



THE RURAL MUNICIPALITY OF MACDONALD

BY-LAW NO. 21/24

BEING A BY-LAW OF THE RURAL MUNICIPALITY OF MACDONALD
to provide for the regulation of building construction within the Municipality.

WHEREAS Section 4 of The Building and Mobile Homes Act provides as follows:

Municipal responsibility

“Notwithstanding anything to the contrary in any other Act of the Legislature, each municipality unless excluded under clause 2(2)(c) shall adopt and enforce any building construction code or building construction standard adopted, established or prescribed under section 3 for the province or the municipality or the part of the province in which the municipality is situated, and may make such by-laws as are necessary for those purposes.”

AND WHEREAS subsection 239(1) of The Municipal Act provides as follows:

Municipal inspections and enforcement

“If this or any other Act or a by-law authorizes or requires anything to be inspected, remedied, enforced or done by a municipality, a designated officer of the municipality may, after giving reasonable notice to the owner or occupier of land or the building or other structure to be entered to carry out the inspection, remedy, enforcement or action,

- (a) enter the land or structure at any reasonable time, and carry out the inspection, enforcement or action authorized or required by the Act or by-law;
- (b) request that anything be produced to assist in the inspection, remedy, enforcement or action; and
- (c) make copies of anything related to the inspection, remedy, enforcement or action.

NOW THEREFORE, the Council of the Rural Municipality of Macdonald duly assembled, enacts as follows:

1. Title

This by-law may be referred to as “Rural Municipality of Macdonald Building By-Law”.

2. Scope and Definitions

2.1. Scope:

- 2.1.1 This by-law applies to the Rural Municipality of Macdonald.
- 2.1.2 This by-law applies to administration and enforcement in the design, construction, erection, placement and occupancy of new buildings, and the alteration, reconstruction, demolition, removal, relocation, occupancy and change in occupancy of existing buildings and any requirements that are necessary to correct unsafe conditions in existing buildings.
- 2.1.3 The requirements of the *Code* are hereby adopted and shall apply to all work falling within the scope and jurisdiction of this by-law.
- 2.1.4 Any construction or condition that lawfully existed before the effective date of this by-law need not conform to the requirements of this by-law if such construction or condition does not constitute an unsafe condition in the opinion of the *Authority Having Jurisdiction*.

2.2 Definitions:

2.2.1 The words and terms in italics in this by-law shall have the meaning prescribed in subsection 2.2.3 herein, and if no definition is provided herein they shall have the meanings as prescribed in the *Code*. Should a word or term be defined in both this by-law and the *Code*, then the definition set forth in this by-law shall govern.

2.2.2 Definitions of words and phrases used in this by-law that are not specifically defined in the *Code* or in this subsection shall have the meanings that are commonly assigned to them in the context in which they are used in these requirements, considering the specialized use of terms within the various trades and professions to which the terminology applies.

2.2.3 Words and terms in italics in this by-law shall have the following meanings:

“*Alteration*” means a change or modification to an existing building, structure, or use which unless otherwise provided for herein, does not increase the exterior dimensions with respect to height and area.

“*Architect*” means a registered member of the Manitoba Association of Architects, authorized to practice architecture in the Province of Manitoba.

“*Audit*” means a random review of design or construction work by the *Authority Having Jurisdiction* to ascertain compliance with the *Code* and this by-law.

“*Authority Having Jurisdiction*” means the Rural Municipality of Macdonald and, where the context requires, such building inspector or other authority lawfully appointed by Rural Municipality of Macdonald to administer and enforce the provisions of this by-law.

“*Builder*” means a person who undertakes a project for an *owner* includes an *owner* who undertakes all or part of the work on a project and an *owner* who contracts with more than one person for the work on a project.

“*Building*” means any structure used or intended for supporting or sheltering any use or occupancy.

“*Code*” means the Manitoba Building *Code* as established, adopted and revised from time to time under Section 3 of the Buildings and Mobile Homes Act.

“*Designer*” means the person responsible for the design.

“*Engineer*” means a licensed Professional Engineer operating in the Province of Manitoba.

“*Farm Building*” means any building or structure existing or erected on land used primarily for agricultural activities, but does not include dwelling or mobile homes.

“*Final Inspections*” means the last inspection to be made on the construction under development. It is to include all plumbing and building inspection reports, water/ sewer connection permit, culvert/access permit and verification and yard/site evaluation confirmation.

“*Inspection*” means an official examination or review of construction to confirm compliance with standards and/or the *Code*.

“*Occupancy Permit*” means a permit issued after Final Inspection.

“*Owner*” means the registered owner of the land;

“*Permit*” means written permission or written authorization from the *Authority Having Jurisdiction* in respect to matters regulated by this by-law.

“*Person*” means and includes any individual, corporation partnership, firm, joint venture, syndicate, association or trust, and any other form of entity or organization.

“*RTM*” means ready to move houses being houses or buildings constructed in one location and moved to a different location.

“*Structure*” means anything constructed or erected with a fixed location on or below the ground, or attached to something having a fixed location on the ground.

“*Unsafe Condition*” means any condition that can cause undue hazard to the life or health of any person authorized or expected to be on or about the premises.

“*Valuation*” shall mean the total monetary worth of all construction or work, including all painting, papering, roofing, electrical work, plumbing, permanent or fixed equipment, including any permanent heating, elevator equipment or fire sprinkler equipment, and all labour, materials and other devices entering into and necessary to the prosecution of the work in its completed form. No portion of any building including, mechanical, electrical and plumbing work, shall be excluded from the *valuation* for a *permit*.

3. General

3.1 Application:

This by-law applies to the design, construction, erection, placement and occupancy of new buildings and structures and the alteration, reconstruction, demolition, removal, relocation, occupancy and change in occupancy of existing buildings.

3.2 Limited Application to Existing Buildings:

- 3.2.1 When a building or any part of it is altered or repaired, the *Code* applies to the parts of the building altered or repaired except that where in the opinion of the *Authority Having Jurisdiction*, the alteration will affect the degree of safety of the existing building, the existing building shall be improved as may be required by the *Authority Having Jurisdiction*.
- 3.2.2 The number of storeys of an existing building or structure shall not be increased unless the entire building or structure conforms with the requirement of the *Code*.
- 3.2.3 The requirements of this by-law apply where the whole or any part of a building is relocated either within or into the area of jurisdiction of the *Authority Having Jurisdiction*.
- 3.2.4 When the whole or any part of a building is demolished, the requirements of this by-law apply to the work involved in the demolition and to the work required to any parts remaining after demolition to the extent that deficiencies occurring or remaining after demolition require correction.
- 3.2.5 When a building is damaged by fire, flood, earthquake or other cause, the *Code*, the requirements of this by-law and the appropriate regulations under the Fire Prevention Act, and the Manitoba Fire Code, apply to the work necessary to reconstruct damaged portions of the building.
- 3.2.6 When an unsafe condition exists in or about a building, the *Code*, the requirements of this by-law and the appropriate regulations in the Fire Prevention Act, and the Manitoba Fire Code, shall apply to the work necessary to correct the unsafe condition.
- 3.2.7 When the occupancy of a building or any part of it is changed, the requirements of this by-law apply to all parts of the building effected by the change.

3.3 Exemptions:

- 3.3.1 The general requirements in Section 3, do not apply to
 - (a) sewage, water, electrical, telephone, rail or similar systems located on a street or a public transit right of way;
 - (b) public utility towers or poles, television and radio or other communication aerials and towers, except for loads resulting from those located on or attached to buildings;
 - (c) flood control and hydro electric dams and structures;
 - (d) mechanical or other equipment and appliances not regulated in this by-law;
 - (e) accessory buildings not greater than 10 square meters (108 sq. ft.) in building area subject to the concurrence of the *Authority Having Jurisdiction*.

3.4 Prohibitions:

- 3.4.1 Any *person* who fails to comply with an order or notice issued by any *Authority Having Jurisdiction*, or who allows a violation of the requirements of this by-law or of the *Code* to occur or to continue, contravenes the provisions of this by-law.
- 3.4.2 No *person* shall undertake any work or authorize or allow work to proceed on a project for which a *permit* is required unless a valid *permit* exists for the work to be done.
- 3.4.3 No *person* shall deviate from the accepted plans and specifications forming part of the *permit*, or omit or fail to complete, prior to occupancy, work required by the said accepted plans and specifications, without first having obtained the acceptance of the *Authority Having Jurisdiction* to allow such deviation except for minor changes to

accepted plans and specifications which, when completed would not cause a violation of the *Code* or other by-laws.

