

The City of Flin Flon

By-Law No. 1/98

Being a By-Law of The City of Flin Flon to adopt The Manitoba Building Code and to regulate and control the construction, erection, placement, alteration, repair, renovation, demolition, relocation, removal, occupancy or change in occupancy of any building or addition to a building within the limits of the City of Flin Flon.

PASSED: February 3, 1998

PART I
TITLE

1. **TITLE**

1.1 This by-law may be cited as the Building By-law

PART II
SCOPE & DEFINITIONS

2.1 **SCOPE**

2.1.1 This by-law applies to the whole of The City of Flin Flon, in respect of all buildings.

2.1.2 This by-law applies to the administration and enforcement in the design, construction, erection, placement and occupancy of new buildings, and the alteration, reconstruction, demolition, removal, relocation, occupancy and change in occupancy of existing buildings and any requirements that are necessary to correct unsafe conditions in existing buildings.

2.1.3 The requirements of the code are hereby adopted and shall apply to all work falling within the scope and jurisdiction of this by-law.

2.1.4 Any construction or condition that lawfully existed before the effective date of this By-law need not conform to the requirements of this by-law if such construction or condition does not constitute an unsafe condition in the opinion of the Authority Having Jurisdiction.

2.2 **DEFINITIONS**

2.2.1 The words and terms in italics in this by-law shall have the meaning prescribed in subsection 2.2.3 herein, and if no definition is provided herein they shall have the meanings as prescribed in the Code. Should a word or term be defined in both this by-law and the Code, then the definition set forth in this by-law shall govern.

2.2.2 Definitions of words and phrases used in this by-law that are not specifically defined in the Code or in this subsection shall have the meanings that are commonly assigned to them in the context in which they are used in these requirements, considering the specialized use of terms within the various trades and professions to which the terminology applies.

2.2.3 Words and terms in italics in this by-law shall have the following meanings:

"Audit" means a random review of design or construction work by the Authority Having Jurisdiction to ascertain compliance with the Code and this by-law.

"Authority having Jurisdiction" means The City of Flin Flon and, where the context requires, such building inspector or other authority lawfully appointed by The City of Flin Flon to administer and enforce the provisions of this by-law

"Code" means the Manitoba Building Code as established, adopted and revised from time to time under Section 3 of The Buildings and Mobile Homes Act, or any other code adopted under such act in full or partial substitution for the Manitoba Building Code.

"Council" means the Municipal Council of The City of Flin Flon

"Inspection" means an onsite review of design or construction work, whether random or planned, to ascertain compliance with the Code and this by-law, or for any other purpose, either by the Authority Having Jurisdiction or some other party acceptable to the Authority Having Jurisdiction and possessing expertise as to the matter to be inspected.

"Permit" means written permission or written authorization from the Authority Having Jurisdiction in respect to matters regulated by this by-law.

"Person" means and includes any individual, corporation, partnership, firm, joint venture, syndicate, association or trust, and any other form of entity or organization

"RTM" means ready to move houses being houses or buildings constructed at one location and moved to a different location

"Sign" means any writing (including letter or word), pictorial representation (including illustration or decoration), emblem (including device, symbol, or trade mark), flag (including banner or pennant), or any other figure of similar character, which:

- a) is a structure or any part thereof, or is attached to, painted on, or in any other manner represented on a building;
- b) is used to announce, direct attention to, or advertise; and
- c) is visible from outside a building.

"Structure" for the purposes of this by-law, and without limiting the generality of the term, a "structure" shall include a fence.

"Valuation" shall mean the total monetary worth of all construction or work, including all painting papering, roofing, electrical work, plumbing permanent or fixed equipment, including any permanent heating, elevator equipment or fire sprinkler equipment, and all labour, materials and other devices entering into and necessary to the prosecution of the work in its completed form. No portion or any building including, mechanical, electrical and plumbing work, shall be excluded from the valuation for a permit. The valuation of fences shall be deemed to be nil.

PART III GENERAL

3.1 APPLICATION GENERALLY

- 3.1.1 This by-law applies to the design, construction, erection, placement and occupancy and change in occupancy of existing buildings.

3.2 LIMITED APPLICATION TO EXISTING BUILDINGS

- 3.2.1 When a building or any part of it is altered or repaired, the Code applies to the parts of the building altered or repaired except that where in the opinion of the Authority Having Jurisdiction, the alteration will affect the degree or safety of the existing building, the existing building shall be improved as may be required by the Authority Having Jurisdiction.
- 3.2.2 The number of storeys of an existing building or structure shall not be increased unless the entire building or structure conforms with the requirements of the Code.
- 3.2.3 The requirements of this by-law apply where the whole or any part of a building is relocated either within or into the area or jurisdiction of the Authority Having Jurisdiction.
- 3.2.4 When the whole or any part of a building is demolished, the requirements of this by-law apply to the work involved in the demolition and to the work required to any parts remaining after demolition to the extent that deficiencies occurring or remaining after demolition require correction.
- 3.2.5 When a building is damaged by fire, earthquake or other cause, the Code, the requirements of this by-law and the appropriate regulations under the Fire Prevention Act, and the Manitoba Fire Code, apply to the work necessary to reconstruct damaged portions of the building
- 3.2.6 When an unsafe condition exists in or about a building, the Code, the requirements of this By-law and the appropriate regulation in the Fire Prevention Act, and the Manitoba Fire Code, apply to the work necessary to reconstruct damaged portions of the building
- 3.2.7 When an unsafe condition exists in or about a building, the Code, the requirements of this by-law and the appropriate regulation in The Fire Prevention Act and the Manitoba Fire Code, shall apply to the work necessary to correct the unsafe condition.
- 3.2.8 When the occupancy of a building or any part of it is changed, the requirements of this by-law apply to all parts of the building affected by the change.

3.3 EXEMPTIONS

3.3.1 These requirements do not apply to:

- (a) sewage, water, electrical, telephone, rail or similar systems located on a street or a public transit right of way.
- (b) public utility towers or poles, television and radio or other communication aerials and towers, except for loads resulting from those located on or attached to buildings.
- (c) flood control and hydro electric dams and structures.
- (d) mechanical or other equipment and appliances not regulated in this by-law.
- (e) accessory buildings not greater than 10 square metres in building area subject to the concurrence of the Authority Having Jurisdiction.
- (f) a farm building, other than a farm building used as a residence, an attached garage or carport.

