VILLAGE OF FROBISHER

BYLAW NO. 01-2024

A BYLAW RESPECTING BUILDINGS

The Council of the Village of Frobisher in the Province of Saskatchewan enacts as follows:

1) **SHORT TITLE**
This bylaw may be cited as the Building Bylaw.

2) **PURPOSE OF THE BUILDING BYLAW**
The purpose of this bylaw is to provide for the administration and enforcement of the Act, the regulations, the National Building Code of Canada, the National Energy Code of Canada for Buildings, ministerial interpretations and Saskatchewan Construction Standards Appeal Board orders and building official orders within the local authority.

3) **INTERPRETATION/LEGISLATION**
Definitions contained in *The Construction Codes Act*, *The Building Code Regulations* and *The Energy Code Regulations* shall apply in this building bylaw.

"Act" means The Construction Codes Act.

"building official" means a person who holds a building official licence.

"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;

"competent person" means a person who is recognized by the local authority as having:

(a) a degree, certificate or professional designation; or

(b) the knowledge, experience and training;

necessary to design or review the design of a building.

"local authority" means the Village of Frobisher.

"NBC" means the edition and provisions of the National Building Code of Canada, including revisions, errata and amendments to it, declared to be in force pursuant to the Act and the regulations.

"NECB" means the edition and provisions of the National Energy Code of Canada for Buildings, including revisions, errata and amendments to it, declared to be in force pursuant to the Act and the regulations.

"owner" means:

(a) any person who has any right, title, estate or interest in land, improvements or premises other than that of a mere occupant, tenant or mortgagee;

(b) any person, firm or corporation that controls the property under consideration; or

(c) if the building is owned separately from the land on which the building is located, the owner of the building.

"owner's representative" means any person, company, employee or contractor who has authority to act on behalf of an owner.

"permit" means written authorization issued by the local authority or its building official in the form of a building permit.

"plan review" means the examination of building drawings and related documents by a building official to ascertain whether those drawings and documents meet the requirements of the Act and the regulations.

"regulations" means *The Building Code Regulations* and *The Energy Code Regulations*.

"SAMA fee" means a fee charged to the local authority by the Saskatchewan Assessment Management Agency with respect to the work.

"value of construction" means the total costs to the owner for the building construction in its completed form and includes the cost of all building work, materials of construction, building systems, labour and overhead, and profit of the contractor and subcontractors.

"work" means any design, construction, addition, erection, placement, alteration, repair, renovation, demolition, relocation, removal, use, change of use, occupancy or change of occupancy of a building.

4) SCOPE OF THE BYLAW

This building bylaw applies to all work undertaken or to be undertaken within the geographical jurisdiction of the local authority.

5) GENERAL

a) It is the duty of every owner or the owner's representative of a building in Saskatchewan to ensure that the building and work is in accordance with the Act, the regulations, any associated codes, interpretations and orders and any bylaws adopted by the local authority with which the building is associated.

b) It shall be the responsibility of the owner or the owner's representative to arrange for all permits, inspections and certificates required by any other applicable bylaws, Acts and regulations.

c) A building or part of a building for which a permit has been granted shall not be occupied before the issuance of an occupancy certificate by the local authority or the building official pursuant to clause 16(11)(h) of the Act.

d) The provisions of this building bylaw apply to buildings greater than $10m^2$ (107.6 ft^2) in building area except as otherwise exempted by the Act or the regulations.

6) PERMIT - ISSUANCE

a) Every application for a permit for work shall be on the form provided by the local authority, attached as Appendix "A", and shall be accompanied when required by a development permit issued by the local authority, and a minimum of two sets of printed plans or one set of digital plans and specifications of the proposed building and work.

b) Every permit application shall be reviewed and approved by the building official including plan review and approval.

c) If the work described in an application for a permit, to the best of the knowledge of the local authority or the building official, complies with the requirements of this building bylaw, the Act, or the regulations, the local authority or the building official shall, on receipt of the required fee, issue a permit on the form provided by the local authority, attached as Appendix "B". In addition, one set of the approved plans and specifications, if provided in print, will be returned to the owner or the owner's representative with the permit.

d) A permit issued pursuant to this building bylaw must include:

   i) the name of the person, or company to whom the permit is issued;

   ii) the period for which the permit is valid;

iii) a statement of all fees, deposits or bonds charged for the permit;

iv) the scope of work authorized by the permit;

v) the municipal address or legal description of the property on which the work described in the permit is located;

vi) the buildings or portion of buildings to which the permit applies;

vii) the stages of construction for which a permit holder must inform the local authority;

viii) any conditions that the permit holder is required to comply with; and

ix) any information required by this building bylaw.

