



Adoption of The National Energy Code for Buildings

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On December 1, 2014, the 2011 National Energy Code for Buildings becomes effective in Manitoba via provincial Regulation 213/2013 (http://web2.gov.mb.ca/laws/regs/current/_pdf-regs.php?reg=213/2013.) It will be known as the **Manitoba Energy Code for Buildings** (MECB).

These new efficiency standards affect building envelope, lighting, heating, ventilation, air-conditioning, water heating, and electrical systems and, as per MECB Article 1.1.1.1, will apply to construction of new buildings and additions governed under Part 3 of the Manitoba Building Code.

Manitoba Energy Code for Buildings (MECB)

1.1.1.1. Application of this Code

- 1) Except as provided in Sentence (2), this Code applies to the design and construction of all new *buildings* described in Sentence 1.3.3.2.(1) of Division A of the NBC and to *additions*.
- 2) This Code does not apply to *farm buildings* and *temporary buildings*, including construction camps.

DOES THE MECB APPLY TO MY PROJECT?

Within the Province of Manitoba, the MECB applies to **PART 3 BUILDINGS** with a permit application date on or after December 1, 2014 as follows:

- New Buildings
- Additions
- Initial tenant improvements in a base building subject to the MECB

Note further that:

- Incomplete permit applications (i.e.: missing or incomplete document submissions) received prior to December 1, 2014 may be subject to the MECB requirements if the missing documentation is received December 1st or after.
- Partial permits for foundation-only applications for buildings in a staged permit scenario received prior to December 1, 2014 will be considered to be exempt from the MECB requirements, provided

construction of the complete building or addition proceeds in a timely fashion.

- Additions with no occupancy (eg: vestibules, elevators, etc.) are not subject to the Energy Code requirements. Likewise, the MECB does not apply to existing portions of buildings regardless if interior alterations or alterations that include a change in major building occupancy are taking place or if additions are being constructed.
- Where base building only permit applications are received on or after December 1, 2014, it is important that each tenant space not only complies, but that the building complies as a “whole.” The MECB requirements apply to each initial tenant improvement.

Buildings subject to the requirements of MBC Part 3 are defined in the Manitoba Building Code, Division A, Sentence 1.3.3.2. (1):

Manitoba Building Code

1.3.3.2. Application of Parts 3, 4, 5, 6, and 10

- 1) Subject to Subsections 1.3.5. And 1.3.6. of Division A, Parts 3, 4, 5, 6 and 10 of Division B apply to all *buildings* described in Article 1.1.1.1. that are
 - a) classified as *post-disaster* buildings,
 - b) used for *major occupancies* classified as
 - i) Group A, *assembly occupancies*,
 - ii) Group B, *care, treatment or detention occupancies*, or
 - iii) Group F, Division 1, *high-hazard industrial occupancies*, or
 - c) used for *major occupancies* classified as follows, if the *building* exceeds 600 m² or 3 storeys in *building height*:
 - i) Group C, *residential occupancies*,
 - ii) Group D, *business and personal services occupancies*,
 - iii) Group E, *mercantile occupancies*, or
 - iv) Group F, Divisions 2 and 3, *medium- and low-hazard industrial occupancies*.

APPLICATION OF THE MECB FOR PART 9 BUILDINGS

Application of the MECB requirements to Part 9 buildings is expected in the near future upon Manitoba’s adoption of National Building Code of Canada Section 9.36., Energy Efficiency. This will affect Part 9 buildings that are:

- Non-residential occupancies whose combined total floor area exceeds 300 m², or
- Medium-hazard industrial (F2) occupancies.

A revised notice will be published prior to this implementation.

ADMINISTRATION OF THE MECB BY THE OFFICE OF THE FIRE COMMISSIONER

The Office of the Fire Commissioner (OFC) will rely on Letters of Assurance and Certification as a method of implementing compliance with the new MECB. As such, the OFC's intention is to not engage in plan review or inspections specific to the elements of the MECB except, potentially, by way of an audit.

MECB Coordinating Registered Professional (CRP) Required

The OFC is enforcing the MECB through a Letter of Assurance and a Letter of Certification from a MECB Coordinating Registered Professional.

A MECB Coordinating Registered Professional must be:

- A registered member of the Manitoba Association of Architects , authorized to practice architecture in the Province of Manitoba; or
- A registered member of the Association of Professional Engineers and Geoscientists of Manitoba (APEGM), authorized to practice engineering in the Province of Manitoba and skilled in the appropriate area of work concerned.

The MECB Coordinating Registered Professional shall:

1. Ascertain which disciplines relating to the MECB are required and which registered professionals , must be retained;
2. Ensure the design requirements are coordinated between the registered professionals and comply with the applicable provisions of the MECB;
3. Complete a Letter of Assurance and a Letter of Certification. In cases of a base building application, an additional Letter of Certification will be required for each initial tenant improvement.
4. Ensure the [Compliance Checklist](#) (click to view) is completed, retained as a record for 7 years, and be available in the event of an audit. It is also required that a final copy of the Checklist be issued to the building owner.
5. Ensure the field reviews are coordinated between the registered professionals;
6. Certify that the construction substantially complies with the applicable provisions of the MECB;
7. Submit a Letter of Certification under seal at the completion of construction and prior to final occupancy.

Note: In submitting the Letter of Certification, the coordinating registered professional is not responsible for ensuring the compliance of design or construction with respect to the MECB for those aspects which are the responsibility of other professionals under seal and, as

such, is entitled to reasonably rely on Letters of Assurance and Certification required by the OFC to be submitted by registered professionals and/or other statements provided by other professionals pertaining to the design and construction of the project.

Responsibilities of Registered Professionals

The Letters of Assurance and Certification have been revised to reflect the adoption of the MECB and it is the responsibility of the registered professionals to ensure that drawings and construction (via field reviews) comply with the MECB.

Owner's Responsibilities

Owners shall be required to:

1. Retain an MECB Coordinating Registered Professional to take responsibility to:
 - a. Coordinate compliance with the MECB between the registered professionals in terms of design and field reviews, and
 - b. Provide a Letter of Certification to the OFC prior to a final occupancy permit that the building is in substantial compliance with the MECB.
 - I. For base building only construction with subsequent tenant improvements occurring under separate permits, it is the owner's responsibility to ensure that each tenant and their designers will be made aware of the MECB requirements pertaining to their respective interior alterations and the tenant's responsibility to the CRP. The owner is responsible to engage the CRP to continue his/her role from the beginning of the project through to completion of every tenant space (as determined by initial final occupancy permits issued to each of the tenant spaces).
2. Submit the required Letter of Assurance at the time of permit application. Note that the owner's statement has been revised to reflect the adoption of the MECB.
3. Notify the OFC in the event that the CRP is replaced or has withdrawn. Note that the OFC will not issue final occupancy or building permits associated with tenant spaces until a new CRP is engaged and submits the required Letter of Assurance and Letter of Certification.

USER GUIDE

A User Guide for the 2011 NECB is available for purchase from NRC at:

http://www.nrc-cnrc.gc.ca/eng/publications/codes_centre/2014_user_guide_necb2011.html

SUPPORTING DOCUMENTATION

MECB Regulation:

<http://web2.gov.mb.ca/laws/regs/current/pdf-regs.php?reg=213/2013>

OFC Compliance Checklist:

http://www.firecomm.gov.mb.ca/docs/codes_mecb_2013_compliance_doc_checklist_2014.xlsm

The Letters of Assurance and Letters of Certification for both Registered Professionals and Coordinating Registered Professionals are available at:

http://www.firecomm.gov.mb.ca/codes_forms.html.