3.4. PROHIBITIONS

- 3.4.1 Any person who fails to comply with any order or notice issued by any Authority Having Jurisdiction, or who allows a violation of the requirements of this by-law or of the Code to occur or to continue, contravenes the provision of this by-law.
- 3.4.2. No person shall undertake any work or authorize or allow work to proceed on a project for which a permit is required unless a valid permit exists for the work to be done.
- 3.4.3 No person shall deviate from the accepted plans and specifications forming part of the permit, or omit or fail to complete, prior to occupancy, work required by the said accepted plans and specifications, without first having obtained the acceptance of the Authority Having Jurisdiction to allow such deviation. The Authority Having Jurisdiction shall use his discretion in permitting minor changes which do not involve structural or safety concerns.
- 3.4.4 Where an occupancy permit is required by Section 4.4 herein, no person shall occupy or allow the occupancy of any building, or part thereof, or change the occupancy, unless and until an occupancy permit has been issued by the Authority Having Jurisdiction.
- 3.4.5 No person shall knowingly submit false or misleading information to the Authority Having Jurisdiction concerning any matter relating to this by-law.
- 3.4.6 No person shall excavate or undertake work on, over or under public property, or erect or place any construction or work or store any materials thereon without receiving prior approval in writing from the appropriate government authority.
- 3.4.7 No person shall allow the ground elevations or the property boundaries of a building lot to be changed so as to place a building, or part of it, in contravention of the requirements of this by-law, unless the building, or part of it, is so altered, after obtaining the necessary permit, such that no contravention will occur because of the change of the property boundary or grades.
- 3.4.8 No person having authority in the construction, reconstruction, demolition, alteration, removal, relocation, or occupancy of a building shall cause, allow, or maintain any unsafe condition.

3.5 MOBILE HOMES AND RTMS

3.5.1 Mobile homes and/or RTMs shall comply with the requirements of the Code.

3.5.2 The Authority Having Jurisdiction may require any or all of the following in respect to a mobile home or RTM sought to be located within the area of jurisdiction of the Authority Having Jurisdiction:

- (a) the submission of a complete set of plans and specifications;
- (b) the seal of an Engineer licensed in the Province of Manitoba in respect to all building components requiring professional certification;
- (c) submission of copies of all permits taken out for the mobile home or RTM in the location of its construction together with a copy of all inspection reports;
- (d) such inspections or certifications as the Authority Having Jurisdiction may deem necessary in order to ensure compliance with the Code and this by-law.

PART IV **PERMITS**

4.1 APPLICATION

4.1.1 Except as otherwise allowed by the Authority Having Jurisdiction, every application for a permit shall be in the form prescribed by the Authority Having Jurisdiction and shall:

- (a) identify and describe in detail the work and occupancy to be covered by the permit for which the application is made,
- (b) describe the land on which the work is to be done by a description that will readily identify and locate the building lot,
- (c) state the valuation of the proposed work and be accompanied by the required fee as set out on Schedule A hereto; and,
- (d) include those plans and specifications set out on Schedule B hereto (unless otherwise waived by the Authority Having Jurisdiction) , and show the occupancy of all parts of the building,
- (e) state the names, addresses and telephone numbers of the owners, architect, professional engineer or other designer, constructor and any inspection or testing agency engaged to monitor the work or part of the work.
- (f) include such additional information as may be required by the Authority Having Jurisdiction.

4.1.2 When an application for a permit has not been completed in conformance with the requirements of the Authority Having Jurisdiction within six months after the date of filing, the application shall (unless otherwise extended by the Authority Having Jurisdiction) be deemed to have been abandoned, and can only be reinstated by refileing.

- 4.1.3 A permit shall expire and the right of an owner under a permit shall end if
- (a) the work authorized by the permit is not commenced within six months from the date of issue of the permit and actively carried out after that, or
 - (b) the work authorized under the permit is suspended for six months unless otherwise extended by the Authority Having Jurisdiction.
- 4.1.4 Any revision to the original application described in article 4.1.1 shall be made in the same manner as for the original permit.
- 4.1.5 Applications for permits may be filed, and permits may be issued to an owner, or to a constructor or other properly authorized agent of the owner.

4.2 **BUILDING PERMITS**

- 4.2.1 Except as permitted in Article 4.2.2 herein, unless a building permit has first been obtained from the Authority Having Jurisdiction, no person shall commence or cause to be commenced:
- (a) the location, placement, erection or construction of any building or structure or portion thereof,
 - (b) the addition, extension, improvement, alteration or conversion of any building or structure, or portion thereof;
 - (c) the repair, rehabilitation, or renovation of any building or structure, or portion thereof,
 - (d) underpinning;
 - (e) the relocation or removal of any building or structure, or portion thereof;
 - (f) the excavation of any land for any purpose of erecting or location on or above it, any building or structure;
 - (g) the installation, construction, repair, renewal, alteration or extension of a mechanical system;
 - (h) the installation, construction, alteration or extension of a spray paint operation, spray painting booth, dip tank or other special process; or
 - (i) the alteration, addition, erection or re-erection of a sign.
- 4.2.2 A building permit is not required for:
- (a) patching, painting or decoration;
 - (b) replacement of stucco, siding or shingles with the same material;
 - (c) replacement of doors or windows when the opening is not altered;
 - (d) replacement of open landing and stairs;
 - (e) installation of cabinets and shelves;
 - (f) a detached accessory storage building not greater than 10 square metres in building area;
 - (g) non-structural alterations or repairs where the value of such work is less than five thousand dollars (\$5000.00).

- 4.2.3 Notwithstanding that a building permit is not required for the work described in Article 4.2.2, such work shall comply with the Code and the provisions of this or other applicable by-laws and the work shall not place the building or structure in contravention or further contravention of the Code or this or any other by-law.
- 4.2.4 Before the issuance of a building permit for cases described in Subsection 5.1.17 or 5.1.21, the owner shall (unless the Authority Having Jurisdiction waives such requirement) submit Letters of Assurance in the forms set out in Schedules C and D, as attached hereto, which
- (a) confirm that the owner has retained the necessary architects or professional engineers for all the applicable disciplines, for professional design and inspection; and
 - (b) incorporate the architects' or professional engineers Assurance or Professional Design and Commitment for Inspection.
- 4.2.5 Before the issuance of a building permit, for cases in which professional design is not required, the owner shall (unless the Authority Having Jurisdiction waives such requirement) submit a Letter of Assurance, in the form set out in Schedule E as attached hereto, confirming that the owner will ensure that the building will be constructed in accordance with the Code.
- 4.2.6 Upon completion of removal or relocation of a building or structure, the owner shall put the site in a clean, safe and sanitary condition to the satisfaction of the Authority Having Jurisdiction.