e) No person, or company to whom a permit is issued pursuant to the Act shall fail to comply with the terms and conditions of the permit.

f) Work must not commence before a permit is issued.

g) The permit fee shall be calculated according to the sum of the following:

i) a permit administration fee listed in a fee bylaw for the processing, handling and issuance of a permit;

ii) the fees for plan review, field inspection of construction and enforcement in accordance with a fee bylaw or the agreement between the provider of building official services and the local authority;

iii) the fees charged by the Saskatchewan Assessment Management Agency; and

iv) a deposit, if required, in an amount determined by the local authority.

h) All permit fees and deposits will be collected before the permit is issued and subject to any applicable taxes.

i) If a deposit is collected it shall, on request by the owner or owner's representative, be refundable upon the following conditions being met:

a. satisfactory completion of the work or on approval of use or occupancy of the building by the local authority or the building official; and

b. payment of all required fees owed to the local authority.

j) The local authority or the building official may establish the value of construction for the work described in an application for a permit, for the purpose of calculating a permit fee, based on established current construction costs, the owner's or the owner's representative statement of costs or constructor's contract values, or similar methods selected by the local authority or the building official.

k) It is the responsibility of the owner or the owner's representative to ensure that all notifications required by section 7 of the Act and section 11 of this building bylaw are given to the local authority and that all inspections are scheduled and completed. Failure to do so may result in additional fees for follow up inspections.

l) The owner or the owner's representative will be invoiced by the local authority for additional inspection fees and payment of the inspection fees will be due on receipt of an invoice. Unpaid inspection fees will be considered a debt due to the local authority and may be recovered from the owner of the land or premises in or on which the work was carried out as per the Act.

m) The local authority may, at Council's discretion, rebate a portion of a permit f[illegible] where work is reduced in scope or discontinued, or where other exceptional c[illegible] occur.

7) PERMITS - REFUSAL TO ISSUE

a) The local authority may refuse to issue a permit if:

i) the proposed work described on the permit application would contravene:

i. the Act;

ii. the regulations;

iii. an order of the appeal board;

iv. a written interpretation of the minister pursuant to section 8 of the Act; or

v. the local authority's building bylaw;

ii) the person who designed or reviewed the design of a proposed building that is within the scope of Part 9 of the NBC is not a competent person;

iii) the person who designed or completed a design review of a proposed building that is within the scope of the NECB is not an architect or engineer;

iv) the application for a permit is incomplete;

v) any fees, deposits or bonds required pursuant to the local authority's building bylaw for the issuance of a permit have not been paid; or

vi) the proposed work described on the permit application would contravene any other Act, regulations or bylaw that applies to the proposed work.

b) Where the local authority refuses to issue a permit pursuant to subsection (a), the local authority shall:

i) provide written notice to the applicant as to the reasons for the local authority's refusal to issue a permit; and

ii) refund any fee or deposit paid as part of the permit application for work pursuant to the Act, less any fees paid for:

i. plan review; and

ii. permit application or administration.

8) PERMITS - REVOCATION

a) The local authority may revoke a permit issued pursuant to the Act:

i) if the holder of the permit requests in writing that it be revoked;

ii) if the permit was issued on mistaken, false or incorrect information;

iii) if the permit was issued in error;

iv) subject to subsection (b), if, after 6 months after the permit's issuance, the work for which the permit was issued has not, in the opinion of the local authority's building official, been seriously commenced and no written agreement for the delay has been given by the local authority; or

v) subject to subjection (b), if the work for which the permit was issued is, in the opinion of the local authority's building official, substantially suspended or discontinued for a period of more than 6 months after the permit's issuance and no written agreement for the delay has been given by the local authority.

b) If the local authority revokes a permit pursuant to subsection (a) it shall provide written notice to the permit holder as to the reasons for the revocation.

9) PERMITS - EXPIRY

a) The expiry of a permit does not relieve the owner or the owner's representative from the obligation to complete the work approved in the permit.

b) All permits issued pursuant to this building bylaw shall expire on the date stated in the permit, or if no date is stated:

i) twelve months from date of issue;

ii) six months from date of issue if work is not commenced within that period;

iii) on the date specified by the local authority if work has not seriously commenced and is suspended for a period of six months; or

iv) on the date specified by the local authority if work has been suspended with written permission by the local authority or building official and the agreed upon period has been exceeded.

c) An owner or the owner's representative that does not complete all the work listed on a permit before the permit expires shall apply to the local authority that issued the permit to do one of the following:

i) revoke the permit;

ii) extend the term of the permit;

iii) vary the condition of the permit.

d) The local authority may revoke, extend or vary the conditions of a permit on written application of the permit holder and subject to any condition or fees listed in the bylaw.

