THE CITY OF WINNIPEG

BY-LAW NO. 54/2012

A By-law of THE CITY OF WINNIPEG to amend the Winnipeg Building By-law and the Electrical By-law

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

PART 1
AMENDMENTS TO WINNIPEG BUILDING BY-LAW

Winnipeg Building By-law amended

1 The Winnipeg Building By-law No. 4555/87 is amended by this Part.

Definitions amended

2(1) Subsection 3.3 is amended by striking out the definitions *"**Code**"* and *"**Person responsible**"* and adding the following definitions in alphabetical order:

***"aspect"**, with respect to design and construction of buildings, includes the architectural, structural, and mechanical aspects of design and construction.*

***"City"**, unless the context requires otherwise, means the City of Winnipeg.*

***"Code"** means the applicable provisions of the Manitoba Building Code, the Manitoba Fire Code and the Manitoba Plumbing Code.*

***"Codes"** means the Manitoba Building Code, the Manitoba Fire Code and the Manitoba Plumbing Code.*

***"Construction"**, unless the context requires otherwise, includes the erection, placement, alteration, repair, renovation, extention, demolition, relocation, or removal of any building.*

***"Design professional"** means a professional engineer or architect who is qualified to sign and seal plans, drawings and other documents submitted as part of an application for a permit under subsection 5.1.*

***"Electrical Code"** means the edition of the Canadian Electrical Code adopted by the Winnipeg Electrical By-law.*

***"Manitoba Building Code"** means the current edition of the building code adopted by regulation pursuant to* The Buildings and Mobile Homes Act.

***"Manitoba Fire Code"** means the current edition of the fire code adopted by regulation pursuant to* The Fires Prevention and Emergency Response Act.

***"Manitoba Plumbing Code"** means the current edition of the plumbing code adopted by regulation pursuant to* The Buildings and Mobile Homes Act.

***"Owner**" means a person or agent of a person who owns, manages or is in possession of land or a building, or who is in receipt of the whole or part of any rents or profits therefrom, whether the rents and profits are received on the person's own account, or as agent or trustee for another person.*

"Person responsible" replaced with "owner"

3 "*Person responsible*" is replaced with "*owner*" wherever it appears.

Section 4 amended

4 Subsection 4.2 and 4.3 are replaced with the following:

4.2 Where a permit is required by this By-law, no person shall engage in any construction or other activity that requires a permit, or authorize or allow construction or another activity that requires a permit to begin or to proceed, unless a valid permit exists for the construction or the other activity.

4.3 No person shall

(a) engage in any construction or other activity in a manner that deviates from the accepted plans and specifications forming a part of the permit for that construction or other activity, or

(b) omit or fail to complete, prior to occupancy, construction required by the accepted plans and specifications forming a part of the permit,

without first having obtained the acceptance of the designated employee to do so, except for minor changes which conform to the applicable Codes.

Section 5 amended

5(1) Subsection 5.1, 5.2 and 5.3 are replaced with the following:

5.1 Where the Manitoba Building Code, or the designated employee under subsection 9.13 of this By-law, requires that plans, drawings and related documents submitted as part of an application for a permit must be signed and sealed by an architect or a professional engineer or both, it is the responsibility of the owner to

(a) ensure that the plans, drawings and related documents, including certificates required to be submitted as part of an application required by subsection 6.3, are signed and sealed by one or more architects or professional engineers who are

(i) entitled to practice as architects or professional engineers, as the case may be, in the Province of Manitoba,

(ii) skilled in the application of the Codes to the aspect of the design and construction of the building represented in the plans, drawings and related documents signed and sealed by the architect or professional engineer, and

(b) subject to subsection 5.3,

(i) ensure that each aspect of the construction of the building is reviewed periodically during the course of construction by the same design professional who signed and sealed the plans, drawings and other documents submitted as part of the application for the permit with respect to that aspect of the building, and

(ii) submit, as part of an application for a building occupancy permit, a certificate concerning the compliance of the construction with the Codes which is in a form acceptable to the designated employee and has been signed and sealed by the design professional who reviewed the construction.

