
Highlights of Bill 38 – The Building and Electrical Permitting Improvement Act

- Bill 38, *The Building and Electrical Permitting Improvement Act*, implements key permitting recommendations from the June 2019 Treasury Board Secretariat Report, Planning, Zoning and Permitting in Manitoba.
- Proposed legislation would create a new *Permit Dispute Resolution Act* and amend *The Buildings and Mobile Homes Act* as well as *The Manitoba Hydro Act*.
- It addresses gaps in Manitoba’s regulatory framework by introducing service standards for building and electrical permitting processes and an independent technical adjudicative process for building and electrical permitting disputes in Manitoba.

Building and Electrical Permitting Service Standards:

- Bill 38 would enable building and electrical permitting service standards to be adopted by regulation, similar to those used in Ontario.
- Permitting authorities, including the Manitoba government and municipalities, will be required to make decisions on building permit applications within fixed timeframes. This would be 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 would 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.
- Bill 38 would allow persons aggrieved by decisions of building and electrical permitting authorities to request an adjudication hearing.
- Adjudicators to be appointed, based on their technical building or electrical code expertise and will have the power to confirm, vary or set aside decisions of permitting authorities.
- Adjudicators will make determinations of compliance with service 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 in meeting service standards, and to provide guidance and improve consistency in code application.

- The adjudicator would 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:

- Bill 38 proposes changes to *The Buildings and Mobile Homes Act* to require timely adoption of future editions of the National Research Council’s national model codes (building, plumbing and energy codes). This aligns with initiatives under the Canadian Free Trade Agreement.
- Proposed changes to *The Manitoba Hydro Act* would allow for one province-wide Manitoba Electrical Code, rather than having 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:

- Bill 38 makes other changes to *The Buildings and Mobile Homes 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.
 - facilitate the transfer of recreational vehicle requirements to other legislation.