

BILL

No. 4

An Act respecting Construction Standards

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(Assented to)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows:

PART 1
Preliminary Matters

Short title

1 This Act may be cited as *The Construction Codes Act*.

Definitions

2 In this Act:

“addition” means any new construction expanding an existing building, either horizontally or vertically;

“alteration” means a change to any matter, thing or occupancy that is regulated by this Act but does not include an addition;

“appeal board” means the Saskatchewan Construction Standards Appeal Board continued pursuant to subsection 27(1);

“appellant” means a person who makes an appeal to the chief codes administrator pursuant to section 15 or to the appeal board pursuant to section 31;

“appointed building official” means a building official appointed pursuant to section 23;

“appropriate local authority” means the local authority that has jurisdiction over the geographical area in which a building is or is to be situated;

“architect” means a licensed architect as defined in *The Architects Act, 1996* who is registered as a member within the meaning of that Act and whose registration is not under suspension;

“building” means the following:

(a) a structure used or intended for supporting or sheltering any use or occupancy;

(b) if applicable, the land adjoining a structure mentioned in clause (a);

and includes an addition;

“building official” means a person who holds a building official licence;

“building official licence” means a licence issued pursuant to section 10;

“certificate of occupancy” means a written document issued by the local authority giving the owner of the building permission to occupy the building for its intended use;

“change of occupancy” means a change from one class of major occupancy recognized by the edition of the National Building Code of Canada that is declared in force pursuant to subsection 5(2) to another class of major occupancy;

“chief codes administrator” means the person who holds the position of chief codes administrator and is appointed pursuant to subsection 9(1);

“construction” means the act of building by combining or arranging parts or elements;

“Construction Code” means the applicable edition of the National Building Code of Canada, the National Energy Code of Canada for Buildings or the National Plumbing Code of Canada, declared in force pursuant to subsection 5(2), as the case may be;

“construction standards” means the construction standards described in Part 2;

“constructor” or **“contractor”** means a person who contracts with an owner or an owner’s authorized agent to undertake a building construction project, and includes an owner who:

- (a) contracts with more than one person for the work on a building construction project; or
- (b) undertakes the work on a building construction project or any part of that project;

“court” means the Court of Queen’s Bench;

“Crown” means the Crown in right of Saskatchewan;

“demolition” means the intentional destruction or removal of all or part of a building;

“design” means a plan or technical specification for the construction of a building or part of a building that satisfies the minimum requirements of the applicable Construction Code;

“engineer” means a professional engineer as defined in *The Engineering and Geoscience Professions Act* whose registration is not under suspension and includes the holder of a certificate of authorization granted pursuant to section 22 of that Act;

“erection” means the installation of a building or a part of a building;

“farm building” means, subject to the regulations, a building that:

- (a) does not contain a residential occupancy;
- (b) is located on land used for an agricultural operation as defined in *The Agricultural Operations Act*; and
- (c) is used for the following purposes:
 - (i) the housing of livestock;
 - (ii) the production, storage or processing of primary agricultural and horticultural crops or feeds;
 - (iii) the housing, storage or maintenance of equipment or machinery associated with an agricultural operation;
 - (iv) any other prescribed purpose;

“former Act” means *The Uniform Building and Accessibility Standards Act* as that Act existed before the coming into force of this Act;

“imminent danger” means a risk of fire, emergency or other risk that, in the opinion of a building official on reasonable grounds, threatens persons, property or the environment and requires an immediate response to eliminate or mitigate that risk;

“land surveyor” means a person who is registered pursuant to *The Land Surveyors and Professional Surveyors Act* and whose registration is not under suspension;

“local authority” means the following:

- (a) a municipality or a council of a municipality;
- (b) a regional park authority within the meaning of *The Regional Parks Act, 2013*;
- (c) with respect to park land within the meaning of *The Parks Act*, the minister responsible for the administration of that Act;
- (d) any other prescribed authority or body;

“minister” means the member of the Executive Council to whom for the time being the administration of this Act is assigned;

“ministry” means the ministry over which the minister presides;

“municipal official” means:

- (a) the clerk or administrator, as the case may be, of a municipality; or
- (b) the secretary-treasurer of a regional park authority;

“occupancy” means the use or intended use of all or part of a building for the shelter or support of persons, animals or property;

“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;

“permit” means written authorization issued by a local authority or its appointed building official;

“placement” means the positioning or placing of a building or part of a building;

“prescribed” means prescribed in the regulations;

“qualified person” means a person:

- (a) who:
 - (i) possesses a degree, certificate or professional designation recognized by the minister; or
 - (ii) demonstrates to the minister, by knowledge, training and experience, the ability to deal with problems related to the subject-matter, the work or the project; and
- (b) who meets any other prescribed qualifications;

“relocation” means to move a building or part of a building to a new location within the same site;

“removal” means to take off or away from the site;

“renovation” means a renewal of a building or a part of a building;

“repair” means to restore to good condition by replacing or fixing parts of a building;

“unsafe condition” means a condition that could cause undue hazard to the health, safety or welfare of any person who is authorized or expected to be or could reasonably be foreseen to be on or about the premises;

“use” means use in the context of the function of a building or a part of a building.

Purpose of Act

3(1) The purpose of this Act is to provide the legal framework to ensure the safe design, construction, addition, erection, placement, alteration, repair, renovation, demolition, relocation, removal, use, occupancy or change of occupancy of buildings in Saskatchewan.

(2) Having regard to the purpose mentioned in subsection (1), this Act recognizes that:

- (a) it is the duty of every local authority to, at all times, be responsible for the administration and enforcement of this Act, the regulations and any associated codes, standards, interpretations and orders within the local authority unless otherwise is provided for by this Act;
- (b) it is the duty of every owner of a building in Saskatchewan to ensure that the building is in accordance with the construction standards set out in this Act, the regulations, any associated codes, standards, interpretations and orders and any bylaws adopted by the local authority with which the building is associated; and
- (c) the Government of Saskatchewan retains authority over the management of this Act, and the delegation of powers granted and the duties imposed pursuant to this Act to ensure it fulfils its purpose.

Act binds Crown

4 The Crown is bound by this Act.

PART 2

Construction Standards

Construction standards prescribed

5(1) The Lieutenant Governor in Council may make regulations:

- (a) prescribing classes of buildings;
- (b) prescribing construction standards requiring the combination of various elements of the built environment to allow entrance to, egress from, and use of buildings or any class of buildings by people with disabilities;
- (c) prescribing standards for any materials, equipment, protection devices or appliances used or installed in the design, construction, addition, erection, placement, alteration, repair, renovation, demolition, relocation, removal, use, occupancy or change of occupancy of any building;
- (d) prescribing standards for any materials, equipment, protection devices or appliances that are to be used or installed in a building or class of buildings;
- (e) governing standards for the use or installation of any materials, equipment, protection devices or appliances in a building or class of buildings;
- (f) prohibiting the use or installation of any materials, equipment, protection devices or appliances in a building or class of buildings;
- (g) classifying buildings according to their use or occupancy;
- (h) governing standards for methods used in the construction, occupancy or demolition of any building or any class of buildings with respect to public safety;
- (i) governing the construction standards that are to be met with respect to any building or class of building;
- (j) governing standards for the use of the property on which a building is located during the period that the design, construction, addition, erection, placement, alteration, repair, renovation, demolition, relocation, removal, use, occupancy or change of occupancy of the building is taking place;
- (k) governing standards for any other matter in connection with the design, construction, addition, erection, placement, alteration, repair, renovation, demolition, relocation, removal, use, occupancy or change of occupancy of a building;
- (l) prescribing and governing the duties of owners and their agents, contractors, employees, successors and assigns and the registered owners of lands on which buildings are situated in relation to the design, construction, addition, erection, placement, alteration, repair, renovation, demolition, relocation, removal, use, occupancy or change of occupancy of buildings;
- (m) prescribing and governing duties to be carried out by local authorities in fulfilling their responsibilities pursuant to section 16;
- (n) prescribing any fee, deposit or bond to be paid or provided pursuant to this Act, including governing the refund or part of a refund of any fee, deposit or bond paid or provided pursuant to this Act;
- (o) governing the location, construction and operation of plumbing systems and the plumbing and water supply in buildings or any class of buildings and on premises or any class of premises;

