

File No. 2010-003	INTERPRETATION
Interpretation Date:	June 2, 2021
Building Code Edition:	Manitoba Building Code 2011
Subject:	Construction of a building over a property line
Classification & Type of Building:	All Buildings
Building Code Reference Subsection & Sentences:	Division B, 3.2.3.4. (1), Division B 3.1.10. Division B, Appendix A-3.2.3.4. (1)
Keywords:	Party Wall, Firewall, Property Line
Interpretation Committee:	Ryan Nickel, Director of Planning & Buildings Murray Fischer, Building Safety Manager Kurtis Quane, Building Inspector Randy Cumming, Building Inspector
Question:	
<p>1. Is it permitted to construct a building over a property line?</p>	
Interpretation:	
Yes (with condition).	
<p>As a condition of issuing a building permit for a building constructed spanning a property line or property lines, the permitting authority may require the owner or owners of each parcel of land affected by the permit to enter into an encroachment agreement.</p>	
<p>As per the Division B, Appendix A-3.2.3.4. (1) When a building spans a property line, constructing a party wall on the property line is not mandated by the Code, but subdividing the building at the property line is an option the owner can consider. The Code permits a building constructed on more than one property to be designed as a single undivided building, whether the properties have a common owner or not. However, if a subdividing wall is constructed on the property line within the building for the purpose of separating the two real estate entities and is shared by two different owners the wall would, by definition, be deemed a party wall. Party walls are jointly owned and used by two parties under easement agreement or by right in law. As such, this party wall would need to meet the construction requirements as described (see Appendix A) depending on the building's occupancy classification and size.</p>	
<p>With the exception of some Part 9 residential occupancies, both Part 3 & Part 9 of the Code require that, where party walls are constructed on a property lines, they be constructed as 2 or 4 hour firewalls. Buildings on each side of a party wall that is constructed as a firewall are considered separate buildings</p>	
<p>A building that spans two or more properties, but that does not have a party wall at the property line or property lines, may need to address the Code requirements for party walls in the future.</p>	

Defined Terms

“Firewall” means a type of fire separation of noncombustible construction that subdivides a building or separates adjoining buildings to resist the spread of fire and that has a fire-resistance rating as prescribed in this Code and has structural stability to remain intact under fire conditions for the required fire-rated time.

“Party wall” means a wall jointly owned and jointly used by 2 parties under easement agreement or by right in law, and erected at or upon a line separating 2 parcels of land each of which is, or is capable of being, a separate real-estate entity.