

This document is an office consolidation of by-law amendments which has been prepared for the convenience of the user. The City of Winnipeg expressly disclaims any responsibility for errors or omissions.

CONSOLIDATION UPDATE: FEBRUARY 27, 2025

THE CITY OF WINNIPEG

THE LOT GRADING BY-LAW
NO. 7294/98

**A By-Law of THE CITY OF WINNIPEG to
regulate the grading of property and to
establish lot grade elevations.**

THE CITY OF WINNIPEG, in Council assembled, enacts as follows:

SHORT TITLE

1. This By-law may be cited as the **"Lot Grading By-law"**.

DEFINITIONS

amended 8162/2002

2. Unless the context otherwise requires, wherever used in this By-law:

"Applicant" means owner, or such other person authorized in writing by said owner to make application for a Lot Grading Permit.

"Building" means any structure used or intended for supporting or sheltering any use or occupancy and, without restricting the generality of the foregoing, includes residential, commercial and industrial structures.

added 116/2003

"Structure Lot Grade" means the lot grade elevation of the finished ground surface immediately adjacent to the foundation of a structure and at the location so identified on the Lot Grading Permit.

amended 8162/2002

"Designated City Administrator" means the City's Chief Administrative Officer or such other person as may be authorized in writing by the Chief Administrative Officer to exercise some or all of the powers vested in him/her by this By-law.

Designated Committee"

added 116/2016; amended 137/2022; deleted 22/2025

"Downspout" means a nominally vertical pipe that is installed to carry storm water from a roof.

"Elevation" means the vertical distance above or below mean sea level.

"Land Drainage Sewer" means a sewer that carries storm water and surface water, street wash, weeping tile water, and other wash waters or drainage but excludes domestic wastewater and industrial wastes.

"Lot" means a piece, plot or parcel of land or an assemblage of contiguous parcels of land in one ownership, having a frontage and/or flankage on a public street.

"Lot Grade Elevation" means the elevation of the finished ground surface at any specific reference point or at any point on the slope between two specific reference points on a lot.

"Lot Grading" is a general term referring to the combination of lot grade elevations and resultant slopes within a given lot.

"Lot Grading Permit" means a written approval issued by the Water and Waste Department of the City, pursuant to this By-law, wherein the Structure Lot Grade (ground elevation) and Lot Grade Elevations of a specific lot are established.

amended 8162/2002

"Residential Property" means a property intended for use by one or two families only.

"Splash Pad" means a cast-in-place or pre-cast concrete structure rigidly attached to a building to carry roof runoff and weeping tile water away from the building foundation.

amended 116/2003

"Storm Water" means water from rainfall or snowmelt or a combination of the two, and includes weeping tile water.

"Street Line" means the lateral boundaries of a highway.

"Structure" means any structure used or intended for supporting or sheltering any use of occupancy and, without restricting the generality of the foregoing, includes residential, commercial and industrial structures.

added 8162/2002

"Surveyor" means a person who has received a commission to practice as a surveyor of lands and is registered under the Manitoba Land Surveyors Act or a person who is a Professional Engineer licensed to practice in the Province of Manitoba.

"Wastewater Sewer" means a sewer that carries liquid and water carried wastes from residences, commercial structures, industrial plants and institutions, together with quantities of ground, storm and surface water that are not admitted intentionally.

amended 8162/2002

INTENT OF BY-LAW

3. The intent of this By-law is to establish regulations governing the grading of property for the purposes of managing storm water runoff in order to minimize:

(a) the infiltration of storm water into the wastewater sewer system via structure foundation drains; or

amended 8162/2002

(b) any nuisance that may be caused to property by storm water runoff.

APPLICATION FOR LOT GRADING PERMIT

4. (1) All applications for Lot Grading Permits shall be made through the City's One Stop Shop permit system, by contacting the Planning, Property and Development Department, Zoning and Permits Branch.

amended 8162/2002

Residential Property Lot Grading Permit Application

(2) The Applicant shall obtain a Lot Grading Permit prior to the issuance of a building permit to construct a structure on residential property. The application shall be accompanied by:

amended 8162/2002

(a) three copies of a site plan showing the location of the proposed structure and any present or proposed driveways, garages, swimming pools, roof drain downspouts, sump pump discharge pipe and any other information the designated City Administrator deems to be pertinent to the grading of the lot.

