



# TOWN OF STRATFORD RESOLUTION

**No. PH001-2020 – Building Bylaw #50**  
**1<sup>st</sup> Reading**

Motion Carried       ✓        
Motion Lost                     
Motion Deferred                   

Council Chambers  
Town Council

**February 12, 2018**

Committee                    Planning & Heritage  
Moved by Councilor                    Jill Burridge  
Seconded by Councilor                    Derek Smith

***WHEREAS*** pursuant to s. 4.(2) of the Building Codes Act, the Council of a municipality shall be responsible for the administration and enforcement of the Act in the municipality; and

***WHEREAS*** a new Building Bylaw was drafted to incorporate the requirements of the Building Codes and Regulations; and

***WHEREAS*** a review of the new Building Bylaw occurred in the fall of 2019 by the Planning and Heritage Committee; and

***WHEREAS*** a number of minor changes were made to the draft bylaw after legal review, but nothing substantial to change the intent of the bylaw.

***BE IT RESOLVED*** that the attached Building Bylaw, Bylaw #50, be hereby read and approved a first time.

***This resolution bears the recommendation of the Planning & Heritage Committee based on an email poll conducted February 7<sup>th</sup>, 2020.***

# Town of Stratford

## Building Bylaw

### Bylaw Number 50



*Imagine that!*

A bylaw to regulate the construction and renovation of Buildings in the Town of Stratford.

BE IT ENACTED by the Council of the Town of Stratford as follows:

#### **PART I – INTERPRETATION AND APPLICATION**

##### **1. Title**

1.1. This Bylaw shall be known and cited as the “Town of Stratford Building Bylaw”.

##### **2. Authority**

2.1. This Bylaw is enacted under the authority of the *Municipal Government Act*, R.S.P.E.I. 1988, Cap M-12.1 as amended from time to time and the *Building Codes Act*, R.S.P.E.I. 1988, Cap. B-5.1 as amended from time to time.

##### **3. Application**

3.1. This Bylaw pertains to the appointment of Building Officials and the enforcement of the Act, the Regulations, and the Codes in the Town of Stratford.

##### **4. Definitions**

4.1. “Act” means the *Building Codes Act R.S.P.E.I.* 1988, Cap. B-5.1 as amended from time to time.

4.2. “Appeal Board” means the Appeal Board whose members are designated or appointed under section 24 of the Act.

4.3. “Architect” means a licensee of the Architects Association of Prince Edward Island.

4.4. “Building” means any Structure used or intended for supporting or sheltering any use or occupancy, including exterior wooden decks, and excluding all other buildings exempted by the Regulations.

4.5. “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;

4.6. “Building Code” means the National Building Code of Canada adopted under this Bylaw.

- 4.7. “Building Official” means a person designated by the Chief Administrative Officer to have the administration and/or enforcement of this Bylaw, or any aspect thereof.
- 4.8. “Building Permit” means a valid and subsisting permit issued under this Bylaw in respect of Construction or Demolition or the occupancy or use of a Building.
- 4.9. “Change The Use”, or similar wording, means making any change in a Building use that would result in either reclassification of the Building or part thereof from one major occupancy to another pursuant to the Building Code.
- 4.10. “Chief Administrative Officer” means the chief administrative officer of the Town Stratford.
- 4.11. “Chief Building Official” means the person appointed by the Minister as the Chief Building Official pursuant to the Act.
- 4.12. “Codes” means the Building Code and the Energy Code.
- 4.13. “Compliance Order” means an Order to comply with the Act, the Regulations, this Bylaw or the Codes when Construction or Demolition has been undertaken in contravention of this Bylaw or the Codes.
- 4.14. “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.
- 4.15. “Constructor” means a person who contracts with an Owner to undertake or direct a project on behalf of an 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.
- 4.16. “Council” means the Council for the Town of Stratford.
- 4.17. “Court” means the Supreme Court of Prince Edward Island.
- 4.18. “Dangerous Premises” means a Building, real Property, or other premises that
- (a) poses an actual or potential risk of fire;
  - (b) poses an actual or potential danger to the safety or health of persons or the safety of Property;
  - (c) has undergone unapproved Building modifications; or
  - (d) is structurally unsound and without limiting the generality of the foregoing,
    - i. A Building where the walls or other vertical structural members list, lean, or buckle to such an extent that it presents a danger to the Occupants or other Buildings or Property;