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- (p) requiring the installation of specified plumbing fixtures in buildings situated on lands abutting a municipal water main or sewer main requiring the connection of those fixtures to the water main or sewer main;
 - (q) prescribing the minimum toilet accommodations and other plumbing fixtures required in buildings or any class of buildings and on premises or any class of premises;
 - (r) for the purposes of clauses (a) to (k) and (n) to (q), authorizing the minister, subject to any terms, conditions or limitations that the Lieutenant Governor in Council considers appropriate, to establish any additional classes, prohibitions, classifications, fees, standards or requirements, as the case may be;
 - (s) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the provisions and purpose of this Part.
- (2) For the purposes of subsection (1), the Lieutenant Governor in Council may make regulations:
- (a) declaring that all or part of any prescribed edition of the National Building Code of Canada, the National Energy Code of Canada for Buildings or the National Plumbing Code of Canada, as amended from time to time or otherwise, is in force;
 - (b) declaring that all or part of any other code or standard respecting materials, equipment or appliances used or installed in the construction, occupancy or demolition of a building, as amended from time to time or otherwise, is in force;
 - (c) amending, repealing or replacing any provision of a code declared to be in force pursuant to clause (a) or (b).
- (3) The minister shall cause any classes, prohibitions, classifications, fees, standards or requirements established for the purposes of clause (1)(r) to be made public in any manner that the minister considers appropriate, including by publishing them on the ministry's website.

Application of construction standards

- 6(1)** Subject to subsections (2) and (3), the owner of each building in Saskatchewan shall ensure that the building is designed, constructed, erected, added to, placed, altered, repaired, renovated, demolished, relocated, removed, used or occupied in accordance with the construction standards.
- (2) The construction standards do not apply to:
- (a) a building on which construction was commenced or completed before June 6, 1988, but the construction standards do apply to an alteration, addition, repair, renovation, demolition, relocation, removal or change of use or occupancy of that building;
 - (b) a building on which construction was not commenced but for which a building permit was issued before June 6, 1988 pursuant to a bylaw of the appropriate local authority, but the construction standards do apply to an alteration, addition, repair, renovation, demolition, relocation, removal or change of use or occupancy of that building;
 - (c) a farm building;
 - (d) any building or class of buildings or to any materials, equipment, protection devices or appliances or class of materials, equipment, protection devices or appliances that are exempted in the regulations from the application of this Part or all or part of any construction standard.

(3) Notwithstanding clause (2)(c), but subject to sections 17 and 47, if a local authority passes a bylaw declaring that the construction standards apply to farm buildings in the municipality, the construction standards apply to the farm buildings described in the bylaw.

(4) Subject to section 17, a local authority may pass bylaws setting out construction standards in addition to the construction standards mentioned in section 5 if the local authority considers the bylaws necessary for the health, safety or welfare of persons.

Notice to local authority

7(1) The owner of a building to be constructed shall ensure that the appropriate 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 prescribed event at the prescribed time.

(2) Before commencing work at a building site, the owner shall give notice to the appropriate local authority of:

- (a) the date on which the owner 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 shall give notice to the appropriate 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 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 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.

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- (4) Subject to subsection (8), the owner of a building under construction shall give notice to the appropriate local authority of:
- (a) any change in ownership or change in address of the owner that occurs before the issuance of an occupancy permit as soon as the change occurs; and
 - (b) the owner's 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 appropriate 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 this 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 appropriate 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 appropriate local authority may consider necessary;
 - (b) complete any additional work that is necessary to ensure compliance with the applicable Construction Code.
- (8) Notice given pursuant to clause (2)(b), (3)(a), (3)(d), (3)(e) or subsection (4) is to be in writing.

Ministerial interpretations

- 8(1) The minister may issue a written interpretation of any provision of a Construction Code or any standard mentioned in section 5 and, subject to the regulations, the minister's interpretation is binding, until rescinded in writing, on:
- (a) any local authority subject to this Act;
 - (b) any person carrying out any duties authorized by this Act; and
 - (c) any person who is subject to this Act.
- (2) The minister shall cause all written interpretations issued pursuant to this section to be made public in any manner that the minister considers appropriate, including by publishing them on the ministry's website.

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- (3) If there is any conflict between a written interpretation issued by the minister pursuant to subsection (1) and an interpretation order made by the appeal board pursuant to section 32, the written interpretation issued by the minister prevails.
- (4) The minister may establish a Construction Code advisory council to:
- (a) assist in the development and revision of any matter related to the interpretation or required application of any Construction Code;
 - (b) make recommendations respecting any matter related to the interpretation or required application of any Construction Code; and
 - (c) make recommendations on any other matter the minister considers necessary related to Construction Codes.
- (5) A Construction Code advisory council established pursuant to subsection (4) must include:
- (a) the chief codes administrator;
 - (b) at least one representative of building officials;
 - (c) at least one representative of a municipal association;
 - (d) at least one representative of the construction industry;
 - (e) at least one representative who is either an architect or a professional engineer; and
 - (f) any other qualified person or persons considered necessary by the minister.
- (6) The chief codes administrator is to be the chairperson of a Construction Code advisory council established pursuant to subsection (4).
- (7) Any members of a Construction Code advisory committee established pursuant to subsection (4) who are not employed by a ministry or agency of the Government of Saskatchewan or a Crown corporation are entitled to remuneration for their services as members and for any expenses they incur while acting as members in accordance with rates fixed by the minister.
- (8) The Lieutenant Governor in Council may make regulations prescribing any matter the Lieutenant Governor in Council considers necessary to carry out any of the matters mentioned in this section.

PART 3

Chief Codes Administrator

Chief codes administrator

- 9(1)** The minister may appoint a chief codes administrator to carry out the duties and exercise the powers of the chief codes administrator pursuant to this Act.
- (2) The chief codes administrator must be appointed in accordance with *The Public Service Act, 1998*.
- (3) The chief codes administrator may advise and provide recommendations and assistance to local authorities or any other persons respecting the following:
- (a) the promotion of compliance with Construction Codes;
 - (b) the establishment, administration and effectiveness of building bylaws;

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- (c) the passing of bylaws and the enforcement of bylaws and agreements by a local authority concerning building official services, Construction Codes, and the administration and enforcement of this Act;
 - (d) the establishment of a building official services agreement or an interjurisdictional area to plan, organize and deliver building official services;
 - (e) the recruitment and appointment of building officials;
 - (f) the standards for building official services or similar services provided by building officials;
 - (g) any other matter that the minister may direct.

Building official licences

10(1) The chief codes administrator may issue a building official licence to a qualified person who:

- (a) demonstrates in the prescribed manner that the person is qualified to perform the duties of a building official; and
 - (b) pays the prescribed fee.
- (2) A licence pursuant to subsection (1):
- (a) may be issued for a limited period; and
 - (b) may contain any terms, conditions and restrictions on the duties that may be performed by the licensee that the chief codes administrator considers appropriate.

