

BY-LAW NO. 7258

BEING A BY-LAW of The City of Brandon to provide for the adoption of The Manitoba Building Code (the "Code") as hereinafter defined, and to establish administrative requirements and procedures for the enforcement of the Code, to be known as the "Building By-law";

WHEREAS The City of Brandon is empowered by *The Buildings and Mobile Homes Act* (the "Act") as hereinafter defined to adopt the Code pursuant to by-law;

AND WHEREAS it is deemed expedient and in the public interest to adopt the Code and establish requirements and procedures for enforcement of the Code as well as all applicable building and safety standards;

NOW THEREFORE the Council of The City of Brandon, duly assembled, enacts as follows:

PART I: SCOPE, DEFINITIONS AND APPLICATION

1. The Code, containing building construction codes and building construction standards, is hereby adopted and will be enforced by the City, and administrative requirements and procedures for such enforcement are hereby established.
2. (a) Unless otherwise expressly provided or unless the context otherwise requires, words and expressions in this by-law have the same meaning as the same words and expressions in the Legislative Standards By-law, the Act, or as defined in the Code.
(b) This by-law shall be subject to general provisions and interpreted in accordance with the provisions of the Legislative Standards By-law, as appropriate.
(c) In this by-law:

"ACT" means *The Buildings and Mobile Homes Act*, CCSM 1987, c.B93.

"ANNUAL SCHEDULE OF FEES" means those fees for service, activities, or other things related to this by-law and established annually by City Council through its Fee Schedule By-law.

"APPROVED" means approved by the Authority Having Jurisdiction, unless otherwise specified.

"AUTHORITY HAVING JURISDICTION" means the Building Safety Manager of the Planning, Property & Building Department, being the City's designated agent in accordance with section 130 of *The Municipal Act*.

"BOARDING HOUSE (LODGING HOUSE)" means a dwelling that provides sleeping rooms for not more than eight (8) boarders, where the sleeping rooms form part of the proprietor's residence and do not contain separate cook facilities.

"BUILDING" see "STRUCTURE".

"CODE" means The Manitoba Building Code as adopted by Manitoba Regulation 31/2011 and the Manitoba Energy Code for Buildings as adopted by Manitoba Regulation 213/2013, as amended, pursuant to the provisions of the Act.

"CONSTRUCT" or "CONSTRUCTION" means to do anything in the erection, installation, extension or material alteration or repair of a building which includes the installation of a building unit fabricated or moved from elsewhere.

"CONSTRUCTOR" or "CONTRACTOR" means any person who contracts with an owner or their authorized agent to undertake a project, which includes an owner who contracts with more than one person for the work on a project or undertakes the work on a project or any part thereof.

"DIRECTOR" means the Director of Planning, Property & Building, or their authorized designate.

"ENGINEERED DESIGN DRAWING" means a drawing prepared, signed and sealed by a professional engineer skilled in the appropriate section of work concerned and licensed to practice in the Province of Manitoba.

"MINISTER" means the Minister appointed by the Province with the administration of the Act.

"MUNICIPAL ACT" means *The Municipal Act*, CCSM 1996, c. M225.

"NOTICE" means a written warning or official statement prior to issuance of an Order.

"OCCUPANCY" means the use or intended use of a building or part thereof for the shelter or support of persons, animals or property.

"ORDER" means a written directive issued for non-compliance with provisions of this by-law and requiring specific remedial actions as stipulated therein.

"OWNER" means

- (a) the registered owner of land, property or premises whose estate or interest in the land is defined and who is named in respect of that interest in a subsisting
 - (1) certificate of title under *The Real Property Act*, CCSM 1988, c.R30;
 - (2) grant registered under *The Registry Act*, CCSM 1987, c.R50;
 - (3) instrument registered or filed in the Property Registry (Brandon Land Titles Office);and shall include any person, firm or corporation acting as agent for the registered owner.
- (b) a person who is an owner with another person as joint tenant or tenant in common of a freehold estate;
- (c) a person who is the registered owner of a unit under *The Condominium Act*, CCSM 2011, c.C170; and
- (d) a real owner, as defined in subsection 1(1) of *The Municipal Assessment Act*, CCSM 1989-90, c.M226;

and includes any constructor working on behalf of an owner.

"OWNER OCCUPIED" means a residential housekeeping unit which is occupied by the owner.

"PERMIT" means permission or authorization issued in writing by the Authority Having Jurisdiction to perform work regulated by this by-law, and in particular includes a Building Permit, Plumbing Permit, Demolition Permit, Removal Permit, Relocation Permit, and Occupancy Permit all as referred to in Part III (Permits).

"REGULATION" means any document in relation to this by-law created by the Authority Having Jurisdiction as a regulation in accordance with the authorities established by the Legislative Standards By-law, and those Regulations established by Provincial or Federal statutes as the context so requires.

"RELOCATION" means the moving of a building or structure from one location to another location, either on the same property or to another property.

"RENOVATION" means the reconstruction or alteration of all or part of the interior or exterior, or both, of an existing building.

"RENEW" means to replace old material with new material without altering the function, orientation, or performance of a structure or building system.

"REPAIR" means work done to an existing building for the purpose of maintenance and not amounting to a renovation.