- 3.4.4 Where an *Occupancy Permit* is required by Section 4.2.3. herein, no *person* shall occupy or allow the occupancy of any building, or part thereof, or change the occupancy, unless and until an *Occupancy Permit* has been issued by the *Authority Having Jurisdiction*.
- 3.4.5 No *person* shall knowingly submit false or misleading information to the *Authority Having Jurisdiction* concerning any matter relating to this by-law.
- 3.4.6 No *person* shall excavate or undertake work on, over or under public property, or erect or place any construction or work or store any materials thereon without receiving prior approval in writing from the appropriate government authority.
- 3.4.7 No *person* shall allow the ground elevations or the property boundaries of a building lot to be changed so as to place a building, or part of it, in contravention of the requirements of this by-law, unless the building, or part of it, is so altered, after obtaining the necessary *permit*, such that no contravention will occur because of the change of the property boundary or grades.

3.5 Mobile Homes and RTM's:

- 3.5.1 Mobile homes and/or RTM's shall comply with the requirements of the *Code* and the Building and Mobile Homes Act.
- 3.5.2 The *Authority Having Jurisdiction* may require any or all of the following in respect to a mobile home or *RTM* sought to be located within the area of jurisdiction of the *Authority Having Jurisdiction*:
 - (a) the submission of a complete set of plans and specifications;
 - (b) the seal of an Engineer licensed in the Province of Manitoba in respect to all
 - building components requiring professional certification;
 - (c) submission of copies of any or all permits taken out for the mobile home or
 - RTM* in the location of its construction together with a copy of any or all
 - inspection reports; and
 - (d) such inspections or certifications as the *Authority Having Jurisdiction* may
 - deem necessary in order to ensure compliance with the *Code* and this by-law.

3.6 Minimum Building Requirements:

- 3.6.1 Concrete slab foundations for wood frame detached accessory buildings with an area of less than 50 square meters (538 sq. ft.) shall be placed on a minimum of 150mm (6in.) compacted aggregate base, shall not be less than 125mm (5in.) thick and complete with 10M reinforcing steel grid placed 450mm o.c. (18in.). Concrete slabs for buildings with an area of 50 square meters (538 sq. ft.) to 70 square meters (753 sq. ft.) shall be placed on a minimum of 150mm (6in.) compacted aggregate base, shall be a minimum of 150mm (6in.) thick with a 10M reinforcing steel grid placed 400mm o.c. (16in.) and shall include a thickened edge of a minimum 300mm (12 in.) by 300mm (12in.) reinforced with 2x15M horizontal bars top and bottom continuous around the perimeter. Concrete shall have a minimum strength of 20 Mpa (3000 psi) after 28 days and shall have air entrainment of 5 to 8 percent. For a building area

greater than 70 square meters (753 sq. ft.), the foundation shall be designed by a Professional Engineer.

- 3.6.2 All wooden suspended basement floors shall provide a minimum of 300mm (12 in.) clearance from the bottom of the floor joists/beams to finished ground level.
- 3.6.3 Building design and structures not included in the *Code* shall be reviewed and approved by a Professional Engineer. These include, but are not limited to:
 - Steel frame buildings
 - Pole/post frame buildings
 - Canvas shelters
 - Ground and roof mount solar panel
 - systems
 - Below ground swimming pools.

4. Permit

4.1 Application:

- 4.1.1 Except as otherwise allowed by the *Authority Having Jurisdiction*, every application for a *permit* shall be in the form prescribed by the *Authority Having Jurisdiction* and shall:
 - (a) identify and describe in detail the work and occupancy to be covered by the *permit* for which the 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) state the *valuation* of the proposed work and be accompanied by the required fee as set out in the fees and charges by-law;
 - (d) include those plans and specifications set out on Schedule A hereto (unless otherwise waived by the *Authority Having Jurisdiction*), and show the occupancy of all parts of the building;
 - (e) include the plans and specifications for the construction of a wood frame basement/foundation indicating that the construction will be inspected and certified by an architect and/or professional engineer licensed in the Province of Manitoba;
 - (f) state the names and all contact information of the *owner(s)*, architect, professional engineer or other designer, *builder* and any inspection or testing agency engaged to monitor the work or part of the work; and
 - (g) include such additional information as may be required by the *Authority Having Jurisdiction*.
- 4.1.2 When an application for a *permit* has not been completed in conformance with the requirements of the *Authority Having Jurisdiction* within six months after the date of filing, the application shall (unless otherwise extended by the *Authority Having Jurisdiction*) be deemed to have been abandoned.
- 4.1.3 A *permit* shall expire and the right of an *owner* under the *permit* shall end if;
 - (a) the work authorized by the permit is not commenced within six months from the date of issue of the permit and actively carried out after that, or
 - (b) the work authorized under the permit is suspended for six months unless otherwise extended by the *Authority Having Jurisdiction*.
- 4.1.4 A *permit* that has expired under 4.1.3 shall not be subject to a refund of the *permit* fee.

- 4.1.5 Any revision to the original application described in article 4.1.1. shall be made in the same manner as for the original *permit*, or as may be required by the *Authority Having Jurisdiction*.
- 4.1.6 Applications for a *permit* may be filed, and *permit* may be issued to an *owner*, or to a *builder* or other properly authorized agent of the *owner* if that agent holds a Letter of Authorization as set out in the Schedule H of this by-law or in some format acceptable to the *Authority Having Jurisdiction*.

4.2 Permit

4.2.1 Building Permit:

4.2.1.1 Except as permitted in Article 4.2.1.2 herein, unless a *permit* has first been obtained from the *Authority Having Jurisdiction*, no *Person* shall commence or cause to be commenced:

- (a) the location, placement, erection or construction of any building or structure or portion thereof;
- (b) the addition, extension, improvement, alteration or conversion of any building or structure, or portion thereof;
- (c) The development of a previously unfinished basement;
- (d) the repair, rehabilitation, or renovation of any building or structure, or portion thereof;
- (e) underpinning of foundations;
- (f) the relocation or removal of any building or structure, or portion thereof;
- (g) the excavation of any land for any purpose of erecting or locating on or above it, any building or structure;
- (h) the installation, construction, renewal, alteration or extension of a mechanical system;
- (i) the installation, construction, alteration or extension of a spray paint operation, spray painting booth, dip tank or other special process; or
- (j) the alteration, addition, erection or re-erection of a sign as specified in the Municipality's Zoning By-Law;
- (k) The installation of an above ground, below ground swimming pool or hot tub capable of containing 600 mm (24 in.) or more depth of water;
- (l) The installation of roof mount or ground anchor solar panel system; or
- (m) installation of a wood burning appliance.

4.2.1.2 A building *permit* is not required for:

- (a) patching, painting, decorating or general maintenance;
- (b) replacement of stucco, siding or shingles with the same material;
- (c) replacement of doors or windows when the opening is not altered;
- (d) replacement of landings and stairs;
- (e) construction of fences;
- (f) installation of cabinets and shelves;
- (g) a detached accessory storage building not greater than 10 square meters (108 sq. ft.) in building area subject to the concurrence of the *Authority Having Jurisdiction*;
- (h) non-structural alterations or repairs where the value of such work is less than twenty-five thousand dollars (\$25,000.00); or

- (i) a concrete pad which is not to serve as the foundation or floor of any structure.

4.2.1.3 Notwithstanding that a *permit* is not required for the work described in Article 4.2.1.2, such work shall comply with the *Code* and the provisions of this or other applicable by-laws and the work shall not place the building or structure in contravention or further contravention of the *Code*, or this or any other by-law.

4.2.1.4 Before the issuance of a *permit* for cases described in section 5.1.20(1), the owner shall, unless the *Authority Having Jurisdiction* waives such requirement, submit Letters of Assurance in the forms set out in schedules attached to this by-law, which:

- (a) confirm that the *owner* has retained the necessary architects or professional engineers for all the applicable disciplines, for professional design and inspection; and
- (b) incorporate the architects' or professional engineers' assurance of professional design and commitment for inspection.