Administrative penalties

11(1) The chief codes administrator may assess a penalty against a person for contraventions of this Act or the regulations or for failure to comply with an order made pursuant to this Act if the chief codes administrator:

- (a) is requested by a local authority to assess a penalty; or
 - (b) considers the penalty necessary.
- (2) The penalty may consist of:
- (a) an amount not exceeding \$5,000;
 - (b) in the case of a continuous contravention, an amount not exceeding \$1,000 for each day or part of a day the contravention continues; or
 - (c) a combination of clauses (a) and (b).
- (3) Before assessing a penalty, the chief codes administrator shall provide notice to the person:
- (a) setting out the facts and circumstances that, in the chief codes administrator's opinion, render the person liable to a penalty;
 - (b) specifying the amount of the penalty that the chief codes administrator considers appropriate in the circumstances; and
 - (c) informing the person of the person's right to make representations to the chief codes administrator.
- (4) No penalty is to be assessed by the chief codes administrator more than 3 years after the act or omission that renders the person liable to a penalty first came to the knowledge of the chief codes administrator.

- (5) A person to whom notice is sent pursuant to subsection (3) may make representations to the chief codes administrator respecting whether a penalty should be assessed and the amount of any penalty.
- (6) Representations pursuant to subsection (5) must be made within 30 days after the person received the notice.
- (7) After considering any representations or after the 30-day period mentioned in subsection (6) has elapsed, the chief codes administrator may:
- (a) assess a penalty in the amount set out in the notice and set a date by which the penalty is to be paid in full;
 - (b) assess a revised penalty and set a date by which the penalty is to be paid in full; or
 - (c) determine that no penalty should be assessed.
- (8) The chief codes administrator shall serve a copy of the decision pursuant to subsection (7), with reasons, on the person who made the representations.
- (9) The chief codes administrator may assess a penalty pursuant to this section notwithstanding that the facts and circumstances giving rise to the penalty arose due to the actions of an employee, helper, contractor or agent of the person required to pay the penalty.
- (10) If a corporation commits a contravention mentioned in subsection (1), the chief codes administrator may, in accordance with this section, assess a penalty against an officer, director or other person of the corporation who authorized, permitted or acquiesced in the contravention, even though the corporation is liable for or pays an administrative penalty.

Enforcement of administrative penalty

12(1) The chief codes administrator may file in the court a certificate signed by the chief codes administrator certifying:

- (a) the amount of the penalty assessed pursuant to subsection 11(7); and
 - (b) the person from whom the penalty is to be recovered.
- (2) A certificate filed pursuant to this section has the same force and effect as if it were a judgment obtained in the court for the recovery of a debt in the amount set out in the certificate, together with reasonable costs and charges with respect to its filing.

Appeal to court re administrative penalty

13(1) Any person aggrieved by a decision of the chief codes administrator assessing a penalty against that person pursuant to section 11 may appeal that decision on a question of law to a judge of the court within 30 days after the date of service of the chief codes administrator's decision.

- (2) The record of an appeal pursuant to subsection (1) must consist of:
- (a) the chief codes administrator's decision;
 - (b) any written representations made to the chief codes administrator by the person named in the decision;
 - (c) the notice of motion commencing the appeal;
 - (d) any other prescribed documents or material; and
 - (e) any other material that the court may require.

(3) On hearing an appeal pursuant to this section, the judge of the court may issue an order:

- (a) confirming the penalty;
- (b) amending the amount of the penalty; or
- (c) quashing the chief codes administrator's decision to assess a penalty.

Discipline orders

14(1) The chief codes administrator may issue a discipline order pursuant to this section against any person who:

- (a) is in contravention of this Act and its regulations;
- (b) fails to comply with an order pursuant to section 25 or 31; or
- (c) fails to comply with a term or condition of a permit or licence.

(2) A discipline order mentioned in subsection (1) must:

- (a) be in writing and in the form approved by the minister;
- (b) contain a description of the action to be undertaken by the person;
- (c) cite the contravened provision of this Act or of the regulations;
- (d) subject to subsection (4), require the person to undertake the action within a period specified in the order that is not less than 30 days from the time the person receives the order; and
- (e) be served on the person to whom the order is directed as soon as is practicable after it is issued.

(3) The discipline order may consist of any sanction the chief codes administrator considers necessary, including the following:

- (a) that specified training or education by the person who is subject to the discipline order be completed within a specified period;
- (b) that any other action by the person who is subject to the discipline order be taken, modified or stopped if necessary to prevent, avoid or reduce risk of personal injury or damage to property;
- (c) that reports by the person who is subject to the discipline order on any of the actions listed in the discipline order be made to the chief codes administrator.

(4) For the purposes of clause (2)(d), if the action requires ongoing reporting to the chief codes administrator, the discipline order must set a period of not more than one year within which the reporting of the action must be completed.

Appeal to chief codes administrator

15(1) A person who is subject to an order pursuant to section 14 may, within 15 days after being served with the order, appeal the order to the chief codes administrator.

(2) An appeal pursuant to this section must be made by filing the notice of appeal with the chief codes administrator.

(3) The notice of appeal mentioned in subsection (1) must:

- (a) be in writing; and
- (b) set out the reasons for the appeal.

(4) The chief codes administrator shall consider the appeal within 30 days after the notice of appeal is filed with the chief codes administrator and may confirm, modify or revoke the order being appealed.

(5) The chief codes administrator shall cause a copy of the chief codes administrator's decision, with reasons, to be served on the appellant as soon as is practicable after the decision is made.

(6) An appeal pursuant to this section does not operate as a stay of the decision being appealed unless the chief codes administrator, on an application by the appellant, decides otherwise.

PART 4

Administration by Local Authorities

Administration by local authorities

16(1) Subject to the other provisions of this section, each local authority shall administer and enforce the following:

- (a) this Act;
- (b) the regulations;
- (c) any ministerial interpretations made pursuant to section 8;
- (d) the orders of the local authority's appointed building official pursuant to section 25;
- (e) the decisions and orders of the appeal board pursuant to sections 31 to 33.

(2) A local authority may appoint any person who holds a building official licence as a building official.

(3) The municipal official of a local authority shall issue a certificate of appointment bearing the municipal official's signature to every building official appointed by the local authority pursuant to subsection (2).

(4) Within 60 days after the end of each fiscal year of a local authority, the municipal official of a local authority shall provide the chief codes administrator with the name and building official licence number of every building official:

- (a) who is appointed;
- (b) whose appointment is cancelled; or
- (c) whose appointment is suspended by the local authority in the fiscal year.

(5) A local authority may apply to the minister for the designation of one or more building officials to assist the local authority in performing its enforcement duties pursuant to subsection (1).

(6) Subject to subsections (7) and (8), if the minister receives a request pursuant to subsection (5), the minister may designate one or more building officials to assist the local authority in performing its enforcement duties pursuant to subsection (1).

(7) If the minister designates one or more building officials to assist a local authority to perform its enforcement duties pursuant to subsection (1), the local authority shall pay to the Crown the prescribed amounts for the assistance.

(8) If the minister designates a building official to assist a local authority, the building official is deemed, for the purposes of this Act, to have been appointed by the local authority during the period the building official assists the local authority.

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- (9) The amount due with respect to any work or service performed by a local authority or its appointed building official in administering and enforcing this Act is 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 or service was carried out.
- (10) If the costs and expenses mentioned in subsection (9) are not paid in the time specified by the local authority, the local authority may, if it has the authority to levy taxes, add the amount of the costs and expenses to the owner's property taxes.
- (11) Subject to section 17, a local authority has a general power to pass bylaws in relation to the administration and enforcement of this Act in the following matters:
- (a) prohibiting the commencement by any person of construction, erection, placement, alteration, addition, repair, renovation, demolition, relocation, removal, use, occupancy or change of occupancy of any building unless that person is authorized to do so by a permit issued by the local authority;
 - (b) setting out the terms and conditions of a permit for work, including the following:
 - (i) the terms and conditions on which a permit may be granted or transferred;
 - (ii) the period for which a permit is valid;
 - (iii) the circumstances in which a permit may be revoked;
 - (iv) the fees to be charged for the issuing of a permit;
 - (v) the scope of work authorized by a permit;
 - (vi) conditions the local authority considers necessary to protect public health and safety or property;
 - (vii) buildings or portions of buildings to which the permit applies;
 - (c) specifying the form and content of permits for the design, construction, addition, erection, placement, alteration, repair, renovation, demolition, relocation, removal, use, occupancy or change of occupancy of a building;
 - (d) setting out any additional fees to be charged for any work governed by this Act that began before a permit was issued;
 - (e) subject to the regulations, requiring an applicant for a permit pursuant to this Act to provide a deposit or bond, fixing the amount of the deposit or bond and governing recourse to the deposit and any refund of the deposit;
 - (f) subject to section 7, setting out at what stages of construction the local authority is to be notified;
 - (g) providing for the issuance of a certificate of occupancy;
 - (h) requiring that no building be occupied unless, before the occupancy, the owner has been issued a certificate of occupancy;
 - (i) any other prescribed matter related to the administration and enforcement of this Act.

