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Highlights: The Building and Electrical Permitting Improvement Act

- The Building and Electrical Permitting Improvement Act (the Act), implements key recommendations from the June 2019 Treasury Board Secretariat Report: -Planning, Zoning and Permitting in Manitoba.
- The Act creates a new Permit Dispute Resolution Act and amends The Buildings Act and The Manitoba Hydro Act.
- The Act addresses gaps in Manitoba's regulatory framework by allowing for performance standards (timeframes) for building and electrical permitting processes and creates an independent technical adjudicative process for building and electrical permitting disputes in Manitoba.

Building and Electrical Permitting Performance Standards:

- The Act enables building and electrical permitting performance standards to be adopted by regulation, similar to those used in Ontario.
- Permitting authorities, including the Manitoba government, municipalities and planning districts, are required to make decisions on building permit applications within fixed timeframes. This is similar to Ontario's framework, where decisions on building permits must be issued within 10 to 30 business days depending on the size and complexity of the project.
- Related inspections are also be required to be conducted within a defined period.

Technical Adjudicator:

- Manitoba is one of the few Canadian jurisdictions without an independent technical appeal process to hear disputes on technical building or electrical code matters.
- The Act allows persons aggrieved by decisions made by building and electrical permitting authorities to request an adjudication hearing.
- Adjudicators will be appointed, based on their technical building or electrical code expertise and will have the power to confirm, vary or set aside the decisions of permitting authorities.
- Adjudicators will make determinations on permitting authorities compliance with performance standards and order that a permit be issued or denied with reason, where no decision has yet been made.
- Adjudication decisions will be published to provide transparency and accountability and to provide guidance and improve consistency in code application.
- The adjudicator will be empowered to assign costs for the dispute resolution hearing factoring in which party was "in the right" and bill the parties directly.

Building and Electrical Code Adoption:

- The Act amends The Buildings Act to require the timely adoption of future editions of the

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National Research Council's national model codes (building, plumbing and energy codes). This aligns with initiatives under the Canadian Free Trade Agreement.

- It is anticipated that changes to The Manitoba Hydro Act will be brought forward in 2024, which will allow for one province-wide Manitoba Electrical Code rather than a separate code for within the City of Winnipeg. Having one electrical code instead of two will reduce red tape for industry and align Manitoba with the other Canadian jurisdictions.

Other Changes:

- The Act makes other changes to The Buildings Act to:
 - Create a Director under the Act to carry out administrative responsibilities;
 - Allow for initial internal review of permitting decisions and requirements where the Manitoba government is the permitting authority; and
 - Facilitate the transfer of recreational vehicle requirements to The Highway Traffic Act.