

Building Bylaw and Enforcement Guide

March 2022

<p>Building and Technical Standards Branch 1430 - 1855 Victoria Avenue Regina, Saskatchewan S4P 3T2 306-787-4113 Phone 306-798-4172 Fax btstandards@gov.sk.ca www.saskatchewan.ca/btstandards</p>	<p>Construction Codes Guide Building Bylaw and Enforcement Guide March 2022</p> <p>Original approved and signed by: Chief Codes Administrator</p>
<p>This guide is published by the Saskatchewan Ministry of Government Relations for purposes of providing information to users on the topic contained herein. In case of conflict between <i>The Construction Codes Act (the CC Act)</i>, <i>The Building Code Regulations (the BC Regulations)</i> and this guide, provisions of the CC Act and the BC Regulations shall apply.</p>	

Preface

The Construction Codes Act (the CC Act) provides for the development, adoption and implementation of the National Building Code of Canada (NBC), the National Energy Code of Canada for Buildings (NECB) and the National Plumbing Code of Canada (NPC).

The CC Act repeals and replaces *The Uniform Building and Accessibility Standards Act* and came into force on January 1, 2022.

The effective application of construction codes is a shared responsibility, detailed in the CC Act as follows:

- Building owners are responsible for compliance.
- Local authorities are responsible for administration and enforcement.
- The Government of Saskatchewan is responsible for the legislative, regulatory and policy framework.
- Building officials and plumbing inspectors work for the local authority.
- Architects, engineers and constructors work for the building owner.

The purpose of this guide is to provide users with an explanation of the provisions of the CC Act and Regulations. It is a general guide for building owners, industry, municipalities, building officials and other code users on how a local authority can meet their legislative and regulatory obligations under the CC Act through an approved building bylaw.

For further information on the CC Act and Regulations, download the original documents from the Publications Centre (<https://publications.saskatchewan.ca/#/products/115817>).

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Abbreviations and Acronyms

Short Form	Long Form
Administrative Requirements	Administrative Requirements for use with the National Building Code 1985
Appeal Board	Saskatchewan Construction Standards Appeal Board
BASA Regulations	<i>The Building and Accessibility Standards Administration Regulations</i>
BC Regulations	<i>The Building Code Regulations</i>
BTS	Building and Technical Standards Branch, within the Ministry of Government Relations
CC Act	<i>The Construction Codes Act</i>
Constructor	When used in this guide, this term includes contractor(s), sub-trades and self-contractors.
Designer	When used in this guide, this term includes architect, engineer and competent person.
EC Regulations	<i>The Energy Code Regulations</i>
NBC	National Building Code of Canada
NECB	National Energy Code of Canada for Buildings
NPC	National Plumbing Code of Canada
Owner	When used in this guide, this term includes an owner's agent, authorized agent or constructor if the constructor is in control of the building project.
PC Regulations	<i>The Plumbing Code Regulations</i>
UBAS Act	<i>The Uniform Building and Accessibility Standards Act</i>
UBAS Regulations	<i>The Uniform Building and Accessibility Standards Regulations</i>

Part 1 – Introduction

The responsibility of local authorities to adopt a building bylaw by statute is not new. Prior to 1988, *The Urban Municipality Act*, *The Rural Municipality Act* and *The Northern Municipalities Act* allowed municipal councils to adopt building bylaws which set construction standards, issue building permits, inspect construction and enforce construction standards. Most of the larger urban centres implemented some type of building control. Smaller and more rural areas were less likely to implement a process for enforcing construction standards.

In June of 1988, the UBAS Act came into force setting standards for construction, assigning responsibilities related to building construction and authorizing local authorities to adopt building bylaws.

The UBAS Act and the UBAS Regulations were proven to be an effective means to administer and enforce construction standards in Saskatchewan.

On January 1, 2022, the CC Act and associated Regulations came into force, replacing the UBAS Act and the Regulations under that Act. This resulted in modernization of administration, enforcement and penalty provisions for building owners, industry, local authorities, building officials and other code users.

This guide focuses on the CC Act, the BC Regulations and the EC Regulations and application of the NBC and NECB.

Part 2 – Roles and Responsibilities

The effective application of construction codes is a shared responsibility.

Owner

The term “owner” means:

- any person who has any right, title estate or interest in the land, improvement or premises other than that of a mere occupant, tenant or mortgagee;
- any person, firm or corporation that controls the property under consideration; or
- the building’s owner if the building is owned separately from the land on which the building is located.

The assignment of responsibility to the owner is based on the owner’s control over the property. The owner has an obligation to meet construction standards.

The CC Act assigns responsibility for compliance with construction standards to the building’s owner. The assignment of responsibility to the owner is based on the owner’s control of the property. The owner has an obligation to meet the construction standards that are set into law.

Local Authority

The assignment of responsibilities to the local authority is based on the common law practice that local governments have a “duty of care” to the people who reside, work or travel through the geographic area over which the local authority governs.

The term “local authority” for the purpose of the CC Act, the BC Regulations and the EC Regulations means:

- a municipality or a council of a municipality;
- a regional park authority with the meaning of *The Regional Parks Act, 2013*;
- with respect to park land with the meaning of *The Parks Act*, the minister responsible for the administration of that Act; and
- any other prescribed authority or body.

Plumbing standards are administered by the Global Transportation Hub, Saskatoon, Regina and Lloydminster for buildings in their jurisdiction and by the Technical Safety Authority of Saskatchewan for the remainder of the province.

Building Official

The term “building official” means a person who holds a valid building official licence issued by the Chief Codes Administrator of Saskatchewan.

Local authorities require a licensed building official to provide plan review, building inspection and enforcement. A building official may be appointed for a definite or indefinite period or for a specific project or specific types of projects, based on the class of licence the building official holds.

Building officials must be appointed by each local authority that intends to use their services for actions authorized by the CC Act.

Only a local authority can appoint a licensed building official. A certificate of appointment must be issued by the local authority for each appointed building official. Building officials who provide services to more than one local authority must be provided with a certificate of appointment for each local authority.

