



PRINCE EDWARD ISLAND  
ÎLE-DU-PRINCE-ÉDOUARD

# **PROVINCIAL BUILDING CODE ACT BARRIER- FREE DESIGN REGULATIONS**

## PLEASE NOTE

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For more information concerning the history of these regulations, please see the *Table of Regulations* on the Prince Edward Island Government web site ([www.princeedwardisland.ca](http://www.princeedwardisland.ca)).

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PROVINCIAL BUILDING CODE ACT  
Chapter P-24

**BARRIER-FREE DESIGN REGULATIONS**

Pursuant to section 2 of the *Provincial Building Code Act* R.S.P.E.I. 1988, Cap. P-24, Council made the following regulations:

**PART I — INTERPRETATION**

**1. Definitions**

(1) In these regulations

- (a) “**access to exit**” means that part of a means of egress within a floor area that provides access to an exit serving the floor area;
- (b) “**Act**” means the *Provincial Building Code Act* R.S.P.E.I. 1988, Cap. P-24;
- (c) “**alteration**” does not include ordinary repairs where such repairs do not contravene the Act, these regulations or Section 3.7 of the Code as adopted herein;
- (d) “**authority having jurisdiction**” means the Minister of the Crown charged with the administration of the Act and any municipality so authorized pursuant to section 3 of the Act;
- (e) “**barrier-free**” means that a building and its facilities can be approached, entered, and used by persons with physical or sensory disabilities;
- (f) “**builder**” means a person or organization that does or undertakes to do, either for his own use or benefit or for that of another, whether or not for the purposes of gain, any process or activity to which these regulations apply;
- (g) “**building**” means any structure or part thereof used or intended for supporting or sheltering any use or occupancy;
- (h) “**building height**” (in storeys) means the number of storeys contained between the roof and the floor of the first storey;
- (i) “**Code**” means the National Building Code of Canada 1990 and amendments, variations, additions and deletions set out in these regulations;
- (j) “**existing building**” means any building in existence at the coming into force of these regulations;
- (k) “**exit**” means that part of a means of egress, including doorways, that leads from the floor area it serves, to a separate building, an open public thoroughfare, or an exterior

- open space protected from fire exposure from the building and having access to an open public thoroughfare;
- (l) “**filing**” means the practice of filing by and in the care of the authority having jurisdiction;
  - (m) “**firewall**” means a wall of non-combustible construction which subdivides a building to resist the spread of fire;
  - (n) “**floor area**” means the space on any storey of a building between exterior walls and firewalls including the space occupied by interior walls and partitions, but not including exits, vertical service spaces, and their enclosing assemblies;
  - (o) “**grade**” (as applying to the determination of building height) means the lowest of the average levels of finished ground adjoining each exterior wall of a building, except that localized depressions such as for vehicle or pedestrian entrances need not be considered in the determination of average levels of finished ground;
  - (p) “**major occupancy**” means the principal occupancy for which a building or part thereof is used or intended to be used, and shall be deemed to include the subsidiary occupancies which are an integral part of the principal occupancy;
  - (q) “**means of egress**” means a continuous path of travel provided for the escape of persons from any point in a building or contained open space to a separate building, an open public thoroughfare, or an exterior open space protected from fire exposure from the building and having access to an open public thoroughfare and includes exits and access to exits;
  - (r) “**occupancy**” means the use or intended use of a building or part thereof for the shelter or support of persons, animals or property;
  - (s) “**owner**” includes any person, firm, corporation or agent controlling the property under consideration;
  - (t) “**partition**” means an interior wall one storey or part-storey in height and which is not commonly considered as a loadbearing wall;
  - (u) “**Quality Control Plan**” means a builder’s plan for achieving compliance with these regulations and includes such documentation as may be prescribed by the authority having jurisdiction pursuant to section 6;
  - (v) “**storey**” means that portion of a building which is situated between the top of any floor and the top of the floor next above it, and if there is no floor above it, that portion between the top of such floor and the ceiling above it;
  - (w) “**vertical service space**” means a shaft oriented essentially vertically that is provided in a building to facilitate the installation of building services including mechanical, electrical and plumbing installations and facilities such as elevators, refuse chutes and linen chutes;
  - (x) “**washroom facilities**” means a washroom or washrooms and the fixtures provided therein.