4.2.1.5 Before the issuance of a *permit*, for cases in which professional design is not required, the *owner* shall (unless the *Authority Having Jurisdiction* waives such requirement) submit a Letter of Assurance in the form set out in the Schedule B attached to this by-law, confirming that the *owner* will ensure that the building will be constructed in accordance with the *Code*.

4.2.2 Plumbing Permit:

4.2.2.1 Except as provided in Section 4.2.2.2, no person shall construct, extend, alter, renew or repair or make a connection to a plumbing system unless a *permit* to do so has been obtained.

4.2.2.2 A *permit* is not required when a valve, faucet, fixture or service water heater is repaired, replaced, stoppage cleared or a leak repaired, if no change to the piping is required.

4.2.2.3 When required by the *Authority Having Jurisdiction*, the application shall also be accompanied by a plan that shows:

- (a) the location and size of every building drain, and of every trap and clean out fitting that is on a building drain;
- (b) the size and location of every soil or waste pipe, trap and vent pipe; and

4.2.2.4 When a *permit* is required only Licensed Utility Contractors are allowed to connect to municipal water/sewer systems.

4.2.3 Occupancy Permit

Except as otherwise permitted herein, no person shall occupy, use, or permit the occupancy, use or change the occupancy or use of any building or part thereof, for which an *occupancy permit* is required hereunder.

4.2.3.1 An *Occupancy Permit* is required from the *Authority Having Jurisdiction* for:

- (a) the occupancy of any new building or structure or portion thereof except a single-family dwelling, a two-family dwelling or a multi-family dwelling without shared exit facilities;

- (b) the occupancy of any existing building or structure where an alteration is made thereto, except a single-family dwelling, a two-family dwelling or a multi-family dwelling without shared exit facilities;
- (c) for a change from one Major Occupancy group to another or a change from one division to another within a Major Occupancy group in any existing building or structure, or part thereof;
- (d) for a change from one use to another within the same division in a Major Occupancy group which results in an increase in the occupant load;
- (e) for a change or addition of an occupancy classification of a suite in a building; and
- (f) for a change from a use not previously authorized to a new use

4.2.3.2 Before the issuance of an *occupancy permit*, the *owner* shall, unless the *Authority Having Jurisdiction* waives such requirement, submit Letters of Assurance in the form set out in the applicable schedules attached to this by-law, confirming that the construction of the building, work or project conforms with the plans, specifications and related documents for which the building *permit* was issued.

4.2.3.3 The *Authority Having Jurisdiction* may issue an Interim *Occupancy Permit* for a partial use of a building or structure subject to any conditions imposed by the *Authority Having Jurisdiction*.

4.2.3.4 No change shall be made in the type of occupancy or use of any building or structure, which would place the building or structure in a different occupancy group, or divisions within a group, unless such building or structure is made to comply with the requirements of the *Code* for that occupancy group, or division within a group.

4.2.3.5 Notwithstanding apparent compliance with the by-law, the *Authority Having Jurisdiction* may refuse to issue an *Occupancy Permit* if the building, structure or proposed use is to the *Authority Having Jurisdiction's* knowledge in violation of the Municipal Zoning By-Law, the *Code*, and any other by-law of the *Authority Having Jurisdiction*.

4.2.3.6 An applicant for an *Occupancy Permit* shall supply all information requested by the *Authority Having Jurisdiction* to show compliance with the by-law, the *Code*, and any other relevant by-laws of the *Authority Having Jurisdiction*.

4.2.3.7 The required *Occupancy Permit* shall be displayed and maintained in a legible condition by the *owner* or the *owner's* agent in a location acceptable to the *Authority Having Jurisdiction*.

4.2.3.8 Notwithstanding that an *Occupancy Permit* is not required for a single-family dwelling, a two-family dwelling or a multi-family dwelling without shared exit facilities, a final inspection is required prior to the occupancy of any dwelling and the continued activation of the municipal sewer and water service.

4.2.4 Demolition Permit

4.2.4.1 No *Person* shall commence or cause to be commenced the demolition of any building or structure, or portion thereof, unless

a Demolition *Permit* has first been obtained from the *Authority Having Jurisdiction*.

4.2.4.2 The demolition of a building or structure shall be subject to the requirements of the *Code* and the *Authority Having Jurisdiction*.

4.2.5 General

4.2.5.1 No *permit* shall be assigned or transferred unless signed authorization is received from the assignor or transferor and assignee or transferee agreeing to the reassignment or transfer. The *Authority Having Jurisdiction* may accept or refuse the reassignment or transfer of a *permit* from one person to another.

5. Duties, Responsibilities & Powers

5.1 Duties and Responsibilities of the Owner and Builder:

- 5.1.1 Every *owner* shall allow the *Authority Having Jurisdiction* to enter any building or premises at any reasonable time for the purpose of administering and enforcing the requirements of this by-law.
- 5.1.2 Every *owner* shall obtain all permits or approvals required in connection with any and all proposed work, prior to commencing the work to which they relate.
- 5.1.3 It is the responsibility of the *owner* to ensure all required inspections are completed at the appropriate intervals as identified by the *Authority Having Jurisdiction*.
- 5.1.4 For the construction or relocation of dwellings and commercial/industrial structures, additions, or major alterations and or repairs to a structure, the *owner* shall pay a security deposit, as set out in the fees and charges by-law, with the *Authority Having Jurisdiction* to ensure that to the satisfaction of the *Municipality*:
 - (a) proper lot grades have been established;
 - (b) access is installed to municipal specifications;
 - (c) curb stops are in good working order;
 - (d) all necessary building inspections are completed and passed.
- 5.1.5 The security deposit shall be refunded in full to the Payer of the security deposit upon satisfactory completion and inspection of:
 - (a) rough grading of lots located within the designated urban areas;
 - (b) inspection of curbs, curb stops, utility connections, culverts & accesses and street where applicable;
 - (c) the residence complies with the *Code* or any other requirements, such as building elevations and driveway approach;
 - (d) all necessary building inspections are completed and passed.
- 5.1.6 The security deposit shall be forfeited when:
 - (a) any inspections deemed required during the construction process have been neglected, omitted or left incomplete for any reason;
 - (b) when final inspection has been failed by the designated employee, officers, or employees of the *Municipality*;
 - (c) occupancy of a one or two family dwelling occur before the final inspection or completion of any necessary work required by the *Authority Having Jurisdiction*.
 - (d) construction is not completed within twenty-four (24) months from the time of payment of the *permit*, unless a twelve (12) month written extension is obtained from the *Authority Having Jurisdiction*;

- (e) the garage pad elevation is greater or less than 75mm (3 in.) from the require grade;
 - (f) if the sump pit/storm water from the drainage system servicing the property is discharging into the municipal sewer system;
 - (g) landscaping is not completed within thirty-six (36 months) from the time of the payment of the *permit*.
- 5.1.7 The *Authority Having Jurisdiction* may garnish the security deposit for any required re-inspections and missed inspections at a rate as set out in the fees and charges by-law.
- 5.1.8 The garnishment or forfeiture of a deposit may be reviewed, upon in writing within thirty (30) days from the time of notification to Council or designated officer as per Section 6 of this by-law.
- 5.1.9 Every *owner* shall:
- (a) ensure that the plans and specifications on which the issue of any *permit* was based are available continuously at the site of the work for *audit* or inspection during working hours by the *Authority Having Jurisdiction*, and the *permit* is posted conspicuously on the site during the entire execution of the work; and
 - (b) keep visible at all times during construction the street number of the premises in figures at least 75 mm (3 in.) high and visible from the street or sidewalk.
- 5.1.10 Every *owner* shall give notice, if required, to the *Authority Having Jurisdiction* of dates on which the *owner* intends to begin work prior to commencing work on the building site.
- 5.1.11 Every *owner* shall give notice, if required, to the *Authority Having Jurisdiction*, prior to commencing the work, listing:
- (a) the name, address and contact information of
 - (i) the *builder* or other *person* in charge of the work;
 - (ii) the designer of the work;
 - (iii) the person reviewing the work; and
 - (iv) any inspection or testing agency engaged to monitor the work or part of the work.
 - (b) any change in, termination, or employment of such persons during the course of the construction immediately that such change or termination occurs.
- 5.1.12 Every *owner* shall give sufficient notice to the *Authority Having Jurisdiction*:
- (a) of intent to begin work that the *Authority Having Jurisdiction* had directed may be subject to *audit* during construction,
 - (b) of intent to cover work that the *Authority Having Jurisdiction* has directed may be subject to *audit* during construction, and
 - (c) when work has been completed and before occupancy.
- 5.1.13 Every *owner* shall give notice to the *Authority Having Jurisdiction*:
- (a) immediately upon any change in ownership or change in the address of the *owner* occurs prior to the issuance of an *occupancy permit*;
 - (b) prior to occupying any portion of the building if it is to be occupied in stages; and
 - (c) of any such other notice as may be required by the *Authority Having Jurisdiction*.
- 5.1.14 Every *owner* shall when required by the *Authority Having Jurisdiction*:
- (a) give such other notice to the *Authority Having Jurisdiction* as may be required by the provisions of the *Code* or this by-law;
 - (b) make, or have made at the *owner's* expense, the tests or inspections necessary to prove compliance and provide copies of all such tests.

