Building Standards Advisory

Promoting construction of safe, healthy, habitable buildings

Building Code Regulations – Q & A

Q. What legislation applies to the construction of buildings?

A.
- *The Uniform Building and Accessibility Standards Act (the UBAS Act)*
- *The Uniform Building and Accessibility Standards Regulations (the UBAS Regulations)*
- *The Building and Accessibility Standards Administration Regulations (the BASA Regulations)*

Q. What standards apply to the construction of buildings?

A. The National Building Code of Canada supplemented by the Saskatchewan Amendments.

Q. Who is responsible for ensuring buildings are properly constructed?

A. This is a shared responsibility guided by five principles.
- The building owner is responsible for compliance
- The local authority (municipality) is responsible for administration and enforcement
- The government is responsible for the legislative framework and public policy
- Building officials work for the local authority
- Design professionals (architects and engineers) provide services to building owners

Q. How does the building code apply to different buildings?

A. The NBC applies based on major occupancy classification and size. Risks associated with these considerations determine what provisions of the NBC apply and to what extent.

Q. When is a design professional required?

A. Design professionals are required when:
- A building is over 600 m^2 in building area
- A building is over three stories in building height
- A building has a major occupancy classification of assembly, care, treatment, detention, or high hazard industrial
- A building has a foundation that requires performance based design

Q. Is adoption of a building bylaw required to be advertised in a local newspaper?

A. No, unlike other legislation, the UBAS Act does not require advertising as part of building bylaw approval.

Q. Are building permit application forms required to be part of a building bylaw?

A. No, the forms are part of the administrative process of issuing a building permit. Language in the building bylaw can state, “on a form provided by the local authority”.

Q. Can a municipality administer and enforce the UBAS Act without a building bylaw?

A. Yes, although the municipality could not charge fees or establish other provisions.

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Q. Can a building bylaw include provisions other than what is provided in the sample building bylaw or the UBAS Act?

A. Yes. The sample bylaw is a guide to for municipalities to follow. In addition the UBAS Act allows a municipality to pass bylaws prescribing building standards in addition to the building standards contained in the NBC.

No. Items not provided for by the UBAS Act cannot be included in the building bylaw.

Q. What types of buildings are exempt from the NBC?

A. Farm buildings are exempt and accessory buildings no greater than 10 m^2 are exempt provided they do not create a hazard.

Q. Can a municipality administer and enforce the UBAS Act without appointing a building official?

A. No. Building officials are qualified and licensed to provide specific services to the municipality governed by the UBAS Act and Regulations. Council members cannot provide services in municipalities where they are appointed. Administrative staff, who are not licensed as building officials, cannot provide the same services.

Q. Can a local authority add unpaid building permits fees to taxes?

A. No, the issuance of a building permit should be contingent upon the payment of fees.

Q. Can a local authority collect the SAMA maintenance fees at the time a building permit is issued?

A. Yes, a local authority may wish to recover these fees from the owner or applicant. The local building bylaw should be amended to include this provision.

Q. Can a local authority collect a refundable deposit as a condition of project completion?

A. No, there are no provisions in the UBAS Act to collect deposits other than those associated with demolition or moving permits, where the deposit may be held to offset the costs associated with site remediation or costs associated with damage to public works.

Q. Does the building bylaw need to reference the fees charged for building permits?

A. Yes. The fee schedule must either be incorporated in the bylaw or it must be referenced in the bylaw and available when requested.

Q. Are building permits automatically required when development permits are issued?

A. No, there are circumstances where site development would only require a development permit. A building permit would be required when building construction is to occur on the site. Where a development permit is required building permits are not valid unless the development permit has been issued.

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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 *The Uniform Building and Accessibility Standard Act* (the UBAS Act), the National Building Code of Canada 2010 (NBC 2010) and this advisory, provisions of the UBAS Act and NBC 2010 shall apply.