- ii. A Building which shows clear damage or deterioration of the foundation supporting member or members; and
  - iii. A Building which has improperly distributed loads upon the floor, roofs or structural supporting members or in which the same are overloaded, or which has insufficient strength to be reasonably safe for the intended use or occupation.
- 4.19. “Demolition” means anything done for the purposes of the removal of a Building or any material part of a Building.
- 4.20. “Development Bylaw” means the Town of Stratford Zoning and Development Bylaw #45.
- 4.21. “Development Officer” means a Person charged by the Chief Administrative Officer with the duty of administering the provisions of the Development Bylaw.
- 4.22. “Development Permit” means a written authorization granted by the Town to a Person(s) to carry out a specific development in compliance with the Development Bylaw and any conditions listed on the Development Permit or schedules attached thereto.
- 4.23. “Energy Code” means the National Energy Code of Canada adopted under this Bylaw.
- 4.24. “Fire Marshal” means the Fire Marshal appointed under the *Fire Prevention Act* R.S.P.E.I. 1988, Cap. F-11.
- 4.25. “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
- 4.26. “Home Occupation” means a business or service use that is located in a dwelling unit that is used or occupied as a home for which a Development Permit is issued pursuant to the Development Bylaw.
- 4.27. “Inspection” means an inspection by a Building Official, in order to ascertain whether the Act, the Regulations, this Bylaw and the Codes have been complied with
- (a) of an ongoing or incomplete Building Construction, material of construction or Building system, or
  - (b) of an existing or completed Building, material of construction or Building system
- 4.28. “Minister” means the Minister of Agriculture and Land.
- 4.29. “Municipal Government Act” means the *Municipal Government Act*, R.S.P.E.I. 1988, Cap M-12.1 as amended from time to time.

- 4.30. "Occupancy Permit" means the permission or authorization in writing from a Building Official for a person to occupy any Building or part thereof as outlined in this Bylaw.
- 4.31. "Occupant" means a tenant, lessee or other person in possession or occupancy of a Building, part of a Building or premises.
- 4.32. "Order" means an order as outlined in section 15 of the Act, and includes Orders Not To Cover, Orders To Uncover, Compliance Orders, Orders Respecting Dangerous Premises, and Stop Work Orders.
- 4.33. "Order Not To Cover" means an Order prohibiting the covering or enclosing of Construction Work pending an Inspection.
- 4.34. "Order Respecting Dangerous Premises" means an Order for the repair, Demolition, or any other action that the Building Official considers necessary in order to terminate the danger.
- 4.35. "Order To Uncover" means an Order for the uncovering of Construction Work.
- 4.36. "Owner" means a Person who holds title to real Property and includes
- (a) any Person who has entered into an agreement to purchase the real Property, and
  - (b) an executor, administrator, trustee, agent or other Person managing the real Property on behalf of the Owner
- 4.37. "Person" means any individual, association, corporation, contractor, commission, developer, public utility, firm, partnership, trust, heirs, executors or other legal representatives of a person, or organization of any kind, and includes both principal and agent in an agency situation.
- 4.38. "Prime Consultant" means a Professional Engineer or Architect licensed under an enactment to practice the person's profession in the Province of Prince Edward Island 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, the Regulations, this Bylaw and the Codes.
- 4.39. "Professional" means a Professional Engineer or Architect and includes a person or group of persons as prescribed in the Regulations.
- 4.40. "Professional Engineer" means a member or licensee of the Association of Professional Engineers of Prince Edward Island.
- 4.41. "Property" means any parcel of land described in a deed or as shown in a registered approved subdivision plan.

