



PLANNING, PROPERTY  
AND DEVELOPMENT  
DEPARTMENT

# RENTAL PROPERTY AND BY-LAW COMPLIANCE IN THE CITY OF WINNIPEG

## SINGLE-FAMILY DETACHED DWELLINGS

A blue rectangular sign with white text that reads "HOME FOR RENT" is attached to a decorative wrought-iron fence. The background shows a residential street with houses and trees.

HOME  
FOR  
RENT



# Rental Property and By-law Compliance in the City of Winnipeg

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## Single-Family Detached Dwellings

If you plan to rent out your Single-Family Detached Dwelling or rooms within it, it is important to understand your obligations as a homeowner or landlord, when it comes to compliance with the City of Winnipeg's by-laws.

This brochure provides important information that can help you to better understand these obligations. Please note that this brochure is for informational purposes only and is not a comprehensive overview of all of the City of Winnipeg's by-laws and regulations. The onus is upon every homeowner and/or landlord to review the City's by-laws and regulations for a complete understanding of what is required when renting a single-detached family dwelling. Failure to do so may result in enforcement actions being taken against you.

## What is a Single-Family Detached Dwelling?

The Winnipeg Zoning By-law defines a Single-Family Detached Dwelling as “a building designed for residential occupancy by one *family*, including modular and ready-to-move homes, but not including a mobile home.”

The term “family” is further defined in the Winnipeg Zoning By-law to mean “one person or two or more persons *voluntarily associated*, plus any dependents, *living together as an independent, self-governing, single housekeeping unit*”.

The term “family” recognizes families in both the traditional and modern sense of the word. Occupants of a Single-Family Detached Dwelling can be related or unrelated, and can own or rent the home together, as long as they are voluntarily associated and are living together as an independent, self-governing, single housekeeping unit.

The owner or a main tenant living in a Single-Family Detached Dwelling also has the opportunity under the Winnipeg Zoning By-law to share their home with up to two boarders who pay them rent. In this scenario, the boarders must be a part of the ‘single housekeeping unit’, and,

as regulated by Manitoba Building Code, the owner/primary tenant would need to continue to have 'care and control' of the whole house. A boarder use does not include situations where the 'boarder' is occupying a separate suite in the home (i.e. locked bedroom or group of rooms, separate cooking, etc.) Any creation of additional suites in a single-family detached dwelling requires separate planning and building permit approvals, and is subject to additional Manitoba Building Code requirements..

### **Why does it matter if a Single-Family Detached Dwelling is rented under a single tenancy, as opposed to a multiple tenancy arrangement?**

A Single-Family Detached Dwelling is designed for a single housekeeping unit. In a similar way, the Winnipeg Building By-law considers an entire Single-Family Detached Dwelling a "suite"<sup>1</sup> for the purposes of applying Building and Fire Code regulations.

When the bedrooms of a Single-Family Detached Dwelling are rented out to different individuals under separate (multiple) leases, and living arrangements are such that the occupants are not living as a self-governing single housekeeping unit, then:

- the use no longer complies with the Winnipeg Zoning By-law requirements for a Single-Family Detached dwelling, and under the Winnipeg Zoning By-law may be interpreted as a "Single Room Occupancy" or "hotel" use, both of which are not permitted in certain zoning districts, such as the R-1 Zoning District,
- each bedroom is considered a 'suite' for the purposes of applying Building and Fire Code regulations, and the dwelling would likely not meet the Building and Fire Code requirements for multiple suites in a building, and
- if the use was compliant with the Winnipeg Zoning By-law and the building met all necessary regulations, such as Building and Fire Code requirements for multiple suites, the use is required to be licensed as a Shared Facilities Dwelling under the Doing Business in Winnipeg By-law.

## How does the City of Winnipeg determine if a Single-Family Detached Dwelling rental arrangement is under single tenancy (single housekeeping unit) or multiple tenancies (multiple housekeeping units)?

The City looks for a variety of indicators, including but not limited to, the following:

1. There is a single lease (written or verbal arrangement) with all of the occupants, characterized by:
  - a. A single payment (vs. each occupant paying his / her portion or share of the total lease directly to the landlord)
  - b. A set lease rate (\$) amount for the total space, which does not fluctuate or vary based on the number of rooms occupied or occupants in the house. That is, when the number of occupants increases or decreases, the benefit or expense per person would rest with the occupants, not the landlord.
2. All of the occupants have care and control of the full house. There are no keyed locks on bedroom doors or other rooms or sections of the house which limit access to these areas by one or more of the occupants.
3. Tenants have self-determination with respect to who lives in the home. The group of occupants (not the landlord) determines which new occupants join the house/lease. It is the responsibility and right of the occupants to recruit, locate, and screen new occupants, though the landlord could still have input in terms of screening new individuals who would be party to a joint lease agreement. If the landlord was to advertise the rental of the house, it would be for the whole house, not a specific room or individual rooms. The group, not the landlord, determines who occupies each bedroom.
4. There is a single address on the house, together with a single mailbox.

