

# *The Uniform Building and Accessibility Standards Act*

*being*

Chapter U-1.2 of the *Statutes of Saskatchewan, 1983-84* (consult Tables of Saskatchewan Statutes for effective date) as amended by the *Statutes of Saskatchewan, 1986-87-88, c.60; 1989-90, c.62; 1993, c.18; 1996, c.E-9.3; 1998, c.P-42.1; 2002, c.C-11.1; 2005, c.M-36.1; 2010, c.N-5.2; 2012, c.34; and 2013, c.R-9.11 and c.27.*

## **NOTE:**

**This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.**

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## CHAPTER U-1.2

### An Act to respecting Building and Accessibility Standards and the Inspection of Buildings

#### PART I General

##### Short title

**1** This Act may be cited as *The Uniform Building and Accessibility Standards Act*.

##### Interpretation

**2(1)** In this Act:

(a) **“accessibility standards”** means the standards prescribed pursuant to Part III;

(a.1) **“alteration”** means a change or extension to any matter, thing or occupancy that is regulated by this Act;

(b) **“appeal board”** means the Saskatchewan Building and Accessibility Standards Appeal Board continued pursuant to subsection 6(1);

(b.1) **“appropriate local authority”** means the local authority that has jurisdiction over the geographical area in which a building is or is to be situated;

(b.2) **“architect”** means a registered architect within the meaning of *The Architects Act*;

(c) **“building”** means a structure used or intended for supporting or sheltering any use or occupancy, and includes an addition built to an existing structure and, where applicable, the land adjoining a structure;

(c.1) **“building official”** means a building official appointed pursuant to section 5 and includes the chief building official;

(d) **“building standards”** means the standards prescribed pursuant to Part II;

(d.1) **“change of occupancy”** means a change from one class of occupancy recognized by the edition of the National Building Code of Canada that is declared in force pursuant to subsection 8(2) to another such class of occupancy;

(e) **“chief building official”** means the chief building official appointed pursuant to subsection 5(1);

(e.1) **“constructor”** means a person who contracts with an owner or his authorized agent to undertake a building construction project, and includes an owner who:

- (i) contracts with more than one person for the work on a building construction project; or
- (ii) undertakes the work on a building construction project or any part of such a project;
- (f) **“court”** means Her Majesty’s Court of Queen’s Bench for Saskatchewan;
- (g) **“Crown”** means Her Majesty in right of Saskatchewan;
- (h) **“department”** means the department over which the minister presides;
- (h.1) **“engineer”** means a professional engineer, as defined in *The Engineering and Geoscience Professions Act*, and includes the holder of a certificate of authorization granted pursuant to section 22 of that Act;
- (i) **“farm building”** means a building associated with a farming operation and includes a residence consisting of not more than two dwelling units, but does not include buildings associated with commercial operations, multiple-occupancy residences or assembly buildings;
- (j) **Repealed.** 1993, c.18, s.3.
- (j.1) **“land surveyor”** means a land surveyor who is registered pursuant to *The Saskatchewan Land Surveyors Act*;
- (k) **“local authority”** means:
  - (i) a municipality;
  - (ii) a regional park authority within the meaning of *The Regional Parks Act, 2013*; or
  - (iii) with respect to park land within the meaning of *The Parks Act*, the minister responsible for the administration of that Act;
- (l) **“minister”** means the member of the Executive Council to whom for the time being the administration of this Act is assigned;
- (m) **“municipal official”** means:
  - (i) the clerk or administrator, as the case may be, of a municipality; or
  - (ii) the secretary-treasurer of a regional park authority;
- (n) **“occupancy”** means the use or intended use of all or part of a building for the shelter or support of persons, animals or property;
- (o) **“owner”** means any person, firm or corporation that controls the property under consideration;
- (p) **“prescribed”** means prescribed in the regulations;
- (q) **“renovation”** means a renewal of a building or a portion of a building;

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

(s) “**unsafe condition**” means a condition that could cause undue hazard to life, limb or health of any person who is authorized or expected to be on or about the premises.

(2) The meaning of any word or expression used in this Act but not defined in this Act may be defined, enlarged or restricted in the regulations.

