

The CONSTRUCTION CODES ACT

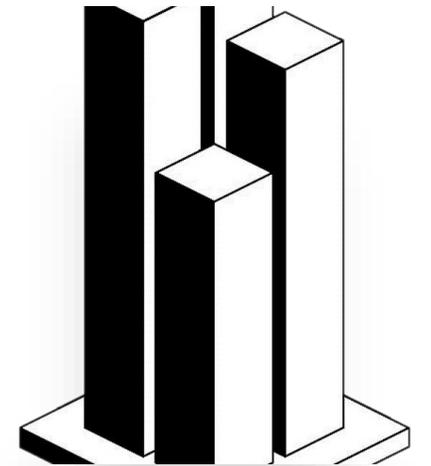
UMAAS Convention

Saskatoon Travelodge Hotel

June 10, 2022

**CONSTRUCTION
CODE AUTHORITY**

306-386-7777



CCASK

BUILDING STANDARDS

OUTLINE

- History of Building Codes
- Building Code Administration & Enforcement Responsibilities
- Construction Codes Act & Regulations
- Bylaw and Permit Transitions
- Building Bylaws / Model Building Bylaw
- Farm Buildings
- Smoke & Carbon Monoxide (CO) Alarms
- Pre-Rulings by the Appeal Board
- Registering Orders on Land Titles Registry
- Adding Enforcement Costs to Property Taxes
- Licensed Building Officials

Government of Saskatchewan Resources:

'Explanatory Notes to the Construction Code Act and Regulations', January 2022

'Building Bylaw and Enforcement Guide', March 2022



WHAT IS A BUILDING CODE?

- A building code is a set of rules that specify the standards for constructed objects such as buildings.
- The main purpose of building codes is to protect public health, safety and general welfare as they relate to the construction and occupancy of buildings.
- The NBC has 6 objectives:
 - structural adequacy,
 - fire protection,
 - life safety,
 - health,
 - accessibility, and
 - energy efficiency



HISTORY OF BUILDING CODES

- King Hammurabi, in 2000 BC instituted one of the first building codes of record.
- Assigns responsibility to the Builder for compliance and any damages that occurred due to failure of the structure.

If the building collapses and a Building owner lost an arm,

...then the Builder would sacrifice his arm.

If the building collapses and a Building owner died as a result of a collapse,

...then the Builder would be killed as restitution.



ADMINISTRATION AND ENFORCEMENT

- Application of codes and standards is a shared responsibility...

There are 5 Principles of Applying the National Building Code:

1. The building owner is responsible for compliance.
2. The local authority is responsible for administration and enforcement.
3. Provincial Government is responsible for legislative framework and policy.
4. Building Officials work for the local authority (granted powers of enforcement in the legislation – Licensed Building Officials only).
5. Architects, engineers, designers, developers, builders, contractors, suppliers and other recognized professionals work for the building owner.



ADMINISTRATION AND ENFORCEMENT

- Application of codes and standards is a shared responsibility...

There are 5 Principles of Applying the National Building Code:

1. The building owner is responsible for compliance.
2. The local authority is responsible for administration and enforcement.
3. Provincial Government is responsible for legislative framework and policy.
4. The assignment of responsibility to local authorities is based on common law practice that expects a municipality to have a "duty of care" to the people who reside, work or travel through the geographical area over which the local authority governs. Building Officials work for the local authority (granted powers of enforcement in the legislation – Licensed Building Officials only).
5. Architects, engineers, designers, developers, builders, contractors, suppliers and other recognized professionals work for the building owner.



ADMINISTRATION AND ENFORCEMENT

- Application of codes and standards is a shared responsibility...

There are 5 Principles of Applying the National Building Code:

2. The local authority is responsible for administration and enforcement.

Subsection 16(1) of the CC Act states:

“Subject to the other provisions of this section, each local authority shall administer and enforce the following:

- (a) this Act;
- (b) the regulations;
- (c) any ministerial interpretations made pursuant to section 8;
- (d) the orders of the local authority’s appointed building official pursuant to section 25;
- (e) the decisions and orders of the appeal board pursuant to sections 31 to 33.



CONSTRUCTION CODES ACT & REGULATIONS

- *The Construction Codes Act (the CC Act),*
 - *The Building Code Regulations,*
 - *The Energy Code Regulations, and*
 - *The Plumbing Code Regulations..*
- CAME INTO FORCE ON JANUARY 1, 2022!

The Construction Codes Act replaced *The Uniform Building and Accessibility Standards Act* as the legislation which governs construction standards in Saskatchewan.



BYLAW AND PERMIT TRANSITIONS

- ✓ Bylaws
- ✓ Contracts
- ✓ Building Officials Orders
- ✓ Licenses
- ✓ Appeals, and
- ✓ BUILDING PERMITS
- ✓ *ALL REMAIN VALID UNDER THE CC ACT ON JANUARY 1, 2022.*

No requirement for a local authority to reissue any permit, order, contract, or license as a result of the new Act coming into force.



