

The Building and Electrical Permitting Improvement Act

Frequently Asked Questions

General

Q: Why is government making changes to The Buildings Act, The Manitoba Hydro Act and establishing a new Permit Dispute Resolution Act?

A: Government is acting on key recommendations of the Treasury Board Secretariat report “Planning, Zoning and Permitting in Manitoba” (June 2019) to improve permitting and code enforcement in Manitoba.

This report found a significant magnitude of economic costs related to unnecessary permitting delays (up to \$17 million negative impact on Gross Domestic Product and over \$2 million in negative impact on provincial and municipal revenue per day).

The Building and Electrical Permitting Improvement Act will enhance opportunities for economic growth and ensure Manitoba remains competitive and attractive for business and job growth.

Q: What does The Building and Electrical Permitting Improvement Act address?

A: The Building and Electrical Permitting Improvement Act addresses key recommendations of the Treasury Board Secretariat report by adopting best practices to achieve better outcomes. Specifically, The Building and Electrical Permitting Improvement Act creates a process to hear appeals of permitting decisions and orders related to building and electrical codes by independent adjudicators who are technical professionals. It also creates the authority to establish performance standards for approving authorities by regulation.

Q: How will The Building and Electrical Permitting Improvement Act impact municipalities and planning districts?

A: The Building and Electrical Permitting Improvement Act provides a clear and consistent process for administering building and electrical codes across Manitoba. The Building and Electrical Permitting Improvement Act will implement enforceable performance standards and a level of oversight that does not currently exist through an appeal adjudication process. The Building and Electrical Permitting Improvement Act will, once the supporting regulatory development has been completed, require the use of a common electrical code in Manitoba. The Building and Electrical Permitting Improvement Act will also require the province to adopt new construction codes on a clear timeline and will provide additional guidance on interpreting the codes for building officials through published decisions.

Q: How will The Building and Electrical Permitting Improvement Act impact developers and builders?

A: Builders and developers will have predictability that permitting decisions will be made within consistent and reasonable timeframes, regardless of the location in Manitoba they are building. They will be able to plan and schedule their development activities based on mandated timeframes that are consistent across Manitoba and based on consistent interpretations of building and electrical codes.

In the event that a dispute arises, permit applicants will have a formalized appeal mechanism for cases where they believe a permitting authority is wrong in withholding a permit or issuing an order on code matters. A standardized appeal process will provide transparency through published appeal decisions.

Adjudicator

Q: Why does The Building and Electrical Permitting Improvement Act use adjudicators instead of an appeal board?

A: The Manitoba government is committed to reducing the number of agencies, boards and commissions. Creating an independent adjudicator role provides a similarly effective third party technical appeal process while focusing on technical facts that do not require a full board to oversee. The adjudicator will also have the ability to seek independent technical advice on matters that may factor into decisions.

Q: Does The Building and Electrical Permitting Improvement Act change the role of permitting authorities?

A: Elected officials would no longer be able to hear appeals to matters dealing with technical requirements under the building or electrical codes, including building or electrical permitting decisions or orders related to enforcing the building and electrical codes.

Q: Can I appeal non-technical requirements for buildings to the new adjudicator?

A: No, the appeal must be associated with enforcement of the Manitoba building or electrical codes. This is because the technical expert will do an analysis of conformance with the code for the matter being appealed.

Q: Who has to pay for the appeals made under the new Permit Dispute Resolution Act?

A: Costs of the adjudication process will be assigned to either the appellant or the approving authority (or possibly both) based on the outcome of the appeal. Costs of the adjudication will be calculated in accordance with procedures set out in the Permit Dispute Resolution Regulation – the adjudicator will have discretion to determine how the cost of the dispute resolution hearing is to be allocated between the parties. The adjudicator may consider the outcome of the dispute, the conduct of each party and any other factors the adjudicator considers relevant.

Performance Standards

Q: What will be the required performance standards (timeframes) for building and electrical permits and inspections?

A: The performance standards for building permitting will be set out in The Performance Standards Regulation under The Buildings Act.

It is anticipated that the performance standards for electrical permitting, under The Manitoba Hydro Act, will be established in 2024.

Q: What happens if the permitting authority does not comply with mandated performance standards?

A: The permit applicant will be able to apply under The Permit Dispute Resolution Act for a determination of compliance with the performance standards. If the permitting authority did not comply, then they may be ordered to issue a permit or deny a permit with reason by a fixed date. They will also be billed for the services of the adjudicator.

Manitoba Building Code Adoption

Q: When will Manitoba adopt the National Model Construction Code editions?

A: Changes to The Buildings Act require that Manitoba adopt the National Model Construction Codes (building, plumbing and energy for building) within 18 months of the release of their release. This timeframe aligns with harmonization initiatives driven by The Canadian Free Trade Agreement. Manitoba will still be free to adopt the national code by regulation before these timeframes trigger automatic adoption.

Other Proposed Changes to The Buildings Act

Q: Why does The Building and Electrical Permitting Improvement Act establish a “Director” under The Buildings Act?

A: Where the Department of Labour and Immigration (Inspection and Technical Services) issue permits and enforces the building codes, building owners will be able to apply to the Director to review permitting decisions and code requirements to minimize the number of appeals going to the new formal adjudication process.

Q: Why have references to “mobile homes” been removed from The Buildings Act?

A: The terminology used in The Buildings Act was outdated; modern standards do not use the term “mobile home” and instead use a variety of terms such as manufactured or factory-built buildings, park model trailers and recreational vehicles. The province has move recreational vehicle and trailer standards under The Highway Traffic Act. Removing the “mobile home” terminology from The Buildings Act was done to facilitate this transition. Other jurisdictions do not regulate recreational vehicles under their buildings acts.

Note: Manufactured buildings will continue to be regulated under the Manitoba Building Code.

Manitoba Electrical Code Adoption

Q: How does The Building and Electrical Permitting Improvement Act affect The Electrical Code?

A: The Building and Electrical Permitting Improvement Act will establish one provincial electrical code under The Manitoba Hydro Act. Authority for establishing this code will be moved to Lieutenant-Governor in Council, from Manitoba Hydro’s Board. Currently, The Manitoba Electrical Code does not apply within the City of Winnipeg. Instead, the City of Winnipeg adopts the same CSA standard (CSA 22.1 Canadian Electrical Code, Part I Safety Standard for Electrical Installations) as the Manitoba Electrical Code but makes separate amendments.

Note: It is anticipated that these changes to The Manitoba Hydro Act will be proclaimed in 2024.

Q: Why is the province creating a single electrical code?

A: The Planning, Zoning and Permitting in Manitoba Report emphasize the need for consistency in code application, as well as harmonizing with other jurisdictions. Other Canadian jurisdictions only have one electrical code; this change will bring Manitoba more in line with the other Canadian jurisdictions.

Q: Will the City of Winnipeg continue to enforce the electrical code within Winnipeg?

A: Yes, the City of Winnipeg will have to adopt and enforce the Manitoba Electrical Code within its boundaries. Consultations are between Manitoba Hydro and the City of Winnipeg to reconcile their amendments to the Manitoba Electrical Code and to coordinate this change with any by-law changes that are required for the City of Winnipeg are underway.

Q: When will The Building and Electrical Permitting Improvement Act take effect?

A: The Building and Electrical Permitting Improvement Act will come into force, along with the associated regulations, on March 1, 2024.