(b) three copies of a plan showing a section of the foundation and first floor of the structure to be constructed and any additional section views that may be required for multi-level structures.

amended 8162/2002

Commercial Industrial and Multiple-Residential Sites Lot Grading Permit Application

- 4(3) The Applicant shall obtain a Lot Grading Permit prior to the issuance of a building permit to construct a structure intended for use as commercial, industrial, multiple-residential or other than residential property. Lot grading permits are also required for the landscape development of properties even though new structures are not planned for a site. The application shall be accompanied by:

amended 8162/2002

- (a) Three copies of a lot grading plan for the site, acceptable to the designated City Administrator and prepared by a Professional Engineer, Architect or Landscape Architect. This plan, where applicable, shall show:
- (i) structure location(s)
 - (ii) existing and proposed geodetic lot grading elevations both on the site and on immediately adjacent property, public right-of-ways, or easements
 - (iii) catchbasin locations and top of grate or rim elevations
 - (iv) entrances to structures
 - (v) private approach locations with dimensions and slopes
 - (vi) roof drain downspouts and sump pump discharge pipe locations
 - (vii) paved areas
 - (viii) drainage patterns indicated with arrows and slopes in percentages

and any other related information the designated City Administrator deems to be pertinent to the grading of the site;

- (b) In designated areas of the City, where the allowable rate of stormwater discharge must be controlled in accordance with the Sewer By-law, a plan, prepared and sealed by a Professional Engineer qualified in municipal design works, shall show:
- (i) size and location of land drainage sewer connections on site and within the public rights-of-way, including size and location of other underground utilities in the rights-of-way
 - (ii) size, location and configuration of storm-water control devices

This design information may be shown on a separate municipal site servicing plan which shall accompany the lot grading plan or may be shown on the lot grading plan itself.

In special cases, where applicable, the designated City Administrator may waive

some of the requirements of (a) and (b) above.

- (c) Three copies of a plan showing a section of the foundation and floors of the structure to be constructed, and any additional section views that may be required.

amended 7376/99; 8162/2002

Existing Lot Grading Changes

- (4) An owner shall obtain a Lot Grading Permit prior to proceeding with any work that may alter or otherwise change the grading of a lot or property in any manner that may affect the existing or established storm water runoff from that or any adjacent property.

Timing of Application

- (5) The Applicant shall make application for a Lot Grading Permit at least five working days prior to the requirement of this permit.

Permit Denial

- (6) The designated City Administrator may deny the issuance of a Lot Grading Permit where, in his opinion, it is in the public interest to do so.

Appeal Process

- (7) *amended 8162/2002; 106/2015; 116/2016; repealed 22/2015*

LOT GRADING REQUIREMENTS

- 5. (1) Lot grading shall be an integral part of the storm water drainage system for the City.

Lot Grading Permit

- (2) The Lot Grade Permit shall have indicated on it the approved lot grade elevations, and shall be accompanied by any lot grading plan approved in conjunction with the issuance of the permit. Any lot grading plan so approved shall become part of the Lot Grading Permit.

Structure Lot Grade

- (3) The Structure Lot Grade shall be as indicated on the Lot Grading Permit.
amended 8162/2002

Residential Property Lot Grading

- (4) Residential property lot grading is typically illustrated in Figures 1, 2 and 3 of Schedule B as follows:
- (a) Type I Lot Grading: Residential Split Lot Drainage
 - Rear Yard Drains to Public Lane
 - (b) Type II Lot Grading: Residential Split Lot Drainage
 - Rear Yard Drainage to Drainage Swale
 - (c) Type III Lot Grading: Residential Back to Front Lot Drainage
 - Rear Yard Drains to Front Street

Perching of Residential Property

- (5) Residential property shall be graded and landscaped to achieve a "perching" of soil surrounding the perimeter of a structure. This "perching" shall be constructed to provide effective positive drainage away from the structure as set out in Schedule B.
amended 8162/2002

Lot Line Grading

- (6) Each lot shall be graded in such a manner as to allow storm water to drain along the lot line without ponding or obstruction, in accordance with the Lot Grading Permit.

Special Site Conditions of Residential Property

- (7) The Applicant shall be responsible for providing and paying for the lot grading design of special site conditions. The requirements of Schedule B may be varied to resolve particular site conditions provided the intent of the By-law is met. Examples of special site conditions, but not limited to, are:
- (a) Corner lots
 - (b) Restricted side yard lots
 - (c) Infilling of developed areas
 - (d) Construction of garage
 - (e) Installation of swimming pool

Any such variation must be approved by the designated City Administrator.

