

BUILDING BYLAW
RURAL MUNICIPALITY OF MARYFIELD NO. 91
BYLAW NO. 03/2022

A BYLAW TO REGULATE BUILDINGS

The Council of the Rural Municipality of Maryfield No. 91 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.

"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.

"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 regulations.

"occupancy certificate" means a certificate issued with respect to the approved use or occupancy of a building.

"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, company, 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 in the form of a building permit.

"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 construction, addition, erection, placement, alteration, repair, renovation, demolition, relocation, removal, 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 an occupancy certificate 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 (Form A), and shall be accompanied by a minimum of two sets of plans and specifications of the proposed building and work.
- (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 (Form B). 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 in accordance with the Building Permit Fees Bylaw.
- (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 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 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; or
 - (f) 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 shall 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 condition 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 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 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), (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, 5, 6 and 7 of the NBC shall have an architect or engineer complete the design or design review of:
 - (a) the building; and
 - (b) all building systems.
- (2) An owner or the owner's representative 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 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) the inspection of construction of the structure to ensure compliance with the design; and
 - (c) the reviews required by the NECB.
- (4) In addition to the requirements of subsection (1), (2) or (3), 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.
- (5) 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.
- (6) 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.
- (7) 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.
- (8) 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.

Enactment pursuant to Section 17 of *The Construction Codes Act*.



X *Tyler Adamson*
(DEPUTY REEVE TYLER ADAMSON)

X *Deborah C. Saville*
(ACTING ADMINISTRATOR DEBORAH C. SAVILLE)

Read a third time and adopted
this 14th day of November, 2022.

Deborah C. Saville
(Acting Administrator Signature)



Certified a true copy of Bylaw # 03/2022
Adopted by resolution of Council on the
14th day of November, 2022.
Deborah C. Saville
Acting Administrator, Deborah C. Saville

FORM A to Bylaw 03 2022

APPLICATION FOR BUILDING PERMIT

I hereby make application for a permit to

- Construct (new)
Alter (renovate)
Reconstruct

a building according to the information below and to the plans and documents attached to this application.

Civic address or location of work

Legal description — Section Township Range

Owner Address Telephone

Designer Address Telephone

Contractor Address Telephone

Nature of work

Intended use of building

Size of building Length Width Height

Number of storeys Fire escapes

Number of stairways Width of stairways

Number of exits Width of exits

Foundation Soil Classification and Type

Footings Material Size

Foundations Material Size

Exterior Walls Material Size

Roof Material Size

Studs Material Spacing

Floor Joists Material Spacing

Girders Material Spacing

Rafters Material Spacing

Chimneys Number Size

Material Thickness

Heating Lighting Plumbing

Estimated value of construction (excluding site) \$

Building area (area of largest storey) square metres or feet (indicate which measurement)

Fee for building permit \$

I hereby agree to comply with the Building Bylaw of the local authority and acknowledge that it is my responsibility to ensure compliance with the Building Bylaw of the local authority and with any other applicable bylaws, acts and regulations regardless of any plan review or inspections that may or may not be carried out by the local authority or its authorized representative.

Date

Signature of Owner or Owner's Agent

FORM B to Bylaw No 03 2022

BUILDING PERMIT # _____

Permission is hereby granted to _____
to construct/erect _____
on municipal address or legal description _____
in accordance with the Building Permit Application dated _____.

This permit is valid from _____ to _____ (24 months from date of issue unless work is not commenced within six months of Date of Issue).

This permit will expire six (6) months from the date of issue *if work is not commenced within that period* or if work is suspended for a period of six months, unless otherwise authorized by the local authority or its authorized representative.

Inspections Schedule is attached – please ensure you follow all inspection requirements.

This permit is issued subject to the following conditions:

Any deviation, omission or revision to the approved application requires approval of the local authority or its authorized representative.