Adopting building bylaws

17(1) Subject to subsections (2) to (4), a local authority shall adopt a building bylaw that applies to the administration and enforcement of construction standards and shall file 2 certified true copies of any new bylaw, amending bylaw or repeal of any bylaw made pursuant to this Act with the minister within 60 days after its enactment in a manner acceptable to the minister.

(2) Subsection (1) does not apply to a bylaw made by a local authority prescribed pursuant to clause 45(d) with respect to setting fees for plumbing permits.

(3) A local authority is exempt from obtaining the minister's approval with respect to a bylaw setting fees.

(4) No local authority shall adopt a building bylaw pursuant to any other Act that gives the local authority the power to make bylaws.

(5) For the purposes of subsection (1), copies of the bylaws or the repeal of any bylaw are to be certified by the official of a local authority who is authorized to certify copies of bylaws pursuant to:

- (a) the Act by which the local authority is established or continued; or
- (b) any other Act that gives the local authority the power to make bylaws.

(6) Within 60 days after the filing of a new bylaw, an amending bylaw or a repeal of any bylaw pursuant to subsection (1), the minister shall do one of the following:

- (a) approve the bylaw or repeal of the bylaw, if the minister is of the opinion that the bylaw does not conflict with this Act or the regulations;
- (b) not approve the bylaw or repeal of the bylaw, if the minister is of the opinion that the bylaw conflicts with this Act or the regulations;
- (c) approve the bylaw in part, if the minister is of the opinion that a part of the bylaw conflicts with this Act or the regulations but that a part of the bylaw does not conflict with the Act or the regulations and is severable from the part of the bylaw that conflicts with the Act or the regulations;
- (d) approve the bylaw on the condition that the local authority enacts amendments to it that, in the opinion of the minister, do not materially affect the bylaw in principle or substance.

(7) If the minister issues an approval or an approval in part pursuant to clause (6)(a) or (c), the bylaw, the repeal of the bylaw or the approved parts of the bylaw come into force on the date of approval.

(8) If the minister issues a conditional approval pursuant to clause (6)(d):

- (a) the bylaw comes into force on the date of approval except for the part that requires further amendment; and
- (b) the local authority shall submit the amended bylaw to the minister for approval, and subsections (1) to (6) apply, with any necessary modification, to the amended bylaw.

(9) If the minister does not issue an approval, an approval in part or a conditional approval of a bylaw or the repeal of a bylaw pursuant to subsection (6), the bylaw or the repeal of the bylaw is void.

(10) If a bylaw that is approved pursuant to this section deals with the same subject-matter as a regulation made pursuant to section 18, the bylaw prevails.

(11) Any building bylaw made pursuant to the former Act is deemed to be void 7 years after the date on which this Act comes into force unless the bylaw is readopted pursuant to this Act.

(12) A bylaw that is passed pursuant to section 8 of *The Cities Act*, section 8 of *The Municipalities Act* or section 8 of *The Northern Municipalities Act, 2010* and that conflicts with this Act or the regulations is void to the extent of the conflict.

(13) The Lieutenant Governor in Council may make regulations prescribing any matter the Lieutenant Governor in Council considers necessary to carry out any of the matters mentioned in this section.

Failure to adopt building bylaw

18(1) The Lieutenant Governor in Council may make regulations prescribing:

- (a) a model building bylaw;
- (b) the period within which a building bylaw must be adopted by the local authority, including prescribing different dates for different local authorities;
- (c) the form of a building bylaw adopted pursuant to this section and the manner of its adoption, updating and being made publicly accessible;
- (d) any other matter or thing that the Lieutenant Governor in Council considers necessary for the purposes of this section.

(2) If a local authority fails to adopt a building bylaw in accordance with this Act and the regulations made pursuant to section 17, the prescribed model building bylaw is deemed to have been adopted by the local authority as the building bylaw pursuant to section 17 on the day after the date set by the regulations by which the building bylaw was required to be adopted by the local authority.

(3) If a local authority repeals a building bylaw made in accordance with this Act and the regulations made pursuant to section 17 and fails to adopt a new building bylaw in accordance with this Act and the regulations at the same time, the prescribed model building bylaw is deemed to have been adopted by the local authority as the building bylaw pursuant to section 17 on the day of ministerial approval of the repeal.

Permits

19(1) A permit issued in accordance with this Act does not authorize any person to construct, erect, add to, place, alter, repair, renovate, demolish, relocate, remove, use or occupy a building that does not comply with the provisions of any other Act or law.

(2) No owner or owner's representative shall authorize commencement by any person of construction, erection, placement, alteration, addition, repair, renovation, demolition, relocation, removal, use, occupancy or change of occupancy of any building that requires a permit pursuant to clause 16(11)(a) unless that person is authorized by a permit to do so.

(3) Notwithstanding subsection (2), if an owner reasonably believes there are unsafe conditions or imminent danger to a person or property because of any thing, process or activity governed by this Act, the owner may, without a permit, start an undertaking to remedy or relieve the unsafe conditions or imminent danger for which a permit is required, but the owner shall apply for a permit as soon as is practicable.

Interest on title

20(1) Subject to subsections (2) to (4), a building official may direct the local authority to cause an interest based on an order made pursuant to section 25, 31 or 39 to be registered in the Land Titles Registry against the title to the land that is the subject of the order.

(2) No local authority shall register an interest for construction done under a permit issued for a building more than 2 years after the earlier of:

- (a) the date the order pursuant to section 25, 31 or 39 was made; and
- (b) the date on which the construction of the building was completed.

(3) A local authority may register an interest for construction done to a building to which construction standards apply and for which no permit was issued but only if the building official reasonably believes the construction began after the local authority adopted a bylaw that required a permit for that construction.

(4) No local authority shall register an interest within 60 days after the date on which the order pursuant to section 25, 31 or 39 is received by the owner.

(5) If an interest is registered pursuant to subsection (1), the interest runs with the land and is binding on the owner and any subsequent owner.

(6) The local authority shall cause an interest that is registered pursuant to subsection (1) to be discharged when:

- (a) the order pursuant to section 25, 31 or 39 has been complied with; or
- (b) the local authority has performed the actions mentioned in the order and has recovered the cost of performing those actions from the person against whom the order was made.

(7) The registering of an interest pursuant to subsection (1) does not prevent a building official or a local authority from taking any actions necessary for the purposes of ensuring compliance with the provisions of this Act, the regulations or the terms and conditions of a permit.

Public documents

21 All building permit applications, inspection reports by building officials and orders written by building officials pursuant to section 25 are a record, as defined by *The Local Authority Freedom of Information and Protection of Privacy Act*, and are subject to the requirements of that Act.

Regional cooperation

22(1) Two or more local authorities may enter into an interjurisdictional building agreement that provides for:

- (a) a joint building bylaw for the administration and enforcement of this Act;
- (b) mechanisms for resolving disputes between local authorities;
- (c) the services that are covered by the agreement;
- (d) the ability for building officials to be appointed by each local authority;
- (e) a process and procedure for:
 - (i) amending the agreement; and
 - (ii) terminating the agreement; and
- (f) any other matters related to the administration and enforcement of construction standards that the local authorities consider necessary.