- 4.42. “Regulations” means the *Building Codes Act Regulations* made pursuant to section 32 of the Act.
- 4.43. “Stop Work Order” means an Order requiring any and all Work on a Property to cease immediately until notified otherwise by a Building Official.
- 4.44. “Structure” means any Construction including a Building fixed to, supported by or sunk into land or water, but excludes concrete and asphalt paving or similar surfacing and fencing and includes a swimming pool.
- 4.45. “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.
- 4.46. “Town” means the Town of Stratford.
- 4.47. “Work” means any Construction, duty or function of a Constructor, subcontractor or tradesperson regulated by the Act, the Regulations, this Bylaw 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.

## **PART II - GENERAL**

### **5. General**

- 5.1. Nothing in this Bylaw shall exempt any Person from complying with the requirements of any other bylaw or from obtaining any license, permission, permit, authority or approval required by any other bylaw of the Town or by any laws of the Province of Prince Edward Island or of the Government of Canada.
- 5.2. Where the provisions of this Bylaw conflict with those of any other bylaw of the Town or with any laws of the Province of Prince Edward Island or the Government of Canada, the higher or more stringent provision shall prevail.
- 5.3. Council hereby delegates the authority to appoint Building Officials to the Chief Administrative Officer.

### **6. Administration**

- 6.1. This Bylaw shall be administered by a Building Official.
- 6.2. A Building Official shall enforce this Bylaw in conjunction with the Act and the Regulations.

### **7. Area Defined**

- 7.1. This Bylaw shall apply to the geographical area within which Council has jurisdiction.

**PART III – ADOPTION OF CODES****8. Codes**

- 8.1. Council hereby adopts the editions of the National Building Code of Canada and the National Energy Code of Canada for Buildings as specified in Schedule A, which forms part of this Bylaw.
- 8.2. Council hereby adopts Schedule B of the Regulations, the *Alternative Compliance Requirements for Existing Buildings*.
- 8.3. Council hereby establishes requirements additional to the Codes as specified in Schedule B, which forms part of this Bylaw.

**9. Exemption**

- 9.1. No Person shall construct, demolish or Change The Use of a Building or part thereof contrary to any applicable requirements of the Act, the Regulations, this Bylaw or the Codes, except as specifically exempted by any provision of the Act, the Regulations or this Bylaw.

**PART IV – AUTHORITY, OBLIGATIONS & RESPONSIBILITY****10. Owner & Constructor**

- 10.1. An Owner or Constructor shall apply for and obtain a Building Permit from the Town prior to constructing, demolishing, or Changing The Use of a Building or part thereof.
- 10.2. An Owner or Constructor shall ensure that all required permits and approvals are obtained prior to commencing the Work to which they relate.
- 10.3. An Owner or Constructor shall ensure that any Construction, Demolition, alteration or Change of Use of a Building or Structure is carried out in accordance the Codes, the Regulations and this Bylaw.
- 10.4. The granting of a Building Permit or the approval of plans and specifications or the Inspection of a Building by a Building Official shall not in any way relieve the Owner, the Architect, the Professional Engineer, the Constructor, or the designer of a Building from their respective responsibility for carrying out the Work or having it carried out in accordance with this Bylaw and any other municipal, provincial or federal laws and regulations.
- 10.5. Neither the Town nor a Building Official shall be liable for any damages or costs arising from the Building's failure to comply with the requirements set forth in the Act, the Regulations and/or this Bylaw.
- 10.6. 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 and Inspection of the Building or part of it.

10.7. An Owner or a Constructor shall give notice in writing to a Building Official

- (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) the date on which the work will begin prior to commencing the work on the building site.
- (c) of any change in the date on which the work will begin.
- (d) of any change in or termination of employment of a Person about whom notice was given under 10.7.(a) during the course of the Construction, as soon as practicable but not later than 3 days following the change or termination.
- (e) as soon as any change in ownership or change in the address of the Owner occurs prior to the issuance of an Occupancy Permit.
- (f) prior to occupying a Building or any part thereof.

