

BY-LAW NO. 24-05

- of -

THE RURAL MUNICIPALITY OF SPRINGFIELD

Being a By-Law of the Rural Municipality of Springfield to regulate and control new and existing construction, including the construction, erection, placement, alteration, repair, renovation, demolition, relocation, removal, occupancy or change in occupancy of a building, erection or structure or an addition to a building, erection, or structure.

WHEREAS the Buildings and Mobile Homes Act C.C.S.M. c. B93 provides as follows:

4. Notwithstanding anything to the contrary in any other Act of the Legislature, each municipality, unless excluded under clause 2(2)(c) *shall* adopt and enforce any building construction code or building construction standard adopted, established, or prescribed under Section 3 for the province or the municipality or the part of the Province in which the municipality is situated, and may make such by-laws as are necessary for those purposes.

AND WHEREAS pursuant to Section 4 of The Building and Mobile Homes Act, the Manitoba Building Code and the Manitoba Plumbing Code have been adopted, established and prescribed for the Province;

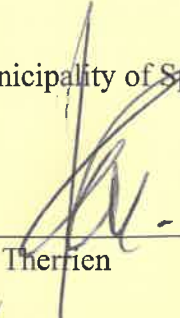
AND WHEREAS pursuant to Part 7, and Part 12 of the Municipal Act, Chapter M225 authorizes the Municipality to regulate the building standards;

AND WHEREAS the Rural Municipality of Springfield wishes to adopt the code and to enact a by-law to provide for the administration and enforcement of the code;

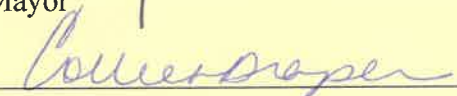
NOW THEREFORE the Municipal Council of the Rural Municipality of Springfield, in meeting duly assembled, enacts as follows:

1. THAT Springfield Building By-law 21-06 is hereby rescinded.
3. THAT this By-law shall be known as the Springfield Building By-law.
4. THAT the Springfield Building By-law shall take full force and effect on the date of the third reading of this By-law.
5. THAT Council from time to time, by resolution, may amend the schedule attached to this by-law.

DONE AND PASSED BY Council of the Rural Municipality of Springfield, assembled at Oakbank, Manitoba, this 19th day of March, A.D., 2024.



Patrick Therrien
Mayor



Colleen Draper
Chief Administrative Officer

READ a first time this 6th day of March, A.D. 2024.
READ a second time this 19th day of March, A.D., 2024.
READ a third time this 19th day of March, A.D., 2024.

SCHEDULE “A” to By-law No. 24-05

TABLE OF CONTENTS

SECTION ONE:	Title
SECTION TWO:	Scope & Definitions
	2.1 Scope
	2.2 Definitions
SECTION THREE:	General
	3.1 Application Generally
	3.2 Limited Application to Existing Buildings
	3.3 Exemptions
	3.4 Prohibitions
	3.5 Mobile Homes and RTM’s
SECTION FOUR:	Permits
	4.1 Applications
	4.2 Permits
	4.2.1 Building Permits
	4.2.2 Plumbing Permits
	4.2.3 Occupancy Permits
	4.2.4 Demolition Permits
	4.2.5 General
	4.2.6 Private Pools
	4.2.7 Hot Tubs
SECTION FIVE:	Duties, Responsibilities, and Powers
	5.1 Duties of Owner
	5.2 Duties of Constructor
	5.3 Duties of Authority Having Jurisdiction
	5.4 Duties of Designer
	5.5 Powers of Authority Having Jurisdiction
SECTION SIX:	Appeal
SECTION SEVEN:	Offenses and Penalties
SECTION EIGHT:	Repeal
Appendix “A”	Plans and Specifications to be Submitted
Appendix “B”	Assurance of Retention of Professional
Appendix “C”	Assurance of Professional Design and Inspection
Appendix “D”	Letter of Assurance
Appendix “E”	Assurance of Compliance
Appendix “F”	Assurance of Professional Inspection and Compliance

This by-law may be cited as the Springfield Building By-law 24-05.

SECTION TWO Scope & Definitions

2.1 Scope:

- 2.1.1 This by-law applies to the whole of the Rural Municipality of Springfield.
- 2.1.2 This by-law applies to administration and enforcement in the design, construction, erection, placement and occupancy of new buildings, and the alteration, reconstruction, demolition, removal, relocation, occupancy and change in occupancy of existing buildings and any requirements that are necessary to correct unsafe conditions in existing buildings.
- 2.1.3 The requirements of the *Code* are hereby adopted and *shall* apply to all work falling within the scope and jurisdiction of this by-law.
- 2.1.4 Any construction or condition that lawfully existed before the effective date of this by-law need not conform to the requirements of this by-law if such construction or condition does not constitute an unsafe condition in the opinion of the *authority having jurisdiction*.

2.2 Definitions

- 2.2.1 The words and terms in italics in this by-law *shall* have the meaning prescribed in subsection 2.2.3 herein, and if no definition is provided herein, they *shall* have the meanings as prescribed in the *Code*. Should a word or term be defined in both this by-law and the *Code*, then the definition set forth in this by-law *shall* govern.
- 2.2.2 Definitions of words and phrases used in this by-law that are not specifically defined in the *Code* or in this subsection *shall* have the meanings that are commonly assigned to them in the context in which they are used in these requirements, considering the specialized use of terms within the various trades and professions to which the terminology applies.
- 2.2.3 Words and terms in italics in this by-law *shall* have the following meanings:

"Audit" means a random review of design or construction work by the *authority having jurisdiction* to ascertain compliance with the *Code* and this by-law.

"Authority Having Jurisdiction"

means the Rural Municipality of Springfield and, where the context requires, such Development Officer or Building Inspector or other authority lawfully appointed by the Rural Municipality of Springfield to administer and enforce the provisions of this by-law

“Code”	means the Manitoba Building Code and Manitoba Plumbing Code as established, adopted and revised from time to time under Section 3 of the Buildings and Mobile Homes Act
“Council”	means the municipal council of the Rural Municipality of Springfield
“Permit”	means written permission or written authorization from the <i>authority having jurisdiction</i> in respect to matters regulated by this by-law
“Person”	means and includes any individual, corporation partnership, firm, joint venture, syndicate, association or trust, and any other form of entity or organization
“Private Pool”	means an artificially constructed basin, lined with concrete, fiberglass, vinyl or like material, that is capable of containing a water depth greater than 60cm (24 inches) and that is located on the property of a single-family dwelling.
“RTM”	means ready to move house being houses or <i>buildings</i> constructed in one location and moved to a different location
“Shall”	Where the word “ <i>shall</i> ” is used in this By-Law, the policy is considered mandatory
“Valuation”	<i>shall</i> mean the total monetary worth of all construction or work, including all painting, papering, roofing, electrical work, plumbing, permanent or fixed equipment, including any permanent heating, elevator equipment or fire sprinkler equipment, and all labour, materials, and other devices entering and necessary to the prosecution of the work in its completed form. No portion of any <i>building</i> including, mechanical, electrical and plumbing work, <i>shall</i> be excluded from the valuation for a <i>permit</i>

SECTION THREE General

3.1 Application Generally

This by-law applies to the design, construction, erection, placement and occupancy of new buildings and the alteration, reconstruction, demolition, removal, relocation, occupancy and change in occupancy of existing buildings.