- (c) Provide up-to-date survey or building location certificate of the building site;
 - (d) uncover and re-cover at the owner's expense any work that has been covered contrary to an order issued by the *Authority Having Jurisdiction*;
 - (e) be responsible for the cost of repair of any damage to public property or works located thereon that may occur as a result of the *owner* undertaking work for which a *building permit* was or was not required; and
 - (f) ensure that during the construction process, no unsafe conditions exists or will exist because of the work being undertaken.
- 5.1.15 Except in one and two family dwellings and their accessory buildings, every *owner* shall, where required, obtain an *occupancy permit* from the *Authority Having Jurisdiction* before any
- (a) occupancy of a building or part of it after construction, partial demolition or alteration of that building, or
 - (b) change in the occupancy of any building or part of it.
- 5.1.16 Every *owner* shall require a final inspection to be done of a one or two family dwelling by the *Authority Having Jurisdiction* prior to the occupancy of such building or structure and shall not occupy such building or structure prior to the completion of any necessary work required by the *Authority Having Jurisdiction*, and an occupancy approval document has been provided to the *owner* and/or *builder* by the *Authority Having Jurisdiction*.
- 5.1.17 Should occupancy occur before the completion of any work being undertaken, every *owner* shall ensure that no unsafe condition exists or will exist because of the work being undertaken or not completed.
- 5.1.18 The granting of a *permit* by the *Authority Having Jurisdiction* shall not in any way relieve the *owner* of a building from full responsibility for carrying out the work or having it carried out in accordance with these requirements, including ensuring that the occupancy of the building, or any part of it, is in accordance with the terms of the *permit*.
- 5.1.19 When a building or part of it is in an unsafe condition, the *owner* shall immediately take all necessary action to put the building in a safe condition.
- 5.1.20 (1) Every *owner* who undertakes to construct or have constructed a building which:
- (a) has structural components falling within the scope of Part 4 of the *Code*;
 - (b) has structural components specifically requiring a professional engineer design in accordance with the *Code*; or
 - (c) requires the use of firewalls according to the *Code*.
- Shall ensure that an architect, professional engineer or both are retained to undertake professional design and inspection.
- (2) Professional design and inspection referred to in Section 5.1.20 (1) requires that an architect, professional engineer or both be responsible:
- (a) for the design and that all appropriate plans, specifications and related documents meet the requirements of the *Code*, and the requirements of applicable acts, regulations and by-laws, and bear the seal or stamp of the registered professional; and

- (b) for inspection of construction to ensure compliance with the design and the requirements of applicable acts, regulations and by-laws.
- (3) If the engagement of an architect or professional engineer pursuant to Sections 5.1.20 (1) and (2) is terminated during the construction period, work shall be discontinued until a replacement has been appointed.
- (4) The requirements of Sections 5.1.20 (1), (2) and (3) shall apply to a change in occupancy, an alteration, addition, reconstruction or the relocation of a building where and as required by the *Authority Having Jurisdiction*.
- 5.1.21 Where the dimensions of a structural component are not provided in *Part 3 & 9* of the *Code* for use in a building within the scope of that part, and such dimensions are to be determined on the basis of calculation, testing or other means of evaluation, the *owner* shall retain the services of an architect or professional engineer.
- 5.1.22 Every *owner* who undertakes to construct, alter, reconstruct, demolish, remove or relocate a building shall provide supervision and coordination of all work and trades.
- 5.1.23 Every *owner* shall ensure that all materials, systems, equipment, and the like used in the construction, alteration, reconstruction or renovation of a building meet the requirements of applicable acts, regulations and by-laws for the work undertaken.
- 5.1.24 Every *owner* shall be responsible for all costs including legal costs incurred by the *Authority Having Jurisdiction* seeking to enforce any requirements of applicable acts, regulations and by-laws for the work undertaken and such costs will be deducted from the applicable security deposit with any additional costs over and above the security deposit considered an amount owing to the *Municipality* and may be collected in any manner which a tax may be collected or enforced under *The Municipal Act*.
- 5.1.25 It shall be the *owner's* responsibility for waste management of construction debris and its removal from the site.
- 5.1.26 An *owner* or *builder* applying for a *permit* under this by-law who has forfeited a security deposit within 24 months of the date of the application must, upon making the application, pay the *Authority Having Jurisdiction* the Enhanced Security set out in the fees and charges by-law.
- 5.1.27 An *owner* or *builder* who remedies, to the satisfaction of the *Authority Having jurisdiction*, the deficiency that resulted in forfeiture of the security deposit may apply to the *Authority Having Jurisdiction* for a reduction of the Enhanced Security, upon which the *Authority Having Jurisdiction* may reduce the Enhanced Security as it in its sole discretion decides ("Decision").
- 5.1.28 In Sections 5.1.26 and 5.1.27, the *owner* and the *builder* include a corporation controlled by the *owner* or the *builder* and, if the *owner* or *builder* is a corporation, the person controlling the corporation.

5.2 Duties and Responsibilities of the Builder:

- 5.2.1 Every *builder* shall ensure that all construction safety requirements of the *Code* and Manitoba Workplace Safety and Health Regulations are complied with.
- 5.2.2 Every *builder* is responsible for ensuring that no excavation or other work is undertaken on public property, and that no building is erected or

materials stored in whole or in part thereon without approval first having been obtained in writing from the *Authority Having Jurisdiction*.

- 5.2.3 Every *builder* shall be responsible for all costs including legal costs incurred by the *Authority Having Jurisdiction* seeking to enforce any requirements of applicable acts, regulations and by-laws for the work undertaken and such costs will be deducted from the applicable security deposit with any additional costs over and above the security deposit considered an amount owing to the *Municipality* and may be collected in any manner which a tax may be collected or enforced under *The Municipal Act*.
- 5.2.4 Every *builder* is responsible jointly and severally with the *owner* for work undertaken. During the construction process, every *builder* must ensure that the construction site is kept safe and that any open excavations or hazards are clearly marked and barricaded.
- 5.2.5 Every *builder* is responsible jointly and severally with the *owner* to ensure all required permits have been obtained prior to commencing work.
- 5.2.6 Every *builder* is responsible for the cost of repair of any damage to public property or works located thereon that may occur as a result of undertaking work for which a *permit* was or was not required and such costs will be deducted from the applicable *security deposit* with any additional costs over and above the security deposit considered an amount owing to the *Municipality* and may be collected in any manner which a tax may be collected or enforced under *The Municipal Act*.
- 5.2.7 Every *builder* shall require a final inspection to be done on a one or two family dwelling by the *Authority Having Jurisdiction* prior to the occupancy of such building or structure and shall not occupy such building or structure prior to the completion of any necessary work required by the *Authority Having Jurisdiction*.

5.3 Duties and Responsibilities of the *Authority Having Jurisdiction*:

- 5.3.1 The *Authority Having Jurisdiction* shall administer this by-law and shall have the powers of enforcement more particularly set out in section 5.5 herein.
- 5.3.2 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*.
- 5.3.2 Where the *Authority Having Jurisdiction* seeks to enforce any of the powers set out in section 5.5.2 herein, the *Authority Having Jurisdiction* shall issue in writing such notices or orders as may be necessary to inform the *owner* of the contravention(s) of the *Code* or this by-law.
- 5.3.3 The *Authority Having Jurisdiction* shall provide, when requested to do so, all reasons for refusal to issue a *permit*.