Building officials have the following powers under the CC Act:

- entering onto land or into a building at a reasonable hour;
- be accompanied by a person having special or expert knowledge on any matter to which this Act or the Regulations relate;
- ordering the production of documents, test, certificates, etc. related to a building;
- inspecting and taking samples of any material, equipment or appliance being used in the design or proposed work;
- issuing notices to owners that order action within a prescribed time;
- directing a local authority to register an interest on title as per the CC Act;
- ordering an owner to take any steps necessary to eliminate an unsafe condition;
- entering the land or building to do or cause to be done any acts that the building official or local authority considers necessary to eliminate an imminent danger;
- completing actions, upon an owner's non-compliance with an order, and adding the expenses incurred to the tax payable on the property; and
- obtaining restraining orders and obtaining warrants to enter and inspect.

Licence classification entitles the holder of a building official's licence to complete plan review and inspections as follows:

- Class 1 – one- and two-unit dwellings within the scope of NBC, Division B, Part 9 and the NECB applicable to one- and two-unit dwellings.
- Class 2 – any building within the scope of NBC, Division B, Part 9 and the NECB applicable to Part 9 buildings.
- Class 3 – any building within the scope of the NBC and the NECB, including all buildings covered by a Class 1 or Class 2 licence.

Building official licenses are successive. A candidate for a Class 2 licence must hold a Class 1 licence to be considered for an upgrade to a Class 2 licence. A candidate for a Class 3 licence must hold a Class 2 licence to be considered for an upgrade to a Class 3 licence.

Government of Saskatchewan

The Government is responsible for the legislative, regulatory and policy framework that provides for the development, adoption and implementation of construction standards. This includes the assignment of responsibilities, the buildings to which the standards apply, when they apply and how they apply.

In Saskatchewan, that framework includes the CC Act, the BC Regulations, the EC Regulation, the PC Regulations, the NBC, the NECB and the NPC.

Implementation of the framework is assigned to the Building and Technical Standards Branch of the Ministry of Government Relations.

Architects and Engineers

Before construction begins for some buildings, the CC Act requires that the building's owner engage either a registered architect as defined by *The Architects Act, 1996* or a professional engineer as defined by *The Engineering and Geoscience Professions Act* to complete the design or design review of that building.

Buildings designed within the scope of NBC Division B, Parts 3, 4, 5, 6 and 7 must have the design or design review completed by an architect or engineer licensed to practice in Saskatchewan. This includes all buildings over 600m² in building area and three storeys in building height. Many smaller buildings may also require an architect or engineer to design or review the design, dependent on the major occupancy classification, occupant load or the hazard load of the building. The architect or engineer may also be required to complete field inspections of construction to ensure compliance with the design and the reviews required by the NBC.

Buildings designed to comply with the NECB must also have the design or review completed by an architect or engineer licensed to practice in Saskatchewan. The architect or engineer are also required to complete field inspections of construction to ensure compliance with the NECB's design and review requirements.

Smaller buildings (i.e., three storeys or less in building height and not exceeding 600m² in building area) may be designed by a competent person who is knowledgeable in application of NBC Division B, Part 9 and who is acceptable to the local authority. A competent person is defined in the BC Regulations as a person who is recognized by the local authority as having:

- a degree, certificate or professional designation; or
- the knowledge, experience and training to design or review the design of a Part 9 building.

For more information see the advisory – *Professional Design for Requirements for Buildings* at the following link: <https://publications.saskatchewan.ca/#/products/82892>

Constructor or Contractor

The term “constructor” or “contractor” means a person who contracts with an owner or an owner's authorized agent to undertake a construction project includes an owner who:

- contract with one or more persons for the work on a building construction project; or
- undertakes the work on a building construction project or any part of that project.

Building constructors, contractors, installers and sub-trades are employed by building owners to complete construction and/or renovation of buildings. Contractors should have knowledge, training or certification and experience related to the work they are hired to undertake. All work must comply with:

- the building's design;
- the CC Act and Regulations;
- the building bylaw; and
- applicable provisions of the NBC and NECB.

Owners are encouraged to practice due diligence when selecting a contractor. They should consider a contractor's experience with construction, applicable codes, experience with similar projects, training of staff, industry affiliations, certifications and references from other clients.

Part 3 – The Building Bylaw

Purpose of a Building Bylaw

Across Canada, the use of building bylaws, building permits and building officials provides local authorities with a system of administration and enforcement. Pursuant to the CC Act, a building bylaw must be adopted by a local authority before building permits are required and issued, and before permit fees can be collected for the services rendered.

Administration of a Building Bylaw

The resources available for the administration of the building bylaw can be different from one local authority to another. Local authorities may:

- choose to hire one or more building officials on a full-time basis;
- contract building official services from a company that provides those services to one or more local authorities;
- develop building official skills in one or more of their existing employees who has the prerequisite qualifications; or
- use a combination of these options.

Provisions of the CC Act and of the Administrative Requirements form the basic framework for the administration of the building bylaw. This includes:

- verifying building permit application forms;
- accepting receipt and cursory review of documents to support permit application;
- forwarding the permit application form and attached documents, if approval from other agencies is required before issuing a building permit;
- issuing a building permit and collecting permit fees;
- keeping records of permits and supporting documents by address or legal description, storing plans and supporting documents, filing inspection reports and correspondence;
- preparing statistical reports;
- handling requests for information and complaints; and
- monitoring construction activity within the jurisdiction of the local authority.

Contents of a Building Bylaw

Section 17 of the CC Act authorizes a local authority to pass a building bylaw. Section 16 of the CC Act further prescribes provisions as follows:

- prohibiting the commencement by any person of the construction, erection, placement, alteration, addition, repair, renovation, demolition, relocation, use, occupancy or change of occupancy of any building unless that person is authorized to do so by a permit issued by the local authority;
- setting out the terms and conditions of a permit for work, including the following:
 - the terms and conditions on which a permit may be granted or transferred;
 - the period for which a permit is valid;
 - the circumstances in which a permit may be revoked;
 - the fees to be charged for the issuing of a permit;

- the scope of work authorized by a permit;
- conditions the local authority considers necessary to protect public health and safety or property; and,
- buildings or portions of buildings to which the permit applies;
- specifying the form and content of permits for the design, construction, addition, erection, placement, alteration, repair, renovation, demolition, relocation, removal, use, occupancy or change of occupancy of a building;
- setting out any additional fees to be charged for any work governed by the CC Act that began before a permit was issued;
- subject to the Regulations, requiring the applicant, for a permit pursuant to the CC Act, to provide a deposit or bond, fixing the amount of the deposit or bond;
- governing the recourse to the deposit and any refund of the deposit;
- subject to section 7 of the CC Act, setting out at what stages of construction the local authority must be notified;
- issuing a certificate of occupancy;
- requiring that no building be occupied unless the owner has been issued a certificate of occupancy; and
- any other prescribed matter related to the administration and enforcement of the CC Act.