3.2 Limited Application to Existing Buildings:

3.2.1 When a building or any part of it is altered or repaired, the *Code* applies to the parts of the building altered or repaired except that where in the opinion of the *authority having jurisdiction*, the alteration will affect the degree of safety of the existing building, the existing building *shall* be improved as may be required by the *authority having jurisdiction*.

- 3.2.2 The number of storeys of an existing building or structure *shall* not be increased unless the entire building or structure conforms with the requirement of the *Code*.
- 3.2.3 The requirements of this by-law apply where the whole or any part of a building is relocated either within or into the area of jurisdiction of the *authority having jurisdiction*.
- 3.2.4 When the whole or any part of a building is demolished, the requirements of this by-law apply to the work involved in the demolition and to the work required to any parts remaining after demolition to the extent that deficiencies occurring or remaining after demolition require correction.
- 3.2.5 When a building is damaged by fire, earthquake or other cause, the *Code*, the requirements of this by-law and the appropriate regulations under the Fire Prevention Act, and the Manitoba Fire Code, apply to the work necessary to reconstruct damaged portions of the building.
- 3.2.6 When an unsafe condition exists in or about a building, the *Code*, the requirements of this by-law and the appropriate regulations in the Fire Prevention Act, and the Manitoba Fire Code, *shall* apply to the work necessary to correct the unsafe condition.
- 3.2.7 When the occupancy of a building or any part of it is changed, the requirements of this by-law apply to all parts of the building effected by the change.

3.3 Exemptions

3.3.1 These requirements do not apply to

- (a) sewage, water, electrical, telephone, rail or similar systems located on a street or a public transit right of way.
- (b) public utility towers or poles, television and radio or other communication aerials and towers, except for loads resulting from those located on or attached to buildings.
- (c) flood control and hydro electric dams and structures.
- (d) mechanical or other equipment and appliances not regulated in this by-law.
- (e) accessory buildings not greater than 9.29 square meters in building area subject to the concurrence of the *authority having jurisdiction*.

3.4 Prohibitions

- 3.4.1 Any person who fails to comply with any order or notice issued by any *authority having jurisdiction*, or who allows a violation of the requirements of this by-law or of the *Code* to occur or to continue, contravenes the provisions of this by-law.
- 3.4.2 No person *shall* undertake any work or authorize or allow work to proceed on a project for which a *permit* is required unless a valid *permit* exists for the work to be done.
- 3.4.3 No person *shall* deviate from the accepted plans and specifications forming part of the *permit*, or omit or fail to complete, prior to occupancy, work required by the said accepted plans and specifications, without first having obtained the acceptance of the *authority*

having jurisdiction to allow such deviation except for minor changes to accepted plans and specifications which, when completed would not cause a violation of the *Code* or other by-laws.

- 3.4.4 Where an occupancy *permit* is required by Section 4.2.3. herein, no person *shall* occupy or allow the occupancy of any building, or part thereof, or change the occupancy, unless and until an occupancy *permit* has been issued by *authority having jurisdiction*.
- 3.4.5 No person *shall* knowingly submit false or misleading information to the *authority having jurisdiction* concerning any matter relating to this by-law.
- 3.4.6 No person *shall* excavate or undertake work on, over or under public property, or erect or place any construction or work or store any materials thereon without receiving prior approval in writing from the appropriate government authority.
- 3.4.7 No person *shall* allow the ground elevations or the property boundaries of a building lot to be changed to place a building, or part of it, in contravention of the requirements of this by-law, unless the building, or part of it, is so altered, after obtaining the necessary *permit*, such that no contravention will occur because of the change of the property boundary or grades.

3.5 Mobile Homes, Modular Homes and RTM's

- 3.5.1 RTMs *shall* comply with the requirements of the *Code*. Mobile homes *shall* conform to CAN/CSA Standard Z240 MH Series. Modular homes *shall* be constructed within a facility certified by CSA to the CSA Standard A277.
- 3.5.2 The *authority having jurisdiction* may require any or all of the following in respect to a mobile home, modular home or RTM sought to be located within the area of jurisdiction of the *authority having jurisdiction*:
 - (a) the submission of a complete set of plans and specifications;
 - (b) the seal of an Engineer licensed in the Province of Manitoba in respect to all building components requiring professional certification;
 - (c) submission of copies of any or all *permits* taken out for the RTM in the location of its construction together with a copy of any or all inspection reports. In the absence of *permits*, an engineer's inspection report and certification that the RTM complies with *Code* is required. For mobile homes and modular homes, evidence of current CSA certification of the manufacturing facility in which it was manufactured;
 - (d) such inspections or certifications as the *authority having jurisdiction* may deem necessary in order to ensure compliance with the *Code* and this by-law.

