

# Requirements for Building Occupancy Permits

## Definition

A Building Occupancy Permit\* maintains control over building standards. It helps ensure that work was completed in accordance with the terms of the permit and is consistent with applicable regulations. A Building Occupancy Permit also provides the terms and nature of the occupancy permission.

A Building Occupancy Permit is sometimes accompanied by an Occupant Load Placard where required by the Manitoba Building Code, or deemed necessary by the Authority Having Jurisdiction. (\*Prior to May 6, 1987, in some areas of Winnipeg, a Certificate of Occupancy was issued instead of an occupancy permit.)

## Background

The first requirements for occupancy in Winnipeg were established in 1965. Between 1974 and 1987, jurisdictional authority was exercised under several by-laws governing different parts of what is today known as the City of Winnipeg. This led to some slight location-specific variations in the requirements for occupancy.

In 1987, jurisdictional authority was unified under By-Law 4555/87 and requirements for occupancy were applied to all regulated buildings, as defined under Sentence 15.1.2.1 a) of the by-law listed below.

The last significant amendment to occupancy requirements was made in 1994, which included the introduction of occupancy permits for a new tenant or occupant.

The various amendments of the governing by-law are not retroactive. Therefore, spaces and uses that were established with a proper building permit in the past did not need a new occupancy when a subsequent and more stringent amendment to the by-law was passed. However, if a space or use was not legally established through the building permit process, upon discovery of the violation, the current tenant could be ordered to obtain an occupancy permit as per current by-law requirements.

## Current Requirements (1994 - present)

Existing requirements for occupancy are outlined in Section 15 of Winnipeg Building By-law No.4555/87:

Building Occupancy Permit is required for a building or structure or part thereof:

- a) or 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) or 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) or a change from one Major Occupancy Group to another or a change from one Division to another within a Major Occupancy Group in any existing building or structure or part thereof;

d) or 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 to a new use not previously authorized;

f) for a change of tenant/occupant not previously authorized. (As of **April 4, 2022**, this clause is no longer in effect).

As such, since 1994, all occupancies (except those exempt under the previously quoted section of the by-law), which occurred subsequent to that year require an occupancy permit. As well, multi-family dwellings with shared exiting require a single, initial occupancy permit, but each subsequent change of occupant does not require a new occupancy permit.

### **Requirements between November 19, 1974 and February 21, 1994**

The requirements for occupancy were essentially the same as in the section immediately above, with the exception that an occupancy document was not required for a change in tenant/occupant. While buildings and tenancy spaces were required to have been legally established, occupant-specific permits were not required.

Also, during that time, city boundaries were divided into a number of jurisdictions (each governed by local by-laws which were not identical in their wording related to occupancy requirements).

### **Requirements between 1970 and November 19, 1974**

The requirements for occupancy were essentially the same as in the section immediately above, with the exception that an occupancy document was not needed when a change of previously established use happened within the same Major Occupancy Group and Division.

### **Requirements between October 22, 1965 and 1970 & prior to 1965**

The requirements for occupancy were essentially the same as in the section immediately above, with the exception that buildings governed by Part 9 of the Building Code were not required to have occupancy. The City does not have records of occupancies predating 1970. Hence, we do not require a specific occupancy permit for occupancies established prior to 1970.

### **Questions**

Please contact the occupancy office by emailing [occupancy@winnipeg.ca](mailto:occupancy@winnipeg.ca) or by calling 204-986-5136.