

The Building Code Regulations

being

Saskatchewan Regulations 124/2021 as amended by
Saskatchewan Regulations 117/2023
(effective January 1, 2022).

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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SASKATCHEWAN REGULATIONS 124/2021

The Construction Codes Act

PART 1

Preliminary Matters

Title

1 These regulations may be cited as *The Building Code Regulations*.

Definitions and interpretation

2(1) In these regulations:

“**accessibility standards**” means the standards and requirements listed in Part 9;

“**Act**” means *The Construction Codes Act*;

“**administrative penalty**” means a penalty issued pursuant to section 11 of the Act;

“**appeal board**” means the Saskatchewan Construction Standards Appeal Board continued pursuant to section 27 of the Act;

“**building official services**” means plan review services, inspection services and enforcement services carried out by an appointed building official;

“**candidate**” means a person who applies to the chief codes administrator for a building official licence or the renewal of building official licence;

“**child care centre**” means a child care centre as defined in *The Child Care Act, 2014* or teen student support centre as defined in *The Child Care Regulations, 2015*;

“**child care home**” means a family child care home or group family child care home as defined in *The Child Care Act, 2014* or teen student support family child care home as defined in *The Child Care Regulations, 2015*;

“**Codes**” means the NBC and NECB;

“**competent person**” means a person who is recognized by a 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;

“**design review**” means the review of a plan or technical specification by an architect or engineer;

“**discipline order**” means a discipline order issued pursuant to section 14 of the Act;

“existing building” means a building:

- (a) on which work was commenced or completed before June 6, 1988; or
- (b) on which work was not commenced but for which a valid permit was issued before June 6, 1988 pursuant to a bylaw of the appropriate local authority;

“farm residence” is a building that contains a residential occupancy and that is located on land used for an agricultural operation as defined in *The Agricultural Operations Act*;

“field review” means the review of the construction of a building or any building systems by an architect or engineer to determine conformity with the design;

“former Act” means *The Uniform Building and Accessibility Standards Act* as that Act existed before the coming into force of the Act;

“inspection” means the inspection of the following by an appointed building official to ascertain whether the Act and the regulations have been or are being complied with:

- (a) ongoing or incomplete building construction, materials of construction or building systems;
- (b) completed or existing building construction, materials of construction or building systems;

“licence” means a Building Official licence issued pursuant to section 23 or 24;

“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 these 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 Energy Code Regulations*;

“owner’s representative” means any person, corporation, employee or contractor who has authority to act on behalf of an owner;

“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, these regulations and *The Energy Code Regulations*;

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

(2) For the purposes of the Act and these regulations, a building is not a farm building if:

- (a) the building is used in the production, processing, wholesaling or distribution of cannabis as defined in the *Cannabis Act* (Canada) or *The Cannabis Control (Saskatchewan) Act*;

- (b) the building is used for the manufacture, sale, storage, wholesale or delivery of beverage alcohol as authorized by *The Alcohol and Gaming Regulation Act, 1997*; or
 - (c) the building is classified for assessment purposes in one of the following classes:
 - (i) commercial and industrial;
 - (ii) elevators;
 - (iii) railway rights of way and pipeline.
- (3) A person has a financial interest in a matter if:
- (a) that person or the person's spouse or dependent child has a controlling interest in, or is a director or senior officer of, a corporation that could make a financial profit from or be adversely affected financially by a decision respecting that matter; or
 - (b) that person or that person's agent, business partner, employer, spouse or dependent child could make a financial profit or be adversely affected financially by a decision respecting that matter.
- (4) For the purposes of subsection (3):
- (a) **"controlling interest"** means an interest that a person has in a corporation if the person beneficially owns, directly or indirectly, or exercises control or direction over shares of the corporation carrying more than 25% of the voting rights attached to all issued shares of the corporation;
 - (b) **"senior officer"** means the chair or vice-chair of the board of directors, the president, any vice-president, the secretary, the treasurer or the general manager of a corporation or any other person who performs functions for the corporation similar to those normally performed by a person occupying any of those offices;
 - (c) **"spouse"** means:
 - (a) the legally married spouse of a person, with whom the person is cohabiting; or
 - (b) a person who has cohabited with another person as spouses continuously for a period of not less than 2 years.
- (5) Words, phrases, symbols or abbreviations used in the NBC that are not defined in the Act, these regulations or the NBC have the meanings that are commonly assigned to them in the context in which they are used in the NBC, taking into account the specialized use of terms within the various trades and professions to which the words and phrases apply.
- (6) For the purposes of the Act and these regulations, the Provincial Capital Commission is a local authority.

PART 2
Adoption and Application of Building Code

Code adopted

3(1) The National Building Code of Canada 2020 is declared to be in force, including:

- (a) the amendments set out in Part 1 of the Appendix; and
- (b) revisions and errata issued by Codes Canada of the National Research Council from time to time.

(1.1) For the purposes of section 9.36. of the NBC:

- (a) Tier Two is adopted as the minimum standard effective January 1, 2024; and
- (b) Tier Three is adopted as the minimum standard effective January 1, 2025.

(1.2) For the purpose of all provisions and tables of the NBC that mention heating degree-day categories, climate zone 7A shall apply to all buildings within Saskatchewan.

(2) Notwithstanding subsection (1), the edition of the NBC that was in force on the day on which a permit was issued applies to any work:

- (a) for which a permit is issued before the day on which an edition of the NBC is declared to be in force or any revision, errata or amendment comes into force; and
- (b) that is not completed on the day on which that edition is declared to be in force.

(3) No person shall fail to comply with the edition of the NBC that is in force at the time the permit for the work to be undertaken was issued.

(4) Notwithstanding any other provision of this section, Section 9.36 of Division B of the NBC does not apply to the addition, alteration, repair, renovation, or relocation of a building to which construction standards apply and for which construction began before January 1, 2019.

(5) With respect to the edition of the NBC that is adopted pursuant to this section, the minister shall cause information respecting the edition of the NBC that is in force, the period for which the NBC is in force and where that edition may be accessed:

- (a) to be posted on the website of the ministry; and
- (b) to be made public in any other manner that the minister considers appropriate.

10 Dec 2021 SR 124/2021 s3; 8 Dec 2023 SR
117/2023 s4.

Carbon monoxide and smoke alarms

4(1) Notwithstanding subsections 3(2) and (3), but subject to subsection 4(8), on and after July 1, 2022, every building that contains a residential occupancy, child care centre or child care home is required to have one or more carbon monoxide alarms in accordance with Article 6.9.3.1. or Article 9.32.3.9. of Division B of the NBC as those Articles are amended in Part 1 of the Appendix.

- (2) For the purposes of subsection (1), a carbon monoxide alarm is permitted to be solely battery operated if the battery used for the carbon monoxide alarm is a non-removable 10-year battery.
- (3) Notwithstanding subsections 3(2) and (3), but subject to subsections 4(5) to (7), on and after July 1, 2022, every building that contains a residential occupancy or child care home is required to have installed:
- (a) one or more smoke alarms in accordance with Article 3.2.4.20. of Division B of the NBC; or
 - (b) one or more smoke alarms in accordance with Subsection 9.10.19. of Division B of the NBC.
- (4) Notwithstanding subsections 3(2) and (3), but subject to subsections 4(5) to (7), on and after July 1, 2022, every building that contains a child care centre is required to have installed one or more smoke alarms in accordance with Article 3.2.4.20. of Division B of the NBC.
- (5) For the purposes of subsections (3) and (4), but subject to subsection (8), a smoke alarm is not required to be interconnected and may be solely battery operated if the battery is a non-removable 10-year battery, with respect to a building that was constructed:
- (a) between July 1, 1998, and May 1, 2013, respecting any smoke alarms required to be installed in rooms used as sleeping accommodations that do not have a hardwired smoke alarm;
 - (b) between June 6, 1988, and June 30, 1998, respecting smoke alarms required to be installed in rooms used as sleeping accommodations and any smoke alarms required to be installed on a storey that does not have a hardwired smoke alarm;
 - (c) before June 6, 1988, respecting any smoke alarms required to be installed.
- (6) For the purposes of subsections (3) and (4), Sentence 3.2.4.20.(9) to Sentence 3.2.4.20 (12), Sentence 3.2.4.20.(15), Article 9.10.19.4., Article 9.10.19.5. of Division B of the NBC do not apply to buildings that contain a residential occupancy, child care centre or child care home, constructed before June 6, 1988.
- (7) Subsections (3) and (4) do not apply to an alternative family care home.
- (8) No owner shall allow a building that was constructed on or after June 6, 1988 to cease compliance, as a result of the requirements of this section, with the construction standards that applied to that building on the day on which:
- (a) a permit was issued;
 - (b) the building was constructed; or
 - (c) the building underwent an alteration or addition.

No relief of obligation to comply with Codes

5 An owner of a building or an owner's contractor or employee is not relieved from the obligation to carry out any work that is within the scope of section 6 of the Act and section 38 of these regulations in accordance with the Codes by reason only of:

- (a) the granting of a permit;
- (b) the review of drawings and specifications;
- (c) the making of inspections; or
- (d) the absence or omission of any of the things mentioned in clauses (a) to (c).

10 Dec 2021 SR 124/2021 s5.

Existing farm buildings

6(1) Notwithstanding subsection 3(3) but subject to subsections (2) to (4), a building that was exempt from construction standards pursuant to the former Act by reason of being classified as a farm building, and that is now subject to the construction standards pursuant to the Act, is required to comply with the construction standards for any work that begins after the Act comes into force.

(2) Subject to subsections (3) and (4), any work on a building mentioned in subsection (1) that began before the Act comes into force remains exempt from construction standards.