10) ENFORCEMENT

The local authority or the building official may take any measures as permitted by section 24, 25, or 26 of the Act and sections 13 and 14 of *The Building Code Regulations* for the purpose of ensuring compliance with this building bylaw. Should non-compliance be noted, a written Order to Comply will be issued, attached as Appendix "C".

11) NOTIFICATION

a) The owner or the owner's representative of a building to be constructed shall ensure that the local authority is notified of:

i) when excavation is to be commenced;

ii) when the foundation is to be placed;

iii) when a superstructure is to be placed on the foundation;

iv) any other event at the time required by the permit under which work has been undertaken; and

v) any other specified event at the specified time.

b) Before commencing work at a building site, the owner or the owner's representative shall give notice to the local authority of:

i) the date on which the owner or the owner's representative intends to commence the work; and

ii) subject to subsection (h), 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.

c) During the course of construction, the owner or the owner's representative shall give notice to the local authority of:

i) subject to subsection (h), any change in, or termination of, the employment of a person or firm mentioned in clause (b)(ii);

ii) the owner's or owner's representative intent to do any work that has been ordered by a building official or local authority to be inspected during construction;

iii) the owner's or owner's representative intent to enclose work that has been ordered by a building official or local authority to be inspected before enclosure;

iv) subject to subsection (h), any proposed deviation from the plans approved and permitted by the local authority;

v) subject to subsection (h), any construction undertaken that deviates from the plans approved and permitted by the local authority; and

vi) the completion of work.

d) Subject to subsection (h), the owner or the owner's representative of a building under construction shall give notice to the local authority of:

i) any change in ownership or change in address of the owner or the owner's representative that occurs before the issuance of an occupancy certificate as soon as the change occurs; and

ii) the owner's or owner's representative intention to occupy a portion of the building if the building is to be occupied in stages.

e) The owner of a building or the owner's agents, contractors, employees, successors or assigns or the registered owner of the land on which the building is situated shall submit a written report to the local authority of the occurrence of the following that causes or has the potential to cause serious injury or loss of life:

i) structural failure of the building or part of the building;

ii) failure of any equipment, device or appliance that is regulated by the Act or the regulations.

f) A report submitted pursuant to subsection (e) must:

i) 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

ii) be submitted to the local authority within 15 days after the occurrence of the failure mentioned in clause (e)(i) or (ii).

g) On receipt of the report pursuant to subsection (e), the local authority may require an owner to do the following:

i) provide any other information that the building official or local authority ma necessary;

ii) complete any additional work that is necessary to ensure compliance.

h) Notice given pursuant to clause (b)(ii), (c)(i), (c)(iv), (c)(v) or subsection (d) is to be in writing.

12) SPECIAL CONDITIONS

a) An owner or the owner's representative that undertakes to construct or have constructed a building that is within the scope of Parts 3, 5, 6 and 7 of the NBC shall have an architect or engineer complete the design or design review of:

i) the building; and

ii) all building systems.

b) An owner or the owner's representative that undertakes to construct or have constructed a building with a structure that is within the scope of Part 4 of the NBC shall have an architect or engineer complete:

i) the design or design review of the structure;

ii) an inspection of construction of the structure to ensure compliance with the design; and

iii) the reviews required by the NBC.

c) An owner or the owner's representative that undertakes to construct or have constructed a building with a structure within the scope of the NECB shall have an architect or engineer complete:

i) the design or design review of the structure;

ii) the inspection of construction of the structure to ensure compliance with the design; and

iii) the reviews required by the NECB.

d) In addition to the requirements of subsection (a), (b) or (c), the local authority or building official shall require that an engineer or architect provide:

i) a Commitment for Field Review letter as part of the permit application for work; and

ii) an Assurance of Field Review and Compliance letter, on completion of the work, providing assurance that the work conforms to the engineer's or architect's design.

e) An owner or the owner's representative that undertakes to construct or have constructed a building that is within the scope of Part 9 of the NBC shall ensure that a competent person has designed or reviewed the design of the building.

f) An owner or the owner's representative shall ensure that copies of any inspection or review reports made pursuant to this section are made available to a building official or the local authority on the request of the building official or local authority, as the case may be.

g) No owner of a building or an owner's representative shall cause or allow the ground elevations of a building to be changed so as to place in contravention of the NBC:

i) the building or part of the building; or

ii) an adjacent building.

h) If the property boundaries of a building lot are changed so as to place a building or part of a building in contravention of the NBC, the owner or the owner's representative shall immediately alter the building or part of the building to bring it into compliance with the NBC.

