

Declaration Form for Development Permit Exemption

SWIMMING POOLS OR HOT TUBS (Downtown)

General information

Applicant name:	Applicant email address:
Company name (if applicable):	Project address:
Project:	Date:

Declaration

I hereby declare that:

1. The construction drawing package for this building permit application under the [Winnipeg Building By-law No. 4555/87 \("the Building By-Law"\)](#) aligns with all prior:
 - a. supporting application approvals, including but not limited to: variance approval, plan approval, waterways and/or flood fringe approvals, servicing agreements, water and waste and/or public works civil approvals, etc., where applicable.
2. Any construction will be in accordance with approved plans and permits which, I am responsible to obtain.
3. Any construction will be in accordance with applicable zoning regulations under the Downtown Zoning By-law No.100/2004 as follows:

IN-GROUND OR ABOVE-GROUND PRIVATE SWIMMING POOLS OR HOT TUBS NOT LOCATED IN THE FRONT YARD AND NOT ADJACENT TO A STORMWATER RETENTION BASIN AND NOT WITHIN THE DESIGNATED FLOODWAY/FLOODFRINGE. NO ABOVE GRADE COMPONENTS WITHIN 5 FEET OF A PROPERTY LINE AND LESS THAN 15 PERCENT OF LOT AREA.

- The **unenclosed above-ground swimming pool/hot tub** meets the bulk regulations set forth in Downtown Zoning By-Law 100/2004 as applicable to the sector where it is located.
- Owners of lots adjacent to a river, a creek, or a Storm Water Retention Basin are required to obtain a Development Permit for pools/hot tubs.**
- I have referred to the subject property title for any City of Winnipeg caveats that may affect any development standards and/or uses on the property. The pool/hot tub complies with the caveats' regulations where applicable.
- The City of Winnipeg reserves the right to request a current Building Location Certificate prepared by a Manitoba Land Surveyor to confirm the accuracy of proposed or completed development/construction.
- I have obtained a variance to allow my development as proposed despite not meeting the zoning by-law. The number of my approved variance is _____

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I hereby understand that:

1. A building permit will only be issued if the drawings and plans contained in the construction drawing package are approved by the Director of the Planning, Property and Development Department and/or designated employee.
2. It is the responsibility of the permit applicant to confirm all applications and approvals align. If the construction drawing package for building permit application does not align with all prior supporting application approvals and the applicable zoning regulations:
 - a. the building permit, if issued, will be considered null and void by the designated employee, as identified in the Building By-Law and applicable statutes; and
 - b. I will be required to seek revised approvals to align all applications.

For greater clarity, this is to confirm that the applicant will not unilaterally change their plans between when other approvals have been issued and when a building permit is applied for and/or issued. The building code and other approvals contained in any issued building permit(s) must align, and not be inconsistent with, the zoning and site approval aspects in relation to the project in question.

For even greater clarity, in signing this declaration the applicant is not acknowledging that it is bound to be liable for administrative errors or omissions on the part of the City, or otherwise for which the City bears responsibility within the scope of its duties and obligations in the development and/or permitting processes.

3. A building permit shall be obtained prior to commencing construction as per the Building By-law. This declaration form does not imply approval of a permit nor allow for construction to commence prior to obtaining a building permit.
4. If a building permit is issued for a portion of the construction contemplated by the subject building permit application, as a part of a staged permitting process for the construction, that does not guarantee that all required building permits for the construction will be issued. In this case, it is the responsibility of the permit applicant to ensure that only construction for which a building permit has been issued will commence, and that no portion of the construction for which a building permit has not been issued shall commence until such time that the required building permits for that construction have been issued.
5. If construction has commenced prior to permit issuance:
 - a. I will be required to bring the construction into compliance, as required by the Building By-Law and Manitoba Building Code, at my sole cost and expense and will not hold the City liable or responsible for those costs;
 - b. If I fail to bring the construction into compliance, the City is entitled to take enforcement action, in accordance with the applicable bylaws, including but not limited to the Building By-Law, The Zoning By-law and legislation. Enforcement action may include but is not be limited to demolition of the unpermitted construction, at my sole cost; and
6. If construction has commenced pursuant to an issued building permit that is subsequently deemed to be null and void pursuant to section 2 hereof, I will be required to seek revised approvals to ensure the alignment of all applications and issued development and building permits before continuing construction
7. Where the applicant who has applied for a building permit:
 - a. is an individual acting as an employee, agent, contractor, subcontractor, or otherwise in place of a builder and/or company, liability for any failure to comply with these terms and conditions shall not attach to that individual in their personal capacity.
 - b. is an individual acting in their own personal capacity as builder, then liability for any failure to comply with these terms and conditions shall attach to that individual.

c.

Applicant Signature

Owner Signature

Applicant Name (printed)

Owner Name (printed)

(if applicable) company on behalf of

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Your personal information is being collected consistent with the requirements and limitations set out under *The Freedom of Information and Protection of Privacy Act (FIPPA)*. This collection of personal information is authorized by section 36(1)(b) of The FIPPA for permit management and administration. Your information is protected by FIPPA's privacy provisions and will not be used or disclosed for any other purpose, except as authorized by law. Contact the City of Winnipeg's Corporate Access and Privacy Officer by mail (City Clerk's Department, Susan A. Thompson Building, 510 Main Street, Winnipeg MB, R3B 1B9) or by telephone (311) if you have questions about this collection of your personal information.