Commercial, Industrial & Multiple-Residential Lot Grading

- (8) In designated areas of the City, storm water runoff from commercial, industrial and multiple-residential properties may be required to be controlled so as not to exceed the maximum allowable rate of storm water discharge into the City's land drainage system, as may be determined by the designated City Administrator.

Roof Downspouts

- (9) All structure roof downspouts shall be located such that effective positive drainage away from the structure is achieved. All downspouts shall discharge through a suitable elbow onto a splash pad as detailed in Schedule C or by an equivalent method approved by the designated City Administrator. Structure roof downspouts shall not be located nor directed so as to cause storm water to drain directly onto adjacent property.

amended 8162/2002

Sump Pump Discharge Pipe

- (10) All sump pump discharge pipes discharging weeping tile water shall be located such that effective positive drainage away from the structures is achieved. These sump pump discharge pipes shall be fitted with a suitable elbow and shall discharge onto a splash pad as detailed in Schedule C or by an equivalent method approved by the designated City Administrator, and shall not be located nor directed so as to cause discharge water to drain directly onto adjacent property and streets.

Sump pump installation requirements are specified in Building By-law No. 4555/87.

Wastewater Sewer Connection

- (11) The Structure Lot Grade elevation shall be established at sufficient elevation to ensure that the wastewater sewer connection from the structure conforms to the requirements of the City's Sewer By-law No. 7070/97.

amended 8162/2002

Driveway

- (12) A driveway within a lot shall be constructed such that it will not impede the storm water runoff. No driveway shall restrict or obstruct drainage of storm waters away from the structure, nor from the rear yard in 'back to front' lot grading (Type III Lot Grading).

amended 8162/2002

Garages

- (13) A garage, attached or detached, shall be constructed such that it will not impede the storm water runoff. No garage shall restrict or obstruct drainage of storm waters in the side or rear yard of that lot, nor of adjacent lots.

LOT GRADING CONSTRUCTION

Marking of Residential Construction

6. (1) The Applicant, upon receiving a Lot Grading Permit, shall mark the corners of the lot or property with suitable marker stakes, and shall display the address and lot number at a conspicuous location.

Staking of Lot Grades

- (2) Applicant shall, retain a qualified and experienced surveyor, as defined in this By-Law, to direct the establishment/marking on the lot, the structure lot grade elevation and all related Lot grade elevations including elevations at all corners of the lot, for the development of the property.

amended 8162/2002

Entering Upon Property

- (3) *repealed 8162/2002*

Compliance with Lot Grading Permit

- (4) The Applicant shall ensure that all lot grading of a lot or property is completed in accordance with the requirements of the Lot Grading Permit, and within 12 months of the issuance of the lot grading permit.

Release of Lot Grading Deposit

- (5) Subject to subsection 23(2) of the Water By-law, the designated City Administrator shall, upon receipt of the Deposit Release Application, cause the Lot Grading Deposit to be released to the Applicant or such other person authorized in writing by said Applicant. The Deposit Release Application shall be certified by the Applicant's surveyor as to substantial completion of the landscaping of the property and conformance with the elevations of the Lot Grading Permit. Substantial completion shall mean the completion of the perching surrounding the structure, exclusive of topsoil and sod, and the completion of the remaining lot grading to the stage where topsoil and placement of sod may begin.

amended 107/2015

The designated City Administrator may elect to delay the release of deposits for those applications received during the general time period of November 1 to April 30 of each year.

amended 8162/2002

Extension of Time for Completion

- (6) Notwithstanding subsection (4), the designated City Administrator may extend the time for completion of the lot grading where in his opinion the circumstances so warrant it.

FEES AND DEPOSITS

7. Fees

- (1) The Applicant shall be required to pay to the City the applicable fee for a Lot Grading Permit as set by Council or pursuant to powers delegated by Council. This fee shall be paid prior to the issuance of the Lot Grading Permit.
amended 22/2025

Lot Grading Deposit

- (2) The Applicant shall be required to deposit with the City an applicable sum, as set by Council or pursuant to power delegated by Council, for a Lot Grading Deposit. This sum shall be deposited prior to the issuance of a Lot Grading Permit. Subject to subsection 23(2) of the Water By-law, and in accordance with subsection 6(5) herein, this deposit shall be retained by the City until such time as the lot grading is substantially completed.
amended 107/2015; 22/2025

Letter of Credit for Lot Grading Deposit Security for Residential Properties

amended 22/2025

- (3) Notwithstanding the above, an Applicant who:
- (a) anticipates building more than four houses within the City boundaries in any given year; and
 - (b) requests in writing to The City of Winnipeg, and subsequently enters into an Agreement with the City for the purposes of providing letters of credit as Lot Grading Deposits for residential property;

may supply letters of credit in lieu of the cash deposits for Lot Grading Deposits for residential properties. The said letters of credit shall be in a form satisfactory to the Corporate Risk Manager.