(2) Within 60 days after an interjurisdictional building agreement is entered into, the local authorities that are parties to the agreement shall file with the minister:

- (a) a certified copy of the interjurisdictional building agreement; and
- (b) a certified copy of the bylaws of each local authority adopted pursuant to the interjurisdictional building agreement.

(3) Within 60 days after an interjurisdictional building agreement is amended or terminated, the local authorities that are parties to the agreement shall notify the minister of their intention to amend or terminate the interjurisdictional building agreement.

PART 5

Building Officials

Building officials

23(1) Building officials and any other employees that are required for the purposes of this Act may be appointed in accordance with *The Public Service Act, 1998*.

(2) The minister may enter into agreements with any person, firm or corporation for the provision by the person, firm or corporation of inspection or other services pursuant to this Act.

(3) Any person who is authorized by the minister in an agreement entered into pursuant to subsection (2) to provide inspection services is deemed, for the purposes of this Act, to have been appointed a building official pursuant to subsection (1).

(4) No person who does not hold a building official licence issued by the chief codes administrator shall provide building official services.

Powers of building officials

24(1) Notwithstanding any other Act, for the purpose of ensuring compliance with the provisions of this Act or the regulations or the conditions of a permit, a building official may:

- (a) at any reasonable hour, enter land or a building;
- (b) be accompanied into a building by a person having special or expert knowledge on any matter to which this Act or the regulations relate;
- (c) order the production of a register, certificate, plan or other document relating in any manner to the design, construction, addition, erection, placement, alteration, repair, renovation, demolition, relocation, removal, use, occupancy or change of occupancy of a building and may examine and make copies of the document;
- (d) inspect and take samples of any material, equipment or appliance being used in the design, construction, addition, erection, placement, alteration, repair, renovation, demolition, relocation, removal, use, occupancy or change of occupancy of a building;
- (e) issue an order pursuant to this Act;
- (f) direct a local authority to register an interest on title pursuant to section 20; and
- (g) exercise any other power or undertake any action as prescribed.

(2) If a person refuses to allow a building official to exercise, or interferes or attempts to interfere with a building official in the exercise of, a power described in subsection (1), the minister or the local authority that appointed the building official may apply to a judge of the court for an order restraining that person from preventing or interfering in any manner with the building official in the exercise of the building official's powers.

(3) Notwithstanding subsection (1), on an application without notice, a justice of the peace or judge of the provincial court may issue a warrant if the justice of the peace or judge of the provincial court is satisfied by information given on oath or affirmation that the building official believes on reasonable grounds that there is a contravention of this Act, the regulations, an order made pursuant to this Act or a bylaw passed pursuant to this Act.

(4) A warrant issued pursuant to this section authorizes the person named in the warrant to enter the place named in the warrant and any land or premises connected with that place to:

- (a) examine the land, building or any connected premises;
- (b) carry out the activities described in subsection (1); and
- (c) search for, seize and take possession of any records or things necessary for the administration and enforcement of this Act.

(5) Notwithstanding any other provision of this Act, if a building official is satisfied that a building, whether commenced or completed before or after the coming into force of this Act, is in a condition that constitutes an imminent risk or danger to the safety of occupants or the public, a building official or a person appointed by the appropriate local authority may enter the land or the building and do, or cause to be done, any acts that the building official or appropriate local authority considers necessary to eliminate the risk or danger, and subsections 26(3) and (4) apply, with any necessary modification, to the expenses incurred in eliminating a danger pursuant to this section.

(6) A building official may request the assistance of a peace officer to assist in carrying out any action authorized by this section.

Building official orders

25(1) A building official who is satisfied that the construction standards or the terms and conditions of a building permit are being contravened may, by notice in writing specifying the nature of the incorrect application or contravention, order the owner of the building or the owner's agents, contractors, employees, successors or assigns or the registered owner of the land on which the building is situated, within the period set out in the notice, to:

- (a) comply with the general or specific conditions set out in the notice;
- (b) take any measures set out in the notice;
- (c) follow the methods of design, construction, addition, erection, placement, alteration, repair, renovation, demolition, relocation, removal, use or occupancy or change of occupancy set out in the notice;
- (d) use or stop using the materials, equipment, protection, devices or appliances described in the notice;

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- (e) stop the design, construction, addition, erection, placement, alteration, repair, renovation, demolition, relocation, removal, use, occupancy or change of occupancy of a building in whole or in part as directed by the notice until any conditions set out in the notice are, in the building official's opinion, fulfilled; or
- (f) do any combination of the things described in clauses (a) to (e).
- (2) A building official may, by notice in writing, order 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 or is to be situated, within the period set out in the notice, to:
- (a) satisfy the building official that the foundation conditions or any materials, equipment, devices, construction methods or structural assemblies used or to be used meet the requirements of the construction standards by the following means at the expense of the owner:
- (i) having tests made;
- (ii) providing a letter written by an architect or engineer certifying that the building meets the requirements of the construction standards;
- (iii) providing other evidence;
- (b) submit a plan or plans prepared by a land surveyor, engineer or architect, as is appropriate to the work, containing sufficient information regarding the site and location of the building to establish before construction begins that all requirements of the construction standards relating to or dependent on the site, location and ground levels will be met if the building is constructed in accordance with the plan or plans;
- (c) verify, after completion of construction, that the requirements mentioned in clause (a) have been met; or
- (d) do all or any combination of the actions described in clauses (a) to (c).
- (3) A building official may, by notice in writing, order the owner of a building or the owner's agents, contractors, employees, successors or assigns, within the period set out in the notice, to uncover:
- (a) any work that has progressed beyond a stage of construction mentioned in subsection 7(1) or in a bylaw pursuant to clause 16(11)(f) if:
- (i) notice of that stage of construction was not given as required pursuant to this Act or a bylaw;
- (ii) notice of that stage of construction was given as required pursuant to this Act or bylaw, but construction progressed without the building official having a reasonable opportunity to conduct an inspection of the work; or
- (b) any work that was enclosed contrary to a written order of a building official.
- (4) For the purposes of subsection (3), the owner of the building is responsible for paying any costs associated with uncovering and replacing the work.
- (5) Notwithstanding any other provision of this Act, a building official who is satisfied that a building, whether commenced or completed before or after the coming into force of this Act, is in an unsafe condition may, by notice in writing, order the owner of the building or the owner's agents, contractors, employees, successors or assigns or the registered owner of the land on which the building is situated, within the period set out in the notice, to take any steps set out in the notice that the building official considers necessary to eliminate the unsafe condition.

Execution of orders

26(1) If a person does not comply with an order made pursuant to section 25, 31 or 39 within the time specified in the order, a building official or a person appointed by the appropriate local authority may enter the land or the building and do, or cause to be done, any acts that the building official or the local authority considers necessary to carry out the order.

(2) The minister or the chief codes administrator may take any action authorized by subsection (1) or subsection 25(5) on behalf of a local authority if:

(a) it is requested by a local authority or considered necessary by the minister; and

(b) the minister considers that inaction by the local authority will result in a danger to public safety.

(3) The minister may certify to the municipal official of the appropriate local authority within which a building is situated the amount of any expenses incurred in carrying out an order pursuant to subsection (2), and the local authority shall immediately pay to the Crown the amount of those expenses.

(4) Any money paid or expended by a local authority pursuant to this section is a debt due and owing by the owner and may be added to the tax payable on the property and collected in the same manner as taxes on the property.

PART 6**Saskatchewan Construction Standards Appeal Board****Saskatchewan Construction Standards Appeal Board**

27(1) The Saskatchewan Building and Accessibility Standards Appeal Board is continued as the Saskatchewan Construction Standards Appeal Board.

