

CARMAN DUFFERIN GREY PLANNING DISTRICT

BY-LAW NO. 26-2024

CARMAN DUFFERIN GREY PLANNING DISTRICT BUILDING BY-LAW

BEING A BY-LAW OF THE CARMAN DUFFERIN GREY PLANNING DISTRICT

To regulate building in the Town of Carman and Rural Municipality of Dufferin and the Rural Municipality of Grey and for prescribing fees to be paid for such a permit, and thus repeals the Carman Dufferin Planning District By-Law No. 09/2016 and replaces the RM of Grey By-Law No. 08-2017

WHEREAS *The Buildings and Mobile Homes Act, C.C.S.M., c. B93,* provides as follows:

- 3(1) For the purposes of this Act, the Lieutenant Governor in Council may, by regulation,
- (a) adopt any established building construction code or building construction standard, in whole or in part, for use in the province or any part of the province or any municipality;
 - (b) prescribe variations in, additions to or deletions from any building construction code or building construction standard adopted under clause (a);
 - (c) establish or prescribe any building construction code or building construction standard for use in the province, or any part of the province, or any municipality.

AND WHEREAS *The Buildings and Mobile Homes Act* further provides as follows:

- 4 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 *The Municipal Act, C.C.S.M. c. M225,* provides, in part, as follows:

Spheres of Jurisdiction

232(1)A council may pass by-laws for municipal purposes respecting the following matters:

- (a) the safety, health, protection and well-being of people, and the safety and protection of property;

- (b) people, activities and things in, on or near a public place or a place open to the public, including parks, municipal roads, recreation centres, restaurants, facilities, retail stores, malls and private clubs and facilities that are exempt from municipal taxation;
- (c) subject to section 233, activities or things in or on private property.

AND WHEREAS *The Municipal Act* further provides, in part, as follows:

232(2) Without limiting the generality of subsection (1), a council may in a by-law passed under this Division

- (a) regulate or prohibit;
- (b) adopt by reference in whole or in part, with any changes the council considers necessary or advisable, a code or standard made or recommended by the Government of Canada or a province or a recognized technical or professional organization, and require compliance with the code or standard;
- (c) deal with any development, activity, industry, business, or thing in different ways, or divide any of them into classes and deal with each class in different ways;
- (d) establish fees or other charges for services, activities or things provided or done by the municipality or for the use of property under the ownership, direction, management or control of the municipality.
- (e) subject to the regulations, provide for a system of licences, permits or approvals, including any or all of the following:
 - (i) establishing fees, and terms for payment of fees, for inspections, licences, permits and approvals, including fees related to recovering the cost of regulation

AND WHEREAS *The Municipal Act* further provides as follows:

341(1) On request and payment of a fee prescribed by by-law, a designated officer must issue a tax certificate showing:

- (a) the taxes for the year in respect of the property or business specified in the request, and any amount paid;
- (b) any tax arrears owing in respect of the property or business as of the date of the certificate; and
- (c) whether the lands are assessed for farming purposes under section 17 of *The Municipal Assessment Act*.

AND WHEREAS *The Planning Act* C.C.S.M. c. P80, provides, in part, as follows:

Role of planning districts

- 14 When a planning district is established, its board is responsible for
- (a) the adoption, administration and enforcement of the development plan by-law for the entire district;
 - (b) the administration and enforcement of

- (i) the zoning by-laws of its member municipalities, or the district's own zoning by-law if it has adopted a district-wide zoning by-law under section 69,
- (ii) any secondary plan by-law in force in the district,
- (iii) the building by-laws of its member municipalities, and
- (iv) the by-laws of its member municipalities dealing with minimum standards of maintenance and occupancy of buildings.

Agreements

- 15(1) The board of a planning district may enter into any agreement necessary to enable it to carry out and exercise its duties and powers under this Act, including without limitation,
- (a) an agreement with any person respecting the development of land in the district;
 - (b) an agreement with a member municipality, the government, an agency of the government or any other person to develop and maintain
 - (i) transportation systems, utilities or recreational facilities for the use of member municipalities, or
 - (ii) housing facilities in the district.