amended 8162/2002; 22/2025

Lump Sum Deposit

- (4) Notwithstanding the Lot Grading Deposit requirement above, an Applicant may provide a lump sum cash deposit or letter of credit, in a form satisfactory to the City Solicitor, in an amount of \$25,000.00, which deposit shall serve as the Lot Grading Deposit for all subsequent residential Lot Grading Permits issued to such Applicant

Conditions for Lump Sum Deposits

- (5) Where an Applicant had made a deposit with the City pursuant to subsection (4), such deposit:
- (a) shall be maintained in the amount of \$25,000.00 until all obligations of the Applicant pursuant to the Lot Grading Permits have been met;
 - (b) shall stand as security for all residential Lot Grading Permits issued to the Applicant; and
 - (c) the whole or part of such deposit may be used by the City to remedy any lot grading deficiencies provided, however, that the City shall first cause reasonable notice to be given to the Applicant to have same corrected.

amended 22/2025

Non-Compliance with Conditions

- (6) Lot Grading Permits shall not be issued to an Applicant who has made a lump sum security deposit pursuant to subsection (4) and who has been given notice by the Designated City Administrator of deficiencies or non-compliance with the Lot Grading By-law unless:
- (a) such deficiencies or non-compliance have been corrected to the satisfaction of the Designated City Administrator; or
 - (b) the Applicant pays an additional deposit in accordance with subsection (2) for each Lot Grading Permit issued subsequent to the notice of deficiencies or non-compliance. Such additional deposits will be required until such time as all outstanding deficiencies or non-compliance have been remedied and, where the City has used all or part of the residential Lot Grading Deposits lump sum to correct deficiencies, the Applicant has re-established same back to \$25,000.00.

amended 22/2025

RESPONSIBILITIES OF PROPERTY OWNER**8. Maintenance of Lot Grading**

- (1) The Owner shall be responsible to ensure the maintenance of all lot grades which were established and approved by the City prior to the passage of this By-law or established by a Lot Grading Permit.

Control of Storm Water

- (2) The Owner shall be responsible to ensure that any storm water originating on his property is not directed nor permitted to flow onto adjacent property in a manner that would adversely affect or be detrimental to that property.

Maintenance of Roof Downspouts, Sump Pump Discharge Pipe and Splash Pads

- (3) The Owner shall be responsible to ensure that roof downspouts, sump pump discharge pipe and splash pads or their approved equivalent are maintained so as to meet the requirements set forth in subsections 5(9) and 5(10) of this By-law.

9. ENFORCEMENT

- (1) The Designated City Administrator and his/her delegates may conduct inspections and take steps to administer and enforce this by-law or remedy a contravention of this by-law in accordance with The City of Winnipeg Charter and, for those purposes, have the powers of a "designated employee" under The City of Winnipeg Charter.²
- (2) An order to obtain a Lot Grading Permit or to comply with a Lot Grading Permit must be issued in accordance with The City of Winnipeg Charter.³
- (3) *repealed 22/2025*
- (4) Where the Designated City Administrator takes actions or measures to remedy a contravention of this By-law, he or she may charge the costs against the deposit held by the City.
- (5) Where an address for sending a notice, order, decision or other document is required, one of the following shall be used:
 - (a) if the person to be served is the owner of real property, the address maintained by the tax collector for the purpose of issuing the tax notice for that property; and
 - (b) if the person to be served is the occupant of real property, the street address for that property; and

- (c) if the document to be served relates to a permit, licence or other document for which the person to be served has applied in writing, the address provided by the person in the application. ⁴

9.2 In addition to any other order that may be issued by the enforcement officer, where a dwelling is boarded but lacks a permit, the enforcement officer may issue an order requiring the owner within 14 days either to obtain a permit or to bring the dwelling into compliance with section 4 of this By-law.