5.3 Subject to the Manitoba Building Code, where the review of an aspect of the construction of a building is not carried out by the same design professional or professionals who signed and sealed the plans, drawings and other documents submitted as part of the application for the permit with respect to that aspect, the owner must notify the designated employee of this fact in writing as soon as possible and must provide the designated employee in writing the name and address of the design professional who will be conducting the review of that aspect of construction as soon as that person is known. If, during the construction of a building, a new design professional is appointed to review the construction of the building, the owner must immediately notify the designated employee of this fact in writing.

5(2) Sentence 5.5.1 is amended by replacing "*Every*" with "*In addition to complying with subsection 5.3, every*" at the beginning of the sentence and striking out subitem (ii).

5(3) Sentence 5.5.4 is amended by replacing "*that*" with "*of*" after "*immediately*".

5(4) Subsection 5.6 is replaced with the following:

5.6 No owner shall deviate from the requirements or the conditions of the permit, including the accepted plans, drawings and other documents, without first obtaining from the designated employee permission to do so, except for minor changes which conform to the Code. Where, in the reasonable opinion of the designated employee, deviations from the conditions of the permit are substantial and require an additional review of the plans, drawings or other documents, he or she shall treat the proposed deviations as a new application and the process associated with a new application, including the payment of fees, must then be followed.

5(5) Subsection 5.8 is amended by

(a) renumbering it as Sentence 5.8.1; and

(b) replacing "*code*" with "*applicable Codes*".

5(6) The following is added as Sentence 5.8.2:

5.8.2 Without restricting the generality of Sentence 5.8.1, the owner of a building must ensure that every part of the building is in compliance with the Codes that were in effect at the time that that part of the building was constructed, altered or renovated. This requirement applies whether or not the owner owned the building at the time that the building or part of the building was constructed, altered or renovated.

5(7) Subsection 5.21 is replaced with the following:

5.21 When required by the designated employee, every owner shall submit, on completion of the construction, a revised set of drawings, depicting the building as constructed.

5(8) The following is added after subsection 5.21:

5.22 When completed construction is in non-compliance with this By-law or another By-law one of the applicable Codes, the owner must, at his or her expense, bring the building into compliance within a reasonable period of time.

Section 6 replaced

6 The entirety of section is replaced with the following:

SECTION 6

DUTIES AND RESPONSIBILITIES OF THE DESIGN PROFESSIONAL

6.1 This section applies whenever the Manitoba Building Code or the designated employee, acting pursuant to subsection 9.13 of this By-law, requires that plans, drawings and related documents submitted with an application to construct a building must be signed and sealed by a design professional.

6.2 An architect or an professional engineer must not sign and seal any plans, drawings or other documents that are to be submitted as part of an application for a permit, and must not sign and seal a certificate required by the designated employee under subsection 9.15.1 of this By-law concerning the compliance of construction with Codes and by-laws, unless he or she

(a) is a member in good standing of the Manitoba Association of Architects or the Association of Professional Engineers and Geoscientists of Manitoba, as the case may be; and

(b) is skilled in the application of the applicable Code or Codes to those aspects of the construction that are represented in the plans, drawing or other documents or that are referred to in the certificate being submitted.

6.3 Notwithstanding sentence 9.14.2, but subject to subsection 6.4, the design professional who signs and seals plans and drawings that the owner submits as part of an application for a permit must sign and seal a certificate which contains the following statement with respect to the application:

I hereby certify that I have complied with all applicable legislation and professional codes in affixing my seal to the plans, drawings and related documents which are being submitted as part of an application for a permit under the Winnipeg Building By-law.

By affixing my seal, I am representing that:

- ***I am fully aware of the provisions of the Manitoba Building Code, the Manitoba Plumbing Code and the Manitoba Fire Code that are applicable to these plans and drawings;***

- ***I have applied a professional standard of care to ensure compliance of these plans and drawings with the applicable provisions of these Codes.***

6.4 The obligation set out in subsection 6.3 does not apply to an application for a permit submitted before April 30, 2012.

6.5 A design professional who withdraws from a construction project, must immediately advise the designated employee in writing.

Section 7 amended

7 Subsection 7.5 is amended by replacing "*the accepted plans, specifications and requirements of the Code*" with "*the accepted plans and specifications, and the requirements of the Codes*".

