

How do I get the caveat removed from my property's title?

As soon as the inspections are complete (and any defects corrected and re-inspected), the City will take steps to remove the caveat from your property title.

What if I ignore this Order to Comply?

If you do not comply with the Order in the time frame provided, the City will leave the Order as a caveat on title, but consider additional enforcement action such as issuing a Common Offence Notice for failure to comply with an Order, and issue a summons to appear before a Justice at Provincial Court. Depending on the outcome of the Justice's decision, an additional fine may be levied by the court. Regardless of that fine, you will still be required to take corrective action.

We trust you understand the enforcement challenge we face and look forward to resolving this matter promptly.



For more information on permits please visit www.winnipeg.ca/ppd/permits_info.stm or contact Zoning and Permits Branch
204-986-5140

or



Winnipeg
at your service.

City of Winnipeg
Planning, Property and Development Department
Zoning and Permits Branch
Unit 31 - 30 Fort Street
Winnipeg, MB R3C 4X7

Every effort has been made to ensure the accuracy of the information contained in this publication. However, in the event of conflict between this publication and a City of Winnipeg By-law, the By-law will take precedence.

July 2016



Planning, Property
and Development
Department

Real Estate Listing Order to Comply

A guideline for homeowners who have received an Order to Comply about electrical, plumbing and building upgrades that require permits.



Why am I receiving an Order to Comply?

Your property was identified on a real estate listing as having certain electrical, plumbing or building upgrades that would have required a permit. The City of Winnipeg has no record of those permits being issued and inspections being completed. As such, it appears that your property was upgraded without the necessary permits.

Why is there a permit requirement?

The City of Winnipeg enforces the Manitoba Building Code as outlined in the Building and Mobile Homes Act, the City of Winnipeg Charter, and the electrical code in the Winnipeg Electrical By-law 77/2015. These codes establish life safety, energy conservation, as well as universal design and accessibility standards. The City enforces these codes through its permit and inspection system, per The Winnipeg Building By-law 4555/87.

What projects require a permit?

Decks, porches, garages, hot-tubs, central air conditioning, electrical upgrades, sump pits, creating new windows or expanding the size of existing windows, additions, adjustments to load-bearing walls, bathroom, kitchen, or laundry-room renovations where fixtures such as sinks or toilets are being moved, new plumbing is being established, and/or electrical work is required.

Exterior projects such as additions, porches, decks, garages, and establishing or removing dwelling units or secondary suites.

What if the Order was issued in error?

If you believe the City made an error in interpreting the real estate listing advertising your property, or you have a permit for the work completed, please contact the individual stated in the Order and we will verify the information

and may retract the Order if it was issued in error. You also have the opportunity to appeal the Order.

What if I didn't do the work myself?

Even if a contractor or a previous owner completed the work, as the current property owner, it is your obligation to ensure that permits have been obtained and closed after City inspections have concluded that the work is compliant.

Please note that plumbing and electrical contractors who are not licensed with the City are not allowed to engage in this work.

Will the Order be caveated on the title of my property?

The City is taking a further step to caveat this Order to Comply on the title of your property because it is listed for sale, indicating that you have intent to sell. Since the new owner would inherit this issue, a caveat warns the new owner of the non-compliance issue and the outstanding legal obligations. It is your obligation to disclose this as part of a sales transaction.

While technically this caveat will not create a legal restriction on your sale, we understand that it may create a difficulty in the sales transaction until it is removed. We encourage you to clear up the permit issue within the time frame outlined in the Order.

How do I proceed?

Permits can be obtained at 30 Fort Street, Unit 31, from 8:30 am – 4:30 pm, Tuesday to Friday. Free parking is available in the parking lot on the corner of Garry Street and Assiniboine Avenue. Electrical and plumbing permits are typically issued at the time of application, while building permits take longer because they involve a structural review. Please provide plan

details at the time of your application, to allow a plan examiner to establish if the work plan is code compliant.

If you have already completed construction work, you can call for inspections immediately after the permit has been issued. The City operates an inspection scheduling system that usually allows for an inspection in less than a week from receiving the request. Depending on the nature of the project, some of it might need to be uncovered (e.g. drywall removed) so that the inspector can determine if the work was completed according to code. This is an unfortunate consequence of the work being completed without required permits and inspections.

Will fees for non-compliance be assessed?

You will be assessed the established fees for failing to obtain a permit prior to construction and will be required to pay these fees at the time of permit application. The fee is equivalent to the permit fee (doubling the regular cost of the permit), with a minimum charge of \$350 as of June 1, 2016.

Why are additional fees assessed?

When work at a residential property has been completed without a permit, fees for non-compliance are due in addition to permit fees. Some homeowners request that the City waive these fees in these situations. It is our practice to decline these requests as it is difficult to justify to those homeowners who have engaged in the permit and inspection process as part of their project, paid the required permit fees, and met the code compliance, why a homeowner who chose to do the work outside of the law should not be required to pay an additional amount for the violation.
