



PRINCE EDWARD ISLAND  
ÎLE-DU-PRINCE-ÉDOUARD

# **BUILDING CODES ACT BUILDING CODES REGULATIONS**

## PLEASE NOTE

This document, prepared by the *Legislative Counsel Office*, is an office consolidation of this regulation, current to March 31, 2024. It is intended for information and reference purposes only.

This document is *not* the official version of these regulations. The regulations and the amendments printed in the *Royal Gazette* should be consulted on the Prince Edward Island Government web site to determine the authoritative text of these regulations.

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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## BUILDING CODES REGULATIONS

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## BUILDING CODES ACT

### CHAPTER B-5.1

## BUILDING CODES REGULATIONS

Pursuant to section 32 of the *Building Codes Act* R.S.P.E.I. 1988, Cap. B-5.1, Council made the following regulations:

### PART 1 – INTERPRETATION AND APPLICATION

#### Division 1- Definitions

#### 1. Definitions

- (1) In these regulations,
- (a) “**Act**” means the *Building Codes Act* R.S.P.E.I. 1988, Cap. B-5.1;
  - (b) “**building**” means any structure used or intended for supporting or sheltering any use or occupancy;
  - (c) “**building area**” means the greatest horizontal area of a building above grade within the outside surface of the exterior walls or within the outside surface of exterior walls and the centre line of firewalls;
  - (d) “**Building Code**” means the National Building Code of Canada adopted under section 2;
  - (e) “**Energy Code**” means the National Energy Code of Canada adopted under section 2;
  - (f) “**heritage building**” means a heritage place that is a single property or structure registered by the Minister under the *Heritage Places Protection Act* R.S.P.E.I. 1988, Cap. H-3.1, or designated as a heritage building pursuant to a bylaw of another authority having jurisdiction;
  - (g) “**home-based business**” means a business or service use that is located in a dwelling unit that is used or occupied as a home;
  - (h) “**inspection**” means an inspection by a building official, in order to ascertain whether the Act and these regulations have been complied with,
    - (i) of an ongoing or incomplete building construction, material of construction or building system, or
    - (ii) of an existing or completed building, material of construction or building system;
  - (i) “**occupancy permit**” means an occupancy permit referred to in section 8;

- (j) “**prime consultant**” means a professional engineer or architect licensed under an enactment to practice the person’s profession in the province who is designated by the owner as the person responsible for overseeing and coordinating the work of all design professionals or consultants involved in a project to ensure the overall plans and specifications meet the requirements of the Act and these regulations;
- (k) “**subcontractor**” means a person who undertakes the work on a building construction project or any part of such a project under the direction of the constructor;
- (l) “**work**” means any construction, duty or function of a constructor, subcontractor or tradesperson regulated by these regulations or the codes that is carried out on or about a construction site or on, in, or about a building or part of a building.

**field review of construction**

- (2) In these regulations, “field review of construction” means, and is limited to, the inspection of construction work at intervals appropriate to the stage of construction at a project site and, where applicable, at a fabrication location where building components are fabricated for use at the project site, that a professional engineer or architect considers necessary to determine whether the work complies with the design drawings, and any revisions to them, approved by the authority having jurisdiction.

**Not a guarantee**

- (3) For greater certainty, a field review of construction does not include the coordination of construction work and is not a guarantee of the quality or performance of construction. (EC177/20)

**Division 2 - Codes Adopted**

**2. Building Code**

- (1) The National Building Code of Canada 2020, is hereby adopted, including all revisions, amendments and corrections published by the National Research Council of Canada, and with the modifications specified in Schedules A and B to these regulations, and forms part of these regulations.

**Energy Code**

- (2) The National Energy Code of Canada for Buildings 2020, is hereby adopted, including all revisions, amendments and corrections published by the National Research Council of Canada, and forms part of these regulations. (EC177/20; 179/24)

**Division 3 - Application and Exemptions**

**3. Existing buildings**

- (1) Any building or condition of a building that lawfully existed prior to the coming into force of these regulations is not required to conform to these regulations if, in the opinion of a building official of the authority having jurisdiction, the building or condition is not unsafe.

**Building permit under prior enactment**

- (2) Work that was commenced but not completed pursuant to a permit in effect on the coming into force of these regulations is not required to conform to these regulations provided that the work complies with the terms of the permit and the provisions of the applicable enactment in force on the date that the permit was issued.

**Alterations**

- (3) Where, on and after the date on which this section comes into force, a permit is issued for the alteration of a building or a part of a building, these regulations apply to the parts of the building that are altered.

**Relocation**

- (4) Where, on and after the date this section comes into force, the whole or any part of a building is relocated within or moved into the area of an authority having jurisdiction, these regulations apply only to the parts of the building that are being altered or constructed as a result of the relocation or move.

**Demolition**

- (5) Where, on and after the date this section comes into force, the whole or any part of a building is demolished, these regulations apply to the work involved in the demolition and to the work required to remedy deficiencies in or effect repairs to any parts of the building remaining after demolition.

**Reconstruction**

- (6) Where, on and after the date this section comes into force, a building is damaged by fire, earthquake or another cause, these regulations apply to the work necessary to reconstruct the damaged portion of the building and to bring any affected area of the building into compliance with the Act and these regulations.

**Alternative requirements**

- (7) The “Alternative Compliance Requirements for Existing Buildings”, as set out in Schedule B to these regulations, or a combination of those requirements and the Code, may be used for renovations to a building, including a heritage building, that existed prior to the coming into force of these regulations, except where a change of occupancy classification results in an occupancy with an increased fire hazard risk. (EC177/20)

**4. Exemptions**

These regulations and the codes do not apply to

- (a) sewage, water, electrical, telephone, rail or similar systems located above, below or on an area of land which has been dedicated or deeded for public use;
- (b) public utility towers and poles, television and radio or other communication aerials and towers, except for loads resulting from those located on or attached to buildings;
- (c) flood control, dams for public water supply, hydroelectric dams and their related structures, not including buildings;
- (d) mechanical or other equipment and appliances not specifically regulated by the codes;
- (e) above-ground or below-ground bulk storage tanks not regulated under Part 6 of the Building Code or the National Farm Building Code of Canada, 1995, issued by the Canadian Commission on Building and Fire Codes, National Research Council of Canada;
- (f) a farm building that is within the scope of the National Farm Building Code of Canada, 1995, published by the National Research Council of Canada or that is within the scope of the National Building Code of Canada 2020;
- (g) free-standing signs;
- (h) fences;

- (i) retaining walls or exterior steps not attached to, and forming part of, a building's construction;
- (j) in respect of a building within the scope of Division B of Part 9 of the Building Code, interior and exterior non-structural material alterations and material repairs such as
  - (i) removing and replacing roofing with similar materials,
  - (ii) removing and replacing cladding with similar materials,
  - (iii) replacement or repair of drywall or other interior finish,
  - (iv) installation of additional insulation or replacement of insulation,
  - (v) replacement of a furnace or boiler,
  - (vi) installation or replacement of an air-conditioning unit or heat pump,
  - (vii) replacement of windows or doors, where there is no change in location or size of the window or door and the structural support for the opening is not affected,
  - (viii) installation or replacement of cabinets, shelving, millwork or flooring, and
  - (ix) waterproofing or damp-proofing of foundation walls or repair or replacement of foundation drainage;
- (k) a building used for a resource use as that term is defined in the Subdivision and Development Regulations (EC693/00) made under the *Planning Act* R.S.P.E.I. 1988, Cap. P-8, where the occupant load is expected to be not more than one person for each 40 square metres of floor area during normal use;
- (l) an accessory building not greater than 20 square meters in area;
- (m) a single-storey exterior wooden deck for residential use that is less than 600 millimetres above ground level and less than 55 square metres in area and does not support a roof;
- (n) a tent with a floor or ground area of less than 223 square metres that is erected for a temporary purpose;
- (o) in respect of a building within the scope of Division B of Part 3 of the Building Code, interior and exterior non-structural material repairs or maintenance with a monetary value of \$10,000 or less. (EC177/20; 179/24)

## 5. Home-based business

- (1) A person shall apply for a permit to construct or renovate a dwelling unit for the purpose of accommodating a home-based business, or for a change of use for a home-based business, that would be subject to the Building Code.