(3) A building owner is responsible for demonstrating that work mentioned in subsection (2) began before the Act comes into force.

(4) A farm building that was subject to a local authority's building bylaw pursuant to the former Act remains subject to the local authority's building bylaw after the Act comes into force.

(5) A building official may issue a building official order pursuant to subsection 25(5) of the Act for an unsafe condition of a farm building to which construction standards apply.

10 Dec 2021 SR 124/2021 s6.

PART 3**Bylaws, Permits and Orders****Bylaws**

7 For the purposes of clauses 17(6)(b) and (c) of the Act, the minister shall not approve a building bylaw or part of a bylaw if the minister is of the opinion that the bylaw or part of the bylaw:

- (a) deals with matters outside the scope of the Act; or
- (b) does not conform with the purpose and intent of the Act.

10 Dec 2021 SR 124/2021 s7

Bylaws with respect to park land

7.1(1) For the purposes of section 17 of the Act, if a local authority is the minister responsible for the administration of *The Parks Act*, regulations made pursuant to that Act respecting the administration and enforcement of construction standards are deemed to be approved bylaws.

(2) Subsections 17(1) to (4), (10) and (13) of the Act apply with any necessary modification to the regulations made pursuant to *The Parks Act*.

(3) Subsections 17(5) to (9), (11) and (12) of the Act do not apply to the regulations made pursuant to *The Parks Act*.

8 Dec 2022 SR 117/2023 s6.

Model building bylaw

8(1) For the purposes of section 18 of the Act, Part 2 of the Appendix is prescribed as the model building bylaw.

(2) For the purposes of clause 18(1)(b) of the Act, a local authority shall adopt a building bylaw by:

- (a) December 31, 2022 for any city as defined in *The Cities Act*;
- (b) December 31, 2023 for any municipality as defined in *The Municipalities Act*;
- (c) December 31, 2024 for park land as defined in *The Parks Act*;
- (d) December 31, 2024 for any regional park as defined in *The Regional Parks Act, 2013*; and
- (e) December 31, 2024 for land within the capital region as defined in *The Provincial Capital Commission Act*.

10 Dec 2021 SR 124/2021 s7; 8 Dec 2022 SR 117/2023 s7.

Permits – issuance

9(1) For the purposes of clause 45(h) of the Act, a permit issued pursuant to the Act 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 stages of construction at which a permit holder must inform a local authority of completion;
- (h) any terms and conditions provided by the local authority's building bylaw with which the permit holder is required to comply;
- (i) any information required by the local authority's building bylaw.

- (2) No person to whom or corporation to which a permit is issued pursuant to the Act shall fail to comply with the terms and conditions of the permit.
- (3) Subject to subsection 19(3) of the Act and subsection (4), work listed on a permit application must not commence before a permit for that work is issued.
- (4) For the purposes of subsection 19(3) of the Act:
 - (a) the maximum number of days between any unpermitted undertaking to remedy or relieve an unsafe condition or imminent danger and an owner applying for a permit for that undertaking is 3 business days; and
 - (b) the 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.
- (5) No person shall occupy a building or a part of a building without an occupancy permit, if an occupancy permit is required by the local authority's building bylaw.

10 Dec 2021 SR 124/2021 s9; 8 Dec 2023 SR
117/2023 s8.

Permits – refusal to issue

- 10(1)** Subject to subsection (2), a 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;
 - (b.1) the person who designed or completed a design review of a proposed building that is within the scope of Part 3, 4, 5, 6 or 7 of the NBC is not an architect or engineer;
 - (c) the person who designed or reviewed the design 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;
 - (f) the applicant for a demolition permit has not demonstrated compliance with section 27-2 of *The Occupational Health and Safety Regulations, 2020*;
 - (g) the proposed work contravenes the accessibility standards mentioned in Part 9; or
 - (h) the issuance of a permit or the proposed work described on the permit application, or any plans, drawing or specifications supporting the permit application, would contravene any other Act, regulations or bylaw that applies to the proposed work.

- (2) No local authority shall unreasonably refuse to issue a permit.
- (3) A local authority that refuses to issue a permit pursuant to subsection (1) 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 this Act, less any fees paid for:
 - (i) plan review; and
 - (ii) permit application or administration.

10 Dec 2021 SR 124/2021 s10; 8 Dec 2023 SR 117/2023 s9.

Permits – revocation

- 11(1)** A 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 the local authority has not agreed, in writing, to allow the delay;
 - (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 the local authority has not agreed, in writing, to allow the delay; or
 - (f) for any other reason listed in the local authority's building bylaw.
- (2) For the purposes of clauses (1)(d) and (e), if a local authority passes a bylaw that sets out minimum times within which work must commence or for which work can be suspended or discontinued, the bylaw prevails.
- (3) A local authority that revokes a permit pursuant to subsection (1) shall provide written notice to the permit holder within 5 business days after the date of the revocation as to the reasons for the revocation.

10 Dec 2021 SR 124/2021 s11.

Permits – expiry

- 12(1)** Subject to subsection (2), the expiry of a permit does not relieve the owner from the obligation to complete the work approved in the permit.
- (2) An owner 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 to do one of the following:
 - (a) revoke the permit;
 - (b) extend the term of the permit;
 - (c) vary the terms and conditions of the permit.

- (3) A local authority may revoke, extend or vary the conditions of a permit on written application of the permit holder and subject to any conditions or fees listed in the local authority's building bylaw.
- (4) The expiry of a permit does not relieve the owner or owner's representative from the obligation to prevent the building or part of a building from being in an unsafe condition.
- (5) The expiration of a permit does not prevent a building official or local authority from taking any actions necessary for the purposes of ensuring compliance with the provisions of the Act, regulations or the terms and conditions of a permit.
- (6) A building official may issue an order pursuant to section 25 of the Act with respect to any permit that expires and:
 - (a) for which the work listed on the building permit application remains incomplete and the owner has failed to apply to the local authority to revoke, extend or vary the terms and conditions of the permit; or
 - (b) with respect to which an unsafe condition exists as a result of the work listed on the permit not being completed.
- (7) A building official may direct a local authority to cause an interest to be registered in the Land Titles Registry against the title to the land based on an order written pursuant to subsection (5) with respect to an expired permit.

10 Dec 2021 SR 124/2021 s12.

Form and content of building official orders

13 An order issued pursuant to section 25 of the Act must:

- (a) be written in a legible manner;
- (b) identify the date on which the order is issued;
- (c) include:
 - (i) the name of the person or persons to whom the order is issued;
 - (ii) the municipal address or legal description of the property on which the work that is the subject-matter of the order is located;
 - (iii) the name of the building official issuing the order; and
 - (iv) the local authority under whose appointment the building official is acting;
- (d) state that it is an order pursuant to the Act;
- (e) identify the section of the Act pursuant to which the order is issued;
- (f) identify the portion of the Act, regulations, Codes or bylaw that has been contravened;
- (g) identify:
 - (i) the actions that are ordered to occur;
 - (ii) the actions that are ordered to cease occurring; or
 - (iii) any combination of actions ordered to occur or cease occurring;

- (h) identify the date by which any action or cessation of action required pursuant to clause (g) must be completed;
- (i) identify the date by which any tests or samples that may be required pursuant to the order must be submitted to the building official mentioned in subclause (c)(iii) and to the local authority mentioned in subclause (c)(iv);
- (j) include information and instructions with respect to the procedure to file an appeal of the order with the chief codes administrator;
- (k) state that non-compliance with the order is an offence pursuant to the Act; and
- (l) state that orders may be registered by the local authority in the Land Titles Registry 61 days after the date on which the order is received by the owner.

10 Dec 2021 SR 124/2021 s13.

Registering and discharging interests in Land Titles Registry

14(1) For the purposes of subsection 20(6) of the Act, a local authority shall cause an interest to be discharged within 30 days after either of the conditions mentioned in clause 20(6)(a) or (b) of the Act has been met.

(2) If the appeal board varies an order of a building official after an interest is registered in the Land Titles Registry, the local authority shall ensure the interest in the Land Titles Registry is updated to reflect the appeal board's decision within 30 days after the appeal board's decision.

(3) If the appeal board revokes an order of a building official after an interest is registered in the Land Titles Registry, the local authority shall ensure the interest in the Land Titles Registry is discharged within 30 days after appeal board's decision.

10 Dec 2021 SR 124/2021 s14.

PART 4 Owner's Responsibilities

Review and changes

15(1) An owner that undertakes to construct or have constructed a building that is within the scope of Parts 3, 5, 6 or 7 of the NBC shall have an architect or engineer complete:

- (a) the design or design review of the building and all building systems;
- (b) a field review of construction of the building and all building systems to ensure compliance with the design; and
- (c) any reviews required by the NBC.

(2) An owner 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 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.
- (4) An owner shall ensure that copies of any inspection or review reports made pursuant to this section are made available to a building official or the appropriate local authority on the request of the building official or appropriate local authority, as the case may be.
- (5) No owner of a building or owner's representative shall cause or allow the ground elevations of a building to be changed so as to put the building, part of the building or an adjacent building in contravention of the NBC.
- (6) If a change to the property boundaries of a building lot puts a building or part of a building in contravention of the NBC, the owner shall immediately alter the building or part of the building to bring it into compliance with the NBC.

10 Dec 2021 SR 124/2021 s15; 8 Dec 2023 SR 117/2023 s10.

Availability of plans

16 The owner or the owner's representative shall ensure that the approved plans, specifications, permit and related construction documents and drawings for a building under construction are available at the work site during the hours in which work is underway for inspection by:

- (a) a building official; and
- (b) the person or firm that is to review the work pursuant to the Codes.