"SECONDARY SUITES" means a self-contained dwelling unit with a prescribed floor area located in a building or portion of a building of only residential occupancy that contains only one other dwelling unit and common spaces, and where both dwelling units constitute a single real estate entity.

"STRUCTURE" or **"BUILDING"** means anything constructed or erected with a fixed location or in the ground or attached to something having a fixed location on the ground and including any interpretation of the terms in the Code.

"TEMPORARY BUILDING" means any building or structure, the existence of which has been granted approval for a fixed period as prescribed by the Authority Having Jurisdiction.

"UNSAFE CONDITION" means any condition that could cause undue hazard to life, limb or health of any person and/or property on or about the premises.

"VALUATION" means the full monetary value

- (a) of the design and construction of a building, and includes but is not limited to all materials, labour costs, professional consultants, equipment, appliances, fixtures and appurtenances;
- (b) for the erection, alteration or enlargement of any sign or encroachment, and includes but is not limited to the cost of any contract for the execution of the work, including materials, labour costs and devices necessary to complete the work;
- (c) for the demolition, removal or relocation of a building, and includes but is not limited to the cost of demolishing or moving the building, any alteration or repairs to the building, and cleaning and leaving the former site in the condition specified in subsection 60(c); and

- (d) based on the reproduction cost without depreciation and without regard to any loss occasioned from fire, used material or other causes.
3. This by-law adopts building construction codes and building construction standards for new construction and applies to all forms of construction, including, but not limited to the construction, erection, placement, alteration, repair, renovation, demolition, relocation, removal, occupancy or change in occupancy of any building, addition to a building, erection or structure, save and except for classes or work permits and inspections which are under the jurisdiction of the Minister pursuant to subsection 5(1) of the Act.
4. Where repairs or alterations to any existing building or structure are made necessary on account of:
- (a) damage by fire, wind, rain, dilapidation or other causes, and where such repairs and alterations exceed 50% of the replacement or market value of the building or structure prior to such damage; or
- (b) renovations, alterations, upgrades or replacement of building materials, and where such repairs or alterations exceed 50% of the replacement or market value of the building or structure at the time of application for a permit;
- such repairs or alterations shall be considered a re-erection thereof and are prohibited unless the entire building or structure is made to conform to the requirements of the Code and this By-law for new construction.
5. The number of storeys of an existing building or structure shall not be increased unless the entire building or structure conforms to the requirements of the Code and this by-law.
6. This by-law does not apply to:
- (a) fences, gates, arbors and similar structures as listed in the Zoning By-law;
- (b) water, wastewater, electrical, telephone, rail or similar system located on a street or a public transit right of way;
- (c) public utility towers and poles, flagpoles, television and radio or other communication aerials and towers, except for loads resulting from those located on or attached to buildings;
- (d) flood control and hydro electric dams and structures;
- (e) replacement of residential mechanical appliances including but not limited to furnaces, hot water tanks and heat recovery ventilators; and
- (f) accessory buildings not greater than 10 square metres in building area provided they do not create a hazard.

PART II: DUTIES, RESPONSIBILITIES AND AUTHORITIES

DIVISION I: DUTIES AND RESPONSIBILITIES

Subdivision I: Owner

7. The owner shall:
- (a) obtain any required permits and comply with all pertinent provisions of Part III (Permits);
- (b) ensure payment of all fees imposed by provisions of this by-law;
- (c) ensure no unsafe condition exists or will exist because of any work being undertaken or not completed;
- (d) engage an architect or professional engineer as determined by the Code;
- (e) ensure all timelines imposed by a permit or the Authority Having Jurisdiction are met;
- (f) ensure every statement made and all information provided in any form, application, record or return prescribed or required under this by-law or the Code is true and factual;
- (g) provide the Authority Having Jurisdiction with access as authorized by section 38.

8. **The owner shall provide:**
- (a) notice in writing to the Authority Having Jurisdiction, prior to commencing the work or installing signage, stating the dates on which work is expected to begin and be completed;
 - (b) notice in writing to the Authority Having Jurisdiction, prior to commencing the work, listing the name, address and telephone number of:
 - (1) the constructor or other person in charge of the work;
 - (2) the architect or professional engineer reviewing the work; and
 - (3) any inspection or testing agency engaged to monitor the work;
 - (c) notice in writing to the Authority Having Jurisdiction of any change in the employment of persons referred to in subsection (b) during the course of the construction, immediately upon such change of employment occurring;
 - (d) notice in writing to the Authority Having Jurisdiction:
 - (1) immediately upon any change in ownership or change in the address of the owner occurring prior to the issuance of a certificate of occupancy; and
 - (2) prior to occupying any portion of the building if it is to be occupied in stages;
 - (e) such other notice to the Authority Having Jurisdiction as may be required by the provisions of the Code or this by-law;
 - (f) when required by the Authority Having Jurisdiction, a letter to certify compliance with the requirements of the Code and of any permits required.
9. All residential dwelling units containing secondary suites or boarding houses shall be owner occupied. The owner shall post a copy of the Certificate of Occupancy and a copy of the floor plan in a plainly visible area inside the secondary suite or boarding house.
10. The granting of a permit, the approval of the drawings and specifications or inspections made by the Authority Having Jurisdiction, shall not in any way relieve the owner of a building or sign from full responsibility for carrying out the work or having the work carried out and for maintaining the building or sign in accordance with the requirements of the Code including ensuring that the occupancy of the building, or any part thereof, is in accordance with the terms of the certificate of occupancy.
11. The owner shall, at those stages of construction that may be indicated on the permit or an attachment thereto, request an inspection by the Authority Having Jurisdiction before proceeding further with construction.
12. The owner shall give notice in writing to the Authority Having Jurisdiction:
- (a) of intent to do work that has been ordered to be inspected during construction;
 - (b) of intent to cover work that has been ordered to be inspected prior to covering; and
 - (c) when work has been completed so that a final inspection can be made.
13. The owner shall submit an up-to-date Surveyor's Staking Certificate or Surveyor's Building Location Certificate prepared by a Manitoba Land Surveyor which shall contain sufficient information regarding the site and the location of any building thereon:
- (a) to establish before construction begins that all requirements of the Code will be complied with; and
 - (b) to verify upon completion of the work that all such requirements have been complied with.