(2) The appeal board is to consist of not more than 10 persons who are residents of Saskatchewan and are appointed by the Lieutenant Governor in Council.

(3) The Lieutenant Governor in Council may appoint any person to the appeal board who possesses the prescribed qualifications.

(4) Each member of the appeal board:

(a) holds office for a term not exceeding 4 years that is specified in the appointment and until a successor is appointed; and

(b) is eligible for reappointment, but is not eligible to hold office for more than two consecutive terms.

(5) Subject to subsection 29(2), the appeal board shall:

(a) hear and determine appeals made pursuant to section 31, 32 or 33;

(b) advise the minister on matters concerning the administration of this Act and the regulations; and

(c) perform any other duties that the minister may direct.

(6) The Lieutenant Governor in Council shall designate on appointment a chairperson and vice-chairperson of the appeal board.

(7) The chairperson, or in the chairperson's absence the vice-chairperson, shall preside at the meetings of the appeal board, or if both the chairperson and vice-chairperson are absent, the chairperson shall designate a member of the appeal board to preside at the meetings of the appeal board.

(8) The chairperson, vice-chairperson or member presiding at a meeting of the appeal board has a casting vote in the event of a tie vote with respect to any issue or question to be determined by the appeal board.

Quorum

28(1) Three members of the appeal board constitute a quorum.

(2) Subject to the requirement of a quorum, a vacancy in the membership of the appeal board does not impair the power of the remaining members to act.

Procedures re the hearing of appeals

29(1) Subject to the regulations, the appeal board may establish rules of procedure respecting the hearing of appeals before it and has the powers conferred on a commission by sections 11, 15, 16 and 25 of *The Public Inquiries Act, 2013*.

(2) No appeal will be heard by the appeal board if the chief codes administrator determines the matter in the application:

- (a) is outside of the scope of the appeal board's mandate or area of responsibility;
- (b) would be considered as an alternative solution within the meaning of a Construction Code;
- (c) concerns an order that has already been heard as an appeal pursuant to section 31; or
- (d) for any other reason the chief codes administrator considers the application ineligible.

(3) All decisions of the appeal board:

- (a) may be subject to any conditions that the appeal board considers necessary;
- (b) shall be in writing; and
- (c) shall be served on the owner at the owner's last known address.

(4) After an order or decision of the appeal board has been issued pursuant to sections 31 to 33, the appeal board may rescind or vary the order or decision if, based on new information submitted to it after the issuance of its order or decision, the appeal board believes on reasonable grounds that:

- (a) the application or any information submitted to the appeal board with respect to the application contained false or misleading information; or
- (b) the order or decision of the appeal board would result in a loss of public safety or in non-compliance with this Act.

Remuneration and reimbursement

30 The Lieutenant Governor in Council shall fix the remuneration and rate of reimbursement for expenses of members of the appeal board.

Appeals re building official orders

31(1) An owner or an owner's representative may appeal an order made pursuant to section 25 within 15 days after service of the order on the owner or constructor by:

- (a) filing a written notice of the appeal with the chief codes administrator; and
- (b) placing a prescribed deposit with the chief codes administrator.

(2) Within 15 days after all of the things described in clauses (1)(a) and (b) have been done, the chief codes administrator shall:

- (a) inform the appellant of all substantiating information considered necessary to be submitted to continue the appellant's appeal;
- (b) inform the appellant of the date by which all information required in clause (a) must be submitted; and
- (c) inform the appropriate local authority of the appeal.

(3) Subject to subsection (4), if an appellant does not provide the information required by the date indicated in clause (2)(b) or does not provide a reason acceptable to the chief codes administrator why the information was not provided by that date, the appellant's appeal is considered abandoned and any order made pursuant to section 25 remains in force.

(4) If the chief codes administrator is satisfied with the appellant's reason for not providing the information by the date indicated, the chief codes administrator may set a new date by which the information is to be provided.

(5) Within 60 days after the date set in clause (2)(b) or subsection (4), the appeal board shall conduct a hearing, consider the matter and render its decision.

(6) On an appeal of an order made pursuant to subsection 25(1) or (2), the appeal board shall make an order:

- (a) confirming the order being appealed if the appeal board is satisfied that compliance with the order would result in compliance with the construction standards; or
- (b) revoking or varying all or any part of the order being appealed if the appeal board is satisfied that:
 - (i) compliance with the order would not result in compliance with the construction standards; or
 - (ii) a proposal submitted by the owner will result in conditions that are equal to or better than those that are required or intended by the construction standards.

(7) On an appeal of an order made pursuant to subsection 25(3), the appeal board shall make an order:

- (a) confirming the order being appealed if the appeal board is satisfied that the building official's order was reasonable in the circumstances;
- (b) revoking the order being appealed if the appeal board is satisfied that the order was not necessary to bring about compliance with the construction standards; or
- (c) varying the order being appealed if, in the opinion of the appeal board, sufficient cause is established.

(8) On an appeal of an order made pursuant to subsection 25(5), the appeal board shall make an order:

- (a) confirming the order being appealed if the appeal board is satisfied that an unsafe condition exists and that the steps set out in the order are necessary to eliminate the unsafe condition;
- (b) revoking the order being appealed if the appeal board is satisfied that:
 - (i) an unsafe condition does not exist; or
 - (ii) the steps set out in the order are not necessary to eliminate the unsafe condition; or
- (c) varying the order being appealed if, in the opinion of the appeal board, sufficient cause is established.

(9) An appeal pursuant to this section does not operate as a stay of the order or decision being appealed unless the appeal board, on an application by the appellant, decides otherwise.

Application re interpretation order

32(1) Before a permit is issued by the appropriate local authority, an owner, a local authority, a building official or a constructor may apply to the appeal board for an order to determine an interpretation of any provision of a Construction Code by:

- (a) filing written notice of the application with the chief codes administrator;
- (b) placing a prescribed deposit with the chief codes administrator; and
- (c) submitting to the chief codes administrator all substantiating information considered necessary by the chief codes administrator.

(2) Subject to subsections (3) and (4), within 90 days after all things described in clauses (1)(a) to (c) have been done, the appeal board shall consider the matter and render its decision.

(3) The appeal board is not required to hold a public hearing on the matter if the appeal board believes it has sufficient information to make a decision.

(4) In the case of an application by an owner or constructor, the local authority must be provided an opportunity to provide a response to the owner or constructor's application before the appeal board renders its decision.

(5) The appeal board may grant an order determining how any requirement of a Construction Code is to be applied or interpreted as it pertains to the building specified in the application made in subsection (1).

(6) An order made pursuant to subsection (5) does not apply to any permit that is applied for more than 6 months after the appeal board's written decision is dated or for any building that was not listed as part of the application made in clause (1)(a) or after the coming into force of a new edition of a Construction Code.

(7) An order made pursuant to subsection (5) may be rescinded or varied by the appeal board if:

- (a) a permit has not been issued by the appropriate local authority; and
- (b) the appeal board believes on reasonable grounds that the order would result in a loss of public safety or in non-compliance with this Act.

(8) An order made pursuant to subsection (5) is not binding on any decision made by the appeal board at a later date or any subsequent appeal.

Application re exemption order

33(1) Before a permit is issued by the appropriate local authority, an owner of a building or proposed building may apply to the appeal board for an order exempting the owner from compliance with all or part of the construction standards mentioned in clause 5(1)(b) by:

- (a) filing a written notice of the application with the chief codes administrator;
- (b) placing a prescribed deposit with the chief codes administrator; and
- (c) submitting to the chief codes administrator all substantiating information considered necessary by the chief codes administrator.

(2) Subject to subsection (3), within 90 days after all of the things described in clauses (1)(a) to (c) have been done, the appeal board shall consider the matter and render its decision.

(3) The appeal board is not required to hold a public hearing on the matter if the appeal board believes it has sufficient information to make a decision.

