**Agenda – Executive Policy Committee – May 13, 2025**

**Report – Standing Policy Committee on Property and Development – May 8, 2025**

Moved by Councillor

That Rule 10(3) of The Procedure By-law No. 50/2007 be suspended in order that the following item, which was received less than four business days preceding the committee meeting, be considered by Committee.

**Item No. 5 Amendments to MBEA Enabling By-law No. 59/2016**

STANDING COMMITTEE RECOMMENDATION:

On May 8, 2025, the Standing Policy Committee on Property and Development concurred in the recommendation of the Winnipeg Public Service and submitted the following to Council:

1. That the proposed amendments to the MBEA Enabling By-law No. 59/2016 and Winnipeg Electrical By-law No. 72/2022, a draft of which is attached as Appendix A to this report, be approved.

2. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

**Agenda – Executive Policy Committee – May 13, 2025**

**Report – Standing Policy Committee on Property and Development – May 8, 2025**

DECISION MAKING HISTORY:

STANDING COMMITTEE RECOMMENDATION:

On May 8, 2025, the Standing Policy Committee on Property and Development concurred in the recommendation of the Winnipeg Public Service and submitted the matter to the Executive Policy Committee and Council.

Darryl Harrison submitted a communication in support of the matter.

STANDING COMMITTEE RECOMMENDATION:

On April 16, 2025, the Standing Policy Committee on Property and Development laid the matter over for 30 days.

The following persons submitted communications with respect to the matter:

- Ben McGillivary
- Darryl Harrison

# ADMINISTRATIVE REPORT

**Title:** Amendments to MBEA Enabling By-law No. 59/2016

**Critical Path:** Standing Policy Committee on Property and Development – Executive Policy Committee – Council

## AUTHORIZATION

| Author | Department Head | CFO | CAO |
|---|---|---|---|
| R. Klassen (Acting) | H. Borys | T. Graham | S. Armbruster, Interim CAO |

## EXECUTIVE SUMMARY

The Municipal By-law Enforcement Act (MBEA) lets the City of Winnipeg enforce City By-laws by issuing Penalty Notices. This process is allowed through MBEA Enabling By-law No. 59/2016.

Since 2017, the Planning, Property, and Development Department (PPD) has been working to make enforcement more effective. Issuing penalty notices has been an effective way to gain compliance.

Under the MBEA, each rule violation can result in a fine of up to $1,000. If the issue isn't fixed, an additional fine can be added every 24 hours. There may also be a chance to pay fines early and get a reduced fee.

The Public Service recommends adding 37 more contraventions to this By-law. The plan also updates the Winnipeg Electrical By-law to explain the penalties better. Some small mistakes in existing contraventions will also be corrected.

The Enforcement Services Unit in the PPD is in charge of issuing the penalty notices when someone breaks these rules.

## RECOMMENDATIONS

1. That the proposed amendments to the MBEA Enabling By-law No. 59/2016 and Winnipeg Electrical By-law No. 72/2022, a draft of which is attached as Appendix A to this report, be approved.

2. That the Proper Officers of the City be authorized to do all things necessary to implement the foregoing.

## REASON FOR THE REPORT

The Department has been streamlining and enhancing enforcement efforts since 2017 and routinely reviews the enforcement tools available.

The issuance of penalty notices has proven to be an effective method of directing By-law violations into compliance with City of Winnipeg By-laws. The MBEA is structured to allow for enhancing enforcement of City of Winnipeg By-laws through the addition of penalty notices to specific By-law contraventions.

Council approval is required for amendments to City By-laws.

## IMPLICATIONS OF THE RECOMMENDATIONS

These added contraventions to the MBEA By-law regarding the Winnipeg Building, Winnipeg Electrical and Winnipeg Zoning By-law will bring more efficient use of resources to gain compliance to the By-law contraventions. There are no direct financial implications associated with the recommendations of this report as the penalties are not intended to generate revenue.

## HISTORY/DISCUSSION

### Municipal By-law Enforcement Background

*The Municipal By-law Enforcement Act* (MBEA) allows for By-law contraventions to be enforced by issuing penalty notices under that Act if the City of Winnipeg has designated the contravention in a By-law. For this purpose, the MBEA Enabling By-law No. 59/2016 was enacted in 2016 and initially only parking offences were included. Since then, the By-law has been amended to include administrative penalties for contraventions of other City of Winnipeg By-laws.

In 2017, the City's MBEA Enabling By-law was amended to include 52 contraventions from the Winnipeg Building, Winnipeg Electrical and the Winnipeg Zoning By-laws. The contraventions are listed along with the reference to the original By-law, the administrative penalty and the early payment discount. In the case of the contraventions related to the Winnipeg Building, Winnipeg Electrical and Winnipeg Zoning By-laws, the number of sections added to the MBEA Enabling By-law has not been amended since 2017.

The previous penalty notices were reviewed with industry to better understand how these tools could be expanded under the current compliance process. Industry supports the proposed expansion items as they are familiar with the process.