1983-84, c.U-1.2, s.2; 1986-87-88, c.60, s.3;  
1989-90, c.62, s.3; 1993, c.18, s.3; 1996, c.E-9.3,  
s.65; 2002, c.C-11.1, s.414; 2005, c.M-36.1, s.475;  
2013, c.R-9.11, s.41.

**Act binds Crown**

**3** The Crown is bound by this Act.

1983-84, c.U-1.2, s.3.

**Administration by local authority**

4(1) Subject to the other provisions of this section, each local authority shall administer and enforce this Act, the regulations and orders and decisions of the appeal board pursuant to sections 12 and 18.

(2) Two or more local authorities may enter into an agreement providing for the joint performance of their duties pursuant to subsection (1).

(3) 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).

(4) Where the minister receives a request pursuant to subsection (3), the minister may designate one or more building officials to assist the local authority in performing its enforcement duties pursuant to subsection (1).

(5) Where, pursuant to subsection (4), the minister designates one or more building officials to assist a local authority to perform its enforcement duties pursuant to subsection (1):

(a) the local authority shall make payment for the assistance in accordance with a schedule of amounts prescribed in the regulations; and

(b) any amount payable by the local authority pursuant to clause (a) is a debt due to the Crown by the local authority.

(6) Notwithstanding subsection (4), where the minister appoints a building official pursuant to that subsection 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.

1983-84, c.U-1.2, s.4; 1989-90, c.62, s.4; 1993  
c.18, s.4.

**Inspectors**

5(1) A chief building official, 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) A local authority may appoint persons who hold a building official's licence as building officials.

(5) **Repealed.** 1993, c.18, s.5.

(6) The municipal official of a local authority shall issue a certificate of appointment bearing his or her signature to every building official appointed by the local authority pursuant to subsection (4).

1993, c.18, s.5; 1998, c.P-42.1, s.42.

**Building officials' licences**

5.1(1) The chief building official may issue a building official's licence to a 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 impose terms, conditions and restrictions on the duties that may be performed by the licensee.

1993, c.18, s.6.

**Saskatchewan Building and Accessibility Standards Appeal Board established**

6(1) The Saskatchewan Building and Accessibility Standards Appeal Board is continued consisting of not more than eight persons who are residents of Saskatchewan appointed by the Lieutenant Governor in Council.

(1.1) A member of the appeal board:

(a) holds office at pleasure and until a successor is appointed; and

(b) is eligible for reappointment.

- (2) The appeal board shall:
  - (a) hear and determine appeals made pursuant to section 12 or 18;
  - (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.
- (3) The Lieutenant Governor in Council shall designate a chairman, vice-chairman and secretary to the appeal board.
- (4) The chairman, or in his absence the vice-chairman, shall preside at the meetings of the appeal board, or if both the chairman and vice-chairman are absent, the chairman shall designate a member of the appeal board to preside at the meetings of the appeal board.
- (5) The chairman, vice-chairman 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.
- (6) Three members of the appeal board constitutes a quorum.
- (7) 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 and 25 of *The Public Inquiries Act, 2013*.
- (8) The Lieutenant Governor in Council may make regulations:
  - (a) prescribing the amount of a deposit required for an appeal to the appeal board;
  - (b) governing recourse to a deposit required for an appeal;
  - (c) governing the refund of a deposit or any part of a deposit required for an appeal.

1983-84, c.U-1.2, s.6; 1989-90, c.62, s.6; 1993,  
c.18, s.7; 2013, c.27, s.43.

## PART II Building Standards

### Application of Part

7(1) Subject to subsections (2) and (3), the owner of each building in Saskatchewan shall ensure that the building is designed, constructed, erected, placed, altered, repaired, renovated, demolished, relocated, removed, used or occupied in accordance with the building standards.

