



# Mid-West Planning District

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## POLICY

Title	Moving In / Locating of Older Buildings
Policy #	3-2023
Issue Date	October 5, 2023
Resolution	81/23
Authority	Mid-West Planning District Board and By-Laws; Planning Act; Municipal Act; Buildings and Mobile Homes Act; MWPD Development Plan; Municipal Building and Zoning By-Laws
Repeals Policy #	5-2022

**Preamble:** Where provisions of this policy conflict with Manitoba Provincial Acts the Provincial Act shall prevail.

**SUBJECT / APPLICATION:** From time to time the Development Officer is required to make decisions on development applications regarding the moving in of older dwellings or buildings including Manufactured Homes (Mobile Homes, Modular, etc.) and Modular buildings. The exception is accessory buildings less than 108 sq. ft. and farm buildings (not used for residential purposes).

**Considerations:** Some of the main concerns or questions to consider are as follows:

- Is the structure in a dilapidated state and therefore requiring extensive upgrading?
- Will extensive renovations be required?
- Will the structure be in keeping with the general character and amenity of the adjacent dwellings?
- Is the building in compliance with the applicable provisions of the Manitoba Building Code?

### Other Information:

It may be noted that standard residential “buildings” are typically constructed in accordance with the Manitoba Building Code under the authority of a Building Permit.

“Manufactured” Mobile & Modular Homes and Buildings are typically constructed and inspected under CAN/CSA Standards and must bear a “Label” attesting that the unit was constructed and inspected in conformance with the applicable standards.

Manufactured Homes and Buildings that do not bear the appropriate label shall not be considered for re-location unless a “Standards Inspection” has been undertaken and an Office of the Fire Commissioner label has been affixed.

**LEGAL AUTHORITY / RELEVANT BY-LAWS:** The implementation of this policy will be by resolution of the Board of the Mid-West Planning District.

The relevant regulatory documents which may be applicable are as follows:

- The Planning Act
- The Municipal Act
- The Buildings and Mobile Homes Act

- Applicable Provincial Regulations,
- The Mid-West Planning District Development Plan
- Applicable By-Laws of the Mid-West Planning District
- Member Municipality's Building By-Laws
- Member Municipality's Zoning By-Laws

**POLICY:**

The moving in or location of older dwellings or buildings to be used as dwellings:

**This policy is applicable to all Zones.**

**An "older building" is defined as follows:**

- A typically constructed building or structure of **twenty-five (25)** effective years of age or older, or
- A Manufactured Building (Mobile, Modular, etc.) of fifteen (**15**) years of age or older
- Any portion of a building or structure intended to be attached to an existing principal building that falls into the applicable age category.
- If extensive renovations have been done to the point that they render the effective age of the building to be less than its original build date, then this policy will not apply.
- The Mid-West Planning District will determine the effective age of the building, based on past permits and a possible inspection.

**Responsibilities of the landowner or applicant prior to locating the structure on the destination site and administrative procedures:**

- To make application to the Planning District for consideration to locate the building.
- To complete the applicable permit application, including a site plan.
- To complete any other applicable information document required by the Planning District, Planning District Board or Council.
- To supply representative pictures. Representative pictures of the building are to be taken by the applicant.
  - Pictures are to be taken from the front, sides, and rear of the building.
  - Pictures are to be current, within 30 days of the application.
  - Pictures may be digital.
  - Pictures may be e-mailed.
  - Pictures are to be submitted to the Development Officer for review.
- To supply, when required, proof of any required certifications.

**Planning District Responsibilities & onsite inspection:**

- Any building deemed to be an "older building" as defined above will require an on-site inspection by the Building Inspector at its pre-moved location prior to it possibly being permitted to be moved into or within the Mid-West Planning District.
- This inspection will be billed to the applicant as a Requested Inspection per the Fee Schedule By-Law. All costs incurred will be applied as per the applicable by-law(s) and policy of the Mid-West Planning District. If the building is too far to warrant our Building Inspectors to do an on-site inspection, they may require the applicant to get an on-site inspection from the local building inspector at their own cost.
- Required Documentation is to be processed.

A file is to be created. The Building Inspector Summary report is to be compiled and forwarded to the Council for their review and consideration of approval of the application.

**Municipal Council responsibilities:**

- The municipality is to review the pictures and the Building Inspector summary report.
- The Municipality may impose conditions associated with the relocation.

- The municipality shall advise the Development Officer of their decision.
- If the application is approved, the Municipality shall supply a "Letter of Acceptance", to the Mid-West Planning District
- If the application is denied, the Municipality shall supply a "Letter of Refusal", to the Mid-West Planning District
- The decision of the Council is final and not subject to appeal.

**Planning District procedures after the Municipality provided the planning district with its decision:**

- The Development officer shall advise the proponent of the Council's decision in writing.
- Where the Council has approved the application, a copy of the letter of acceptance will be provided to the applicant.

**Other Items:**

**Application of the applicable member municipal building by-law:**

- Section 3.2: Limited Application to Existing Buildings, is applicable.
- Section 3.5: Mobile Homes and RTM's, is applicable.
- Other sections may be applicable.

**Procedures to deal with uncertified Manufactured Homes (Mobile Homes)**

- The Development Officer is to provide information regarding the Certification and labeling of Pre-Manufactured buildings (CSA & DOL) to the applicant.
- The Development Officer is to advise the applicant of the availability of a Standards Inspection by the Department of Labor (OFC). (in place of CSA certification)

**General Notes:** This policy may be reviewed from time to time by the Board of the Mid-West Planning District.

End of Policy.

This Policy has been reviewed and approved for use or implementation by the Board of the Mid-West Planning District on October 5, 2023, by Resolution 81/23.

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Development Officer/Designated Officer

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Chairman of the Board