(4) The appeal board may grant an order exempting the owner of a building or proposed building from compliance with all or any part of the construction standards mentioned in clause 5(1)(b) to the extent and on the conditions that the appeal board considers necessary if the appeal board is satisfied that the exemption will not result in unsafe conditions and that:

(a) compliance with the construction standards mentioned in clause 5(1)(b), in the opinion of the appeal board:

- (i) is impractical;
- (ii) is inappropriate; or
- (iii) would, as the owner has been able to demonstrate, result in undue hardship; or

(b) a proposal submitted by the owner will provide accessibility for people with disabilities that is equal to or better than that required or intended by the construction standards mentioned in clause 5(1)(b) when considering the building as a whole.

(5) An order made pursuant to subsection (4) does not apply to any permit that is applied for more than 6 months after the appeal board's written decision is dated or for any building that was not listed as part of the application made in clause (1)(a) or after the coming into force of a new edition of a Construction Code.

(6) An order made pursuant to subsection (4) may be rescinded or varied by the appeal board if:

- (a) a permit has not been issued by the appropriate local authority; and
- (b) the appeal board believes on reasonable grounds that the order would result in a loss of public safety or in non-compliance with this Act.

Appeal to judge

34(1) Within 30 days after service of an order of the appeal board pursuant to section 31, 32 or 33 an owner, a building official, a constructor or a local authority aggrieved by an order made by the appeal board may appeal the order to a judge of the court on a question of law alone.

(2) Unless otherwise ordered by a judge of the court, an appeal pursuant to subsection (1) does not operate as a stay of the decision of the appeal board.

(3) The decision of a judge of the court pursuant to subsection (1) is final.

PART 7**Emergencies****Definitions for Part**

35 In this Part:

“emergency” means an emergency that is the subject of an emergency declaration;

“emergency declaration” means the following:

- (a) an emergency declaration as defined in *The Emergency Planning Act*;
- (b) a local emergency declaration as defined in *The Emergency Planning Act*;
- (c) an order issued pursuant to section 38 or 45 of *The Public Health Act, 1994*;

“emergency period” means the period commencing on the date on which an emergency declaration is made or renewed and ending on the day on which the emergency declaration expires or is terminated.

Powers of minister in an emergency

36(1) Notwithstanding any requirement of this Act, if an emergency declaration is made or renewed, the minister may, by order, for the emergency period and in an area affected by the emergency:

- (a) subject to the regulations, delegate in writing to the chief codes administrator any powers vested in or duties imposed on the minister in this section;
- (b) suspend, adjust, cancel or set a further period within which a person must comply with any requirement of this Act;
- (c) appoint or authorize any qualified person to provide building official services;
- (d) authorize the entry into any building or on any land, without warrant, by any building official in the course of providing building official services;
- (e) act as the local authority for the purposes of issuing a permit for the design, construction, addition, erection, placement, alteration, repair, renovation, demolition, relocation, removal, use, occupancy or change in occupancy of any temporary building the minister considers necessary to respond to the emergency;
- (f) act as the local authority for the purposes of issuing a permit for the addition, alteration, repair, renovation, demolition, relocation, removal, use, occupancy or change in occupancy of any existing building the minister considers necessary to respond to the emergency;

- (g) act as the local authority for the purpose of providing building official services, if requested by the local authority; and
 - (h) take any actions authorized by the Lieutenant Governor in Council.
- (2) For any permit issued for the purposes of clause (1)(e), the minister shall ensure the permit:
- (a) states the date after which and the conditions under which the permit is no longer valid; and
 - (b) is posted on the building.
- (3) Subject to the approval of the Lieutenant Governor in Council, the minister may pay compensation for the following:
- (a) the acquisition or utilization by the minister of real or personal property pursuant to subsection (1);
 - (b) any damage or destruction of real or personal property due to an action of the minister in preventing, combatting or alleviating the effects of an emergency.
- (4) The orders, decisions or actions of the minister mentioned in subsection (1) are final and are not reviewable or restrained by:
- (a) injunction;
 - (b) prohibition;
 - (c) mandamus;
 - (d) certiorari; or
 - (e) other proceeding by any court.
- (5) The Lieutenant Governor in Council may make regulations respecting any matter the Lieutenant Governor in Council considers necessary to carry out any of the matters mentioned in this section.

Orders during emergency period

37(1) Subject to subsection (3), during an emergency period, on the recommendation of the Attorney General, the Lieutenant Governor in Council may, by order, do all or any of the following:

- (a) temporarily suspend or modify the operation of a provision or portion of this Act or the regulations;
 - (b) set out a provision to replace a provision or a portion of a provision suspended pursuant to clause (a) to be in effect during the emergency period;
 - (c) prescribe new or additional procedures and requirements that must be complied with.
- (2) An order made pursuant to this section:
- (a) may be made retroactive to a date set out in the order not earlier than the date on which the emergency declaration is made; and
 - (b) may be general or specific in application.

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- (3) If an order is made pursuant to this section, the minister shall cause the order:
- (a) to be published in the Gazette as soon as is reasonably practicable after it is made; and
 - (b) to be made public in any other manner the minister considers appropriate, including publishing it on the Government of Saskatchewan's website.

Rules re sections 36 and 37 and orders

38(1) Sections 36 and 37 and every order made pursuant to section 36 or 37 prevail in the case of any conflict between:

- (a) the sections or the order; and
 - (b) the following:
 - (i) any other provision of this Act or the regulations;
 - (ii) any other order made pursuant to this Act;
 - (iii) a bylaw passed pursuant to this Act;
 - (iv) the terms and conditions of a permit or licence issued pursuant to this Act;
 - (v) an agreement entered into pursuant to this Act.
- (2) An order made pursuant to section 36 or 37 remains in force during the emergency period, but may be continued in force for a further period not exceeding 30 days after the date on which the emergency period ends by:
- (a) the Lieutenant Governor in Council; or
 - (b) if authorized by the Lieutenant Governor in Council, the minister.

PART 8**Offences and Penalties****Offences and penalties**

39(1) No person shall:

- (a) contravene this Act, the regulations or a bylaw passed pursuant to this Act;
 - (b) fail to comply with an order made pursuant to section 25 or 31;
 - (c) fail to comply with the terms and conditions of a permit or licence issued pursuant to this Act; or
 - (d) obstruct or hinder a building official or a person accompanying the building official in the performance of the building official's duties pursuant to this Act or the regulations.
- (2) Every person who contravenes any provision of subsection (1) is guilty of an offence and liable on summary conviction:
- (a) in the case of an individual, to a fine of not more than \$25,000 and, in the case of a continuing offence, to a further fine of not more than \$5,000 for each day or part of a day during which the offence continues; and
 - (b) in the case of a corporation, to a fine of not more than \$200,000 and, in the case of a continuing offence, to a further fine of not more than \$20,000 for each day or part of a day during which the offence continues.

- (3) If a person is found guilty of contravening any provision of subsection (1), the convicting judge may, in addition to any other penalty imposed, order the person to do any act or work, within the time specified by the judge in the order.
- (4) A person to whom an order is given pursuant to subsection (3) who fails to comply with the decision, order or directive within the specified period is guilty of an offence and liable on summary conviction:
- (a) in the case of an individual, to a fine of not more than \$5,000 for each day during which the non-compliance continues; and
 - (b) in the case of a corporation, to a fine of not more than \$10,000 for each day during which the non-compliance continues.
- (5) No prosecution for an offence pursuant to this Act is to be commenced after 2 years from the date on which the offence is alleged to have been committed or, in the case of a continuing offence, the last date on which the offence was committed.