9.3 An appeal from any order or decision made under this By-law may be made to the Designated Committee in accordance with *The City of Winnipeg Charter*.
added 154/2003; amended 106/2015; 116/2016

PENALTIES

10. Subject to the Municipal By-law Enforcement Act Enabling By-law, a person who contravenes a provision of this By-law that is referred to in Schedule A of the Municipal By-law Enforcement Act Enabling By-law must pay the administrative penalty for that contravention set out in that Schedule. If an Early Payment Discount amount is set out for a provision in that Schedule, a person who is issued a penalty notice for a contravention of that provision may, within 14 days after the penalty notice has been issued, voluntarily pay to The City of Winnipeg the applicable Early Payment Discount amount and will thereafter not be prosecuted for contravention
repealed 8162/2002; added 103/2021

SCHEDULES

11. Schedules A, B and C form part of this By-law.

REPEAL OF EXISTING BY-LAW

12. (1) All By-laws, resolutions and orders passed relative to the grading of private property, and establishing minimum building grades to control storm water runoff to the extent that they are inconsistent herewith, are hereby repealed upon the date that this By-Law comes into effect.
- (2) Without limiting the generality of subsection (1), the following By-laws and any amendments thereto made from time to time are hereby repealed:
- City of Winnipeg By-Law Nos. 4569/87, 4600/87,
4606/87, 4618/87, 6191/93, 6595/95 and 7123/97.
- (3) This By-law shall come into force and effect on the 1st day of January, 1999.

APPEALS

added 22/2025

13. (1) Any appeal authorized by the Charter for orders or decisions under this By-law may be made, upon payment of any applicable fee set by Council or pursuant to powers delegated by Council, to the designated hearing body by filing a written appeal with the City Clerk in accordance with the Charter.
- (2) The hearing body shall consist of:
 - (a) the Chief Administrative Officer of the City
 - (b) the Chief Financial Officer of the City
 - (c) the Director of Planning, Property and Development; and
 - (d) the Director of Water and Wasteor their delegates.
- (3) The Chief Administrative Officer of the City or his or her designate shall serve as the Chair of the hearing body, and the Chief Financial Officer of the City or his or her designate be the Vice-Chairperson.
- (4) Sections 51(10) and 51(11) of the Procedure By-law No. 50/2007 apply to hearings conducted under this by-law and the hearing body may adopt other rules of practice and procedure.

DONE AND PASSED in Council assembled, this 29th day of September, 1998.

- 1 [See sections 189 and 121 of *The City of Winnipeg Charter* for information about appeals, including information about the time limit for appeals and how appeals are to be filed.](#)

- 2 [See sections 180-181 and sections 183-188 of *The City of Winnipeg Charter* for information about some of the key powers given to designated employees.](#)

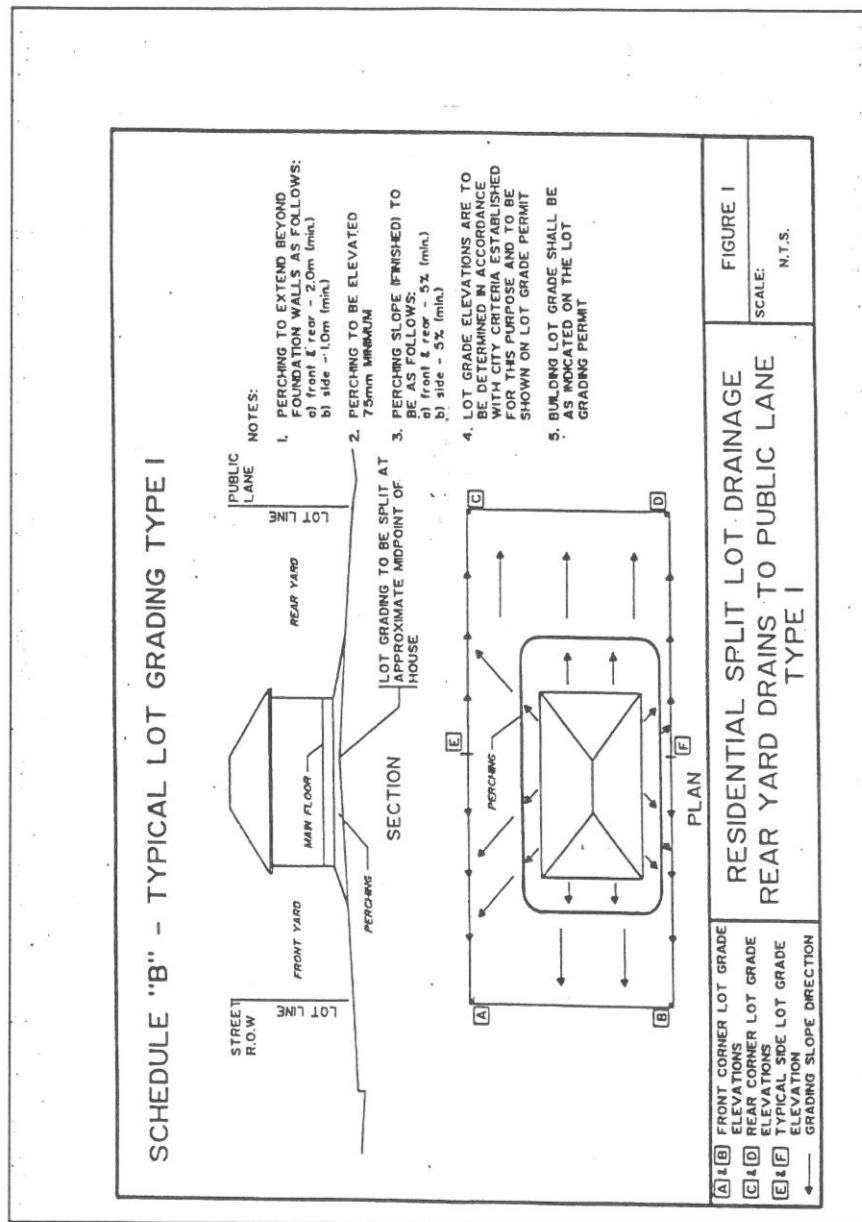
- 3 [See sections 180 to 184 and sections 116 and 117 of *The City of Winnipeg Charter* for information about the powers given to designated employees to issue compliance orders and how they must be served.](#)