Subdivision II: Architect or Professional Engineer

14. Where any building requires the services of an architect and/or professional engineer, the architect and/or professional engineer shall perform all the services described in this subdivision.
15. (a) Where the character of the proposed work requires technical knowledge for the preparation of drawings and specifications, as provided in the Code, the drawings and specifications shall be prepared, and the construction inspected and certified by, an architect and/or professional engineer skilled in the appropriate section of the work concerned and entitled to practice in the Province of Manitoba.

- (b) Prior to the issuance of a permit, the responsible architect and/or professional engineer shall submit a letter to the Authority Having Jurisdiction stating the extent of their responsibility for the inspection of construction to ensure conformity with the approved drawings, the Code, specifications and the applicable sections of this by-law.
 - (c) The responsible architect and/or professional engineer shall sign, seal, and date all the documents referred to in subsections (a) and (b).
16. (a) Whenever a general review, during construction, by an architect or professional engineer is required by the Code or by the Authority Having Jurisdiction, such review shall be to standards satisfactory to the Authority Having Jurisdiction.
- (b) Upon completion of the work for which review was required, a report shall be submitted to the Authority Having Jurisdiction by the architect or professional engineer, stating what was reviewed and stating the extent to which the construction conforms to this By-law and the Code.
17. Prior to the issuance of a certificate of occupancy, the responsible architect and/or professional engineer shall submit a certificate stating:
- "The construction has been reviewed under my/our supervision in accordance with recognized professional inspection standards, and that to the best of my/our knowledge the structure was constructed in accordance with the approved drawings and specifications and requirements of the current Manitoba Building Code, the Manitoba Fire Code, the Manitoba Energy Code and the City of Brandon Building By-Law."
18. The structural members of a building shall be designated as provided for in Part 4 of the Code by a professional engineer entitled to practice in the Province of Manitoba and competent in the specific field of design undertaken.

Subdivision III: Designer

19. Plans of the property upon which there is to be construction shall be referenced to a current Surveyor's Staking Certificate or Surveyor's Building Location Certificate, prepared by a Manitoba Land Surveyor, and shall be drawn to scale upon paper or such other material acceptable to the Authority Having Jurisdiction. Such plans shall also be clear and durable, and shall indicate the nature and extent of the work or proposed occupancy in sufficient detail to establish, that when completed, the work and the proposed occupancy will conform to the Code and other relevant City by-laws and provincial regulations.
20. The plans and specifications on which the issue of the permit was based shall be available continuously at the site of the work during working hours for inspection by the Authority Having Jurisdiction. Where a placard has been provided by the Authority Having Jurisdiction it must be posted conspicuously on the site during the entire execution of the work.
21. Site plans shall show:
- (a) by dimensions from property lines, the location of all proposed buildings and structures;
 - (b) the similarly dimensioned location of every other adjacent existing building on the property;
 - (c) existing and finished ground levels to an established datum at or adjacent to the site;
 - (d) lowest bottom of footing, and bottom of footing where the building water and sewer services enter the building; and
 - (e) drainage details and cross section details of all proposed retaining walls, swales and other similar drainage features.

Subdivision IV: Constructor and Plumber

22. Every constructor is responsible jointly and severally with the owner for any work actually undertaken in respect of Part III (Permits) and Part IV (General Provisions).
23. Every constructor shall ensure that all construction safety requirements of the Code are complied with, and responsibility for notifying the proper authority of any safety violations and/or concerns rests solely with the constructor or designated agents. The Authority Having Jurisdiction may notify the proper authority if a safety violation has taken place.

24. The plumbing contractor shall ensure the plumbing system is in compliance with all related provisions of this by-law and the Code.

Subdivision V: Authority Having Jurisdiction

25. The Authority Having Jurisdiction shall administer, interpret and enforce the provisions of this by-law and the Code, where applicable. Final authority in fulfilling this responsibility ultimately rests with the Director.
26. The Authority Having Jurisdiction will review every application for a permit to determine whether or not the proposed work will conform to the Code and whether or not it may adversely affect adjacent property.
27. The Authority Having Jurisdiction will affix plumbing inspection approval stickers as required by the Code.
28. The Authority Having Jurisdiction shall keep copies of all applications received, permits and orders issued, inspections and tests made, and of all papers and documents connected with the administration of the Code and this by-law for such time as required by the provisions of *The Municipal Act*.

