designated officers as authorized by a warrant 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>3</sup>
  - b. impound the goods;
  - c. confiscate the goods;
  - d. sell the goods; or
  - e. otherwise dispose of the goods.

**After Seizure Procedure**

8. Once the Municipality has seized goods in accordance with this Policy, the Municipality shall within a reasonable amount of time thereafter demand payment from the property owner for all costs incurred in the enforcement proceedings.<sup>4</sup>
9. 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 owner of the 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 Municipal Act*, *The Planning Act*, or any other act or by-law the Municipality can enforce.
10. Upon satisfaction of the requirements of paragraph 9 of this Policy, the Municipality shall release the seized goods back to the owner.
11. The Municipality may release some or all of the seized goods on payment of part 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

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<sup>3</sup> *The Municipal Act* at sections 245(1), 246(1), 179(1), and 350.

<sup>4</sup> *The Municipal Act* at section 245(3). *The Planning Act* section 179(2).

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in arrears subject to the requirements of this Policy including paragraph 9 herein.<sup>5</sup>

12. 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.
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 owner of the seized goods fail to advise of an appropriate location for the seized goods in accordance with paragraph 9 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 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>6</sup>

**Disposal of Goods**

14. During the execution of a warrant and/or the enforcement of an Order to Remedy, 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.
15. 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.
16. 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.

**Costs of Seizure and Sale**

17. 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 Municipal Act*, or *The Planning Act*, or any other Act or By-Law the Municipality can enforce.<sup>7</sup>

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<sup>5</sup> *The Municipal Act* at section 353.

<sup>6</sup> *The Municipal Act* at sections 356(1)-(3).

<sup>7</sup> *The Municipal Act* section 245(3); 246(3); and *The Planning Act* section 179(2)

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**Sale Proceeds**

18. The Municipality may recover its enforcement costs from the proceeds of the sale of the seized goods, if any.<sup>8</sup>
19. 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 person in whose possession the goods were when they were seized; or (b) if another person claims the surplus, into court to be paid out as the court orders.
20. This Policy shall be in full force and effect immediately upon Council resolution.



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Implementation Date: September 11, 2025

Resolution: 25/303

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