### Required information

- (2) An applicant for a permit under subsection (1) shall provide the building official of the authority having jurisdiction with the plans, drawings and other information required by the building official in order to determine whether the proposed home-based business or the change of use of the home-based business will meet all of the following criteria:
  - (a) the business use of the dwelling unit, an accessory building to the dwelling unit, or both, is secondary to the residential occupancy use of the dwelling unit;
  - (b) at least one full-time resident of the dwelling unit where the home-based business will be located operates or will operate the business;
  - (c) the proposed home-based business will not be a high-hazard or medium-hazard industrial occupancy classified as Group F1 or Group F2 under the Building Code;
  - (d) the home-based business uses a total floor area of less than 50 square meters;

- (e) the home-based business uses less than 25 per cent of the floor area of the dwelling unit.

**Permit issued**

- (3) Where the building official is satisfied that the applicant's proposed home-based business will meet all of the criteria specified in subsection (2), the building official shall issue a permit to the applicant that authorizes the proposed construction, renovation or change of use.

**Permit not transferable**

- (4) An applicant to whom a permit is issued under subsection (3) shall not transfer the permit to any person.

**Exemptions**

- (5) A proposed home-based business that meets all of the criteria specified in subsection (2) is not considered a separate and adjoining major occupancy from the dwelling unit for the purposes of the following provisions of the Building Code:
  - (a) the separation requirements in Article 3.1.3.1 of Part 3, Division B;
  - (b) the occupancy requirements in subsection 9.10.2 of Part 9, Division B.

**Additional water closets**

- (6) Additional water closets are not required under Article 3.7.2.2 of Part 3, Division B, of the Building Code for a home-based business that meets the requirements of subsection (2) where
  - (a) the home-based business is located within the dwelling unit; or
  - (b) the home-based business is located in an accessory building that is less than 45 meters from the dwelling unit. *(EC177/20)*

## PART 2 - PERMITS

### Division 1 - Permits

#### 6. Permits

- (1) In addition to the requirements of the Act, an applicant is required to obtain a permit in accordance with section 9 for all work regulated by the codes, including a change of occupancy or a change of use of a building.

**Determination of fees**

- (2) A building official of the authority having jurisdiction may place a value on the cost of the proposed work based on the accepted costing standard of the authority having jurisdiction for the purpose of determining the applicable permit fee.

**Accepted costing standard - Minister**

- (3) Where the authority having jurisdiction is the Minister, the accepted costing standard is that set out in Schedule C to these regulations.

**Accepted costing standard - council**

- (4) Where the authority having jurisdiction is the council of a municipality, the accepted costing standard is that established by the council for that municipality.

**Refund of fee**

- (4.1) Where an applicant withdraws an application before a decision is made on it, the authority having jurisdiction may authorize a refund of all or part of a permit fee paid pursuant to these regulations where, in the opinion of the authority having jurisdiction, the withdrawal of the application will avoid public expense.

**Where development permit required**

- (5) A building official of the authority having jurisdiction may withhold the issuance of a building permit until satisfied that a development permit, where required, has been issued pursuant to the Subdivision and Development Regulations (EC693/00) under the *Planning Act* or a bylaw.

**Modifications, deterioration to mobile or modular home**

- (6) Where a mobile or modular home has deteriorated, or has been modified structurally or otherwise, in such a way that it no longer meets the requirements of the CSA standard to which it was originally constructed, a building official
- (a) may, if satisfied that despite the deterioration or modifications the mobile or modular home is safe for occupancy, issue a building permit in respect of it; or
  - (b) shall not, if, in the opinion of the building official, the mobile or modular home is in an unsafe condition, issue a building permit in respect of it except a permit to do the necessary work to remedy the unsafe condition, including but not limited to correcting
    - (i) fire hazards,
    - (ii) electrical hazards,
    - (iii) structural deficiencies, or
    - (iv) health hazards. (EC177/20; 523/20)

**7. Dimensional tolerances**

A building official of the authority having jurisdiction may accept a variation of not more than 2 per cent in a dimension specified in the codes where, in the opinion of the building official, safety will not be reduced and barrier-free design and access will not be adversely affected. (EC177/20)

**8. Occupancy permit**

- (1) Except as may be specifically exempted by these regulations, an occupancy permit is required
- (a) to allow the initial occupancy of a building or part of a building;
  - (b) when the occupancy classification of a building or part of a building is changed; or
  - (c) to allow partial demolition or alteration of a building while the building is still occupied.

**Occupancy prior to completion**

- (2) Where an owner requires occupancy to occur prior to the completion of all work, the owner shall
- (a) apply for the occupancy permit and pay the applicable fee set out in Schedule C; and
  - (b) ensure that no unsafe condition exists or will exist because of the work being undertaken or not completed.

**Issuance of permit**

- (3) A building official may issue an occupancy permit prior to the completion of the work where the building official is satisfied that no unsafe condition exists or will exist because of the work being undertaken or not completed. (EC177/20)

**9. Required information**

- (1) An applicant for a permit shall
- (a) describe in detail the work and occupancy to be covered by the permit for which application is made;
  - (b) identify the building lot by stating, where property mapping is available, the unique parcel identifier or PID for the lot, or provide a description that will permit the lot to be readily identified and located;
  - (c) include the plans and specifications required by sections 2.2 and 2.3 of Division C of the Building Code, including a site plan, a foundation plan, a floor plan, a framing plan that includes the layout of floor and roof trusses, building elevations, a deck framing plan and cross-sections, as applicable;
  - (d) state the valuation of the proposed work and the proposed start date;
  - (e) state the names, addresses and telephone numbers of the owner, architect, professional engineer or other designer, the constructor and any inspection or testing agency that has been engaged to monitor the work or part of the work;
  - (f) describe any special building systems, materials and appliances to be used in the work;
  - (g) provide any further information required by a building official of the authority having jurisdiction for the purpose of evaluating the application; and
  - (h) pay the fee required by the authority having jurisdiction.