DIVISION II: AUTHORITIES

Subdivision I: Authority Having Jurisdiction

29. The Authority Having Jurisdiction, as the subject matter professional and in consultation with the Director, is authorized to create, update and discontinue Regulations supplemental to this by-law for the purpose of establishing rules and processes deemed necessary and appropriate. This authorization is not assignable and implementation is at the sole discretion of the Director in accordance with the Legislative Standards By-law.
30. The Authority Having Jurisdiction is authorized to issue all permits and orders necessary for the administration and enforcement of the Code and this by-law, and shall carry out the duties of the Authority Having Jurisdiction set forth herein.
31. The Authority Having Jurisdiction reserves the right to adjust or place a valuation on the cost of the work for the purpose of determining permit fees to be applicable.
32. Notwithstanding the provisions of section 17, the Authority Having Jurisdiction may allow variations from the provisions of this by-law for those portions of an existing building or structure not being altered or added to where the applicant has provided to the Authority Having Jurisdiction:
- (a) certification by a structural engineer, skilled in the appropriate section of the work concerned and entitled to practice in the Province of Manitoba, that such portions of the building or structure are structurally safe; and
 - (b) a code analysis performed by an architect and/or professional engineer, skilled in the appropriate section of the work concerned and entitled to practice in the Province of Manitoba, which shall include reports covering the structural, architectural, and mechanical aspects of the building or structure;
- both of which must provide sufficient information, to the satisfaction of the Authority Having Jurisdiction, for a determination as to the minimum variation which may be allowed.
33. In lieu of separate specifications, the Authority Having Jurisdiction may allow the essential information to be shown on the plans, but in no case shall such general terms as "in accordance with the Code", "legal", or other similar terms be used as substitutes for specific information.
34. The Authority Having Jurisdiction may authorize an extension to the permit expiration date provided for in subsection 68(a) where, as determined by the Authority Having Jurisdiction, the work is proceeding at a satisfactory rate and uncontrollable circumstances are delaying the work.
35. The Authority Having Jurisdiction may refuse, revoke or cancel any permit in accordance with sections 77, 78 and 79.
36. The Authority Having Jurisdiction may require an owner to make or have made tests or inspections as necessary to prove compliance with the Code and this by-law and to provide a full copy of all such test or inspection reports to the Authority Having Jurisdiction within the specified timeline. The expense of such tests or inspections is the responsibility of the owner.

37. The Authority Having Jurisdiction may establish timelines within which results and actions required by this by-law must be taken. All such timelines must be provided to the owner in writing.
38. The Authority Having Jurisdiction shall be permitted to enter any building or property at any reasonable time for the purposes of administering or enforcing the Code or this by-law or for determining whether or not any contravention of the Code or this by-law has occurred therein.
39. The Authority Having Jurisdiction may authorize a permit for a temporary building in accordance with section 75.
40. The Authority Having Jurisdiction may create any forms or other documents as deemed necessary for the efficient application of the provisions of this by-law. This may include, without limitation, such documents as permit applications, permits, permit placards, certificate of occupancy, and stop work order. All documents created and in use shall be readily available to the general public.

PART III: PERMITS

DIVISION I: REQUIREMENT FOR PERMITS

41. No person shall work or authorize or allow work to proceed without a permit on a project for which a permit is required.
42. All applications for permits shall be accompanied by the required fee as set out in the Annual Schedule of Fees.

DIVISION II: APPLICATIONS FOR PERMITS

43. To obtain any permit authorized by this by-law the applicant shall file with the Authority Having Jurisdiction an application in accordance with this by-law.
44. Every applicant, in submitting an application for a permit, shall:
 - (a) identify and describe in detail the work and major occupancy to be covered by the permit for which application is made;
 - (b) describe the land on which the work is to be done, by a description that will readily identify and locate the building lot;
 - (c) include plans and specifications, unless otherwise approved in writing, and show the occupancy of all parts of the building;
 - (d) state the valuation of the proposed work and submit the required fee;
 - (e) state the names, mailing addresses, email addresses, and telephone numbers of the owner, architect, professional engineer or other designer and constructor; and
 - (f) include proof of approval from the Minister if required under the Act, when necessary;

except as otherwise allowed in writing by the Authority Having Jurisdiction

DIVISION III: CLASSES OF PERMITS

Subdivision I: Building Permits

45. (a) A Building Permit must be applied for and received from the Authority Having Jurisdiction prior to any of the following work being proceeded with:
 - (1) the erection or construction of any building or structure, or portion thereof;
 - (2) the addition, extension, improvement, alteration or conversion of any building or structure, or portion thereof;
 - (3) the repair of any building or structure, or portion thereof;
 - (4) the erection, construction or installation of a sign;
 - (5) the excavation of any land for any purpose of erecting or locating on or above it any building or structure;and a placard, if provided, must be posted in a conspicuous location at the building site.