4.3. PLUMBING PERMITS

- 4.3.1 Except as provided in sentence 4.3.2, no person shall construct, extend, alter, renew or repair or make a connection to a plumbing system unless a permit to do so has been obtained.
- 4.3.2 A plumbing permit as not required when a valve, faucet, fixture, or service water heater is repaired or replaced, a stoppage cleared or a leak repaired, if no change to the piping is required.
- 4.3.3 When required by the Authority Having Jurisdiction, the application shall also be accompanied by a plan that shows:
- (a) the location and size of every building drain, and of every trap and clean out fitting that is on a building drain;
 - (b) the size and location of every soil or waste pipe, trap and vent pipe, and
 - (c) a layout of the potable water distribution system including pipe sizes and valves.

4.4 **OCCUPANCY PERMITS**

- 4.4.1 Except as otherwise permitted herein, no person shall occupy or use or permit the occupancy or use or change the occupancy or use for any building or part thereof, for which an occupancy permit is required hereunder.
- 4.4.2 An Occupancy Permit is required from the Authority Having Jurisdiction for:
- (a) the occupancy of any new building or structure or portion thereof except a single-family dwelling, a two-family dwelling or a multi-family dwelling without shared exit facilities;
 - (b) the occupancy of any existing building or structure where an alteration is made thereto, except a single-family dwelling, a two-family dwelling or a multi-family dwelling without shared exit facilities;
 - (c) for a change from one Major Occupancy group to another within a Major Occupancy group in any existing building or structure, or part thereof,
 - (d) for a change from one use to another within the same division in a Major Occupancy group which results in an increase in the occupant load;
 - (e) for a change or addition of an occupancy classification of a suite in a building; and
 - (f) for a change from a use not previously authorized to a new use.
- 4.4.3 Before the issuance of an occupancy permit, the owner shall (unless the Authority Having Jurisdiction waives such requirement) submit Letters of Assurance in the form set out in the applicable Schedules F and G, as attached hereto, confirming that the construction of the building, work or project conforms with the plans, specifications and related documents for which the building permit was issued.
- 4.4.4 The Authority Having Jurisdiction may issue an Interim Occupancy Permit for a partial use of a building or structure subject to any conditions imposed by the Authority Having Jurisdiction.
- 4.4.5 No change shall be made in the type of occupancy or use of any building or structure, which would place the building or structure in a different occupancy group, or divisions within a group, unless such building or structure is made to comply with the requirements of the Code of that occupancy group, or division within a group.
- 4.4.6 The Authority Having Jurisdiction may issue a Temporary Occupancy Permit for the use of a building or structure approved as a temporary building or structure.
- 4.4.7 A Temporary Occupancy Permit shall be for a period not more than six (6) months, but before the expiration of such period, the Temporary Occupancy Permit may be renewed for two further six month periods. A Temporary Occupancy Permit for a Portable Garage shall be for an indefinite period.
- 4.4.8 Notwithstanding apparent compliance with this by-law, the Authority Having Jurisdiction may refuse to issue an Occupancy Permit if the building, structure or proposed use is to the Authority Having Jurisdiction's knowledge in violation of a Zoning by-law, or any other by-law of the Authority Having Jurisdiction.
- 4.4.9 An applicant for an Occupancy Permit shall be displayed and maintained in a legible condition by the owner or his agent in a location acceptable to the Authority Having Jurisdiction.

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4.5 DEMOLITION PERMITS

- 4.5.1 No person shall commence or cause to be commenced the demolition of any building or structure, or portion thereof, unless a Demolition Permit has first been obtained from the Authority Having Jurisdiction.
- 4.5.2 The demolition of a building or structure shall be subject to the requirements of the Code.
- 4.5.3 Upon completion of the demolition of a building or structure, the owner shall put the site in a clean, safe and sanitary condition to the satisfaction of the Authority Having Jurisdiction.

4.6 TEMPORARY BUILDING PERMITS

- 4.6.1 The expression "temporary building", where used in this By-law, shall be deemed to include:
- a) any building which is capable of being disassembled and re-assembled; or
 - b) any building constructed of a metal or wooden frame covered with plastic or other flexible material.
- 4.6.2 No person shall have, or permit the existence of, a temporary building on land occupied or owned by him, unless the person has a valid and subsisting temporary building permit in respect of that building.

4.7 BLASTING PERMITS

- 4.7.1 No person shall blast or discharge explosives within the City of Flin Flon unless a valid permit is obtained from the Authority Having Jurisdiction.

4.8 GENERAL

- 4.8.1 No permit shall be assigned or transferred without the written consent of the Authority Having Jurisdiction.

PART V

DUTIES, RESPONSIBILITIES, & POWERS

5.1 DUTIES AND RESPONSIBILITIES OF THE OWNER

- 5.1.1 Every owner shall allow the Authority Having Jurisdiction to enter any building or premises at any reasonable time for the purpose of administering and enforcing the requirements of this by-law.
- 5.1.2 Every owner shall obtain all permits or approvals required in connection with proposed work, prior to commencing the work to which they relate.

- 5.1.3 Every owner shall
- (a) ensure that the plans and specifications on which the issue of any permit was based are available continuously at the site of the work for audit or inspection during working hours by the Authority Having Jurisdiction, and that the Permit, or true copy thereof, is posted conspicuously on the site during the entire execution of the work.
 - (b) keep visible at all times during construction the street number of the premises in figures at least 3 inches (75 mm) high and visible from the street or sidewalk.
- 5.1.4 Every owner shall give notice to the Authority Having Jurisdiction, of the dates on which he intends to begin work prior to commencing work on the building site.
- 5.1.5 Every owner shall before commencing the work, give notice in writing to the Authority Having Jurisdiction, prior to commencing the work, listing
- (a) the name, address and telephone number of
 - (i) the constructor or other person in charge of the work;
 - (ii) the designer of the work;
 - (iii) the person reviewing the work; and
 - (iv) any inspection or testing agency engaged to monitor the work or part of the work.
 - (b) any change in or termination or employment of such persons during the course of the construction immediately that such change or termination occurs.
- 5.1.6 Every owner shall give sufficient notice to the Authority Having Jurisdiction
- (a) of intent to begin work that the Authority Having Jurisdiction has directed may be subject to inspection or audit during construction,
 - (b) of intent to cover work that the Authority Having Jurisdiction has directed may be subject to audit during construction; and
 - (c) when work has been completed and before occupancy.
- 5.1.7 Every owner shall give notice in writing to the Authority Having Jurisdiction
- (a) immediately upon any change in ownership or change in the address of the owner occurring prior to the issuance of an Occupancy Permit;
 - (b) prior to occupying any portion of the building if it is to be occupied in stages; and
 - (c) of any such other notice as may be required by the Authority Having Jurisdiction.
- 5.1.8 Every owner shall give such other notice to the Authority Having Jurisdiction as may be required by the provisions of the Code or this by-law.
- 5.1.9 Every owner shall make, or have made at his own expense, the tests or inspections necessary to prove compliance with these requirements and shall promptly provide a copy of all such test or inspection reports to the Authority Having Jurisdiction when and as required by the Authority Having Jurisdiction.

