

Working Together for a Safer City

Helping property owners to understand the City's requirements for permitting and occupancy of buildings not only allows property owners to make more informed choices about investment and maintenance of property, but this information ultimately helps to create safer buildings and communities.

This document provides information about by-law amendments and clarifications, along with property search tools that may be of value to those involved in real estate transactions.

The City of Winnipeg Permit Search by Address Tool

The City offers a free [permit search by address](#) function to look up construction-related permits issued for all properties in the city since 2000. This tool can assist property buyers and sellers, as well as realtors and lawyers, in obtaining the permit history to better determine if appropriate permits were issued for renovations, additions, accessory structures, or other projects which would require permits, and if the permits were adequately closed (final inspections completed).

To search for permits issued prior to 2000, please contact the Planning, Property and Development Department Central Files office at 204-986-7395 or email PPD-CentralFiles@Winnipeg.ca. Central Files has an extensive collection of building plans and other historical property information dating back to the 1900s. Additionally, property owners or those with written permission from the property owner are able to request a copy of building plans. Turnaround times and fees for this type of historical search are dependent on the nature of the request (e.g. simple residential vs. commercial/other types, rush vs. regular turnaround) so we recommend contacting us directly to inquire about your specific needs.

Two clauses from the Winnipeg Building By-law 4555/87 have particular relevance to the issue of codes and permits for future owners:

5.8.2 Without restricting the generality of Sentence 5.8.1, the owner of a building must ensure that every part of the building is in compliance with the Codes that were in effect at the time that that part of the building was constructed, altered or renovated. This requirement applies whether or not the owner owned the building at the time that the building or part of the building was constructed, altered or renovated.

And,

5.4.2 If an owner has failed to obtain a required permit, acceptance or approval prior to commencing work in compliance with sentence 5.4.1, the owner at the time the work was commenced or carried out – and every subsequent owner – is nonetheless required to obtain all permits, acceptances and approvals and to pay all applicable fees despite the fact that the work has already commenced or has been completed. For greater clarity, if work for which a permit, acceptance or approval is required has been commenced or carried out without the required permit, acceptance or approval, the current owner is responsible for obtaining the required permit, acceptance or approval and must pay any fees or penalties associated with the permit, acceptance or approval, including fees for its issuance after the work has been commenced or carried out.

The [permit search by address](#) function is also relevant for newly constructed houses. In some cases, owners of newly constructed homes have been required to take responsibility to remediate defects and close permits associated with original construction.

The City recommends that all professionals involved in real estate transactions take the time to perform the due diligence associated with researching the permit history on this free portal as a service to your clients.

Occupancy Permits

Occupancy permits issued subsequent to December 1998 can be searched online by property address at winnipeg.ca/occupancypermitsearch. For information on occupancy permits issued prior to December 1998, please call 204-986-5136 or email occupancy@winnipeg.ca.

Occupancy permits are required for most commercial buildings. Since 1994, this requirement has extended to any new tenant or occupant. Details about occupancy permit requirements can be found in Section 15 of the Winnipeg Building By-law 4555/87 and at winnipeg.ca/occupancypermits.

Even in cases where a new tenant or occupant is not intending to carry out renovations that require a permit, a new occupancy permit is still required and usually involves multiple inspections representing different disciplines. In some cases, potential building purchasers have requested and obtained occupancy permits (with the permission of the current owner) in advance of closing on a lease or sale agreement, as a method of due diligence. Inspections often reveal elements of non-compliance or previous work done without permits that may result in costs to remediate and obtain compliance (see previously noted by-law sections).

Occupancy permits are not required under the following circumstances:

- The ownership of a business changed, but the occupant remained the same.
- Condominium unit holders change. However, most apartment and condominium buildings require a building occupancy permit at the time of completion, or a subsequent occupancy permit if one or more units are added.
- Once an occupancy permit is issued for a particular occupant, it does not need an annual or subsequent renewal or permit.

An occupancy permit may be required if:

- The nature of a particular renovation triggers the requirement for a new occupancy permit, such as expanding the size of the occupant space. Determining if a new occupancy permit is required would typically be identified during the building permit process associated with those renovations.
- The activity of the occupant or use of the building is changing.
 - For example, the nature of a manufacturing enterprise changes from low hazard to medium hazard, or an office use becomes a training centre and thus is now considered assembly occupancy under the building code.
- The occupancy load was increased.
- Extensions of the business activity are expanded to defined exterior space, such as patios for restaurants or bars.