- 4 [See sections 116 and 117 of *The City of Winnipeg Charter* for information about how to serve orders, decisions and other documents.](#)

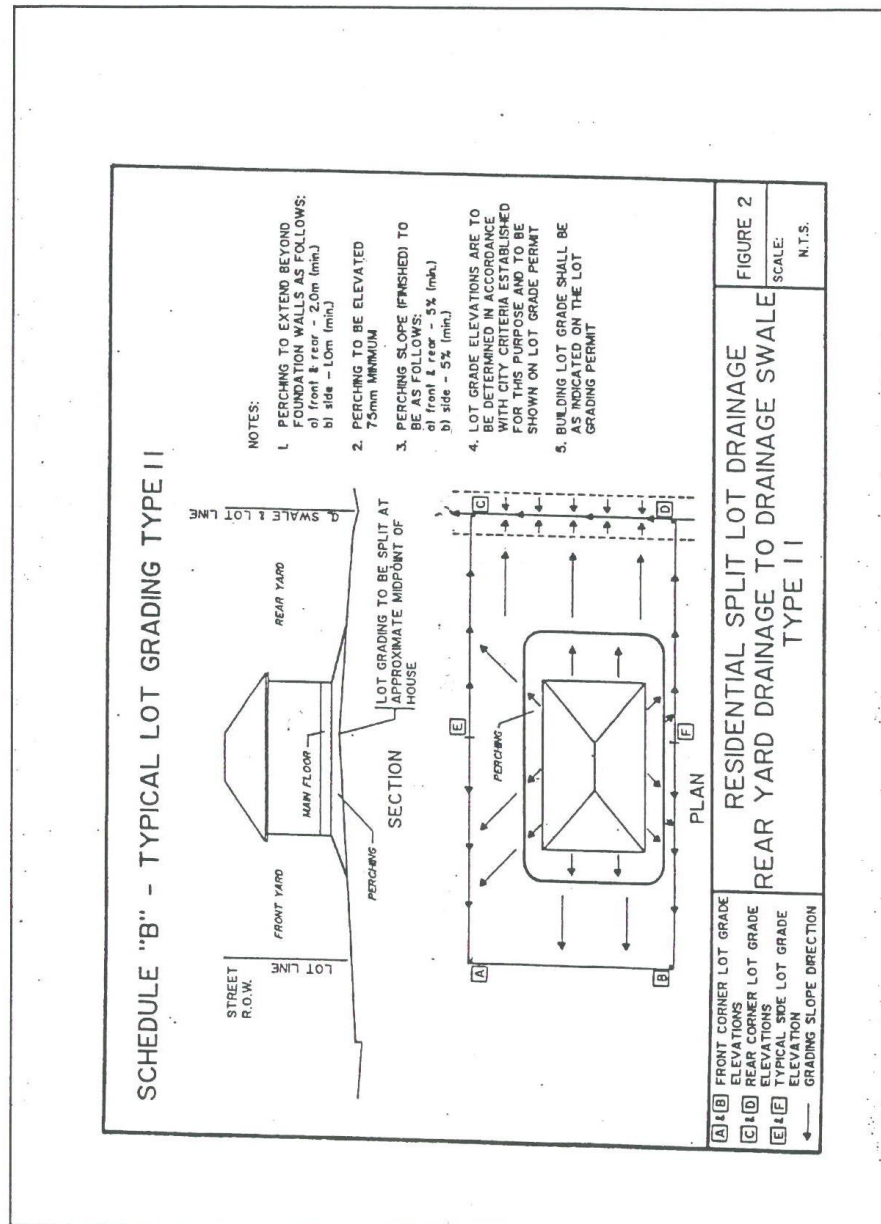
SCHEDULE A TO BY-LAW NO. 7294/98

repealed 22/2025

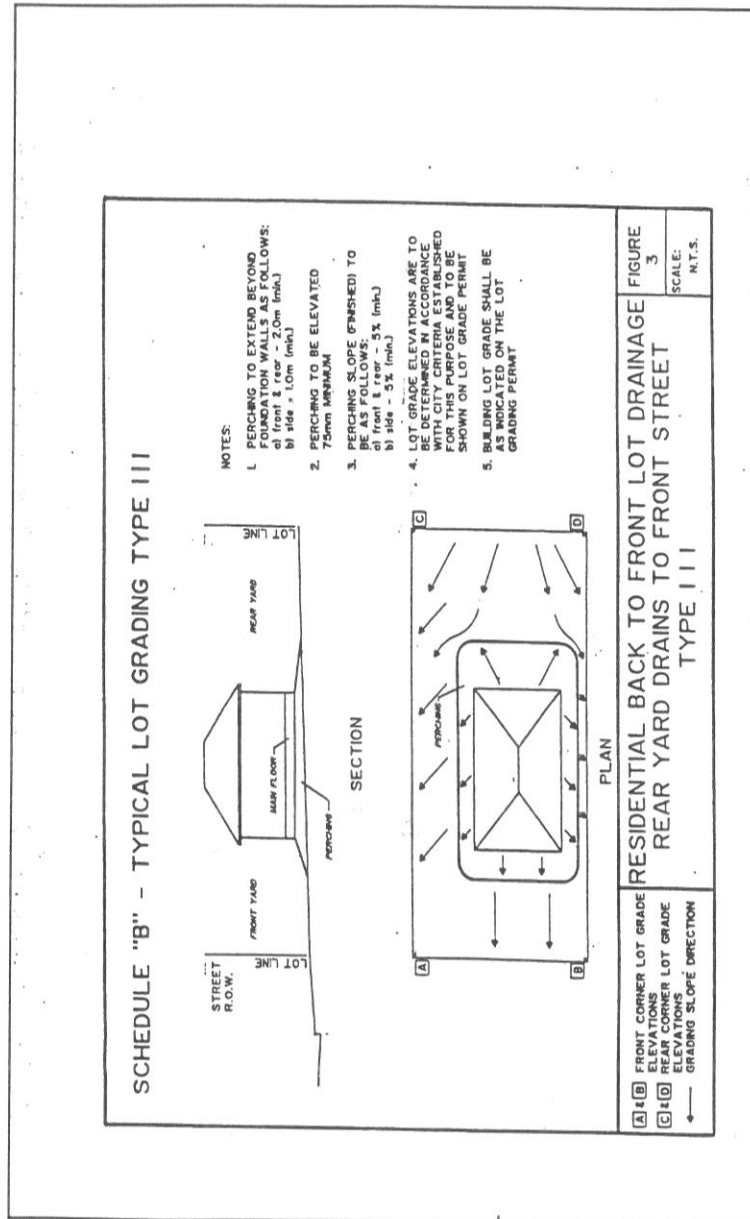
Schedule B to By-law No. 7294/98

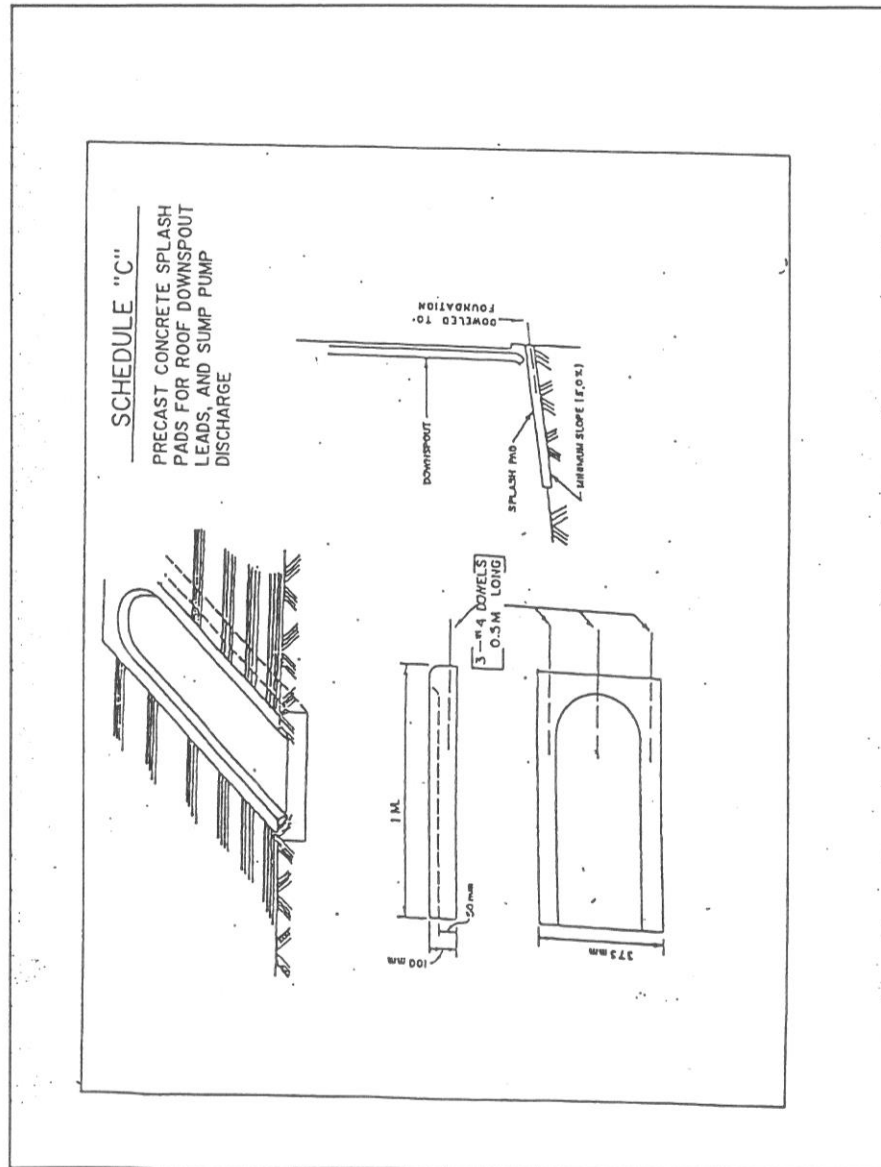


Schedule B to By-law No. 7294/98



Schedule B to By-law No. 7294/98



Schedule C to By-law No. 7294/98

INDEX TO BY-LAW NO. 7294/98

SECTION

1. SHORT TITLE
2. DEFINITIONS
3. INTENT OF BY-LAW
4. APPLICATION FOR LOT GRADING PERMIT
5. LOT GRADING REQUIREMENTS