- 5.1.10 Every owner shall provide an up-to-date survey of the building site when and as required by the Authority Having Jurisdiction.
- 5.1.11 When required by the Authority Having Jurisdiction, every owner shall uncover and recover at his own expense any work that has been covered prior to or contrary to an order issued by the above authority.
- 5.1.12 Every owner is responsible for the cost of repair of any damage to public property or works located thereon that may occur as a result of undertaking construction work.
- 5.1.13 Every owner shall, where required, obtain an occupancy permit from the Authority Having Jurisdiction before any
- (a) occupancy of a building or part of it after construction, partial demolition or alteration of that building, or
 - (b) change in the occupancy of any building or part of it.
- 5.1.14 Should occupancy occur before the completion of any work being undertaken, every owner shall ensure that no unsafe condition exists or will exist because of the work being undertaken or not completed.
- 5.1.15 The granting of a permit by the Authority Having Jurisdiction shall not in any way relieve the owner of a building from full responsibility for carrying out the work or having it carried out in accordance with these requirements, including ensuring that any occupancy of the building, or any part of it, is in accordance with the terms or the permit.
- 5.1.16 When a building or part of it is in an unsafe condition, the owner shall immediately take all necessary action to put the building in a safe condition.
- 5.1.17 Every owner who undertakes to construct or have constructed a building which
- (a) has structural components falling within the scope of Part 4 of the Code,
 - (b) has structural components specifically requiring a professional engineer design in accordance with the Code, or
 - (c) requires the use of firewalls according to the Code,
- shall ensure that an architect, professional engineer or both are retained to undertake professional design and inspection.
- 5.1.18 Professional design and inspection referred to in sections 5.1.17 or 5.1.21 requires that an architect, professional engineer or both be responsible
- (a) for the design and that all appropriate plans, specifications and related documents meet the requirements of the code, and the requirements of the applicable acts, regulations and by-laws, and bear the seal or stamp of the registered professional, and
 - (b) for inspection of construction to ensure compliance with the design and the requirements of applicable acts, regulations and by-laws.
- 5.1.19 If the engagement of an architect or professional engineer pursuant to Sections 5.1.17, 5.1.18, or 5.1.21 is terminated during the construction period, work shall be discontinued until a replacement has been appointed.
- 5.1.20 The requirement of Sentences 5.1.17, 5.1.18, and 5.1.21 shall apply to a change of occupancy, an alteration, addition, reconstruction or the relocation of a building where and as required by the Authority Having Jurisdiction.

- 5.1.21 Where the dimensions of a structural component are not provided in Part 9 of the Code for use in a building within the scope of that part, and such dimensions are to be determined on the basis of calculation, testing or other means of evaluation, the owner shall retain the services of an architect or professional engineer.
- 5.1.22 Every owner who undertakes to construct, alter, reconstruct, demolish, remove or relocate a building shall provide supervision and coordination of all work and trades. The name and address of the person who will supervise the construction shall be submitted with the application for a building permit, and notice shall be given to the Authority Having Jurisdiction of any subsequent change of said person or of address whenever any such change takes place.
- 5.1.23 Every owner shall ensure that all materials, systems, equipment, and the like used in the construction, alteration, reconstruction or renovation of a building meet the requirements of applicable acts, regulations and by-laws for the work undertaken.

5.2 DUTIES AND RESPONSIBILITIES OF THE CONSTRUCTOR

- 5.2.1 Every Constructor shall ensure that all construction safety requirements of the Code are complied with.
- 5.2.2 Every Constructor is responsible for ensuring that no excavation or other work is undertaken on public property, and that no building is erected or materials be stored in whole or in part thereon without approval first having been obtained in writing from the appropriate government authority.
- 5.2.3 Every Constructor is responsible jointly and severally with the owner for work actually taken.

5.3 DUTIES & RESPONSIBILITIES OF AUTHORITY HAVING JURISDICTION

- 5.3.1 The Authority Having Jurisdiction shall administer this by-law and shall have the powers of enforcement more particularly set out in Article 5.5 herein.
- 5.3.2 The Authority Having Jurisdiction shall keep copies of all applications received, permits and orders issued, inspections and tests made, and of all papers and documents connected with the administration of the Code and this by-law for such time as required by the provisions of the Municipal Act.
- 5.3.3. Where the Authority Having Jurisdiction seeks to enforce any of the powers set out in Article 5.5.2 herein, the Authority Having Jurisdiction shall issue in writing such notices or orders as may be necessary to inform the owner of the contravention of the Code or this by-law.
- 5.3.4 The Authority Having Jurisdiction shall provide, in writing, when requested to do so, all reasons for refusal to grant a permit.

5.4 DUTIES AND RESPONSIBILITIES OF THE DESIGNER

- 5.4.1 When a designer is retained, the designer shall ensure that the design of the building conforms to the Code.
- 5.4.2 When a professional engineer or architect is required by the Code or the requirements of this by-law, they shall do inspections to ensure that the construction conforms to the design and the Code.
- 5.4.3 Every designer is required to submit to the Authority Having Jurisdiction:
- (a) all information needed for review of the design;
 - (b) any changes to the design for which a permit has or may be issued;
 - (c) copies of all inspection reports for inspections done by the designer and others, and
 - (d) any other documentation or certification required by the Authority Having Jurisdiction.
- 5.4.4 Every designer shall ensure that all materials, systems, equipment or related matter specified for the construction, alteration, reconstruction or renovation of a building meet the requirements of the Code, and the requirements of applicable Acts, regulations and by-laws for the work to be undertaken.
- 5.4.5 If the responsible architect and or professional engineer withdraw from the project, he shall immediately advise the Authority Having Jurisdiction.
- 5.4.6 Prior to the issuance of an occupancy permit, the responsible architect and/or professional engineer shall, where required by the Authority Having Jurisdiction, submit a certificate stating:
- "The construction has been reviewed under my supervision in accordance with recognized professional inspection standards, and that to the best of my/our knowledge, the structure was constructed in accordance with the accepted drawings and specifications and requirements of the applicable by-laws".
- 5.4.7 The responsible architect and/or professional engineer shall sign, date and seal all of the documents referred to in this article.