10 Dec 2021 SR 124/2021 s16.

Unsafe conditions

17(1) No:

- (a) owner of a building;
- (b) agent, contractor, employee, successor or assignee of an owner of a building; or
- (c) registered owner of land on which a building is situated;

shall cause, authorize or maintain any unsafe condition in the construction, addition, erection, placement, alteration, repair, renovation, demolition, relocation, removal, use, change of use, occupancy or change of occupancy of any building or part of a building.

- (2) The owner of a building shall immediately take all necessary steps to put a building or part of a building in a safe condition if a building or part of a building:
 - (a) is in an unsafe condition; or
 - (b) for any reason or at any time develops or acquires an unsafe condition.
- (3) If occupancy of a building or part of a building occurs before the completion of any work being carried out in, on or around the building or part of the building, the owner shall ensure that no occupant is exposed to an unsafe condition resulting from the work being carried out.

(4) Any building that is in contravention of subsection 4(1) or (3) is considered to be in an unsafe condition.

10 Dec 2021 SR 124/2021 s17; 8 Dec 2023 SR 117/2023 s11.

False information

18 No person shall knowingly submit false or misleading information to:

- (a) a building official;
- (b) a local authority;
- (c) the minister;
- (d) the chief codes administrator; or
- (e) any person employed by the minister or a local authority to administer and enforce the Act or regulations.

10 Dec 2021 SR 124/2021 s18.

PART 5

Building Official Licences and Powers

Classes of licence

19 The following classes of licence are established:

- (a) Building Official Class 1, which entitles the holder to:
 - (i) complete plan reviews and inspections respecting residential buildings that contain 1 or 2 dwelling units, including residential buildings in which either or both of the dwelling units contain a secondary suite;
 - (ii) take any action that a building official is authorized by the Act to take respecting residential buildings that contain 1 or 2 dwelling units, including residential buildings in which either or both of the dwelling units contain a secondary suite;
- (b) Building Official Class 2, which entitles the holder to:
 - (i) complete plan reviews and inspections respecting buildings that are:
 - (A) within the scope of Part 9 of the NBC; or
 - (B) within the scope of Part 9 of the NBC and that are constructed in accordance with the requirements of the NECB;
 - (ii) take any action that a building official is authorized by the Act to take respecting buildings that are:
 - (A) within the scope of Part 9 of the NBC; or
 - (B) within the scope of Part 9 of the NBC and that are constructed in accordance with the requirements of the NECB;

- (c) Building Official Class 3, which entitles the holder to:
 - (i) complete plan reviews and inspections respecting buildings that are within the scope of the Codes;
 - (ii) take any action that a building official is authorized by the Act to take respecting buildings that are within the scope of the Codes;
- (d) Building Official Temporary and Building Official Restricted, which entitle the holder to take any actions stipulated by the chief codes administrator in the licence, but no others.

10 Dec 2021 SR 124/2021 s19.

Qualifications of candidates

20(1) A person may be accepted as a candidate for a Building Official Class 1 licence if the person has completed a minimum of 2 years of full-time employment, or equivalent, in a related occupation and:

- (a) holds a diploma of technology in architecture, engineering, or a related program;
 - (b) holds a Journeyperson Certificate of Qualification in a designated trade, within the meaning of *The Apprenticeship and Trade Certification Act, 2019* and the regulations made pursuant to that Act, that, in the opinion of the chief codes administrator, is related to building construction;
 - (c) is an interior designer or is eligible for registration as an interior designer;
 - (d) is an engineer or is eligible for registration as an engineer;
 - (e) is an architect or is eligible for registration as an architect; or
 - (f) has completed a training course regarding building codes and inspections that is acceptable to the chief codes administrator.
- (2) Notwithstanding subsection (1), the chief codes administrator may accept a candidate for a Building Official Class 1 licence who does not meet the requirements of subsection (1) if the chief codes administrator is satisfied, on the basis of an application submitted in writing, that the candidate has qualifications equivalent to those set out in subsection (1).
- (3) Subject to subsection (4), no person shall be accepted as a candidate for:
- (a) a Building Official Class 2 licence without first obtaining a Building Official Class 1 licence; or
 - (b) a Building Official Class 3 licence without first obtaining a Building Official Class 2 licence.
- (4) A person who holds a temporary or restricted licence in a lower licence classification is not eligible to hold a higher licence classification without first obtaining a non-temporary or non-restricted licence in the lower licence classification.

10 Dec 2021 SR 124/2021 s20.

Building official examinations

21(1) All examinations for building official licences must consist of questions related to the Act, regulations and provisions of the Codes that are appropriate to the class of licence that the exam is focused on.

(2) Subject to subsection (3), every examination must be a written examination.

(3) The chief codes administrator may approve reasonable accommodations for any individual taking any exam mentioned in subsection (1) if that individual provides evidence acceptable to the chief codes administrator of the need for an accommodation.

(4) Subject to subsection (5), a candidate for an examination must pay the appropriate fee set out in Table 1 of Part 3 of the Appendix.

(5) On the recommendation of the chief codes administrator, the ministry may arrange for examinations to be prepared, scheduled, held, marked and otherwise administered by an educational or other institution acceptable to the ministry, in lieu of having examinations administered by the ministry.

(6) If an educational or other institution administers examinations pursuant to subsection (5), no examination or re-marking fee is payable to the ministry, but the candidate is liable to pay any fee charged by the educational or other institution.

(7) To qualify for a licence, a candidate must receive not less than 80% of the total marks allotted for an examination.

(8) An examination may be re-marked if the candidate requests a re-marking and subject to subsection (6), pays the appropriate fee set out in Table 1 of Part 3 of the Appendix.

(9) Notwithstanding subsection (1), the chief codes administrator may accept successful completion of a course acceptable to the chief codes administrator as being equivalent to successful completion of an examination pursuant to these regulations.

10 Dec 2021 SR 124/2021 s21.

Application for a licence

22(1) Subject to sections 23 and 24, a person who wishes to obtain a licence shall:

- (a) apply to the chief codes administrator on a form supplied by the ministry;
- (b) provide any evidence of qualification for candidacy requested by the chief codes administrator, including information regarding education, training and employment required pursuant to section 20;
- (c) provide evidence of having passed the appropriate examination mentioned in section 21; and
- (d) pay the appropriate fee set out in Table 1 of Part 3 of the Appendix based on the number of years or the period for which the applicant is applying to have the licence issued.

(2) An applicant may apply for a licence, other than a Building Official Temporary licence or Building Official Restricted licence, for a period of 1 or 5 years.

10 Dec 2021 SR 124/2021 s22.

Issuance of a licence – Saskatchewan resident

23 The chief codes administrator may issue a licence of an appropriate class to a candidate who is a Saskatchewan resident and establishes to the satisfaction of the chief codes administrator that the candidate has met the competencies and requirements for licensing pursuant to these regulations.

10 Dec 2021 SR 124/2021 s23.

Issuance of a licence – non-Saskatchewan resident

24(1) Notwithstanding section 20, the chief codes administrator may issue a licence of the appropriate class to a person who is a resident in another province or territory of Canada and who has not otherwise met the competencies and requirements for licensing pursuant to these regulations if the person produces evidence to the chief codes administrator that the person:

- (a) possesses a licence, certification or accreditation from another province or territory of Canada that is equivalent to a licence issued pursuant to these regulations and that is currently in good standing;
 - (b) demonstrates to the satisfaction of the chief codes administrator a sufficient knowledge of the Act and the regulations, including those provisions of the Codes that are amended in Part 1 of the Appendix;
 - (c) is not subject to any sanctions or restrictions in another province or territory of Canada in relation to that person's licence; and
 - (d) has paid the appropriate fee set out in Table 1 of Part 3 of the Appendix.
- (2) The chief codes administrator may issue a temporary licence pursuant to section 25 to a resident of another province or territory of Canada who lacks sufficient knowledge of the Act or the regulations with the condition that the person completes additional training acceptable to the chief codes administrator with respect to the Act or the regulations.

10 Dec 2021 SR 124/2021 s24.

Issuance of a licence – temporary or restricted

25(1) Notwithstanding sections 23 and 24 but subject to subsections (2) to (4), the chief codes administrator may issue a Building Official Temporary licence or Building Official Restricted licence to a person who:

- (a) does not fully meet the competencies and requirements mentioned in section 20;
- (b) agrees to practise in accordance with the conditions or restrictions specified on the Building Official Temporary licence or the Building Official Restricted licence; and
- (c) has paid the appropriate fee set out in Table 1 of Part 3 of the Appendix.

(2) The chief codes administrator may issue a Building Official Temporary licence or Building Official Restricted licence if the chief codes administrator is satisfied that the circumstances mentioned in subsection (1) are met and that it is appropriate to do so.

(3) A Building Official Temporary licence may be issued for a period of not more than 1 year and may be renewed only once in accordance with these regulations.

(4) A Building Official Restricted licence may be issued for a period of not more than 5 years and may not be renewed.

