



R M of Torch River No. 488

Bylaw No. 06-2023

A BYLAW OF THE R.M. OF TORCH RIVER No. 488 TO ADOPT A BUILDING BYLAW

The Council of the Rural Municipality of Torch River No. 488, in the Province of Saskatchewan, enacts this bylaw, known as the "Building Bylaw".

1. SHORT TITLE

- (1) 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.

- (1) In this Bylaw:
- (a) **"Act"** means *The Construction Codes Act* being Chapter 9 of the Statutes of Saskatchewan, 2021 and amendments.
 - (b) **"Administrative Requirements"** means Administrative Requirements for Use with The National Building Code 1985.
 - (c) **"Authorized Representative"** means a building official appointed by the local authority pursuant to subsection 16(2) of the Act.
 - (d) **"Building Official"** means a person who holds a building official licence.
 - (e) **"Competent Person"** means a person who is recognized by the local authority as having:
 - (i) a degree, certificate or professional designation; or
 - (ii) the knowledge, experience and training necessary to design or review the design of a building.
 - (f) **"Local authority"** means the Rural Municipality of Torch River No. 488 and its Council.
 - (g) **"Municipal official"** means the Administrator of the Rural Municipality or their designate.
 - (h) **"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.
 - (i) **"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.
 - (j) **"Occupancy Certificate"** means a certificate issued with respect to the approved use or occupancy of a building.
 - (k) **"owner"** means:
 - (i) 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;



- (ii) any person, firm or corporation that controls the property under consideration; or
- (iii) if the building is owned separately from the land on which the building is located, the owner of the building.

- (l) **"Owner's Representative"** means any person, company, employee or contractor who has authority to act on behalf of an owner.
- (m) **"Permit"** means written authorization issued by the local authority or its building official in the form of a building permit.
- (n) **"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.
- (o) **"Regulations"** means *The Building Code Regulations* and *The Energy Code Regulations*.
- (p) **"SAMA Fee"** means a fee charged to the local authority by the Saskatchewan Assessment Management Agency with respect to the work.
- (q) **"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.
- (r) **"Work"** means any construction, addition, erection, placement, alteration, repair, renovation, demolition, relocation, removal, use, occupancy or change of occupancy of a building.

4. SCOPE OF THE BYLAW

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

5. GENERAL

- (1) It is the duty of every owner or the owner's representative of a building in Saskatchewan to ensure that the building and work is in accordance with the Act, the regulations, any associated codes, interpretations and orders and any bylaws adopted by the local authority with which the building is associated.
- (2) It shall be the responsibility of the owner or the owner's representative to arrange for all permits, inspections and certificates required by any other applicable bylaws, Acts and regulations.
- (3) A building or part of a building for which a permit has been granted shall not be occupied before the issuance of an occupancy certificate by the local authority or the building official pursuant to clause 16(11)(h) of the Act.
- (4) The provisions of this building bylaw apply to buildings greater than 10m² (107.6 ft²) in building area except as otherwise exempted by the Act or the regulations.

6. PERMIT - ISSUANCE

- (1) Every application for a permit for work shall be on the form provided by the local authority, and shall be accompanied by a minimum of two sets of plans and specifications of the proposed building and work unless otherwise authorized by the local authority or its authorized representative.
- (2) Every permit application shall be reviewed and approved by the building official including plan review and approval.
- (3) If the work described in an application for a permit, to the best of the knowledge of the local authority or the building official, complies with the requirements of this building bylaw, the Act, or the regulations, the local authority or the building official shall, on receipt of the required fee, issue a permit on the form provided by the local authority. In addition, one set of the approved

plans and specifications may be returned to the owner or the owner's representative with the permit.