Regulatory Requirements

The Municipalities Act, The Cities Act, The Northern Municipalities Act, 2010 and The Regional Parks Act, 2013 all include provisions that govern the reading, voting, passage and amendment of bylaws. These provisions must be followed when adopting a building bylaw. Local authorities are encouraged to consult and comply with the requirements of their governing Acts and Regulations.

The local authority should obtain legal advice to find out if their building bylaw will meet its needs, conform to the provincial legislation and will not conflict with other bylaws.

With respect to building bylaw adoption, subsection 17(1) of the CC Act requires two certified copies of a new, amended or repealed building bylaw be submitted for Ministerial approval within 60 days of being passed by the council of the local authority.

Local authorities can send their draft building bylaw to the Building and Technical Standards Branch for comment before it's presented to council for adoption.

Local authorities can submit two hard copies of their building bylaw directly to BTS for processing on behalf of the Minister.

Within 60 days of receiving the building bylaw submission, the bylaw will be reviewed and returned to the local authority.

Ministerial review may result in one of four outcomes:

- A building bylaw will be approved if it does not conflict with the CC Act and Regulations.
- A building bylaw will not be approved if it has provision(s) that conflict with the CC Act and Regulations.
- A building bylaw may be approved in part where that part of the bylaw that is in conflict can be severed from the remainder of the bylaw.
- A building bylaw can be approved on condition that the local authority enact amendments that do not materially affect the bylaw in principle or substance.

One copy of the building bylaw will be returned to the local authority stamped with the outcome of the review and accompanied by a letter of explanation from the official that prepared the review.

Typical Building Bylaw Adoption Scenario

Local authorities who develop their own building bylaw are encouraged to use the following steps. Local authorities that choose not to adopt their own building bylaw will be subject to implementation of the model building bylaw on the dates detailed in section 8 of the BC Regulations.

The actions required by the CC Act are bolded in the table below. “Municipal Official” refers to the administrator, clerk, secretary or secretary-treasurer of a municipality or a regional park.

Item		Responsibility
1	Decide to adopt a building bylaw.	Local Authority
2	Prepare a request for proposal for the availability and interest of contracted building officials or hire a building official on staff.	Municipal Official
3	Set the permit fee schedule to recover fees for services rendered.	Local Authority
4	Determine if supplementary construction standards are required.	Local Authority
5	Prepare a draft building bylaw.	Municipal Official
6	Give public notice that the local authority intends to pass a new building bylaw.	Optional
7	Send the draft building bylaw for review by the local authority’s legal counsel.	Optional
8	Send the draft building bylaw to the BTS for review and comment.	Optional
9	Revise as necessary based on comments from BTS.	Municipal Official
10	Present the draft building bylaw for approval of council.	Municipal Official
11	Give the building bylaw three readings for adoption.	Local Authority
12	Submit two certified copies of the building bylaw to the Minister responsible for the CC Act within 60 days of passage.	Municipal Official
13	The building bylaw will be reviewed and approved in accordance with subsection 17(6) of the CC Act.	Building and Technical Standards Branch
14	Give public notice that a new building bylaw is in place and that building permits are required for all new building projects and renovation within the local authority’s jurisdiction.	Optional
15	Appoint a building official and issue a certificate of appointment.	Local Authority Municipal Official

Building Official Appointment

Building officials must be appointed by each local authority that intends to use their services for actions authorized by the CC Act.

Only a licensed building official can be appointed by the local authority. A certificate of appointment must be issued by the local authority for each appointed building official. Building officials who provide services to more than one local authority must be provided with a certificate of appointment for each local authority.

A building official may be appointed for a definite or indefinite period or for a specific project or specific types of projects based on the class of licence the building official holds.

Amendment, Replacement or Repealing of a Building Bylaw

Any amendment, replacement or repeal of a building bylaw must be submitted to BTS for review and ministerial approval.

Any amendment to the building bylaw must be submitted for approval to BTS in the same manner as the original bylaw.

Existing Building Bylaws

The CC Act came into force on January 1, 2022. It is expected that there will be minimal impact on local authorities which adopted a building bylaw under the UBAS Act. Building bylaws which were adopted and valid under the UBAS Act are permitted to remain in force without amendment until December 31, 2028. However, any amendments to these older building bylaws must now be made under the CC Act.

A valid building bylaw is one that has been adopted by council and which received Ministerial approval. Building bylaws which do not have Ministerial approval are not valid. If there are doubts about the validity of an existing building bylaw, the local authority should contact BTS for assistance.

Building bylaws valid under the UBAS Act remain valid under the CCA for seven years, by which time they must be renewed or repealed and replaced. However, there are two situations where the CC Act takes priority over a local building bylaw after January 1, 2022:

- Local building bylaws must meet or exceed standards in the Act
Local authorities continue to be able to use their building bylaw to require a higher standard than the standards found in the CC Act, but they cannot allow lower standards than the CC Act or to excuse building owners from having to comply with the CC Act.
- Local building bylaws must not conflict with CC Act
As of January 1, 2022, if an existing building bylaw conflicts with the CC Act, then the Act will take priority over the building bylaw, even if that building bylaw did not conflict with the UBAS Act.

For example, if an existing building bylaw used a definition from the UBAS Act and the CC Act updated that definition, the definition found in the building bylaw would no longer be valid and the local authority must enforce the definition as it is found in the CC Act, not their building bylaw.

It is recommended that all existing building bylaws be reviewed to ensure they remain consistent with the requirements of the CC Act and, where necessary, amended or repealed-and-replaced with an updated bylaw pursuant to the CC Act.

Local Authorities Without a Building Bylaw

Section 8 of the BC Regulations outlines specific dates when a local authority must have a valid building bylaw:

- December 31, 2022, for any city as defined in *The Cities Act*;
- December 31, 2023, any municipality as defined by *The Municipalities Act*;
- December 31, 2023, for a regional park as defined in *The Regional Parks Act, 2013*; and
- December 31, 2024, for land defined in *The Capital Commission Act*.

The Construction Codes Act came into force on January 1, 2022, requiring all local authorities to update, adopt a new building bylaw or become subject to the model building bylaw.

