

# Real Estate Transaction Information

## 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 bylaw amendments and clarifications, along with property search tools that may be of value to those involved in real estate transactions.

## 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 located in Winnipeg 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 that would require permits. The tool can also determine if permits were adequately closed (final inspections completed).

To search for permits issued prior to 2000, please contact the Planning, Property & Development Department Central Files office at 204-986-7395 or email [PPD-CentralFiles@Winnipeg.ca](mailto: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).

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.*

*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 permit history using this free portal as a service to your clients.

## Building Occupancy Permits

Building Occupancy Permits issued subsequent to December 1998 can be searched online by property address at [winnipeg.ca/occupancypermitsearch](http://winnipeg.ca/occupancypermitsearch). For information on building occupancy permits issued prior to December 1998, please call 204-986-5136 or email [occupancy@winnipeg.ca](mailto:occupancy@winnipeg.ca).

Building occupancy permits are required for most commercial buildings. Details about building occupancy permit requirements can be found in the [Building Occupancy Permits Guide](#).

Building occupancy permits are not required under the following circumstances:

- The ownership and/or operating name of a business changed.
- The tenant changed, but the previously established use is maintained and no alterations, physical or otherwise, are being proposed.
- Once an occupancy permit is issued for a particular space, it does not need an annual or subsequent renewal or permit.

A building 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.

Where a building occupancy permit is required but has not been obtained, and the space is found to be in use or occupied, the City may issue a Penalty Notice (ticket) under the Municipal By-law Enforcement Act. These Penalty Notices can be issued 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 are considered a part of the construction process. However, moving of stock or goods, inventory, or personal belongings into the premises is considered occupancy. That is, occupancy can occur prior to a business being 'open for business' or a tenant 'living' in a new apartment or condominium unit.

For additional information, see the [Defining Occupancy bulletin](#).

## **Other products and tools**

In addition to being able to access records regarding building and building 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 & Permits Branch can provide a Zoning Letter for property owners requiring written confirmation of the zoning district in which a particular property is situated.

Alternatively, [Homeowner Zoning Information](#) about the zoning of properties can also be accessed on our website.

## **Zoning Memorandums**

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

## **Verification of Use Letters**

The Zoning & Permits 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 (MBC), 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 have only been constructed for a particular classification of use under the MBC 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 & Permits Branch at 204-986-5140.

## Central Property File Search

The City offers a 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](mailto: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 and approvals can lead to problems that can be costly to correct. If work was done by previous owners of the home, subsequent owners are responsible for bringing home renovation/upgrade projects up to standards, through appropriate permits and inspections. Homeowners can determine if prior work has been done without permits by using the permit search database and through consultation with appropriate contractors and/or design professionals.

If you would like more information about anything in this document, please contact 311.

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