Previous penalty notice accomplishments helped guide some of the expanded options under the zoning, building and electrical By-laws to ensure that their use was successful.

### Planning, Property and Development By-law Enforcement Services

Currently the PPD Enforcement Services Unit has a cadre of six special constables who are Enforcement Services Officers (ESO), focused on the enforcement of building, electrical,

plumbing, zoning and land use matters to ensure compliance with City of Winnipeg By-laws, as well as regulatory components of the Manitoba Building Code, Manitoba Electrical Code, and the Manitoba Fire Code.

Enforcement is achieved through a collaborative effort within all of PPD, but primarily with the Residential and Commercial Inspections Branches.

Complaints come from a variety of sources, including those assigned through the City's 311 system, from inter-departmental referrals or through directed enforcement. When cases come in, they are triaged by intake staff and assigned to the District ESO for investigation.

Depending on the severity of the incident and the incident history of the property and owner, there are several types of enforcement outcomes. Enforcement outcomes can range from By-law violation notices, a written Order to Comply or Stop Work Orders, MBEA penalty notices or Provincial Offences Act charges.

The administrative penalties for By-law infractions are intended to be a deterrent for non-compliance of By-law related matters.

The chart below indicates the number of MBEA penalty notices (PNs) that have been issued by the PPD Enforcement Services Unit from 2019 to present, and the value of those PNs.

| Year | Number of MBEA Penalty Notices Issued | Value of MBEA Penalty Notices Issued |
|---|---|---|
| 2019 | 374 | $ 183,750 |
| 2020 | 301 | $ 162,400 |
| 2021 | 71 | $ 40,900 |
| 2022 | 168 | $ 108,550 |
| 2023 | 493 | $ 317,675 |
| 2024 (Q1) | 174 | $ 102,625 |
| **Totals:** | **1,581** | **$ 915,900** |

## Administrative Penalty Changes
## Proposed Changes

Table 1 below shows the proposed changes to the relevant tables in Schedule A to the MBEA Enabling By-law 59/2016. The proposed changes would add new infractions and related fine amounts associated with the Winnipeg Building, Winnipeg Electrical and the Winnipeg Zoning By-laws to the MBEA Enabling By-law.

**Table 1: PPD Proposed additional By-law contraventions for addition to MBEA Enabling Bylaw 59/2016.**

Provisions shaded are new proposed contraventions.
**Bold text** in non-shaded provisions indicates changes to existing contravention summaries. The full list of all contraventions is included in Appendix B.

**Table 1:**

| Winnipeg Building By-law No. 4555/87 | | | |
|---|---|---|---|
| **Provision** | **Contravention summary** | **Administrative Penalty ($)** | **Early Payment Discount ($)** |
| 5.5.3(ii) | Failing to notify employee that inspection is required | 250.00 | 125.00 |
| 5.5.3(v) | Failing to call for inspection prior to permit expiring. | 250.00 | 125.00 |
| 5.10 | Interfering with a designated employee or person acting under their authority/instructions | 1,000.00 | 500.00 |
| 5.11 | Failing to make or have made, tests or inspections or failing to have tests or inspections filed promptly with the designated employee | 750.00 | 500.00 |
| 5.14 | Failing to provide up-to-date survey of building site as required by designated employee | 500.00 | 250.00 |
| 5.20 | Failing to leave site in a safe manner or maintain the site in a safe condition where work has been suspended or terminated | 1,000.00 | 750.00 |
| 5.22 | Failing to bring non-compliant construction into compliance within a reasonable period of time. | 300.00 | 150.00 |
| 7.1 | Failing to ensure that work is carried out in accordance with By-law, Code, and all provisions described on permit, drawings and specifications | 1,000.00 | 500.00 |
| 7.3(c) | Failing to notify designated employee that work has been completed | 500.00 | 250.00 |
| 14.3.1(2) | Failing to obtain permit prior to erecting a temporary structure | 1,000.00 | 500.00 |
| 14.3.8 | Failing to remove temporary building connected with construction work after construction has been completed | 500.00 | 250.00 |

| | | | |
|---|---|---|---|
| 14.4.3(a) | Failing to start demolition within the required timeframe | 1,000.00 | 500.00 |
| 14.4.3(b) | Failing to complete demolition within the required timeframe | 1,000.00 | 500.00 |
| 25.1(b) | Failing to comply with an order or decision of a designated employee | 1,000.00 | 500.00 |
| 25.1(d) | Failing to comply with standards and requirements set out in the Code | 1,000.00 | 500.00 |