Additional responsibilities

- 15(2) The board of a planning district may
- (a) review and co-ordinate the policies and programs of its member municipalities relating to land use and development and the provision of public facilities; and
 - (b) by agreement, perform duties delegated to it by the council of a member municipality.

General powers re by-laws

- 21(3) The board of a planning district may adopt
- (a) a by-law establishing the fees and charges to be paid for services provided by the district, including licences, permits, certificates and other approvals and documents issued by the district; and
 - (b) other by-laws, not inconsistent with this Act, that may be necessary to carry out and exercise its duties and powers under this Act.

NOW THEREFORE the Board of the Carman Dufferin Grey Planning District enacts as follows:

SECTION 1 Title

This by-law may be cited as the Carman Dufferin Grey Planning District Building By-law.

SECTION 2 Scope & Definitions

2.1 Scope:

- 2.1.1. This by-law applies to the whole of the Rural Municipality of Dufferin and Town of Carman under the Carman Dufferin Grey Planning District.

- 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 Manitoba Building **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 **bold** 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, or reference should be made to a standard dictionary.
- 2.2.3. Words and terms in **bold** in this by-law shall have the following meanings:

“Audit” means a random view 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 Carman Dufferin Grey Planning District, where the context requires, such building inspector or other authority lawfully appointed by the Carman Dufferin Grey Planning District to administer and enforce the provisions of this by-law

“Board” means the board of the Carman Dufferin Grey Planning District

“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*

“Council”	means the council of the Town of Carman, The Rural Municipality of Dufferin or The Rural Municipality of Grey
“Grade”	a pre-determined evaluation set by the Engineer of the area
“Modular Home”	is a home built under C.S.A standard CAN/CSA A 277
“Mobile Home”	is a unit under CSA Standard CSA Z240
“Occupancy”	means the use or intended use of a building or part thereof for the shelter or support of persons, animals or property
“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
“Relocation”	means the moving of an existing building from one location to another location
“Removal”	means the moving of an existing building from one property to another property
“Renovation”	means the reconstruction of all or part of the interior or exterior, or both, of an existing building, where there is no structural reconstruction, alteration or enlargement of the building
“Repair”	means work done to an existing building for the purpose of maintenance and not amounting to a renovation
“RTM”	means ready to move houses being houses or buildings constructed in one location and moved to a different location
“Signs”	means any writing (including letter or word), pictorial representation (including illustration or decoration), emblem (including devise, symbol or trade mark), flag (including banner or pennant), or any other figure of similar character which: <ul style="list-style-type: none"> (a) is a structure or any part thereof, or is attached to, painted on, or in any other manner represented on a building

(b) is used to announce, direct attention to, or advertise

(c) is visible from outside of the building

“Valuation”

means 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, 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**

SECTION 3 General

3.1 Application Generally:

This by-law applies to 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**.

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 or storeys of an existing **building** or structure shall not be increased unless the entire **building** or structure conforms to the requirement of the **Code**.
- 3.2.3. The requirements of the 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 the demolition to the extent that deficiencies occurring or remaining after demolition require correction.
- 3.2.5. When a **building** is damaged by fire, earthquake or any other cause, the **Code**, the requirements of this by-law and the appropriate regulation in *The Fires Prevention and Emergency Response 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 Fires Prevention and Emergency Response 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 part of it is changes, the requirements of this by-law apply to all parts of the **building** affected by the change.

3.3 Exemptions:

3.3.1. These requirements 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 hydroelectric dams and structures;
- (d) mechanical or other equipment and appliances not regulated in this by-law;
- (e) accessory **buildings** not greater than 9.63 square meters (107 sq. ft.) in **building** area subject to the concurrence of the **authority having jurisdiction**; or
- (f) a **farm building**, other than a **farm building** used as a residence, an attached garage or a carport.

3.4 Prohibitions:

3.4.1. Any person who fails to comply with any 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 a 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 the **authority having jurisdiction** has issued an **occupancy permit**.

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 elevation 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.

- 3.4.8 No person having authority in the construction, reconstruction, demolition, alteration, removal, relocation or occupancy of a building shall cause, allow or maintain an unsafe condition.

3.5 Modular Homes and RTM's

- 3.5.1. Modular homes and/or RTM's shall comply with the requirements of the **Code**.