Section 9 amended

8(1) Subsection 9.3 is amended by adding the following at the end of the subsection:

The evidence or proof the designated employee is authorized to require includes certificates or representations from architects, engineers, surveyors or other individuals with expertise in the aspect of design or construction being certified or represented.

8(2) Subsection 9.9 is repealed.

8(3) Subsection 9.13 is replaced with the following:

9.13 Where, in the opinion of the designated employee, the complexity or risks associated with the design of construction or the construction of a building requires special technical knowledge, the designated employee may require that the owner

(a) submit plans, drawings and other documents signed and sealed by an architect or professional engineer, or both, as part of an application for a permit; and

(b) ensure that the construction of the building is reviewed by an architect or professional engineer, or both, and submit as part of an application for an interim or final building occupancy permit required under section 15, a certificate signed and sealed by the architect or engineer, or both, who inspected the construction concerning the compliance of the construction with the Codes or specific aspects of the Codes.

8(4) The following is added after subsection 9.13:

9.14.1 The designated employee is authorized to determine the type and form of plans, drawings and other documents that are required under subsection 5.1 to be submitted as part of an application for a permit with respect to construction or occupancy.

9.14.2 Without restricting the generality of sentence 9.14.1, but subject to Subsection 6.3, the designated employee is authorized to establish the text of a certificate signed and sealed by a design professional that the owner must submit as part of an application for a permit for construction or occupancy.

9.15.1 For the purposes of complying with the City's obligation to inspect and approve plans relating to construction prior to a permit being issued, and for the purposes of complying with the City's obligation to enforce the building construction codes or building construction standards adopted pursuant to The Buildings and Mobile Homes Act*, the designated employee may rely on a certificate of or representation by a professional engineer or an architect, or both, as to the compliance of plans and drawings or other documents, or of construction, with the Codes and with applicable by-laws.*

9.15.2 In relying on a certificate or representation of a professional engineer or architect pursuant to sentence 9.15.1, the designated employee may establish circumstances in which no examination or review whatsoever of certain aspects or parts, or of the entirety, of the plans or drawings or other documents signed and sealed by a design professional, or of construction reviewed by a design professional, will be conducted by the City of Winnipeg before a permit or an interim or final building occupancy permit is issued.

9.15.3 As part of the authority granted by sentence 9.15.1, the designated employee is authorized to determine:

(a) subject to subsection 6.3, the form and content of the certificate or representation to be provided, including a signed and sealed statement using specific text approved by the designated employee;

(b) the amount of professional liability insurance, if any, that must be carried by an architect or professional engineer who provides certifications or representations;

(c) the criteria, if any, for determining when the City of Winnipeg will not rely solely or at all on the required certificates or representations submitted by specific individual design professionals; and

(d) the form of an audit program or other programs, if any, to encourage compliance of submitted plans and specifications with the applicable codes and by-laws.

9.16.1 Subject to sentence 9.16.2, the designated employee may institute a program in which permits authorizing the construction or occupancy of buildings to which subsection 5.1 does not apply are issued by the City with minimal examination or review by the City of plans, drawings or specifications for compliance with this By-law and with minimal or no inspection of construction.

9.16.2 The program referred to in sentence 9.16.1 must include an audit function which subjects the minimally unexamined plans or specifications as well as the construction of the building to random, systematic or targeted review.

9.16.3 As part of the authority granted by this section, the designated employee is authorized to establish the circumstances in which the program authorized in sentence 9.16.1 will apply, and to determine the form of the audit function established as part of the program.

9.17 Notwithstanding subsections 9.15 or 9.16, where a designated employee

determines, through an audit or otherwise, that plans or specifications submitted under subsections 9.15 or 9.16, or actual construction based upon permits issued under those provisions, fail to comply with this By-law or the Codes, the designated employee may order the designer or the owner, or both, to rectify the point of non-compliance within a reasonable time. A designer or owner who fails to comply with an order issued under this provision commits an offence.

Section 10 amended

9 Section 10 is amended by replacing "*An appeal*" at the beginning of subsection 10.1 with "*Subject to payment of any appeal fee established by Council, an appeal"*.

Section 14 amended

10(1) Items 14.1.2(1) and (3) are replaced with the following:

14.1.2(1) In order to obtain any permit or certificate authorized by this By-law, the owner, a person authorized to apply on behalf of the owner, or a licensed mechanical or plumbing contractor must file an application in writing on a form prescribed by the designated employee.

