

BUILDING STANDARDS BULLETIN



Ministry of
Corrections, Public
Safety and Policing
Protection and Emergency
Services Branch

Building Code Enforcement

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*“Promoting construction of safe,
healthy, habitable buildings”*

Is the building code adopted and enforced in Saskatchewan?

The Uniform Building and Accessibility Standards Act (the UBAS Act) and regulations adopt the National Building Code of Canada. The UBAS Act requires building owners to ensure compliance, and require “local authorities” to administer and enforce the building code.

Who are “local authorities”?

Local authorities mean any municipality, regional park authority, and the minister responsible for *The Parks Act*.

What does the UBAS Act require local authorities to do?

A key principle of common law is that a local government has a “duty of care” to the people who live, work or travel through the geographic area over which the local government governs. The UBAS Act confirms this duty of care, and gives local governments minimum standards and a framework for dealing appropriately with construction within their jurisdictions.

What does “administer and enforce” mean?

“Full service” administration and enforcement would include enacting a building bylaw, appointing a building official, providing information about compliance with the building code, requiring submission of plans and drawings with building permit applications, issuing building permits, inspecting construction, issuing orders, and initiating prosecution of those who contravene the requirements. Some local authorities have decided to provide only limited services.

How does the governing body of a local authority decide how to “administer and enforce” the Act and regulations?

The local authority must evaluate their needs and make their decision based on their answers to questions such as:

- *How much building construction activity occurs?*
- *How much of this activity falls under the Act and regulations? (Farm buildings, as defined in the Act, are exempt from application of building standards.)*
- *What type of activity (residential, assembly, industrial, institutional, etc.) is predominant?*
- *What level of service does the governing body wish to provide to the community?*
- *Will limiting services jeopardize the health, safety and welfare of people in the community?*
- *What is a reasonable position of risk management with respect to liability?*

When is a local authority required to enact a building bylaw?

The governing body should obtain legal advice to help in this needs analysis and development of the solution, before they make their decision. Their decision should then be set out in a resolution, policy directive, or any other appropriate format.

If the governing body decides to establish a building permit system and issue building permits, a building bylaw must be enacted.

If a local authority decides to enact a building bylaw, what should be included?

All bylaws must be written and enacted according to the rules set in the primary Act that empowers the local authority. The building bylaw should include all provisions relating to building permits, such as what projects require permits, how to apply for a permit, permit fees and all necessary forms. A sample building bylaw is included in the *Building Bylaw Handbook* that is available from Building Standards. Within 30 days of passage of a building bylaw or an amendment to a building bylaw, two certified copies must be submitted for Ministerial approval.

Is there a sample bylaw to follow?

When is a local authority required to appoint a Building Official?

If the governing body decides to provide on-site inspections, issue orders and/or initiate prosecutions, a Building Official must be appointed and a certificate of appointment must be issued. A building official can be appointed for a defined period of time, specific projects or indefinitely.

Who can a local authority appoint as their Building Official?

Only Licenced Building Officials may be appointed. Licence qualifications for three classes of Building Officials are set out in *The Building and Accessibility Standards Administration Regulations*. The governing body should ensure that the building official they wish to appoint holds the appropriate class of licence for the services that are to be performed.

Additional qualifications, such as certain experience or training, may be set by the governing body. Members of the governing body should not be appointed as Building Officials because of the potential for conflict of interest. If the Building Official will also be enforcing other requirements, he or she must also be appropriately appointed to complete those duties.

Is a local authority required to do plan reviews and/or on-site inspections?

If building permits are being issued, plans should be reviewed for conformance with the UBAS Act and regulations so that a building permit does not authorize non-conforming work. On-site inspections will identify construction that does not conform to the requirements, which provides the basis for requesting corrective work, issuing orders and undertaking prosecutions.

Can plan review and/or on-site inspection services be contracted out?

Yes. The contractor providing the services must be appointed as a building official by the local authority. Only licensed individuals (not companies) may be appointed.

If a local authority decides to do plan reviews and/or on-site inspections, how is the cost recovered?

The local authority can recover all administration and enforcement costs by setting the building permit fee appropriately. The permit fee is intended to put the onus on the owner, not the general ratepayers, for the services provided to the owner. This may occur on a case-by-case basis, or may balance over a number of permits. If contract building official services are used, the fee can be set to equal the contract costs, and a minimal charge may be added to cover local administration costs. The building permit fee should never be used as a revenue generator.

Can a building designer serve as the local authority's building official on the same project?

No. Regulations under the UBAS Act prohibit anyone from serving as a building official and assisting with laying out, constructing or providing engineering or architectural consulting on the same project.

What services does Building Standards provide to support local authorities?

- Maintains the UBAS Act and regulations.
- Advises on application of the National Building Code, the UBAS Act and regulations.
 - Reviews and advises on building bylaws.
 - Shares information about administration and enforcement practices.
 - Supplies technical information.
 - Issues building official licences.
 - Administers the Building and Accessibility Standards Appeals process.
 - Makes presentations about building code enforcement.

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