Local authorities without a valid building bylaw on the dates noted above are deemed to have adopted the model building bylaw, on the next day (January 1). The local authority must administer and enforce the model building bylaw listed in the Appendix to the BC Regulations when it becomes assigned to them.

See Appendix A for a copy of the Model Building Bylaw.

Part 4 – Administration and Enforcement

The Building Permit Process

With a building bylaw in effect, proposed building construction work must come before the local authority or its building official in the form of an application for a building permit. Some repairs and improvements may not need a building permit. Owners should check with their local authority to determine if a building permit is required and what is required to proceed.

An application for a building permit may be made by the owner or the owner's agent (designer, contractor or builder). Ultimately it is the owner's responsibility to make sure a permit is issued prior to construction work beginning. The building permit application form must be completed by the applicant and submitted with all necessary documentation required for the project. This usually includes two complete set of documents. The application for a building permit is not sufficient for work to begin; a building permit must be issued before work begins.

See Appendix B for a sample building permit application.

Types of Permits

a) Building Permits for New Construction and Renovations

Subsection 9(1) of the BC Regulations prescribes what information must be included in a building permit.

- the name of the person or company to whom the permit is issued;
- the period for which the permit is valid;
- a statement of all fees, deposits or bonds charged for the permit;
- the scope of work authorized by the permit;
- the municipal address or legal description of the property on which the work described in the permit is located;
- the buildings or portion or buildings to which the permit applies;
- the stages of construction at which a permit holder must inform a local authority of completion;

- any condition that the permit holder is required to comply with; and
- any information required by the local authority’s building bylaw.

No person to whom or corporation to which a permit issued pursuant to the Act shall fail to comply with the terms and conditions of the building permit.

See Appendix C for a sample building permit.

b) Building Permits for Unsafe Conditions

The term “unsafe condition” means a condition that could cause undue hazard to the health, safety or welfare of any person who is authorized or expected to be or could reasonable be foreseen to be on or about the premises.

Building owners have a duty of responsibility to act quickly to eliminate an unsafe condition which poses a risk to people or property. In these circumstances, emergency work to correct an unsafe condition can commence without first applying for a building permit. However, the building permit must be applied for within three business days of emergency work beginning in accordance with subsection 19(3) of the CC Act.

The building owner is responsible for demonstrating to the satisfaction of the local authority or the local authority’s building official that an unsafe condition or an imminent danger existed before any unpermitted work began.

c) Occupancy Permits

Building officials will issue an occupancy permit once a final inspection has been completed. They are a signal to building owners, investors and lenders that the project is complete and meets the requirements of the CC Act, Regulations, codes and requirements of the local building bylaw.

No person shall occupy a building or part of a building without an occupancy permit if an occupancy permit is required by the local authority’s building bylaw.

Plan Review and Building Permit Approval Process

The plan review process will be completed by the building official, who will:

- determine if the submission is complete.
- confirm that where a zoning permit is required separately from the building permit it has been issued prior to issuing a building permit.
- review plans, specifications and the code analysis to ensure the design meets the minimum requirements of applicable NBC and NECB provisions.
- prepare a plan review report.
- identify when in a construction project it is necessary to advise the local authority.
- identify required inspections.
- identify other instructions.
- calculate the building permit fee.

A plan review should be completed before a building permit is approved and issued.

If all items meet the minimum requirements of the CC Act, Regulations, building bylaw and code provisions the building official will prepare and issue a building permit. Typically, one set of plans will be returned to the owner and one copy will be retained for the local authority’s records.

Refusal to Issue

Section 10 of the BC Regulations says no local authority shall unreasonably refuse to issue a building permit. However, if the proposed work would contravene the CC Act, Regulations, an order of the appeal board, a written interpretation of the minister of a local authority's building bylaw a permit can be refused. Other reasons for refusing a permit and the process for notifying a permit applicant are included in the BC Regulations.

Revoking a Permit

Section 11 of the BC Regulations notes a local authority may revoke a building permit that has been issued for the following reasons, if the permit:

- holder requested it be revoked;
- was issued on false, mistaken or incorrect information;
- holder has not commenced work within six months; or
- holder has not made any substantial progress for six months or more.

Expiration of Permits

Section 12 of the BC Regulations says an owner that does not complete all the work listed on a building permit before the permit expires shall apply to the local authority that issued the permit to either:

- revoke the permit;
- extend the term of the permit; or
- vary the terms and conditions of the permit.

Expiry, by itself, does not relieve the owner from the obligation to complete the work approved in the permit.

Inspection Process

Inspection process varies from one local authority to another and from one project to another. Required inspections or inspection frequency and stage of construction when an inspection will take place should be detailed in the building permit prepared by the local authority.

Often local authorities will require that the building owner or their agent call to arrange for a required inspection. Adequate lead time should be provided.

Each inspection should result in a written inspection report detailing:

- building permit number and municipality;
- civic address of project;
- owner and contractor;
- inspection type (i.e. footing, foundation, framing, insulation and vapour barrier, final, occupancy, etc.);
- reports or information due from others;
- deficiencies; including a description of the deficiency, the provision of the CC Act, Regulations, code or bylaw the project is deficient with, the expected correction and due date for follow-up inspection;
- next inspection and other notes to the permit holder;

- unresolved deficiencies carried forward from previous inspection reports; and
- other information considered pertinent by the building official and specific to the project being inspected.

A signed copy of the inspection report can be left in a protected location on site or delivered to the permit holder, filed in the local authority's official file and forwarded to all necessary parties by mail, email or fax.

Orders to Comply

Section 25 of the CC Act says a building official who determines upon inspection, that the construction standards or the terms and conditions of a building permit are being contravened, may by notice in writing, specifying the nature of the contravention can order the owner of the building or the owner's agents, contractors, employees, successors or assigns or the registered owner of the land on which the building is situated, within the period set out in the notice, to:

- comply with the conditions set out in the notice;
- take any measures set out in the notice;
- follow the requirements of the order;
- use or stop using certain materials, equipment, protection, devices or appliances described in the notice; and
- stop the project in whole or in part until any conditions set out in the notice are, in the building official's opinion, fulfilled.

