

Information Bulletin

Adoption of the National Energy Code (2020)

On January 1, 2024, the 2020 National Energy Code for Buildings becomes effective in Manitoba via provincial Regulation 79/2023 (<http://web2.gov.mb.ca/laws/regs/current/078-2023.php>). It will be known as the **Manitoba Energy Code for Buildings (2024 MECB)**.

These new efficiency standards affect building envelope, lighting, heating, ventilation, air-conditioning, water heating, and electrical systems and, as per MECB Article 1.1.1.1, will apply to construction of new buildings and additions governed under Part 3 of the Manitoba Building Code.

Manitoba Energy Code for Buildings

1.1.1.1. Application of this Code

- 1) Except as provided in Sentence (3), this Code applies to the design and construction of all new buildings described in Sentence 1.3.3.2.(1) of Division A of the NBC and to additions. (See Note A-1.1.1.1.(1).)
- 2) This code applies to subsequent alterations to and within buildings originally constructed in accordance with this Code. (See Note A-1.1.1.1.(2).)
- 3) This Code does not apply to farm buildings and temporary buildings including construction camps.

Does the MECB apply to my project?

Within the City of Winnipeg, the 2024 MECB applies to PART 3 BUILDINGS with a permit application date on or after January 1, 2024 as follows:

- New Buildings
- Additions
- Alterations to and within buildings originally constructed under this Code
- Initial tenant improvements in a base building subject to the MECB

Note further that:

- Incomplete permit applications (i.e.: missing or incomplete document submissions) received prior to January 1, 2024 may be subject to the MECB requirements if the missing documentation is received January 1st or after.
- Partial permits for foundation-only applications for buildings in a staged permit scenario received prior to January 1, 2024 and subject to the 2011 MBC, must have the remaining stages designed in compliance with the 2011 MBC provided construction of the completed

building or addition proceed in a timely fashion. All stages must be compliant to the same edition of the MBC.

- Additions with no occupancy (eg: vestibules, elevators, etc.) are not subject to the Energy Code requirements.
- The MECB does not apply to existing portions of buildings constructed prior to conformance with 2024 MECB regardless if interior alterations or alterations that include a change in major building occupancy are taking place.
- For buildings constructed in conformance with the 2024 MECB, any subsequent alteration and additions shall comply with the 2024 MECB.
- Where base building only building permit applications are received prior to January 1, 2024, the base building and each tenant space will be allowed to comply with the 2011 MECB so the building as a whole will conform to the same MECB.
- **Important!** Where a base building is constructed, each initial tenant fit-up will require a design professional to oversee the design/construction and certify that the tenant improvements comply with the MECB.

Buildings subject to the requirements of MBC Part 3 are defined in the Manitoba Building Code, Division A, Sentence 1.3.3.2.(1):

Manitoba Building Code

1.3.3.2. Application of Parts 3, 4, 5, and 6

- 1) Subject to Subsections 1.3.5. and 1.3.6. of Division A, Parts 3, 4, 5, 6 and 10 of Division B apply to all *buildings* described in Article 1.1.1.1. that are
 - a. classified as *post-disaster buildings*,
 - b. used for *major occupancies* classified as
 - i. Group A, assembly occupancies,
 - ii. Group B, *care, treatment or detention occupancies*, or
 - iii. Group F, Division 1, *high-hazard industrial occupancies*, or
 - c. used for *major occupancies* classified as follows, if the *building* exceeds 600 m² or 3 storeys in *building height*:
 - i. Group C, *residential occupancies*,
 - ii. Group D, *business and personal services occupancies*,
 - iii. Group E, *mercantile occupancies*, or
 - iv. Group F, Divisions 2 and 3, *medium- and low-hazard industrial occupancies*.

Application of the MECB for Part 9 Buildings

On April 1, 2016, Section 9.36 Energy Efficiency in Housing and Small Buildings came into effect. MECB for Part 9 buildings applies to Part 9 buildings that are:

- Non-residential occupancies whose combined total floor area exceeds 300 m², or
- Medium-hazard industrial (F2) occupancies.

Administration of the MECB by the City of Winnipeg

In keeping with its Council-approved Building Permit Strategy (2012), the City of Winnipeg will rely on professional certificates as a method of implementing compliance with the new MECB. As such, the City's intention is to not engage in plan review or inspections specific to the elements of the MECB except, potentially, by way of an audit.