(3) If the applicant, or a design professional named by an applicant,

(a) fails within a reasonable period of time to provide information required to process the application or fails to respond to communication from the City, or

(b) otherwise appears to have abandoned the application,

the designated employee may reject the application. The designated employee may give the applicant notice of a decision to reject an application by sending the notice to the applicant at the address provided by the applicant in the application.

10(2) Sentence 14.1.3 is replaced with the following:

14.1.3(1) A permit automatically expires and is thereafter null and void if the owner does not ensure that construction or other work authorized by the permit

(a) subject to item 14.1.3(2), is initiated within 6 months after the permit is issued;

(b) subject to item 14.1.3(2), is completed within

(i) three years after the date the permit is issued; or

(ii) a greater length of time as determined to be reasonable by the designated employee in the case of extraordinarily large construction projects; and

(c) complies with the conditions imposed on the permit, including the conditions set out in sentence 14.1.5

14.1.3(2) Upon application by the owner, a designated employee may grant an extension to the date by which construction or other work must be initiated or completed.

The extension may extend the time period for initiation or completion by no more than the time period set out in Items 14.1.3(1)(a) and (b) for the initiation or completion of the construction or other work authorized by the permit. In order to qualify for the extension, the owner must

(a) submit, and undertake to implement, a work plan which sets reasonable and measurable targets for stages of construction or other work to be completed; and

(b) provide a deposit in an amount equal to the cost of the permit, which must be refunded, without interest, if the construction or other work is initiated or completed within the extended time period.

14.1.3(3) A designated employee may revoke a permit by giving notice to the owner at the address provided by the owner in the permit application if

(a) the construction or other work authorized by the permit is not proceeding reasonably to completion after being initiated; or

(b) the owner does not meet the targets set out in the work plan referred to in Item 14.1.3(2)(a) for stages of construction or other work to be completed.

14.1.3(4) Where a designated employee has revoked a permit under Item (3) and the same owner applies for a new permit in respect of substantially the same construction project, the designated employee may require that the owner provide a deposit in an amount equal to the cost of the permit before issuing the permit. The deposit must be refunded, without interest, if the owner complies with Item 14.1.3(1) in respect of the construction or other work for which the permit is issued.

10(3) Sentence 14.1.6 is amended by striking out the second sentence within it.

10(4) Item 14.2.1(1) is amended by replacing "*Sentence (2)*" with *"items (2) and (2.1)*".

10(5) Item 14.2.1(2) is replaced with the following:

(2) A building permit is not required for the following construction work:

(a) patching, painting or decorating;

(b) replacement of stucco or siding with the same material as that being replaced;

(c) replacement of roofing material with the same material as that being replaced;

(d) replacement of floor coverings;

(e) construction of fences;

(f) installation of cabinets and shelves;

(g) construction or installation of a detached accessory storage building not greater than 10 m² in building area;

(h) installation of mobile homes situated in mobile home parks, excluding the construction of accessory buildings;

(i) erection of temporary tents less than 901 square feet in building area.

10(6) The following is added after item 14.2.1(2):

(2.1) A building permit is not required for the following construction work on single family houses, duplexes and triplexes or on properties on which those buildings are located:

(a) replacement of doors when the opening is not altered;

(b) replacement of windows with windows of the same size;

(c) non-structural construction work other than plumbing and electrical construction;

(d) construction of unenclosed residential decks 600mm or less in height above finished ground.

10(7) Item 14.2.2(g) is amended by replacing "*architect, professional engineer or other designer,*" with "*design professional who has signed and sealed the plans and drawings and, if different, the design professional who has reviewed the construction,*".

Section 15 amended

11(1) Sentence 15.1.3 is amended by renumbering it as item 15.1.3(1).

11(2) The following is added after item 15.1.3(1):

15.1.3(2) Without restricting the generality of item (1), the conditions imposed on an Interim Building Occupancy Permit may include

(a) requiring that the applicant release and indemnify the City of Winnipeg from any claims made against it for harm or loss resulting from the issuance of the Permit;

(b) requiring that the applicant provide a certificate of insurance in an amount and of a type that the designated employee considers sufficient to adequately protect the City from liability; and

(c) requiring that the owner undertake to obtain a final building occupancy permit within a specified period of time.