Contraventions could include:

- starting a project without plans, specifications, survey or a valid building permit;
- not providing the necessary third-party reports required by the building permit;
- covering work required to be inspected prior to the inspection;
- work that is faulty or non-compliant with provisions of the codes, plans and specifications;
- finding a building whether commenced or completed in an unsafe condition; and
- other issues that could lead to a building that fails to meet the health, safety, accessibility and environmental objectives of the codes.

See Appendix D for a sample order to comply.

Right of Appeal

Subsection 31(1) of the CC Act says building owners have the right to appeal an order to comply written by a building official. Within 15 days after service of the order an owner or an owner's agent can submit a request for hearing, on the form supplied to the Chief Codes Administrator with the required deposit.

The Chief Codes Administrator (CC Administrator) provides administrative services to the Saskatchewan Construction Standards Appeal Board and under the CC Administrator's direction BTS provides technical support.

For appeal information, contact Building and Technical Standards Branch, Saskatchewan Ministry of Government Relations.

Email: btstandards@gov.sk.ca Phone: 306-787-4113

Appendix "A" – Model Building Bylaw (available in WORD format on request to BTS)

LOCAL AUTHORITY

(Name and ID Number)

BYLAW NO. _____

A BYLAW RESPECTING BUILDINGS

The Council of the _____ of _____
in the Province of Saskatchewan enacts as follows:

SHORT TITLE

1 This bylaw may be cited as the Building Bylaw.

PURPOSE OF THE BUILDING BYLAW

2 The purpose of this bylaw is to provide for the administration and enforcement of the Act, the Regulations, the National Building Code of Canada, the National Energy Code of Canada for Buildings, ministerial interpretations and Saskatchewan Construction Standards Appeal Board orders and building official orders within the local authority.

INTERPRETATION/LEGISLATION

3 Definitions contained in *The Construction Codes Act*, *The Building Code Regulations* and *The Energy Code Regulations* shall apply in this building bylaw.

"**Act**" means *The Construction Codes Act*.

"**building official**" means a person who holds a building official licence.

"**competent person**" means a person who is recognized by the local authority as having:

- (a) a degree, certificate or professional designation; or
- (b) the knowledge, experience and training necessary to design or review the design of a building.

"**local authority**" means the municipality to which this Building Bylaw applies.

"**NBC**" means the edition and provisions of the National Building Code of Canada, including revisions, errata and amendments to it, declared to be in force pursuant to the Act and the regulations.

"**NECB**" means the edition and provisions of the National Energy Code of Canada for Buildings, including revisions, errata and amendments to it, declared to be in force pursuant to the Act and the regulations.

"**occupancy certificate**" means a certificate issued with respect to the approved use or occupancy of a building.

"owner" means:

- (a) any person who has any right, title, estate or interest in land, improvements or premises other than that of a mere occupant, tenant or mortgagee;
- (b) any person, firm or corporation that controls the property under consideration; or
- (c) if the building is owned separately from the land on which the building is located, the owner of the building.

"owner's representative" means any person, company, employee or contractor who has authority to act on behalf of an owner.

"permit" means written authorization issued by the local authority or its building official in the form of a building permit.

"plan review" means the examination of building drawings and related documents by a building official to ascertain whether those drawings and documents meet the requirements of the Act and the regulations.

"regulations" means *The Building Code Regulations* and *The Energy Code Regulations*.

"SAMA fee" means a fee charged to the local authority by the Saskatchewan Assessment Management Agency with respect to the work.

"value of construction" means the total costs to the owner for the building construction in its completed form and includes the cost of all building work, materials of construction, building systems, labour and overhead, and profit of the contractor and subcontractors.

"work" means any construction, addition, erection, placement, alteration, repair, renovation, demolition, relocation, removal, use, occupancy or change of occupancy of a building.

SCOPE OF THE BYLAW

- 4** This building bylaw applies to all work undertaken or to be undertaken within the geographical jurisdiction of the local authority.

GENERAL

- 5(1)** It is the duty of every owner or the owner's representative of a building in Saskatchewan to ensure that the building and work is in accordance with the Act, the regulations, any associated codes, interpretations and orders and any bylaws adopted by the local authority with which the building is associated.
- (2) It shall be the responsibility of the owner or the owner's representative to arrange for all permits, inspections and certificates required by any other applicable bylaws, Acts and regulations.
- (3) A building or part of a building for which a permit has been granted shall not be occupied before the issuance of an occupancy certificate by the local authority or the building official pursuant to clause 16(11)(h) of the Act.
- (4) The provisions of this building bylaw apply to buildings greater than 10m² (107.6 ft²) in building area except as otherwise exempted by the Act or the regulations.

PERMIT - ISSUANCE

- 6(1) Every application for a permit for work shall be on the form provided by the local authority, and shall be accompanied by a minimum of two sets of plans and specifications of the proposed building and work.
- (2) Every permit application shall be reviewed and approved by the building official including plan review and approval.
- (3) If the work described in an application for a permit, to the best of the knowledge of the local authority or the building official, complies with the requirements of this building bylaw, the Act, or the regulations, the local authority or the building official shall, on receipt of the required fee, issue a permit on the form provided by the local authority. In addition, one set of the approved plans and specifications will be returned to the owner or the owner's representative with the permit.
- (4) A permit issued pursuant to this building bylaw must include:
 - (a) the name of the person, or company to whom the permit is issued;
 - (b) the period for which the permit is valid;
 - (c) a statement of all fees, deposits or bonds charged for the permit;
 - (d) the scope of work authorized by the permit;
 - (e) the municipal address or legal description of the property on which the work described in the permit is located;
 - (f) the buildings or portion of buildings to which the permit applies;
 - (g) the date of completion of the stages of construction for which a permit holder must inform the local authority;
 - (h) any conditions that the permit holder is required to comply with; and
 - (i) any information required by this building bylaw.
- (5) No person, or company to whom a permit is issued pursuant to the Act shall fail to comply with the terms and conditions of the permit.
- (6) Work must not commence before a permit is issued.
- (7) The permit fee shall be calculated according to the sum of the following:
 - (a) a permit administration fee listed in a fee bylaw for the processing, handling and issuance of a permit;
 - (b) the fees for plan review, field inspection of construction and enforcement in accordance with a fee bylaw or the agreement between the provider of building official services and the local authority;
 - (c) the fees charged by the Saskatchewan Assessment Management Agency; and
 - (d) a deposit, if required, in an amount determined by the local authority.
- (8) If a deposit is collected it shall, on request by the owner or owner's representative, be refundable on satisfactory completion of the work or on approval of use or occupancy of the building by the local authority or the building official.