**Requirements for section 21 building**

- (2) Where the application referred to in subsection (1) is in relation to a building or part of a building to which section 21 applies, the owner shall, in addition, submit
- (a) professionally designed and stamped drawings or plans;
  - (b) a Building Code design review prepared by the professional;
  - (c) a letter of undertaking by the owner in the form approved by the Minister; and
  - (d) the applicable declarations in the forms approved by the Minister from the professional responsible for the design and each professional involved in the design of the building,
    - (i) stating the professional's area of responsibility,
    - (ii) stating whether the professional's design meets or exceeds the requirements of the codes,
    - (iii) undertaking to ensure that any changes made to the design during the work follow the applicable requirements of the codes,
    - (iv) undertaking to inspect the work at appropriate intervals, and (v) undertaking to provide confirmation at the end of the project that the work substantially complies with the design. (EC177/20)

**10. Prohibition - deviation from codes**

Subject to section 7, an owner shall not deviate, nor authorize a deviation by another person, from the requirements of the codes and these regulations, or the conditions of a permit, without first obtaining permission in writing to do so from a building official of the authority having jurisdiction. (EC177/20)

**11. Land survey or location certificate**

In addition to the requirements of subsection 9(1), an owner, if requested to do so by a building official of the authority having jurisdiction, shall submit an up-to-date plan of a lot survey or surveyor's location certificate, prepared by a land surveyor who is a member of the Association of Prince Edward Island Land Surveyors, containing sufficient information regarding the site and the proposed location of the building

- (a) to establish before work begins that the requirements of any enactment related to the site and the location of the building will be complied with; and
- (b) to verify, on completion of the work, compliance with the relevant enactments. (EC177/20)

**12. Responsibility**

- (1) The owner, owner's agent or constructor shall ensure that the prime consultant and other professionals involved in the work provide the authority having jurisdiction with the undertakings and declarations required by these regulations.

**Responsibility continues**

- (2) The review or acceptance by a building official of the authority having jurisdiction of plans, drawings and specifications, any site inspections made by a building official or the granting of a permit by a building official does not in any way relieve the owner, owner's agent, constructor, prime consultant and other professionals involved in the work from their respective responsibilities for carrying out the work or having it carried out in accordance with these regulations, the permit and the codes, including ensuring that the occupancy of the building, or any part of it, is in accordance with the terms of the permit. (EC177/20)

**13. Site grading**

A building official of the authority having jurisdiction may require an owner to have a building site graded to conform to any storm water management or drainage plan in force in the area in which the building site is located. (EC177/20)

**14. Permission to proceed in part**

- (1) A building official of the authority having jurisdiction may give permission to an owner to proceed with excavation or construction of part of a building before the plans of the entire building have been submitted, and may impose conditions that, in the opinion of the building official, are necessary to ensure compliance with these regulations and the codes.

**Requirements**

- (2) A building official may give permission to an owner to proceed with excavation or construction of part of a building under subsection (1) on receipt of all plans and specifications that are required by the building official in connection with the excavation or construction.

**Effect of permission**

- (3) Permission to proceed with the partial excavation or partial construction of a building in accordance with this section is not and shall not be construed to be assurance that a building official will issue a permit for any other work on the project or for the project as a whole.

**When work completed**

- (4) An owner
- (a) shall notify the building official in accordance with section 24 when the work authorized under subsection (1) has been completed; and
  - (b) shall not proceed with any further work until a permit has been issued for that further work. *(EC177/20)*

**15. Temporary building or occupancy**

- (1) A building official may, in circumstances that in the opinion of the building official warrant only selective compliance with the codes, issue a permit that authorizes specified exemptions from the requirements of the codes relating to
- (a) the erection and existence of a temporary building, or part of a temporary building; or
  - (b) a temporary change of occupancy classification for an occupancy which, because of its nature, will exist for a short time.

**Expiry**

- (2) A permit for a temporary building or temporary change of occupancy classification shall state the date after which and the conditions under which the permit is no longer valid.

**Extension**

- (3) On application, a building official of the authority having jurisdiction may in writing extend a permit for a temporary building or part of a temporary building or a temporary change of occupancy classification.

**Posting of permit**

- (4) A permit for a temporary building or temporary change of occupancy classification shall be posted on the building. *(EC177/20)*

**16. Conditional building permit**

- (1) A building official may issue a building permit that is conditional on the submission of additional information not available at the time of application, where the building official is of the opinion that information is of such a nature that withholding the permit until the information becomes available would be unreasonable.

**Conditional occupancy permit**

- (2) A building official may issue an occupancy permit that is conditional on the completion of work that is incomplete at the time of inspection or application, where the building official is of the opinion that that no unsafe condition exists and that withholding the permit would be unreasonable. *(EC177/20)*

## Division 2 - Responsibilities and Obligations

### 17. Required permits

An owner shall ensure that all required permits or approvals are obtained prior to commencing the work to which they relate. (EC177/20)

### 18. Start-up date

An owner or a constructor shall give notice to a building official of a change to the date on which the owner has stated that work will begin prior to commencing the work on the building site. (EC177/20)

### 19. Notice by owner

- (1) An owner or a constructor shall give notice in writing to a building official of the authority having jurisdiction that includes
  - (a) prior to commencing the work, the name, address and telephone number of
    - (i) the constructor or other person in charge of the work,
    - (ii) the prime consultant and other professionals who will review aspects of the work, and
    - (iii) any inspection or testing agency engaged to monitor the work or part of the work; and
  - (b) any change in or termination of employment of a person about whom notice was given under clause (a) during the course of the construction, as soon as practicable but not later than 3 days following the change or termination.

#### Notice of changes

- (2) An owner or a constructor shall give notice in writing to a building official of the authority having jurisdiction
  - (a) as soon as any change in ownership or change in the address of the owner occurs prior to the issuance of an occupancy permit; and
  - (b) prior to occupying the building, or any portion of the building, if it is to be occupied in stages. (EC177/20)

### 20. Plans at site

An owner or a constructor shall ensure that any plans, specifications and related documents on which the issuance of a permit was based are available at the site of the work for inspection during working hours by a building official of the authority having jurisdiction, and that the permit, or a true copy of it, is posted conspicuously on the site during the entire execution of the work. (EC177/20)

### 21. Owner's responsibility

An owner who undertakes to construct or have constructed a building or part of a building to which Part 3 or Part 4 of Division B of the Building Code applies, or a building over 300 square metres in building area to which Part 9 of Division B of the Building Code applies, shall

- (a) consult an architect and professional engineers to determine which professionals are appropriate for the work; and

- (b) ensure that the appropriate professionals are appointed to undertake the design of the building or part of it. *(EC177/20)*

**22. Design requirements for structural components**

Where the dimensions of a structural component of a building are not provided in Part 9 of the Building Code for use in a building to which that Part applies, and the dimensions are to be determined on the basis of calculation, testing or another means of evaluation, the owner shall

- (a) ensure that a professional engineer is engaged to undertake the design of the structural component; and
- (b) when required to do so by a building official, provide an undertaking in the form approved by the Minister that the structural component will be designed in accordance with the applicable requirements of the Building Code. *(EC177/20)*

**23. Site conditions, size, or complexity requiring professional design and inspection**

Where, in the opinion of a building official of the authority having jurisdiction, the site conditions or the size or complexity of a building, part of a building or building component warrant, the building official may require the owner to provide an undertaking in the form approved by the Minister that

- (a) the owner shall engage the appropriate professionals to design the building, part of the building or component in accordance with the applicable provisions of the Building Code; and
- (b) the professionals referred to in clause (a) shall provide the declarations respecting field reviews of construction that the building official considers necessary. *(EC177/20)*

**24. Design requirements for building equipped with sprinkler system**

Where a building is required or intended to be equipped with a sprinkler system, the owner shall

- (a) ensure that a professional engineer is engaged to undertake the design of the sprinkler system; and
- (b) provide an undertaking in the form required by the Minister that the sprinkler system shall be designed in accordance with the Building Code. *(EC177/20)*

### Division 3 - Inspections

**25. Notification for inspection**

- (1) The owner of a building being constructed under the scope of Part 9 of the Building Code, other than a modular or manufactured home referred to in section 26, shall notify a building official of the authority having jurisdiction who shall, at a minimum, carry out inspections for compliance with the Building Code at the following stages of construction:
  - (a) footings and foundation, before commencing backfilling of the laterally supported foundation, and before a superstructure is placed on the foundation;
  - (b) framing and building envelope, including insulation and vapour barrier, before the wall framing is covered;
  - (c) before the final completion of the work.