#### **Decimal numbering**

- (2) The use and interpretation of the decimal numbering system of the Code shall be as identified in Schedule A to these regulations. (EC139/95)

## **2. Code references**

For the purposes of these regulations

- (a) the meanings of words and phrases used in Section 3.7 of the Code shall be defined in accordance with Subsection 1.1.3. of the Code;



- (b) the abbreviations of proper names used in Section 3.7 of the Code shall have the meanings assigned to them in Article 1.1.4.1. of the Code;
- (c) the symbols and other abbreviations used in Section 3.7 of the Code shall have the meanings assigned to them in Article 1.1.4.2. of the Code. (EC139/95)

## PART II — APPLICATION

### 3. Application

- (1) These regulations apply to all areas of the province except within the geographical boundaries of those municipalities which have adopted the National Building Code of Canada or similar building standards by-law.

#### Rental cottages exempt

- (2) These regulations do not apply to rental cottages. (EC139/95)

### 4. Adoption of barrier free designs

- (1) Section 3.7 of the National Building Code of Canada 1990 in conjunction with and including other provisions of the Code as referenced therein is hereby adopted subject to amendments, variations, additions and deletions set out in these regulations.

#### *Idem*

- (2) Subject to the provisions of these regulations, Section 3.7 of the Code applies to the design, construction, reconstruction, alteration and *occupancy* of *buildings*.

#### Exclusions

- (3) Notwithstanding any other provisions of these regulations, Section 3.7 of the Code does not apply to:
  - (a) an existing *building* which is not *barrier-free*;
  - (b) a construction which had commenced before the coming into force of these regulations;
  - (c) an addition to an existing *building* which is not *barrier-free* and which is solely for the purpose of enlarging a room or rooms or the provision of facilities which are subordinate and clearly incidental to the *occupancy* of the existing *building*. (EC139/95)

## PART III — GENERAL PROVISIONS

### 5. Prohibition

Subject to section 4, no person shall construct, reconstruct or alter any *building* or cause the same to be done, except in full compliance with these regulations and Section 3.7 of the Code as adopted herein. (EC139/95)

**6. Quality control plan**

- (1) No person shall commence any construction, reconstruction or alteration of any *building* to which these regulations apply or cause the same to be done without first having submitted a Quality Control Plan to the *authority having jurisdiction*.

**Details of plan**

- (2) The Quality Control Plan required by subsection (1) shall be prepared in accordance with such format and provide such information as may be prescribed by the *authority having jurisdiction* and may include
- (a) name and address of the *owner* of the *building* involved;
  - (b) name and address of the builder;
  - (c) name and address of the person designated to be responsible for supervising the proposed construction with respect to ensuring compliance with Section 3.7 of the Code and his written acknowledgement of this responsibility;
  - (d) identification of the property on which the construction is to occur;
  - (e) a description of the *occupancies* to be provided in the *building*;
  - (f) floor plan drawings for each *storey* of *building height* indicating the intended use of all rooms and spaces, showing room dimensions, the location and dimensions of all *means of egress* including *exits* and *access to exits*;
  - (g) a description of all provisions to be applied in the *building* design and construction or alteration for ensuring compliance with the requirements of subsections 3.7.2. and 3.7.3. of the Code.

**Documentation of changes from Plan**

- (3) Where a Quality Control Plan has been provided in accordance with this section, no person shall construct, reconstruct or alter the *building* in any manner inconsistent with the said plan or cause the same to be done without first having provided such documentation for describing the changes as may be deemed necessary by the *authority having jurisdiction*.

**Public information**

- (4) Except for floor plans or other *building* construction drawings, the *authority having jurisdiction* may reproduce and provide the information contained in any Quality Control Plan to members of the general public upon request. (EC139/95)

**7. Refusal of Plan**

- (1) The *authority having jurisdiction* may review and then refuse to accept for filing any Quality Control Plan or part thereof where it determines that
- (a) insufficient information or details have been provided therein to clearly identify the proposed means of compliance with the provisions of these regulations and Section 3.7 of the Code; or
  - (b) the Quality Control Plan or any part thereof conflicts in any way with the requirements of these regulations or Section 3.7 of the Code.