- (9) All permit fees and deposits will be collected before the permit is issued and subject to any applicable taxes.
- (10) The local authority or the building official may establish the value of construction for the work described in an application for a permit, for the purpose of calculating a permit fee, based on established current construction costs, the owner's or the owner's representative statement of costs or constructor's contract values, or similar methods selected by the local authority or the building official.
- (11) It is the responsibility of the owner or the owner's representative to ensure that all notifications required by section 7 of the Act and this building bylaw are given to the local authority and that all inspections are scheduled and completed. Failure to do so may result in additional fees for follow up inspections.
- (12) The owner or the owner's representative will be invoiced by the local authority for additional inspection fees and payment of the inspection fees will be due on receipt of an invoice. Unpaid inspection fees will be considered a debt due to the local authority and may be recovered from the owner of the land or premises in or on which the work was carried out as per the Act.
- (13) The local authority may, at its discretion, rebate a portion of a permit fee or deposit where work is reduced in scope or discontinued, or where other exceptional circumstances occur.

PERMITS - REFUSAL TO ISSUE

- 7(1)** The local authority may refuse to issue a permit if:
- (a) the proposed work described on the permit application would contravene:
 - (i) the Act;
 - (ii) the regulations;
 - (iii) an order of the appeal board;
 - (iv) a written interpretation of the minister pursuant to section 8 of the Act; or
 - (v) the local authority's building bylaw;
 - (b) the person who designed or reviewed the design of a proposed building that is within the scope of Part 9 of the NBC is not a competent person;
 - (c) the person who designed or completed a design review of a proposed building that is within the scope of the NECB is not an architect or engineer;
 - (d) the application for a permit is incomplete;
 - (e) any fees, deposits or bonds required pursuant to the local authority's building bylaw for the issuance of a permit have not been paid; or
 - (f) the proposed work described on the permit application would contravene any other Act, regulations or bylaw that applies to the proposed work.
- (2)** Where the local authority refuses to issue a permit pursuant to subsection (1), the local authority shall:
- (a) provide written notice to the applicant as to the reasons for the local authority's refusal to issue a permit; and

- (b) refund any fee or deposit paid as part of the permit application for work pursuant to the Act, less any fees paid for:
 - (i) plan review; and
 - (ii) permit application or administration.

PERMITS - REVOCATION

8(1) The local authority may revoke a permit issued pursuant to the Act:

- (a) if the holder of the permit requests in writing that it be revoked;
 - (b) if the permit was issued on mistaken, false or incorrect information;
 - (c) if the permit was issued in error;
 - (d) subject to subsection (2), if, after 6 months after the permit's issuance, the work for which the permit was issued has not, in the opinion of the local authority's building official, been seriously commenced and no written agreement for the delay has been given by the local authority; or
 - (e) subject to subsection (2), if the work for which the permit was issued is, in the opinion of the local authority's building official, substantially suspended or discontinued for a period of more than 6 months after the permit's issuance and no written agreement for the delay has been given by the local authority.
- (2) If the local authority revokes a permit pursuant to subsection (1) it shall provide written notice to the permit holder as to the reasons for the revocation.

PERMITS - EXPIRY

9(1) The expiry of a permit does not relieve the owner or the owner's representative from the obligation to complete the work approved in the permit.

- (2) All permits issued pursuant to this building bylaw shall expire on the date stated in the permit, or if no date is stated:
- (a) twenty-four months from date of issue;
 - (b) six months from date of issue if work is not commenced within that period;
 - (c) on the date specified by the local authority if work has not seriously commenced and is suspended for a period of six months; or
 - (d) on the date specified by the local authority if work has been suspended with written permission by the local authority or building official and the agreed upon period has been exceeded.
- (3) An owner or the owner's representative that does not complete all the work listed on a permit before the permit expires shall apply to the local authority that issued the permit do one of the following:
- (a) revoke the permit;
 - (b) extend the term of the permit;
 - (c) vary the condition of the permit.
- (4) The local authority may revoke, extend or vary the conditions of a permit on written application of the permit holder and subject to any condition or fees listed in the bylaw.

ENFORCEMENT

10 The local authority or the building official may take any measures as permitted by section 24, 25 or 26 of the Act and sections 13 and 14 of *The Building Code Regulations* for the purpose of ensuring compliance with this building bylaw.

NOTIFICATION

11(1) The owner or the owner's representative of a building to be constructed shall ensure that the local authority is notified of:

- (a) when excavation is to be commenced;
 - (b) when the foundation is to be placed;
 - (c) when a superstructure is to be placed on the foundation;
 - (d) any other event at the time required by the permit under which work has been undertaken; and
 - (e) any other specified event at the specified time.
- (2) Before commencing work at a building site, the owner or the owner's representative shall give notice to the local authority of:
- (a) the date on which the owner or the owner's representative intends to commence the work; and
 - (b) subject to subsection (8), the name, address and telephone number of:
 - (i) the constructor or other person in charge of the work;
 - (ii) the designer of the work;
 - (iii) the person or firm that is to review the work to determine whether or not the construction conforms to the design; and
 - (iv) any inspection or testing agency that is engaged to monitor the work.
- (3) During the course of construction, the owner or the owner's representative shall give notice to the local authority of:
- (a) subject to subsection (8), any change in, or termination of, the employment of a person or firm mentioned in clause (2)(b);
 - (b) the owner's or owner's representative intent to do any work that has been ordered by a building official or local authority to be inspected during construction;
 - (c) the owner's or owner's representative intent to enclose work that has been ordered by a building official or local authority to be inspected before enclosure;
 - (d) subject to subsection (8), any proposed deviation from the plans approved and permitted by the local authority;
 - (e) subject to subsection (8), any construction undertaken that deviates from the plans approved and permitted by the local authority; and
 - (f) the completion of work.
- (4) Subject to subsection (8), the owner or the owner's representative of a building under construction shall give notice to the local authority of:
- (a) any change in ownership or change in address of the owner or the owner's representative that