- (4) A permit issued pursuant to this building bylaw must include:
 - (a) the name of the person, or company to whom the permit is issued;
 - (b) the period for which the permit is valid;
 - (c) a statement of all fees, deposits or bonds charged for the permit;
 - (d) the scope of work authorized by the permit;
 - (e) the municipal address or legal description of the property on which the work described in the permit is located;
 - (f) the buildings or portion of buildings to which the permit applies;
 - (g) the timing of notice of the stages of construction for which a permit holder must inform the local authority or authorized representative;
 - (h) any conditions that the permit holder is required to comply with; and
 - (i) any information required by this building bylaw.
- (5) No person, or company to whom a permit is issued pursuant to the Act shall fail to comply with the terms and conditions of the permit.
- (6) Work must not commence before a permit is issued.
- (7) The permit fee shall be calculated according to the sum of the following:
 - (a) a permit administration fee listed in a fee bylaw for the processing, handling and issuance of a permit;
 - (b) 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;
 - (c) the fees charged by the Saskatchewan Assessment Management Agency; and
 - (d) a deposit, if required, in an amount determined by the local authority.
- (8) If a deposit is collected it shall, on request by the owner or owner's representative, be refundable on satisfactory completion of the work or on approval of use or occupancy of the building by the local authority or the building official.
- (9) All permit fees and deposits will be collected before the permit is issued and subject to any applicable taxes.
- (10) The local authority or the building official may establish the value of construction for the work described in an application for a permit, for the purpose of calculating a permit fee, based on established current construction costs, the owner's or the owner's representative statement of costs or constructor's contract values, or similar methods selected by the local authority or the building official.
- (11) It is the responsibility of the owner or the owner's representative to ensure that all notifications required by section 7 of the Act and this building bylaw are given to the local authority and that all inspections are scheduled and completed. Failure to do so may result in additional fees for follow up inspections.
- (12) The owner or the owner's representative will be invoiced by the local authority for additional inspection fees and payment of the inspection fees will be due on receipt of an invoice. Unpaid

inspection fees will be considered a debt due to the local authority and may be recovered from the owner of the land or premises in or on which the work was carried out as per the Act.

- (13) The local authority may, at its discretion, rebate a portion of a permit fee or deposit where work is reduced in scope or discontinued, or where other exceptional circumstances occur.

7. PERMITS - REFUSAL TO ISSUE

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

(a) the proposed work described on the permit application would contravene:

- (i) the Act;
- (ii) the regulations;
- (iii) an order of the appeal board;
- (iv) a written interpretation of the minister pursuant to section 8 of the Act; or
- (v) the local authority's building bylaw;

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

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

(d) the application for a permit is incomplete;

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

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

- (2) Where the local authority refuses to issue a permit pursuant to subsection (1), the local authority shall:

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

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

- (i) plan review; and
- (ii) permit application or administration.

8. PERMITS - REVOCATION

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

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

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

(c) if the permit was issued in error;

(d) subject to subsection (2), if, after 6 months after the permit's issuance, the work for which the permit was issued has not, in the opinion of the local authority's building official, been seriously commenced and no written agreement for the delay has been given by the local authority; or

(e) subject to subsection (2), if the work for which the permit was issued is, in the opinion of the local authority's building official, substantially suspended or discontinued for a period of more than 6 months after the permit's issuance and no written agreement for the delay has been given by the local authority.

(2) If the local authority revokes a permit pursuant to subsection (1) it shall provide written notice to the permit holder as to the reasons for the revocation.

9. PERMITS - EXPIRY

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

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

- (a) twenty-four months from date of issue;
- (b) six months from date of issue if work is not commenced within that period;
- (c) on the date specified by the local authority if work has not seriously commenced and is suspended for a period of six months; or
- (d) on the date specified by the local authority if work has been suspended with written permission by the local authority or building official and the agreed upon period has been exceeded.

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

- (a) revoke the permit;
- (b) extend the term of the permit;
- (c) vary the condition of the permit.

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

10. DEMOLITION OR REMOVAL PERMITS

(1) The permit fee for the demolition or removal of a building shall be based on the following:

- (a) The fee for a permit to demolish or remove a building shall be as listed in a fee bylaw.
- (b) At Council's discretion, additional fees may include, but are not limited to:
 - (i) An irrevocable standby letter of credit from the applicant, acceptable to the municipality, shall be deposited with the municipal official in an amount equal to (100%) of the total estimated cost to cover the cost of demolishing and restoring the site after the building has been demolished or removed to such condition that it is, in the opinion of the local authority or its authorized representative, not dangerous to public safety. The irrevocable standby letter of credit shall:
 - (1) Be from a recognized financial institution;
 - (2) Be kept valid by the applicant until the municipality is satisfied that the applicant has met all obligations under this bylaw;
 - (3) Be in an amount, which both parties hereby agree equals one hundred (100%) of the total estimated cost of all restoration.