10 Dec 2021 SR 124/2021 s25.

Refusal to issue a licence

26(1) The chief codes administrator may refuse to issue a licence to any candidate who:

- (a) has submitted an incomplete written application;
 - (b) made any false or misleading statement in an application or in presenting evidence of qualifications;
 - (c) has failed to pay the appropriate fee within the period set by the chief codes administrator;
 - (c.1) cheated on an examination or removed from the examination room any question or copy of a question given in an examination;
 - (d) has failed to provide sufficient evidence of qualifications or of having passed the appropriate examination in the period set by the chief codes administrator; or
 - (e) the chief codes administrator believes, on reasonable grounds, is not qualified to be a building official.
- (2) If the chief codes administrator refuses to issue a licence pursuant to clause (1)(b), (c.1) or (e), the chief codes administrator may also disqualify the candidate from holding or applying for a licence for a period of 1 year from the date of disqualification.
- (3) If the chief codes administrator refuses to issue a licence, the chief codes administrator must provide the candidate:
- (a) notice in writing as to the reasons for the refusal to issue a licence; and
 - (b) the opportunity to make written representations to the chief codes administrator within 30 calendar days after the date of the notice mentioned in clause (a).
- (4) After considering any written representations received pursuant to clause (3)(b), the chief codes administrator shall:
- (a) confirm the chief codes administrator's decision; or
 - (b) vary the chief codes administrator's decision.
- (5) The chief codes administrator shall give the candidate written notice of the decision, including reasons for the decision, within 10 business days after the written representation are received.

(6) Subject to subsection (7), the chief codes administrator may refund all or a portion of any licence fee paid pursuant to clause 22(1)(d), 24(1)(d) or 25(1)(c) if the chief codes administrator has refused to issue a licence and if the chief codes administrator considers it appropriate to do so.

(7) The chief codes administrator shall not refund a licence fee if:

- (a) a licence is refused pursuant to clause (1)(b); and
- (b) in the opinion of the chief codes administrator, the actions that resulted in the licence refusal were intentional or deliberate.

10 Dec 2021 SR 124/2021 s26; 8 Dec 2023 SR 117/2023 s12.

Licence expiry, extension and renewal

27(1) A licence expires on the date set out on the licence, unless it is renewed or extended in accordance with this section.

(2) Subject to subsection (3), the chief codes administrator may extend the period for which a licence is valid if a licence holder applies in writing to the chief codes administrator for an extension and is able to demonstrate to the satisfaction of the chief codes administrator that:

- (a) the licence holder was unable to practise as a building official because the licence holder was on an employment leave pursuant to *The Saskatchewan Employment Act*;
- (b) exceptional circumstances beyond the licence holder's control prevented the completion of any training required by the chief codes administrator for the renewal of a licence; or
- (c) an extension is warranted for any reason the chief codes administrator considers acceptable.

(3) An extension of a building official's licence pursuant to subsection (2) may not exceed the shorter of the following periods:

- (a) the length of time the building official is unable to practise as a building official;
- (b) 24 months.

(4) A licence holder may apply to renew a licence, other than a Building Official Temporary licence or Building Official Restricted licence, for a period of 1 or 5 years.

(5) Any person who wishes to renew a licence must:

- (a) apply in writing to the chief codes administrator on a form supplied by the chief codes administrator at least 15 days before the licence expires;
- (b) provide evidence of qualification for renewal as required pursuant to subsection (7); and
- (c) pay the appropriate fee set out in Table 1 of Part 3 of the Appendix based on the number of years or the period for which the licence holder is applying to have the licence renewed.

(6) If any false or misleading statement is made in an application or in evidence of qualification mentioned in clause (5)(a) or (b), the chief codes administrator may reject the application and disqualify the licence holder from applying for a building official licence for a period of up to 1 year from the date of disqualification.

(7) To qualify for renewal of a licence, the licence holder must hold a valid licence and provide evidence acceptable to the chief codes administrator that the licence holder has, during the period of the licence that is to be renewed:

- (a) completed any training required by the chief codes administrator;
- (b) completed related training courses acceptable to the chief codes administrator;
- (c) demonstrated to the satisfaction of the chief codes administrator a sufficient knowledge of the Codes, including those provisions of the Code that are amended in Part 1 of the Appendix;
- (d) attended information sessions acceptable to the chief codes administrator with respect to new editions of the Codes or changes to the Codes;
- (e) been a member of a Codes development committee acceptable to the chief codes administrator; or
- (f) participated in other related activities that are acceptable to the chief codes administrator.

(8) The chief codes administrator may require an applicant for renewal or extension of a licence to attend any education or training sessions acceptable to the chief codes administrator before a licence is renewed or extended.

10 Dec 2021 SR 124/2021 s27.

Suspending, revoking or changing class of licence

28(1) Subject to subsections (3) and (4), the chief codes administrator may suspend or revoke a licence, or change the class of a licence held by a building official to a lower class of licence previously held in good standing by the licence holder, if the chief codes administrator is satisfied that the licence holder:

- (a) made any false or misleading statement in an application or in presenting evidence of qualifications;
- (b) cheated on an examination or removed from the examination room any question or copy of a question given in an examination;
- (c) undertook to complete or completed actions outside of the authorized scope of the licence holder's licence;
- (c.1) performed building official services in a local authority in which the building official is not appointed;
- (d) has been convicted of an offence that the chief codes administrator reasonably believes prevents the building official from performing the duties of a building official;
- (e) performed any other action in connection with activities performed under the licence that, in the opinion of the chief codes administrator, is negligent or malicious;

- (f) has failed to pay an administrative penalty issued pursuant to section 11 of the Act within the period set by the chief codes administrator;
 - (g) has failed to comply with a discipline order issued pursuant to section 14 of the Act;
 - (h) has failed to pay a licence fee within the period set by the chief codes administrator;
 - (i) contravened any condition attached to the licence holder's licence;
 - (j) conducted plan reviews or an inspection of a building in which the licence holder has a financial interest without receiving prior written approval from the applicable local authority;
 - (k) lacks the capacity to provide building official services; or
 - (l) has engaged in any other activities or has done or failed to do any other thing that, in the opinion of the chief codes administrator, makes it in the public interest to suspend or revoke a licence or change the class of licence.
- (2) Notwithstanding subsection (1), the chief codes administrator may suspend or revoke a licence, or change the class of a licence held by a building official to a lower class of licence previously held in good standing by the licence holder in any other circumstances if, in the opinion of the chief codes administrator, it is in the public interest to do so.
- (3) Subject to subsection (7), the chief codes administrator shall not suspend or revoke a licence, or change the class of licence, until:
- (a) the licence holder has been notified in writing of the chief codes administrator's intention to suspend, revoke or change the class of the licence;
 - (b) the licence holder has been given the opportunity to make written representations to the chief codes administrator with respect to the suspension, revocation or change; and
 - (c) 30 calendar days have elapsed from the date of service of the notice issued pursuant to clause (a).
- (4) After considering any written representations received pursuant to clause (3)(b), the chief codes administrator shall:
- (a) confirm the chief codes administrator's decision; or
 - (b) vary the chief codes administrator's decision.
- (5) The chief codes administrator shall give the licence holder written notice of the decision, including reasons for the decision, within 10 business days after the written representations are received.
- (6) A notice issued pursuant to clause (3)(a) is deemed to have been served on the fifth day after it is mailed.
- (7) Notwithstanding subsections (1) and (3), the chief codes administrator may immediately revoke any licence issued in error and notify the licence holder within 5 days after the revocation.

Powers of a building official

29(1) No building official shall use the powers of a building official mentioned in section 24 of the Act to enforce bylaws other than those passed in accordance with the Act.

(2) No building official shall undertake an inspection or issue an order with respect to matters prescribed in *The Plumbing Code Regulations* unless the building official is authorized to provide plumbing inspection services by the local authority responsible for plumbing inspections in that area.

(3) No building official shall provide building official services in a local authority in which the building official is not appointed.

(4) No building official shall provide building official services that are:

- (a) outside the scope of that building official's class of licence;
- (b) within a list of restrictions noted on that building official's licence; or
- (c) not in compliance with any conditions listed on that building official's licence.

10 Dec 2021 SR 124/2021 s29; 8 Dec 2023 SR 117/2023 s14.

Local authority and building official

30(1) With respect to a building that is, or will be, under the jurisdiction of a local authority or building official, as the case may be, no local authority or building official shall:

- (a) assist in the laying out of any work;
- (b) assist in any construction work; or
- (c) act in the capacity of an engineering or architectural consultant.

(2) Notwithstanding subsection (1), a local authority or building official may answer questions that are relevant to the Codes to the extent that is reasonably necessary for the administration of these regulations.

(3) Subject to subsection (4), no building official appointed by a local authority shall conduct a plan review or perform a building inspection on behalf of that local authority with respect to any building in the local authority's jurisdiction in which the building official has a financial interest.

(4) A building official appointed by a local authority may conduct a plan review or perform a building inspection on behalf of that local authority with respect to a building in the local authority's jurisdiction in which the building official has a financial interest with prior written permission from the local authority.

10 Dec 2021 SR 124/2021 s30.

PART 6
Advisory Committees

Chief codes administrator advisory committee

31(1) The chief codes administrator may establish advisory committees to:

- (a) assist in the development and revision of a program for the licensing of building officials by:
 - (i) providing guidelines for the evaluation of candidates' experience and training;
 - (ii) assisting in the assessment of a candidate's past experience and training;
 - (iii) assisting in the development and revision of examinations;
 - (iv) assisting in the assessment of a candidate's activities to support renewal of a licence;
 - (v) assisting in the assessment of educational institutions for the purposes of section 21;
 - (b) assist in the development of an advisory, guide, manual, publication or recommendation issued by the ministry;
 - (c) make recommendations respecting amendments to any regulations pursuant to the Act; and
 - (d) make recommendations respecting any matter relating to the administration of any regulations pursuant to the Act.
- (2) The advisory committees established pursuant to subsection (1) may include any persons considered necessary by the chief codes administrator.
- (3) A representative of the ministry must be the chairperson of any advisory committee formed pursuant to subsection (1).