**Application**

- (2) For greater certainty, subsection (1) applies to a building referred to in section 22 or 23.

**Timing of notification**

- (3) The owner shall notify the building official in accordance with subsection (1)
- (a) for the purposes of clauses (1)(a) and (b), not less than three days prior to completion of the stage of construction to be inspected; and
  - (b) for the purpose of clause (1)(c), not less than three days prior to the final completion of the work.

**Timing of inspection**

- (4) For the purposes of subsection 14(3) of the Act, the period of time within which a building official shall carry out an inspection is three days. *(EC177/20)*

**26. Modular and manufactured homes**

- (1) Modular homes and manufactured homes are
- (a) subject to the inspections required by subsection (2); and
  - (b) exempt from inspection in respect of the work certified at the factory as complying with CSA Z240 MH Series “Manufactured Homes” or certified to CSA Standard A277 “Procedures for the Factory Certification of Buildings”, as applicable.

**Required inspections**

- (2) Modular homes and manufactured homes referred to in subsection (1) are subject to inspection prior to occupancy and
- (a) in the case of a manufactured home, at the stages of site preparation, foundation, installation and anchorage in accordance with CSA Z240.21-09 “Structural Preparation, Foundation, and Anchorage of Manufactured Homes”; and
  - (b) in the case of a modular home, at the stages of site preparation, foundations for single and multiple-section single storey units, anchorage, connection of multiple-section units and skirting. *(EC177/20)*

**27. Inspection of professionally designed building**

The owner or constructor of a building or part of a building that has been professionally designed shall notify a building official of the authority having jurisdiction

- (a) for the purpose of inspections during the work, in accordance with the conditions of the permit; and
- (b) when work has been completed, for the purpose of a final inspection prior to occupancy. *(EC177/20)*

**28. Repairs to public property**

An owner is responsible for the cost of repair of any damage to public property or public works located on public property that occurs as a result of the owner’s undertaking work for which a permit was or was not required. *(EC177/20)*

**29. Discontinuation of work**

An owner who is unable to continue or complete work for any reason is responsible, before finally discontinuing the work, for ensuring that no unsafe condition remains at the site. (EC177/20)

**30. Design**

An architect or professional engineer who undertakes to design a building or part of a building shall ensure that the design meets the requirements of the codes. (EC177/20)

**31. Review by professional**

An architect or professional engineer who undertakes a field review of construction shall

- (a) review the work at intervals appropriate to the stage of construction to determine compliance with the design referred to in section 30;
- (b) coordinate with the building official of the authority having jurisdiction the review of any changes to the design documents for consistency with the intent of the plans and specifications; and
- (c) when the architect or professional engineer is satisfied that the work substantially complies with the design drawings, promptly file with the building official a written confirmation in the form approved by the Minister. (EC177/20)

**32. Work on public property**

A constructor is responsible for ensuring that no excavation or other work is undertaken on public property, and that no building is erected or materials stored in whole or in part on public property, without approval having first been obtained in writing from the appropriate government authority. (EC177/20)

**33. Responsibilities for the work undertaken**

- (1) A constructor is responsible jointly and severally with the owner for all and any work undertaken.

**Discontinuance by constructor**

- (2) A constructor who is unable to continue work for any reason is responsible, before leaving the site of the work, for ensuring that no unsafe condition remains at the site. (EC177/20)

**34. Owner deemed to be constructor**

Where the work for which a permit is issued is not under the control of a constructor, the owner is deemed to be the constructor with respect to that work, and the responsibilities and obligations assigned to a constructor by these regulations and the codes apply to the owner. (EC177/20)

**35. Materials, systems to comply with codes**

- (1) A constructor shall ensure that all materials, systems and equipment used in the construction, alteration, reconstruction or renovation of a building meet the requirements of the codes for the work undertaken.

**Certificate of compliance**

- (2) A constructor shall, at the completion of the work, fill out and provide to the building official and to the owner the certificate of compliance portion of the building permit that was issued for the work. (EC177/20)

**PART 3 – BUILDING OFFICIALS****Division 1 - Qualifications of Building Officials****36. Level of authorization**

The following levels of authorization for the appointment of building officials are established:

- (a) Intern Level, which entitles the holder to
  - (i) complete field inspections for Part 9, Group C single storey accessory buildings and single storey decks,
  - (ii) complete field inspections for Part 9, Group C foundations,
  - (iii) accept building permit applications for intake and conduct preliminary plan review, and
  - (iv) complete deficiency inspections under direction of other building officials;
- (a.1) Residential Level, which entitles the holder to
  - (i) complete plan reviews and inspections in respect of buildings that are single- and two-family dwellings under 600 square metres, including buildings accessory to the dwellings that are within the scope of Part 9 of the Building Code, and
  - (ii) take any action that a building official is authorized by the Act to take in respect of those dwellings;
- (b) Level I, which entitles the holder to
  - (i) complete plan reviews and inspections in respect of buildings that are within the scope of Part 9 of the Building Code, and
  - (ii) take any action that a building official is authorized by the Act to take in respect of buildings that are within the scope of Part 9 of the Building Code;
- (c) Level II, which entitles the holder to
  - (i) complete plan reviews and inspections in respect of any building that is within the scope of the Building Code, and
  - (ii) take any action that a building official is authorized by the Act to take in respect of any building that is within the scope of the Building Code. (EC177/20; 571/23)

**37. Intern Level appointment**

- (1) An applicant for an appointment as an Intern Level building official shall provide proof satisfactory to the Minister that the applicant
- (a) is a Red Seal carpenter; or
  - (b) has completed a two-year diploma program in a related field.

**Residential Level appointment**

- (1.1) An applicant for an appointment as a Residential Level building official shall provide proof satisfactory to the Minister that the applicant holds
- (a) an Associate Residential Diploma issued by the Alliance of Canadian Building Officials Association; or
  - (b) a residential level qualification that the Minister considers substantially equivalent to the diploma referred to in clause (a) issued by a provincial association that is a member of the Alliance of Canadian Building Officials Association.

**Level I appointment**

- (2) An applicant for an appointment as a Level I building official shall provide proof satisfactory to the Minister that the applicant
- (a) holds
    - (i) an Associate Part 9 Diploma issued by the Alliance of Canadian Building Officials Association, or
    - (ii) a Level I qualification that the Minister considers substantially equivalent to the diploma referred to in clause (a) issued by a provincial association that is a member of the Alliance of Canadian Building Officials Association; or
  - (b) has been employed to inspect pursuant to and enforce Part 9 of the National Building Code of Canada for at least 6 years out of the past 8 years.