- (4) If and when the municipality is satisfied (i) that the applicant has completed all of the restoration and (ii) that there are no outstanding claims or liens respecting the same, upon the request of the applicant, the municipality shall supply a letter addressed to the financial institution which issued the letter of credit, a release of the same.
 - (ii) If the municipality is not satisfied that the applicant has completed all the restoration as, when and to the standards required under this bylaw, the municipality may declare the applicant to be in default. A declaration of default shall be sent by prepaid registered mail to the applicant. Should the applicant fail to remedy the default within seven (7) days of the mailing of the declaration, the municipality shall have the right to enter upon the land to complete the restoration, including repair or reconstruction of faulty work and the replacement of materials not in accordance with the specifications in this bylaw. The costs or any measures taken by the municipality pursuant to this section, shall be an amount owing by the applicant to the municipality and shall be payable on demand. Should the applicant fail to pay the municipality within thirty (30) days of the demand, the money owing may be obtained from the financial institution which issued the letter of credit.
- (2) Every application for a permit to demolish or remove a building shall be in a form provided by the local authority.
- (3) Where a building is to be demolished or removed from within all lands lying within the jurisdiction of the R.M. of Torch River No. 488, and the municipal official is satisfied that there are no debts or taxes in arrears or taxes outstanding with respect to the building or land on which the building is situated, the municipal official, upon receipt of the fee and deposit prescribed, shall issue a permit for the demolition or removal in a form provided by the local authority.
- (4) The permit for moving or relocating a building shall be based on the following:
 - (a) Where a building is to be removed from its current site and set upon another site within all lands lying within the jurisdiction of the R.M. of Torch River No. 488, and the municipal official is satisfied that there are no debts or taxes in arrears or taxes outstanding with respect to the building or land on which the building is situated, and the building when placed on its new site and completed, to the best of the knowledge of the local authority or its authorized representative, will conform with the requirements of this bylaw, the municipal official, upon receipt of the fee and deposit prescribed, shall issue a permit for the removal in a form provided by the local authority.
 - (b) In addition, the municipal official, upon receipt of the fee prescribed in the fee bylaw, shall issue a permit for the placement of the building in a form provided by the local authority.
- (5) Permit applications under this section may be required to include asbestos test results. It is then the owner's responsibility to remove the materials safely according to Occupational Health and Safety regulations and provide the appropriate authorities with a removal plan.
- (6) All permits issued under this section expire six (6) months from the date of issue except that a permit may be renewed for six (6) months upon approval by the local authority.

11. 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.

12. NOTIFICATION

- (1) The owner or the owner's representative of a building to be constructed shall ensure that the local authority is notified of:
 - (a) when excavation is to be commenced;
 - (b) when the foundation is to be placed;
 - (c) when a superstructure is to be placed on the foundation;
 - (d) any other event at the time required by the permit under which work has been undertaken; and
 - (e) any other specified event at the specified time.
- (2) Before commencing work at a building site, the owner or the owner's representative shall give notice to the local authority of:
 - (a) the date on which the owner or the owner's representative intends to commence the work; and
 - (b) subject to subsection (8), the name, address and telephone number of:
 - (i) the constructor or other person in charge of the work;
 - (ii) the designer of the work;
 - (iii) the person or firm that is to review the work to determine whether or not the construction conforms to the design; and
 - (iv) any inspection or testing agency that is engaged to monitor the work.
- (3) During the course of construction, the owner or the owner's representative shall give notice to the local authority of:
 - (a) subject to subsection (8), any change in, or termination of, the employment of a person or firm mentioned in clause (2)(b);
 - (b) the owner's or owner's representative intent to do any work that has been ordered by a building official or local authority to be inspected during construction;
 - (c) the owner's or owner's representative intent to enclose work that has been ordered by a building official or local authority to be inspected before enclosure;
 - (d) subject to subsection (8), any proposed deviation from the plans approved and permitted by the local authority;
 - (e) subject to subsection (8), any construction undertaken that deviates from the plans approved and permitted by the local authority; and
 - (f) the completion of work.
- (4) Subject to subsection (8), the owner or the owner's representative of a building under construction shall give notice to the local authority of:
 - (a) any change in ownership or change in address of the owner or the owner's representative that occurs before the issuance of an occupancy certificate as soon as the change occurs; and
 - (b) the owner's or owner's representative intention to occupy a portion of the building if the building is to be occupied in stages.