SECTION FOUR Permits

4.1 Application:

- 4.1.1 Except as otherwise allowed by the *authority having jurisdiction*, every application for a *permit shall* be in the form prescribed by the *authority having jurisdiction* and *shall*:
- (a) identify and describe in detail the work and occupancy to be covered by the *permit* for which the application is made,
 - (b) describe the land on which the work is to be done by a description that will readily identify and locate the building lot,
 - (c) state the *valuation* of the proposed work and be accompanied by the required fee as set out in the most current Municipal Fee By-law.
 - (d) include those plans and specifications set out on Appendix “A” hereto (unless otherwise waived by the *authority having jurisdiction*), and show the occupancy of all parts of the building,
 - (e) state the names, addresses and telephone numbers of the owners, architect, professional engineer or other designer, constructor and any inspection or testing agency engaged to monitor the work or part of the work,
 - (f) include such additional information as may be required by the *authority having jurisdiction*.
- 4.1.2 When an application for a *permit* has not been completed in conformance with the requirements of the *authority having jurisdiction* within six months after the date of filing, the application *shall* (unless otherwise extended by the *authority having jurisdiction*) be deemed to have been abandoned, and can only be reinstated by re-filing.
- 4.1.3 A *permit shall* expire and the right of an *owner* under the *permit shall* end if
- (a) the work authorized by the *permit* is not commenced within six months from the date of issue of the *permit* and actively carried out after that;
 - (b) the work authorized under the *permit* is suspended for six months unless otherwise extended by the *authority having jurisdiction*; or
 - (c) the work authorized under the *permit* is not substantially completed within 18 months of *permit* issuance, or other reasonable timeframe as considered necessary in consideration of the scale of the project permitted, in the opinion of the *authority have jurisdiction*.
- 4.1.4 Any revision to the original application described in article 4.1.1 *shall* be made in the same manner as for the original *permit*.
- 4.1.5 Applications for *permits* may be filed, and *permits* may be issued to an *owner*, or to a constructor or other properly authorized agent of the *owner* given that evidence of such authorization is provided to the authority have jurisdiction in writing from the *owner*.

4.2 Permits:

4.2.1 Building Permits

4.2.1.1 Except as permitted in Article 4.2.1.2 herein, unless a building *permit* has first been obtained from the *authority having jurisdiction*, no person shall commence or cause to be commenced:

- (a) the location, placement, erection or construction of any building or structure or portion thereof;
- (b) the addition, extension, improvement, alteration or conversion of any building or structure, or portion thereof;
- (c) the repair, rehabilitation, or renovation of any building or structure, or portion thereof;
- (d) underpinning;
- (e) the relocation or removal of any building or structure, or portion thereof;
- (f) the excavation of any land for any purpose of erecting or location on or above it, any building or structure;
- (g) the installation, construction, repair, renewal, alteration or extension of a mechanical system;
- (h) the installation, construction, alteration or extension of a spray paint operation, spray painting booth, dip tank or other special process; or
- (i) the alteration, addition, erection or re-erection of a sign.

4.2.1.2 A building *permit* is not required for:

- (a) patching, painting or decoration;
- (b) replacement of stucco, siding or shingles with the same material;
- (c) replacement of doors or windows, other than bedroom windows, when the opening is not altered;
- (d) construction of fences;
- (e) installation of cabinets and shelves;
- (f) a detached accessory storage building not greater than 9.29 square meters (100 square feet) in building area.

4.2.1.3 Notwithstanding that a building *permit* is not required for the work described in Article 4.2.1.2., such work shall comply with the *Code* and the provisions of this or other applicable by-laws and the work shall not place the building or structure in contravention or further contravention of the *Code* or this or any other by-law.

4.2.1.4 Before the issuance of a building *permit* for cases described in Subsection 5.1.17(1), the *owner shall* (unless the *authority having jurisdiction* waives such requirement) submit Letters of Assurance in the forms set out in Appendix B and C, and/or Appendix G as required, as attached hereto, which:

- (a) confirm that the *owner* has retained the necessary architects or professional engineers for all the applicable disciplines, for professional design and inspection;

- (b) incorporate the architects' or professional engineers' assurance of professional design and commitment for inspection; and
- (c) confirm that the *owner* has retained a coordinating design professional to ensure compliance with the Manitoba Energy Code for Buildings (when applicable).

4.2.1.5 Before the issuance of a building *permit*, for cases in which professional design is not required, the *owner shall* (unless the *authority having jurisdiction* waives such requirement) submit a Letter of Assurance, in the form set out in Appendix D as attached hereto, confirming that the *owner* will ensure that the building will be constructed in accordance with the *Code*.

4.2.2 Plumbing Permits:

4.2.1.1 Except as provided in sentence 4.2.2.2., no person *shall* construct, extend, alter, renew or repair or make a connection to a plumbing system unless a *permit* to do so has been obtained.

4.2.1.2 A plumbing *permit* is not required when a valve, faucet, fixture or service water heater is repaired or replaced, a stoppage cleared or a leak repaired, if no change to the piping is required.

4.2.1.3 When required by the *authority having jurisdiction*, the application *shall* also be accompanied by a plan that shows:

- (a) the location and size of every building drain, and of every trap and clean out fitting that is on a building drain;
- (b) the size and location of every soil or waste pipe, trap and vent pipe; and
- (c) a layout of the potable water distribution system including pipe sizes and valves.

4.2.3 Occupancy Permits:

Except as otherwise permitted herein, no *person shall* occupy or use or permit the occupancy or use or change the occupancy or use of any building or part thereof, for which an occupancy permit is required hereunder.

4.2.3.1 An Occupancy *Permit* is required from the *authority having jurisdiction* for:

- (a) the occupancy of any new building or structure or portion thereof except a single-family dwelling, or a two-family dwelling or a multi-family dwelling without shared exit facilities;
- (b) the occupancy of 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) for 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) for 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 or addition of an occupancy classification of a suite in a building;
- (f) for a change from a use not previously authorized to a new use; and
- (g) the occupancy of any newly constructed or renovated building or structure or portion thereof that are subject to Part 3 of the *Code*.

4.2.3.2 Before the issuance of an occupancy *permit*, the *owner shall* (unless the *authority having jurisdiction* waives such requirement) submit Letters of Assurance in the form set out in the applicable Appendix E and F, as attached hereto, confirming that the construction of the building, work or project conforms with the plans, specifications and related documents for which the building *permit* was issued.

4.2.3.3 The *authority having jurisdiction* may issue an Interim Occupancy *Permit* for a partial use of a building or structure subject to any conditions imposed by the *authority having jurisdiction*.

4.2.3.4 No change *shall* be made in the type of occupancy or use of any building or structure, which would place the building or structure in a different occupancy group, or divisions within a group, unless a building *permit* and occupancy *permit* are obtained from the *authority having jurisdiction*.

4.2.3.5 Notwithstanding anything contained elsewhere in the *Code* a *permit* for a temporary building may be issued by the *authority having jurisdiction*, authorizing for a limited time only, the erection and existence of a building or part thereof for an occupancy which because of its nature, will exist for a short time under circumstances which warrant only selective compliance with the *Code*. Additionally

- a) No person *shall* erect or place a temporary building without first entering into an agreement, if required, with the municipality and obtaining the required building *permit*,
- b) A permit for a temporary building *shall* be posted on the building,
- c) The temporary building *shall* be properly maintained at all times by the *owner*,
- d) The temporary building *shall* be subject to any other conditions that may be specified in the agreement, and
- e) Temporary buildings to be used in connection with construction work may be erected, with the approval of *authority having jurisdiction*, without entering into an agreement or obtaining a *permit*, but *shall* be removed by the *owner* immediately upon completion of the construction.