- (b) Notwithstanding subsection (a), no Building Permit is required for the following work:
- (1) improvements limited to painting or decorating, cabinetry, flooring, or roof covering;
 - (2) exterior decks not greater than 25m² in area with the walking surface not more than 600mm above grade, provided the location of the deck complies with all applicable Codes and by-laws; or
 - (3) minor repairs or improvements, excluding life safety and structural building systems, the cost of which does not exceed \$5,000.00.

Subdivision II: Plumbing Permits

46. (a) Any person wishing to construct, extend, alter, renew or repair a plumbing system or make a connection to public water/sewer shall first make application to obtain a Plumbing Permit from the Authority Having Jurisdiction.
- (b) Notwithstanding subsection (a), a Plumbing Permit is not required when a valve, faucet, fixture or service water heater is repaired or replaced, clearing a stoppage, or repair of a leak, if no change to the piping is required.
47. (a) Every application for a Plumbing Permit shall be accompanied by a specification or description of the proposed work.
- (b) When required by the Authority Having Jurisdiction, the application shall also be accompanied by:
- (1) a plan that shows the location and size of every building drain, and of every trap and clean-out fitting that is on a building drain;
 - (2) a sectional drawing that shows the size and location of every soil-or-waste pipe, trap and vent pipe;
 - (3) a plan that shows a layout of the potable water distribution system including pipe sizes and valves; and
 - (4) isometric or orthographic details for all plumbing systems in buildings to be designed by a professional engineer.
48. Where a Plumbing Permit has been issued, no departure shall be made from the specification, description, plan or sectional drawing unless advance written permission is obtained from the Authority Having Jurisdiction.
49. A Plumbing Permit shall not be transferable.
50. When a plumbing system has been completed and approved, the Authority Having Jurisdiction shall affix a plumbing inspection approval sticker to the plumbing system.

Subdivision III: Occupancy Permit

51. No owner shall occupy, or allow to be occupied, a building or part thereof or change the occupancy, without first applying for an Occupancy Permit and obtaining a Certificate of Occupancy as set forth in this subdivision.
52. Every owner shall:
- (a) apply for an Occupancy Permit and obtain a Certificate of Occupancy from the Authority Having Jurisdiction prior to:
- (1) any occupancy of a building or part thereof after a damaging fire, construction, partial demolition or alteration of that building; or
 - (2) any change in the major occupancy of any building or part thereof as described in the Code; or
 - (3) any increase in the occupant load.
- (b) ensure that no unsafe condition exists or will exist because of the work being undertaken or not completed.
53. No change shall be made in the type of occupancy or use of any building or structure, which will place the building or structure in a different group of occupancy, unless approved in writing, and such building or structure is made to comply with the requirements of the Code for that group for the safety, health, accessibility or fire structure protection of the building affected by the change of occupancy or use.
54. Every building or structure that requires an Occupancy Permit shall comply with the construction requirements for the major occupancy group to be housed therein, except that the Authority Having Jurisdiction may approve an Occupancy Permit for a building or structure which varies in a minor respect from the regulations of the Code, where such a variation will substantially accomplish the objectives of the Code to achieve a minimum level of safety.

55. An Occupancy Permit is required for any new building, any existing building or structure where an alteration or addition is made thereto, except garages, storage sheds, single family dwelling additions, swimming pools and minor renovations to residential property.
56. **Occupant Load**
Notwithstanding anything elsewhere contained in the Code, for each assembly room in a building or structure classified as a Group A occupancy (or as Group A is defined in the Code):
- (a) the Authority Having Jurisdiction shall furnish an occupant load placard which can be easily read from a distance of 6 metres stating the maximum allowable occupant load as determined by the Code;
 - (b) the owner of the building or structure shall be responsible for keeping the actual occupant load within the allowable limits; and
 - (c) the owner of the building or structure shall display the occupant load placard in a location acceptable to Brandon Fire & Emergency Services.

Subdivision IV: Demolition, Removal and Relocation Permits

57. **Demolition Permits**
The demolition of any building or structure, or portion thereof, shall not be commenced unless application has been submitted to and a demolition permit has first been obtained from the Authority Having Jurisdiction. Where a related demolition placard has been provided by the Authority Having Jurisdiction it shall be posted in a conspicuous location at the demolition site. Demolition must be completed and the site cleaned up within 60 days of issuance of the demolition permit.
58. **Removal or Relocation Permits**
The removal or relocation of any building or structure, or portion thereof, shall not be commenced unless application has been submitted to and a removal or relocation permit, as appropriate, has first been obtained from the Authority Having Jurisdiction. Where a related removal or relocation placard has been provided by the Authority Having Jurisdiction it shall be posted in a conspicuous location at the site.
59. **Application Conditions**
Before a permit to demolish, remove, or relocate a building or structure is issued, the Authority Having Jurisdiction may require that the application for permit contain one or more of the following:
- (a) a description of the building or structure giving the existing location, construction materials, dimensions, building height and area;
 - (b) a legal description of the existing site;
 - (c) a legal description of the site to which it is proposed that the building or structure is to be moved if located within the City;
 - (d) a plot plan of the site to be occupied by the building or structure if relocated within the City; and
 - (e) a statement that the taxes upon the land and all buildings or structures have been paid in full and that the same have not been sold for taxes or if sold for taxes have been redeemed.
60. The owner of a site from which a building or structure is to be demolished, removed, or relocated shall:
- (a) notify Manitoba Hydro, Manitoba Telephone System, Westman Cable, Manitoba Conservation and Water Stewardship, Workplace Safety and Health, City of Brandon Engineering Department, Treasurer, Licensing Clerk and Water Meter Clerk; as well as any other agency as applicable;
 - (b) ensure the water and sewer service lines are terminated in accordance with the Water and Wastewater Control By-law; and
 - (c) upon completion of the demolition, removal or relocation, return the site to a safe and sanitary condition to the satisfaction of the Authority Having Jurisdiction, including the removal of all foundations where required, all building waste material, and all other rubble, with such materials to be discarded in accordance with the Solid Waste Collection and Disposal By-law.