5.4 Duties and Responsibilities of the Designer:

- 5.4.1 When a designer is retained, the designer shall ensure that the design of the building conforms to the *Code*.
- 5.4.2 When a professional engineer or architect is required by the *Code* or the requirements of this by-law, they shall do inspections to ensure that the construction conforms to the design and the *Code*.
- 5.4.3 Every designer is required to submit to the *Authority Having Jurisdiction*:

- (a) all information needed for review of the design;
- (b) any changes to the design for which a *permit* has or may be issued;
- (c) copies of all inspection reports for inspections done by the designer and others; and
- (d) any other documentation or certification required by the *Authority Having Jurisdiction*.

- 5.4.4 Every designer shall ensure that all materials, systems, equipment or related matter specified for the construction, alteration, reconstruction or renovation of a building meet the requirements of the *Code* and the requirements of applicable Acts, regulations and by-laws for the work to be undertaken.
- 5.4.5 If the responsible architect and/or professional engineer withdraws from the project, the *Authority Having Jurisdiction* shall be notified immediately.
- 5.4.6 Prior to the issuance of an *Occupancy Permit*, the responsible designer, architect and/or professional engineer shall, where required by the *Authority Having Jurisdiction*, submit a certificate stating:
- 5.4.7 “The construction has been reviewed under my 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 accepted drawings and specifications and requirements of the applicable by-laws”.
- 5.4.8 The responsible designer, architect and/or professional engineer shall sign, date and seal all documents referred to in this section of the by-law.

5.5 Powers of “Authority Having Jurisdiction”:

- 5.5.1 The *Authority Having Jurisdiction* may enter any building or premises at any reasonable time to *audit* for compliance with the *Code* or this or any other by-law or to determine if an unsafe condition exists.
- 5.5.2 The *Authority Having Jurisdiction* is empowered to issue orders for:
 - (a) an *owner* or authorized agent to hold at specific stages of construction in order to facilitate an *audit* or inspection;
 - (b) a *person* who contravenes these requirements to comply with them within the time period that may be specified;
 - (c) work to stop on the building or any part of it, if such work is proceeding in contravention of these requirements, or if there is deemed to be an unsafe condition;
 - (d) the removal of any unauthorized encroachment on public property;
 - (e) the removal of any building or part of it constructed in contravention of these requirements;
 - (f) the cessation of any occupancy in contravention of these requirements;
 - (g) the cessation of any occupancy if any unsafe condition exists because of work being undertaken or not completed, and
 - (h) correction of any unsafe condition.
- 5.5.3 The *Authority Having Jurisdiction* may direct that tests of materials, equipment, devices, construction methods, structural assemblies or foundation conditions be made, or sufficient evidence or proof be submitted at the expense of the *owner*, where such evidence or proof is necessary to determine whether the material, equipment, device, construction or foundation conditions meets these requirements.
- 5.5.4 The *Authority Having Jurisdiction* may require an *owner* to submit, in addition to the information required in section 4.1.1, a staking certificate and/or building location certificate (BLC) and site plan being not more

than one (1) year old and prepared by a registered land surveyor, architect or professional engineer, as is appropriate to the work, and which shall contain sufficient information regarding the site and the location of any building:

- (a) to establish before construction begins that all the requirements related to this information will be complied with; and
- (b) to verify that, upon completion of the work, all such requirements have been complied with.

5.5.5 The *Authority Having Jurisdiction* may ask for any other documentation or tests deemed necessary at the expense of the *owner*.

5.5.6 Notwithstanding any other provisions herein, wherein the opinion of the *Authority Having Jurisdiction* the site conditions, the size or complexity of a building, part of a building or building component warrant, or for any other reason, the *Authority Having Jurisdiction*, may require that the *owner* have the following done at the *owner's* expense:

- (a) the appropriate plans, specifications and related documents be reviewed by and bear the seal or stamp of an architect or professional engineer, and
- (b) the work be inspected during construction by the architect or professional engineer responsible for the work.

5.5.7 The *Authority Having Jurisdiction* may issue a building *permit* at the risk of the *owner* with, if necessary, conditions to ensure compliance with these requirements and any other applicable regulations, to excavate or to construct a portion of a building before all the plans of the project have been submitted to the *Authority Having Jurisdiction*.

5.5.8 The *Authority Having Jurisdiction* may refuse to issue any *permit*:

- (a) whenever information submitted is inadequate to determine compliance with the provisions of these requirements;
- (b) whenever incorrect information is found to have been submitted;
- (c) that would authorize any building work or occupancy that would not be permitted by these requirements; or
- (d) that would be prohibited by any other Act, regulation or by-law.

5.5.9 The *Authority Having Jurisdiction* may revoke a *permit* by written notice to the *permit* holder if:

- (a) there is 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, or
- (d) the work is being done contrary to the terms of the *permit*.

5.5.10 The *Authority Having Jurisdiction* may place a valuation on the cost of the work for the purpose of reporting. Such valuation shall take precedence over any valuation provided by the *owner*.

5.5.11 The *Authority Having Jurisdiction* may issue an *Occupancy Permit*, subject to compliance with provisions to safeguard persons in or about the premises, to allow the occupancy of a building or part of it for the accepted use, before commencement or completion of the construction or demolition work.

5.5.12 When any building, construction or excavation or part of it is in an unsafe condition, as a result of being open or unguarded, or because of danger from fire or risk of accident because of its ruinous or dilapidated state, faulty construction, abandonment or other state, and when notice to correct such condition has not been complied with, the *Authority Having Jurisdiction* may:

- (a) demolish, remove or make safe such building, construction excavation or part of it at the expense of the *owner* and may be collected in any manner which a tax may be collected or enforced under *The Municipal Act*;
- (b) take such other measures as may be considered necessary to protect the public; and
- (c) issue to the *owner* an order or notice in writing to correct any unsafe conditions observed in any building.

5.5.13 Notwithstanding any other provisions herein, when, in the opinion of the *Authority Having Jurisdiction*, immediate measures need to be taken to avoid an imminent danger, the *Authority Having Jurisdiction* may take such action as is appropriate, without notice and at the expense of the *owner*.

5.5.14 The *Authority Having Jurisdiction* may withhold issuing an *Occupancy Permit* on completion of the building or part of the building, until the *owner* has provided letters to certify compliance with the *Code*, these requirements and the requirements of applicable Acts, regulations or by-laws.

6. Review by Council of the Authority Having Jurisdiction

6.1 Request for review of Decision under Section 5.1.27

- 6.1.1 The *owner* or *builder* may, within 14 days of the date of the Decision under Section 5.1.27, request that Council of the Authority Having Jurisdiction review the Decision. The *owner* or *builder* must pay the Enhanced Security in the meantime.
- 6.1.2 Upon receiving a request for review, the *Authority Having Jurisdiction* shall
 - (a) set a date and time for the review of the Decision.
 - (b) notify the *owner* or *builder* of the date of the review, that they may appear in person or by counsel, and that if they do not attend the hearing, the matter will be dealt with in their absence and there will be no further notice of this proceeding.
- 6.1.3 Council may conduct and hear the review as a committee of the whole or by subcommittee established for that purpose.
- 6.1.4 Upon conducting the review Council shall determine and decide any matter respecting the review and may confirm or vary the Decision. The decision of Council shall be final.

6.2 Request for review of a decision or order

- 6.2.1 Any *person* aggrieved by any decision or order of the *Authority Having Jurisdiction* as to the issuance of a *permit*, the prevention of construction or occupancy of building, the demolition or removal of building, or structures, or any other matter herein, may within thirty (30) days from the date of the decision, request that Council of the *Authority Having Jurisdiction* review the decision or order. All decisions or orders remain in effect during the review process.
- 6.2.2 Council may conduct the review as a committee of the whole or by subcommittee especially established for this purpose.
- 6.2.3 Upon conducting the review, the Council may:
 - (a) uphold, rescind, suspend or modify any decision or order given by the *Authority Having Jurisdiction*;
 - (b) extend the time within which compliance with the decision or order shall be made; or

(c) make such other decision or order as in the circumstances of each case it deems just.

6.2.4 The decision or order of the Council, upon being communicated to the appellant, shall stand in place of the decision or order against which the request for review was made, and any failure to comply with the decision or order is an offence.