- 3.5.2 The **authority having jurisdiction** may require any or all of the following in respect to a modular 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 modular home or RTM in the location of its construction together with a copy of any or all inspection reports; and
- (d) such inspections or certification as the **authority having jurisdiction** may deem necessary in order to ensure compliance with the **Code** and this by-law.

SECTION 4 Permits

4.1 Application:

- 4.1.1. Except as otherwise allowed by the **authority having jurisdiction**, every application for 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 on "Schedule A" hereto;
 - (d) include those plans and specifications set out on "Schedule B" hereto (unless otherwise waived by the **authority having jurisdiction**), and show the **occupancy** of all parts of the **building**;
 - (e) state the names, addresses and telephone numbers of the owners, architect, professional engineer or other **designer, constructor** and any inspection or testing agency engaged to monitor the work or part of the work;
 - (f) include such additional information as may be required by the **authority having jurisdiction**;
 - (g) submit one set of plans drawn to scale upon paper, cloth or other substantial materials that shall 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 proposed

occupancy will conform to the **Code** and other relevant municipal by-laws and provincial regulations; and

- (h) submit site plans that shall be referenced to an up-to-date survey as per the Carman Dufferin Grey Survey Policy and when required to prove compliance with the **Code**, a copy of the survey shall be submitted to the **authority having jurisdiction**. Site plans shall show, when required by the **authority having jurisdiction**:
 - (i) by dimensions from property lines, the location of the proposed building;
 - (ii) the similarly dimensioned location of every other adjacent existing building on the property; and
 - (iii) existing and finished ground levels to an established datum at or adjacent to the site.

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, and can only be reinstated by re-filing.

4.1.3. A **permit** shall expire and the right on 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 **authority having jurisdiction**.

4.1.4. Any revision to the original application described in article 4.1.1 shall be made in the same manner as for the original **permit**.

4.1.5. Applications for **permits** may be filed, and **permits** may be issued to an **owner**, or to a **constructor** or other properly authorized agent of the **owner**.

4.1.6. 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 terms as "in accordance with the **Code**", "legal", or similar terms be used as substitutes for specific information.

4.2 Permits:

4.2.1. Building Permits:

4.2.1.1. Except as permitted in Article 4.2.1.2 herein, unless a **building 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 repair, rehabilitation, or **renovation** of any **building** or structure, or portion thereof;
- (d) underpinning;

- (e) the relocation or removal of any **building** or structure, or portion thereof;
- (f) the excavation of any land for the purpose of erecting or location on or above it, any **building** or structure;
- (g) the installation, construction, repair, renewal, **alteration** or extension of a mechanical system;
- (h) the installation, construction, **alteration** or extension of a spray paint operation, spray painting booth, dip tank or special process; or
- (i) the **alteration**, addition, erection or re-erection of a sign.

4.2.1.2. A **building permit** is not required for:

- (a) patching, painting or decorating;
- (b) replacement of stucco, siding or roofing;
- (c) replacement of doors or windows when the opening is not altered;
- (d) replacement of open landing and stairs;
- (e) construction of fences;
- (f) installation of cabinets and shelves;
- (g) a detached accessory storage building not greater than 9.63 square meters (107 sq. ft.) in building area; or
- (h) non-structural alteration or repairs when the value of such work is less than twenty thousand dollars (\$20,000.00).

4.2.1.3. Notwithstanding that a **building 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 **building permit** for cases described in Subsection 5.1.17(1), the **owner** shall (unless the **authority having jurisdiction** waives such requirement) submit Letters of Assurance in the forms set out in "Schedules C and D" as attached hereto, which:

- (a) confirm that the **owner** has retained the necessary architects of 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 **building 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 "Schedule E" as attached hereto, confirming that the **owner** will ensure that the **building** will be constructed in accordance with the **Code**.

4.2.1.6. The **authority having jurisdiction** may issue a **permit** for the entire project conditional upon the submission, prior to commencing work thereon, of additional information not available at the time of issuance, if such data is of secondary importance, and is

of such nature that the withholding of the **permit** until its availability would unreasonably delay the work.