5.5 POWERS OF AUTHORITY HAVING JURISDICTION

- 5.5.1 The Authority Having Jurisdiction may enter any building or premises at any reasonable time to audit for compliance with the Code or these requirements, or to determine if an unsafe condition exists.
- 5.5.2 The Authority Having Jurisdiction is empowered to issue orders for:
- (a) an owner or authorized agent to hold at specific stages of construction in order to facilitate an audit or inspection;
 - (b) a person who contravenes these requirements to comply with them within the time period that may be specified;
 - (c) work to stop on the building or any part of it if such work is proceeding in contravention of these requirements;
 - (d) the removal of any unauthorized encroachment on public property;

- 5.5.2 (e) the removal of any building or part of it constructed in contravention of these requirements. The cost of such demolition or removal as certified by the Authority Having Jurisdiction may be added to the taxes on the land occupied by such building and collected as taxes.
- (f) the cessation of any occupancy in contravention of these requirements;
- (g) the cessation of any occupancy if any unsafe condition exists because of work being undertaken or not completed, and
- (h) correction of any unsafe condition.
- 5.5.3 The Authority Having Jurisdiction may direct that tests of materials, equipment, devices, construction methods, structural assemblies or foundation conditions be made, or sufficient evidence or proof be submitted at the expense of the owner, where such evidence or proof is necessary to determine whether the material, equipment, device, construction, or foundation condition meets these requirements.
- 5.5.4 The Authority Having Jurisdiction may require an owner to submit, in addition to the information required in Article 4.1.1, an up-to-date plan or survey, prepared by a registered land surveyor, architect or professional engineer, as is appropriate to the work; and which shall contain sufficient information regarding the site and the location of any building
- (a) to establish before construction begins that all the requirements of the Code, and of any relevant by-law of the City of Flin Flon will be complied with; and
- (b) to verify that, upon completion of the work, all such requirements have been complied with.
- 5.5.5 The Authority Having Jurisdiction may ask for any other documentation or tests deemed necessary at the expense of the owner.
- 5.5.6 Notwithstanding any other provisions herein, where in the opinion of the Authority Having Jurisdiction, the site conditions, the size or complexity of a building, part of a building or building component warrant, or for any other reason, the Authority Having Jurisdiction may require that the owner have the following done at his/her expense:
- (a) the appropriate plans, specifications and related documents be reviewed by and bear the seal or stamp of an architect or professional engineer responsible for the work.
- (b) the work be inspected during construction by the architect or professional engineer responsible for the work.
- 5.5.7 The Authority Having Jurisdiction may issue a building permit at the risk of the owner, with, if necessary, conditions to ensure compliance with these requirements and any other applicable regulations, to excavate or to construct a portion of a building before all the plans of the project have been submitted to the Authority Having Jurisdiction.
- 5.5.8 The Authority Having Jurisdiction may refuse to issue any permit
- (a) whenever information submitted is inadequate to determine compliance with the provisions of these requirements or the Code,
- (b) whenever incorrect information is found to have been submitted,
- (c) that would authorize any building work or occupancy that would not be permitted by these requirements or the Code;
- (d) that would be prohibited by any other Act, regulation or by-law.

- 5.5.9 The Authority Having Jurisdiction may revoke a permit by written notice to the permit holder if:
- (a) there is contravention of any condition under which the permit was issued;
 - (b) the permit was issued in error, or
 - (c) the permit was issued on the basis of incorrect information,
 - (d) the work is being done contrary to the terms of the permit.
- 5.5.10 The Authority Having Jurisdiction may place a valuation on the cost of the work for the purpose of determining permit fees. Such valuation shall take precedence over any valuation provided by the owner. In determining his valuation, the Authority Having Jurisdiction shall, whenever possible, follow those guidelines set out in Schedule A, or may adopt such other appropriate valuation as may be consistent with the intent of the guidelines.
- 5.5.11 The Authority Having Jurisdiction may issue an occupancy permit, subject to compliance with provisions to safeguard persons in or about the premises, to allow the occupancy of a building or part of it for the accepted use, before commencement or completion of the construction or demolition work.
- 5.5.12 When any building, construction or excavation or part of it is in an unsafe condition, as a result of being open or unguarded, or because of danger from fire or risk of accident because of its ruinous or dilapidated state, faulty construction, abandonment or other, and when due notice to correct such condition has not been complied with, the Authority Having Jurisdiction may
- (a) demolish, remove or make safe such building, construction, excavation or part of it at the expense of the owner and may recover such expense in like manner as municipal taxes, and
 - (b) take such other measures as he may consider necessary to protect the public.
- 5.5.13 Notwithstanding any other provisions herein, when, in the opinion of the Authority Having Jurisdiction, immediate measures need to be taken to avoid an imminent danger, the Authority Having Jurisdiction may take such action as is appropriate, without notice and at the expense of the owner. Without prejudice to the City's ability to employ any other remedy to collect any debt incurred by the owner by virtue of this section, the said expense may be added to the taxes of the affected property.
- 5.5.14 The Authority Having Jurisdiction may withhold issuing an occupancy permit on completion of the building or part of the building, until the owner has provided letters to certify compliance with the Code, these requirements and the requirements of applicable Acts, regulations or by-laws.
- 5.5.15 The Authority Having Jurisdiction may issue to the owner an order or notice in writing to correct any unsafe conditions observed in any building.

PART VI APPEAL

6.1 APPEAL

6.1.1 Any person aggrieved by any decision or order of the Authority Having Jurisdiction as to the issuance of permits, the prevention of construction or occupancy of buildings, the demolition or removal of buildings, or structures, and any other matter herein may, within fifteen (15) days from the date of the decision, appeal to the Council. All decisions or orders remain in effect during the appeal process.

6.1.2 Council may hear the appeal as a committee of the whole or by subcommittee especially established for this purpose.