**Level II appointment**

- (3) An applicant for an appointment as a Level II building official shall provide proof satisfactory to the Minister that the applicant
- (a) holds
    - (i) an Associate Part 3 Diploma issued by the Alliance of Canadian Building Officials Association, or
    - (ii) a Level II qualification that the Minister considers substantially equivalent to the diploma referred to in clause (a) that is issued by a provincial association that is a member of the Alliance of Canadian Building Officials Association; or
  - (b) has been employed to inspect pursuant to and enforce Part 3 of the National Building Code of Canada for at least 8 years out of the past 10 years. (EC177/20; 571/23)

**38. Appointment for previously appointed building official**

- (1) Notwithstanding the qualification requirements specified in section 37, the Minister may confirm the appointment, and specify the appropriate level, of a person who was appointed by a council of a municipality as a building official before these regulations came into force, on receipt of
- (a) a written request from the council of the municipality that made the appointment; and
  - (b) satisfactory evidence of the person's appointment, identity and qualifications.

**Previously employed official**

- (1.1) Notwithstanding the qualification requirements specified in section 37, the Minister may appoint as a building official, and specify the appropriate level of the appointment, a person who was previously employed as a building official or a building codes officer by the Minister before these regulations came into force, on receipt of satisfactory evidence of the person's identity and qualifications.

**Appointment of professional**

- (2) Notwithstanding the qualification requirements specified in subsection 37(3), the Minister may, on receipt of a written request from the council of a municipality, appoint a professional engineer or architect employed by the council of the municipality as a Level II building official.

**Professional engineer or architect**

- (2.1) Notwithstanding the qualification requirements specified in subsection 37(3), the Minister may appoint a professional engineer or architect employed by the Minister as a Level II building official, on receipt of satisfactory evidence of the person's identity and qualifications.

**Termination of appointment**

- (3) The appointment of a building official under this section terminates on the earlier of
- (a) the termination of the building official's employment with the authority having jurisdiction; and
  - (b) the date that the appointment is terminated in writing by the Minister. *(EC177/20; 523/20)*

**Division 2 - Administrative Provisions****39. Copies of applications, inspections, and tests**

The authority having jurisdiction shall keep copies of all applications received, permits and orders issued, inspections and tests made and all records and documents connected with the administration of these regulations. *(EC177/20)*

**40. Notices and orders**

- (1) A building official of the authority having jurisdiction shall issue, in writing, any notice or order necessary to inform an owner that a contravention of these regulations has been observed.

**Remedial measures**

- (2) The building official who issues a notice or order referred to in subsection (1) may specify in the notice or order any remedial or other measures that are required to remedy the contravention, and shall specify the time within which the measures shall be taken.

**Service of notice or order**

- (3) Where a building official of the authority having jurisdiction issues a notice or order referred to in subsection (1), a copy shall be retained by the building official and a copy shall be sent to
- (a) the owner, by regular mail, at the address given on the permit application;
  - (b) the architect or professional engineer, by regular mail, at the address given on the permit application; and
  - (c) the constructor, by regular mail, at the address given on the permit application.

**Service on constructor**

- (4) If the constructor is present during the inspection, the building official may give the notice or order to the constructor personally.

**Additional requirements**

- (5) In addition to the requirements of subsection (3),
- (a) where the order is a stop work order, the building official shall post it in a conspicuous place on the work site; and
  - (b) where the notice is a non-compliance notice, the building official may post it in a conspicuous place on the work site. (EC177/20)

**41. Duty of building official**

A building official shall answer any reasonable and relevant questions with respect to the provisions of these regulations and the codes when requested to do so, but shall not

- (a) assist in the laying out of any work; or
- (b) act in the capacity of a designer. (EC177/20)

**42. Direction for tests**

- (1) A building official may direct an owner to make or have made tests of materials, equipment, devices, construction methods, structural assemblies or foundation conditions, at the owner's expense, and to submit the results to the building official in order to establish whether the material, equipment, device, construction or foundation condition meets the requirements of these regulations and the codes.

**Compliance required**

- (2) An owner shall comply with the direction of a building official referred to in subsection (1). (EC177/20)

**43. Reports regarding failure or potential failure**

Where any failure occurs during the work which causes or has the potential to cause injury or loss of life, a building official may require the owner or constructor to submit a report stating the nature and details of the failure. (EC177/20)

**44. Transitional matters - application**

- (1) An application for a permit that was commenced but not completed prior to the coming into force of these regulations is deemed to be an application for the purposes of these regulations but may be dealt with by a building official of the authority having jurisdiction in accordance with the edition of the Building Code that was in force at the time the application was commenced, if different from that adopted under subsection 2(1).

**Exemption**

- (2) These regulations do not apply to work, in respect of which an application for a development permit, pursuant to
- (a) section 32 of the *Planning Act* Subdivision and Development Regulations; or
  - (b) a municipal bylaw enacted under the *Planning Act*,
- was made on or before the date on which these regulations come into force.

**One-year exception - single-family homes, etc.**

- (3) The Act and these regulations do not apply to the following matters in respect of a building that is a single-family or semi-detached home, and to an accessory structure of that building,

such as a deck, shed or detached garage, until the date that is one year after the date on which these regulations come into force:

- (a) design, construction, erection, placement, use and occupancy of a new building;
- (b) alteration, demolition, removal and relocation of an existing building;
- (c) changes to the use and occupancy of an existing building;
- (d) work necessary to correct unsafe conditions in an existing building. *(EC177/20; 266/20)*

**45. Schedules adopted**

The Schedules to these regulations are hereby adopted and form part of these regulations. *(EC177/20)*

**46. Revocations**

The Barrier-free Design Regulations (EC139/95) and the Thermal Insulation Regulations (EC550/76) made under the former Act are revoked. *(EC177/20)*

## SCHEDULE A

Amendments Made to Parts 1 through 9 inclusive of the Building Code

**1. The definition of “owner” in Section 1.4 (Part 1, Division A, Volume 1), of the National Building Code of Canada, 2015, is revoked.**

*(EC177/20)*

## SCHEDULE B

### Alternative Compliance Requirements for Existing Buildings (Subsection 3(7))

**The Alternative Compliance Requirements in this Schedule may be used instead of, or in combination with, the requirements of the Building Code for renovations to a building that existed prior to the coming into force of these regulations, except for renovations where a change of occupancy classification results in an occupancy with an increased fire hazard risk.**