4.2.3.6 A Temporary Occupancy *Permit shall* be for a period not more than six (6) months, but before the expiration of such period, the Temporary Occupancy *Permit* may be renewed by the *authority having jurisdiction* for two further six months periods.

4.2.3.7 Notwithstanding apparent compliance with this by-law, the *authority having jurisdiction* may refuse to issue an *Occupancy Permit* if the building, structure, or proposed use is to the *authority having jurisdiction's* knowledge in violation of a Zoning by-law, or any other by-law of the *authority having jurisdiction*.

4.2.3.8 An applicant for an *Occupancy Permit shall* supply all information requested by the *authority having jurisdiction* to show compliance with the by-law and any other relevant by-laws of the *authority having jurisdiction*.

4.2.3.9 The required *Occupancy Permit shall* be displayed and maintained in a legible condition by the *owner* or his agent in a location acceptable to the *authority having jurisdiction*.

4.2.4 Demolition Permits:

4.2.4.1 No person *shall* commence or cause to be commenced the demolition of any building or structure, or portion thereof, unless a *Demolition Permit* has first been obtained from the *authority having jurisdiction*.

4.2.4.2 The demolition of a building or structure *shall* be subject to the requirements of the *Code*.

4.2.5 General:

4.2.5.1 No permit *shall* be assigned or transferred without the written consent of the *authority having jurisdiction*.

4.2.6 Private Pools

4.2.6.1 This applies to private pools. Pools other than private pools *shall* conform to the requirements under the Public Health Act and regulations under that Act.

4.2.6.2 An outdoor private pool *shall* be enclosed with a fence or other suitable barrier constructed in accordance with the following requirements:

- (a) A minimum height of 1.5m (5 feet)
- (b) There *shall* be no openings, other than a door to a building or a gate as described in Clause (c), and it shall not be possible for a child to crawl under either the fence or the gate.
- (c) Any gate *shall* be self-closing, shall be at least 1.5 m in height and shall be equipped with a lockable latch to prevent unauthorized entry.
- (d) Where a chain link fence is used, the outside surface of the fence or gate *shall* be at least No. 11 gauge.
- (e) Where other than a chain link fence is used, the outside surface of the fence or gate *shall* be relatively smooth so as not to provide foot or toe holds.
- (f) If, in the opinion of the authority having jurisdiction, there is any undesirable feature pertaining to the enclosure, suitable steps *shall* be taken to correct the situation.
- (g) The enclosure surrounding an outdoor private pool *shall* be maintained in good repair.

4.2.7 Hot Tubs

4.2.7.1 Hot Tub Covers – In lieu of the enclosures specified under private pools, the fence and gate are not required for a hot tub installed outdoors at a single-family dwelling if:

- a) The hot tub does not exceed 2.4m in diameter or 4.5 m² in total surface area,
- b) The hot tub has a cover that has the structural strength to support the weight of an adult walking across the top of the cover when it is in the closed position,
- c) Is capable of being locked in the covered position to prevent access to the water by unauthorized persons, and
- d) At all times when use is not supervised by an adult, the hot tub is covered by a cover that complies with clause b and is locked.

4.2.7.2 A hot tub capable of containing water to a depth of 600mm or greater *shall* have installed on it a cover that complies with clause b and c if the hot tub is installed outdoors at a single-family dwelling.

4.2.7.3 Electrical Wiring - All electrical Installations *shall* comply with Manitoba Electrical Code. All metallic parts of a private pool, including reinforcing steel, *shall* be electrically grounded in accordance with the requirements of the Manitoba Electrical Code.

SECTION FIVE Duties, Responsibilities & Powers

5.1 Duties and Responsibilities of the Owner:

5.1.1 Every *owner shall* allow the *authority having jurisdiction* to enter any building or premises at any reasonable time for the purpose of administering and enforcing the requirements of this by-law.

5.1.2 Every *owner shall* obtain all *permits* or approvals required in connection with proposed work, prior to commencing the work to which they relate.

5.1.3 Every *owner shall*:

(a) ensure that the plans and specifications on which the issue of any *permit* was based are available continuously at site of the work for *audit* or inspection during working hours by the *authority having jurisdiction*, and that the *permit*, or true copy thereof, is posted conspicuously on the site during the entire execution of the work.

(b) keep visible at all times during construction the street number of the premises in figures at least 3 inches (75 mm) high and visible from the street or sidewalk.

5.1.4 Every *owner shall* give notice to the *authority having jurisdiction* of dates on which he intends to begin work prior to commencing work on the building site.

- 5.1.5 Every *owner* shall before commencing the work, give notice in writing to the *authority having jurisdiction*, prior to commencing the work, listing
- (a) the name, address and telephone number of
 - i. the constructor or other person in charge of the work;
 - ii. the designer of the work;
 - iii. the *person* reviewing the work; and
 - iv. any inspection or testing agency engaged to monitor the work or part of the work.
 - (b) any change in or termination or employment of such persons during the course of the construction immediately that such change or termination occurs.
- 5.1.6 Every *owner shall* give sufficient notice to the *authority having jurisdiction*
- (a) of intent to begin work that the *authority having jurisdiction* has directed may be subject to *audit* during construction,
 - (b) of intent to cover work that the *authority having jurisdiction* has directed may be subject to audit during construction, and
 - (c) when work has been completed and before occupancy.
- 5.1.7 Every *owner shall* give notice in writing to the *authority having jurisdiction*
- (a) immediately upon any change in ownership or change in the address of the *owner* occurs prior to the issuance of an Occupancy *Permit*, and
 - (b) of any such other notice as may be required by the *authority having jurisdiction*.
- 5.1.8 Every *owner shall* give such other notice to the *authority having jurisdiction* as may be required by the provisions of the *Code* or this by-law.
- 5.1.9 Every *owner shall* make, or have made at his own expense, the tests or inspections necessary to prove compliance with these requirements and *shall* promptly provide a copy of all such test or inspection reports to the *authority having jurisdiction* when and as required by the *authority having jurisdiction*.
- 5.1.10 Every *owner shall* provide an up-to-date survey of the building site when and as required by the *authority having jurisdiction*.
- 5.1.11 When required by the *authority having jurisdiction*, every *owner shall* uncover and recover at his own expense any work that has been covered contrary to an order issued by the above authority.
- 5.1.12 Every *owner* is responsible for the cost of repair of any damage to public property or works located thereon that may occur as a result of undertaking work for which a building *permit* was or was not required.