10 Dec 2021 SR 124/2021 s31.

PART 7
Appeal Board

Membership

32(1) The appeal board may include the following members:

- (a) one member who represents persons with disabilities;
- (b) one member who represents building officials;
- (c) two members who each represent one of the following groups:
 - (i) engineers;
 - (ii) architects;
 - (iii) interior designers;

- (iv) architect technologists;
 - (v) drafting technologists;
 - (vi) applied science technologists and technicians;
 - (d) two members who each represent one of the following groups:
 - (i) cities;
 - (ii) local authorities;
 - (iii) administrators;
 - (iv) municipal associations;
 - (e) one member who represents home builder associations, construction associations or construction safety associations;
 - (f) three qualified persons appointed by the minister.
- (2) For the purposes of subsection 27(3) of the Act, to be eligible for appointment to the appeal board, a person must, in the opinion of the Lieutenant Governor in Council, possess the following qualifications:
- (a) an ability to analyse issues, impartially consider arguments and render decisions regarding appeals and applications to the appeal board;
 - (b) good communication and interpersonal skills;
 - (c) a familiarity with the appeal board's jurisdiction and the role of the appeal board; and
 - (d) technical or substantive knowledge and experience that will assist the board in determining matters within its jurisdiction.
- (3) Subject to subsection (4), no member of the board who has an interest in any matter before the appeal board, whether directly or indirectly or as a financial interest, shall participate in an appeal pursuant to section 31 of the Act or an application to the appeal board pursuant to section 32 or 33 of the Act.
- (4) The chairperson of the appeal board may make a decision as to whether any member of the appeal board has a financial interest or other interest for the purposes of subsection (3), and the decision of the chairperson is binding and conclusive on the person.
- (5) If, in the opinion of the chairperson of the appeal board, a member of the appeal board acts in contravention of subsection (3):
- (a) that person's membership on the appeal board is immediately terminated and that person is not eligible for reappointment to the appeal board; and
 - (b) a decision of the appeal board in which the member participated in contravention of subsection (3) is not automatically invalidated, but the appeal board shall review the decision and may, within 3 months after the date of the decision, declare the decision to be void.

(6) If, in the opinion of the vice-chairperson of the appeal board, the chairperson of the appeal board acts in contravention of subsection (3):

- (a) that chairperson's membership on the appeal board is immediately terminated and that person is not eligible for reappointment to the appeal board; and
- (b) a decision of the appeal board in which the chairperson participated in contravention of subsection (3) is not automatically invalidated, but the appeal board shall review the decision and may, within 3 months after the date of the decision, declare the decision to be void.

10 Dec 2021 SR 124/2021 s32.

Appeal board deposits

33(1) The deposit amounts payable to the ministry are set out in Table 1 of Part 3 of the Appendix for:

- (a) an appeal of a building official order pursuant to clause 31(1)(b) of the Act;
 - (b) an interpretation of a provision of a Construction Code pursuant to clause 32(1)(b) of the Act; or
 - (c) an exemption from construction standards pursuant to clause 33(1)(b) of the Act.
- (2) Subject to subsections (4) and (5.1), if the deposit required pursuant to clause (1)(a) is not paid within the period required by subsection 31(1) of the Act, the appeal is deemed to be dismissed and any further right of appeal is extinguished.
- (3) Subject to subsection (4), the appeal board shall not hear an application pursuant to section 32 or 33 of the Act before the applicant provides the deposit required pursuant to clause (1)(b) or (1)(c), as the case may be.
- (4) Subject to subsections (5) and (6), the chief codes administrator may waive any deposit mentioned in this section as part of an application to the appeal board if an applicant is able to demonstrate to the chief codes administrator's satisfaction that the applicant is unable to pay a deposit as a result of exceptional or unusual events or circumstances affecting the applicant.
- (5) The chief codes administrator may require an applicant to provide, within the period required by the chief codes administrator, evidence that is reasonably required in the circumstances to demonstrate to the satisfaction of the chief codes administrator that the applicant is unable to pay a deposit.
- (5.1) The chief codes administrator may extend the period required by subsection 31(1) of the Act for payment of the deposit required pursuant to clause (1)(a) if the chief codes administrator considers it appropriate to do so.
- (6) If an applicant fails to provide evidence at the request of the chief codes administrator in accordance with subsection (5), the chief codes administrator may refuse to waive the deposit for the applicant.

(7) The chief codes administrator may cancel a waiver of a deposit granted pursuant to subsection (4) if the chief codes administrator determines that:

- (a) the evidence provided by the applicant in support of the applicant's application for a waiver of a deposit was incorrect with respect to a requirement affecting the applicant's eligibility for a waiver;
- (b) the waiver was given in error; or
- (c) there has been any other material change in circumstances that, in the opinion of the chief codes administrator, causes the applicant to no longer meet the requirements of subsection (4).

(8) As part of its decision, the appeal board may authorize a refund of the deposit paid pursuant to clause (1)(a), or portion of it, if the appeal board considers it appropriate to do so.

10 Dec 2021 SR 124/2021 s33; 8 Dec 2023 SR 117/2023 s15.

Failure to appear

34(1) If notice is given of a hearing pursuant to section 31, 32 or 33 of the Act and a party other than the applicant fails to attend that hearing, the appeal board may hear and decide the matter in the absence of that party.

(2) If notice is given of a hearing pursuant to section 31, 32 or 33 of the Act and an applicant fails to attend that hearing, the appeal board may dismiss the matter without conducting a hearing.

10 Dec 2021 SR 124/2021 s34.

Publication of appeal board decisions

35(1) Subject to subsection (2), a summary of all appeal board decisions may be published in any manner the minister considers appropriate, including by publishing them on the ministry's website.

(2) Subject to subsection (3), any information that is, in the opinion of the chief codes administrator, third party identifying information must be severed before the summary of the appeal board's decision is published.

(3) A summary of an appeal board's decision may be withheld from publication if the chief codes administrator reasonably believes that third party identifying information cannot be severed from the decision.

10 Dec 2021 SR 124/2021 s35.

PART 8
Service of Documents

Service of documents

36(1) For the purposes of clause 44(1)(f) of the Act, any notice, order or other document that is required to be served pursuant to the Act or these regulations may be served by email if:

- (a) requested by the person;
 - (b) an email address has been provided by the person; and
 - (c) the person has consented in writing to receive the items by email.
- (2) If a notice, order or other document is served by email pursuant to subsection (1), the sender is responsible for ensuring the original document is available for inspection at a later date, if requested by the recipient.
- (3) Notwithstanding subsection (1), the following documents may be served by email but must also be served by one other method authorized pursuant to clauses 44(1)(a) to (e) of the Act:
- (a) an administrative penalty;
 - (b) a discipline order;
 - (c) an order with respect to unsafe conditions pursuant to subsection 25(5) of the Act;
 - (d) the revocation of a permit pursuant to section 11 of these regulations.
- (4) If documents are served by email:
- (a) any documents attached to the email must be in a portable document format or commonly recognized file format accessible by the recipient; and
 - (b) the body of the email must include:
 - (i) the intended recipient's name;
 - (ii) the sender's name, address, telephone number and email address;
 - (iii) the date and time that the email is sent; and
 - (iv) the name and phone number of an individual to call in the event of any technical problem with the email or attachments.
- (5) For the purposes of subsection 44(3) of the Act, a notice, order or other document sent by email pursuant to this section is deemed to be received on the next business day after it was sent.
- (6) All emails sent or received by a local authority or a building official pursuant to this section are records, as defined by *The Local Authority Freedom of Information and Protection of Privacy Act*, and are subject to the requirements of that Act.

PART 9 Accessibility Standards

Definitions for Part

37(1) In this Part:

“building area” means the greatest horizontal area of a building above grade within the outside surface of exterior walls;

“barrier-free”, with respect to a building, a building area or a facility in a building, means that a person with a disability is able, without assistance, to approach, enter, pass to and from and make use of the building, building area or facility, as the case may be.

(2) Notwithstanding any other provision of this Part:

- (a) a building;
- (b) a building area; or
- (c) a facility in a building;

that, in the opinion of the appropriate local authority, is barrier-free is deemed to comply with the accessibility standards.

10 Dec 2021 SR 124/2021 s37.

Application of Part

38(1) Subject to subsection (2), the owner of each building in Saskatchewan shall ensure that the building meets the accessibility standards.

(2) The accessibility standards do not apply to:

- (a) a building on which construction was commenced or completed before June 6, 1988, but the accessibility standards do apply to an alteration, renovation or change of occupancy of that building;
- (b) a building for which a permit was issued before June 6, 1988, but the accessibility standards do apply to an alteration, renovation or change of occupancy of that building;
- (c) a farm building;
- (d) any building or class of buildings that is exempted from the application of this Part by these regulations.

10 Dec 2021 SR 124/2021 s38.

Major occupancy change

39 The owner of the existing building shall ensure that the existing building is made barrier-free in conformance with the NBC if there is a change in the major occupancy of an existing building that:

- (a) has a building area in excess of 600 m²; and
- (b) is not barrier-free.

10 Dec 2021 SR 124/2021 s39.

Alterations and renovations

40 If an existing building or part of an existing building that is barrier-free is altered or renovated, the owner of the existing building or part of the existing building shall ensure that:

- (a) the existing building or part of the existing building remains barrier-free; and
- (b) the alterations or renovations are made barrier-free in compliance with the NBC.