13) PENALTY

a) Any person who contravenes any of the provisions of this building bylaw may be subject to the penalties provided in Part 8 of the Act.

b) Conviction of a person or corporation for breach of any provision of this building bylaw shall not relieve the person or corporation from compliance with the Act and regulations.

14) REPEAL OF BYLAW(S)

On enactment of this building bylaw, Bylaw 1967-3 – Bylaw Respecting Buildings and Bylaw 2018-4 – Amendment to Bylaw 3-67 are hereby repealed.

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

Read a third time and adopted this 18th

[SEAL]



Certified a true copy of
Bylaw No. 01-2024 adopted by

PROVINCIAL APPROVAL

Building and Technical Standards
Ministry of Government Relations

[Handwritten signature and date redacted]

APPENDIX "A"

VILLAGE OF FROBISHER
BUILDING PERMIT APPLICATION

Building Permit Application under *The Construction Codes Act*

Applicant Information (permit applicant can be an agent of the owner)

Company, if applicable		
Primary Contact		
Address		
Phone and Email		

Permit Information

Project Location	
Project Description	
Project type (check one)	☐ New Construction, Use, Change of Use, Occupancy or Change of Occupancy ☐ Addition, Erection, Alteration, Repair or Renovation to Existing Building ☐ Temporary Structure ☐ Relocation, Placement of an Existing Building ☐ Demolition, Removal of an Existing Building
Attached	Code analysis ☐ Yes ☐ No Construction Plans and Specifications ☐ Yes ☐ No
Building Area (m^2) and Height (storeys)	
Value of Construction	$

Owner Information (include all owners listed on the property title or attach in a separate sheet)

Company		
Project Contact		
Address		
Phone and Email		

For Office Use Only

Tax Roll Number	
Permit Fees	$

General Contactor Information (a building owner can be identified as a self-contractor)

Company		
Project Contact		
Address		
Phone and Email		

Lead Architect, Engineer or Competent Person
(this is the individual responsible for the overall design. All other designers should be included on a separate sheet attached to this application)

Company		
Project Contact		
Address		
Phone and Email		

Declaration by Applicant

I hereby declare that the above statements contained within this application and attached drawings are true and correct. I agree that where required, a Development Permit must be issued in order for the Building Permit to be valid. Neither document relieves the owner, the applicant, or the owner's agent from complying with all of the Village of Frobisher's bylaws and/or Provincial and Federal acts and regulations including the National Building Code (NBC) and the National Energy Code for Buildings (NECB) and the National Plumbing Code (NPC), and that it is my responsibility to ensure compliance with such legislation, regulations, bylaws and codes regardless of any plan review or inspections that may or may not be carried out by the building official, local authority or its authorized representatives. I agree that no construction shall commence without proper permits and approvals.	
Name	
Signature	
Date	

Notes:
A Code Analysis provides detailed information on provision of the NBC, NECB or NPC that apply to the specific project demonstrating design and construction is intended to meet minimum requirements.

Value of Construction means the total value of the building to the owner in its completed form and includes the cost of all building work, materials of construction, building systems, labour and overhead, and profit of the contractor and subcontractors. Note: The value of personal or discounted labour and any used material is deemed at current market value of new material and labour.

Building area means the greatest horizontal area of a building above grade within the outside surface of exterior walls or within the outside surface of exterior walls and the centre line of firewalls

Building height (in storeys) means the number of storeys contained between the roof ar
the first storey.

Appendix "B"

VILLAGE OF FROBISHER
BUILDING PERMIT

Building Permit under *The Construction Codes Act*

Permit Information

Permit Number		
Project Description		
Project Location		
Building Area (m^2) and Height (storeys)		
Major Occupancy	☐A1 ☐A2 ☐A3 ☐A4 ☐B1 ☐B2 ☐B3 ☐C ☐D ☐E ☐F1 ☐F2 ☐ F3	
Code Application	☐Part 3 ☐Part 9 ☐NECB ☐Section 9.36	
Permit Fees & Charges	$	
Permit Valid	From:	To:

Applicant

Company		
Project Contact		
Address		
Phone and Email		

Permit Requirements

Building Official	
Approval Signature	
Date	

Notes:

