



# Building Codes Act Regulations

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# Background

- Executive Council authorized the department to proceed with adoption of the:
  - National Building Code (NBC);
  - National Fire Code (NFC); and
  - National Energy Code for Buildings (NECB)
- The Building Standards Council was appointed to advise government on the creation of a new act and corresponding regulations.



# Background (continued)

- The *Building Codes Act* was passed during the 2017 Spring sitting of the legislature.
- Draft Building Codes Act Regulations are now complete and ready for public consultation.



# Development Approval vs Building Approval

- Development (Current)
  - Proposed use + land
- Building (New)
  - Structure + compliance with codes



# What is the National Building Code (NBC)?

- Objective -based code featuring a minimum set of standards
- Created for consistency in building requirements across jurisdictions
- Typically renewed on a 5 year cycle
- NBC 2015 is the most recent edition





# What is the NBC?

The National Building Code is concerned with:

- Health
- Safety
- Energy Conservation
- Accessibility; and the
- Protection of buildings from fire or structural damage.



# Why adopt the NBC?

## Collapsing decks





# Why adopt the NBC?

Mold and mildew (improper flashing)





# Why adopt the NBC?

Compromised structural members



# Timeline for Implementation

Building  
Codes Act  
passed  
Spring 2017

Draft  
Regulations  
2017-2018

Regulations  
Consultation  
Summer  
2019

Regulations  
approved by  
Exe. Council  
Fall 2019

Regulations  
take effect  
January  
2020

Small  
residential  
included  
January  
2021



# Consultation Plan

## Stakeholders

Construction Association of PEI and PEI Chapter of the Home Builders' Association

Architects Association

Federation of Agriculture / PEI Woodlot Owners Association

Engineers PEI

Federation of PEI Municipalities

General public

Building supply companies





# Building Codes Act Regulations

Regulations to set out the administration and enforcement requirements for the National Building Code (NBC) and the National Energy Code for Buildings (NECB)



# Interpretation & Application (Sections 1-5)

- Definitions
- Codes Adopted
  - National Building Code of Canada
  - National Energy Code of Canada for Buildings
- Application
  - Existing Buildings
  - Alterations or Relocation
  - Demolition



# Interpretation & Application

## (Sections 1-5)

### Exemptions

- Buildings under National Farm Building Code
- Small, low, single-storey decks; fences, etc.
- Resource buildings and accessory structures
- Code relaxation for home-based business
  - Total floor area of business is less than 50 m<sup>2</sup>
  - Uses less than 25% of the floor area of the dwelling
  - Operator is a resident of the home
  - Proposed business is not a high or medium hazard industrial occupancy





# Permits (Section 6-16)

- Determination of fees
- Ensure development permit has been issued
- Occupancy permits
- Required information on application
- Ability to request land survey



# Responsibilities & Obligations (Section 17-24)

## Owner Responsibilities

- Notify building official of any relevant changes
- Keep required documentation on site
- Ensure that all relevant and required professionals are involved with the project



# Responsibilities & Obligations (Section 17-24)

## **Owner Responsibilities (continued)**

- Where the building features structural components outside of the scope of Part 9, a professional engineer is to be engaged.
- Where site conditions, size, or complexity of the structure warrant, the building official can require professionals to be engaged for the design.





# Professional Design

Jurisdiction	Architectural Design Threshold - Residential
YT, SK, MB	1800 m <sup>2</sup> gross, max 3 storeys (max 600 m <sup>2</sup> per floor)
NT, NU	No Architects acts
BC	Multi-unit building: 4 units or less   Hotel/motel: Max 10 guest rooms
AB	Multi-unit building: 4 units or less   Hotel/motel: 400 m <sup>2</sup> 1 storey, 200 m <sup>2</sup> 2 storey and 130 m <sup>2</sup> 3 storey
ON	600 m <sup>2</sup> in gross area, max 3 storeys, no units above/below one another
QC	300 m <sup>2</sup> in gross area, max 2 storey building <i>and</i> no more than 4 units
NB	600 m <sup>2</sup> in gross area, max 3 storeys
NL	Max 15 bedrooms, with access only from exterior
NS	1350 m <sup>2</sup> gross, max 3 storeys (max 450 m <sup>2</sup> per floor)

600 m<sup>2</sup> = ~6459 ft<sup>2</sup>

# Professional Design (Architects Act)

## PEI Current

Essentially all buildings with the exception of **residential structures**, not greater than 3 storeys, not greater than 600 m<sup>2</sup> in building area, with no unit above or below another.

## Proposed

Occupancies requiring professional design: assembly; care, treatment and detention; or high-hazard industrial

Every other building occupancy over 3 storeys or over 600 m<sup>2</sup> in gross area.