BUILDING BYLAWS

- Building bylaws can only be adopted by the council of a local authority under the requirements of the CC Act...
- Only the CC Act can be used to adopt bylaws that relate to building construction or occupancy.
- Local Authorities must obtain ministerial approval when adopting, amending, or repealing their building bylaw.
- Building bylaws adopted under the UBAS Act will remain valid for a while.



BUILDING BYLAW – KEY DATES

- If you have a valid Building Bylaw as of January 1, 2022, you are required to renew or repeal-and-replace your existing bylaw by...
 - ✓ December 31, 2028
- If you do not currently have a Building Bylaw adopted under the UBAS Act, you must adopt a new Building Bylaw under the CC Act as follows:
 - ✓ December 31, 2022 – Cities,
 - ✓ December 31, 2023 – any Municipality as defined in *The Municipalities Act* or for park land as defined in *The Parks Act*,
 - ✓ December 31, 2024 – Regional Parks and land within the capital region.
- Any local authority which does not have a valid Building Bylaw (*UBAS Act* or *CC Act*) by the required date will be subject too...

The Model Building Bylaw



FARM BUILDINGS – UBAS ACT

➤ *UBAS Act: Farm Buildings INCLUDING Residences were exempt!*

UBAS Act Definition - “farm building”:

- means a building associated with a farming operation and includes a residence consisting of not more than two dwelling units, but does not include buildings associated with commercial operations, multiple-occupancy residences or assembly buildings.



FARM BUILDINGS – CC ACT

- *CC Act: Farm Buildings exempt, except residences no longer exempt!!*

CC Act Definition - “farm building”:

means, subject to the regulations, a building that:

(a) does not contain a residential occupancy;

(b) is located on land used for an agricultural operation as defined in *The Agricultural Operations Act*; and

(c) is used for the following purposes:

(i) the housing of livestock;

(ii) the production, storage or processing of primary agricultural and horticultural crops or feeds;

(iii) the housing, storage or maintenance of equipment or machinery associated with an agricultural operation;

(iv) any other prescribed purpose;



SMOKE & CO DETECTORS

➤ *Building Code Regulations:*

On July 1, 2022 the Building Code Regulations will require that *all residential buildings* in SK are to have CO and Smoke Alarms installed.

- Between 2016 – 2021, 5 year average of fatalities cause by fire was 10 deaths per year.
 - Between 2018 – 2020 an average of 1200 Carbon Monoxide incidents were reported annually in Saskatchewan.
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- ✓ We will continue to apply the NBC for all new construction and the prescriptive smoke and CO alarm requirements.
 - ✓ We will also include conditions that apply the new retroactive requirements where the scope of the permit does not necessarily include today's requirements.



APPEAL BOARD PRE-RULINGS

- ✓ Building Owners, Local Authorities, Building Officials, and Contractors...

Can apply to the Saskatchewan Construction Standards Appeal Board for an interpretation of a construction code.

- Must be made prior to a building permit being issued.
- Can only be an interpretation of a construction code, not interpretations of the Act or Regs.
- Owner / contractor will have 6 months to apply for a building permit which applies the Appeal Board's decision.
- Interpretation no longer valid after 6 months.



REGISTERING ORDERS ON LAND TITLES REGISTRY

✓ Local Authorities...

Can register Building Official's orders on the Land Titles Registry

- 61 days after the order is received by the owner (allows owners 60 days to comply with the order).
- Once the owner has complied with the order, Local Authorities have 30 days to discharge the interest on Title.
- All costs can be charged to the owner / add to property taxes.



ADDING ENFORCEMENT COSTS TO PROPERTY TAXES

✓ Local Authorities...

Can add the costs of administering and enforcing the CC Act to an owner's property taxes

- Owners must be given a reasonable opportunity to pay these costs prior to adding to taxes.



LICENSED BUILDING OFFICIALS

- ✓ Local Authorities are required to provide the CC Administrator the names and license numbers of all Building Officials appointed by the Local Authority.
 - Must be submitted within 60 days of the end of the Local Authority's fiscal year.



LICENSED BUILDING OFFICIALS

- ✓ Only individuals who have a valid Saskatchewan Building Official license can be appointed by Local Authorities to provide Building Official services.
- ✓ Powers of Enforcement (access to property, order writing, etc.) apply only to an appointed Building Official.
- ✓ Building Officials can only perform code regulation and enforcement to the level of their License:
 - Class 1: one and two-unit dwellings, garages, decks, etc.
 - Class 2: other Part 9 buildings, typically small commercial buildings limited in size and type of occupancy.
 - Class 3: all other buildings.



CONSTRUCTION CODE AUTHORITY
WWW.CCASK.CA



BUILDING STANDARDS

Saskatoon
North Battleford
Regina
Swift Current
Melville
Jansen
Hague
Prince Albert
Meadow Lake
Dundurn

The fact is that a large segment of our society is complacent about building safety. How many people take it for granted that the buildings in which we live, work and shop are structurally sound and can be safely exited in the event of an emergency?

Although Building Officials have saved countless lives over the years, most people are unaware of their silent vigil over our safety.

Excerpt; “The Silent Defender”

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