"**major occupancy**" means

A1 - Assembly occupancies intended for the production and viewing of the performing arts
A2 - Assembly occupancies not elsewhere classified in Group A
A3 - Assembly occupancies of the arena type
A4 - Assembly occupancies in which the occupants are gathered in the open air
B1 - Detention occupancies in which persons are under restraint or are incapable of self-preservation because of security measures not under their control
B2 - Treatment occupancies
B3 - Care occupancies
C - Residential occupancies
D - Business and personal services occupancies
E - Mercantile occupancies
F1 - High-hazard industrial occupancies
F2 - Medium-hazard industrial occupancies
F3 - Low-hazard industrial occupancies

Code Applications:

Part 3 applies to all buildings more than three storeys in building height or more that 600m^2 in building area and some smaller buildings that have Group A, Group B or Group F, Division 1 major occupancies.

Part 9 applies to buildings three storeys or less in building height and 600m^2 or less in building area with Group C, Group D, Group E and Group F, Divisions 2 and 3 major occupancies.

NECB means the National Energy Code for Buildings and applies to all buildings except one- and two-unit dwellings.

Section 9.36 means the portion of the National Building Code of Canada that applies energy efficiency standards to one- and two-unit dwelling and certain other small buildings.

Where permit requirements are attached, they become part of the approved building permit.

Permit fees are calculated from a fee bylaw adopted pursuant to subsection 17(3) of the CC Act.

Appendix "C"

VILLAGE OF FROBISHER
ORDER TO COMPLY

Order to Comply (OTC) under *The Construction Codes Act* (the Act)

Issued to	
Property Location	
Project Description	
Permit Number	
Inspection Date	

Contravention(s)

Pursuant to subsection 24(1) of the Act, t*he regulations,* the NBC, the NECB, and Building Bylaw No. 01-2024, the following contraventions are noted. Please use additional pages if needed.
1.
2.
3.

Order to Comply

Pursuant to subsection 25(1), (2), (3), (4), or (5) of the Act, the Regulations, the NBC, the NECB, and Building Bylaw No. 01-2024, you are hereby ordered to comply as follows (please use additional pages if needed):
1.
2.
3.
Compliance with this order is required on or before _____ _____, 20_____.

Failure to Comply

Failure to comply with the order by the date provided may result in the commencement of legal enforcement as provided by *The Construction Codes Act.* See sections 39 and 40 of the CC Act.

Issued by

Building Official:	Licence No.:
Signature:	Phone:
Date:	Email:

Right of Appeal

An owner of a building may appeal an order made pursuant to subsection 31(1) of *The Construction Codes Act* within **15 days** after service of the order by submitting a request for hearing form to the Chief Codes Administrator and providing a deposit. For appeal information contact Building and Technical Standards Branch, Saskatchewan Ministry of Government Relations.
Email: btstandards@gov.sk.ca Phone 306-787-4113.

Basic Requirements for an Order to Comply

The OTC must identify the local authority (LA) where the order originated. This may include other pertinent information such as the civic address, postal code and contact information of the LA.

The OTC must be identified and captioned such as "Building Official Order" or "Order to Comply".

The OTC must be sent to those identified in section 25 of *The Construction Codes Act* as applicable. This includes:

- the owner of the building or his agents, contractors, employees, successors or assigns or the registered owner of the land on which the building is situated," (excerpt).
- Where there is joint ownership or multiple owners, efforts must be made to issue the OTC to all owners.

Contravention:
Include:

- Reference to subsection 24(1) of the CC Act which provides the power of the building official.
- Reference to the applicable legislation, codes and the building bylaw.
- A description of the project.
- The project address or legal description.
- The date of inspection.
- The contravention(s) and references to supporting legislation, codes, or building bylaw described in sufficient detail so the recipient understands what is at issue.

Order to Comply:
Include:

- Reference to subsection 25 and the specific provisions under which the order is written.
- A description of what is necessary to achieve compliance including option.
- The date of compliance is required as determined necessary by the building official.

Failure to Comply:
Include information regarding the consequences for failure to comply by the assigned date. This could include the specific enforcement measures the local authority and the building official and building official will take.

Order Issued By:
Include:

- Provide information regarding the date of the OTC and the name of the BO responsible for inspection and who created the OTC.
- Provide contact information for the BO responsible for the OTC and ensure the OTC is signed by the BO.

Right of Appeal
Include:

- Details regarding the right of appeal as referenced by section 31 the CC Act.
- The 15 day deadline for submitting a Request for Hearing application after service of the order.
- The deposit required to process a Request for Hearing.
- Who to contact for additional information.