

Building Occupancy Permits Guide

Definitions:

“Building Occupancy Permit” means permission or authorization issued in writing pursuant to The Winnipeg Building By-Law No. 4555/87 to occupy any building or part thereof in the City.

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

For a more detailed interpretation of the above definition, see the [Defining Occupancy bulletin](#).

Objective:

The Building Occupancy Permit is one mechanism used by the City of Winnipeg to assist in establishing and maintaining control over building standards. It helps ensure that work, for which a Building Permit has been issued, has been done in accordance with the terms of the permit and is consistent with the applicable regulations. As a public document, the Occupancy Permit also indicates to the general public the terms and nature of the occupancy permission.

Frequently Asked Questions:

1. Who needs a new Building Occupancy Permit?

- a. The building owner when constructing a new building or addition.
- b. Every existing occupant/tenant who has to vacate the entire building, floor, wing, or unit to accommodate alterations, or where in the opinion of the Authority Having Jurisdiction, the alterations are significant enough to warrant one.
- c. Every occupant/tenant who is expanding their unit within a building.
- d. Every occupant/tenant who wishes to increase the occupant load of the occupied space.
- e. Every new occupant tenant, who is establishing a use, for which there isn't a valid occupancy permit in place.
- f. Every new occupant/tenant, who is undertaking alterations to a space that in the Authority Having Jurisdiction's view, warrant an occupancy permit.

2. When is a building occupancy permit not required?

- a. Change in tenant/occupant that does not involve alterations or a change in use
- b. Change in business name and/or business ownership
- c. Shared occupancy, where an occupancy permit for the use is already in place and no alterations are being proposed

3. Who can apply for a Building Occupancy Permit?

An application can be made by the building owner or authorized agent. This can be the property manager, the intended occupant/tenant, the general contractor, or a designer (architect, engineer, or interior designer).

4. How do I obtain a Building Occupancy Permit?

Obtaining an occupancy permit is a process that can be broken into two parts: plan submission and approval; and inspections. In the first part, the applicant puts together an application package and submits it to a Permit Technician in the Zoning & Permits Branch located at Unit 31-30 Fort Street. (For submission requirements, call Permits Direct Line at 204-986-5140.) The submission is screened for completeness and the applicant pays permit fees in full or in part, depending on the fee amount. The application is then distributed to various parties for review. Once the reviewers are satisfied that the proposal complies with all applicable regulations, the applicant is notified. A building permit can then be issued once the permit fee balance, where applicable, has been paid. This enables the applicant to commence the needed construction work. In the second part, progress inspections under each applicable trade should be completed prior to requesting occupancy. Upon substantial completion, the applicant uploads a request form to Permits Online to trigger occupancy-related inspections. Once all required disciplines have completed their inspections, a written decision is sent to the applicant. Occupancy is either approved on interim basis or as a final approval. If there are deficiencies of more serious nature, a denial letter is sent instead.

5. What if I occupy a space without a valid Building Occupancy Permit?

The Winnipeg Building By-Law states in part that *“no owner, agent or person in charge shall occupy/use a building or part thereof, or permit any occupancy/use of a building or part thereof, or change the occupancy, without first obtaining a Building Occupancy Permit”*. Doing so is committing an offence under the same By-Law. 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 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.

6. Who do I contact if I have additional questions related to occupancy?

The Occupancy Permit Clerk can be reached by phone at 204-986-5136 or by email occupancy@winnipeg.ca.

Guidelines for issuance:

1. The Final Building Occupancy Permit:

The Final Building Occupancy Permit shall be issued for any building, provided that the construction work for which the permit had been taken out, including all mechanical and electrical installations associated with said construction work have, to the best of the City of Winnipeg’s knowledge, been completed in all respects in accordance with the requirements of the Building By-law.