4.2.1.7 Every **building permit** is issued upon the condition:

- (a) that pegs, stakes, lines and other marks approved by the **authority having jurisdiction** be located on the **building site** so as to establish the line or limiting distance beyond which the **building** or structure shall not extend as specified on the permit, and shall be accurately maintained during the course of construction and until occupancy has been approved;
- (b) that such marking shall be provided for the erection of a new **building** or structure, extension or addition to existing **buildings** or structures, or for **buildings** or structures moved from one location to another whether on the same property or not;
- (c) that the construction shall be carried out in accordance with the provisions of the **Code**, and all provisions as described on the **building permit** and approved plans;
- (d) that all municipal by-laws and provincial regulation be complied with; and
- (e) that the **authority having jurisdiction** shall get 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.

4.2.1.8. The application for a sign permit shall:

- (a) be made on the prescribed form;
- (b) include in duplicate a plot plan showing the street lines or other boundaries of the property upon which it is proposed to erect such sign, and location thereof upon the property in relation to any other structures upon such property and upon the premises immediately adjoining; and
- (c) when required, in duplicate, complete drawing and specifications covering the construction of the sign and its supporting framework and other information with respect to the **building** upon which it is proposed to locate the sign as to determine whether the structure of such **building** will carry the additional loads and stresses imposed thereon by the erection of the sign without exceeding the stress requirements. Such drawings shall in all cases have marked thereon in figures the height of such a building.

4.2.1.9. Temporary Job Signs 16" X 24" or smaller, shall be exempt from this by-law for a period of six months.

4.2.2. Plumbing Permits:

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

4.2.2.2. A plumbing **permit** is not required when a valve, faucet, fixture or service water heater is repaired or replaced, a 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
- (c) a layout of the potable water distribution system including pipe sizes and valves.

4.2.2.4. A permit shall be issued only to a **homeowner** to do work on a single family dwelling unit owned and occupied or to be occupied by him, or to a **plumbing contractor** who meets the qualifications that are prescribed by the municipality in which the code is enforced.

4.2.3. Occupancy Permits:

Except as otherwise permitted herein, no **person** shall occupy or use or permit the **occupancy** or 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**, 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 when an **alteration** is made thereto, except a single family dwelling, a two-family dwelling or a multi-family dwelling without share 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 F and G", as attached hereto, 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. The **authority having jurisdiction** may issue a Temporary **Occupancy Permit** for the use of a **building** or structure approved as a temporary **building** or structure.

4.2.3.6. A Temporary **Occupancy Permit** shall be for a period not more than six months, but before the expiration of such period, the Temporary **Occupancy Permit** may be renewed by the **authority having jurisdiction** for two further six-month periods.

4.2.3.7. Notwithstanding apparent compliance with this 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 a Zoning by-law or any other by-law of the **authority having jurisdiction**.

4.2.3.8. An applicant for an **Occupancy Permit** shall supply all information requested by the **authority having jurisdiction** to show compliance with the by-law and any other relevant by-laws of the **authority having jurisdiction**.

4.2.3.9. The required **Occupancy Permit** shall be displayed and maintained in a legible condition by the **owner** or his agent in a location acceptable to the **authority having jurisdiction**.

4.2.3.10. An inspection of a site shall be made prior to the issuance of an **Occupancy Permit** or Certificate of Occupancy and a fee shall be charged in accordance with "Appendix A".

4.2.4. Demolition Permits:

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**.

4.2.4.3. The **authority having jurisdiction** may request that an application for a permit to remove, relocate or demolish a **building** or structure shall contain one or more of the following:

- (a) a description of the **building** or structure giving the existing location, construction material, dimensions, number of rooms and condition of exterior and interior;
- (b) a legal description of the existing site;
- (c) a legal description of the site at which it is proposed that the **building** or structure is to be moved if located within the planning district; and
- (d) a plot plan of the site to be occupied by the building or structure if located within the planning district.

4.2.4.4. The **owner**, or his agent, of a site from which a **building** or structure is to be removed or demolished shall:

- (a) notify the gas, electric, telephone and water service companies or utilities to shut off and/or remove their service;
- (b) plug the sewer line;
- (c) upon completion of the removal or demolition, put the site in a safe and sanitary condition to the satisfaction of the authority having jurisdiction; and
- (d) clear all debris from site within 30 days of demolition.

