
The Permit Dispute Resolution - Adjudicators

Mandate:

Under the authority of The Permit Dispute Resolution Act, adjudicators are appointed by the Minister to hear appeals, conduct hearings, resolve disputes and make binding orders respecting decisions made by provincial or municipal officials about the technical requirements of building standards, complaints that inspections and decisions on permit applications were not conducted or made in a timely manner, which party was at fault in a permit dispute and the proportion of the adjudicator's fees that should be charged directly to each party.

Manitoba Labour and Immigration (the Department) is working to establish a list of adjudicators with expertise in various code areas that the Minister may pick from when appointing an adjudicator to resolve code disputes between parties.

Sections of The Permit Dispute Resolution Act that relate to electric permitting disputes and electrical permitting performance standards are anticipated to be proclaimed along with the changes to The Manitoba Hydro Act in 2024. The Department is not selecting adjudicators to resolve electrical disputes at this time, but may reach out in the future for candidates.

Authority:

[The Permit Dispute Resolution Act](#)
[Permit Dispute Resolution Regulation](#)

Responsibilities:

The adjudicator selected by the Minister to resolve a dispute must hold a hearing that gives the applicant and the approving authority an opportunity to present evidence and make submissions respecting the matter in dispute. The adjudicator may conduct the dispute resolution hearing orally, or in writing, or partly orally and partly in writing. The adjudicator is required to issue their order and written reasons within 15 days after the conclusion of the dispute resolution hearing. The adjudicator's order is binding on the parties and the matter in dispute is not subject to any further appeal or review process of an approving authority. The orders and written reasons will be made publicly available.

Length of Terms:

An adjudicator must be appointed for a term of not more than three (3) years and continues to hold office until re-appointed or replaced.

Desirable Expertise (It is not required that adjudicators have expertise in all areas listed below):

- Excellent written and verbal communication skills
- An understanding of the provincial building regulatory system including permitting processes and administration
- Comprehensive knowledge of the Manitoba construction codes (Building, Plumbing and Energy for Buildings) including expertise in one or more of the following code areas:
 - Part 2 – Farm Buildings

- Part 3 – Fire Protection
- Part 3 – Occupant Safety
- Part 3 – Accessibility
- Part 4 – Structural
- Part 6 – Heating, Ventilating and Air-Conditioning
- Manitoba Plumbing Code
- Part 8 – Safety Measures at Construction and Demolition Sites
- Part 9 – Housing and Small Buildings
- Manitoba Energy Code for Buildings

Time commitment:

The number of permit dispute resolution hearings will depend on the number of applications filed.

Meetings:

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| Frequency: | Hearings held as required, as applications for permit dispute resolution hearings are received. |
| Location: | Hearings held across Manitoba, as determined by the adjudicator. |
| Duration: | A permit dispute resolution hearing is typically between 2 hours to 2 days, depending on the nature of the dispute. |

Remuneration:

The cost for a dispute resolution hearing is \$450.00 for a hearing up to two hours in length, plus \$112.50 for each additional half-hour, up to a maximum of \$2,250.00 per hearing. The adjudicator has complete discretion to determine the allocation of costs between the parties and may consider the outcome of the dispute, the conduct of each party and any other factors the adjudicator considers relevant. The adjudicator will bill the parties directly for the costs of the hearing.