

**TOWN OF DUNDURN
BYLAW 2023-13**

BUILDING BYLAW

A BYLAW RESPECTING BUILDINGS

The Council of the Town of Dundurn

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

- (1) The purpose of this building 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 to this building bylaw.

- (1) “**Act**” means *The Construction Codes Act*.
- (2) “**building official**” means a person who holds a building official license.
- (3) “**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
- (4) “**local authority**” means the Town of Dundurn to which this Building Bylaw applies.
- (8) “**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.
- (9) “**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.

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- (10) “**occupancy certificate**” means a certificate issued with respect to the approved use or occupancy of a building.
- (11) “**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.
- (12) “**owner’s representative**” means any person, company, employee or contractor who has authority to act on behalf of the owner.
- (13) “**permit**” means written authorization issued by the local authority or its building official in the form of a building permit.
- (15) “**plan review**” means the examination of building drawings and related documents by a building official to ascertain whether those drawings and documents meet the requirement of the Act and the regulations.
- (16) “**regulations**” means *The Building Code Regulations* and *The Energy Code Regulations*.
- (17) “**SAMA fee**” means fee charged to the local authority by the Saskatchewan Assessment Management Agency with respect to the work.
- (18) “**service provider**” means only a licenced building official that is appointed by a local authority is granted the powers of a building official in the Construction Code Act.
- (19) “**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.
- (20) “**work**” means any construction, addition, erection, placement, alteration, repair, renovation, demolition, relocation, removal, use, occupancy or change of occupancy of a building.

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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.
- (3) Retaining walls attached to a structure or free standing greater than 1219.2 mm (4 ft) in differential grade height on lands not used for agricultural purposes.
- (4) An accessory building not greater than 9.3 m² (100 ft²) are exempt from this building bylaw provided it does not create a hazard and provided it does not have sleeping accommodations.
- (5) Decks under 609.6 mm (2 ft) in differential grade height on lands for residential use are deemed as patios exempt from this building bylaw.

5. GENERAL DUTIES OF THE OWNER

- (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) of the Act.
- (4) The provisions of this building bylaw apply to buildings greater than 9.3m² (100 ft²) in building area except as otherwise exempted by the Act or the regulations.

6. PERMITS – GENERAL CONDITONS

- (1) Permits shall be subject to any geotechnical requirements stated by the local authority.
- (2) The granting of any permit by this building bylaw shall not:
 - (a) entitle the grantee, his successor or assigns, or anyone on his behalf to erect any building that fails to comply with the requirements of any Act, the regulations or bylaw affecting the site described in the permit; or
 - (b) make either the local authority or the building official liable for damages or losses in the event that a building does not comply with the requirements of any Act, the

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regulations or bylaw regardless of whether or not occupancy has been authorized by a permit.

- (3) Approval in writing from the local authority or building official is required for any deviation, omission or revision to the work.

7. PERMITS - APPLICATION AND 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, as well as digital set of plans and specifications of the proposed building and work.
- (2) 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 will be returned to the owner or the owner's representative with the permit.
- (3) 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 describe in the permit is located;
 - (f) the buildings or portion of buildings to which the permit applies;
 - (g) the date of completion of the stages of construction for which a permit holder must inform the local authority;
 - (h) any conditions that the permit holder is required to comply with; and
 - (i) any information required by this building bylaw.
- (4) 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.
- (5) Work must not commence before a permit is issued. Where work has commenced prior to issuing a permit, additional fees may apply up to 100% of the permit fee.
- (6) The permit fee shall be calculated according to the sum of the following:

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- (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 the 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.
- (7) 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.
- (8) All permit fees and deposits will be collected before the permit is issued and subject to any applicable taxes.
- (9) 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 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.
- (10) 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.
- (11) 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 upon 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.
- (12) 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.

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- (13) Whenever the proposed work requires the technical expertise of an architect or engineer, the local authority or building official may require that all drawings and specifications, or any part thereof, be prepared or reviewed, sealed, dated and signed by a licensed Engineer or Architect.
- (14) Where a building is to be demolished or removed, the local authority shall not issue a permit until the local authority 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.
- (15) The application for a permit shall be reviewed and approved by the building official. The building official will return an approved plan review, showing all required inspections by the building official.
- (16) The local authority shall issue a permit if:
 - (a) All permit fees deposits and any applicable taxes have been paid; and
 - (b) If the work described in the application for a permit, to the best of the knowledge of the local authority or building official, complies with the requirements of the Act and the regulations.

8. PERMITS - REFUSAL TO ISSUE

- (1) The local authority may refuse to issue a permit if:
 - (a) the proposed work 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 the proposed works 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 the proposed works that is within the scope of the NECB is not an engineer or architect;
 - (d) the application for a permit is incomplete;
 - (e) any fee, 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.
 - (g) if the local authority is satisfied that there are no debts to the local authority or there are property taxes in arrears.

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- (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.

9. PERMIT 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.

10. 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

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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.

11. PERMITS – ENFORCEMENT

- (1) The local authority or 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.
- (2) Failure to obtain a permit or follow the terms of the permit, including ensuring that all inspections are scheduled and completed by the building official, may result in the issuance of a building official's order, in accordance with section 25 of the Act.
- (3) The building official may direct the local authority to register an interest in the lands through the Land Titles Registry if a building official's order was not adhered to, in accordance with section 20 of the Act.

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;

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- (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 deviate 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

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(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
 - (c) fulfillment of all of the requirements of the Act and Regulations
- (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 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.

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- (5) An owner or the owner's representative that undertakes to construct or has 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.
- (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. REPEAL OF PREVIOUS BUILDING BYLAW

- (1) On enactment of this building bylaw, all previous building bylaws, including building bylaw amendments, are repealed.

Enactment pursuant to Section 17 of the Construction Codes Act.

Mayor
Curtis Boyes

Chief Administrative Officer
Valerie Schlosser

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Schedule A: Order to Comply

Town of Dundurn

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

Issued to	
Property Location	
Project Description	
Permit Number	
Inspection Date	

Contravention(s)

Pursuant to subsection 24(1) of the CC Act, *The Building Code Regulations*, (the BC Regulations) the National Building Code (NBC), The National Energy Code for Buildings (NECB) and Building Bylaw No. _____, the following contraventions are noted.

1
2
3

Order to Comply

Pursuant to subsection 25(1), (2), (3), (4) or (5) of the CC Act, the BC Regulations, the NBC, the NECB and Building Bylaw No. _____, you are hereby ordered to comply as follows:

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 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.

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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.