- 5.1.13 Except in one and two family dwellings and their accessory buildings, every *owner shall*, where required, obtain an occupancy *permit* from the *authority having jurisdiction* before any
- (a) occupancy of a building or part of it after construction, partial demolition or *alteration* of that building, or
 - (b) change in the occupancy of any building or part of it.
- 5.1.14 Should occupancy occur before the completion of any work being undertaken, every *owner shall* ensure that no unsafe condition exists or will exist because of the work being undertaken or not completed.
- 5.1.15 The granting of a *permit* by the *authority having jurisdiction shall* not in any way relieve the *owner* of a building from full responsibility for carrying out the work or having it carried out in accordance with these requirements, including ensuring that the occupancy of the building, or any part of it, is in accordance with the terms of the *permit*.
- 5.1.16 When a building or part of it is in an unsafe condition, the *owner shall* immediately take all necessary action to put the building in a safe condition.
- 5.1.17 (1) Every *owner* who undertakes to construct or have constructed a building which
- a) has structural components falling within the scope of Part 4 of the *Code*,
 - b) has structural components specifically requiring a professional engineer design in accordance with the *Code*,
 - c) requires the use of firewalls according to the *Code*, or
 - d) has fire protection, occupant safety, or accessibility designs subject to Part 3 of the *Code*, *shall* ensure that the appropriate design professionals as required by the *Code* are retained to undertake professional design and inspection.
- (2) Professional design and inspection referred to in sentence (1) requires that an architect, professional engineer or both be responsible
- (a) for the design and that all appropriate plans, specifications and related documents meet the requirements of the *Code*, and the requirements of applicable acts, regulations and by-laws, and bear the seal or stamp of the registered professional, and
 - (b) for inspection of construction to ensure compliance with the design and the requirements of applicable acts, regulations and by-laws.
- (3) If the engagement of an architect or professional engineer pursuant to Sentences 5.1.17.(1) and (2) is terminated during the construction period, work *shall* be discontinued until a replacement has been appointed.
- (4) The requirements of Sentences 5.1.17(1), (2), and (3) *shall* apply to a change in occupancy, an alteration, addition, reconstruction or the relocation of a building where and as required by the *authority having jurisdiction*.

5.1.18 Where the dimensions of a structural component are not provided in Part 9 of the *Code* for use in a building within the scope of that part, and such dimensions are to be determined on the basis of calculation, testing or other means of evaluation, the *owner shall* retain the services of a professional engineer.

5.1.19 Every *owner* who undertakes to construct, alter, reconstruct, demolish, remove or relocate a building *shall* provide supervision and coordination of all work and trades.

5.1.20 Every *owner shall* ensure that all materials, systems, equipment, and the like used in the construction, alteration, reconstruction, or renovation of a building meet the requirements of applicable acts, regulations and by-laws for the work undertaken.

5.2 Duties and Responsibilities of The Constructor:

5.2.1 Every Constructor *shall* ensure that all work is carried out in accordance with this by-law, the *Code*, Provincial laws and regulations, and all provisions as described on the *permit* and accepted drawings and specifications.

5.2.2 Every Constructor is responsible for ensuring that no excavation or other work is undertaken on public property, and that no building is erected, or materials stored in whole or in part thereon without approval first having been obtained in writing from the *Council*.

5.2.3 Every Constructor is responsible jointly and severally with the *owner* for work taken.

5.3 Duties and Responsibilities of Authority Having Jurisdiction:

5.3.1 The *authority having jurisdiction shall* administer this by-law and *shall* have the powers of enforcement more particularly set out in Article 5.5 herein.

5.3.2 The *authority having jurisdiction shall* keep copies of all applications received, *permits* and orders issued, inspections and tests made, and of all papers and documents connected with the administration of the *Code* and this by-law for such time as required by the provisions of the Municipal Act.

5.3.3 Where the *authority having jurisdiction* seeks to enforce any of the powers set out in Article 5.5.2 herein, the *authority having jurisdiction shall* issue in writing such notices or orders as may be necessary to inform the *owner* of the contravention of the *Code* or this by-law.

5.3.4 The *authority having jurisdiction shall* provide, when requested to do so, all reasons for refusal to grant a *permit*.

5.4 Duties and Responsibilities of the Designer

5.4.1 When a designer is retained, the designer *shall* ensure that the design of the building conforms to the *Code*.

5.4.2 When a professional engineer or architect is required by the *Code* or the requirements of this by-law, they *shall* do inspections to ensure that the construction conforms to the design and the *Code*.

5.4.3 Every designer is required to submit to the *authority having jurisdiction*:

- (a) all information needed for review of the design;
- (b) any changes to the design for which a permit has or may be issued;
- (c) copies of all inspection reports for inspections done by the designer and others, and
- (d) any other documentation or certification required by the *authority having jurisdiction*.

5.4.4 Every designer *shall* ensure that all materials, systems, equipment or related matter specified for the construction, alteration, reconstruction or renovation of a building meet the requirements of the *Code* and the requirements of applicable Acts, regulations and by-laws for the work to be undertaken.

5.4.5 If the responsible architect and or professional engineer withdraws from the project, he *shall* immediately advise the *authority having jurisdiction*.

5.4.6 Prior to the issuance of an occupancy permit, the responsible architect and/or professional engineer *shall*, where required by the *authority having jurisdiction*, submit a certificate stating:

"The construction has been reviewed under my supervision in accordance with recognized professional inspection standards, and that to the best of my/our knowledge the structure was constructed in accordance with the accepted drawings and specifications and requirements of the applicable by-laws".

5.4.7 The responsible architect and/or professional engineer *shall* sign, date and seal all of the documents referred to in this article.

5.5 Powers of Authority Having Jurisdiction:

5.5.1 The *authority having jurisdiction* may enter any building or premises at any reasonable time to *audit* for compliance with the *Code* or these requirements, or to determine if an unsafe condition exists.