6.1.3 Upon the hearing of an appeal, the Council may:

- (a) uphold, rescind, suspend or modify any decision or order given by the Authority Having Jurisdiction;
- (b) extend the time within which compliance with the decision or order shall be made; or
- (c) make such other decision or order as in the circumstances of each case it deems just;

and the decision or order of the Council upon being communicated, in writing, to the appellant, shall stand in place of the decision or order against which appeal is made, and any failure to comply with the decision or order is an offense.

PART VII OFFENCES & PENALTIES

7.1 OFFENCES AND PENALTIES

7.1.1 Any person who contravenes or disobeys, or refuses or neglects to obey

- (a) any provision of the Code or this by-law, or any provision of any other by-law that, by this by-law, is made applicable, or
- (b) any order or decision of the Council under Article 6 herein;

for which no other penalty is herein provided is guilty of any offense and is liable, on summary conviction, to a fine not exceeding five thousand dollars (\$5000.00) or in the case of an individual, to imprisonment for a term not exceeding six months or to both such fine and such an imprisonment.

7.1.2 Where a corporation commits an offense against the Code or this by-law, each Director or Officer of the corporation who authorized, consented to, connived at, or knowingly permitted or acquiesced in, the doing of the act that constitutes the offense, is likewise guilty of the offenses and liable, on summary conviction, to the penalty for which provision is made in Subsection 7.1.1 aforesaid.

7.1.3 Where the contravention, refusal, neglect, omission, or failure, continues for more than one day, the person is guilty of a separate offense for each day it continues.

7.1.4 Any fee, charge, or penalty imposed under this By-Law may be added to taxes, by resolution of Council, and subject to all remedies provided to the municipality for the collection of taxes, provided that the fee, charge, or penalty for which the taxes are imposed pertains to the same property to which taxes are added under this section.

PART VIII
REPEAL

8.1 REPEAL

8.1.1 By-Laws No. 1/89, 7/92, and 27/93 are hereby repealed.

8.1.2 The repeal of the By-Laws in the last preceding section mentioned shall not revive any by-Law another any provision of any by-law repealed by them, nor shall the said repeal prevent the effect of any saving clause in the said by-laws or the application of any of the said by-laws or any other by-law or provision of law formerly in force to any transaction matter or thing anterior to the said repeal to which they would otherwise apply.

8.1.3 The repeal of the said by-laws should not affect:

- (a) any penalty, forfeiture or liability incurred before the time of such repeal, or any proceedings for enforcing the same, had, done, completed or pending at the time of such repeal;
- (b) any action, suit, judgment, decree, certificate, execution, process, order, rule, or any proceeding, matter or thing whatever, respecting the same had, done, made, entered, granted, completed, pending, existing or in force at the time of such repeal;
- (c) any act, deed, right, title, interest, grant, assurance, registry, rule, regulation, contract, lien, charge, matter or thing had, done, made, acquired, established or existing at the time of such repeal;
- (d) any further office, appointment, commission, salary, allowance, security, duty or any matter or thing appertaining thereto at the time of such repeal;
- (e) any bond, note, debenture, debt, or other obligation made, executed, or entered into by the Corporation and the time of such repeal;

shall and such repeal defeat, disturb, invalidate, or prejudicially affect any other matter or thing whatsoever had, done, completed, existing or pending at the time of such repeal.

PASSED AND ENACTED AS A BY-LAW OF THE CITY OF FLIN FLON, THIS 3RD DAY OF FEBRUARY, A.D. 1998.

Mayor

Municipal Administrator

Read a first	time this	6th day of	January	, A.D. 1998.
Read a second	time this	3rd day of	February	, A.D. 1998 .
Read a third	time this	3rd day of	February	, A.D. 1998 , DONE AND FINALLY PASSED.

TABLE OF CONTENTS

PART I: Title

PART II: Scope & Definitions

- 2.1 Scope
- 2.2 Definitions

PART III: General

- 3.1 Application Generally
- 3.2 Limited Application to Existing Buildings
- 3.3 Exemptions
- 3.4 Prohibitions
- 3.5 Mobile Homes and RTM's

PART IV: Permits

- 4.1 Application
- 4.2 Building Permits
- 4.3 Plumbing Permits
- 4.4 Occupancy Permits
- 4.5 Demolition Permits
- 4.6 Temporary Building Permits
- 4.7 Blasting Permits
- 4.8 General

PART V: Duties, Responsibilities, and Powers

- 5.1 Duties of Owner
- 5.2 Duties of Constructor
- 5.3 Duties of Authority Having Jurisdiction
- 5.4 Duties of Designer
- 5.5 Powers of Authority Having Jurisdiction

PART VI: Appeal

PART VII: Offences and Penalties

PART VIII: Repeal

SCHEDULE "A" Fee Guidelines

SCHEDULE "B" List of Plans or Working Drawings to Accompany Applications for Permits

SCHEDULE "C" Assurance of Retention of Professional

SCHEDULE "D" Assurance of Professional Design And Inspection

SCHEDULE "E" Letter of Assurance

SCHEDULE "F" Assurance of Compliance

SCHEDULE "G" Assurance of Professional Inspection and Compliance

Fee Guidelines

1. **BUILDING PERMIT**

1.1 Subject to section 1.2, and making an exception for those types of work more specifically addressed below, the fee for a Building Permit for work on a building other than a temporary building, is as follows:

- (a) where the value of the work does not exceed \$500,000.00, \$6 for each \$1000.00 or part thereof;
- (b) where the value of the work exceeds \$500,000.00, \$3000.00 on the first \$500,000.00 and \$7 on each additional \$1000.00 or part thereof.

1.2 The fee for a building permit for work related to a one or two-family dwelling is as follows:

- (a) for the construction of a dwelling, \$2.25 per square metre (\$0.21 per square foot) of finished space and \$1.10 per square metre (\$0.10 per square foot) of unfinished space;
- (b)
 - (i) for the construction of a detached garage up to 400 square feet, \$50.00;
 - (ii) for the construction of a detached garage over 400 square feet, \$65.00;
- (c) for the construction of an outside swimming pool, \$.00;
- (d) for the construction of a basement recreation or family room, \$50.00;
- (e) for a fence, free of charge.

1.2 (c)
amended to
\$.00 from
\$95.00,
BL 11/2003

2. **TEMPORARY BUILDING**

2.1 The fee for a permit for the construction, erection or placement of a temporary building on a site is the same as for a building permit plus \$30.00 per month until the building is removed from the site.