10.8. An Owner or 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.

10.9. Every Owner, Constructor, or other duly authorized agent shall ensure that the required stamped plans, specifications and related documents on which the issuance of the Building Permit was based are available at the site of the Work for Inspection during working hours by a Building Official, and that the Building Permit, or true copy thereof, is posted conspicuously on the site during the entire execution of the Work.

10.10. 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 Town.



- 10.11. An owner shall ensure that the minimum ratio of barrier free access units as specified in Schedule B of this Bylaw is provided in all new multi-unit residential developments.

## **11. Building Official**

- 11.1. A Building Official shall
- (a) be issued identification by the Town;
  - (b) carry his or her identification at all times when engaged in any duty or function under this Bylaw; and
  - (c) produce their identification to any person upon request.
- 11.2. For the purpose of ensuring compliance with the Act, the Regulations, this Bylaw, a Building Permit or an Order, a Building Official may, at any reasonable time,
- (a) enter and inspect any Building in an area in which a Building Official has authority to conduct Inspections;
  - (b) require documents or objects relevant to the Inspection to be produced for Inspection or for the purpose of obtaining copies or extracts of them;
  - (c) conduct tests, make inquiries and take samples, measurements, photographs, or video recordings as the Building Official considers necessary; and
  - (d) perform any other duties relating to Inspections prescribed by the Regulations.
- 11.3. A Building Official shall inspect only those classes or types of Buildings or Construction which he or she is qualified or authorized, in accordance with the Act and Regulations, to inspect.
- 11.4. On receipt of the notice(s) for Inspection referred to in this Bylaw, a Building Official shall carry out the required Inspection(s) within three days of the completion of the stage of construction to be inspected.
- 11.5. A Building Official may be accompanied by any person who has special or expert knowledge of any matter for the purpose of assisting a Building Official to carry out an Inspection.
- 11.6. For the purposes of conducting an Inspection, a Building Official may remove documents respecting the Building or real Property and may make copies or extracts from them or any part of them.
- (a) A Building Official shall provide a receipt for any documents removed to the Person who provided the documents.

- (b) A document removed shall be returned within 14 business days from the time when the document was removed.
- 11.7. A Building Official may accept a variation of not more than 2 per cent in a dimension specified in the Codes where, in the opinion of a Building Official, safety will not be reduced and barrier-free design and access will not be adversely affected.
- 11.8. A Building Official to whom an application for a Building Permit is submitted shall review the application and shall issue a Building Permit for the proposed Construction, Demolition or other Work if the Building Official is satisfied that
- (a) based on the information provided with the application, the proposed Construction, Demolition or other Work will comply with this Bylaw;
  - (b) the accompanying documents, if any, required for the application contain the prescribed information;
  - (c) the application is otherwise complete;
  - (d) a Development Permit has been issued; and
  - (e) the prescribed fee has been paid.
- 11.9. A Building Official may revoke a Building Permit issued pursuant to this Bylaw
- (a) if it was issued based on mistaken, false or incorrect information;
  - (b) if, within 2 years after the date of its issuance, the Construction or Demolition in respect of which it was issued has not, in the opinion of the Building Official, been substantially commenced;
  - (c) if the Construction or Demolition in respect of which the Building Permit was issued has been, in the opinion of the Building Official, substantially suspended or discontinued for a period of more than 12 months;
  - (d) if it was issued in error; or
  - (e) if the holder of the Building Permit requests in writing that it be revoked.
- 11.10. Where, in the opinion of a Building Official, 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 on 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 Codes; and
  - (b) the Professionals referred to in 11.10.(a) shall provide the declarations respecting field reviews of construction that the Building Official considers necessary.

