

Building Standards Advisory

Promoting construction of safe, healthy, habitable buildings

Five Principles of Applying the National Building Code

Application of the National Building Code (NBC) 2015 is guided by five principles under provision of *The Uniform Building and Accessibility Standards Act* (the UBAS Act). The five principles identify the distinct participants and establish legal obligations, legislative responsibilities and provide for shared responsibilities in the application of building and accessibility standards in Saskatchewan.

Principle One

The owner is responsible for compliance with the minimum standards.

Clause 2(1)(o) of the UBAS Act states:

“owner” means any person, firm, or corporation that controls the property under consideration;”

Subsection 7(1) states:

“Subject to subsections (2) and (3), the *owner* of each *building* in Saskatchewan shall ensure that the *building* is designed, constructed, erected, placed, altered, repaired, renovated, demolished, relocated, removed, used, or occupied in accordance with the building standards.”

Subsection 10(1) states:

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

The *owner’s* responsibility for compliance under the UBAS Act and *The Uniform Building and Accessibility Regulations* (the UBAS Regulations) also includes other responsibilities including, but not limited to: building design, notification during construction phases and maintaining safe building conditions. Regardless of whether the local authority has adopted a building bylaw, the UBAS Act establishes *owner’s* responsibilities. The UBAS Act assigns responsibility to *building owner(s)* to ensure compliance with the requirements of the UBAS Act and the UBAS Regulations. The assignment of responsibility to the *owner* confirms the logical position that since the *owner* has control over the property, the *owner* has an obligation to meet the minimum standards that have been set into law.

Principle Two

Local authorities are responsible for administration and enforcement.

Clause 2(1)(k) of the UBAS Act states:

“local authority” means:

- (i) a municipality;
- (ii) a regional park authority within the meaning of *The Regional Parks Act, 1979*, or
- (iii) with respect to park land within the meaning of *The Parks Act*, the minister responsible for the administration of that Act;”

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Subsection 4(1) of the UBAS Act states:

“Subject to the other provisions of this section, each local authority shall administer and enforce this Act, the regulations and orders and decisions of the appeal board pursuant to sections 12 and 18.”

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

The UBAS Act allows a municipality to make regulations concerning construction, renovations, repairs, demolition or change in occupancy of buildings. The UBAS Act also allows a municipality to create a building bylaw for the issuance of building permits including: the ability to create terms and conditions for the granting of permits; prescribing of fees for permits and revoking permits. Where a municipality deems additional provisions are necessary for the health and safety or welfare of persons, the UBAS Act allows a municipality to adopt standards above the provincial standards. Although a municipality is not required to have a building bylaw to administer and enforce the UBAS Act, not having a building bylaw may limit the municipality’s ability to effectively control construction activities within its jurisdiction and may also increase its liability.

Principle Three

The Crown (Government of Saskatchewan) is responsible for the framework and policy enabling the application of building and accessibility standards.

The preface to the NBC 2015 provides a commentary on application of codes and standards in Canada as follows:

“In Canada, provincial and territorial governments have the authority to enact legislation that regulates building design and construction within their jurisdictions. This legislation may include the adoption of the National Building Code (NBC) without change or with modifications to suit local needs, and the enactment of other laws and regulations regarding building design and construction, including the requirements for professional involvement.”

In Saskatchewan, this authority is fulfilled with enactment of the UBAS Act and Regulations.

Principle Four

The building official works for the local authority.

Subsection 5(4) of the UBAS Act states:

“A local authority may appoint persons who hold a building official’s licence as building officials”

Where a building bylaw is in effect the role of a building official includes plan review, inspection, and enforcement. In addition, a building official is responsible for enforcement of building conditions where the safety of occupants or the public is of concern.

Building officials derive their powers from the UBAS Act on appointment by the local authority. Section 16 of the UBAS Act provides the powers of a building official which includes the ability of the building official to enter onto land or into a *building* at any reasonable hour for investigative and enforcement purposes. The powers of a building official also include enforcement through the issuance of orders.

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Building officials are required to be licenced by the province. Under *The Building and Accessibility Standards Administration Regulations*, the licensing of building officials are in the following licence classifications:

- Class 1 – one and two unit dwellings
- Class 2 – any *buildings* under the scope of Division B, Part 9 of the NBC include Class 1
- Class 3 – any *buildings* under the scope of the NBC including Class 1 and 2

Licenseses are authorized to provide plan review, inspection, and enforcement services within the scope of their licence.

Principle Five

The *designer* works for the owner.

A professional *designer* (architect or professional engineer) is required for the design or design review of the *building* and all building systems if the *building* is within the scope of Part 3 of the NBC 2015.

- 1) Parts 3, 4, 5 and 6 of Division B apply to all buildings classified under Part 3 and
 - a) classified as *post-disaster buildings*,
 - b) used for *major occupancies* classified as
 - i.) Group A, *assembly occupancies*,
 - ii.) Group B, *care, treatment or detention occupancies*, or
 - iii.) Group F, Division 1, *high-hazard industrial occupancies*, or
 - c) exceeding 600 m² in *building area* or exceeding three *storeys* in *building height* used for *major occupancies* classified as
 - i) Group C, *residential occupancies*,
 - ii) Group D, *business and personal services occupancies*,
 - iii) Group E, *mercantile occupancies*, or
 - iv) Group F, Divisions 2 and 3, *medium- and low-hazard industrial occupancies*.
- 2) The structure of the *building*, if the structure is within the scope of Part 4 of the NBC.

Further questions regarding when a professional *designer* is required may be answered in the advisory titled: Professional Design for Buildings.

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This advisory is published by the Saskatchewan Ministry of Government Relations for purposes of providing information to users on the topic contained herein. In case of conflict between <i>The Uniform Building and Accessibility Standards Act</i> (the UBAS Act) and Regulations, and the National Building Code (NBC) 2015 and this advisory, provisions of the UBAS Act, Regulations, and the NBC 2015 shall apply.	