2.2 The fee for a permit for the construction, erection or placement of a portable garage on a site is the same as for a building permit plus \$60.00 per year, payable in advance on January 1, until the building is removed from the site.

2 amended
to add 2.2.
BL 14/2003

3. **RELOCATION OR REMOVAL**

3.1 The permit fee for the relocation or removal of any building or part thereof shall be \$20.00.

4. **DEMOLITION**

4.1 The fee for a permit for the demolition of a building or part of a building is as follows:

- (a) for a one or two-family dwelling, \$45.00;
- (b) for any other building one storey in height, \$60.00;
- (c) for a building more than one storey in height, \$60.00 for the first storey and \$30.00 for each additional storey.

5. **PLUMBING**

- 5.1 Notwithstanding any other provision of this section, the minimum charge for any permit for plumbing work shall be \$15.00.
- 5.2 Plumbing Permit fees for the following residential buildings shall be calculated on a per unit basis and shall be inclusive of all plumbing installations and equipment located in the building at the time of construction as follows:
- (a) for new detached, semi-detached, duplex, semi-detached duplex or row dwellings where there is not more than one family dwelling above another nor more than two storeys above the top of the foundation: \$50.00 for each dwelling unit;
 - (b) for any building providing three or more separate dwelling units with shared exits: \$100.00 for the first three dwelling units plus \$20.00 for each additional dwelling unit;
- 5.3 Permit fees for other plumbing work shall be as follows:
- (a) for minor repairs, such as a renewal of each fixture trap or drain or both: \$5.00;
 - (b) for the roughing-in of each fixture outlet including a floor drain trap: \$10.00;
 - (c) for the roughing in of each fixture outlet and the installation of each fixture when installed by the same contractor under the same permit: \$10.00;
 - (d) for the installation of each fixture when installed under a separate permit: \$5.00;
 - (e) for the installation of each directly or indirectly connected receptacle, appliance, apparatus or other device that discharges sewage or clear-water waste, and includes a drinking fountain, dishwasher, floor drain, hub, drip or similar drain: \$10.00;
 - (f) for each rainwater roof terminal: \$10.00;
 - (g) for each rainwater trap serving an exterior roof gutter: \$10.00;
 - (h) for the installation of each grease, oil, mud, sand or other interceptor: \$10.00;
 - (i) for each shower with a single drain and head: \$10.00;
 - (j) for multiple showers: \$10.00 for each shower drain and \$5.00 for each shower head;
 - (k) for each water-supplied or water discharging device which is related to the plumbing system such as an air conditioner, compressor, acid diluting tank, or pit: \$10.00;
 - (l) for the installation of each garbage disposal unit except when installed at the same time as the sink: \$10.00;
 - (m) for the installation of each backflow preventer which is manufactured with test cocks and which is installed in a potable water system: \$10.00;
 - (n) for any alteration or for any fixture not included in clauses (a) to (m): \$10.00.

6. OCCUPANCY

- 6.1 Subject to subsection 5.2, where the nature of an occupancy is changed and where no other permit is required, the fee for any occupancy permit shall be \$20.00.
- 6.2 No fee is required under this section for any occupancy permit where another permit has been issued for the same building.

7. BLASTING

- 7.1 The fee for a permit for blasting is \$20.00.

8. REFUND ON PERMIT CANCELLATION

- 8.1 Where a permit is surrendered for cancellation within six months from the issuance of the permit, the holder of the permit shall be refunded the fee paid for the permit less:
- (a) \$20.00; and
 - (b) \$60.00, for each inspection conducted after the issuance of the permit.

9. INSPECTION

- 9.1 Where an inspection of a building, structure, or plumbing system, other than an inspection following the issuance of a permit is requested and conducted during office hours, the fee shall be \$40.00 per hour, or fraction thereof.
- 9.2 For any inspection conducted outside of regular office hours, the fee shall be \$60.00 per hour, or fraction thereof.

10. DOUBLE FEES

- 10.1 Where for any reason a permit is not obtained before the commencement of the work for which a permit is required, the fee for a permit is twice the amount prescribed in this Schedule.

11. PLAN EXAMINATION FEES

- 11.1 The fee for the examination of plans and specifications for the construction, erection, placement, alteration, repair or renovation of a building, other than a temporary building, is \$0.60 per \$1,000.00, or part thereof, of the value of the work.

List of Plans or Working Drawings To Accompany Applications For Permits

Pursuant To Section 4.1.1. (D) of The Building By-Law

- 1) The Site Plan
- 2) Floor Plans
- 3) Foundation Plans
- 4) Framing Plans
- 5) Roof Plans
- 6) Reflected Ceiling Plans
- 7) Sections and Details
- 8) Building Elevations
- 9) Electrical Drawings
- 10) Heating, Ventilation and Air Conditioning Drawings
- 11) Plumbing Drawings

Assurance of Retention of Professional

Pursuant To Section 4.2.4 of The Building By-Law

(To Be Submitted Prior to Issuance of a Building Permit.
The Information Provided is Relied Upon by the Authority Having Jurisdiction.)

Re: Design & Inspection of Construction By A Professional Engineer or Architect, Known as the "Prime Consultant".

The City of Flin Flon
P.O. Box 100
FLIN FLON, Manitoba
R8A 1M6

Date

Dear Sir:

Re: _____
(Address of Project)

(Legal Description of Project)

The undersigned has been retained as the Prime Consultant to undertake and/or co-ordinate the design and inspections of the applicable registered professionals required for this project in order to ascertain that the design will comply and construction of the project will substantially conform in all material respects with the current Building Code and other applicable safety standards, except the construction safety aspects.

As used herein, inspections shall mean such reviews of the work at the project site and at fabrication locations, where applicable, as the registered professional, on the basis of professional discretion, considers necessary in order to ascertain that the work conforms in all respects to the plans and supporting documents prepared by the registered professional for which the building permit is issued by the municipality for the project. This includes keeping records of all site visits and any corrective action taken as a result thereof.

The Owner and the Prime Consultant will notify the Authority Having Jurisdiction, in writing, prior to any intended termination of or by the Prime Consultant. It is understood that work on the above project will cease as of the effective date of such termination, until such time as a new appointment is made.

The Owner hereby certifies that all required Municipal and Provincial Permits and other required authorizations will be obtained prior to the commencement of construction.

