**THE CITY OF WINNIPEG**

**BY-LAW NO. 79/2019**

A By-law of THE CITY OF WINNIPEG to amend the Winnipeg Building By-law in respect of unsafe conditions in existing buildings or structures adjacent to proposed buildings or structures.

**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.

**Section 9.7 amended**

**2** Section 9.7 of the Winnipeg Building By-law No. 4555/87 is amended

(a) by renumbering the section as 9.7.1;

(b) in clause (g) by replacing "*any other by-law; or*" with "*any other by-law;*" ;

(c) in clause (h) by replacing "*proposed building or structure*" with "*proposed building or structure; or*" ; and

(d) adding the following after clause (h):

*(i) where the designated employee determines that the proposed building or structure will create an unsafe condition in respect of an existing building or structure.*

**Sections 9.7.2 to 9.7.5 added**

**3** The following is added after s. 9.7.1:

*9.7.2 The designated employee may require that an owner who has applied for a building permit perform such inspections or tests as the designated employee determines to be necessary to make a determination under clause 9.7.1(i).*

*9.7.3 Where the designated employee determines that the proposed building or structure will create an unsafe condition in respect of an existing building or structure under clause 9.7.1(i), the designated employee must not issue a permit until he or she is satisfied that the owner of a property in respect of which the application for the building permit has been submitted, or his or her designate, has done all things reasonably necessary to ensure that the proposed building or structure will not create an unsafe condition in respect of the existing building or structure.*

*9.7.4 An owner may satisfy the obligation imposed by subsection 9.7.3 by providing to the designated employee a signed and sealed certification by a professional engineer licensed who meets the requirements under subsection 6.2.*

*9.7.5 Despite clause 9.7.1(i) and subsection 9.7.3, the designated employee may issue a permit where he or she determines that*

*(a) the owner of a property in respect of which a building permit application has been submitted, or his or her designate, has made all reasonable attempts but has been unable to*

*(i) determine whether the proposed building or structure will create an unsafe condition in respect of an existing building or structure; or*

*(ii) remediate or reinforce the existing building or structure as necessary to ensure that the proposed building or structure will not create an unsafe condition in respect of the existing building or structure; or*

*(b) the owner of the existing building or structure has refused all reasonable attempts to*

*(i) determine whether the proposed building or structure will create an unsafe condition in respect of the existing building or structure; or*

*(ii) remediate or reinforce the existing building or structure as necessary to ensure that the proposed building or structure will not create an unsafe condition in respect of the existing building or structure.*

**DONE AND PASSED** this day of , 2019.

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