

Construction Codes Advisory

Promoting construction of safe, healthy, habitable buildings

The Construction Codes Act and Regulations

Overview

The Construction Codes Act (the CC Act), *The Building Code Regulations* (the BC Regulations), *The Energy Code Regulations* (the EC Regulations) and *The Plumbing Code Regulations* (the PC Regulations) came into force on January 1, 2022, and replaced *The Uniform Building and Accessibility Standards Act* (the UBAS Act) as the legislation which governs construction standards in Saskatchewan. Building owners are responsible for compliance with the CC Act. Local authorities are responsible for administration and enforcement.

Items of Note

Transition

Bylaws, contracts, building official orders, licences, appeals and building permits that were valid under the UBAS Act on December 31, 2021, remain valid under the CC Act on January 1, 2022. There is no requirement for a local authority to reissue any permit, order, contract or licence simply because the CC Act came into force.

Building Bylaws

Building bylaws can only be adopted by the council of a local authority under the requirements of the CC Act. While other legislation gives local authorities the ability to adopt bylaws related to public safety and good governance, only the CC Act can be used to adopt bylaws that relate to building construction or occupancy. Local authorities are required to obtain ministerial approval when adopting, amending or repealing their building bylaw. Building bylaws adopted under the UBAS Act will remain valid for a period of time. Local authorities with valid bylaws on January 1, 2022, are required to renew or repeal-and-replace their existing building bylaw by December 31, 2028.

Local authorities that do not have a building bylaw adopted under the UBAS Act must adopt a new building bylaw under the CC Act as follows:

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

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Any local authority which does not have a valid building bylaw (adopted under either the UBAS Act or the CC Act) by the required date will be subject to the model building bylaw.

Model Building Bylaw

The CC Act requires local authorities to have a building bylaw. Local authorities which do not have a valid building bylaw by the required date for that type of local authority will be subject to the model building bylaw. Local authorities are required to administer and enforce the model building bylaw as though they had adopted it themselves.

A local authority which is subject to the model building bylaw and then adopts its own building bylaw will no longer be subject to the model building bylaw. However, a local authority which repeals its building bylaw (without adopting a new building bylaw at the same time) after the dates listed above will be subject to the model building bylaw.

Farm Buildings

Farm buildings which have a residential occupancy (i.e., sleeping quarters) are subject to the construction standards found in the CC Act. To clarify, there is no exemption from construction standards for buildings on agricultural land if the building has sleeping quarters. Local authorities cannot use their building bylaw to exempt these buildings from construction standards, regardless of whether that bylaw was adopted under the UBAS Act or the CC Act.

However, construction standards only apply to new construction for farm residences or buildings with a residential occupancy. After January 1, 2022, only newly constructed buildings with sleeping accommodation or buildings with sleeping accommodation that are being renovated, altered or added to are subject to construction standards. If work began, but was not completed prior to January 1, 2022, the building owners are responsible for demonstrating that construction began prior to January 1, 2022, to continue the farm building exemption previously found in the UBAS Act.

Registering Orders on Land Titles Registry

Local authorities can register building official's orders on the Land Titles Registry 61 days after the order is received by the building owner. To clarify, owners need to be given 60 days to comply with a building official's order, after which the order can be registered on the Land Titles Registry. Once an owner has complied with the conditions of the building official's order, local authorities have 30 days to discharge the interest on the Land Titles Registry.

All costs associated with registering or discharging an interest on the Land Titles Registry for a building official order can be charged to the owner and failure to pay will result in charges being added to property taxes.

Adding Enforcement Costs to Property Taxes

Local authorities can add the costs of administering and enforcing the CC Act to an owner's property taxes. Owners must be given a reasonable opportunity to pay these costs prior to being added to the property taxes and collected the same as any other outstanding taxes.

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For example, if a building owner failed to pay the fees for a follow up inspection connected to a building permit, a local authority should send a letter to the building owner, outlining the reason for the fees (i.e., the follow up inspection), the amount of fees owed, and the date by which the fees must be paid (generally 30 days from the date of the letter). If the building owner still has not paid the inspection fees by that date, the outstanding inspection fees could be added to property taxes and collected the same as any other outstanding taxes.

Building Officials and Annual Reporting Requirements

Only individuals who have a valid Saskatchewan building official licence issued by the Chief Codes Administrator can provide building official services. Building officials can be appointed by a local authority to enforce other bylaws (e.g., noise, parking) but building officials can only use the powers provided in the CC Act to enforce building bylaws.

Local authorities are required to provide the Chief Codes Administrator the names and license numbers of all building officials appointed by the local authority within 60 days of the end of the local authority's fiscal year. This includes building officials:

- Who are newly appointed;
- Whose appointment ended or was terminated during the year;
- Who are on an approved leave (e.g., paternity, extended illness); and,
- Whose appointment is suspended.

Information Required on Permits

All permits issued under the CC Act are required to have the following information listed:

- The name of the person or company to whom the permit is issued;
- The time period the permit is valid;
- A list of all fees, bonds or deposits charged for the permit;
- The work authorized by the permit;
- The address (municipal or legal description) of the property covered by the permit;
- The building or portion of building the permit applies to;
- The stages of construction when the permit holder must notify the local authority;
- Any conditions the permit holder must comply with; and
- Any other information required by the local authority.

Information Required on Building Official Orders

All building official orders issued under the CC Act are required to have the following information listed:

- The date of the order;
- The name of the person or company to whom the order is issued;
- The address (municipal or legal description) of the property covered by the order;
- The name of the building official;
- The name of the local authority who appointed the building official;
- State that it is an order pursuant to section 25 of the CC Act;
- Identify the portion of the CC Act, Regulations, construction codes or bylaw that have been contravened;

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- Identify the actions that are ordered to occur or to cease to occur;
- Identify the date that compliance is required;
- Including information on how to file an appeal of the order;
- State that orders can be registered on the Land Titles Registry 61 days after being received by the owner.

Pre-Rulings by the Appeal Board

Building owners, local authorities, building officials and contractors can apply to the Saskatchewan Construction Standards Appeal Board (Appeal Board) for an interpretation of a construction code. Applications must be made prior to a building permit being issued and can only be related to an interpretation of a construction code, not interpretations of the CC Act or Regulations.

Once the Appeal Board issues an order in this matter, the building owner or contractor has six months to apply for a permit from the local authority which applies the appeal board's decision. If a building owner or contractor does not apply for a permit within six months, the appeal board's interpretation is no longer valid and cannot be used as part of a permit application.

Service of Documents

Local authorities have options when it comes to the service of documents. These include:

- Personal service (e.g., hand delivered or a process server);
- Ordinary or registered mail;
- Posting copies at the building to which the document relates; or
- Email or electronic service.

If a building official or local authority posts a copy of a document on a building, they need to ensure the document is properly secured, visible and protected from the elements. It is also recommended that a picture of the posted document be taken, including time and date, to prove the document was served.

The use of email to serve documents is only allowed where an individual has provided their email address and consented in writing to receive these items via email. Additionally, some documents may be sent electronically but must also be sent another way; this includes building official orders for unsafe conditions and the revocation of a building permit.

Local authorities should not assume that because a building owner has previously consented to receive some types of documents via email, they have also consented to receive all other types of documents the same way. For example, a building owner may have agreed to have their monthly water bills emailed to them but that does not automatically mean the building owner agreed to have their building permit emailed to them.

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Chief Codes Administrator

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 *The Construction Codes Act* (the CC Act) and Regulations, and this advisory, provisions of the CC Act and Regulations shall apply.