PRIME CONSULTANT'S INFORMATION

OWNER'S INFORMATION

Prime Consultant's Name (Print)

Owner's Name (Print)

Prime Consultant's Signature

Owner's Signature (Or Owner's Appointed Agent's Signature)

Address (Print)

Date

Occupation (Print)

(Affix Co-Ordinating Professional's Seal Here)

Title of Agent (If Applicable) (Print)

Address (Print)

(Affix Owner's Corporate Seal Here)

The Corporate Seal of

was hereunto affixed in the presence of

(Print Name of Witness)

The above must be signed by the Owner or the Owner's Appointed Agent. The signature must be witnessed by the Prime Consultant. If the Owner is a company, the corporate seal of the Company must be affixed to the document in the presence of its duly authorized officers. The officers must also sign, setting forth their positions in the Company. The Prime Consultant is to be registered in the Province of Manitoba as a member in good standing in the Association of Architects or the Association of Professional Engineers.

Assurance of Professional Design & Commitment For Inspection

Pursuant To Section 4.2.4 of The Building By-Law

(To Be Submitted Prior to Issuance of a Building Permit.
Separate Form to be Submitted by Each Registered Professional.
The Information Provided is Relied Upon by the Authority Having Jurisdiction.)

The City of Flin Flon
P.O. Box 100
FLIN FLON, Manitoba
R8A 1M6

Date

Dear Sir:

Re:

(Address of Project)

(Legal Description of Project)

The undersigned hereby gives assurance that the design of the (initial applicable item/items)

	Architectural		Fire Suppression Systems
	Structural		Electrical
	Mechanical		Geotechnical - Temporary
	Plumbing		Geotechnical - Permanent

components of the project as shown on the plans and supporting documents prepared by this Registered Professional conform to all the applicable requirements of all applicable Acts, Regulations, and By-Laws. Further, the undersigned will be responsible for inspections of the above referenced components during construction.

The undersigned also assures competence in the necessary fields of expertise to undertake the project on the basis of training, ability, and expertise in the appropriate professional and technical disciplines.

As used herein, inspections shall mean such reviews of the work at the project site and at fabrication locations, where applicable, as the registered professional, on the basis of professional discretion, considers necessary in order to ascertain that the work conforms in all respects to the plans and supporting documents prepared by the registered professional for which the building permit is issued by the municipality for the project. This includes keeping records of all site visits and any corrective action taken as a result thereof.

The undersigned also undertakes to notify the Authority Having Jurisdiction, in writing, as soon as practical, if his contract for inspection is terminated at any time during construction.

Name (Print)

Signature

Date

Address (Print)

(Affix Professional Seal Here)

Telephone

If the Registered Professional is a member of a firm, complete the following.

I am a member of the firm _____

(Print Name of Firm)

and I sign this letter of behalf of myself and the firm.

Note: The above letter must be signed by a Registered Professional who is registered in the Province of Manitoba as a member in good standing in the Association of Architects or the Association of Professional Engineers.

Letter of Assurance

Pursuant To Section 4.2.5 of The Building By-Law

(To Be Submitted Prior to Issuance of a Building Permit.
The Information Provided is Relied Upon by the Authority Having Jurisdiction.)

The City of Flin Flon
P.O. Box 100
FLIN FLON, Manitoba
R8A 1M6

Date

Dear Sir:

Re:

(Address of Project)

(Legal Description of Project)

The undersigned agrees to undertake and/or co-ordinate the design review of this project in order to ensure that the design will comply and construction of the project will conform in all respects with all applicable acts, regulations and by-laws.

The owner hereby certifies that all required Municipal and Provincial Permits and other required authorizations will be obtained prior to the commencement of construction.

DESIGNER'S INFORMATION

Designer's Name (Print)

Designer's Signature

Address (Print)

Occupation (Print)

Occupation (Print)

OWNER'S INFORMATION

Owner's Name (Print)

Owner's Signature (Or Owner's Appointed Agent's Signature)

Date

Title of Agent (If Applicable) (Print)

Address (Print)

(Affix Owner's Corporate Seal Here)

The Corporate Seal of

was hereunto affixed in the presence of

(Print Name of Witness)

The above must be signed by the Owner or the Owner's Appointed Agent. If the Owner is a company, the corporate seal of the Company must be affixed to the document in the presence of its duly authorized officers. The officers must also sign, setting forth their positions in the Company.

Assurance of Compliance

Pursuant To Section 4.4.3 of The Building By-Law

(To Be Submitted After the Completion of the Project But Prior to Final Occupancy.
The Information Provided is Relied Upon by the Authority Having Jurisdiction.)

The City of Flin Flon
P.O. Box 100
FLIN FLON, Manitoba
R8A 1M6

Date

Dear Sir:

Re:

(Address of Project)

(Legal Description of Project)

I hereby certify that all aspects of the project conform with the plan and supporting documents which were submitted prior to receiving a building permit, and that the construction conforms to The Manitoba Building Code. I further certify that there are no outstanding Municipal or Provincial approvals, permits or other requirements pertaining to the use or occupancy of this project.

Name (Print)

Signature

Address (Print)

Date

Assurance of Professional Inspection & Compliance

Pursuant To Section 4.4.3 of The Building By-Law

(To Be Submitted After the Completion of the Project but Prior to Official Occupancy.
Separate Form to be Submitted by Each Registered Professional.
The Information Provided is Relied Upon by the Authority Having Jurisdiction.)

The City of Flin Flon
P.O. Box 100
FLIN FLON, Manitoba
R8A 1M6

Date

Dear Sir:

Re:

(Address of Project)

(Legal Description of Project)

I hereby certify that I have fulfilled my obligation for inspection as outlined in the following previously submitted letters.

Schedule A Assurance of Retention of Professional
Schedule D Assurance of Professional Design and Commitment for Inspection

	Co-Ordination of Design & Inspection (to be initialed by the Prime Consultant)		Fire Suppression Systems
	Architectural		Electrical
	Structural		Geotechnical - Temporary
	Mechanical		Geotechnical - Permanent
	Plumbing		

I hereby enclose the final design plans and supporting documents prepared by this Registered Professional for the above referenced Project. I further certify that there are no outstanding Municipal or Provincial approvals, permits or other requirements pertaining to the use or occupancy of this project.

Name (Print)

Signature

Date

Address (Print)

Telephone

(Affix Professional Seal Here)

If the Registered Professional is a member of a firm, complete the following.

I am a member of the firm _____
(Print Name of Firm)

and I sign this letter of behalf of myself and the firm.

Note: The above letter must be signed by a Registered Professional who is registered in the Province of Manitoba as a member in good standing in the Association of Architects or the Association of Professional Engineers.