MECB Coordinating Registered Professional (CRP) Required

The City of Winnipeg is enforcing the MECB through a Declaration of Professional Responsibility and a Certificate of Compliance from an **MECB Coordinating Registered Professional (CRP)**. The Declaration will be required along with the Building Design Summary (BDS) and Commercial Alteration Design Summary (CADS), which are already required to be completed for new buildings, additions and initial tenant improvements to Part 3 buildings.

An MECB Coordinating Registered Professional must be:

- A registered member of the Manitoba Association of Architects (MAA), authorized to practice architecture in the Province of Manitoba; or
- A registered member of the Engineers and Geoscientists of Manitoba (EGM), authorized to practice engineering in the Province of Manitoba and skilled in the appropriate area of work concerned.

The MECB Coordinating Registered Professional shall:

1. Ascertain which disciplines relating to the MECB are required and which registered professionals, including professionals of record, must be retained;
2. Ensure the design requirements are coordinated between the professionals of record and comply with the applicable provisions of the MECB;
3. Complete the [MECB Declaration of Professional Responsibility](#). In cases of a base building application, an additional Declaration will be required for each initial tenant improvement.
4. Ensure the Compliance Checklist issued by The Office of the Fire Commissioner (OFC) is completed, retained as a record for 7 years, and be available in the event of an audit. It is also required that a final copy of the Checklist be issued to the building owner.

5. Ensure the field reviews are coordinated between the professionals of record;
6. Certify that the construction substantially complies with the applicable provisions of the MECB.
7. Submit a [Final MECB Certificate of Compliance](#) under seal at the completion of construction and prior to final occupancy.

Note: In submitting the Certificate of Compliance, the coordinating professional is not responsible for ensuring the compliance of design or construction with respect to the MECB for those aspects which are the responsibility of other professionals under seal and, as such, is entitled to reasonably rely on pre- and post-construction certificates required by the City of Winnipeg of professionals of record and/or other statements provided by other professionals pertaining to the design and construction of the project.

Responsibilities of Design Professionals of Record

The Required Professional Designer's Certificate ([RPDC](#)), the Optional Professional Certificate Program ([OPCP](#)) certificates, and the wording for letters of post-construction certification ([final](#) & [interim](#)) have been revised to reflect the adoption of the MECB and it is the responsibility of the professionals of record to ensure that drawings and construction (via field reviews) comply with the MECB.

Owner's Responsibilities

Owners shall be required to:

1. Retain an MECB Coordinating Registered Professional to take responsibility to:
 - a. Coordinate compliance with the MECB between the professionals of record in terms of design and field reviews, and
 - b. Provide certification to the City of Winnipeg prior to a final occupancy permit that the building is in substantial compliance with the MECB.
 - i. For base building only construction with subsequent tenant improvements occurring under separate permits, 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. The owner is responsible to engage the CRP to continue their role from the beginning of the project through to completion of every tenant space (as determined by initial final occupancy permits issued to each of the tenant spaces).
2. Submit the **Owner Statement** ([OS](#)) at the time of permit application. Note that the Owner Statement has been revised to reflect the adoption of the MECB.
3. Notify the City in accordance with article 5.3 of the Winnipeg Building By-law 4555/87 in the event that the CRP is replaced or has withdrawn. Note that the City will not issue final occupancy or building permits associated with tenant spaces until a new CRP is engaged and submits the requisite MECB Declaration of Professional Responsibility to the City.

Links to New & Revised Documents

All documents listed below (except #9) may be found at the Commercial Permit Resource page at winnipeg.ca/ppd/permits/Commercial/Resources.stm.

1. MECB Declaration of Coordinating Registered Professional
2. Wording for Final MECB Certificate of Compliance
3. Owner Statement (OS)
4. Professional Designer's Certificate (RPDC)
5. Commercial Alteration Design Summary (CADS)
6. Building Design Summary (BDS)
7. Wording for Post-Construction Letters of Certification
Final Occupancy
Interim Occupancy
8. Optional Professional Certificate Program (OPCP) documents
9. Province of Manitoba Energy Code Information [Province of Manitoba | Labour | Labour and Immigration | Energy Efficiency \(gov.mb.ca\)](http://Province of Manitoba | Labour | Labour and Immigration | Energy Efficiency (gov.mb.ca))