- 11.11. Where a Building Official is of the opinion that the site condition, size or complexity of a Building, part of a Building, or Building component pose a threat to public safety or future public safety, the Building Official may issue a Stop Work Order until such time that a Professional design has been submitted, and if the decision of a Building Official is appealed, until such time that the Chief Building Official or the Appeal Board deems that no Professional design is required.
- 11.12. A Building Official shall answer any reasonable and relevant questions with respect to the provisions of the Regulations, this Bylaw 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.
- 11.13. 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 a Building Official in order to establish whether the material, equipment, device, Construction or foundation condition meets the requirements of the Regulations, this Bylaw and the Codes.
- 11.14. 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.
- 11.15. A Building Official 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.

## **PART V – Permitting and Inspection**

### **12. Building Permit**

- 12.1. A Building Permit is required under this Bylaw for any Work regulated by the Codes, and also includes:
- (a) the alteration, Demolition, removal, relocation and changes to the use and occupancy of existing Buildings,
  - (b) the Construction, erection, placement, use and occupancy of new Buildings, and
  - (c) the Work necessary to correct unsafe conditions in existing Buildings
- 12.2. No Work for which a Building Permit is required shall begin unless a Building Permit has been issued therefore by a Building Official.

- 12.3. No Building Permit shall be issued unless the proposed Work meets the requirements of the Development Bylaw, this Bylaw and other Town bylaws.
- 12.4. An Owner, a Constructor or other Person duly authorized in writing to act as the registered Owner's agent, must apply for a Building Permit by submitting the prescribed information on the form established by the Minister.
- 12.5. The application will be reviewed by a Development Officer of the Town to determine compliance with the Development Bylaw before being reviewed by a Building Official for compliance with this Bylaw.
- 12.6. Notwithstanding any section of this Bylaw, Building Permits are not valid and will not be recognized until the Development Permit fee and any other required fees are paid in full. The Development Permit fee is set out in Schedule A of the Fees Bylaw #39.
- 12.7. A Building Official may revoke a Building Permit issued under this Bylaw
  - (a) If it was issued based on mistaken, false, or incorrect information;
  - (b) If, within 2 years after the date of its issuance the Construction or Demolition in respect of which it was issued has not, in the opinion of the Building Official, been substantially commenced;
  - (c) If the Construction or Demolition in respect of which the permit was issued has been, in the opinion of the Building Official, substantially suspended or discontinued for a period of more than 12 months;
  - (d) If it was issued in error; or
  - (e) If the holder of the permit requests in writing that it be revoked.
- 12.8. Public utility Buildings provided by the Town of Stratford Utility Corporation or the Town of Stratford shall require a Building Permit.
- 12.9. A Person shall apply for a Building Permit to construct or renovate a dwelling unit for the purpose of accommodating a Home Occupation, or for a Change of Use for a Home Occupation, that would be subject to the Codes.

### **13. Submission Requirements**

- 13.1. An applicant for a Building Permit shall
  - (a) describe in detail the Work and occupancy to be covered by the Building 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) where the application refers to 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,
  - i. consult an architect and professional engineers to determine which professionals are appropriate for the work;
  - ii. provide documentation in writing to demonstrate what professionals are required to undertake the design of the building or part of it;
  - iii. ensure that the appropriate professionals are appointed to undertake the design of the building or part of it.
- (f) 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;
- (g) describe any special Building systems, materials and appliances to be used in the Work;
- (h) provide any further information required by a Building Official for the purpose of evaluating the application; and
- (i) pay the fee required for the Development Permit as set out in Schedule A of the Fees Bylaw #39.

13.2. Where Professionals are appointed to undertake the design of a Building or part of it in accordance with 13.1.(e).iii, the applicant shall, in addition to the requirements under 13.1, submit:

- (a) Professionally designed and stamped drawings or plans;
- (b) A Building Code design review prepared by a 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.
- 13.3. 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 from the fire protection engineer, who designs the sprinkler system and performs the hydraulic calculations, in the form required by the Town that the sprinkler system shall be designed in accordance with the Building Code and any other governing code.
- 13.4. In addition to the requirements of 13.1 and 13.2, an Owner, if requested to do so by a Building Official, 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.