4.2.5. General:

4.2.5.1. No permit shall be assigned or transferred without the written consent of the **authority having jurisdiction**.

4.2.6. Fees

4.2.6.1. Permit fees shall be as adopted by resolution of the Planning District.

SECTION 5: Duties, Responsibilities & Powers

5.1. Duties and Responsibilities of the Owner:

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 proposed work, prior to commencing the work to which they relate

5.1.3 Every **owner** shall:

- (a) ensure that the plans and specifications on which the issue of any **permit** was based are available continuously at site of the work for **audit** or **inspection** during working hours by the **authority having jurisdiction**, and that the **Permit**, or true copy thereof, is posted conspicuously on the site during the entire execution of the work; and
- (b) call for inspections with a 24-hour notice.

- 5.1.4. Every owner shall give notice to the **authority having jurisdiction** of dates on which he intends to begin work prior to commencing work on the **building** site.
- 5.1.5. Every **owner** shall before commencing the work, give notice in writing to the **authority having jurisdiction**, prior to commencing the work, listing:
- (a) the name, address and telephone number of:
 - (i) the **constructor** 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 or termination or employment of such persons during the course of the construction immediately that such change or termination occurs.
- 5.1.6. Every **owner** shall give sufficient notice to the **authority having jurisdiction**:
- (a) of intent to begin work that the **authority having jurisdiction** has 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**
- 5.1.7. Every **owner** shall give notice in writing to the **authority having jurisdiction**:
- (a) immediately upon any change in ownership or if change in the address of the **owner** occurs prior to the issuance of the **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 require by the **authority having jurisdiction**.
- 5.1.8. Every **owner** shall give such other notice to the **authority having jurisdiction** as may be required by the provisions of the **Code** or this by-law.
- 5.1.9. Every **owner** shall make, or have made at his own expense, the tests or **inspections** necessary to prove compliance with these requirements and shall promptly provide a copy of all such test or **inspection** reports to the **authority having jurisdiction** when and as required by the **authority having jurisdiction**.
- 5.1.10. Every **owner** shall provide an up-to-date survey, as per the Carman Dufferin Grey Survey Policy, of the building site when and as required by the authority having jurisdiction.

- 5.1.11. When required by **the authority having jurisdiction**, every **owner** shall uncover and recover at his own expense any work that has been covered contrary to an order issued by the above authority.
- 5.1.12. Every **owner** 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 **building permit** was or was not required.
- 5.1.13. 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.
- 5.1.14. 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.
- 5.1.15. 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**.
- 5.1.16. 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. All **buildings** or structures, existing and new, and all parts thereof shall be maintained in a safe condition. All devices or safeguards that are required by the **Code** in a **building** or structure when erected, altered, or repaired, shall be maintained in good working order. The **owner** or his designated agent shall be responsible for the maintenance of such **building** or structures.
- 5.1.17.(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 5.1.17(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 5.1.17.(1) and (2) is terminated during the construction period, work shall be discontinued until a replacement has been appointed.
 - (4) The requirements of 5.1.17.(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**.
- 5.1.18. Where the dimensions of a structural component are not provided in Part 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**.
- 5.1.19. Every **owner** who undertakes to construct, alter, reconstruct, demolish, remove or relocate a **building** shall provide **supervision** and coordination of all work and trades.
- 5.1.20. 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.
- 5.1.21. Every owner shall call for inspections as follows, with a 2 business day notice required, between Monday and Friday.
- (a) Plan Review
 - (b) Site Inspection
 - (c) Foundation Inspection
 - (d) Framing and Plumbing Inspection
 - (e) Vapor Barrier and Insulation Inspection
 - (f) Final, before occupancy

5.2. Duties and Responsibilities of the Constructor:

- 5.2.1. Every **Constructor** shall ensure that all construction safety requirements of the **Code** are complied with.
- 5.2.2. Every **Constructor** 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 **Planning District**.
- 5.2.3. Every **Constructor** is responsible jointly and severally with the **owner** for work actually taken.

5.3. Duties and Responsibilities of 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 Article 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*.