5.5.2 The *authority having jurisdiction* is empowered to issue orders for:

- (a) an *owner* or authorized agent to hold at specific stages of construction in order to facilitate an *audit* or inspection;
- (b) a person who contravenes these requirements to comply with them within the time period that may be specified;
- (c) work to stop on the building or any part of it if such work is proceeding in contravention of these requirements, or if there is deemed to be an unsafe condition;
- (d) the removal of any unauthorized encroachment on public property;

- (e) the removal of any building or part of it constructed in contravention of these requirements;
 - (f) the cessation of any occupancy in contravention of these requirements;
 - (g) the cessation of any occupancy if any unsafe condition exists because of work being undertaken or not completed, and
 - (h) correction of any unsafe condition.
- 5.5.3 The *authority having jurisdiction* may direct that tests of materials, equipment, devices, construction methods, structural assemblies or foundation conditions be made, or sufficient evidence or proof be submitted at the expense of the *owner*, where such evidence or proof is necessary to determine whether the material, equipment, device, construction, or foundation condition meets these requirements.
- 5.5.4 The *authority having jurisdiction*, may require an *owner* to submit, in addition to the information required in Article 4.1.1, an up-to-date plan or survey, prepared by a registered land surveyor, architect or professional engineer, as is appropriate to the work, and which *shall* contain sufficient information regarding the site and the location of any building:
- (a) to establish before construction begins that all the requirements related to this information will be complied with; and
 - (b) to verify that, upon completion of the work, all such requirements have been complied with.
- 5.5.5 The *authority having jurisdiction* may ask for any other documentation or tests deemed necessary at the expense of the *owner*.
- 5.5.6 Notwithstanding any other provisions herein, wherein the opinion of the *authority having jurisdiction* the site conditions, the size or complexity of a building, part of a building or building component warrant, or for any other reason, the *authority having jurisdiction*, may require that the *owner* have the following done at his/her expense:
- (a) the appropriate plans, specifications and related documents be reviewed by and bear the seal or stamp of an architect or professional engineer, and
 - (b) the work be inspected during construction by the architect or professional engineer responsible for the work.
- 5.5.7 The *authority having jurisdiction* may issue a building *permit* at the risk of the *owner* with, if necessary, conditions to ensure compliance with these requirements and any other applicable regulations, to excavate or to construct a portion of a building before all the plans of the project have been submitted to the *authority having jurisdiction*.
- 5.5.8 The *authority having jurisdiction* may refuse to issue any *permit*:
- (a) whenever information submitted is inadequate to determine compliance with the provisions of these requirements,
 - (b) whenever incorrect information is found to have been submitted,

- (c) that would authorize any building work or occupancy that would not be permitted by these requirements, or
 - (d) that would be prohibited by any other Act, regulation or by-law.
- 5.5.9 The *authority having jurisdiction* may revoke a permit by written notice to the permit holder if:
- (a) there is contravention of any condition under which the *permit* was issued,
 - (b) the *permit* was issued in error,
 - (c) the *permit* was issued based on incorrect information, or
 - (d) the work is being done contrary to the terms of the *permit*.
- 5.5.10 *Permit* fees and all procedures and conditions applicable thereto *shall* be established by the authority having jurisdiction and are set forth in the most current Municipal Fee By-law.
- 5.5.11 The *authority having jurisdiction* may issue an occupancy *permit*, subject to compliance with provisions to safeguard persons in or about the premises, to allow the occupancy of a building or part of it for the accepted use before commencement or completion of the construction or demolition work.
- 5.5.12 When any building, construction or excavation or part of it is in an unsafe condition, as a result of being open or unguarded, or because of danger from fire or risk of accident because of its ruinous or dilapidated state, faulty construction, abandonment or other, and when due notice to correct such condition has not been complied with, the *authority having jurisdiction* may:
- (a) demolish, remove, or make safe such building, construction excavation or part of it at the expense of the *owner* and may recover such expense in like manner as municipal taxes, and
 - (b) take such other measures as he may consider necessary to protect the public.
- 5.5.13 Notwithstanding any other provisions herein, when, in the opinion of the *authority having jurisdiction*, immediate measures need to be taken to avoid an imminent danger, the *authority having jurisdiction* may take such action as is appropriate, without notice and at the expense of the *owner*.
- 5.5.14 The *authority having jurisdiction* may withhold issuing an occupancy *permit* on completion of the building or part of the building, until the *owner* has provided letters to certify compliance with the *Code*, these requirements and the requirements of applicable Acts, regulations, or by-laws.
- 5.5.15 The *authority having jurisdiction* may issue to the *owner* an order or notice in writing to correct any unsafe conditions observed in any building.

SECTION SIX Appeal

- 6.1 Any person aggrieved by any decision or order of the *authority having jurisdiction* as to the issuance of *permits*, the prevention of construction or occupancy of buildings, the demolition or removal of buildings, or structures, or any other matter herein may, within fifteen (15) days from the date of the decision, appeal to the *Council*. All decisions or orders remain in effect during the appeal process.
- 6.2 *Council* may hear the appeal as a committee of the whole or by subcommittee especially established for this purpose.
- 6.3 Upon the hearing of an appeal, the *Council* may:
- (a) uphold, rescind, suspend or modify any decision or order given by the *authority having jurisdiction*;
 - (b) extend the time within which compliance with the decision or order *shall* be made; or
 - (c) make such other decision or order as in the circumstances of each case it deems just;
- and the decision or order of the *Council* upon being communicated to the appellant, *shall* stand in place of the decision or order against which appeal is made, and any failure to comply with the decision or order is an offense.

SECTION SEVEN Offenses and Penalties

- 7.1 Any person who contravenes or disobeys, or refuses or neglects to obey:
- (a) any provision of the *Code* or this by-law or any provision of any other by-law that, by this by-law, is made applicable; or
 - (b) any order or decision of the *Council* under Article 6 herein;
- for which no other penalty is herein provided is guilty of any offense and liable, on summary conviction, to a fine not exceeding five thousand dollars (\$5,000.00), or in the case of an individual, to imprisonment for a term not exceeding six months or to both such fine and such an imprisonment.
- 7.2 Where a corporation commits an offense against the *Code* or this by-law, each Director or Officer of the corporation who authorized, consented to, connived at, or knowingly permitted or acquiesced in, the doing of the act that constitutes the offense, is likewise guilty of the offenses and liable, on summary conviction, to the penalty for which provision is made in Subsection 7.1 aforesaid.
- 7.3 Where the contravention, refusal, neglect, omission, or failure, continues for more than one day, the *person* is guilty of a separate offense for each day it continues.

