

Construction Codes Advisory

Promoting construction of safe, healthy, habitable buildings

The Construction Codes Act and Rural Communities

Overview

The Construction Codes Act (the CC Act) and 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. Compliance with the CC Act and construction standards is a shared responsibility based on the following five principles:

- Building owners are responsible for compliance.
- Local authorities are responsible for administration and enforcement.
- The Government of Saskatchewan is responsible for the legislative, regulatory and policy framework.
- Building officials work for local authorities.
- Contractors, architects and engineers work for building owners.

Rural local authorities may have a unique perspective with how the CC Act is applied for buildings in their jurisdiction. This advisory is meant to outline and address key issues for rural local authorities.

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.

Administering and Enforcement

Like the UBAS Act, local authorities are required to administer and enforce the CC Act for all buildings within the local authority's jurisdiction, regardless of size or population of the local authority. This includes:

- adopting a building bylaw under the CC Act;
- appointing a building official;
- reviewing building plans;
- issuing building permits; and
- ensuring building inspections are conducted as required by the CC Act and the local authority's building bylaw.

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Local authorities can apply to the Minister of Government Relations for assistance in performing these duties or in appointing building officials. However, it should be noted that requests for assistance have historically only been approved for extraordinary circumstances and on a temporary basis (e.g., natural disasters and emergency situations). It is not expected that the Government of Saskatchewan will administer and enforce the CC Act on behalf of a local authority on a long-term basis.

Building Bylaws

Under the UBAS Act, local authorities were encouraged to have a building bylaw but under the CC Act, local authorities are now required to have a building bylaw. Please note, building bylaws which were adopted prior to the adoption of the UBAS Act (June 6, 1988) are not valid and cannot be used for administering and enforcing construction standards.

Building bylaws can only be adopted by the council of a local authority under the CC Act. While other legislation gives local authorities the authority to adopt bylaws related to public safety and good governance, only bylaws adopted under the CC Act can be used to regulate building construction and occupancy. For example, local authorities cannot use section 8 of *The Municipalities Act* to adopt building bylaws or to administer and enforce construction standards. Building bylaws must conform with the purpose of the CC Act and cannot exempt or limit a local authority's responsibility for administering and enforcing the CC Act, regulations under the CC Act or codes and standards adopted under the CC Act.

Local authorities are required to submit their building bylaws for ministerial approval within 60 days of council adopting, amending or repealing their building bylaw. Building bylaws should be submitted to the Building and Technical Standards Branch for processing and ministerial approval. Please note, bylaws submitted more than 60 days after council's approval are not able to be approved and would need to be revoked on by council. New bylaws or amendments and repeals to existing building bylaws are not valid until they received ministerial approval.

Any local authority which does not have a valid building bylaw by the required date will be subject to the model building bylaw listed in *The Building Code Regulations*. Local authorities which had a valid building bylaw under the UBAS Act are required to either renew or repeal-and-replace their building bylaw by December 31, 2028. Any local authority which does not renew or repeal-and-replace their bylaw by that date will be subject to the model building bylaw.

Model Building Bylaw

Local authorities which do not have a valid building bylaw (adopted under either the previous UBAS Act or under the current CC Act) by the required date will be subject to the model building bylaw. The deadlines to adopt a building bylaw are as follows:

- Local authorities which are regulated by *The Cities Act* are required to adopt a building bylaw by December 31, 2022;
- Local authorities which are regulated by *The Municipalities Act* are required to adopt a building bylaw by December 31, 2023; or
- Regional parks which are regulated by *The Regional Parks Act* are required to adopt a building bylaw by December 31, 2024.

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Local authorities which are subject to the model building bylaw 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 farm building exemption from construction standards for buildings on agricultural land if the building has sleeping quarters, including buildings which are associated with hobby farms, acreages, seasonally occupied buildings and full-time agricultural operations. Local authorities cannot exempt these buildings from construction standards through their building bylaw, regardless of whether that bylaw was adopted under the UBAS Act or the CC Act.

For example, the former definition in the UBAS Act for farm buildings exempted farmhouses from construction standards. Under the CC Act, the new definition of farm building includes farmhouses in the application of construction standards. This means, beginning January 1, 2022, all new farm buildings with overnight sleeping accommodation must be constructed in compliance with construction standards. Additionally, all existing farm buildings with overnight sleeping accommodation that are renovated or added onto will need to have the new construction comply current construction standards.

A local authority is required to enforce the definition of a farm building as it is found in the CC Act regardless of if their building bylaw exempts farm buildings (as was allowed under the UBAS Act). New buildings and renovations/additions that were started prior to January 1, 2022, remain exempt, but it is the responsibility of the building owner to demonstrate that construction began before January 1, 2022, for the construction to remain exempt.

Buildings which are used for the production, processing, wholesale or distribution of cannabis or which are used for the manufacture, sale, storage, wholesale or delivery of beverage alcohol cannot be classified as a farm building for the purpose of applying building standards.

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.

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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.

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.

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.

Service of Documents

Local authorities have options when it comes to the service of documents related to building construction, permitting, inspections, enforcement and occupancy. 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 to prove the document was served.

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