- 5.3.3. Where the **authority having jurisdiction** seeks to enforce any of the powers set out in Article 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 of the **Code** or this by-law.
- 5.3.4. The **authority having jurisdiction** shall provide, when requested to do so, all reasons for refusal to grant a **permit**.
- 5.3.5. The **authority having jurisdiction** shall accept any construction or condition that lawfully existed prior to the effective date of the **Code** provided that such construction or condition does not constitute an unsafe condition.
- 5.3.6. The **authority having jurisdiction** shall answer such relevant questions as may be reasonable with respect to the provisions of the **Code** or this by-law when requested to do so, but except for standard design aids shall refrain from assisting in the laying out of any work and from acting in the capacity of an **engineering or architectural consultant**.
- 5.3.7. The **authority having jurisdiction** shall issue a **permit** to the **owner, constructor or agent** when, to the best of his knowledge, the applicable conditions as set forth in the **Code** have been met.
- 5.3.8. The **building inspector** or any of his assistants charged with the enforcement of this by-law while acting for the Planning District shall not thereby render themselves liable personally, and they are hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of their official duties. Any suit instituted against any officer or employee because of an act performed by him in the lawful discharge of his duties and under the provisions of this by-law shall be defended by the legal representative of the Planning District until the final termination of the proceedings. In no case shall the **building inspector** or any of his assistants be liable for costs in any action, suit or proceeding that may be instituted in pursuance of the provisions of this by-law and any officer of the Inspections Department, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of his official duties in connection therewith.

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, he shall immediately advise the **authority having jurisdiction**.

5.4.6. Prior to the issuance of an **occupancy permit**, the responsible **architect** and/or **professional engineer** shall, where required by the **authority having jurisdiction**, submit a certificate stating:

"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."

5.4.7. The responsible **architect** and/or **professional engineer** shall sign, date and seal all of the documents referred to in this article.

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 these requirements, 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 **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** in any **unsafe** condition existing 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** condition meets these requirements.

- 5.5.4. The **authority having jurisdiction** may require an **owner** to submit, in addition to the information required in Article 4.1.1., an up-to-date plan or survey, 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 his/her 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 is 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 determining permit fees. Such **valuation** shall take precedence over any valuation provided by the **owner** and notwithstanding any provisions of this by-law, the valuation for a **building**

permit in the case of removal or relocation, shall include the cost to move the **building**, excavation at the new site, cleaning and leaving the former site in the condition specified in the **code** and alterations or repairs to the building.

In the case of the erection, alteration or enlargement of any sign or encroachment, the valuation shall reflect the cost of any contract for the prosecution of the work with all contractors which shall include all labour costs, materials, and devices necessary to complete the work, and shall be the reproduction cost without depreciation and without regard to any loss occasioned from fire, used material or other causes.

Every **owner, architect, engineer, contractor 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 his signature when requested by the **authority having jurisdiction**, all the information in his power with respect to the cost of the work.

- 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, 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, and when due 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 recover such expense in like manner as municipal taxes, and
 - (b) take such other measures, as may be considered necessary to protect the public.
- 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.

- 5.5.15. The **authority having jurisdiction** may issue to the **owner** an order or notice in writing to correct any **unsafe conditions** observed in any **building**.
- 5.5.16. The **authority having jurisdiction** may authorize the complete or partial demolition or removal, at the expense of the owner, of a **building** which, in his opinion, has been constructed in contravention of the **Code** or any by-law, and to provide that the cost of such demolition or removal as certified by the **authority having jurisdiction** may be added to the taxes on the land occupied by such **building** and collected as other taxes.
- 5.5.17. The **authority having jurisdiction** may, by written notice, require the **owner** of a **building**, or other person acting for the **owner** in respect thereof, to comply within a specified period of time to have the **building** made to conform to the **Code** in such respects as are specified in the notice. Omission to give such notice, however, shall not prevent any **owner** or other person from being prosecuted for breach of the **Code**.
- 5.5.18. Where, upon noncompliance with any notice given under articles 5.5.17 and 5.5.16, the **authority having jurisdiction** causes the **building** or structure to be demolished, the planning district may sell the material, fixtures, and other salvage therefrom towards paying the cost of the demolition and the balance, if any, shall be applied toward paying any taxes owing in respect to the property, after encumbrances and lien holders, if any, in the order of their priority, and the surplus, if any, shall be paid to the **owner** of the property.
- 5.5.19. Where the **authority having jurisdiction** is unable, as set forth in article 5.5.17, to locate the **owner**, occupier, agent or person in charge of the **building** or structure, well, excavation or opening, or in cases where service of notice as aforesaid is impracticable, the unsafe notice shall be posted by affixing two copies thereof in a conspicuous place on the premises; and such procedure shall be deemed the equivalent of personal notice.