10 Dec 2021 SR 124/2021 s40.

Additions

41(1) Subject to subsection (2), if an addition is made to an existing building, the owner shall ensure that the following are barrier-free in conformance with the NBC:

- (a) the addition;
 - (b) the existing building, if the addition has internal pedestrian connections with the existing building.
- (2) Subsection (1) does not apply to an existing building:
- (a) that is not barrier-free; and
 - (b) to which an addition is being made, if the addition is:
 - (i) a vertical addition to a building that has 600 m² or less of building area and the addition is one storey that has 600 m² or less of floor area;
 - (ii) a horizontal or vertical addition that is to be used as:
 - (A) an apartment building, boarding house, dormitory, convent, lodging house or monastery;
 - (B) a shop, store or supermarket with a total retail floor space of less than 50 m²; or
 - (C) a subsidiary occupancy to an existing building that has a major occupancy described in paragraph (A) or (B); or
 - (iii) a horizontal addition where the resulting total building area would be 600 m² or less.
- (3) Unless a barrier-free path of travel is provided to an addition required by these regulations to be barrier-free from a barrier-free entrance to the existing building, the owner shall ensure that a barrier-free entrance that conforms to the NBC is provided to the addition.
- (4) If an existing building has a residential occupancy and an addition to the existing building is made to provide more residential suites:
- (a) the number of suites that are required to be barrier-free pursuant to the NBC is to be based on the sum of suites in the existing building and the addition; and

- (b) the suites that are required to be barrier-free may be located in the existing building, the addition or both.
- (5) If an addition governed by this section is made to an existing building, the owner of the existing building shall ensure that facilities that are located in the building and that are necessary to enable full use of the addition are barrier-free.

10 Dec 2021 SR 124/2021 s41.

Certain facilities exempt

42 Notwithstanding any other provision of these regulations, a facility in a building is not required to comply with this Part if the facility:

- (a) existed before June 6, 1988; and
- (b) complied with:
 - (i) *The Accessibility Standards Regulations* and *The Building Standards Regulations*; or
 - (ii) *The Uniform Building and Accessibility Standards Regulations*, as those regulations existed on the day before these regulations come into force.

10 Dec 2021 SR 124/2021 s42.

PART 10

Repeal and Coming into Force

RRS c U-1.2 Reg 5 and U-1.2 Reg 6 repealed

- 43(1)** *The Uniform Building and Accessibility Standards Regulations* are repealed.
- (2) *The Building and Accessibility Standards Administration Regulations* are repealed.

10 Dec 2021 SR 124/2021 s43.

Coming into force

- 44(1)** Subject to subsection (2), these regulations come into force on the day on which section 1 of *The Construction Codes Act* comes into force.
- (2) If these regulations are filed with the Registrar of Regulations after the date on which section 1 of *The Construction Codes Act* comes into force, these regulations come into force on the day on which they are filed with the Registrar of Regulations.

10 Dec 2021 SR 124/2021 s44.

Appendix

Part 1

Amendments to the National Building Code of Canada 2020

1 The National Building Code of Canada 2020 is amended in the manner set forth in this Part.

2 Sentence 1.3.3.3.(1) of Division A is repealed and the following substituted:

“1.3.3.3. Application of Part 9

1) Part 9 of Division B applies to all *buildings* described in Article 1.1.1.1. of 3 storeys or less in *building height*, having a *building area* not exceeding 600 m², and used for *major occupancies* classified as:

- a) Group C, *residential occupancies* (see Note A-9.1.1.1.(1) of Division B),
- b) Group D, *business and personal services occupancies*,
- c) Group E, *mercantile occupancies*, or
- d) Group F, Divisions 2 and 3, *medium-and low-hazard industrial occupancies*”.

3 Article 1.4.1.2. of Division A is amended:

(a) by adding the following definition after the definition of *Alteration*:

“*Alternative family care home* means a dwelling unit used as a single housekeeping unit where care is provided to the residents,

- that provides sleeping accommodation for not more than 10 occupants, and
- that is in a *building* where:
- the occupancy of the *building* is either *residential occupancy* or *care occupancy*, and
- there is not more than one other dwelling unit (See Note A-1.4.1.2.(1))”;

(b) by adding the following definition after the definition of *Caisson*:

“*Capable of self-preservation* means that a person is capable of recognizing and responding to an emergency given that person’s physical, cognitive and behavioural abilities, and is able to arise and walk, or transfer from a bed or chair to a means of mobility, and leave the building or move to a safe location on that person’s own without the assistance of another person”;

(c) by repealing the definition of *Care occupancy* (Group B, Division 3) and substituting the following:

“*Care occupancy* (Group B, Division 3) means the *occupancy* or use of a *building* or part thereof, where care is provided to residents. (See Note A-1.4.1.2.(1).)”;

(d) by repealing the definition of *Home-type care occupancy* (Group B, Division 4); and

(e) by repealing the definition of *Major occupancy* and substituting the following:

“*Major occupancy* means the principal *occupancy* for which a *building* or part thereof is used or intended to be used, and shall be deemed to include the subsidiary *occupancies* that are an integral part of the principal *occupancy*. The *major occupancy* classifications used in this Code are as follows:

- 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*
- G1 – *High-hazard agricultural occupancies*
- G2 – *Agricultural occupancies* not elsewhere classified in Group G
- G3 – *Greenhouse agricultural occupancies*
- G4 – *Agricultural occupancies with no human occupants*”.

4 Sentence A-1.4.1.2.(1) of the Notes to Part 1 of Division A is amended:

- (a) by inserting the following after the second paragraph of the definition of *Care Occupancy*:

“*Care occupancies* include occupancies within the following:

- the following buildings that are governed by *The Mental Health Services Act*:
 - an approved home
 - an approved facility providing care service without treatment
 - an in patient facility providing care service without treatment
- the following buildings that are governed by *The Personal Care Homes Act*:
 - a convalescent home
 - a hospice home
 - a personal care home
- buildings that are governed by *The Residential Services Act, 2019*;
- the following buildings that are governed by *The Youth Justice Administration Act, 2019*:
 - a custodial home
 - a place of open custody

- the following buildings that are governed by *The Youth Drug Detoxification and Stabilization Act*:
 - a detoxification home without treatment
 - a detoxification facility without treatment
- Any other home or other building similar to those mentioned above where care is provided”; and

(b) by repealing the note related to *Home-type care occupancy*.

5 Article 1.3.1.1. of Division B is repealed and the following is substituted:

“1.3.1.1. Effective Date

- 1) Except as provided in Sentences (2) and (3) or otherwise in this Code, the documents referenced in this Code shall include all amendments, revisions, reaffirmations, reapprovals, addenda and supplements effective to 15 July 2019.
- 2) All references to CSA B149.1 ‘Natural Gas and Propane Installation Code’ will be a reference to the latest edition adopted pursuant to *The Gas Inspection Regulations*.
- 3) All references to CSA C22.1 ‘Canadian Electrical Code, Part 1’ will be a reference to the latest edition adopted pursuant to *The Electrical Code Regulations*”.

6 The following entry is added to Table 1.3.1.2. of Division B where it would appear alpha-numerically:

“ULC Standard Method of Tests 3.4.6.16.(2) CAN/ULC-S132-16 (R2020) for Emergency Exit and Emergency Fire Exit Hardware”.

7 Article 3.1.2.5. of Division B is repealed and the following substituted:

“3.1.2.5. Alternative Family Care Homes

- 1) *Alternative family care homes* with 5 or fewer occupants-in-care and 10 or fewer total occupants are permitted to be classified as *residential occupancies* within the application of Part 9, but only if:
 - a) interconnected smoke alarms are installed in accordance with Article 9.10.19.3.,
 - b) carbon monoxide alarms are installed in accordance with Article 9.32.3.9., and
 - c) emergency lighting is provided in accordance with Article 9.9.12.3.
- 2) *Alternative family care homes* with 6 or more occupants-in-care and 10 or fewer total occupants are permitted to be classified as *residential occupancies* within the application of Part 3, but only if:
 - a) interconnected smoke alarms are installed in accordance with Article 3.2.4.20.,
 - b) carbon monoxide alarms are installed in accordance with Article 6.9.3.1.,
 - c) emergency lighting is provided in accordance with Subsection 3.2.7, and
 - d) either:
 - i) the occupants are capable of self-preservation, or
 - ii) the *building* is sprinklered throughout”.

8 Article 3.2.4.20. of Division B is repealed and the following substituted:

- “1) Except as provided in Article 3.2.4.21., *smoke alarms* shall be installed in accordance with this Article.
- 2) Except as required by Sentence (5) and permitted by Sentence (10), *smoke alarms* conforming to CAN/ULC-S531, ‘Standard for Smoke Alarms,’ shall be installed in each dwelling unit and, except for *care, treatment or detention occupancies* required to have a fire alarm system, in each sleeping room not within a *dwelling unit, child care centre or suite of care occupancy*.
- 3) At least one *smoke alarm* shall be installed on each *storey* of a *dwelling unit, child care centre or suite of care occupancy*.
- 4) On any *storey* of a *dwelling unit* containing sleeping rooms or a *child care centre* containing sleeping rooms, a *smoke alarm* shall be installed
- a) in each sleeping room, and
 - b) in a location between the sleeping rooms and the remainder of the storey, and if the sleeping rooms are served by a hallway, the smoke alarm shall be located in the hallway.
- 5) Where a *care occupancy* has individual *suites* for residents, a *smoke alarm* shall be installed
- a) in each sleeping room, and
 - b) in a location between the sleeping rooms and the remainder of the *suite*, and if the sleeping rooms are served by a corridor within the *suite*, the *smoke alarm* shall be located in the corridor.
- 6) A *smoke alarm* shall be installed on or near the ceiling.
- 7) In hotels and motels with a fire alarm system, *smoke alarms* installed in rooms required to have a visible signal device connected to the fire alarm system as specified in Clause 3.2.4.19.(1)(g) shall have a visible signal component installed in accordance with CAN/ULC-S524, ‘Standard for Installation of Fire Alarm Systems.’
- 8) In hotels and motels without a fire alarm system, *smoke alarms* installed in sleeping rooms of not less than 10% of the *suites of residential occupancy* shall have a visible signal component installed in accordance with CAN/ULC-S524, ‘Standard for Installation of Fire Alarm Systems.’ (See also Note A-3.2.4.19.(1)(g).)
- 9) Except as permitted in Sentence (10), smoke alarms referred to in Sentence (2) shall
- a) be installed with permanent connections to an electrical circuit (see Note A-3.2.4.20.(9)(a)),
 - b) have no disconnect switch between the overcurrent device and the *smoke alarm*, and
 - c) except for the visible signal component required in Sentences (7) and (8), in case the regular power supply to the *smoke alarm* is interrupted, be provided with a battery as an alternative power source that can continue to provide power to the *smoke alarm* for a period of no less than 7 days in the normal condition, followed by 4 minutes of alarm.