- occurs before the issuance of an occupancy certificate as soon as the change occurs; and
- (b) the owner's or owner's representative intention to occupy a portion of the building if the building is to be occupied in stages.
- (5) The owner of a building or the owner's agents, contractors, employees, successors or assigns or the registered owner of the land on which the building is situated shall submit a written report to the local authority of the occurrence of the following that causes or has the potential to cause serious injury or loss of life:
- (a) structural failure of the building or part of the building;
 - (b) failure of any equipment, device or appliance that is regulated by the Act or the regulations.
- (6) A report submitted pursuant to subsection (5) must:
- (a) contain:
 - (i) the name and address of the owner;
 - (ii) the address or location of the building involved in the failure;
 - (iii) the name and address of the constructor of the building; and
 - (iv) the nature of the failure; and
 - (b) be submitted to the local authority within 15 days after the occurrence of the failure mentioned in clause (5)(a) or (b).
- (7) On receipt of the report pursuant to subsection (5), the local authority may require an owner to do the following:
- (a) provide any other information that the building official or local authority may consider necessary;
 - (b) complete any additional work that is necessary to ensure compliance.
- (8) Notice given pursuant to clause (2)(b), (3)(a), (3)(d), (3)(e) or subsection (4) is to be in writing.

SPECIAL CONDITIONS

- 12(1)** An owner or the owner's representative that undertakes to construct or have constructed a building that is within the scope of Parts 3, 5, 6 and 7 of the NBC shall have an architect or engineer complete the design or design review of:
- (a) the building; and
 - (b) all building systems.
- (2) An owner or the owner's representative that undertakes to construct or have constructed a building with a structure that is within the scope of Part 4 of the NBC shall have an architect or engineer complete:
- (a) the design or design review of the structure;
 - (b) an inspection of construction of the structure to ensure compliance with the design; and
 - (c) the reviews required by the NBC.
- (3) An owner or the owner's representative that undertakes to construct or have constructed a building with a structure within the scope of the NECB shall have an architect or engineer complete:

- (a) the design or design review of the structure;
 - (b) the inspection of construction of the structure to ensure compliance with the design; and
 - (c) the reviews required by the NECB.
- (4) In addition to the requirements of subsection (1), (2) or (3), the local authority or building official shall require that an engineer or architect provide:
- (a) a Commitment for Field Review letter as part of the permit application for work; and
 - (b) an Assurance of Field Review and Compliance letter, on completion of the work, providing assurance that the work conforms to the engineer's or architect's design.
- (5) An owner or the owner's representative that undertakes to construct or have constructed a building that is within the scope of Part 9 of the NBC shall ensure that a competent person has designed or reviewed the design of the building.
- (6) An owner or the owner's representative shall ensure that copies of any inspection or review reports made pursuant to this section are made available to a building official or the local authority on the request of the building official or local authority, as the case may be.
- (7) No owner of a building or an owner's representative shall cause or allow the ground elevations of a building to be changed so as to place in contravention of the NBC:
- (a) the building or part of the building; or
 - (b) an adjacent building.
- (8) If the property boundaries of a building lot are changed so as to place a building or part of a building in contravention of the NBC, the owner or the owner's representative shall immediately alter the building or part of the building to bring it into compliance with the NBC.

PENALTY

- 13(1)** Any person who contravenes any of the provisions of this building bylaw may be subject to the penalties provided in Part 8 of the Act.
- (2) Conviction of a person or corporation for breach of any provision of this building bylaw shall not relieve the person or corporation from compliance with the Act and regulations.

REPEAL OF BYLAW(S)

14 On enactment of this building bylaw, all previous building bylaws, including building bylaw amendments, are repealed.

Enactment pursuant to section 17 of the Construction Codes Act.

Certified as a true copy of bylaw number _____
 adopted by resolution on the _____ day of
 _____, 20____

Affix certification seal below:

X _____
 (MAYOR/REEVE/PARK AUTHORITY CHAIR)

X _____
 (ADMINISTRATOR/CLERK/SECRETARY-TREASURER)

Appendix “B” – Sample Building Permit Application (available in WORD Format from BTS)

Municipality:

Building Permit Application under *The Construction Codes Act*

Applicant Information (permit applicant can be an agent of the owner)

Company	company name if applicable	
Primary Contact	primary contact for project	
Address	for correspondence purposes	
Phone and Email	primary contact	primary contact

Permit Information

Project Location	civic address or legal description	
Project Description	written description of project	
Project type (check one)	<input type="checkbox"/> New Construction <input type="checkbox"/> Addition, Alteration, Repair or Renovation to Existing Building <input type="checkbox"/> Temporary Structure <input type="checkbox"/> Relocation of an Existing Building <input type="checkbox"/> Demolition of an Existing Building <input type="checkbox"/> Other _____	
Attached	Code analysis <input type="checkbox"/> Yes <input type="checkbox"/> No Construction Plans and Specifications <input type="checkbox"/> Yes <input type="checkbox"/> No	
Building Area and Height	area in square meters	height in storeys
Value of Construction	\$	

For Office Use Only

Tax Roll Number	
Permit Fees	

Owner Information (include all owners listed on the property title or attach in a separate sheet)

Company		
Project Contact		
Address		
Phone and Email		

General Contactor Information (a building owner can be identified as a self-contractor)

Company		
Project Contact		
Address		
Phone and Email		

Lead Designer (this is the individual responsible for the overall design...all other designers should be included on a separate sheet attached to this application)

Company		
Project Contact		
Address		
Phone and Email		

Declaration by Applicant

<p>I hereby declare that the above statements contained within this application and attached drawings are true and correct. I agree that where required, a Development Permit must be issued in order for the Building Permit to be valid. Neither document relieves the owner, the applicant, or the owner's agent from complying with all municipal bylaws and/or Provincial and Federal acts and regulations including the National Building Code of Canada (NBC) and the National Energy Code of Canada for Buildings (NECB) and the National Plumbing Code of Canada (NPC), and that it is my responsibility to ensure compliance with such legislation, regulations, bylaws and codes regardless of any plan review or inspections that may or may not be carried out by the building official, local authority or its authorized representatives. I agree that no construction shall commence without proper permits and approvals.</p>		
Name		
Signature		
Date		

Notes:

A Code Analysis provides detailed information on provision of the NBC, NECB or NPC that apply to the specific project demonstrating design and construction is intended to meet minimum requirements.

Value of construction is defined as the total costs to the owner for the building construction in its completed form and includes the cost of all building work, materials of construction, building systems, labour and overhead and profit of the contractor and subcontractors.