SECTION 6 Appeal:

- 6.1. Any **person** aggrieved by any decision or order of the **authority having jurisdiction** as to the issuance of permits, the prevention of construction or **occupancy** of **buildings**, the demolition or removal of **buildings** or structures, or any other matter herein may, within fifteen (15) days from the date of the decision, appeal to the **Planning Board**. All decisions or orders remain in effect during the appeal process.
- 6.2. **The Board** may hear the appeal as a committee of the whole or by subcommittee especially established for this purpose.
- 6.3. Upon the hearing of an appeal, 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; and

the decision or order of the **Board** upon being communicated to the appellant shall stand in place of the decision or order against which appeal is made, and any failure to comply with the decision or order is an offense.

SECTION 7 Offences and Penalties:

- 7.1. 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 **Board** under Article 6 herein;for which no other penalty is herein provided is guilty of an 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.
- 7.2. Where a **corporation** commits an offense 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 offenses and liable, on summary conviction, to the penalty for which provision is made in Subsection 7.1 aforesaid.
- 7.3. Where the contravention, refusal, neglect, omission, or failure continues for more than one day, the **person** is guilty of a separate offense for each day it continues.

SECTION 8: Repeal of By-laws

- 8.1. That By-law No.09/2016, being the Building By-law of the Carman Dufferin planning district is hereby repealed.
- 8.2. The Rural Municipality of Grey has repealed Building By-law No. 08-2017 and all preceding and amending related by-laws.
- 8.3. The repeal of the by-laws in the last preceding section mentioned shall not revive any by-law or any provision of any by-law repealed by them, nor shall the said repeal prevent the effect of any saving clause in the said by-laws or the application of any of the said by-laws or any other by-law or provision of law formerly in force to any transaction matter or thing anterior to the said repeal to which they would otherwise apply.
- 8.4. The repeal of the said by-laws shall not affect:
 - a) any penalty, forfeiture or liability incurred before the time of such repeal, of any proceedings for enforcing the same, had, done, completed or pending at the time of such repeal;

- b) any action, suit, judgment, decree, certificate, execution, process, order, rule or any proceeding, matter or thing whatever, respecting the same had, done, made, entered, granted, completed, pending, existing or in force at the time or such repeal;
- c) any act, deed, right, title, interest, grant assurance, registry, rule, regulation, contract, lien, charge, matter or thing had, done, made, acquired, established or existing at the time of such repeal;
- d) any office, appointment, commission, salary, allowance, security, duty or any matter or thing appertaining thereto at the time of such repeal;
- e) any bond, note, debenture, debt, or other obligation made, executed, or entered into by the Corporation at the time of such repeal;
- f) shall and such repeal defeat, disturb, invalidate, or prejudicially affect any other matter or thing whatsoever, had, done, completed, existing or pending at the time of such repeal.

Section 9: Repeal and Enforcement Date

9.1 By-law 26/2024 shall come into enforcement and effect for the Municipalities of Carman and Dufferin upon third reading of this by-law. By-law 26/2024 shall come into enforcement and effect for the Municipality of Grey upon the date of 3rd reading of the repeal of the RM of Grey By-law 08/2017.

DONE AND PASSED by the Board of the Carman Dufferin Grey Planning District in open meeting duly assembled at Carman, Manitoba on the 8th day of May, 2024.



 Brent Owen, Chairperson



 Kim MacLellan, Manager of Planning Services

Read a first time the 10th day of April, 2024.
 Read a second time the 8th day of May, 2024.
 Read a third time the 8th day of May, 2024.