7. Offences and Penalties

- 7.1 Any *owner* or *builder* who commences work prior to obtaining the required *permits* herein, shall be levied as set out in the fees and charges by-law.
- 7.2 Any person who contravenes or disobeys, or refuses or neglects to obey:
- (a) any provision of the *Code* or this by-law or any provision of any other by-law that, by this by-law, is made applicable; or
 - (b) any order or decision of the Council under Article 6 herein for which no other penalty is herein provided is guilty of any offense and liable, on summary conviction, to a fine not exceeding five thousand dollars (\$5,000.00), or in the case of an individual, to imprisonment for a term not exceeding six months or to both such fine and such an imprisonment.
- 7.3 Where a corporation commits an offence against the *Code* or this by-law, each Director or Officer of the corporation who authorized, consented to, connived at, or knowingly permitted or acquiesced in, the doing of the act that constitutes the offense, is likewise guilty of the offences and liable, on summary conviction, to the penalty for which provision is made in subsection 7.2 of this by-law.
- 7.4 Where the contravention, refusal, neglect, omission, or failure, continues for more than one day, the *person* is guilty of a separate offence for each day it continues.

8. Repeal and Transitional Provisions

- 8.1 By-Law No. 20/97 is repealed.
- 8.2 A *permit*, order or decision made under the repealed by-law remains in effect, unless revoked or changed under this by-law.
- 8.3 An application for a *permit* made under the repealed by-law but not granted continues as if it was made under this by-law.
- 8.4 Section 5.1.26 (Enhanced Security) applies to an *owner* or *builder* with a forfeited security under the repealed by-law applying for a *permit* under this by-law.

9. Amendments

- 9.1 Any schedules attached to this by-law may be amended by resolution of Council.

DONE AND PASSED by the Council of the Rural Municipality of Macdonald, in Council duly assembled, at Sanford, Manitoba this 13th day of May, A.D. 2025.

THE RURAL MUNICIPALITY OF MACDONALD

Original Signed by



Brad Erb
Reeve



Daryl Hrehirchuk, CMMA
Chief Administrative Officer

Read a First time this 22nd day of October, A.D. 2024
Read a Second time this 14th day of January, A.D. 2025
Read a Third time this 13th day of May, A.D. 2025


SCHEDULE “A”

List of Plans or Working Drawings to accompany applications for permits

1. Surveyed Site Plan
2. Staking Certificate
3. Floor Plans
4. Foundation Plans
5. Framing Plans
6. Roof Plans
7. Reflected Ceiling Plans
8. Sections and Details
9. Building Elevations
10. Electrical Drawings
11. Heating, Ventilation and Air Conditioning Drawings
12. Plumbing Drawings
13. Other documentation required by the Authority Having Jurisdiction

SCHEDULE “B”

Letter of Assurance
of Professional Design and Commitment for Inspection



RURAL MUNICIPALITY OF MACDONALD

Box 100 Sanford MB, R0G 2J0 (204) 736-2255 Fax: (204) 736-4335

**LETTER OF ASSURANCE
OF PROFESSIONAL DESIGN AND COMMITMENT FOR INSPECTION**

Date: _____

Permit No.: _____

Re: Description of Project: _____

The undersigned hereby gives assurance that, to the best of his/her knowledge the design of the:

(Please Initial) _____	MBC Parts 3 & 5 and MECB Part 3 (Architectural)
(Please Initial) _____	MBC Part 4 (Structural, including Part 9 buildings with Part 4 components)
(Please Initial) _____	MBC Part 6 and MECB Part 5 (HVAC)
(Please Initial) _____	MBC Part 7 and MECB Part 6 (Plumbing)
(Please Initial) _____	MECB Parts 4 & 7 (Electrical)
(Please Initial) _____	Exhaust and Suppression Systems
(Please Initial) _____	Fire Detection and Alarm Systems
(Please Initial) _____	Fire Suppression Systems

Comments: _____

Components of the project as shown on the plans and supporting documents prepared by this registered professional conform to all the applicable requirements of all applicable Acts, Regulations and By-laws. Further, the undersigned will be responsible for inspections of the above-referenced components during construction, as required by Manitoba Building Code Amendment, Article 2.2.7.2 (1) – Review of Construction.

The undersigned also assured competence in the necessary fields of expertise to undertake the project on the basis of training, ability and expertise in the appropriate professional and technical disciplines.

As used herein, inspections shall mean such reviews of the work at the project site and at fabrication locations, where applicable, as the registered professional, on the basis of professional discretion, considers necessary in order to ascertain that the work conforms in all respects to the plans and supporting documents prepared by this registered professional for which the Building Permit is issued. This includes keeping records of all site visits and any corrective action taken as a result thereof. Copies of the inspection reports will be provided to the authority having jurisdiction upon request.

(Each registered professional shall complete the following:)

Name

Address

Email Address / Telephone

Affix Seal, Signature & Date


(If the registered professional is a member of a firm, complete the following:)

I am a member of the firm _____
and I sign this letter on behalf of the firm. (Print name of firm)

Note: The foregoing letter must be signed by a registered professional who is registered in the Province of Manitoba as a member in good standing in the Engineers Geoscientists Manitoba or the Manitoba Association of Architects.

SCHEDULE “C”

*Letter of Certification for Large Part 9 Buildings
and the Assurance of Professional Field Review and Compliance*



RURAL MUNICIPALITY OF MACDONALD

Box 100 Sanford MB, R0G 2J0 (204) 736-2255 Fax: (204)736-4335

**LETTER OF CERTIFICATION FOR LARGE PART 9
BUILDINGS AND THE ASSURANCE OF PROFESSIONAL
FIELD REVIEW AND COMPLIANCE**

Date: _____

Permit No.: _____

Re: Description of Project: _____

The undersigned hereby gives assurance that, to the best of his/her knowledge the design of the:

(Please Initial) _____	MBC Parts 3 & 5 and MECB Part 3 (Architectural)
(Please Initial) _____	MBC Part 4 (Structural, including Part 9 buildings with Part 4 components)
(Please Initial) _____	MBC Part 6 and MECB Part 5 (HVAC)
(Please Initial) _____	MBC Part 7 and MECB Part 6 (Plumbing)
(Please Initial) _____	MECB Parts 4 & 7 (Electrical)
(Please Initial) _____	Exhaust and Suppression Systems
(Please Initial) _____	Fire Detection and Alarm Systems
(Please Initial) _____	Fire Suppression Systems

Comments: _____

Components of the project as shown on the plans and supporting documents prepared by this registered professional conform to all the applicable requirements of all applicable Acts, Regulations and By-laws. Further, the undersigned will be responsible for inspections of the above-referenced components during construction, as required by Manitoba Building Code Amendment, Article 2.2.7.2 (1) – Review of Construction.

The undersigned also assured competence in the necessary fields of expertise to undertake the project on the basis of training, ability and expertise in the appropriate professional and technical disciplines.

As used herein, inspections shall mean such reviews of the work at the project site and at fabrication locations, where applicable, as the registered professional, on the basis of professional discretion, considers necessary in order to ascertain that the work conforms in all respects to the plans and supporting documents prepared by this registered professional for which the Building Permit is issued. This includes keeping records of all site visits and any corrective action taken as a result thereof. Copies of the inspection reports will be provided to the authority having jurisdiction upon request.

(Each registered professional shall complete the following:)

Name

Address

Email Address / Telephone

Affix Seal, Signature & Date


(If the registered professional is a member of a firm, complete the following:)

I am a member of the firm _____
and I sign this letter on behalf of the firm. (Print name of firm)

Note: The foregoing letter must be signed by a registered professional who is registered in the Province of Manitoba as a member in good standing in the Engineers Geoscientists Manitoba or the Manitoba Association of Architects.

SCHEDULE “D”

*Letter of Certification for Final Occupancy
Assurance of Professional Field Review and Compliance*



RURAL MUNICIPALITY OF MACDONALD

Box 100 Sanford MB, R0G 2J0 (204) 736-2255 Fax: (204)736-4335

**LETTER OF CERTIFICATION FOR FINAL OCCUPANCY
ASSURANCE OF PROFESSIONAL FIELD REVIEW AND COMPLIANCE**

(This letter must be submitted after completion of the project but prior to final inspection by the Rural Municipality of Macdonald.
A separate letter must be submitted by each registered professional.)