Building area means the greatest horizontal area of a building above grade within the outside surface of exterior walls or within the outside surface of exterior walls and the centre line of firewalls.

Building height (in storeys) means the number of storeys contained between the roof and the floor of the first storey.

Appendix “C” – Sample Building Permit (available in WORD Format from BTS)

Municipality:

Building Permit under *The Construction Codes Act*

Permit Information

Permit Number		
Project Description	written description of project	
Project Location	civic address or legal description	
Building Area and Height	area in square meters	height in storeys
Major Occupancy	<input type="checkbox"/> A1 <input type="checkbox"/> A2 <input type="checkbox"/> A3 <input type="checkbox"/> A4 <input type="checkbox"/> B1 <input type="checkbox"/> B2 <input type="checkbox"/> B3 <input type="checkbox"/> C <input type="checkbox"/> D <input type="checkbox"/> E <input type="checkbox"/> F1 <input type="checkbox"/> F2 <input type="checkbox"/> F3	
Code Application	<input type="checkbox"/> Part 3 <input type="checkbox"/> Part 9 <input type="checkbox"/> NECB <input type="checkbox"/> Section 9.36.	
Permit Fees	\$ calculated from permit fee bylaw	

Applicant

Company		
Project Contact		
Address		
Phone and Email		

Permit Requirements

Insert or reference here and attach: <ul style="list-style-type: none"> • Code Analysis • Plan review report • Points of construction where it is necessary to advise the local authority • Required field inspection of construction • Other instructions 	
Building Official	
Approval Signature	
Date	

Notes:

“major occupancy” means

- A1 - Assembly occupancies intended for the production and viewing of the performing arts
- A2 - Assembly occupancies not elsewhere classified in Group A
- A3 - Assembly occupancies of the arena type
- A4 - Assembly occupancies in which the occupants are gathered in the open air
- B1 - Detention occupancies in which persons are under restraint or are incapable of self-preservation because of security measures not under their control
- B2 - Treatment occupancies
- B3 - Care occupancies
- C - Residential occupancies
- D - Business and personal services occupancies
- E - Mercantile occupancies
- F1 - High-hazard industrial occupancies
- F2 - Medium-hazard industrial occupancies
- F3 - Low-hazard industrial occupancies

Part 3 applies to all buildings more than three storeys in building height or more than 600m² in building area and some smaller buildings that have Group A, Group B or Group F, Division 1 major occupancies.

Part 9 applies to buildings three storeys or less in building height and 600m² or less in building area with Group C, Group D, Group E and Group F, Divisions 2 and 3 major occupancies.

NECB means the National Energy Code for Buildings and applies to the design and construction of:

- new Part 3 buildings as described in the NBC;
- additions to existing Part 3 buildings;
- new Part 9 buildings that do not fall within the scope of NBC Section 9.36.;
- additions to existing Part 9 buildings that do not fall within the scope of NBC Section 9.36.; and
- new buildings or additions that fall within the application of NBC Section 9.36. where this compliance path is chosen.

Section 9.36. means the portion of the National Building Code of Canada that applies energy efficiency standards to one and two unit dwelling and certain other small buildings.

Where permit requirements are attached, they become part of the approved building permit.

Permit fees are calculated from a fee bylaw adopted pursuant to subsection 17(3) of the CC Act.

Appendix “D” – Sample Order to Comply (available in WORD format on request to BTS)

Municipality:

Order to Comply (OTC) under *The Construction Codes Act* (the CC Act)

Issued to	
Property Location	
Project Description	
Permit Number	
Inspection Date	

Contravention(s)

Pursuant to subsection 24(1) of the CC Act, *The Building Code Regulations*, (the BC Regulations) the National Building Code of Canada (NBC), the National Energy Code of Canada for Buildings (NECB) and Building Bylaw No. _____, the following contraventions are noted.

1

2

3

Order to Comply

Pursuant to subsection 25(1), (2), (3), (4) or (5) of the CC Act, the BC Regulations, the NBC, the NECB and Building Bylaw No. _____, you are hereby ordered to comply as follows:

1

2

3

Compliance with this order is required on or before _____, 20_____.

Failure to Comply

Failure to comply with the order by the date provided may result in the commencement of legal enforcement as provided by *The Construction Codes Act*. See sections 26, 39 and 40 of the CC Act.

Issued by

Building Official	Licence No.
Signature	Phone
Date	Email

Right of Appeal

An owner of a building may appeal an order made pursuant to subsection 25 of the CC Act within **15 days** after service of the order by submitting a request for hearing form to the Chief Codes Administrator and providing a deposit. For appeal information contact Building and Technical Standards Branch, Saskatchewan Ministry of Government Relations.
Email: btstandards@gov.sk.ca Phone 306-787-4113.

Basic Requirements for an Order to Comply

The OTC must identify the local authority (LA) where the order originated. This may include other pertinent information such as the civic address, postal code and contact information of the LA.

The OTC must be identified and captioned such as “Building Official Order” or “Order to Comply.”

The OTC must be sent to those identified in section 25 of *The Construction Codes Act* as applicable.

This includes:

- the owner of the building or his agents, contractors, employees, successors or assigns or the registered owner of the land on which the building is situated,” (excerpt).
- where there is joint ownership or multiple owners, efforts must be made to issue the OTC to all owners.

Contravention:

Include:

- reference to subsection 24(1) of the CC Act which provides the power of the building official.
- reference to the applicable legislation, codes and the building bylaw.
- a description of the project.
- the project address or legal description.
- the date of inspection.
- the contravention(s) and references to supporting legislation, codes or building bylaw described in sufficient detail so the recipient understands what is at issue.

Order to Comply:

Include:

- reference to subsection 25 and the specific provisions under which the order is written.
- a description of what is necessary to achieve compliance including option.
- the date of compliance is required as determined necessary by the building official.

Failure to Comply:

Include information regarding the consequences for failure to comply by the assigned date. This could include the specific enforcement measures the local authority and the building official and building official will take.

Order Issued By:

Include:

- provide information regarding the date of the OTC and the name of the BO responsible for inspection and who created the OTC.
- provide contact information for the BO responsible for the OTC and ensure the OTC is signed by the BO.

Right of Appeal

Include:

- details regarding the right of appeal as referenced by section 31 the CC Act.
- the 15-day deadline for submitting a Request for Hearing application after service of the order.
- the deposit required to process a Request for Hearing.
- Who to contact for additional information.