- (2) The building standards do not apply to:
- (a) a building on which construction was commenced or completed prior to the coming into force of this section, but the building standards do apply to an alteration, repair, renovation, demolition, relocation, removal or change of use or occupancy of such a building;
  - (b) a building on which construction was not commenced but for which a building permit was issued prior to the coming into force of this section pursuant to a bylaw of the appropriate local authority, but the building standards do apply to an alteration, repair, renovation, demolition, relocation, removal or change of use or occupancy of such a 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 from the application of this Part in the regulations.
- (3) Notwithstanding clause (2)(c) but subject to sections 23.1 and 24.2:
- (a) if a rural municipality passes a bylaw declaring that the building standards apply to buildings in all or a part of the rural municipality, the building standards apply to the buildings described in the bylaw; and
  - (b) if a city, town, village or resort village passes a bylaw declaring that the building standards apply to farm buildings in the municipality, the building standards apply to the farm buildings described in the bylaw.

1983-84, c.U-1.2, s.7; 1986-87-88, c.60, s.4; 2012, c.34, s.3.

**Regulations re building standards**

- 8(1) The Lieutenant Governor in Council may make regulations:
- (a) prescribing standards for any materials, equipment, protection devices or appliances used or installed in the design, construction, erection, placement, alteration, repair, renovation, demolition, relocation, removal, use, occupancy or change of occupancy of any building;
  - (b) prescribing standards for any materials, equipment, protection devices or appliances that are to be used or installed in a building or class of buildings;
  - (c) governing standards for the use or installation of any materials, equipment, protection devices or appliances in a building or class of buildings;
  - (d) prohibiting the use or installation of any materials, equipment, protection devices or appliances in a building or class of buildings;
  - (e) classifying buildings according to their use or occupancy;
  - (f) governing standards for methods used in the construction or demolition of any building or any class of buildings with respect to public safety;
  - (g) governing the construction standards that are to be met with respect to any building or class of building;



- (h) governing standards for the use of the property on which a building is located during the period of time that the construction, erection, placement, alteration, repair, renovation, demolition, relocation, removal or change of occupancy of the building is taking place;
  - (i) generally providing for standards for any other matter in connection with the design, construction, erection, placement, alteration, repair, renovation, demolition, relocation, removal, use, occupancy or change of occupancy of a building;
  - (j) 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, erection, placement, alteration, repair, renovation, demolition, relocation, removal, use, occupancy or change of occupancy of buildings;
  - (j.1) prescribing and governing duties to be carried out by local authorities in fulfilling their responsibilities pursuant to section 4;
  - (k) respecting any other matter or thing that he considers necessary to carry out the provisions of this Part.
- (2) For the purposes of subsection (1), the Lieutenant Governor in Council may make regulations:
- (a) declaring that all or any part of a prescribed edition of the National Building Code of Canada, as amended from time to time or otherwise, is in force;
  - (b) declaring that all or part of any other code of standards respecting materials, equipment or appliances used or installed in the construction 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).

1983-84, c.U-1.2, s.8; 1986-87-88, c.60, s.5; 1993, c.18, s.8.

**Additional building standards**

**8.1(1)** Subject to section 23.1, a local authority may pass bylaws prescribing building standards in addition to the building standards contained in the regulations pursuant to section 8 where the authority considers the bylaws necessary for the health, safety or welfare of persons.

(2) **Repealed.** 1993, c.18, s.9.

(3) **Repealed.** 1993, c.18, s.9.

1989-90, c.62, s.7; 1993, c.18, s.9.

PART III  
Accessibility Standards**Interpretation of Part**

**9** In this Part, “**building area**” means the greatest horizontal area of a building above grade within the outside surface of exterior walls.

1983-84, c.U-1.2, s.9; 1986-87-88, c.60, s.6.

**Application of Part**

**10(1)** Subject to subsection (2), the owner of each building in Saskatchewan shall ensure that the building meets the accessibility standards.

(2) The accessibility standards do not apply to:

(a) a building on which construction was commenced or completed prior to the coming into force of this section, but the accessibility standards do apply to an alteration, renovation or change of occupancy of such a building;

(b) a building on which construction was not commenced but for which a building permit was issued prior to the coming into force of this section, but the accessibility standards do apply to an alteration, renovation or change of occupancy of such a building;

(c) a farm building;

(d) to (f) **Repealed.** 1993, c.18, s.10.

(g) any building or class of buildings that is exempted from the application of this Part by the regulations.

1983-84, c.U-1.2, s.10; 1986-87-88, c.60, s.7;  
1993, c.18, s.10.