Subdivision V: Electrical Permits

61. The requirements for the issue of an electrical permit shall be as set forth in The Manitoba Electrical Code and such permits shall be obtained from or in a manner approved by Manitoba Hydro.

DIVISION IV: GENERAL CONDITIONS

Subdivision I: Additional Fees

62. All requests for inspections required in addition to a regular inspection or which are necessary to be conducted outside regular office hours shall be accompanied by the required fee as set out in the Annual Schedule of Fees.
63. Notwithstanding the provisions of Part VII (Penalties), where the applicable permit has not been applied for and obtained prior to the commencement of the actual work, through neglect or for some other reason, the fees shall be double the normal rate for the permit issued.
64. Where a change in plans requires an additional plan review, the applicant is subject to an additional plan review fee as set out in the Annual Schedule of Fees.

Subdivision II: Valuation

65. No portion of any building including mechanical, electrical and plumbing work, shall be excluded from the valuation because of any other permits required by any governing by-law, regulation or agency.
66. The Authority Having Jurisdiction reserves the right to adjust or place a valuation on the cost of the work for the purpose of determining permit fees to be applicable.
67. Every owner, architect, professional engineer, constructor or builder, having contracted for or having performed or supervised any work of construction, alteration or repairs on any land, or the agent of such person, shall give, in writing over their signature when required by the Authority Having Jurisdiction all the information in their power with respect to the cost of the work. The owner, or other authorized person, is required to provide for inspection to the Authority Having Jurisdiction, upon request, any contract pertaining to the work for the purpose of obtaining an accurate valuation of the work to be performed.

Subdivision III: Conditions of Permit

68. Every permit is issued upon the condition:
- (a) that the construction shall be carried out in accordance with all provisions of the Code, this by-law including all related Regulations, and all provisions as described on the approved plans and the permit, including anticipated completion date which shall be the permit expiry date, being one year from date of issuance, unless otherwise determined by the Authority Having Jurisdiction;
 - (b) that all City engineering requirements, such as, but not limited to driveway permits, crossing permits, sewer and water permits, elevation lot grading plans, and any other permits or plans as deemed necessary by the City Engineer, have been approved in writing by the City Engineer;
 - (c) that all City by-laws, provincial, and federal regulations be complied with;
 - (d) that the owner shall promptly submit to the Authority Having Jurisdiction copies of all changes ordered which may alter any condition or requirement of the Code, and a set of the revised plans showing these changes, accompanied with all associated fees as set out in the Annual Schedule of Fees; and
 - (e) that at all times during construction the street number of the premises must be kept visible in figures at least 75 mm high and visible from the street or sidewalk.
69. A Building Permit may be issued prior to receiving an engineered design drawing and calculations. Such permit shall clearly outline the steps that must be taken by the owner to enable work to proceed. In such instance, the owner waives any right to claim against the City or the Brandon and Area Planning District and their employees for any changes required due to review of the professional design drawing and calculations once received.
70. No permit shall be issued until the Authority Having Jurisdiction is satisfied that it has received all necessary information to justify the issuance of such permit.
71. All work being carried out under a permit issued prior to the effective date of amended requirements to the Code shall be completed in accordance with the previous Code requirements and any special conditions described on the permit and approved plans.

72. No person shall deviate from the approved plans and specifications forming a part of the permit, or omit or fail to complete, prior to occupancy, work required by the said approved plans and specifications without first providing adequate documentation to the Authority Having Jurisdiction for approval in writing.

Subdivision IV: Special Considerations

73. **Approval in Part**

- (a) When, in order to expedite work, approval of a portion of the building is desired, prior to the issuance of a permit for the whole building, application shall be made for the whole building and complete plans and specifications covering the portion of the work for which immediate approval is desired shall be filed with the Authority Having Jurisdiction.
- (1) in the case of single occupancy buildings, the partial approval may be made only for the foundation and the building; and
- (2) in the case of multiple occupancy buildings, the partial approval may be made only for the foundation, superstructure and interior development.
- (b) Should a permit be issued for part of a building, the issuance of such a permit shall be granted without assurance that a permit for the entire building will be granted and at the sole risk of the applicant. Work not covered by a permit shall not be commenced.

74. **Revisions to Permits**

After issuance of a permit, application may be made for revision of the permit, and such application shall be made in the same manner as for the original permit. Any such revision, if approved in writing, may be subject to fees as set forth in the Annual Schedule of Fees.