SECTION EIGHT Repeal

- 8.1 By-law No. 21-06 be and the same is hereby rescinded.
- 8.2 The repeal of the by-law in the last preceding section mentioned *shall* not revive any by-law or any provision of any by-law repealed by them, nor *shall* the said repeal prevent the effect of any saving clause in the said by-laws or the application of any of the said by-laws or any other by-law or provision of law formerly in force to any transaction matter or thing anterior to the said repeal to which they would otherwise apply.
- 8.3 And the repeal of the said by-law should not affect:
- (a) any penalty, forfeiture or liability incurred before the time of such repeal, or any proceedings for enforcing the same, had, done, completed or pending at the time of such repeal;
 - (b) any action, suit, judgment, decree, certificate, execution, process, order, rule or any proceeding, matter or thing whatever, respecting the same had, done, made, entered, granted, completed, pending, existing or in force at the time of such repeal;
 - (c) any act, deed, right, title, interest, grant, assurance, registry, rule, regulation, contract, lien, charge, matter or thing had, done, made, acquired, established or existing at the time of such repeal;
 - (d) any office, appointment, commission, salary, allowance, security, duty or any matter or thing appertaining thereto at the time of such repeal;
 - (e) any bond, note, debenture, debt, or other obligation made, executed, or entered into by the Corporation at the time of such repeal;
 - (f) *shall* and such repeal defeat, disturb, invalidate, or prejudicially affect any other matter or thing whatsoever had, done, completed, existing or pending at the time of such repeal.

Appendix “A”

List of Plans or Working Drawings
to accompany applications for permits

- 1) The Site Plan
- 2) Floor Plans
- 3) Foundation Plans
- 4) Framing Plans
- 5) Roof Plans
- 6) Reflected Ceiling Plans
- 7) Sections and Details
- 8) Building Elevations
- 9) Electrical Drawings
- 10) Heating, Ventilation and Air Conditioning Drawings
- 11) Plumbing Drawings

Appendix “B”

Pursuant to Subsection 4.2.1.4 of the Building By-law

Note: To be submitted prior to issuance of a Building Permit.
The information provided is relied upon by the authority having jurisdiction.

ASSURANCE OF RETENTION OF PROFESSIONAL

RE: Design and Inspection of Construction by a professional engineer or architect, known as the
“Prime Consultant”

The Authority Having Jurisdiction

_____ Date

Dear Sir/Madame:

RE:

(Address of Project)

(Legal Description of Project)

The undersigned has retained as the Prime Consultant,

to undertake and/or coordinate the design and inspections of the applicable registered professionals required for this project in order to ascertain that the design will comply and construction of the project will substantially conform in all material respects with the current Building Code and other applicable safety standards, except the construction safety aspects.

As used herein, inspections *shall* mean such reviews of the work at the project site and at fabrication locations, where applicable, as the registered professional, on the basis of professional discretion, considers necessary in order to ascertain that the work conforms in all respects to the plans and supporting documents prepared by the registered professional for which the permit is issued by the municipality for the project. This includes keeping records of all site visits and any corrective action taken as a result thereof.

The owner and the prime consultant will notify the Authority Having Jurisdiction in writing prior to any intended termination of or by the prime consultant. It is understood that work on the above project will cease as of the effective date of such termination, until such time as a new appointment is made.

The owner hereby certifies that all required Municipal and Provincial Permits and other required authorizations will be obtained prior to the commencement of construction.

Prime Consultant's Information

Owner's Information

Prime Consultant's Name (Print)

Owner's Name (Print)

Prime Consultant's Signature

Owner's or Owner's appointed agent's signature

Address (Print)

Date

Phone (Print)

Title of Agent (if applicable) (Print)

Email (Print)

Occupation (Print)

(Affix Coordinating Professional's Seal here)

Address (Print)

The Corporate Seal of

Was hereunto affixed in the presence of

(Print name of Witness)

(Affix Owner's Corporate Seal here)

The above must be signed by the owner or the owner's appointed agent. The signature must be witnessed by the prime consultant. If the owner is a company, the corporate seal of the company must be affixed to the document in the presence of its duly authorized officers. The officers must also sign, setting forth their positions in the company. The prime consultant is to be registered in the Province of Manitoba. as a member in good standing in the Association of Architects or the Association of Professional Engineers.

Appendix “C”

Pursuant to Subsection 4.2.1.4 of the Building By-law

Note: To be submitted prior to issuance of a Building Permit. Separate form to be submitted by each registered professional. The information provided is relied upon by the Authority Having Jurisdiction.

**ASSURANCE OF PROFESSIONAL DESIGN AND
COMMITMENT FOR INSPECTION**

The Authority Having Jurisdiction

_____ Date

(Address)

Dear Sir/Madame:

Re: _____

(Legal Description of Project)

The undersigned hereby gives assurance that the design of the (initial application item/items)

_____	ARCHITECTURAL
_____	STRUCTURAL
_____	MECHANICAL
_____	PLUMBING
_____	FIRE SUPPRESSION SYSTEMS
_____	ELECTRICAL
_____	GEOTECHNICAL – temporary
_____	GEOTECHNICAL – permanent

components of the project as shown on the plans and supporting documents prepared by this registered professional conform to all the applicable requirements of all applicable acts, regulations and by-laws. Further, the undersigned will be responsible for inspections of the above referenced components during construction.

The undersigned also assures competence in the necessary fields of expertise to undertake the project on the basis of training, ability, and expertise in the appropriate professional and technical disciplines.

As used herein, inspections *shall* mean such reviews of the work at the project site and at fabrication locations, where applicable, as the registered professional, on the basis of professional discretion, considers necessary in order to ascertain that the work conforms in all respects to the plans and supporting documents prepared by this registered professional for which the building permit is issued by the municipality for the project. This includes keeping records of all site visits and any corrective action taken as a result thereof.

The undersigned also undertakes to notify the Authority Having Jurisdiction in writing as soon as practical if his contract for inspection is terminated at any time during construction.

Date

Name

(Print)

Signature

Address

Phone

Email

Affix PROFESSIONAL
SEAL here

If the Registered Professional is a member of a firm, complete the following:

I am a member of the firm: _____
(Print name of firm)

And I sign this letter on behalf of myself and the firm.

Note: The above letter must be signed by a registered professional who is registered in the Province of Manitoba as a member in good standing in the Association of Architects or the Association of Professional Engineers.

Appendix “D”

Pursuant to Subsection 4.2.1.5 of the Building By-law

Note: To be submitted prior to issuance of a Building Permit

The information provided is relied upon by the Authority Having Jurisdiction

LETTER OF ASSURANCE

The Authority Having Jurisdiction

Date _____

(Address)

Dear Sir:

Re: _____
(Address of Project)

(Legal Description of Project)

The undersigned agrees to undertake and/or coordinate the design review of this project in order to ensure that the design will comply, and construction of the project will conform in all respects with all applicable acts, regulations, and by-laws.