<sup>1</sup> The Winnipeg Building By-law defines the term "suite" as "a single room or series of rooms of complementary use operated under a single tenancy, and includes dwelling units, individual guest rooms (in motels, hotels, boarding houses, rooming houses and dormitories) as well as individual stores and individual or complementary rooms for business and personal services occupancies".

**I placed an ad in the paper to rent my entire Single-Family Detached Dwelling and a group of individuals has expressed an interest in renting the home together under a single/shared lease agreement. Would that be considered a single tenancy (single housekeeping unit) or a multiple tenancy (multiple housekeeping units)?**

This case would likely be considered a single tenancy (single housekeeping unit) scenario, provided that the indicators outlined above were present.

**If I would like to rent individual bedrooms in my Single-Family Detached Dwelling, with all of the tenants sharing the remaining areas of the home (e.g. living room, kitchen, bathrooms, etc.), would that still be considered a single tenancy?**

In many cases, this would not be considered single tenancy.

When individual bedrooms are advertised for rent, it is more likely that the occupants of the home will not be voluntarily associated or living as an independent, self-governing, single housekeeping unit. Occupants are more likely to function independently of each other, preferring the ability to lock their own bedroom when they are not in the house. Separate lease arrangements are more likely, and occupants are less likely to be responsible for the care and control of the entire dwelling, including other bedroom areas.

However, as noted under the Winnipeg Zoning By-law, an owner or a primary tenant (with care and control of the whole house), living in a Single Family Detached Dwelling, has an opportunity to share the dwelling with up to two “boarders or roomers” who pay them rent. In this scenario, boarders or roomers are required to be considered a part of the housekeeping unit or the City would interpret their presence as a multi-tenancy situation under the building code.

## If I want to rent my home to a number of individuals through separate leases, what would I need to do to ensure that this type of arrangement complied with City By-laws?

Changing a single family detached dwelling into a multi-tenancy building requires three separate avenues of compliance:

- 1. Zoning:** The Winnipeg Zoning By-law limits the location of “Single Room Occupancy” and “Hotel” uses to specific zoning districts. Please note that the R-1 and R-2 zoning districts do not permit these uses. If your property is not already zoned to accommodate these uses, approval of a rezoning application and potentially other planning approvals would be required to permit the use under the Winnipeg Zoning By-law. The re-zoning application process can often take 4-6 months, and involves fees and a public hearing. Applicants are strongly encouraged to discuss their proposals with City Planning staff in advance of submitting an application to better understand their chances of approval.
- 2. Building codes via a permit:** If the zoning of the property permits the use, a building permit is required to convert from a single family dwelling to a building containing multiple residential suites. Code requirements vary depending on the configuration of the original house as well as the proposed configuration. The following list identifies typical requirements:
  - Hard-wired, inter-connected smoke detection within each suite;
  - Rated fire-separated walls between each suite (e.g. between bedrooms; between bedrooms and common areas) and between each floor;
  - Fire alarm requirements based on total number of suites and occupancy load;
  - Egress / exits: Fire rated public corridors leading to two compliant exits from each floor level;
  - Accessibility; and
  - Emergency lighting and exit signs, dependent on the type of exit facilities provided.

The Building Code allows for alternative solutions to be presented under a seal of an architect or engineer which may not meet the prescriptive code requirements, but meet the intent of the requirements.

While an architect is not required generally (e.g. if no alternative solution is involved), the City encourages applicants with limited building code knowledge to seek the assistance of a design professional.

3. **Licensing:** If the zoning of the property permits the use and all necessary permits and approvals have been obtained, a license for a Shared Facilities Dwelling is required in accordance with the City's Doing Business in Winnipeg By-law.

### **Are there certain fire safety requirements that apply, regardless of whether I live in my own Single-family Detached Dwelling or I rent it out?**

**Yes.** Every homeowner needs to be aware of important fire safety requirements. This includes but is not limited to proper fire safety alarms, and ensuring that basements, and attic and partial storey spaces that are used as living spaces, are properly constructed and maintained.