#### **14. Inspection Requirements**

- 14.1. Every Owner or Occupant shall allow a Building Official to enter any Building, premises or Work site at any reasonable time for the purposes of administering and enforcing the Act, the Regulations and this Bylaw.
- 14.2. No Person shall impede, obstruct or interfere with, or attempt to impede, obstruct or interfere with, a Building Official who is carrying out or attempting to carry out an Inspection as defined in this Bylaw.
- 14.3. A refusal of consent to enter a room or place that is used as a dwelling is not and shall not be construed to be impeding, obstructing or interfering with a Building Official for the purposes of 14.2.
- 14.4. An Inspection by a Building Official is not and shall not be construed to be a representation, guarantee, warranty or confirmation by the Town of the quality or standard of Construction of the Building or that the Building has been

constructed in accordance with the Act, the Regulations, this Bylaw, or the Codes.

- 14.5. Neither the Town nor a Building Official shall be liable or responsible for any damages or costs arising from the Owner's failure to notify a Building Official within the time prescribed for an Inspection.
- 14.6. 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 14.7, shall notify a Building Official who shall, at a minimum, carry out Inspections for compliance with the Codes 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.
- 14.7. Modular homes and manufactured homes
  - (a) are subject to the Inspections required by 14.6; and
  - (b) are 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.
  - (c) shall feature permanently affixed documentation demonstrating compliance with CSA Z240 MH Series "Manufactured Homes" and/or CSA Standard A277 "Procedures for the Factory Certification of Buildings", and copies of this documentation shall be provided to a Building Official in lieu of the Inspection under 14.6.(b).
- 14.8. The Owner shall notify a Building Official in accordance with 14.6 for the purposes of clauses 14.6.(a) and 14.6.(b) not less than three days prior to completion of the stage of Construction to be inspected and, for the purpose of 14.6.(c), not less than three days prior to the final completion of the Work.
- 14.9. Work shall not proceed beyond the designated Inspection points until the Work has been inspected by a Building Official.
  - (a) A Building or premises shall not be occupied by any Person who is not directly involved in the Construction of the Building or premises unless an Occupancy Permit has been issued by a Building Official.

- 14.10. For a Building or part of a Building that has been professionally designed, a Building Official may specify additional Inspections required at various stages of Construction at the time the Building Permit is issued.
- 14.11. The Owner or Constructor of a Building that has been professionally designed shall notify a Building Official for the purpose of inspections during the Work, in accordance with the conditions of the Building Permit, and the Work shall not proceed beyond any additional designated Inspection points until the Work has been inspected by a Building Official.
- 14.12. The Owner or Constructor of a Building or part of a Building that is not covered under Part 9 of the Building Code shall notify a Building Official a minimum of 3 days before when the Work has been completed so that a final Inspection may be made prior to occupancy.
- (a) An Architect or Professional Engineer who undertakes a review of construction shall review the Work at intervals appropriate to the stage of Construction to determine compliance with the design referred to in 13.2.(a).
- (b) The Architect and/or Professional Engineer, or their designate, who declared the design pursuant to the requirements of 13.2.(d) and 13.3 shall acknowledge, on the form prescribed by the Minister, that the Work was completed as designed.

## **15. Alternate Designs, Materials & Systems**

- 15.1. A Building Official may allow alternate designs, materials, or systems to those specifically allowed for or required in the Codes if, in his or her opinion, the proposed designs, materials, or systems meet the intent of the Codes, and if the proposed alterations are supported by documentation bearing the seal of an Architect and/or a Professional Engineer illustrating how the proposed alternatives meet the intent of the Codes, as required under section 2.3 of Division C of the 2015 National Building Code of Canada.
- 15.2. The “Alternative Compliance Requirements for Existing Buildings”, as set out in Schedule B of the Regulations, or a combination of those requirements and the Building Code, may be used for renovations to a Building, including a Heritage Building, that existed prior to the coming into force of this Bylaw, except where a change of occupancy classification results in an occupancy with an increased fire hazard risk.
- 15.3. Where the dimensions of a structural component 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.