6. LOT GRADING CONSTRUCTION
7. FEES AND DEPOSITS
8. RESPONSIBILITIES OF PROPERTY OWNER
9. REMEDIAL ACTION
10. PENALTIES
11. SCHEDULES
12. REPEAL OF EXISTING BY-LAW

SCHEDULES

SCHEDULE A - SCHEDULE OF FEES AND DEPOSITS

SCHEDULE B - TYPICAL LOT GRADING

- | | |
|----------|---|
| Figure 1 | Type I - Lot Grading <ul style="list-style-type: none">- Residential Split Lot Drainage- Rear Yard Drains to Public Lane |
| Figure 2 | Type II - Lot Grading <ul style="list-style-type: none">- Residential Split Lot Drainage- Rear Yard Drainage to Drainage Swale |

Figure 3 Type III - Lot Grading
 - Residential Back to Front Lot Drainage
 - Rear Yard Drains to Front Street

SCHEDULE C - DIAGRAM OF SPLASH PADS FOR ROOF
 DOWNSPOUT LEADS AND SUMP PUMP DISCHARGE

THE CITY OF WINNIPEG

LOT GRADING BY-LAW NO. 7294/98

WHOM TO CONTACT GUIDE

SECTION	SUBTITLE	CONTACT
4(1)	Application for lot grading permit	Property & Development Services, Zoning & Permits Branch, 395 Main Street
7(3) 7(4)	Letter of Credit, Lump Sum Deposit	Public Works Department, Customer Services Branch, 107-1155 Pacific Avenue
All other Sections and Schedule A		Water & Waste Department, 1500 Plessis Road or 849 Ravelston Avenue West