| **Winnipeg Electrical By-law No. 72/2022** | | | |
|---|---|---|---|
| **Provision** | **Contravention summary** | **Administrative Penalty ($)** | **Early Payment Discount ($)** |
| 2-014(2) | Failing to leave work accessible for inspection | 1,000.00 | 500.00 |
| 2-034(8) | Failing to ensure work is stopped immediately when a stop work order has been issued | 1,000.00 | 500.00 |
| 2-034(12) | Owner failing to comply with order issued by designated employee | 1,000.00 | 500.00 |
| 2-036(2) | Failing to ensure all construction is carried out in accordance with the By-law or provisions described on the permit and accepted drawings. | 1,000.00 | 500.00 |
| 2-036(3)(a) | Failing to give notice prior to covering work. | 1000.00 | 500.00 |
| 2-036(3)(b) | Failing to give notice when work is completed | 1000.00 | 500.00 |
| 2-036(7) | Permit holder failing to comply with order issued by a designated employee. | 1,000.00 | 500.00 |
| 30-510(1) | Failing to provide luminaire in attached, built-in or detached garage or carport. | 500.00 | 250.00 |

| Winnipeg Zoning By-law No. 200/2006 | | | |
|---|---|---|---|
| **Provision** | **Contravention summary** | **Administrative Penalty ($)** | **Early Payment Discount ($)** |
| 62 | Failure to use land in conformance with use tables/applicable use-specific regulations referenced in the tables | 1,000.00 | 500.00 |
| 125 | Failing to comply with the general requirements for temporary uses and structures. | 500.00 | 250.00 |
| 132(1) | Failing to continually maintain minimum yard and open space requirements | 1,000.00 | 500.00 |
| 132(5) | Erecting an accessory structure on lot without a principal building | 1,000.00 | 500.00 |
| 134 | Failing to comply with dimensional standards for accessory structures | 1,000.00 | 500.00 |
| 184(4) | Property owner erected more signs than allowed on zoning lot**, lot,** or site | 250.00 | 125.00 |
| 184(7) | Mobile sign is not contained within the zoning lot**, lot, or site** on which it is located and/or fails to comply with standards outlined in section 184(**8**) | 250.00 | 125.00 |
| 159 | Failing to follow permitted projection requirements for front, side and rear yards | 500.00 | 250.00 |
| 184(8)(a) | Placing or locating standard mobile sign within the minimum allowable distance from the exit or entrance of a driveway | 250.00 | 125.00 |
| 184(8)(b) | Placing or locating an inflatable sign within the minimum allowable distance from a public street, private street, lane, sidewalk, pathway or active transportation route. | 250.00 | 125.00 |
| 193 | Failing to maintain landscape or buffering area | 500.00 | 250.00 |
| **194** | Erecting and maintaining fences, hedges, trees, shrubs, arbours, trellises and landscape features contrary to Table 5-17 - Individual | 250.00 | 125.00 |
| 197(1) | Failing to follow screening requirements for outside storage | 500.00 | 250.00 |
| 197(2)(d) | Outside storage taking place in required yard | 500.00 | 250.00 |

| | | | |
|---|---|---|---|
| 198(1) | Failing to maintain outdoor storage screening | 500.00 | 250.00 |
| 201 | Installing on-site lighting that fails to comply with the standards of section 201, including the direction, shielding and spillover of lighting. | 500.00 | 250.00 |
| 202(1) or (2) | Allowing prohibited lighting to be installed or maintained **that is** visible from another property | 500.00 | 250.00 |
| 203 | Failing to locate parking area lighting in accordance with location and height standards | 500.00 | 250.00 |

This report is also recommending amendments to the Winnipeg Electrical By-law in order to clarify that MBEA contraventions are enforceable under that By-law, and is making a handful of changes to existing contravention summaries to ensure their accuracy.

**FINANCIAL IMPACT**

## Financial Impact Statement Date: March 7, 2025

## Project Name:

## Planning, Property and Development By-Law Enforcement

**COMMENTS:**

The administrative penalties for by-law infractions are intended to be a deterrent for non-compliance of by-law related matters. While it is acknowledged that by-law infractions may still occur, the penalties are not in place to generate revenue. As such, there are no direct financial implications associated with the recommendations contained in this report.

Mike McGinn Mar. 7, 2025
Mike McGinn, CPA, CA
Manager of Finance

## CONSULTATION

This Report has been prepared in consultation with:

- Legal Services (as to legal issues)
- Winnipeg Parking Authority

## OURWINNIPEG POLICY ALIGNMENT

This report aligns with Our Winnipeg Policy:

Good Health and Well-being
4.8: Building Safety: Enforce compliance with building codes and property maintenance standards, to ensure housing quality, safe building occupancy, and extended building lifecycles.

## WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

Consideration was given as to whether this report connects to the Winnipeg Climate Action Plan and its Goals and Objectives, and it was determined that it is not applicable to this specific report.

## WINNIPEG POVERTY REDUCTION STRATEGY ALIGNMENT

Consideration was given as to whether this report connects to the Winnipeg Poverty Reduction Strategy (PRS) and its Goals and Objectives, and it was determined that it is not applicable to this specific report.

## SUBMITTED BY

Department: Planning, Property and Development
Division: Development and Inspections
Prepared by: Rob Clements
Date: March 10, 2025
File No: N/A

Attachments:

Appendix A – Draft Amending By-law

Appendix B – List of Existing MBEA Contraventions