**Regulations re accessibility standards**

**11(1)** The Lieutenant Governor in Council may make regulations:

(a) prescribing classes of buildings, grounds or facilities;

(b) prescribing accessibility standards requiring the combination of various elements of the built environment to allow entrance to, egress from and use of buildings, grounds and facilities or any class of buildings, grounds or facilities by the physically disabled;

(c) respecting any other matter or thing that he considers necessary to carry out the provisions of this Part.

(2) For the purposes of subsection (1), the Lieutenant Governor in Council may make regulations:

(a) declaring that all or any part of a prescribed edition of the National Building Code of Canada, as amended from time to time or otherwise, is in force;

(b) declaring that all or part of any other code of standards respecting accessibility, 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).

1983-84, c.U-1.2, s.11; 1986-87-88, c.60, s.8;  
1993, c.18, s.11.

**11.1 Repealed.** 1993, c.18, s.12.

**11.2 Repealed.** 1993, c.18, s.12.

**Exemption from accessibility standards**

**12(1)** 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 accessibility standards by:

- (a) filing a written notice of the application with the chief building official;
  - (b) submitting to the chief building official all substantiating information considered necessary by the chief building official; and
  - (c) placing a deposit in the prescribed amount with the chief building official.
- (2) Within 30 days after all of the things described in clauses (1)(a) to (c) have been done, the appeal board shall conduct a hearing, consider the matter and render its decision in writing.
- (3) 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 accessibility standards to the extent and on the conditions that the appeal board considers necessary where the appeal board is satisfied that:
- (a) compliance with the accessibility standards would cause the owner undue hardship;
  - (b) compliance with the accessibility standards would prevent optimum utilization of land by the owner;
  - (c) compliance with the accessibility standards is, in the opinion of the appeal board, impractical or inappropriate; or
  - (d) a proposal submitted by the owner will provide accessibility that is equal to or better than that which is required or intended by the accessibility standards.
- (3.1) An order pursuant to subsection (3) must be in writing and must be served on the owner by registered mail addressed to the owner at his or her last known address.
- (4) Within 30 days after service of the order, an owner aggrieved by the order may appeal the order to a judge of the court on a question of law alone.
- (5) The decision of a judge pursuant to subsection (4) is final.

PART IV  
Permits**Regulations re permits**

**13** The Lieutenant Governor in Council may make regulations:

- (a) prohibiting the commencement by any person of construction, erection, placement, alteration, repair, renovation, demolition, relocation, removal, use, occupancy or change of occupancy of any building unless that person is authorized by a permit to do so;
- (b) providing for the form and content of permits for the construction, erection, placement, alteration, repair, renovation, demolition, relocation, removal, use, occupancy or change of occupancy of a building;
- (c) providing for the issuance of permits;
- (d) providing for the circumstances in which a permit may be revoked;
- (e) prescribing the terms and conditions on which a permit may be granted;
- (f) prescribing the fees to be charged for the issuing of a permit;
- (g) requiring an applicant for a permit to demolish or remove a building to furnish a deposit, prescribing the amount of the deposit and governing recourse to the deposit and any refund of the deposit.

1983-84, c.U-1.2, s.13; 1986-87-88, c.60, s.9;  
1993, c.18, s.14.

**Bylaws re permits**

**14(1)** Subject to section 23.1, a local authority may make bylaws with respect to the matters set out in section 13.

(2) to (4) **Repealed.** 1993, c.18, s.15.

1983-84, c.U-1.2, s.14; 1993, c.18, s.15.

**Effect of permit**

**15** A permit issued in accordance with this Part does not authorize any person to construct a building that does not comply with the provisions of any other Act or law.

1983-84, c.U-1.2, s.15.

PART V  
Enforcement**Powers of building official**

**16(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 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, 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, erection, placement, alteration, repair, renovation, demolition, relocation, removal, use, occupancy or change of occupancy of a building.
- (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 his powers.

1983-84, c.U-1.2, s.16; 1986-87-88, c.60, s.10;  
1993, c.18, s.16.