| No.      | Code Requirement  | Alternative Requirement   |
|----------|---|---|
| <b>1</b> | <p><b>Fire Separations</b><br/>3.1.3.1. (Part 3, Division B) and Table 3.1.3.1. (Part 3, Division B); 9.10.9. (Part 9, Division B) 2 h fire separation required between some major occupancies.</p>   | <p><b>Fire Separations</b><br/>Except for F1 occupancies, 1 h fire separation is acceptable, if the building is fully sprinklered.</p>  |
| <b>2</b> | <p><b>Fire Separations</b><br/>3.1.3. (Part 3, Division B) and Table 3.1.3.1. (Part 3, Division B); 9.10.9. (Part 9, Division B) 1 h fire separation required between some major occupancies.</p>   | <p><b>Fire Separations</b><br/>½ h fire separation is acceptable if the building is fully sprinklered.</p>  |
| <b>3</b> | <p><b>Non-combustible Construction</b><br/>3.1.5. (Part 3, Division B) and 9.10.6.1. (Part 9, Division B)<br/>All materials used in non-combustible construction must be non-combustible unless otherwise permitted.</p>  | <p><b>Non-combustible Construction</b><br/>1. Roofs may be of combustible construction provided the building is fully sprinklered.<br/>2. Up to 10% gross floor area to a maximum of 10% of any one floor area may be of combustible construction provided the building is fully sprinklered.</p>   |
| <b>4</b> | <p><b>Fire-resistance Rating</b><br/>3.1.7.1.(1) (Part 3, Division B); 9.10.3.1. (Part 9, Division B) Where a material, assembly of materials or structural member is required to have a fire resistance rating it shall be tested in accordance with CAN/ULC-S101.</p> | <p><b>A fire-resistance rating</b> may also be used based on:<br/>1. HUD No. 8 Guideline on Fire Ratings of Archaic Materials and Assemblies.<br/>2. Fire Endurance of Protected Steel Columns and Beams, DBR Technical Paper No. 194.<br/>3. Fire Endurance of Unit Masonry Walls, DBR Technical Paper No. 207.<br/>4. Fire Endurance of Light-Framed and Miscellaneous Assemblies, DBR Technical Paper No. 222.</p> |
| <b>5</b> | <p><b>Rating of Supporting Construction</b><br/>3.1.7.5. (Part 3, Division B); 9.10.8.3. (Part 9, Division B) Supporting assemblies to have fire resistance rating at least equivalent to that of the supported floor.</p>  | <p><b>Rating of Supporting Construction</b><br/>Supporting assemblies that use heavy timber construction are permitted to have a fire resistance rating less than would be required by the Code provided the building;<br/>(a) is fully sprinklered; and<br/>(b) does not exceed 5 stories in building height.</p>  |
| <b>6</b> | <p><b>Continuity of Fire Separations</b><br/>3.1.8.3.(1) and (2) (Part 3, Division B); 9.10.9.2. (Part 9, Division B) Fire separations are required to be continuous above the ceiling space.</p>   | <p><b>Continuity of Fire Separations</b><br/>Fire separations are not required to be continuous above the ceiling space where<br/>(a) the ceiling space is non-combustible construction;<br/>(b) both fire compartments are sprinklered; or<br/>(c) the ceiling has a minimum fire resistance rating of 30 minutes.</p>   |

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| 7  | <p><b>Wired Glass</b><br/>3.1.8.5.(1) (Part 3, Division B) and 3.1.8.16.(Part 3, Division B); 9.10.13.1. (Part 9, Division B) and 9.10.13.5. (Part 9, Division B)<br/>6 mm wired glass in steel frame required in fire separations.</p>  | <p><b>Wired Glass</b><br/>For fixed transoms or sidelights, 6 mm wired glass fixed to a wood frame of at least 50 mm thickness with steel stops is permitted in a required fire separation.</p>   |
| 8  | <p><b>Mezzanines</b><br/>3.2.1.1.(3) to (6) (Part 3, Division B); 9.10.4.1. (Part 9, Division B)<br/>Mezzanines enclosing more than 10% above the horizontal plane are considered a storey in building height.</p>   | <p><b>Mezzanines</b><br/>Mezzanines may enclose up to 20% above the horizontal plane and not be considered a storey in building height if the building is fully sprinklered.</p>  |
| 9  | <p><b>Spatial Separation</b><br/>3.2.3. (Part 3, Division B); 9.10.14. (Part 9, Division B)<br/>The maximum area of unprotected openings.</p>  | <p><b>Spatial Separation</b><br/>The area of unprotected opening is not limited provided:<br/>(a) the exterior walls have an interior thermo barrier of 12.7 mm, thick gypsum board or lath and plaster in good condition;<br/>(b) the limiting distance is a minimum 1 m;<br/>(c) the entire building has a supervised sprinkler system in conformance with Sentence 3.2.4.9.(2),(Part 3, Division B); and<br/>(d) the sprinkler system is connected to the fire department in conformance with Sentence 3.2.4.7.(4). (Part 3, Division B).</p>  |
| 10 | <p><b>Construction of Exposing Building Face</b><br/>3.2.3.7. (Part 3, Division B); 9.10.14.5. and 9.10.15.5. (Part 9, Division B) The exposing building face is required to have a fire resistance rating and/or be of non-combustible construction.</p>                              | <p><b>Construction of Exposing Building Face</b><br/>Exposing building face is not required to have a fire resistance rating if the building is fully sprinklered. Also, the exposing building face is not required to be of non-combustible construction if it is protected by an exterior sprinkler system conforming to NFPA 13 and has a thermo barrier as specified in No.9(a) of these compliance tables.</p>   |
| 11 | <p><b>Roof Covering Rating</b><br/>3.1.15.2. (Part 3, Division B)<br/>Class A, B or C roof covering in conformance with CAN/ULC-S107 required.</p>   | <p><b>Roof Covering Rating</b><br/>For existing roofs not covered by a Class A, B or C roofing a manually operated deluge system in accordance with NFPA 13 is permitted.</p>   |
| 12 | <p><b>Interconnected Floor Space</b><br/>3.2.8. (Part 3, Division B); 9.10.1.3(6) (Part 9, Division B) Openings that are not protected by shafts or closures shall be protected in conformance with section 3.2. (Part 3, Division B) or Sentence 9.10.1.3(6) (Part 9, Division B)</p> | <p><b>Interconnected Floor Space</b><br/>An open stair in buildings of maximum 3 stories in building height need not comply with Subsection 3.2.8. (Part 3, Division B) provided:<br/>(a) it is not a required exit stair;<br/>(b) the building contains a Group C or D occupancy;<br/>(c) the building is fully sprinklered with fast response sprinklers;<br/>(d) corridors opening into the interconnected floor space are separated from the interconnected floor space by a fire separation with the rating required for the corridor; and<br/>(e) smoke detectors are installed in the rooms opening into the interconnected floor space.</p> |



