

Variance Approval Program for The Technical Safety Act

ITS 26-007

Date Issued: August 1, 2026

A Variance is a process to request permission in advance to build, install, process, or otherwise act in a manner not consistent with the specific requirement of an applicable code, standard or regulation but which provides, in the opinion of Inspection and Technical Services (ITS), an equivalent or greater level of safety to persons and property. Variances apply only to devices regulated by The Technical Safety Act and the adopted codes therein:

- CSA B44 Safety code for elevators and escalators
- CSA B355 Platform lifts and stair lifts for barrier-free access
- CSA B311 (2024) – Safety Code for Manlifts
- CSA Z98 (2019) – Passenger Ropeways and Passenger Conveyors
- CSA Z185 (2023) – Safety Code for Personnel Hoists
- ASTM F2783-Standard Practice for Design, Manufacture, Operation, Maintenance, and Inspection of Amusement Rides and Devices, in Canada (2020 version);
- ASTM F747-Standard Terminology Relating to Amusement Rides and Devices (2024 version);
- ASTM F770- Standard Practice for Ownership, Operation, Maintenance, and Inspection of Amusement Rides and Devices (2024 version);
- ASTM F2974a Standard Practice for Auditing Amusement Rides and Devices (2024 version);
- ASTM F2007-Standard Practice for Design, Manufacture, and Operation of Concession Go-Karts and Facilities (2024 version).

The Variance Program is not intended to circumvent the normal procedure of certification of appliances, equipment and components by designated testing organizations. Applications for variance approval will only be considered in the following instances:

- The proposed method or design is equivalent to, or exceeds the requirements of the code/standard/regulation;

The variance is valid only for the equipment and location listed on the application. Any further changes to the equipment as specified on the original variance, requires re-submission.

Variance applications are not a corrective action for an inspection order of noncompliance. It has to be submitted and accepted before any work related to the Variance Application is commenced.

Modifications may be required as a result of our application review or site inspection. The application for variance must be submitted to ITS on the approved application form, complete with the required documentation.

Variance applications will only be considered for valid technical reasons, which can be justified, and cannot include factors such as price, delivery, preference, convenience, manufacturer, errors in order or other non-adopted standards.

Required Submission Documentation

The following documentation must be submitted with each permit in which a variance is requested:

- A Professional Engineer, registered in Manitoba, stamped and sealed cover letter indicating the specific request or proposal for a variance, signed by the applicant; with the following:
 - Description of the project to which the variance will apply;
 - Identification of the site/location to which the variance will apply;
 - Explanation of what the variance is;
 - Clause or section of the code, standard or regulation to which the variance will apply;
 - Description of the variance being requested;
 - Reason(s)/rationale(s) for the variance;
 - Description of mitigation measures, statement that this variance does not set precedent for other applications.
- A completed ***ITS ES Form 12 - Application for Variance***;
- Any additional supporting documentation:
 - Sealed drawings and calculations,
 - Evidence/proof of equal or better safety performance to persons and property.
 - Risk assessment,
 - Physical performance verification,
 - Testing procedures, etc.

Upon completion of the review, we will advise the applicant if the application is “Accepted”, “Rejected” or if additional information is required. Once “Accepted”, the final approval is subject to verification on site by an ITS inspector ensuring compliance with the approved variance proposal.

Site inspection

During the site inspection an ITS inspector will verify:

- The appliance or equipment has been constructed, installed, and operates in accordance with the variance application and supporting documentation
- Witnesses or verifies all safety tests required in accordance with the supporting documentation reviewed and accepted by the ITS engineer, and applicable codes have been verified.
- It will be necessary for qualified personnel to be present during the site inspection and to have the necessary test equipment on hand.
- Upon completion of site inspection and testing, the inspector will provide inspection report or, Orders to Remedy, identifying further deficiencies that must be addressed.

Where to Apply:

Email the variance package to ITSEDIntake@gov.mb.ca

Subject Line: Application for New/Alteration of Elevating Device with Proposed Variance

Attach the following:

- ITS ED Form 01 - The Application for Installation of New or Altered Elevating Devices
- ITS Form 12 - Application for Variance
- Cover Letter Requesting Variance
- Drawings and schematics

Note: ITS ED Intake will contact you for payment

For more information:

If you have any questions, please contact us at 204-945-3373.