10) *Suites of residential occupancy* are permitted to be equipped with *smoke detectors* in lieu of *smoke alarms*, provided the *smoke detectors*

- a) are capable of independently sounding audible signals with a sound pressure level between 75 dBA and 110 dBA within the individual *suites* (see also Note A-3.2.4.18.(4)),
- b) except as permitted in Sentence (11), are installed in conformance with CAN/ULC-S524, 'Standard for Installation of Fire Alarm Systems,' and
- c) form part of the fire alarm system. (See Note A-3.2.4.20.(10).)''.

9 Sentence 3.2.5.12.(2) of Division B is repealed and the following substituted:

“(2) Instead of the requirements of Sentence (1), NFPA 13R, 'Installation of Sprinkler Systems in Low-Rise Residential Occupancies,' is permitted to be used for the design, construction and installation of an automatic sprinkler system installed

- a) in a building of residential occupancy throughout that
 - i) is not more than 4 storeys in building height and conforms to Articles 3.2.2.47., 3.2.2.49., 3.2.2.51., 3.2.2.52., or 3.2.2.55., or
 - ii) is not more than 3 storeys in building height and conforms to Article 9.10.1.3., or
- b) in a building of care occupancy provided
 - i) it contains not more than 2 *suites of care occupancy*,
 - ii) it has not more than 10 occupants in each *suite*, and
 - iii) is not more than 3 storeys in building height and conforms to Articles 3.2.2.42. to 3.2.2.46.(See Note A-3.2.5.12(2).)''.

10 Sentence 3.2.5.12.(3) of Division B is repealed and the following substituted:

“(3) Instead of the requirements of Sentence (1), NFPA 13D, 'Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes,' is permitted to be used for the design, construction and installation of an automatic sprinkler system installed:

- a) in a *building of residential occupancy* throughout that contains not more than 2 *dwelling units*;
- b) in a building of *care occupancy*, provided:
 - i) it contains not more than 1 *suite of care occupancy*, it has not more than 10 occupants and a 30-minute water supply demand can be met; or
 - ii) it contains not more than 2 *suites of care occupancy*, it has not more than 5 occupants in each *suite* and a 30-minute water supply demand can be met; or
- c) in a *building of residential occupancy* throughout that contains more than two dwelling units, provided:
 - (i) except for a secondary *suite*, no *dwelling unit* is located above another dwelling unit;

- (ii) all *suites* are separated by a vertical *fire separation* having a *fire-resistance rating* of not less than 1 h that provides continuous protection from the top of the footing to the underside of the roof deck, with any space between the top of the wall and the roof deck tightly filled with mineral wool or *noncombustible material*;
- (iii) each *dwelling unit* has its own sprinkler water supply provided in accordance with NFPA 13D, “Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes,”;
- (iv) a passive purge sprinkler system design is used as described in NFPA 13D, “Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes,”; and,
- (v) where the sprinkler system is taken into consideration for the reduction of *limiting distance*, all rooms, including closets, bathrooms and attached garages, that adjoin an *exposing building face* are sprinklered, notwithstanding any exemption stated in NFPA 13D, “Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes.” (See Note A-3.2.5.12.(2).)”.

11 Clause 3.2.7.9.(1)(b) of Division B is amended by adding the words “and the building is within the scope of Subsection 3.2.6.” after “supplied to the building”.

12 Sentence 3.3.2.7.(1) of Division B is amended by adding the words “locking or” before the word “latching” and by adding the words “lock or” before the word “latch”.

13 Sentence 3.4.6.16.(2) of Division B is amended by striking out the words “If a door is equipped with a latching mechanism, a device that will release the latch and allow the door to swing wide open” and replacing it with the words “If a door is equipped with a locking or latching mechanism, a device that complies with “CAN/ULC-S132-16 (R2020) ‘Standard Method of Tests for Emergency Exit and Emergency Fire Exit Hardware’ ” and that will release the lock or latch and allow the door to swing wide open”.

14 Sentence 3.4.6.16.(3) of Division B is amended by adding the words “lock or” before each occurrence of the word “latch”.

15 Sentence 3.5.4.1.(1) of Division B is amended by adding the words “that is more than three storeys in building height” after “If one or more elevators are provided in a building”.

16 Sentence 3.8.2.8.(3) of Division B is amended by adding the words “except as required by Article 3.8.2.13.” after “a *suite* of residential occupancy or a *suite* of *care occupancy*”.

17 The following Article is added after Article 3.8.2.12. of Division B:

“3.8.2.13. Residential Occupancies

(1) Notwithstanding Sentence 3.8.2.8.(3), in a building of residential occupancy, except where dwelling units are intended to be individually controlled by separate owners, at least the greater of:

- (a) one, or
- (b) 5%

of the *suites* required to be accessible shall be barrier-free in conformance with Article 3.8.3.23. (See Article 3.8.2.1. and Article 9.5.2.3.).

(2) For the purposes of sentence (1), the following table represents the minimum number of *suites* in a building which are required to be accessible.

Table To Calculate Required Accessible <i>Suites</i> Per Building (forming part of Sentence 3.8.2.13.(1))	
<i>Suites</i> In Building	Required Number of Accessible <i>Suites</i>
1-20	1
21-40	2
41-60	3
61-80	4
81-100	5
+1 for each additional increment of 20 <i>suites</i>	

18 The following Article is added after Article 3.8.3.22. of Division B:

“3.8.3.23. Residential Occupancies

(1) Except as provided in this Article, accessible *suites* within a residential occupancy shall conform to the applicable requirements of this Article.

(2) An accessible washroom shall conform with Article 3.8.3.13.

(3) An accessible bathtub shall conform with Article 3.8.3.18.

(4) An accessible shower shall conform with Sentence 3.8.3.17.(1).

(5) An accessible kitchen shall have:

(a) a clearance of not less than 1 700 mm between counters and all opposing base cabinets, countertops, appliances or walls, and

(b) a clear turning circle of not less than 1 700 mm in diameter below countertop height.

(6) An accessible sleeping room shall have a clear turning circle of not less than 1 700 mm in diameter on one side of the bed.

(7) An accessible balcony shall be barrier-free and shall conform to the design requirements of Sentence 3.3.1.7.(4).

(8) Kitchen sinks, laundry sinks and other types of sinks shall have controls in conformance with Clause 3.8.3.8(1)(b).

(9) An accessible door must conform with Article 3.8.3.6.

(10) A barrier-free path of travel within a *suite* must conform with Article 3.8.3.2.”.

19 Notes A-3.1.2.1.(1) Major Occupancy Classification is amended as follows:

(a) Group A, Division 2 is amended by adding “*Child care centres*” after “Bowling alleys”;

(b) Group C is amended by adding “*Child care homes*” after “Boarding houses”.

20 Article 6.9.3.1. of Division B is repealed and the following substituted:

“6.9.3.1. Carbon Monoxide Alarms

1) This Article applies to every *building* that contains a *residential occupancy*, a *care occupancy* with individual *suites*, a *care occupancy* containing sleeping rooms not within a *suite*, a *treatment occupancy*, a *detention occupancy* or a *child care centre*, and that also contains

- (a) a fuel-burning appliance, or
- (b) a storage garage.

2) Carbon monoxide (CO) alarms required by this Article shall

- (a) conform to ‘CAN/CSA 6.19, ‘Residential Carbon Monoxide Alarming Devices,’
- (b) be equipped with an integral alarm that satisfies the audibility requirements of CAN/CSA 6.19, ‘Residential Carbon Monoxide Alarming Devices,’
- (c) have no disconnect switch between the overcurrent device and the CO alarm, where the CO alarm is powered by the electrical system serving the *suite* (see Note A-6.9.3.1.(2)(c)), and
- (d) be mechanically fixed at a height above the floor as recommended by the manufacturer.

3) Where a fuel-burning appliance is installed in a *suite of residential occupancy*, a *suite of care occupancy*, a *treatment occupancy*, *detention occupancy*, or a *child care centre*, a CO alarm shall be installed

- (a) inside each bedroom, or
- (b) outside each bedroom, within 5 m of each bedroom door, measured following corridors and doorways.

4) Where a fuel-burning *appliance* is installed in a *service room* that is not in a *suite of residential occupancy*, a *suite of care occupancy*, a *treatment occupancy* or in a *detention occupancy*, a CO alarm shall be installed

- (a) either inside each bedroom, or if outside, within 5 m of each bedroom door, measured following corridors and doorways, in every *suite of residential occupancy* or *suite of care occupancy* or a *child care centre* that shares a wall or floor/ceiling assembly with the *service room*, and
- (b) in the service room.