15.1.3(3) A person who fails to comply with a condition imposed under this Sentence commits an offence.

Section 18 amended

12(1) Item 18.2.1 is amended by

(a) striking out "*practicing*" in items 2(a) and (b);

(b) striking out item (2)(f); and

(c) replacing item (2)(g) with "*two members at large with expertise in the application of the Codes or the Electrical Code.*"

12(2) Sentence 18.4.1 is amended

(a) by striking out "*and*" at the end of Item (b);

(b) by adding "*and*" at the end of Item (c); and

(c) by adding the following after Item (c):

(d) upon application by anyone directly affected by a pending order or decision of a designated employee with respect to the application of the Codes and the Electrical Code to construction, including decisions about whether a proposed design, construction technique or construction material constitutes an appropriate alternative solution to the prescriptive requirements of the Codes and decisions about deviations to the Electrical Code, to provide advice and recommendations to a designated employee prior to the order or decision being made.

12(3) The following is added after Sentence 18.5.4:

18.5.5(1) A member of the Building Commission must declare that he or she is in a conflict of interest and must not take part in the deliberations of the Commission with respect to a matter brought to the Commission under Sentence 18.4.1 if he or she

(a) has a personal, financial or professional interest in the matter;

(b) is employed by or holds a position in a professional firm or company whose interests are directly involved in the matter.

(2) Notwithstanding item (1), a member of the Building Commission is not in a conflict of interest solely by reason of the fact that he or she has a personal, financial or professional interest in, or is employed by or holds a position in a professional firm or company whose interests are directly involved in, one or more other buildings or construction projects in which matters similar to the matter being brought to the Commission have arisen or may arise. However, a member of the Building Commission in this position must declare that this is the case before taking part in the deliberations of the Commission with respect to the matter.

PART 2
AMENDMENTS TO WINNIPEG ELECTRICAL BY-LAW

Winnipeg Electrical By-law amended

13 Schedule "A" to the Winnipeg Electrical By-law No. 74/2009 is amended by this Part.

Rule 2-000 replaced

14 Rule 2-000 is replaced with the following:

2-000 Duty of owner regarding design and inspection

(1) The owner must ensure that a Professional Engineer entitled to practice in the Province of Manitoba and skilled in the application of this Code to the design and construction of the structure represented in the plans, drawings and related documents has signed and sealed plans, drawings, specifications and a certificate submitted as part of an application for a building permit or an electrical permit, and has reviewed the electrical installation and provided certification required by the designated employee that the installation has been installed in accordance with this Code and the applicable by-laws, on the following types of electrical installations:

(a) High Voltage;

(b) Buildings referred to in Sentence 1.3.3.2.(1) of the Manitoba Building Code;

(c) Buildings where the electrical service requirements exceed 750 KVA;

(d) Power factor correction of electrical installations, other than individual motor applications; and

(e) Any other type of installation where the designated employee requires it under Subrule 2-002(1).

(2) The owner must immediately advise the designated employee if the Professional Engineer who has signed and sealed drawings, specifications and the certificate submitted as part of an application for a Building Permit or an Electrical Permit will not review and certify the construction or installation of the electrical installations referred to in the drawings, specifications and certificate.

(3) The owner must ensure that the construction or installation of the electrical installations does not deviate from the requirements of the conditions of the permit, including the plans, drawings and other documents accepted as part of a building permit, without first obtaining from the designated employee permission to do so, except for minor changes which conform to this Code. Where, in the reasonable opinion of the designated employee, deviations from the conditions of the permit are substantial and require an additional review of the plans, drawings or other documents, he or she shall treat the proposed deviations as a new application and the process associated with a new application, including the payment of fees, must then be followed.

(4) When completed construction or installation of electrical installations is not in compliance with this Code or an applicable by-law, the owner must, at his or her expense, rectify the non-compliance within a reasonable period of time.

Rule 2-002 replaced

15 Rule 2-002 is replaced with the following:

2-002 Engineer's Responsibility

(1) Where, in the reasonable opinion of a designated employee, the character of the proposed construction requires technical knowledge for the preparation of drawings and specifications, as provided in Subrule 2-000(1), the drawings and specifications shall be prepared, signed and sealed by a Professional Engineer and the construction reviewed by a Professional Engineer or a suitably qualified person reporting to the Professional Engineer.