600 m<sup>2</sup> = ~6459 ft<sup>2</sup>



# Inspections (Section 25-35)

- Suggested inspections for buildings under the scope of Part 9 (housing & small buildings):
  - Footings & foundation
  - Framing & building envelope
  - Before occupancy



# Inspections (Section 25-35)

- Owner is required to notify the building official 3 days prior to designated inspection stages
- Modular and manufactured homes require final completion inspections
- Professionally designed buildings are to be inspected by the designers at appropriate stages of construction





# Inspections (Section 25-35)

- Professional designers shall ensure that the design meets the requirements of the codes
- Repair damage to public property
- If work ceases on property, owner is responsible to ensure no unsafe condition exists
- All materials, systems and equipment used meet code requirements



# Occupancy Permit

- Follows successful final inspection
- Require all certificates of compliance
  - Electrical, plumbing, septic, well, building (new)
- Require declarations from all professional designers (if applicable)



# Building Officials (Sections 36-38)

Follow the national model for building officials, with three (3) levels of qualifications

- Residential
- Level 1 (Part 9 buildings)
- Level 2 (entirety of the building code)
  - Architects and professional engineers equivalent to Level 2



# Administrative Provisions (Sections 39-46)

## **Duties of building officials**

- Keep copies of applications
- Perform inspections
- Issue orders

## **Transitional Matters**

- Existing development and building permits
- Delay for 1-2 unit residential construction





# Attached Schedules

- A – Amendments to the Building Code
- B – Alternative Compliance Requirements
- C – Permit Fees



# Schedule C – Residential Fees

## (Proposed)

Area (m <sup>2</sup> )	Permit Fee
up to 139	\$ 960
140-189	\$ 1,120
190-239	\$ 1,280
240-289	\$ 1,440
290-339	\$ 1,600
340-389	\$ 1,760

- Additions = \$640
- Detached garages and renos = \$320
- Occupancy permit = \$25

Conversion:  
139 m<sup>2</sup> = 1496 ft<sup>2</sup>



# Schedule C – Non-Residential Fees

## Value of project over \$200k:

- permit fee is equal to \$4.50/\$1000 value

## Value of project less than \$200k:

- \$900 for new buildings
- \$720 for additions
- \$540 for renovations



# Cost to Implement

## **Industrial, Commercial, Institutional and Large Residential**

No additional costs expected, as professional design to NBC standards has been occurring.





# Cost to Implement

## Small Residential

- Estimated Building Permit fee ~\$960 per home\* **equates to 0.4% of the cost of a \$225,000 home.**
- Increased cost of construction is ~ 4.1% (total of \$9,200, includes \$7,600 for insulating basement walls).
- Pay back of fee and construction costs is over 10\*\* years with a positive net cash flow of \$19.49 per month\*\*\* (or **net gain over the 25 yr. period of \$5,800**).

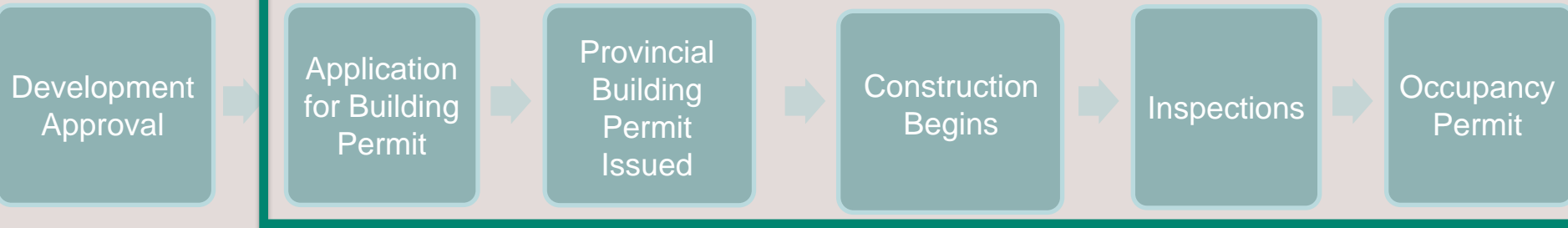
\*1500 ft<sup>2</sup> home.

\*\* Based upon estimated energy savings of \$941.89/yr.

\*\*\*Monthly energy savings less monthly cost of upgrades on 25 yr mortgage, 5% IR.



# Future Process



# Submit Your Feedback

**Visit** [princeedwardisland.ca/buildingcoderegs](http://princeedwardisland.ca/buildingcoderegs)

- Building Codes Act
- Draft Regulations
- Plain language version of regulations
- Copy of presentation
- Submission field for comments



# Submit Your Feedback

- Looking for general feedback until **September 6, 2019**
- Comment on professional design threshold, fee model, and number and type of inspections





# Questions?

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