**Orders of building official**

**17(1)** A building official who finds that the building standards or accessibility standards are being contravened may, by notice in writing specifying the nature of the contravention, order 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, within the time prescribed in the notice, to:

- (a) comply with the general or specific conditions prescribed in the notice;
- (b) take any measures prescribed in the notice;
- (c) follow the methods of construction, erection, placement, alteration, repair, renovation, demolition, relocation, removal, use or occupancy prescribed in the notice;
- (d) use or stop using the materials, equipment, protection, devices or appliances described in the notice;
- (e) stop the construction, 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 prescribed in the notice are, in the building official's opinion, fulfilled;
- (f) do any combination of the things described in clauses (a) to (e).

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(2) A building official may, by notice in writing, order the owner of a building, or his 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 time prescribed in the notice, to:

- (a) satisfy the building official by means of:
  - (i) having tests made;
  - (ii) furnishing a letter written by an architect or engineer certifying that the building meets the requirements of the building standards; or
  - (iii) furnishing other evidence;

at the expense of the owner, that the foundation conditions or any materials, equipment, devices, construction methods or structural assemblies used or to be used meet the requirements of the building standards;

- (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 building 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 his agents, contractors, employees, successors or assigns, within the time prescribed in the notice, to uncover and replace at the expense of the owner any work that has been enclosed contrary to a written order of a building official.

(4) 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 because of:

- (a) its faulty construction;
- (b) its ruinous or dilapidated state;
- (c) its abandonment;
- (d) its open or unguarded condition; or
- (e) any other reason;

may, by notice in writing, order 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, within the time prescribed in the notice, to take any steps prescribed in the notice that the building official considers necessary to eliminate the unsafe condition.

(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 such a condition that it constitutes an imminent 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 danger, and subsections 21(2) and (3) apply, with any necessary modification, to the expenses incurred in eliminating a danger pursuant to this section.

(6) 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 to the appropriate local authority a report of the occurrence of:

- (a) structural failure of the building or part of the building; or
- (b) failure of any equipment, device or appliance that is regulated by this Act or the regulations;

that causes or has the potential to cause serious injury or loss of life.

(7) A report submitted pursuant to subsection (6) is to contain:

- (a) the name and address of the owner;
- (b) the address or location of the building involved in the failure;
- (c) the name and address of the constructor of the building;
- (d) the nature of the failure; and
- (e) any other information that the building official or appropriate local authority may require.

1983-84, c.U-1.2, s.17; 1986-87-88, c.60, s.11;  
1993, c.18, s.17.

**17.1 Repealed.** 1993, c.18, s.18.

**Notice to local authority**

**17.2(1)** The owner of a building to be constructed shall ensure that the appropriate local authority is notified when:

- (a) excavation is to be commenced;
- (b) the foundation is to be placed; and
- (c) a superstructure is to be placed on the foundation.

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

- (a) the date on which he intends to commence the work; and

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- (b) 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;
  - (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) any change in, or termination of, the employment of a person or firm mentioned in clause (2)(b);
  - (b) his intent to do any work that has been ordered by a building official or local authority to be inspected during construction;
  - (c) his intent to enclose work that has been ordered by a building official or local authority to be inspected prior to enclosure; and
  - (d) the completion of work.
- (4) Notice given pursuant to clause (2)(b) or (3)(a) is to be in writing.
- (5) The owner of a building under construction shall give notice in writing to the appropriate local authority of:
  - (a) any change in ownership or change in address of the owner that occurs prior to the issuance of an occupancy permit as soon as the change occurs; and
  - (b) his intention to occupy a portion of the building if the building is to be occupied in stages.
- (6) **Repealed.** 1993, c.18, s.19.

1986-87-88, c.60, s.12; 1993, c.18, s.19.

**Appeal to appeal board**

- 18(1)** An owner of a building may appeal an order made pursuant to section 17 within 15 days after service of the order on the owner by:
  - (a) filing a written notice of the appeal with the chief building official;
  - (b) submitting to the chief building official all substantiating information considered necessary by the chief building official; and
  - (c) placing a deposit in the prescribed amount with the chief building official.
- (2) Within 30 days after all of the things described in clauses (1)(a) to (c) have been done, the appeal board shall conduct a hearing, consider the matter and render its decision in writing.