(2) Where Subrule 2-000(1) applies, a designated employee shall not issue a Building Permit or, where a Building Permit is not required, an Electrical Permit, until the responsible Professional Engineer has submitted plans, drawings and specifications for the construction or installation of the electrical installations and a certificate required by the designated employee under Subrule 2-032(5) concerning the compliance of the plans and drawings with this Code and applicable by-laws containing the following statement:

I hereby certify that I have complied with all applicable legislation and professional codes in affixing my seal to the plans, drawings and related documents which are being submitted as part of this application for a permit under the Winnipeg Building By-law or the Winnipeg Electrical By-law.

By affixing my seal, I am representing that:

- **I am fully aware of the provisions of the Manitoba Building Code and the Winnipeg Electrical By-law that are applicable to these plans and drawings;**
- **I have applied a professional standard of care to ensure compliance of these plans and drawings with the applicable provisions of the Manitoba Building Code and the Winnipeg Electrical By-law.**

(3) The obligation set out in Subrule (2) does not apply to an application for a permit submitted before April 30, 2012.

(4) Before an interim or final Building Occupancy Permit is issued or, where a Building Occupancy Permit is not required, upon completion of the construction, the responsible Professional Engineer shall submit a certificate required by the designated employee under 2-032(5) concerning the compliance of the construction or installation of the electrical installations with this Code.

(5) The plans, specifications and certificates referred to in this Rule are not valid unless they have been signed and sealed by a Professional Engineer.

(6) No person may sign and seal all the documents referred to in this Rule unless he or she is a member in good standing of the Association of Professional Engineers and Geoscientists of Manitoba and is skilled in the application of this Code to the construction or installation of the electrical installations referred to in the documents.

Rule 2-004 amended

15(1) Rule 2-004 is amended by

(a) replacing Subrule (4) with the following:

(4) If the applicant for a permit

(a) fails within a reasonable period of time to provide information required to process the application or fails to respond to communication from the City, or

(b) otherwise appears to have abandoned the application,

the designated employee may reject the application. The designated employee may give the applicant notice of a decision to reject an application by sending the notice to the applicant at the address provided by the applicant in the application.

(b) adding the following after Subrule (4):

(5) A permit automatically expires and is thereafter null and void if the construction or other work authorized by the permit

(a) subject to Subrule (6), is not initiated within 6 months after the permit is issued;

(b) subject to Subrule (6), is not completed within

(i) three years after the date the permit is issued; or

(ii) a greater length of time as determined to be reasonable by the designated employee in the case of extraordinarily large construction projects; and

(c) complies with the conditions imposed on the permit or a provision of the Code.

(6) Upon application by the owner, a designated employee may grant an extension to the date by which construction or other work must be initiated or completed. The extension may extend the time period for initiation or completion by no more than the time period set out in Subrule (5) for the initiation or completion, as the case may be, of the construction or other work authorized by the permit. In order to qualify for the extension, the owner must

(a) submit, and undertake to implement, a work plan which sets reasonable and measurable targets for stages of construction or other work to be completed; and

(b) provide a deposit in an amount equal to the cost of the permit which must be refunded, without interest, if the construction or

other work is initiated or completed within the extended time period.

(7) A designated employee may revoke a permit by giving notice to the owner at the address provided by the owner in the permit application if

(a) the construction or other work authorized by the permit is not proceeding reasonably to completion after being initiated; or

(b) the owner does not meet the targets set out in the work plan referred to in Item (6)(a) for stages of construction or other work to be completed.

(8) Where a designated employee has revoked a permit under Subrule (7) and the same owner applies for a new permit in respect of substantially the same construction project, the designated employee may require that the owner provide a deposit in an amount equal to the cost of the permit before issuing the permit. The deposit must be refunded, without interest, if the owner complies with Subrule (5) in respect of the construction or other work for which the permit is issued.

(c) renumbering Subrules (5), (6) and (7) as Subrules (9), (10) and (11).

Rule 2-008 amended

16(1) Subrule 2008(1) is amended by replacing "*paragraphs*" with "*Items*".