Court order

40(1) The minister or a local authority, as the case may be, may apply to a judge of the court for an order described in subsection (3) if a person:

- (a) fails to comply with an order directed to that person pursuant to section 25, 31 or 39 within the time specified in the order;
 - (b) refuses to allow a building official or a person appointed by the local authority to carry out pursuant to section 26 an order made pursuant to section 25, 31 or 39;
 - (c) interferes with or attempts to interfere with the carrying out of an order made pursuant to section 25, 31 or 39; or
 - (d) demonstrates the intent to contravene an order made pursuant to section 25, 31 or 39.
- (2) An application may be made pursuant to subsection (1) whether or not the person has been prosecuted.
- (3) On an application pursuant to subsection (1), a judge of the court may grant an order requiring the person:
- (a) to comply with the order made pursuant to section 25, 31 or 39;
 - (b) to refrain from interfering in any manner with the carrying out of an order made pursuant to section 25, 31 or 39; or
 - (c) to refrain from contravening an order made pursuant to section 25, 31 or 39.

PART 9
General

Immunity

41(1) No action or proceeding lies or shall be commenced against the Crown, the minister, the ministry, any employee of the ministry, the appeal board, a local authority, members of a local authority, a municipal official, a person appointed by the minister or local authority to carry out measures relating to emergencies, the chief building administrator, a building official or any person accompanying a building official if that person is acting pursuant to the authority of this Act or the regulations, for anything in good faith done, caused or permitted or authorized to be done, attempted to be done or omitted to be done by that person or by any of those persons pursuant to or in the exercise or supposed exercise of any power conferred by this Act or the regulations or in the carrying out or supposed carrying out of any order made pursuant to this Act or any duty imposed by this Act or the regulations.

(2) Notwithstanding subsection (1), the persons mentioned in that subsection are liable for gross negligence in carrying out their duties pursuant to this Act, the regulations or any order made pursuant to this Act.

Act deemed not to lessen responsibility

42 No provision of this Act or the regulations is deemed to annul or lessen the responsibility of a person for damages with respect to a person killed or injured or any property destroyed or damaged.

Public notice

43 Notice of administrative penalties, discipline orders, court-ordered compliance, revocation of a permit, or any other orders made pursuant to this Act may be published in any manner that the minister considers necessary to protect the public, including posting the notice on the ministry's website.

Service of documents

44(1) Any notice, order or other document that is required to be served pursuant to this Act or the regulations may be served:

- (a) by personal service made:
 - (i) in the case of an individual, on that individual;
 - (ii) in the case of a partnership, on any partner; or
 - (iii) in the case of a corporation, on any officer or director of the corporation;
- (b) by ordinary or registered mail addressed to the last address of the person to be served;
- (c) by posting a copy of the notice, order or document at the building to which the notice, order or document relates;
- (d) for buildings that contain 2 or more units intended for separate occupancy, by posting a copy of the notice, order or document in a conspicuous place on the premise;
- (e) by any of the methods of service mentioned in *The Queen's Bench Rules*; or
- (f) by any other prescribed means.

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- (2) A notice, order or document served by ordinary mail or registered mail is deemed to have been received on the seventh business day following the day of its mailing, unless the person to whom it was mailed establishes that, through no fault of the person, the person did not receive the document or that the person received it at a later date.
- (3) A notice or document sent by a prescribed means is deemed to have been received on the prescribed number of business days from the date on which the notice or document was sent.
- (4) Irregularity in the service of a notice, order or document does not affect the validity of an otherwise valid notice, order or document.

Regulations

45 For the purpose of carrying out this Act according to its intent, the Lieutenant Governor in Council may make regulations:

- (a) defining, enlarging or restricting the meaning of any word or expression used in this Act but not defined in this Act;
- (b) prescribing the manner, form, content or application of a written interpretation issued by the minister;
- (c) prescribing any additional powers, duties or responsibilities of the chief codes administrator;
- (d) prescribing any authority or body as a local authority;
- (e) prescribing the jurisdictional area, powers, responsibilities and duties of local authorities and any limits on the powers, responsibilities and duties that the Lieutenant Governor in Council considers appropriate;
- (f) prescribing a model of inspection by local authorities, including a quality management system of principles;
- (g) prescribing the minimum requirements of a building bylaw;
- (h) respecting the issuance of permits by a local authority and inspections by a local authority;
- (i) prescribing the registering of building official orders on title;
- (j) prescribing requirements for the licensing of building officials;
- (k) prescribing the ability to designate a person, persons or class of persons to exercise the powers and authority of a building official or chief codes administrator;
- (l) prescribing the appointment of building officials for emergency purposes;
- (m) prescribing the powers, responsibilities and duties of building officials;
- (n) prescribing the powers, responsibilities and duties of any other officials or inspectors providing services pursuant to this Act;
- (o) prescribing the responsibilities and obligations of owners;
- (p) prescribing the responsibilities and obligations of engineers or architects for the purpose of complying with this Act;
- (q) prescribing the qualifications of appeal board members;

- (r) prescribing the responsibilities and duties of the appeal board;
- (s) prescribing deposits necessary for an appeal to the appeal board and recourse to a refund or a partial refund of a deposit if the appeal board considers it necessary;
- (t) notwithstanding section 29, governing the powers or procedures of the appeal board;
- (u) governing the publication of decisions of the appeal board;
- (v) governing the payment and amounts of any fees, charges, deposits or bonds to be paid and the circumstances in which refunds may be granted, with respect to any matter governed by this Act;
- (w) governing the training and qualifications of any person who is carrying out duties pursuant to this Act or is subject to this Act and requiring those persons to be licensed or certified in the prescribed manner;
- (x) prescribing forms for the purposes of this Act;
- (y) exempting, on any terms or conditions that the Lieutenant Governor in Council considers appropriate, any land, premises, person or thing or any class of land, premises, person or things from all or any part of this Act or the regulations;
- (z) prescribing any matter or thing that is required or authorized by this Act to be prescribed in the regulations;
- (aa) respecting any other matter or thing the Lieutenant Governor in Council considers necessary to carry out the intent of this Act.

PART 10

Transitional, Repeal and Coming into Force

Transitional re orders, permits etc.

46(1) Every order, permit, licence or other document issued pursuant to the former Act that is valid on the day before the coming into force of this Act continues in force until its expiry date, if any, and may be dealt with pursuant to this Act as if it were issued pursuant to this Act.

(2) Every contract or agreement entered into pursuant to the former Act that was valid on the day before this Act comes into force continues in force and may be dealt with pursuant to this Act as if it were entered into pursuant to this Act.

Transitional re application of construction standards pursuant to rural municipality resolution

47(1) In this section, “**former provision**” means subsection 7(3) of the former Act as that subsection read before the coming into force of *The Uniform Building and Accessibility Standards Amendment Act, 2012*.

(2) Notwithstanding the repeal of the former provision and the regulations made pursuant to the former provision, until the rural municipality passes a bylaw in accordance with subsection 6(3) and section 17, the construction standards mentioned in section 5 continue to apply to the buildings and to each rural municipality named in the regulations made pursuant to the former provision.

(3) If a rural municipality passed a resolution in accordance with the former provision before the coming into force of *The Uniform Building and Accessibility Standards Amendment Act, 2012* but the Lieutenant Governor in Council did not pass a regulation in accordance with the former provision ordering the construction standards to apply in accordance with that resolution, the resolution is of no force and effect.

Transitional re appeals

48 An appeal to the appeal board as defined in the former Act that was commenced before the coming into force of this Act is to be continued pursuant to the former Act in conformity with the procedures provided for in the former Act.

SS 1983-84, c U-1.2 repealed

49 *The Uniform Building and Accessibility Standards Act* is repealed.

Coming into force

50 This Act comes into force by order of the Lieutenant Governor in Council.

FIRST SESSION
Twenty-ninth Legislature
SASKATCHEWAN

B I L L

No. 4

An Act respecting Construction Standards

Received and read the

First time

Second time

Third time

And passed

Honourable Don McMorris