Estimated value of construction \$ _____ Permit fee \$ _____

Date of Issue

Signature of Authorized Representative

FORM C to Bylaw No 03 2022

ORDER TO COMPLY

Order Issued to: _____
(Name and Mailing Address)

Property or Project Information (Civic Address and Legal Description):

Contraventions

Pursuant to Subsection 24(1) of *The Construction Codes Act, The Uniform and Accessibility Standards Regulations*, The National Building Code of Canada and the RM of Maryfield Building Bylaw 03 2022 an _____ inspection of _____ a _____ conducted on _____ and the following contraventions were identified:

- (a) _____ Reference: _____
- (b) _____ Reference: _____
- (c) _____ Reference: _____

Order to Comply

Pursuant to Subsection 25(1), (2), (3) or (4) of *The Construction Codes Act, The Construction Codes Regulations*, The National Building Code of Canada and the _____ of Building Bylaw 245 / 21, you are hereby ordered to comply as follows:

- (a) _____
- (b) _____
- (c) _____

Failure to Comply

Failure to comply with the order by the date provided may result in the RM of Martin commencing legal enforcement of the order as provided by *The Construction Codes Act*.

Order Issued By

This Order to Comply is issued on _____ by _____, Building Official. Questions regarding this order should be directed to me at _____.

Building Official Signature

Right to Appeal

An owner of a building may appeal an order made pursuant to Section 31 of *The Construction Codes Act* (CCA) within 15 days after service of the order by submitting a request for hearing form to the Chief Building Official. For appeal information contact Building and Technical Standards Branch, Saskatchewan Ministry of Government of Relations. Email: btstandards@gov.sk.ca Phone: 306-787-4113

Basic Requirements for an Order to Comply

- Before writing an Order to Comply (OTC) the Building Official (BO) should consider the method of service of the OTC as this may affect how the OTC is created. Registered Mail is the typical method of service.
- The OTC must identify the Local Authority (LA) where the order originated. This may include other pertinent information such as the civic address, postal code, and contact information of the LA.
- The OTC must be identified and captioned such as "Order" or "Order to Comply"
- The OTC must be sent to those identified in Section 25 of *The Construction Codes Act* as applicable. This may be: "the owner of the building or his agents, contractors, employees, successors or assigns or the registered owner of the land on which the building is situated," (excerpt) Subsection 25(2).
- The subject property or project address must be provided including civic address, postal code and legal description derived from ISC (land titles) and/or the property tax roll.
- (1) Contravention:
 - The OTC should reference Subsection 24(1) of the CCA which provides the power of the BO and identify applicable legislation, codes and the building bylaw
 - The OTC should identify the type of structured being inspected
 - The OTC should identify the address of the inspection
 - The OTC should reference the date of inspection
 - The OTC should identify and describe the contravention(2) and provide reference to supporting legislation, codes or building bylaw
 - Contraventions must be described in sufficient detail so the recipient understands what is at issue
- (2) Order to Comply:
 - The OTC should reference Subsection 25 and the specific clause(s) by which the order is written
 - The OTC should provide a description of what is necessary to achieve compliance
 - Consider the options available for compliance and provide (either/or) remedies to satisfy the OTC
 - Provide a date of compliance as the BO deems necessary
- (3) Failure to Comply:
 - Provide information regarding the consequences for failure to comply by the assigned dated.
 - Failure to comply information may also include the specific enforcement measures the LA and BO will take
- (4) Order Issued By:
 - Provide information regarding the date of the OTC and the name of the BO responsible for inspection and who created the OTC.
 - Provide contact information for the BO responsible for the OTC and ensure the OTC is signed by the BO.
- (5) Right of Appeal:
 - Provide details to the recipient of the OTC regarding the right of appeal as referenced in Section 15 of the CCA.
 - Indicate the time line for appeal which is 15 days after service of the order
 - Ensure that the appellant is aware of who to contact for information regarding the appeal
 - Where compliance has been achieved or the OTC has been withdrawn, ensure that the recipient of the order is notified.