(5) For each *suite of residential occupancy*, *suite of care occupancy*, *treatment occupancy*, *detention occupancy*, or a *child care centre* that shares a wall or floor/ceiling assembly with a *storage garage* or that is adjacent to an *attic* or crawl space to which the *storage garage* is also adjacent, a CO alarm shall be installed

- (a) inside each bedroom, or
- (b) outside each bedroom, within 5 m of each bedroom door, measured following corridors and doorways”.

21 The following Article is added after Article 8.1.1.3. of Division B:

“8.1.1.4. Occupational Health and Safety

(1) In the case of conflict between the provisions of this part and *The Occupational Health and Safety Regulations, 2020*, the provisions of *The Occupational Health and Safety Regulations, 2020* govern”.

22 Sentence 9.9.6.8.(1) of Division B is amended by adding the words “lock or” before the word “latch”.

23 Table 9.10.2.1. of Divisions B, Occupancy Classifications is repealed and the following substituted:

Group	Division	Description of <i>Major Occupancies</i> ⁽¹⁾
C	—	<i>Residential occupancies</i>
D	—	<i>Business and personal services occupancies</i>
E	—	<i>Mercantile occupancies</i>
F	2	<i>Medium-hazard industrial occupancies</i>
F	3	<i>Low-hazard industrial occupancies</i> (Does not include storage garages serving individual dwelling units)

Notes to Table 9.10.2.1.:

⁽¹⁾See note A-3.1.2.1.(1)”.

24 Article 9.10.2.2. of Division B is repealed and the following substituted:

“Article 9.10.2.2. Alternative Family Care Homes

1) *Alternative family care homes* are permitted to be classified as *residential occupancies* (Group C) provided the home conforms to Article 3.1.2.5.”.

25 Notes A-9-10.2.2. of Division B, Building Design and Staff on Duty is repealed.

26 Sentence 9.10.15.1.(1) of Division B is repealed and the following substituted:

“1) This Subsection applies to

- a) *buildings* that contain only *dwelling units* and have not more than one *dwelling unit* above another *dwelling unit*; and
- b) houses with a secondary *suite* including their common spaces.

(See Note A-9.10.15.1.(1).)”.

27 Sentence A 9.10.15.1.(1) of the Notes to Part 9 of Division B is repealed and replaced with the following:

“A 9.10.15.1.(1) Application of Subsection 9.10.15.

The buildings to which Subsection 9.10.15. applies include:

- traditional individual detached houses with or without a secondary *suite*,
- semi detached houses (doubles) where each house may contain a secondary *suite*,
- row houses, where any house may contain a secondary *suite* (see Sentence 9.10.11.2.(1)), and
- stacked dwelling units where one of them is a secondary *suite*.

Subsection 9.10.15. does not apply to stacked row houses or multiple unit residential buildings containing more than 4 total units including duplex units or secondary *suites*.”.

28 Notes to A-9.10.19 is repealed and the following substituted:

“For the purposes of applying Subsection 9.10.19 of Division B to *child care homes*, a *child care home* shall be considered a dwelling unit”.

29 Article 9.32.3.9. of Division B is repealed and the following substituted:

9.32.3.9. Carbon Monoxide Alarms (See Note A-9.32.3.9.)

1) This Article applies to every building that contains a *residential occupancy*, a *care occupancy* with individual *suites*, a *care occupancy* containing sleeping rooms not within a *suite*, an *alternative family care home*, or a *child care home*, and that also contains

- a) a fuel-burning appliance, or
- b) a storage garage.

2) Carbon monoxide (CO) alarms required by this Article shall

- a) conform to CAN/CSA 6.19 ‘Residential Carbon Monoxide Alarming Devices,’
- b) be equipped with an integral alarm that satisfies the audibility requirements of CAN/CSA 6.19 ‘Residential Carbon Monoxide Alarming Devices,’
- c) have no disconnect switch between the overcurrent device and the CO alarm, where the CO alarm is powered by the dwelling unit’s electrical system, and
- d) be mechanically fixed at a height recommended by the manufacturer.

3) Where a room contains a solid-fuel-burning appliance, a CO alarm conforming to CAN/CSA 6.19 ‘Residential Carbon Monoxide Alarming Devices’ shall be mechanically fixed

- a) at the manufacturer’s recommended height where these instructions specifically mention solid-fuel-burning appliances, or
- b) in the absence of specific instructions related to solid-fuel-burning appliances, on or near the ceiling.

4) Where a fuel-burning *appliance* is installed in a *suite of residential occupancy*, a *suite of care occupancy*, an *alternative family care home*, or a *child care home*, a CO alarm shall be installed

- a) inside each bedroom, or
- b) outside each bedroom, within 5 m of each bedroom door, measured following corridors and doorways.

5) Where a fuel-burning *appliance* is installed in a *service room* that is not in a *suite of residential occupancy*, a *suite of care occupancy* or an *alternative family care home*, or a *child care home*, a CO alarm shall be installed

- a) either inside each bedroom, or if outside, within 5 m of each bedroom door, measured following corridors and doorways, in every *suite of residential occupancy* or *suite of care occupancy* that shares a wall or floor/ceiling assembly with the *service room*, and
- b) in the *service room*.

6) For each *suite of residential occupancy*, a *suite of care occupancy*, an *alternative family care home* or a *child care home* that shares a wall or floor/ceiling assembly with a *storage garage* or that is adjacent to an *attic* or crawl space to which the *storage garage* is also adjacent, a CO alarm shall be installed

- a) inside each bedroom, or
- b) outside each bedroom, within 5 m of each bedroom door, measured following corridors and doorways.

7) Where CO alarms are installed in a house with a *secondary suite*, including their common spaces, the CO alarms shall be wired so that the activation of any one CO alarm causes all CO alarms within the house with a *secondary suite*, including their common spaces, to sound”.

30 Article 9.36.1.3. is repealed and the following substituted:

“1) Except as provided in Sentences (2) to (5), buildings shall comply with

- (a) the tiered performance requirements in Subsection 9.36.7. as follows
 - i) The Tier 2 requirements for climate zone 7A effective January 1, 2024, and
 - ii) The Tier 3 requirements for climate zone 7A effective January 1, 2025, or
- (b) the tiered prescriptive requirements in Subsection 9.36.8. as follows
 - i) The Tier 2 requirements for climate zone 7A effective January 1, 2024, and
 - ii) The Tier 3 requirements for climate zone 7A effective January 1, 2025.

(2) Subsection 9.36.7. applies only to

- a) houses with or without a *secondary suite*, and
- b) buildings containing only *dwelling units* and common spaces whose total *floor area does not* exceed 20% of the total *floor area* of the building. (See Note A-9.36.1.3.(3).)

- 31** Table A-9.36.1.3. Energy Efficiency Compliance Options for Part 9 Buildings is repealed and the following substituted:

Part 2
Model Building Bylaw (title for reference purposes only)
LOCAL AUTHORITY

(Name and ID Number)

BYLAW NO, _____

Pursuant to section 18 of the Act, this building bylaw is deemed to have been adopted by the local authority as the building bylaw pursuant to section 17 of the Act on the day after the date set by the regulations by which the building bylaw was required to be adopted by the local authority as follows: or

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.

“**building official services**” means plan review services, inspection services and enforcement services carried out by an appointed building official.

“**certificate of occupancy**” means a written document issued by the local authority giving the owner of the building permission to occupy the building for its intended use.

“**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.

“**inspection**” means the inspection of the following by an appointed building official to ascertain whether the Act and the regulations have been or are being complied with:

- (a) ongoing or incomplete building construction, materials of construction or building systems;
- (b) completed or existing building construction, materials of construction or building systems.

“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 Energy Code Regulations*.

“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, corporation, 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.

“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 design, construction, addition, erection, placement, alteration, repair, renovation, demolition, relocation, removal, use, change of 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 a certificate of occupancy 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 plans and specifications of the proposed building and work in a format acceptable to the local authority.
- (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 are 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 Part 3, 4, 5, 6 or 7 of the NBC is not an architect or engineer;
 - (d) 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;
 - (e) the application for a permit is incomplete;

- (f) 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
 - (g) 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 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 to do one of the following:

- (a) revoke the permit;
- (b) extend the term of the permit;
- (c) vary the conditions 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's 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 any 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); or (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, 4, 5, 6 and 7 of the NBC shall have an architect or engineer complete the design or design review of:

- (a) the design or design review of the building and all building systems;
- (b) an inspection of construction of the building and all building systems to ensure compliance with the design; and
- (c) the reviews required by the NBC.

(2) 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) a field review of construction of the structure to ensure compliance with the design; and
- (c) the reviews required by the NECB.

(3) In addition to the requirements of subsections (1) and (2), 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.

(4) 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.

(5) 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.

(6) 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.

(7) 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.

8 Dec 2023 SR 117/2023 s17.

Part 3**TABLE 1****Building Official Licence Fees and Appeal Deposits**

<i>Item</i>	<i>Fee/Deposit</i>
1. Building Official Class 1, 2 or 3 examination	\$200
2. Building Official Class 1, 2 or 3 re-marking of examination	50
3. Building Official Class 1 licence	50 for one year, 200 for five years
4. Building Official Class 2 licence	50 for one year, 200 for five years
5. Building Official Class 3 licence	50 for one year, 200 for five years
6. Building Official Temporary licence	50 per year
7. Building Official Restricted licence	50 per year
8. Duplicate licence	25
9. Appeal of a building official's order	200
10. Application for an exemption from accessibility standards	200
11. Application for an interpretation of a provision of a Construction Code	500

10 Dec 2021 SR 124/2021; 8 Dec 2023 SR 117/2023 s18.