- (5) The owner of a building or the owner's agents, contractors, employees, successors or assigns or the registered owner of the land on which the building is situated shall submit a written report to the local authority of the occurrence of the following that causes or has the potential to cause serious injury or loss of life:
- (a) structural failure of the building or part of the building;
 - (b) failure of any equipment, device or appliance that is regulated by the Act or the regulations.
- (6) A report submitted pursuant to subsection (5) must:
- (a) contain:
 - (i) the name and address of the owner;
 - (ii) the address or location of the building involved in the failure;
 - (iii) the name and address of the constructor of the building; and
 - (iv) the nature of the failure; and
 - (b) be submitted to the local authority within 15 days after the occurrence of the failure mentioned in clause (5)(a) or (b).
- (7) On receipt of the report pursuant to subsection (5), the local authority may require an owner to do the following:
- (a) provide any other information that the building official or local authority may consider necessary;
 - (b) complete any additional work that is necessary to ensure compliance.
- (8) Notice given pursuant to clause (2)(b), (3)(a), (3)(d), (3)(e) or subsection (4) is to be in writing.

13. SPECIAL CONDITIONS

- (1) An owner or the owner's representative that undertakes to construct or have constructed a building that is within the scope of Parts 3, 5, 6 and 7 of the NBC shall have an architect or engineer complete the design or design review of:
- (a) the building; and
 - (b) all building systems.
- (2) An owner or the owner's representative that undertakes to construct or have constructed a building with a structure that is within the scope of Part 4 of the NBC shall have an architect or engineer complete:
- (a) the design or design review of the structure;
 - (b) an inspection of construction of the structure to ensure compliance with the design; and
 - (c) the reviews required by the NBC.
- (3) An owner or the owner's representative that undertakes to construct or have constructed a building with a structure within the scope of the NECB shall have an architect or engineer complete:
- (a) the design or design review of the structure;

- (b) the inspection of construction of the structure to ensure compliance with the design; and
 - (c) the reviews required by the NECB.
- (4) In addition to the requirements of subsection (1), (2) or (3), the local authority or building official shall require that an engineer or architect provide:
- (a) a Commitment for Field Review letter as part of the permit application for work; and
 - (b) an Assurance of Field Review and Compliance letter, on completion of the work, providing assurance that the work conforms to the engineer's or architect's design.
- (5) An owner or the owner's representative that undertakes to construct or have constructed a building that is within the scope of Part 9 of the NBC shall ensure that a competent person has designed or reviewed the design of the building.
- (6) An owner or the owner's representative shall ensure that copies of any inspection or review reports made pursuant to this section are made available to a building official or the local authority on the request of the building official or local authority, as the case may be.
- (7) No owner of a building or an owner's representative shall cause or allow the ground elevations of a building to be changed so as to place in contravention of the NBC:
- (a) the building or part of the building; or
 - (b) an adjacent building.
- (8) If the property boundaries of a building lot are changed so as to place a building or part of a building in contravention of the NBC, the owner or the owner's representative shall immediately alter the building or part of the building to bring it into compliance with the NBC.

14. PENALTY

- (1) Any person who contravenes any of the provisions of this building bylaw may be subject to the penalties provided in Part 8 of the Act.
- (2) Conviction of a person or corporation for breach of any provision of this building bylaw shall not relieve the person or corporation from compliance with the Act and regulations.

15. ENACTMENT OF BYLAW(S)

- (1) Bylaw 05-2010, Bylaw 01-2023 and all previous building bylaws, including building bylaw amendments, are repealed.
- (2) This Bylaw shall come into force and effect upon the approval of the minister pursuant to Section 17 of *The Construction Codes Act*.

Read a third time and adopted this 16th day of October, 2023.

Reeve

(S E A L)

Administrator