- (3) On an appeal of an order made pursuant to subsection 17(1) or (2), the appeal board shall make an order:
- (a) confirming the order appealed against where the appeal board is satisfied that compliance with the order would result in compliance with the building standards or the accessibility standards; or
  - (b) revoking or varying all or any part of the order appealed against where the appeal board is satisfied that:
    - (i) compliance with the order would not result in compliance with the building standards or the accessibility 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 building standards or the accessibility standards.
- (4) On an appeal of an order made pursuant to subsection 17(3), the appeal board shall make an order:
- (a) confirming the order appealed against where the appeal board is satisfied that the building official's order was reasonable in the circumstances;
  - (b) revoking the order appealed against where the appeal board is satisfied that the order was not necessary to bring about compliance with the building standards or the accessibility standards; or
  - (c) varying the order appealed against where, in the opinion of the appeal board, sufficient cause is established.
- (5) On an appeal of an order made pursuant to subsection 17(4), the appeal board shall make an order:
- (a) confirming the order appealed against where the appeal board is satisfied that an unsafe condition exists and that the steps prescribed in the order are necessary to eliminate the unsafe condition;
  - (b) revoking the order appealed against where the appeal board is satisfied that:
    - (i) an unsafe condition does not exist; or
    - (ii) the steps prescribed in the order are not necessary to eliminate the unsafe condition; or
  - (c) varying the order appealed against where, in the opinion of the appeal board, sufficient cause is established.
- (6) An order pursuant to subsection (3), (4) or (5):
- (a) may be made subject to any conditions that the appeal board considers necessary;
  - (b) must be in writing; and
  - (c) must be served on the owner by registered mail addressed to the owner at his or her last known address.

**Appeal to judge**

**19(1)** Within 30 days after service of an order of the appeal board pursuant to section 18, an owner aggrieved by the order may appeal the order to a judge of the court on a question of law alone.

(2) The decision of a judge pursuant to subsection (1) is final.

1993, c.18, s.20.

**Effect of appeal**

**20(1)** Unless otherwise ordered by the appeal board, an appeal pursuant to section 18 does not operate as a stay of the order of a building official.

(2) Unless otherwise ordered by a judge of the court, an appeal pursuant to section 19 does not operate as a stay of the decision of the appeal board.

1983-84, c.U-1.2, s.20; 1993, c.18, s.21.

**Execution of order**

**21(1)** If a person does not comply with an order made pursuant to section 17 or 18 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.

(1.1) The minister or the chief building official may take any action authorized by subsection (1) or subsection 17(5) on behalf of a local authority where:

(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.

(2) 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 (1.1) and the municipality shall immediately pay to the minister the amount of those expenses.

(3) 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.

1983-84, c.U-1.2, s.21; 1986-87-88, c.60, s.14;  
1993, c.18, s.22.

**Offence and penalty**

**22(1)** Every person who:

(a) contravenes this Act, the regulations or a bylaw passed pursuant to this Act;

(b) fails to comply with an order made pursuant to section 17 or 18;

(c) obstructs or hinders a building official in the performance of his duties under this Act or the regulations;

is guilty of an offence and liable on summary conviction:

(d) in the case of an individual, to a fine of not more than \$5,000 and, in the case of a continuing offence, to a further fine of not more than \$5,000 for each day during which the offence continues;

(e) in the case of a corporation, to a fine of not more than \$10,000 and, in the case of a continuing offence, to a further fine of not more than \$10,000 for each day during which the offence continues.

(2) A conviction for an offence mentioned in clause (1)(b) does not relieve the person convicted from compliance with the order, and the convicting judge shall, in addition to any fine imposed, order that person to do, within a specified period, any act or work necessary to remedy the non-compliance with the order.

(3) A person to whom an order is given pursuant to subsection (2) who fails to comply with the decision, order or directive within the specified time 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;

(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.

(4) A fine resulting from an offence pursuant to this Act that took place within the boundaries of the geographical area in which the local authority has jurisdiction accrues to that local authority.

1983-84, c.U-1.2, s.22; 1986-87-88, c.60, s.15;  
1993, c.18, s.23.

