



Mid-West Planning District

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POLICY

Title	Moving In / Locating Older Building
Policy #	5-2024
Issue Date	January 4, 2024
Resolution	09/24
Authority	Mid-West Planning District Board and By-Laws; Planning Act; Municipal Act; Buildings Act; MWPD Development Plan By-Law; Municipal Building and Zoning By-Laws
Repeals Policy #	3-2023

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 onto properties within the District.

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 buildings?
- Is the building in compliance with the applicable provisions of the Manitoba Building Code?

Other Information:

It may be noted that standard constructed “buildings” built in Manitoba are typically constructed in accordance with the Manitoba Building Code of the time 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.

Mobile Homes 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.

Modular Buildings without a proper label will be classified as a “constructed building” and the current Code will apply to the proposed foundation and any upgrades required.

All buildings relocated will require a Certificate of Approval from Manitoba Hydro before occupancy is granted.

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 Act
- Applicable Provincial Regulations,
- The Mid-West Planning District Development Plan By-Law
- 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 occupiable space:

This policy is applicable to all Zones.

The exception is accessory buildings less than 10 M² and farm buildings under 600 M² (not used for residential purposes).

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 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.
- Submit the foundation plan and possibly stamped Manitoba engineered foundation drawings.
- To complete any other applicable information document required by the Planning District, Planning District Board or Municipal 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.
- Allow full access to the building where it currently sits for an on-site inspection.

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 Mid-West Planning District's Fee Schedule By-Law.
 - If the building is too far to warrant our Building Inspectors to do an on-site inspection, the applicant will need to get an on-site inspection from a local certified building inspector at their own cost.
 - A report and pictures along with the building inspector's credentials needs to be submitted.

- If one cannot be commissioned, the applicant may make a special case to the Board for the MWPD Building Inspector to travel to the location for the on-site inspection. If approved, all costs will be invoiced to the application as per the MWPD Fee Schedule By-Law.
 - A fee estimate will be issued prior to the inspection and must be paid prior to the inspection. A reconciliation of time and mileage will be done at the end of the report creation, either a refund or extra invoicing will be done at that time. Any outstanding balance is due before the report is added to a Municipal Council meeting agenda.
- The Building Inspector Summary report is to be compiled and forwarded to the Municipal Council along with the building pictures for their review and approval or decline 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 applicant 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.
- Process the development permit and any other building and/or plumbing permits.
- Process a renovation application if there are conditions imposed that require renovations.

Other Items:

Fees: Calculation of fees will be done as outlined in the Mid-West Planning District’s Fee Schedule By-Law.

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 Building Official is to provide information regarding the Certification and labelling of Pre-Manufactured buildings (CSA & DOL) to the applicant.
- The Building Official 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 January 4, 2024, by Resolution 09/24.

Signed copy on file.