The owner hereby certifies that all required Municipal and Provincial Permits and other required authorizations will be obtained prior to the commencement of construction.

Designer's Information

Name (Print)

Signature

Address (Print)

Occupation (Print)

Certification or License

Owner's Information

Owner's Name (Print)

Owner's or Owner's appointed agent's
signature

Date

Title of Agent (if applicable) (Print)

Address (Print)

The Corporate Seal of

Was hereunto affixed in the presence of

(Print name and office of signatory)
Affix Owner's Corporate Seal here

The above must be signed by the owner or the owner's appointed agent. If the owner is a company, the corporate seal of the company must be affixed to the document in the presence of its duly authorized officers. The officers must also sign, setting forth their positions in the company.

Appendix “E”

Pursuant to Subsection 4.2.3.2 of the Building By-law

Note: To be submitted after completion of the project but prior to official occupancy.
The information provided is relied upon by the Authority Having Jurisdiction.

ASSURANCE OF COMPLIANCE

The Authority Having Jurisdiction

Date _____

Address

Dear Sir/Madame:

Re: _____
(Address of Project)

(Legal Description of Project)

I hereby certify that all aspects of the project conform with the plan and supporting documents which were submitted prior to receiving a building permit and that the construction conforms to the Manitoba Building Code. I further certify that there are no outstanding Municipal or Provincial approvals, permits or other requirements pertaining to the use or occupancy of this project.

Name (Print)

Date _____

Signature

Address

Phone

Email

Appendix "F"

Pursuant to Subsection 4.2.3.2 of the Building By-law

Note: To be submitted after completion of the project but prior to official occupancy.
Separate form to be submitted by each registered professional.
The information provided is relied upon by the Authority Having Jurisdiction.

**ASSURANCE OF PROFESSIONAL
INSPECTION AND COMPLIANCE**

The Authority Having Jurisdiction

Date _____

Address

Dear Sir/Madame:

Re: _____
(Address of Project)

(Legal Description of Project)

I hereby certify that I have fulfilled my obligation for inspection as outlined in the following previously submitted letters:

Appendix "B" ASSURANCE OF RETENTION OF PROFESSIONAL
Appendix "C" ASSURANCE OF PROFESSIONAL DESIGN AND COMMITMENT FOR
INSPECTION

Based on such inspections the following aspects of the project conform in all respects with the plans and supporting documents, including all amendments thereto, prepared by this registered professional for which a permit was issued by the municipality for the project.

COORDINATION OF DESIGN AND INSPECTION
(to be initialed by the prime consultant)
ARCHITECTURAL
STRUCTURAL
MECHANICAL
PLUMBING

Appendix "G"

Manitoba Energy Code for Buildings (MECB) Declaration of Professional Responsibility of the Coordinating Registered Professional (CRP)

PROJECT: _____

Professional Declaration Certificate

This Declaration of professional responsibility is applicable and limited to the scope of work defined

<p>Via this submission, for the following project: (check one)</p> <p><input type="checkbox"/> New Building</p> <p><input type="checkbox"/> Addition to an Existing Building</p> <p><input type="checkbox"/> Base Building Only (new building or addition)</p> <p><input type="checkbox"/> First Tenant Improvement in new building, addition or tenant space</p>	<p>I am making the following declaration associated with this project: (check one)</p> <p><input type="checkbox"/> MECB Applies (check one)</p> <p><input type="checkbox"/> Prescriptive Path</p> <p><input type="checkbox"/> Trade-Off Path List _____</p> <p><input type="checkbox"/> Performance Path</p> <p><input type="checkbox"/> MBC Section 9.36 Applies</p>
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in the drawings / specifications associated with the permit application(s) for the project referenced above, and only as it pertains to the Manitoba Energy Code for Buildings (MECB).

I am making the following declaration:

- I am an architect or engineer entitled to practice as such in the Province of Manitoba and I am aware of the provisions of the MECB regarding the methods of compliance with the MECB.
- As the Coordinating Registered Professional, I am committing to:

- (a) Ascertain which disciplines relating to the MECB are required on the project, and which registered professionals including professionals of record need to be retained,
- (b) Coordinate design work and field reviews as it relates to the MECB, and
- (c) Provide to the RM of Springfield a Final MECB Certificate of Compliance under seal at the completion of construction and prior to final occupancy for this project. In providing this Certificate, I am not responsible for ensuring the compliance of design or construction with respect to the MECB for those aspects which are the responsibility of other professionals under seal, and as such I am entitled to reasonably rely on:
 - pre- and post-construction certificates required by the RM of Springfield of professionals of record, and/or
 - other statements provided to me which I may choose to require under seal by architects and/or engineers pertaining to the design and construction of this project.

My forthcoming Final MECB Certificate of Compliance may be based in whole or in part on this reliance

- My forthcoming Final MECB Certificate of Compliance may be based in whole or in part on this reliance.
- I am aware that the RM of Springfield will rely upon this declaration and the Final MECB Certificate of Compliance signed and sealed by me, as well as other standard certificates submitted by other professionals of record and will not conduct any plan examination or review or inspect any construction, except by way of possible audit, as they relate to the current edition of the MECB.
- I further understand that the RM of Springfield recommends that I periodically review my professional liability exposures, including those posed by potential third party claims, and that I carry an appropriate level of insurance, and/or that I ensure that I am protected by appropriate levels of insurance held by professionals on whose certificates and statements I am relying. I understand that this review should include this specific project, including the building's occupancy type, classification, value, size and complexity, the extent of my professional involvement with it, and the RM of Springfield's reliance on my certificate.
- By affixing my seal, I am representing that I am fully aware of the provisions of the MECB, and will be applying a professional standard of care to ensure coordination and compliance of this project with the applicable provisions of the MECB.

PERMITS RELATING TO BASE BUILDING ONLY

For buildings or additions constructed initially as base building only, MECB requirements apply to all of the interior alterations or tenant improvements as determined by final occupancy permits for the entire building or addition. As such, the RM of Springfield requires a Final MECB Certificate of Compliance from a Coordinating Registered Professional (CRP) for the entire building to ensure that each tenant space complies with the MECB and that the building 'as a whole' complies with the MECB. It is the owner's responsibility to ensure that each tenant and their designers will be made aware of the requirement to apply the MECB as it pertains to their respective interior alterations, and the tenant's responsibility to the CRP.

Affix seal with signature and date

Failure to fully complete submission will delay processing your permit application.