An occupancy permit may be issued for a 'base' building even in cases where all spaces to be occupied have yet to be developed. This occupancy permit signifies that core building life safety systems have been established, which may be a pre-requisite for the development of interior spaces. However, these units must not be occupied prior to the issuance of individual occupancy permits.

- If tenant fit-up work and proposed use are included under the base building occupancy, separate occupancy permits would not be required for individual tenants.

2. The Interim Building Occupancy Permit:

An Interim Building Occupancy Permit may be issued at the City's discretion for the use of a part of a building (floor, wing or defined area) or for the entire building pending its completion. An Interim Building Occupancy Permit will typically list conditions and/or outstanding defects or work yet to be completed, and will set out a time limit for its validity.

Where an Interim Building Occupancy Permit is being sought for partial use of a building (floor, wing or defined area), it is important to note that certain construction and life safety systems must be complete for the entire structure (proposed occupied and non-occupied areas), where applicable, such as (but not limited to):

- a. Fire protection and/or structural members must comply with approved third party testing agency assemblies and flame spread ratings.
- b. Fire compartmentalization between floors, fire walls and tenancies to be completed.
- c. Fire alarm system must be operative in all areas.
- d. Emergency lighting must be operable in all required exits including stairwells.
- e. Central monitoring of the fire alarm system and sprinkler systems (where required) shall be connected.
- f. Firefighting equipment to be complete and operable. This includes fire pumps, standpipe systems, sprinkler systems, and fire extinguishers.

The following items where applicable, shall be completed in all areas to be occupied, as well as any other areas which are required to serve the occupied areas.

Electrical:

1. Receptacles and switches must be installed.
2. Electrical distribution equipment shall have all covers installed and shall be maintained in a safe condition.
3. Emergency lighting facilities where required, must be operative on occupied floors of the building.
4. All stairway and exit lighting fixtures must be installed and operative on occupied floors.
5. All electrical equipment must be connected or else the conductors feeding this equipment must be disconnected both at the panel and the appliance end, the conductors being made safe at both ends.
6. Electrical Engineer's Letter of Certification (when required) shall reference the applicable electrical and building permit numbers.

Mechanical & plumbing installation:

1. All fire dampers must be installed.
2. Garbage chutes and linen chutes shall have their sprinkler protection system and venting system complete. Or, if these are not complete, use of these chutes shall be prevented by barriers or locks.
3. Should the area to be occupied include a commercial kitchen, all restaurant cooking equipment exhaust systems shall be complete.
4. Exhaust systems serving areas containing hazardous substances, shall be operative when these areas are in use. (e.g. enclosed storage garages, combustible storage rooms, laboratories)
5. All plumbing facilities for the area to be occupied must be completed. Waste and water connections for incidental fixtures (drinking fountains, sinks, etc.) must be sealed with proper caps or plugs.

Building construction

All safety aspects of the Building By-law, including, but not restricted to the following, must be completed:

1. Elevator shafts, excavations and areas still under construction must be guarded to the satisfaction of the Building Inspection Unit and appropriate signs are to be posted to prevent access by tenants or persons not authorized to be on the construction site. In addition, where ongoing construction may affect occupied areas, measures shall be taken to reduce the risk to occupants in accordance with section 8.1 and 8.2 of the Manitoba Building Code.
2. Adequate egress must be provided and maintained unobstructed at all times.
3. Fire separation of hazardous areas to be completed.
4. Where required, certification under seal of a Professional Engineer entitled to practice in the Province of Manitoba and skilled in the type of work concerned, that the building is in compliance with the structural design drawings and with the Building By-law must be provided.
5. Where required, certification under seal of an Architect entitled to practice in the Province of Manitoba that the building is in compliance with the architectural design drawings and with the Building By-law must be provided.
6. Where required, all outstanding documentation such as steel joist drawings, piling certificates, shop drawings, design drawings, etc. under seal of a Professional Engineer entitled to practice in the Province of Manitoba and skilled in the type of work concerned must be provided.