



PRINCE EDWARD ISLAND
ÎLE-DU-PRINCE-ÉDOUARD

BUILDING CODES ACT

PLEASE NOTE

This document, prepared by the *Legislative Counsel Office*, is an office consolidation of this Act, current to June 28, 2019. It is intended for information and reference purposes only.

This document is *not* the official version of the Act. The Act and the amendments as printed under the authority of the Queen's Printer for the province should be consulted to determine the authoritative statement of the law.

For more information concerning the history of this Act, please see the *Table of Public Acts* on the Prince Edward Island Government web site (www.princeedwardisland.ca).

If you find any errors or omissions in this consolidation, please contact:

Legislative Counsel Office
Tel: (902) 368-4292
Email: legislation@gov.pe.ca



BUILDING CODES ACT

CHAPTER B-5.1

1. Definitions

In this Act,

- (a) “**Appeal Board**” means the Appeal Board whose members are designated or appointed under section 24;
- (b) “**architect**” means a licensee of the Architects Association of Prince Edward Island;
- (c) “**authority having jurisdiction**” means the Minister or a council of a municipality other than a municipality for which an agreement under subsection 4(3) is in effect, as the context requires;
- (d) “**building**” means a building as prescribed in the regulations;
- (e) “**building inspector**” means a building inspector licensed under section 9;
- (f) “**building official**” means a person appointed as a building official under subsection 8(2) or (3) and includes the Chief Building Official appointed under subsection 8(1);
- (g) “**code**” means a specified building code adopted in regulations made under subsection 32(1) and includes any changes or modifications made to the specified building code by the regulations;
- (h) “**construction**” means anything done for the purposes of erection, installation, extension or material alteration or repair of a building and includes the installation of a building unit fabricated or moved from elsewhere;
- (i) “**constructor**” means a person who contracts with an owner to undertake or direct a project on behalf of the owner, and includes an owner who contracts with more than one person for the work on a project or personally undertakes or directs the work on a project or part of a project;
- (j) “**Council**” means the Prince Edward Island Building Standards Council continued under section 6;
- (k) “**court**” means the Supreme Court of Prince Edward Island;
- (l) “**dangerous premises**” means a building or other premises that meets the criteria set out in subsection 16(1);
- (m) “**demolition**” means anything done for the purposes of the removal of a building or any material part of a building;
- (n) “**Fire Marshal**” means the Fire Marshal appointed under the *Fire Prevention Act* R.S.P.E.I. 1988, Cap. F-11;
- (o) “**former Act**” means the *Provincial Building Code Act* R.S.P.E.I. 1988, Cap. P-24;
- (p) “**Minister**” means the Minister of Agriculture and Land;

- (q) “**occupant**” means a tenant, lessee or other person in possession or occupancy of a building or premises;
- (r) “**owner**” means a person who holds title to real property and includes
 - (i) any person who has entered into an agreement to purchase the real property, and
 - (ii) an executor, administrator, trustee, agent or other person managing the real property on behalf of the owner;
- (s) “**permit**” means a valid and subsisting permit issued under this Act or the regulations in respect of construction or demolition or the occupancy or use of a building;
- (t) “**professional**” means a professional engineer or architect and includes a person or group of persons prescribed in the regulations;
- (u) “**professional engineer**” means a member or licensee of the Association of Professional Engineers of Prince Edward Island. *2017,c.61,s.1; 2019,c.1,s.3.*

2. **Application**

Not proclaimed.

3. **Conflict**

Not proclaimed.

4. **Administration and enforcement**

- (1) Subject to subsection (2), the Minister is responsible for the administration and enforcement of this Act and may, in writing,
 - (a) designate persons to act on the Minister’s behalf; and
 - (b) delegate to any person any of the functions of the Minister under this Act.

Administration and enforcement in municipality

- (2) Subject to subsection (3), a council of a municipality shall be responsible for the administration and enforcement of this Act in the municipality.

Agreement respecting enforcement

- (3) A council of a municipality and the Minister may enter into an agreement providing for the administration and enforcement of this Act in the municipality by the Minister and, in that case, the Minister shall be responsible for the administration and enforcement of this Act in the municipality.

Forms

- (4) The Minister may establish forms, other than those forms, if any, set out in the regulations or in a code adopted in the regulations, for the purposes of this Act. *2017,c.61,s.4.*

5. **Sections 5 to 36 not proclaimed.**