For instance:

- 10-year lithium battery operated smoke alarms are required in the case of all rental situations (unless there are compliant hard-wired, interconnected smoke alarms). (Fire Prevention By-law)
- The Neighbourhood Liveability By-law outlines a number of minimum standards that all homes must meet. All homeowners and landlords should familiarize themselves with these requirements for their type of home.

For instance:

- o Smoke alarms within dwelling units must be installed between each sleeping area and the remainder of the dwelling unit and, where the sleeping areas are accessed by a hallway, the smoke alarms must be installed within the hallway (Fire Code requirement)



- o In many cases, basements require:
  - minimum dimensions for stairs leading to the basement used as habitable space (minimum 75 cm wide, max. rise of 20 cm, minimum run of 21 cm and a minimum tread of 23.5 cm, providing minimum headroom clearance of 185 cm measured vertically from a line shown through the outer edges of the nosings;
  - at least one window or door opening to the outside in every bedroom in a basement capable of being opened from the inside without the use of keys, tools or special knowledge and without the removal of sashes or hardware, and no obstructions that would reasonably prevent a person from escaping the bedroom through a door or window
  - minimum dimensions for bedroom windows:
    - o an unobstructed opening of at least 0.35 m<sup>2</sup> in area with no dimension less than 38 cm, and which opening must be maintained during an emergency without needing to be propped open;
    - o if the window opens into a window well, a clearance of at least 76 cm must be provided in front of the window;
    - o If the window opens into a window well and a protective enclosure is installed over the window well, the protective enclosure must be capable of being opened from the inside without the use of keys, tools or special knowledge of the opening mechanism.
- o Requirements for dwellings in attics and partial stories may include:
  - stairways leading to the dwelling must be at least 75 cm wide and must not be inclined to an angle of more than 50 degrees from horizontal and must provide a minimum clearance height of 180 cm measured vertically from a line drawn through the outer edges of the nosings.

**If I am unsure as to whether my rental arrangement meets the City’s use definitions for a Single-Family Detached Dwelling, or whether there may be additional Building and/ or Fire Code requirements as a result of the way I am using my Single-Family Detached Dwelling, what should I do?**

For Zoning By-law and Building Permit information, please contact the Planning, Property and Development Department at 204-986-5140.

For Fire Code information, please contact Fire Prevention at 204-986-8200.

For information regarding required licenses under the Doing Business in Winnipeg By-law or for further information regarding the Neighbourhood Livability By-law, please contact Community By-law Administration at 204-986-2234.

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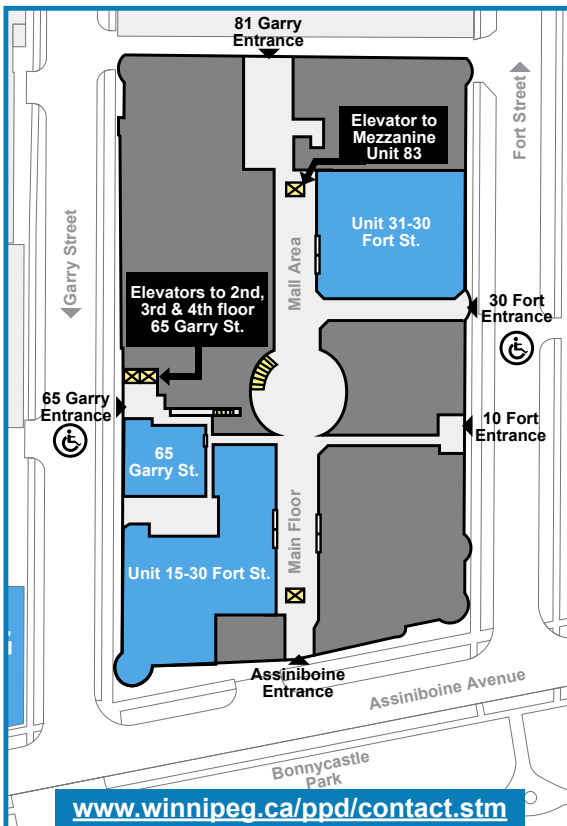
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## In-Person Customer Service Hours

Tuesday to Friday 8:30 am to 4:30 pm - All Zoning, Permits and Plan Examination services are available at Unit 31 – 30 Fort Street.

Mondays 8:30 am to 4:30 pm are reserved for telephone inquiries and completed application drop-offs. This enables Zoning and Permits staff to process building and development applications received throughout the week.



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[www.winnipeg.ca/ppd](http://www.winnipeg.ca/ppd)



**For more information contact:**

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or



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

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