16(2) Item 2008(4)(b) is amended by replacing "*facilities*" with "*installations*".

Rule 2-032 amended

17(1) The following Subrules are added after Subrule 2-032(3):

(4) The designated employee is authorized to determine the type and form of plans, drawings and other documents that are required under Rule 2-000 to be submitted as part of an application for an electrical permit.

(5) Without restricting the generality of Subrule (4), but subject to Subrule 2-002(2), the designated employee is authorized to establish the text of a certificate signed and sealed by a Professional Engineer that the owner must submit as part of an application for a building permit, an electrical permit, an interim building occupancy permit or a building occupancy permit.

(6) For the purposes of complying with the City's obligation to inspect and approve plans relating to construction prior to a building permit being issued, the designated employee may rely on a certificate or representation of a Professional Engineer as to the compliance of plans and drawings or other documents, or of construction, with this By-law and the Winnipeg Building By-law.

(7) In relying on a certificate or representation of a Professional Engineer pursuant to Subrule (6), the designated employee may establish circumstances in which no examination or review whatsoever of certain aspects or parts, or of the entirety, of the plans or drawings or other documents signed and sealed by a Professional Engineer, or of construction reviewed by a Professional Engineer,

will be conducted by the City of Winnipeg before a building permit, an electrical permit or an interim or final building occupancy permit is issued.

(8) As part of the authority granted by Subrule (6), the designated employee is authorized to determine:

(a) subject to this Rule, the form and content of the certification or representation to be provided, including a signed statement using specific text approved by the designated employee, or sealed plans and drawings;

(b) the amount of professional liability insurance, if any, that must be carried by a Professional Engineer who provides certifications or representations;

(c) the criteria, if any, for determining when the City of Winnipeg will not rely solely or at all on the required certificates or representations submitted by specific individual Professional Engineers; and

(d) the form of an audit or other programs, if any, to encourage compliance of submitted plans and specifications with this Code and applicable by-laws.

(9) Subject to Subrule (10), the designated employee may institute a program in which building permits and occupancy permits authorizing the construction or installation of electrical installations or of interim or final occupancy of buildings to which Rule 2-000 does not apply are issued by the City with minimal examination or review by the City of plans, drawings or specifications for compliance with this By-law and with minimal or no inspection of construction or installation of electrical facilities.

(10) The program referred to in Subrule (9) must include an audit function which subjects the unexamined plans or specifications as well as the construction of the building to random, systematic or targeted review.

(11) As part of the authority granted by this Rule, the designated employee is authorized to establish the circumstances in which the program authorized in Subrule (9) will apply and to determine the form of the audit function established as part of the program.

(12) Notwithstanding that permits have been issued under this rule on the basis of plans, specification or certifications signed and sealed by a Professional Engineer, where a designated employee determines, through an audit or otherwise, that plans, specifications or certifications, or actual construction based upon those plans and specifications fail to comply with this By-law or the Building By-law, the designated employee may order the Professional Engineer or the owner, or both, to rectify the point of non-compliance within a reasonable time. A Professional Engineer or owner who fails to comply with an order issued under this provision commits an offence.

17(2) Subrules (4) and (5) are renumbered as Subrules (13) and (14).

Rule 2-034 amended
18 Rule 2-034 is amended

(a) by adding the following after Subrule (2):

(2.1) The owner of a building must ensure that the electrical installations in the building are in compliance with the Electrical Code that was in effect at the time that that the electrical installations were constructed or installed. This requirement applies whether or not the owner owned the building at the time that the electrical installations were constructed or installed.

(b) by replacing "*electrical facilities*" wherever it appears with "*electrical installations*".

Rule 6-206 amended
19 Rule 6-206 is amended by replacing "*paragraphs"* with "*Items"* and replacing "*paragraph*" with "*Item*".

Rule 46-108 amended
20 Rule 46-108 is amended by replacing "*Subrule 46-108(2)*" with "*Subrule 46-108(3)*".

Rule 60-500 amended
21 Subrule 60-500(1) is renumbered as Subrule 60-500(2).

DONE AND PASSED, this day of , 2012.

_____
Mayor

_____
City Clerk

Approved as to content:

_____
Director of Planning, Property and Development

Approved as to form:

_____
For A/Director of Legal Services/City Solicitor