**Court order**

**23(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 17 or 18 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 21 an order made pursuant to section 17 or 18;

(c) interferes with or attempts to interfere with the carrying out of an order made pursuant to section 17 or 18; or

(d) demonstrates the intent to contravene an order made pursuant to section 17 or 18.

(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 17 or 18;
  - (b) to refrain from interfering in any manner with the carrying out of an order made pursuant to section 17 or 18; or
  - (c) to refrain from contravening an order made pursuant to section 17 or 18.

1993, c.18, s.24.

## PART VI Miscellaneous

### Submission of bylaws for approval

- 23.1(1)** A local authority shall file two certified true copies of any bylaw or amending bylaw made pursuant to this Act with the minister within 30 days after its enactment.
- (2) For the purposes of subsection (1), copies of bylaws are to be certified by the official of a local authority who is authorized to certify copies of bylaws by:
- (a) the Act by which the local authority is established or continued; or
  - (b) any other Act that confers bylaw-making authority on the local authority.
- (3) Within 60 days after the filing of a bylaw or an amending bylaw pursuant to subsection (1):
- (a) where the minister is of the opinion that the bylaw does not conflict with this Act or the regulations, the minister shall approve the bylaw;
  - (b) where the minister is of the opinion that the bylaw conflicts with this Act or the regulations, the minister shall not approve the bylaw;
  - (c) where 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, the minister shall approve the bylaw in part; or
  - (d) approve the bylaw on the condition that the council effects amendments to it that, in the opinion of the minister, do not materially affect the bylaw in principle or substance.
- (4) Where the minister issues an approval or an approval in part, the bylaw or the approved parts of the bylaw come into force on the date of approval.
- (5) Where the minister issues a conditional approval:
- (a) the bylaw comes into force on the date of approval except for the part that requires further amendment; and
  - (b) the council shall submit the amended bylaw to the minister for approval, and subsections (1) to (4) apply, with any necessary modification, to the amended bylaw.

(6) Where the minister does not issue an approval, an approval in part or a conditional approval of a bylaw, the bylaw is void.

(7) Where a bylaw that is approved pursuant to this section deals with the same subject matter as a regulation made pursuant to section 13, the bylaw supersedes the regulation.

1993, c.18, s.25.

**Certain bylaws in conflict, void in part**

**24** Subject to sections 8.1 and 14, 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.

2005, c.M-36.1, s.475; 2010, c.N-5.2, s.471.

**Bylaws re construction etc. of buildings**

**24.1** Where a local authority proposes to pass bylaws after Part IV comes into force with respect to any matters set out in section 13, it shall:

- (a) pass bylaws only pursuant to subsection 14(1) for the purpose; and
- (b) not pass bylaws in that respect pursuant to any other Act.

1989-90, c.62, s.9.

**Application of building standards pursuant to rural municipality resolution**

**24.2(1)** In this section, “**former provision**” means subsection 7(3) of this 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 clause 7(3)(a), the building standards prescribed pursuant to section 8 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 building standards to apply in accordance with that resolution, the resolution is of no force and effect.

2012, c.34, s.4.

**Act deemed not to lessen responsibility**

**25** 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.

1983-84, c.U-1.2, s.25.

**No proceedings against minister, etc.**

**26** No action or proceeding lies against the minister, the department, any employee of the department, the appeal board, a local authority or a building official for any matter or thing done or omitted to be done by any of them in good faith and with reasonable care or in exercising their powers or carrying out their duties under this Act or the regulations.

1983-84, c.U-1.2, s.26; 1993, c.18, s.26.

**Service of documents by registered mail**

**26.1** A document served by registered mail is deemed to have been received on the fifth day following the day of its mailing, unless the person to whom it was mailed establishes that, through no fault of that person, the person did not receive the document or received it at a later date.

1993, c.18, s.27.

**Regulations**

**27** For the purpose of carrying out this Act according to its intent, the Lieutenant Governor in Council may make regulations prescribing any matter or thing that is required or authorized by this Act to be prescribed in the regulations.

1983-84, c.U-1.2, s.27.

**Coming into force**

**28** This Act or any provision of this Act comes into force on a day or days to be fixed by proclamation of the Lieutenant Governor.

1983-84, c.U-1.2, s.28.