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| 13 | <p><b>Separation of Suites</b><br/>3.3.1.1. (Part 3, Division B); 9.10.9.13. and 9.10.9.14. (Part 9, Division B), Suites are required to be separated from adjoining suites by 3/4 h or 1 h rated fire separations.</p>  | <p><b>Separation of Suites</b><br/>Existing ½ h fire separations are acceptable in fully sprinklered buildings not exceeding 5 stories in building height.</p>  |
| 14 | <p><b>Corridor Fire Separation</b><br/>3.3.1.4. (Part 3, Division B); 9.10.9.15. (Part 9, Division B)<br/>Public corridors are required to be separated from the remainder of the building by a fire separation having a fire resistance rating of at least 3/4 h.</p> | <p><b>Corridor Fire Separation</b><br/>Existing corridors with ½ h fire resistance ratings, are acceptable in residential occupancies provided the building:<br/>(a) does not exceed 5 stories in building height; and<br/>(b) is fully sprinklered with fast response sprinklers.</p>  |
| 15 | <p><b>Corridor Width</b><br/>3.3.1.9. and 3.4.3.1. (Part 3, Division B) ; 9.9.3.3. (Part 9, Division B) Public corridors and exit corridors are permitted to have a minimum width of 1100 mm.</p>  | <p><b>Corridor Width</b><br/>Public corridors and exit corridors are permitted with a minimum width of 800 mm provided:<br/>(a) the occupant load of the building is maximum 20 people; and<br/>(b) the building does not exceed 3 stories in building height.</p>  |
| 16 | <p><b>Door Swing</b><br/>3.3.1.11. and 3.4.6.12(Part 3, Division B) ; 9.9.6.5. (Part 9, Division B) Doors required to swing in the direction of exit travel.</p>   | <p><b>Door Swing</b><br/>2nd egress door from a room is not required to swing in the direction of exit travel provided:<br/>(a) the building is fully sprinklered and the sprinkler system is supervised in conformance with Sentence 3.2.4.9.(2), (Part 3, Division B); and<br/>(b) the occupant load of the building is maximum 100 people.</p>   |
| 17 | <p><b>Stairs, Ramps, Handrails and Guards</b><br/>3.3.1.14., 3.3.1.16., 3.3.1.18., 3.4.6.5 to 3.4.6.9 (Part 3, Division B); 9.8. (Part 9, Division B)</p>  | <p><b>Stairs, Ramps, Handrails and Guards</b><br/>Existing conditions that do not comply fully with the requirements are permitted if they do not create a hazardous condition and are acceptable to the authority having jurisdiction.</p>   |
| 18 | <p><b>Transparent Doors and Panels</b><br/>3.3.1.19. (Part 3, Division B); 9.6.1.4. (Part 9, Division B)<br/>Glass in doors and sidelights is required to be protected by guards and to be safety glass.</p>   | <p><b>Transparent Doors and Panels</b><br/>Existing glass or transparent panels that do not comply fully with the requirements are permitted if it is sufficiently discernible or guards are provided in hazardous situations.</p>  |
| 19 | <p><b>Dead-end Corridors</b><br/>3.3.1.9.(7) (Part 3, Division B); 9.9.7.3. (Part 9, Division B) Dead-end corridors are permitted to a maximum length of 6 m.</p>  | <p><b>Dead-end Corridors</b><br/>1. Dead-end corridors are permitted to a maximum length of 10 m in Group C occupancies provided:<br/>(a) the building is fully sprinklered with fast response sprinklers; and<br/>(b) smoke detectors are installed in the corridor system.<br/>2. Dead-end corridors are permitted to a maximum of 15 m in length in Group D, E, F2 and F3 occupancies provided:<br/>(a) the building is fully sprinklered with fast response sprinklers; and<br/>(b) smoke detectors are installed in the corridor system.</p> |

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| 20 | <p><b>Exits</b><br/>3.4.2.1. (Part 3, Division B); 9.9.8.2. (Part 9, Division B) Floor areas shall be served by not fewer than 2 exits except as permitted by 3.4.2.1.(2) (Part 3, Division B).</p>  | <p><b>Exits</b><br/>Floor areas may be served by a single exit within the limits of 3.4.2.1.(2) (Part 3, Division B) provided:<br/>(a) the building does not exceed 3 stories in building height;<br/>(b) the building is fully sprinklered with fast response sprinklers; and<br/>(c) the building contains an approved fire alarm system with smoke detectors located in accordance with Sentence 3.2.4.11 (Part 3, Division B).</p>                                   |
| 21 | <p><b>Reduction of Exit Width</b><br/>3.4.3.3(2) (Part 3, Division B); 9.9.6.1. (Part 9, Division B) Swinging doors in their swing shall not reduce the effective width of exit stairs and landings to less than 750 mm.</p>                               | <p><b>Reduction of Exit Width</b><br/>Existing swinging doors in their swing are permitted to reduce the effective width of exit stairs and landings to a minimum of 550 mm provided:<br/>(a) they serve Group C or D occupancies;<br/>(b) the building does not exceed 5 stories in building height; and<br/>(c) the building is fully sprinklered.</p>   |
| 22 | <p><b>Fire Separation of Exits</b><br/>3.4.4.1. (Part 3, Division B); 9.9.4. (Part 9, Division B) Exits are required to be separated from the remainder of the floor area by a fire separation having a fire-resistance rating of not less than 3/4 h.</p> | <p><b>Fire Separation of Exits</b><br/>1. Existing fire separations of ½ h are acceptable provided the building is fully sprinklered with fast response sprinklers and does not exceed 3 stories in building height.<br/>2. Buildings not exceeding 5 stories in building height may have exits that are separated by a 3/4 h fire separation provided the building is fully sprinklered.</p>  |
| 23 | <p><b>Exits Through Lobbies</b><br/>3.4.4.2. (Part 3, Division B); 9.9.8.5. (Part 9, Division B) Rooms adjacent to the lobby are required to be separated by a fire separation.</p>  | <p><b>Exits Through Lobbies</b><br/>Rooms adjacent to the lobby are not required to be separated by a fire separation provided:<br/>(a) the floor area is sprinklered with fast response sprinklers; and<br/>(b) smoke detectors are installed in the adjacent rooms.</p>  |
| 24 | <p><b>Rooms Opening into an Exit</b><br/>3.4.4.4.(7) and (8) (Part 3, Division B); 9.9.5.9. (Part 9, Division B) Service rooms and ancillary rooms are not permitted to open directly into an exit.</p>  | <p><b>Rooms Opening into an Exit</b><br/>Service rooms and ancillary rooms may open directly into an exit provided:<br/>(a) the building is fully sprinklered;<br/>(b) the room is sprinklered with fast response sprinklers;<br/>(c) the door assembly has a fire protection rating of at least 20 min.;<br/>(d) the building does not exceed 3 stories in building height; and<br/>(e) weather stripping is installed on the door to prevent the passage of smoke.</p> |
| 25 | <p><b>Illumination of Exit Signs</b><br/>3.4.5.1.(3) (Part 3, Division B); 9.9.11.3(3) (Part 9, Division B)<br/>Exit signs are required to be illuminated continuously while the building is occupied.</p>   | <p><b>Illumination of Exit Signs</b><br/>In provincial or municipal designated heritage buildings where exit signage may compromise historic appearances, or authenticity of displays, exit signs may be installed to light only in an emergency condition, such as by the activation of the fire alarm system or due to power failure.</p>  |