The City is increasingly taking enforcement action for occupancy without an occupancy permit in the form of fees for non-compliance or tickets under the Municipal By-law Enforcement Act. These tickets can be charged repeatedly until compliance has been achieved. Enforcement action can be taken jointly against both the occupant and the building owner. In the event that directors and/or officers of the companies involved have personal knowledge of the offence, enforcement action may include charges against them as individuals.

Generally, the installation of equipment and affixed furniture such as cupboards and shelving is considered a part of the construction process. However, moving of loose furniture, stock or goods, inventory, accessory equipment, or personal belongings into the premises is considered occupancy. That is, occupancy can occur prior to a business being 'open for business' or a new tenant 'living' in an apartment or condominium unit.

Other Products and Tools

In addition to being able to access records regarding building and occupancy permits, the City offers a number of services to help property owners confirm if their property and the activities taking place on the property meet the City's zoning by-laws. Winnipeg has two primary zoning by-laws: one for the downtown and one for the remaining areas of the city.

Zoning Letters

The Zoning Branch can provide a Zoning Letter for property owners requiring written confirmation of the zoning district in which a particular property is situated.

Alternatively, information about the zoning of properties [can also be accessed online](#).

Zoning Memorandums

For property owners that have a recent (within six months) Building Location Certificate (sealed by a Manitoba Registered Land Surveyor), the Zoning Branch can provide a Zoning Memorandum to indicate zoning compliance or non-compliance.

Verification of Use Letters

The Zoning Branch can provide a Verification of Use Letter for property owners requiring written confirmation that a current or proposed use complies with zoning regulations. Verification of Use Letters relate only to zoning compliance with regard to a proposed or existing use.

Sometimes, realtors or potential owners / tenants assume this document addresses other elements of compliance such as the building code, or even the building classification under the Manitoba Building Code, but this is not the case. It is important to know that while a proposed use may be permitted in a particular zoning district, the building may only have been constructed for a particular classification of use under the Building Code and therefore, the proposed use might require additional Building/Occupancy permits and approvals for the proposed use (or in some cases, current use) to be compliant. Property owners considering re-purposing of buildings should ensure that they understand both Zoning and Building/Fire Code implications of their proposal.

Please note that proposed uses may trigger the requirement for other approvals (development permit, variance, approval, conditional use approval, etc.)

To arrange for a Zoning Letter, Zoning Memorandum or a Verification of Use letter, please call the Zoning Branch at 204-986-5140.

Central Property File Search

The City offers a multi-departmental Central Property File Search (CPFS) service. This service coordinates the gathering of property related information available from zoning and inspection areas, the City's Fire Prevention Branch, and Community By-law Enforcement Services.

This service provides as much information as possible about outstanding department Orders to Comply, zoning agreement caveats (or plan approval requirements that may not be attached as caveats on title), open permits, and other particulars which may be of importance in property sales and land transfers.

While this service is more time-intensive, it has proven to be a valuable tool for those engaging in due diligence associated with properties.

CPFS services can be requested via email: CentralizedPropertyFileSearch@winnipeg.ca.

The fees for CPFS searches include a lower fee for multi-residential commercial buildings such as hotels, apartment buildings, nursing homes, etc.

It is important to note that there remain some multi-unit residential properties constructed prior to 1983 that do not comply with the Residential Fire Safety Upgrade By-law 4304/86, and compliance may represent costly upgrades for a new owner. A CPFS will identify if one of these properties is in that category.

Implications of Non-Compliance

Constructing without required permits or approvals can be costly. The City actively researches new real estate sales listings on a variety of publicly accessible websites. If the listing indicates obvious upgrades or renovations that would require a construction-related permit, but no permit has been obtained, the City takes enforcement action, which includes an Order to Comply that can be registered as a caveat on title to the property.

The City's preference is to help prevent non-compliance issues. The tools and services outlined in this document are an important way of helping property owners and others involved in real estate transactions to stay informed. If you have suggestions for other ways that we can work together on this important aspect of property development, please share your thoughts with us.

If you would like more information, please contact 311.

Every effort has been made to ensure the accuracy of information in this brochure. In the event of a discrepancy between this booklet and the governing City of Winnipeg By-law, the By-law will take precedence.