**Changes**

- (2) Where acceptance of a Quality Control Plan is refused pursuant to subsection (1), the *authority having jurisdiction* shall inform the *owner* of his responsibility regarding the changes required for acceptance and the *owner* shall ensure that the changes are made to the Quality Control Plan and submitted for filing. (EC139/95)



**8. Effect of acceptance**

The *authority having jurisdiction's* acceptance of a Quality Control Plan does not in any way imply or guarantee its merit with respect to proposed compliance with the provisions of these regulations or Section 3.7 of the Code. (EC139/95)

**9. Responsibility for compliance with Code**

- (1) The obligation for compliance with these regulations and the Code as adopted herein rests solely with the person or persons responsible for any work carried out to which these regulations and the Code apply.
- (2) An *owner of a building* or an *owner's* builder or employee is not in any way relieved from the obligation to carry out any work to which these regulations apply except in accordance with Section 3.7 of the Code only by reason of
  - (a) the granting of a permit pursuant to any other regulations or the by-laws of a municipality;
  - (b) the *authority having jurisdiction's* acceptance of a Quality Control Plan; or
  - (c) the *authority having jurisdiction's* inspection or examination of work being carried out on a *building*. (EC139/95)

**PART IV — CODE AMENDMENTS****10. Amendments**

Subsection 3.7.1. of the Code is amended by deleting Article 3.7.1.1. and substituting the following therefor:

**3.7.1.1.**

- (1) For the purposes of this Section, every *building* or part thereof shall be classified by its *major occupancy* in accordance with Subsection 3.1.2. of this Code.
- (2) Subject to Sentence (3), the requirements of this Section apply to all *buildings* except
  - (a) houses, including semi-detached, duplexes, townhouses, row houses and boarding houses,
  - (b) *buildings* that are ancillary to those listed in clause (a) of this Sentence,
  - (c) *buildings* of Group F Division 1 *major occupancy*,
  - (d) *buildings* which are not intended to be occupied on a daily or full-time basis, including automatic telephone exchanges, pumphouses, substations, and
  - (e) farm *buildings*.
- (3) Notwithstanding Sentence (2), the requirements of this Section do not apply to an apartment *building* of residential *occupancy* which is not equipped with an elevator if the difference in floor elevation between the entrance level and every *dwelling unit* in the apartment *building* exceeds 600 mm. (EC139/95)

**11. Idem**

Sentence 3.7.2.1.(1) of the Code is amended by deleting clause 3.7.2.1.(1)(j) and substituting the following therefor:

- (j) onto every balcony which has direct access from a *suite* located above *grade* in a *building* of Group C *major occupancy*, (EC139/95)

**12. *Idem***

Sentence 3.7.3.8.(1) of the Code is amended by

- (1) deleting the period at the end of clause 3.7.3.8.(1)(f) and replacing it with a comma, and
- (2) adding the following clause:
  - (g) have ancillary items such as a toilet paper dispenser located on the wall nearest to the water closet below the grab bar, not less than 460 mm above the floor, and within easy reach of a person seated on the water closet.  
(EC139/95)

## **PART V — OFFENCES**

**13. *Penalty***

- (1) Every person who contravenes any provision of these regulations or the Code as adopted herein for which no penalty is otherwise provided is guilty of an offence and is liable on summary conviction to a fine of not more than \$1,000 or to imprisonment for not more than twelve months, or to both.

**Continuing offence**

- (2) Where any person has been convicted of an offence under the provisions of these regulations, and the offence is in the nature of an omission, or neglect, or failure to comply with any provision of the regulations, and if an authorized representative of the *authority having jurisdiction* gives reasonable notice to that person to make good the omission, or neglect, or failure to comply and default is made in respect thereof, the person convicted is liable to a further fine of \$100 for each day he has remained in default after notice and until he has complied with the notice. (EC139/95)





**SCHEDULE A****A GUIDE FOR USE OF THE DECIMAL NUMBERING SYSTEM OF THE CODE**

The National Building Code is drafted in such a way that it may be adopted or enacted for legal use by any jurisdictional authority in Canada. It is divided into 9 Parts. A decimal numbering system has been used throughout the Code. The first number indicates the Part of the Code; the second, the Section in the Part; the third, the Subsection and the fourth, the Article in the Subsection. An Article may be further broken down into Sentences (indicated by numbers in brackets), and the Sentence further divided into Clauses and Subclauses. They are illustrated as follows:

3	Part
3.5	Section
3.5.2.	Subsection
3.5.2.1.	Article
3.5.2.1.(2)	Sentence
3.5.2.1.(2)(a)	Clause
3.5.2.1.(2)(a)(i)	Subclause