Building Permit No.

Date

Discipline or Part (i.e. Structural or Part 4)

Name of Project (Print)

Address of Project (Print)

(Each registered professional shall complete the following:)

Name (Print)

Address (Print)

Affix Seal, Signature & Date

I hereby give assurance that:


- I have fulfilled my obligations for field review as required for the project as outlined in the previously submitted Letter of Assurance.
- I am a registered professional who is registered in the Province of Manitoba as a member in good standing with the Engineers Geoscientists Manitoba or the Manitoba Association of Architects;
- The project is substantially complete and approved for occupancy;
- I, (or a suitably qualified person reporting to me, has) have completed periodic reviews of the project at appropriate stages of construction;
- In my professional opinion the design and construction of this project was carried out in substantial compliance with the applicable provisions of the Manitoba Building Code, the Manitoba Energy Code for Buildings, and the Manitoba Plumbing Code, and the plans submitted in support of the application for the building permit. This includes any additional plans, documents, review of plans and design decisions that have been part of my responsibility and related to Code issues applicable to my discipline that were not detailed as part of the submitted permit application.
- The design and construction of any building elements of a Part 9 building that are not compliant to Part 9 of the Manitoba Building Code (MBC) comply with the requirements of Division B, Part 4 or other applicable Parts of the MBC.
- I have informed the RM of Macdonald in cases where I am aware that the construction has materially deviated from the submitted plans.
- I am not aware of any deficiencies or I have reported any deficiencies to the Authority Having Jurisdiction that would compromise compliance with the aforementioned code(s).

(If the registered professional is a member of a firm, complete the following:)

I am a member of the firm _____
and I sign this letter on behalf of the firm. (Print name of firm)

SCHEDULE “E”

*Letter of Certification for Interim Occupancy
Assurance of Professional Field Review and Compliance*



RURAL MUNICIPALITY OF MACDONALD

Box 100 Sanford MB, R0G 2J0 (204) 736-2255 Fax: (204) 736-4335

**LETTER OF CERTIFICATION FOR INTERIM OCCUPANCY
ASSURANCE OF PROFESSIONAL FIELD REVIEW AND COMPLIANCE**

(This letter must be submitted after completion of the project but prior to final inspection by the Rural Municipality of Macdonald.
A separate letter must be submitted by each registered professional.)

Building Permit No.

Date

Discipline or Part (i.e. Structural or Part 4)

Name of Project (Print)

Address of Project (Print)

(Each registered professional shall complete the following:)

Name (Print)

Address (Print)

I hereby give assurance that:

- I have fulfilled my obligations for field review as required for the project as outlined in the previously submitted Letter of Assurance.
- I am a registered professional who is registered in the Province of Manitoba as a member in good standing with the Engineers Geoscientists Manitoba or the Manitoba Association of Architects;
- I, (or a suitably qualified person reporting to me, has) have completed periodic reviews of the project at appropriate stages of construction;
- Other than the exceptions listed below, in my professional opinion the construction was carried out in substantial compliance with the applicable provisions of the Manitoba Building Code, the Manitoba Energy Code for Buildings, and the Manitoba Plumbing Code, and the plans submitted in support of the application for the building permit. This includes any additional plans, documents, review of plans and design decisions that have been part of my responsibility and related to applicable Code issues that were not detailed as part of the submitted permit application.
- The design and construction of any building elements of a Part 9 building that are not compliant to Part 9 of the Manitoba Building Code (MBC) comply with the requirements of Division B, Part 4 or other applicable Parts of the MBC.
- I have informed the RM of Macdonald in cases where I am aware that the construction has materially deviated from the submitted plans.
- I am not aware of any deficiencies or I have reported any deficiencies to the Authority Having Jurisdiction that would compromise compliance with the aforementioned code(s).

List of Exceptions and Points of Non-Compliance:

◦ In my professional opinion, these points of non-compliance with the Manitoba Building Code, the Manitoba Energy Code for Buildings, and the Manitoba Plumbing Code are not material and do not pose a health of safety hazard to occupants of the building. In my professional opinion, the above-noted building may be occupied until (set out date) and on the following conditions (list conditions) without compromising the health or safety of occupants.

(If the registered professional is a member of a firm, complete the following:)

I am a member of the firm

and I sign this letter on behalf of the firm.


(Print name of firm)

Affix Seal, Signature & Date

SCHEDULE “F”

Letter of Assurance
for Manitoba Energy Code for Buildings 2020

(This letter is required to be submitted before the issuance of a building permit)



RURAL MUNICIPALITY OF MACDONALD

Box 100 Sanford MB, R0G 2J0 (204) 736-2255 Fax: (204) 736-4335

**LETTER OF ASSURANCE
FOR MANITOBA ENERGY CODE FOR BUILDINGS 2020**

**Declaration of Professional Responsibility of the
Coordinating Registered Professional (CRP) and Owner's Statement**
(This letter is required to be submitted before the issuance of a building permit.)

Name of Project (print)

Address of Project (print)

Professional Declaration:
Via this submission, I am making the following declaration associated with this project for a(an):

☐ new building

☐ base building only (new building or addition)

☐ addition

☐ tenant improvements

This declaration of professional responsibility is applicable and limited to the scope of work defined in the drawings / specifications associated with the permit application(s) for the project referenced above, and only as it pertains to the Manitoba Energy Code 2020 for Buildings (MECB).

• I am an engineer or architect entitled to practice as such in the Province of Manitoba¹ and I am aware of the provisions of the MECB regarding the methods of compliance with the MECB.

• As the Coordinating Registered Professional (CRP), I am committing to:

a) Ascertain which disciplines relating to the MECB are required on the project, and which registered professionals need to be retained,

b) Coordinate design work and field reviews as it relates to the MECB, and

c) Provide to the R.M. of Macdonald a Letter of Certification under seal at the completion of construction prior to final occupancy for this project. In providing this Letter of Certification, I am not responsible for ensuring the compliance of design or construction with respect the MECB for those aspects which are the responsibility of other registered professionals under seal and as such I am entitled to reasonably rely on:

▪ Letters of Assurance and Certification required by the (R.M.) of registered professionals or record, and/or

▪ Other statements provided to me which I may choose to require under seal by architects and/or engineers pertaining to the design and construction of this project.

My forthcoming Letter of Certification may be based in whole or in part on this reliance.

• I am aware that the R.M. will rely upon this declaration and the Letter of Certification signed and sealed by me, as well as other Letters of Assurance and Letters of Certification submitted by other registered professionals and will not conduct any planned examination or review or inspect any construction, except by way of possible audit, as they relate to the current edition of the MECB.

• I further understand that the R.M. recommends that I periodically review my professional liability exposures, including those posed by potential third party claims, and that I carry an appropriate level of insurance, and/or that I ensure that I am protected by appropriate levels of insurance held by professionals on whose certificates and statements I am relying. I understand that this review should include this specific project, including the building's occupancy type, classification, value, size and complexity, the extent of my professional involvement with it, and the R.M.'s reliance on my certificate.

• By affixing my seal, I am representing that I am fully aware of the provisions of the MECB, and will apply a professional standard of care to ensure coordination and compliance of this project with applicable provisions of the MECB.

• The R.M. Compliance checklist has been completed, and I will make it available to the R.M. in the event of an audit, together with relevant information and/or supporting statements from other professionals.

Coordinating Registered Professional²

Name (print)

Address (print)

Phone No.

Affix Seal, Signature & Date

(If the registered professional is a member of a firm, complete the following:)

I am a member of the firm
and I sign this letter on behalf of the firm.

(print name of firm)

Notes:

1. Registered professional in good standing in the Engineers Geoscientists Manitoba or the Manitoba Association of Architects.

2. The CRP may be (but is not required to be) a member of the design team.

Page 1 of 2

(SCHEDULE “F” – continued)

Authorization Statement (if applicable):
I (we) hereby give authorization to
to apply for a building permit for the above address.

(Application's Name)

Owner Statement:

I have reviewed the Letters of Assurance required by the R.M. of Macdonald (RM) and submitted as part of the application for a permit for this project.

I agree to ensure that the construction that is authorized in response to this application is in compliance with:

the permits(s) issued in response to this application;

the sealed plans submitted as part of the application; and,

any applicable Acts, Regulations and By-Laws.

