THE CITY OF WINNIPEG

BY-LAW NO. 108/2017

A By-law of THE CITY OF WINNIPEG to amend the Winnipeg Building By-law No. 4555/87.

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

Winnipeg Building By-law amended

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

Terms replaced throughout By-law

2(1) The phrase "the *authority having jurisdiction*" is replaced with "*the designated employee*' wherever it appears, except in the heading to Section 8, where it is replaced with "THE CITY".

2(2) The term "*Manager of Development and Inspections"* is replaced with "*Director*" wherever it appears.

2(3) The terms "*Standing Policy Committee on Property and Development*" and "*Standing Policy Committee on Property and Development, Heritage and Downtown Development*" are replaced with "*the Designated Committee*" wherever they appear.

Section 3.3 amended

3 Section 3.3 is amended:

(a) by deleting the definition "Authority having jurisdiction";

(b) in the definition "Designated Employee", by replacing "*Manager of Development and Inspections for the City of Winnipeg*" with "*Director*"; and

(c) by adding the following definitions in alphabetical order:

"Designated Committee" *means the Standing Policy Committee on Property and Development, Heritage and Downtown Development.*

"Director" *means the Director of the Planning, Property and Development department of the City of Winnipeg or, if another Department is responsible for the administration and enforcement of this By-law, the head of that Department, and includes an employee acting as the Director on a temporary basis or any specific employee who has been delegated all or some of the powers of the Director under this By-law.*

Section 5.4 replaced

4 Section 5.4 is replaced with the following:

5.4.1 An owner of property must, prior to commencing work on the property for which a permit, acceptance or approval is required pursuant to this By-law, obtain all necessary permits, acceptances and approvals.

5.4.2 If an owner has failed to obtain a required permit, acceptance or approval prior to commencing work in compliance with sentence 5.4.1, the owner at the time the work was commenced or carried out – and every subsequent owner – is nonetheless required to obtain all permits, acceptances and approvals and to pay all applicable fees despite the fact that the work has already commenced or has been completed. For greater clarity, if work for which a permit, acceptance or approval is required has been commenced or carried out without the required permit, acceptance or approval, the current owner is responsible for obtaining the required permit, acceptance or approval and must pay any fees or penalties associated with the permit, acceptance or approval, including fees for its issuance after the work has been commenced or carried out.

Section 5.5.3 replaced

5 Section 5.5.3 is replaced with the following:

5.5.3 The owner of property in respect of which a permit has been issued must ensure that a designated employee is notified:

(i) prior to the expiry of the permit as provided in clause 14.1.3(1)(a), unless an extension is granted, that work authorized by the permit has been initiated;

(ii) that work has been completed to the point where an inspection required by this By-law can take place;

(iii) within one month following an inspection during which a defect in the construction of a single family house or duplex was identified, that the defect has been corrected and is ready for re-inspection;

(iv) within seven days following an inspection during which a defect in the construction of any structure other than a single family house or duplex was identified, that the defect has been corrected and is ready for re-inspection;

(v) prior to the expiry of the permit as provided in clause 14.1.3(b) (that is, unless an extension is granted, within three years after the permit has been issued or such longer period as is approved by a designated employee), that work has been completed and is ready for inspection;

(vi) in writing of any change in the ownership or of the address of the owner prior to the issuance of a building occupancy permit; and

(vii) of any other information as required by this By-law or the Code.

Section 5.5.4 replaced

6 Section 5.5.4 is replaced with the following:

5.5.4 The owner of property with respect to which a permit has been issued must ensure that:

(a) work that is required to be inspected is not covered until the required inspection has taken place; and

(b) where an inspection has revealed a defect that must be remedied prior to continued work, that the defect is not covered until the required re-inspection has taken place.

Section 5.5.5 repealed

7 Section 5.5.5 is repealed in its entirety.

Section 5.23 added

8 The following is added after section 5.22:

5.23 If the designated employee has issued a separate permit for the foundation or another aspect or stage of a construction project under subsection 9.5, the owner must ensure that, prior to the expiration of that permit, either

(a) the necessary permits for subsequent stages, or for the completion of the project in its entirety, are obtained; or

(b) the portion of the construction project that has been constructed to that point is demolished and the site on which it is located is returned to the condition it was in prior to construction.

Section 6.3 amended

9 Section 6.3 is amended by adding "*the Manitoba Energy Code,*" after "*the Manitoba Building Code,*".

Section 10 amended

10 Section 10 is amended by:

(a) renumbering section 10 as section 10.1; and

(b) adding the following as section 10.2 immediately after section 10.1:

10.2 Where the subject matter of an appeal has to do with building design and construction and is of a technical nature, the Designated Committee may adjourn the appeal and refer the matter to the Winnipeg Building Commission for recommendation.

Section 11 repealed

11 Section 11 is repealed in its entirety.

Section 14.1.2 amended

12 Section 14.1.2 is amended by replacing subsection (1) with the following:

(1) Subject to subsection 14.8.2(1), an application for a permit or certificate under this By-law must be in writing in a form prescribed by the Director, and must be made by:

(a) the owner;

(b) an individual authorized in writing by the owner to apply on behalf of the owner; or

(c) a licensed mechanical or plumbing contractor who has been contracted to carry out the work for which the permit or certificate is being sought.

(1.1) The designated employee may require that the application for a permit or certificate submitted in accordance with subsection (1) include drawings or plans which, in the opinion of the designated employee, are reasonably required to review and make a decision in respect of the application.

Subsection 14.2.1(1) amended

13 Section 14.2.1(1) is amended:

(a) in clause (h), by deleting "*and*";

(b) in clause (i), by replacing "*building area.*" with "*building area;*" ; and

(c) adding the following after clause (i):

(j) the installation of interior subsurface drainage equipment, including sump pits, sump pumps and associated equipment.

Subsection 14.2.1(2.1) amended

14 Subsection 14.2.1(2.1) is amended by replacing clause (c) with the following:

(c) non-structural work other than:

(i) plumbing construction;

(ii) electrical construction;

(iii) the development of previously undeveloped space within an existing building; or

(iv) the creation of a new bedroom.

Section 14.2.3 amended

15 Section 14.2.3 is amended:

(a) by replacing subsection (1) with the following:

(1) The designated employee is authorized to determine the value of work for which a permit is sought, whether or not it is necessary to do so in order to determine the applicable permit fee. At the request of the designated employee, the permit applicant must provide a reasonable estimate of the value of the work and any other information available to the applicant that is reasonably required by the designated employee to make that determination.

(b) in subsection (2), by replacing "*materials and other devices entering into and necessary to the prosecution of the work in its completed form*" with "*including the work of designing and managing the project and other professional services, and materials and devices which form part of the work in its completed form*".

Section 14.4.3 amended

16 Section 14.4.3 is amended by replacing clause (b) with the following:

(b) the demolition be actively carried out thereafter and be completed:

(i) in the case of any building or structure with a commercial occupancy, within 60 days; and

(ii) in the case of any other building or structure, within 30 days

following the date on which the demolition permit is issued, unless an extension of time is requested by the permit holder and approved by the designated employee prior to the expiration of the 30 day or 60 day time limit, as the case may be; and

Subsection 17.5.1(1) amended

17 Subsection 17.5.1(1) is amended by replacing "*thirty-first day of December on the year of their expiration*" with "*the date indicated on the licence*".

DONE AND PASSED this 15th day of November, 2017.

Mayor

City Clerk

Approved as to content:

Director of Planning, Property
and Development

Legally reviewed and certified as to form:

for Director of Legal Services and City Solicitor