

## Information Bulletin

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# Defining Occupancy

Building owners, tenants, designers and contractors may not always be clear about when the City of Winnipeg (City) considers a building or a part thereof to be occupied. Understanding the definition of occupancy can prevent additional fees, penalties and/or other forms of enforcement that the City can utilize when addressing Building By-law violations in the pursuit of compliance.

The Winnipeg Building By-Law requires that either an Interim or Final Occupancy Permit is issued before occupancy can occur. While most project proponents understand this to mean that an occupant must not open for business prior to obtaining an occupancy permit, many are unaware of the broader definition of the term “occupancy.”

### Manitoba Building Code Definition:

“Occupancy” means the use or intended use of a building or part thereof for the shelter or support of persons, animals or property.

### Permissible property and activities prior to obtaining an occupancy permit include:

- Construction
- Delivery<sup>1</sup> and installation of fixed equipment and furnishings, such as:
  - Warehouse racking
  - Fixed shelving
  - Cubicle partitions and attached furniture
  - Office and reception desks
  - Built-in furniture
  - Loose furniture such as chairs and tables
  - Hard-wired machines or equipment
  - Large work stations
  - Large exercise equipment
  - Large medical equipment (X-ray machines, dental chairs, MRI equipment, etc.)
  - Hard-wired commercial kitchen equipment

**Prohibited property and activities prior to obtaining an occupancy permit include:**

- Product and/or supplies (merchandise, groceries, goods for sale, parts, etc.)
- Adding or storing personal belongings
- Installing loose equipment and stationary (computers, printers, copiers, printing paper etc.)
- Conducting business
- Stocking shelves
- Training staff
- Meeting clients

The above lists are not meant to provide a comprehensive account of all conceivable instances, but are meant to give some examples.

The Planning, Property & Development Department, in its role as The Authority Having Jurisdiction, reserves the right to interpret the Manitoba Building Code and to administer the Winnipeg Building By-Law based on that interpretation.

**Contact**

If you have further questions regarding occupancy, contact the Occupancy Permit Unit at [occupancy@winnipeg.ca](mailto:occupancy@winnipeg.ca) or 204-986-5136.

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<sup>i</sup> The General Contractor is responsible for the safety of all persons entering the construction site prior to the issuance of an occupancy permit.