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| 26 | <p><b>Clearance from Exit Doors</b><br/>3.4.6.11 (1) (Part 3, Division B); 9.9.6.6. (Part 9, Division B) Stair risers shall not be closer than 300 mm from an exit door.</p>   | <p><b>Clearance from Exit Doors</b><br/>Except as permitted in Sentences 3.4.6.11(3) or 9.9.6.6(2), existing exit doors shall not extend beyond the first riser.</p>   |
| 27 | <p><b>Fire Escapes</b><br/>3.4.7. (Part 3, Division B); 9.9.2.1. (Part 9, Division B)<br/>Fire escapes are required to conform to Article 3.4.7. (Part 3, Division B).</p>   | <p><b>Fire Escapes</b><br/>Existing fire escapes that do not completely conform to Article 3.4.7.1. are acceptable provided:<br/>(a) they are acceptable to the authority having jurisdiction; and<br/>(b) the building is fully sprinklered.</p>  |
| 28 | <p><b>Fire Escape Construction</b><br/>3.4.7.2. (Part 3, Division B); 9.9.2.1. (Part 9, Division B)</p>  | <p><b>Fire Escape Construction</b><br/>Existing combustible fire escapes are permitted if the building is permitted to be of combustible construction by Part 3, (Part 3, Division B) Part 9 (Part 9, Division B) or by these compliance tables.</p>   |
| 29 | <p><b>Protection of Fire Escapes</b><br/>3.4.7.4. (Part 3, Division B); 9.9.4.4 (Part 9, Division B) Openings in the exterior wall adjacent to the fire escape are required to be protected by closures.</p>   | <p><b>Protection of Fire Escapes</b><br/>Existing openings in the exterior wall adjacent to the fire escape are not required to be protected by closures provided:<br/>(a) the building is fully sprinklered; and<br/>(b) a sprinkler head is located within 1.5 m of the opening required to be protected by Article 3.4.7.4. (Part 3, Division B).</p> |
| 30 | <p><b>Vertical Service Space</b><br/>3.6.3.1. (Part 3, Division B)<br/>Vertical service spaces are required to be separated from the adjacent floor area by a rated fire separation.</p>   | <p><b>Vertical Service Space</b><br/>Existing vertical service spaces that do not completely conform to the rated fire separation requirements are acceptable provided the building is fully sprinklered.</p>  |
| 31 | <p><b>Height and Area of Rooms</b><br/>3.7.1. (Part 3, Division B); 9.5. (Part 9, Division B)<br/>The height and area of rooms are required to comply with minimum dimension requirements.</p>   | <p><b>Height and Area of Rooms</b><br/>Existing rooms are not required to comply with the minimum dimension requirements of Subsection 3.6.1. (Part 3, Division B) or Section 9.5. (Part 9, Division B).</p>   |
| 32 | <p><b>Window Areas</b><br/>9.9.10. (Part 9, Division B)<br/>Windows in dwelling units are required to comply with minimum dimensions.</p>  | <p><b>Window Areas</b><br/>Existing windows are not required to comply with the minimum dimensions of Article 9.9.10. (Part 9, Division B).</p>  |
| 33 | <p><b>Washrooms Required to be Barrier-Free</b><br/>3.8.2.8.(1) Code Except as permitted by Sentence (2), a washroom in a storey to which a barrier-free path of travel is required in accordance with Article 3.8.2.1., shall be barrier-free in accordance with the appropriate requirements in Articles 3.8.3.8. to 3.8.3.17. Code.</p> | <p><b>Washrooms Required to be Barrier-Free</b><br/>Except in Assembly occupancies and Group D Business and personal services occupancies intended to offer medical or therapeutic services, a barrier free washroom need not be provided in an existing building with a building area less than 120 m<sup>2</sup>.</p>                                  |

|                  |   |  |
|------------------|---|--|
| <p><b>34</b></p> | <p><b>Entrances</b><br/> 3.8.2.2.(1) Code<br/> (1) In addition to the barrier-free entrances required by Sentence (2), not less than 50% of the pedestrian entrances of a building referred to in Sentence 3.8.2.1.(1) shall be barrier-free and shall lead from<br/> (a) the outdoors at sidewalk level, or<br/> (b) [a] ramp that conforms to Article 3.8.3.5. and leads from a sidewalk.</p> | <p><b>Entrances</b><br/> Where an existing building has<br/> (a) a building area less than 120 m<sup>2</sup>, (1292 sq. ft.);<br/> (b) the slope from the entrance level floor at the entrance door to a street or public way is greater than 1 in 10;<br/> (c) no entrance is more than 1 m to the property line; and<br/> (d) no alternate access to an entrance from a street or public way is possible;<br/> the owner may use a stair with<br/> (a) a maximum rise of 150 mm (6");<br/> (b) a minimum run of 280 mm (11");<br/> (c) tactile landings;<br/> (d) contrasting colour nosings; and<br/> (e) an unobstructed width of 1 m.</p> |
| <p><b>35</b></p> | <p><b>Mechanical Systems</b><br/> Part 6 and Part 7 of Division B</p>   | <p><b>Mechanical Systems</b><br/> Existing mechanical systems in buildings are not required to fully comply with the requirements of Parts 6 or 7 provided:<br/> (a) the existing mechanical system is not in an unsafe condition; and<br/> (b) it is acceptable to the authority having jurisdiction.</p>   |

(EC177/20; 523/20)

**SCHEDULE C****PERMIT FEES**

In this Schedule, “Value of Construction” or “VOC” means the total cost to the owner for the building construction in its completed form and includes the cost of design fees, building work, materials of construction, building systems, labour and overhead, and profit of the contractor and subcontractors.

**Table 1****RESIDENTIAL BUILDING PERMIT FEES**

| <b>PROJECT TYPE</b>  | <b>Building Area (m<sup>2</sup>)</b> | <b>PERMIT FEE</b>   |
|--|--------------------------------------|---|
| New Dwelling<br>(includes attached garage and deck review) | up to 139                            | \$ 960  |
|  | 140-189                              | 1,120   |
|  | 190-239                              | 1,280   |
|  | 240-289                              | 1,440   |
|  | 290-339                              | 1,600   |
|  | 340-389                              | 1,760   |
|  | 390-439                              | 1,920   |
|  | 440-489                              | 2,080   |
|  | 490-539                              | 2,240   |
|  | 540-589                              | 2,400   |
|  | over 590                             | (\$2,560 plus \$160 per each additional 50 m <sup>2</sup> ) |
| Addition of Living Quarters                                | NA                                   | 640   |
| Attached Garage (insulated)                                |                                      | 480   |
| Attached Garage (not insulated)                            |                                      | 320   |
| Detached Garage (insulated)                                |                                      | 320   |
| Detached Garage (not insulated)                            |                                      | 160   |
| Renovation (structural or egress)                          |                                      | 320   |
| Basement Development/Secondary Suite                       |                                      | 320   |
| Deck   |                                      | 160   |
| Foundation Replacement                                     |                                      | 480   |
| Modular/Manufactured Home                                  |                                      | 480   |

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The fees listed above include the cost of plan review and the inspections specified in section 25 or listed on the building permit.

An inspection fee of \$160 per inspection will be charged where additional inspections are required to determine whether deficiencies ordered to be corrected by a building official have been corrected in a manner acceptable to the building official.

**Table 2**

| <b>PERMIT TYPE</b>                                     | <b>PERMIT FEE</b> |
|--|-------------------|
| Occupancy Permit for a project listed in this Schedule | \$ 25             |

**FEES FOR ALL OTHER PROJECTS**

If the Value of Construction (VOC) is more than \$200,000, the permit fee is equal to \$4.50 per each \$1,000 of the VOC

If the VOC is less than or equal to \$200,000, the following minimum fees apply:

**Table 3**

| <b>PROJECT TYPE</b>   | <b>PERMIT FEE</b> |
|---|-------------------|
| Principal Building<br>(building Area over 20 m <sup>2</sup> / 215 ft <sup>2</sup> ) | \$ 900            |
| Addition  | 720               |
| Renovation  | 540               |
| Leasehold Improvements  | 540               |
| Accessory Building (insulated)  | 540               |
| Accessory Building (not insulated)  | 360               |
| Barrier-Free Ramp   | 360               |

**Table 4**

**REVIEW FEE**

|   | <b>REVIEW FEE</b> |
|---|-------------------|
| For review of any project not listed in this Schedule | \$ 160            |

(EC177/20; 523/20)