75. **Permit for a Temporary Building**

Temporary buildings may be permitted for a period of up to 36 months, unless otherwise determined by the Authority Having Jurisdiction, and must be in compliance with all relevant provisions of the Code, this by-law, and the Zoning By-Law. Upon expiry of the approved fixed period the temporary building must be demolished or removed.

76. **Permit for Change in Boundaries or Grades**

No person shall allow the property boundaries or approved grades of a building lot to be so changed as to place a building or part thereof in contravention of the Code, unless the building or part thereof is so altered after obtaining the necessary permit so that no contravention will occur as a result of the change of the property boundary or approved grades.

Subdivision V: Refusal, Revocation, or Cancellation of Permit

77. The Authority Having Jurisdiction may refuse to issue any permit:

- (a) when the information submitted indicates that there will be a contravention of the Code, or this By-law if the work were permitted;
- (b) when the information furnished is inadequate to determine compliance with the provisions of the Code;
- (c) when incorrect information has been furnished;
- (d) that will authorize any building, work or occupancy that would not be permitted by the Code, or this By-law;
- (e) that will be prohibited by any other standard, by-law, act or regulation;
- (f) to any person who has failed within a specified period of time to remedy a defect in construction under a permit previously issued to him/her with respect to any other property in the City after having been notified that such defect exists;
- (g) to any person who has failed to pay any fees due and owing to the City under the provisions of this by-law, or
- (h) if an approved permit has not been paid for and picked up by the applicant within 6 months of the date of which it was approved.

78. The Authority Having Jurisdiction may revoke a permit if:
- (a) there is a contravention of any condition under which the permit was issued;
 - (b) the permit was issued in error;
 - (c) the permit was issued on the basis of incorrect information;
 - (d) the work is being done contrary to the terms of the permit, or
 - (e) the work being done is in contravention of the Code or this by-law.
79. The Authority Having Jurisdiction may, upon notifying the owner, cancel a permit:
- (a) when the work has not been commenced within one year from the date of issuance of the permit; or
 - (b) where the work is not completed upon the permit expiration date provided for in subsection 68(a), or as determined by the Authority Having Jurisdiction, the work is not proceeding at a satisfactory rate;
- and where such permit has been cancelled, a new permit must be obtained, in accordance with the provisions of this by-law, before work is continued and all subsequent work shall comply with the provisions of the Code and this by-law.
80. The Authority Having Jurisdiction shall provide, when required to do so, all reasons for refusal to grant, revocation, or cancellation of a permit.
- 81.

PART IV: GENERAL PROVISIONS

DIVISION I: PLUMBING

82. (a) Where a plumbing permit is required, the system shall not be put into use until it has been inspected.
- (b) All new plumbing systems are subject to testing pursuant to the Manitoba Plumbing Code as determined by the Authority Having Jurisdiction.
83. The plumbing contractor shall:
- (a) notify the Authority Having Jurisdiction when the work is complete and ready to be inspected or tested; and
 - (b) furnish any equipment, material, power or labour that is necessary for inspection or testing.
84. If any part of a plumbing system is covered before it has been inspected and accepted by the Authority Having Jurisdiction, it shall be uncovered upon request by the Authority Having Jurisdiction.
85. If any part of a plumbing system is not accepted by the Authority Having Jurisdiction after it has been inspected or tested, the owner shall make any alteration or replacement that is necessary, and the work shall be subjected to further inspection or testing and an inspection fee as set out in the Annual Schedule of Fees.
86. (a) The Authority Having Jurisdiction may inspect an existing plumbing system and, where there is reason to suspect that the system is not satisfactory, order it to be tested.
- (b) If any part of the system has become or is in a condition that it may become dangerous or injurious to health, the owner shall make any alteration or replacement ordered by the Authority Having Jurisdiction.

DIVISION II: AUTOMATIC FIRE SUPPRESSION

87. (a) Fire Sprinklers are required to be installed in all residential structures containing more than twelve (12) units.
- (b) A Building Permit shall not be issued for new construction of any multi-family residential building as set out in subsection (a), unless the applicant for the Building Permit submits an engineered design drawing, showing the location where fire sprinklers will be installed.

- (c) All fire sprinklers shall be installed in accordance with the corresponding National Fire Protection Association Standards for the installation of fire sprinklers (NFPA 13, 13R or 13D).
 - (d) All automatic fire sprinkler systems must be designed and their installation reviewed by a professional engineer with experience in sprinkler system design, except for modifications to existing systems involving the relocation or addition of fewer than six sprinkler heads.
88. All NFPA 13 and 13R automatic fire sprinkler systems must be maintained and tested in accordance with the applicable standard of the current edition of the Manitoba Fire Code and the results reported in writing to the Authority Having Jurisdiction.

DIVISION III: UNSAFE CONDITIONS

89. No person engaged in the construction, reconstruction, demolition, alteration, removal or relocation of a building shall cause, allow or maintain any unsafe condition. All requirements set out in the Building Safety and Property Standards by-law in relation to unsafe conditions are deemed to apply within this by-law and be governed in accordance with the provisions herein.
90. Any building or structure that is unsafe or out of repair as determined by the Authority Having Jurisdiction shall be demolished, removed, guarded, or put in a safe condition to the satisfaction of the Authority Having Jurisdiction.
91. Vacant and unguarded or open buildings to which entry can be gained shall be deemed unsafe. Buildings shall be secured in accordance with the Vacant and Derelict Building By-Law.
92. Where the Authority Having Jurisdiction is unable to locate the owner of the building or structure, or of a well, excavation or opening or in cases where service as aforesaid is impracticable, the unsafe notice shall be posted by affixing two copies thereof in conspicuous places on the premises and such procedures shall be deemed the equivalent of personal service.