Subject to any Appeal to which I am entitled, I hereby agree to immediately bring into compliance any construction pursuant to this application that is found not to be not in compliance.

I understand that the RM does not accept responsibility for any errors and omission sin the sealed plans. I further understand that it is my responsibility, as registered owner(s)/agent of the project, to review liability exposures, including those posed by potential third party claims, and ensure that any and all parties involved in the design and construction of the project carry a level of insurance that is appropriate and/or acceptable to me, based on the occupancy type and classification, value, size and complexity of the building and the risks to me associated with the RM reliance on the letters of assurance as outlined above.

I understand that I must notify the RM in writing of any change in registered professional who signed and sealed the plans, drawing and other documents submitted as part of the application for the permit.

In the event that the CRP must be replaced;

I will notify the RM within ten business days, and

I understand that the RM will not issue final occupancy or building permits associated with tenant spaces until a new CRP is engaged and submits the requisite Letters of Assurance and Certification to the RM.

Registered Owners(s) on the Status of Title or Certificate of Title:

Name (print)

Signature

Date

Name (print)

Signature

Date

Address

If owner is a corporation the signature of a signing officer must be given here. If the signature is that of the agent, copy of the document that appoints the agent must be attached.

Owner's Delegate Contact Information (required):
Note: The general practice is for RM staff to directly contact the relevant professional (if different from the applicant) for questions or requests associated with his/her involvement with a building permit application. Usually the applicant is notified as well if relevant, or if an issue is not resolved quickly. However, there may be occasion when the RM staff may wish to notify the owner about outstanding issues associated with permits. Since each property ownership and project situation could be different, we ask that the owner identify who they wish to assign as their delegate in those situations. For example, this could be the owner (him/herself), an owner representative or agent, a tenant, the applicant, or simply an individual assigned by the owner to be the main point of contact for the RM regarding matters relating to this permit application.

Owner or Delegate contact information (required):

Name:

Position/Title:

Company Name:

Company Address:

Phone No. (main):

Phone No. (alternative):

Email Address:

Notice for Permits Relating to Base Buildings Only:

For buildings or additions constructed initially as base building only, MECB requirements apply to all of the interior alterations or tenant improvements as determined by final occupancy permits for the entire building or addition. As such, the RM requires a final Letter of Certification from the CRP for the entire building to ensure that each tenant space complies with the MECB and that the building 'as a whole' complies with the MECB. It is the owner's responsibility to ensure that each tenant and their designers will be made aware of the MECB requirements pertaining to their respective interior alterations and the tenant's responsibility to the CRP.

Page 2 of 2

SCHEDULE "G"

***Letter of Certification for
Manitoba Energy Code for Buildings 2020
of Professional Field Reviews***

(This letter must be submitted after completion of the project but before the occupancy permit is issued or a final inspection is made by the RM of Macdonald)

RURAL MUNICIPALITY OF MACDONALD

Box 100 Sanford MB, R0G 2J0

(204) 736-2255

Fax: (204) 736-4335

LETTER OF CERTIFICATION FOR MANITOBA ENERGY CODE FOR BUILDINGS 2020 OF PROFESSIONAL FIELD REVIEWS

(This letter must be submitted after completion of the project but before the occupancy permit is issued or a final inspection is made by the R.M. of Macdonald.)

Name of Project (print)

Building Permit No.

Address of Project (print)

Date

Legal Descript of Project (print)

(The MECB Coordinating Registered Professional shall complete the following:)

Name (print)

Address (print)

Affix Seal, Signature & Date

I hereby give assurance that:

- As the MECB Coordinating Registered Professional, I have applied a professional level of care in coordinating the design work and field reviews of the registered professionals required for this project as it relates to the MECB.
- Based on the designs, reviews of construction, and required certificates submitted under seal by all registered professionals on the project, and if applicable, my own further reviews and/or any further statements issued to me under seal of professionals, I hereby represent that:
- In my professional opinion the design and construction of this project was carried out in substantial compliance with the applicable provisions of the MECB.
- I am not aware of any substandard workmanship, materials or assemblies that would compromise compliance with the MECB.
- The R.M. of Macdonald Compliance Checklist has been completed, and I will make it available to the R.M. in the event of an audit, together with relevant information and /or supporting statements from other professionals.
- I commit to retaining these records for a period of a minimum of seven years.
- I have provided or will within 20 business days provide a copy of the Compliance Checklist to the building owner for his/her records.


(If the registered professional is a member of a firm, complete the following:)

I am a member of the firm
and I sign this letter on behalf of the firm.

(print name of firm)

SCHEDULE “H”

Letter of Authorization



RURAL MUNICIPALITY OF MACDONALD

Box 100 Sanford MB, R0G 2J0 (204) 736-2255 Fax: (204)736-4335

Rural Municipality of Macdonald
Building By-Law No.

LETTER OF AUTHORIZATION

Authorization Statement (if applicable):

I (we) hereby give authorization to _____ to apply for a building permit for the stated address. (Print Application's Name)

Address: _____

Owner Statement:

- I have reviewed the Letters of Assurance required by the Rural Municipality of Macdonald and submitted as part of the application for a permit for this project.
- I agree to ensure that the construction that is authorized in response to this application is in compliance with:
 - the permits(s) issued in response to this application;
 - the sealed plans submitted as port of the application; and,
 - any applicable Acts, Regulations and By-Laws.
- Subject to any Appeal to which I am entitled, I hereby agree to immediately bring into compliance any construction pursuant to this application that is found not to be not in compliance.
- I understand that the Rural Municipality of Macdonald does not accept responsibility for any errors and omission in the sealed plans. I further understand that it is my responsibility, as registered owner(s)/agent of the project, to review liability exposures, including those posed by potential third party claims, and ensure that any and all parties involved in the design and construction of the project carry a level of insurance that is appropriate and/or acceptable to me, based on the occupancy type and classification, value, size and complexity of the building and the risks to me associated with the Rural Municipality of Macdonald's reliance on the letters of assurance as outlined above.
- I understand that I must notify the Rural Municipality of Macdonald in writing of any change in registered professional who signed and sealed the plans, drawing and other documents submitted as part of the application for the permit.
- In the event that the CRP must be replaced,
 - I will notify the Rural Municipality of Macdonald within ten business days, and
 - I understand that the Rural Municipality of Macdonald will not issue final occupancy or building permits associated with tenant spaces until a new CRP is engaged and submits the requisite Letters of Assurance and Certification to the Rural Municipality of Macdonald.

Registered Owner(s) on the Status of Title or Certificates of Title:

Name (Print)

Signature

Date

Name (Print)

Signature

Date

Address

If the owner is a corporation the signature of a signing officer must be given here. If the signature is that of the agent, a copy of the document that appoints the agent must be attached.

Page 1 of 2

(SCHEDULE “H” – continued)

Rural Municipality of Macdonald
Building By-Law No.

Owner’s Delegate Contact Information (required): Note: The general practice is for Rural Municipality of Macdonald staff to directly contact the relevant professional (if different from the applicant) for questions or requests associated with his/her involvement with a building permit application. Usually, the applicant is notified as well if relevant, or if an issue is not resolved quickly. However, there may be occasion when the Rural Municipality of Macdonald staff may wish to notify the owner about outstanding issues associated with permits. Since each property ownership and project situation could be different, we ask that the owner identify who they wish to assign as their delegate in those situations. For example, this could be the owner (him/herself), an owner representative or agent, a tenant, the applicant, or simply any individual assigned by the owner to be the main point of contact for the Rural Municipality of Macdonald regarding matters relating to this permit application.

Owner or Delegate Contact Information(required):

Name: _____

Position/Title: _____

Company Name: _____

Company Address: _____

Phone No. (Main): _____

Phone No. (Alternative): _____

Email Address: _____

Notice for Permits Relating to Base Buildings Only:
For buildings or additions constructed initially as base building only, MECB requirements apply to all of the interior alterations or tenant improvements as determined by final occupancy permits for the entire building or addition. As such, the Rural Municipality of Macdonald requires a final Letter of Certification from the CRP for the entire building to ensure that each tenant space complies with the MECB and that the building ‘as a whole’ complies with the MECB. It is the owner’s responsibility to ensure that each tenant and their designers will be made aware of the MECB requirements pertaining to their respective interior alterations, and the tenant’s responsibility to the CRP.

Page 2 of 2