DIVISION IV: DRAINAGE

Subdivision I: Subsurface Drainage

93. (a) Where buildings are provided with a subsurface drainage system, the system shall be designed, constructed and maintained in accordance with the Water and Wastewater Control By-Law.
- (b) Dry wells may be used only for single family dwellings and shall comply with all Provincial Acts and Regulations as well as all applicable City By-laws and requirements.

Subdivision II: Roof and Surface Drainage

94. All roof and surface drainage systems must be designed, constructed, and maintained in accordance with the Lot Grading, Drainage and Elevations By-law.

DIVISION V: TESTS AND CONSTRUCTION REVIEW

95. All tests required by the Authority Having Jurisdiction shall be conducted according to the appropriate methods found in the standards listed in the Code. In the absence of such standard test methods, the Authority Having Jurisdiction may specify the test procedures to be followed.
96. Laboratory tests shall be conducted by a laboratory acceptable to the Authority Having Jurisdiction.
97. Where tests of any materials are made to ensure conformity with the requirements of the Code and this By-law, records of the test date shall be kept available by the owner for inspection during the construction of the building and for such period thereafter as required by the Authority Having Jurisdiction.

PART V: ORDERS

98. The Authority Having Jurisdiction shall issue in writing such notices or orders as may be necessary to inform the owner where a contravention of the Code or this by-law has been observed, and must in such notice or order designate a time within which such correction shall be made. All orders are subject to the order issuance fee as established by the Annual Schedule of Fees.

- 99. When required by the Authority Having Jurisdiction, every owner shall uncover and replace at his or her own expense any work that has been covered contrary to a notice or order issued by the Authority Having Jurisdiction.
- 100. **Stop Work Orders**
A Stop Work Order may be issued where, as determined by the Authority Having Jurisdiction, work is proceeding in contravention of the Code or this by-law, or any condition under which the permit was issued, where no permit was issued, or if there is deemed to be an unsafe condition. Upon issuance of a Stop Work Order, work shall immediately be stopped. The Stop Work Order shall be in writing, state the conditions under which work may be resumed, be posted in a conspicuous place on the site, and be sent by registered mail or be personally delivered to the owner of the property involved.
- 101. Any person who fails to comply with any notice or order issued by the Authority Having Jurisdiction, or who allows a violation of the Code or this By-law to continue, shall be subject to the penalties as set out in Part VII (Penalties) hereof.

PART VI: RIGHT OF APPEAL

- 102. Any person aggrieved by any decision or action of the Authority Having Jurisdiction related to this by-law may appeal to the By-law Compliance Standards Committee by filing with the City Clerk a written appeal or notice of objection within seven days of the occurrence. Thereafter, the appeal process is governed by the provisions of the Compliance By-law.

PART VII: PENALTIES

- 103. Any person who contravenes, or does not comply, or improperly complies, or only partly complies with any provision of this by-law or related Regulation, commits an offence and is subject to penalty in accordance with the provisions of the Compliance By-law.
- 104. Where a corporation commits an offense contrary to this by-law each Director or Officer of the corporation who authorized, consented to, knowingly permitted, acquiesced or was wilfully blind with respect to the doing of the act that constitutes the offense, is likewise guilty of the offense and liable, on summary conviction, to a penalty for which provision is made in section 102.
- 105. Where the contravention, refusal, neglect, omission, or failure, continues for more than one day, the offender is guilty of a separate offense for each day it continues.
- 106. Nothing in this by-law reduces or eliminates the obligation of any person to comply with the requirements of statutes or regulations of the Manitoba Legislature, other City By-laws, or relevant Codes.

PART VIII: SEVERABILITY, REPEAL AND ENACTMENT

- 107. Should any section or part of this by-law be declared to be invalid, it is the intent of City Council that it would have passed all other portions of this by-law independent of the elimination of any such portion as may be declared invalid.
- 108. Building By-law No. 6018/55/92 and amending By-laws No. 6399/45/96, 6570, 6622, 6665, 6949, 7088, and 7166 are hereby repealed and the repeal provisions set out in the Legislative Standards By-law apply.
- 109. This by-law shall come into full force and take effect on the day following its passage.

DONE AND PASSED by the Council of The City of Brandon duly assembled this 2nd day of December 2019.

<p>“R. Chrest” _____</p> <p style="text-align: center;">MAYOR</p>	<p>“H. Ewasiuk” _____</p> <p style="text-align: center;">CITY CLERK</p>		
Read a first time this	21 st day of	October	2019.
Read a second time this	2 nd day of	December	2019.
Read a third time this	2 nd day of	December	2019.

I, Heather Coreen Ewasiuk, Clerk of the City of Brandon, DO HEREBY CERTIFY the above by-law within to be a true and correct copy of By-law No. 7258.

H. Ewasiuk, City Clerk

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