## **16. Temporary Buildings**

- 16.1. A Building Official may, in circumstances that in the opinion of the Building Official warrant only selective compliance with the Codes, issue a Building 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.
- 16.2. A Building Permit for a temporary Building or temporary change of occupancy classification shall state the date after which and the conditions under which the Building Permit is no longer valid.
- 16.3. On application, a Building Official may in writing extend a Building Permit for a temporary Building or part of a temporary Building or a temporary change of occupancy classification.
- 16.4. A Building Permit for a temporary Building or temporary change of occupancy classification shall be posted on the Building.

## **17. Plan Changes**

- 17.1. No Person shall make a material change to any Work for which a Building Permit was issued without notifying, providing details and obtaining the authorization of a Building Official.

## **18. Partial Permits**

- 18.1. Provided the requirements of the Development Bylaw are met, a Building Permit may be issued for a part of a Building, but no assurance is implied or given that a Building Permit will be issued for the remainder of the Building, and the Building Permit shall be clearly marked "At Owner's Risk."
- 18.2. A Building Official may give permission to an Owner to proceed with excavation or Construction 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 the Act, the Regulation, this Bylaw, and other Town bylaws.

## **19. Partial Information**

- 19.1. Provided the requirements of the Development Bylaw are met, a Building Permit may be issued for a Building for which all the information is not available at the time of application, where a Building Official is of the opinion that withholding the Building Permit would delay the project unreasonably, but no assurance is implied or given that the Work will be allowed to continue if the information is not provided when required or it is in contravention of this Bylaw.

## **20. Occupancy Permit**

- 20.1. Except as may be specifically exempted by this Bylaw, 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.
- 20.2. A Building Official shall identify the requirement for an Occupancy Permit on the notification of Building Permit approval and on the Building Permit.
- 20.3. A Building Official shall only issue an Occupancy Permit when
- (a) All Work is sufficiently completed such that the Building Official is satisfied that the Building can be safely occupied and, if applicable, entered into by the public; and
  - (b) An Architect or Professional Engineer declares that the Building was built in accordance with its design, where such declaration is required under this Bylaw.
- 20.4. Notwithstanding 20.3.(a), 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.
- 20.5. No Building shall be occupied or entered into by any Person prior to issuance of an Occupancy Permit other than Persons involved in its Construction, except as authorized by a Building Official for Buildings being renovated or expanded.
- 20.6. A Building Official may issue an Occupancy Permit for a portion of a Building prior to the completion of the Work, upon request from the Owner, if the

Building Official is satisfied that no unsafe condition exists or will exist because of the Work being undertaken or not completed.

- 20.7. A Building Official may post one or more warning notices on any Building that is being occupied or entered before an Occupancy Permit is issued.
- 20.8. Non-compliance by any Person regarding any requirements for Building Permit approval does not relieve them from any requirements for an Occupancy Permit.
- 20.9. Council shall have the authority to withhold all piped central services (sewer and water) until such time as an Occupancy Permit has been issued.

## **PART VI – Orders**

### **21. Orders**

- 21.1. Where a Building Official is of the opinion that any provision of the Act, the Regulations or this Bylaw has been or is being contravened, a Building Official may issue to the Owner or Constructor of the Building an Order requiring compliance with the contravened provision.
- 21.2. An Order issued by a Building Official under 21.1 shall
  - (a) Be in writing;
  - (b) Be signed by the Building Official;
  - (c) state the location of the Building or real Property or part of the Building or real Property in respect of which the Order is issued;
  - (d) state the action required to be taken and the reasons for it;
  - (e) state the time period within which the action shall be completed; and
  - (f) if the Order is one which may be reviewed under 23.1, state the period during which the Order may be reviewed and the process for requesting a review.
- 21.3. Where an Order issued under 21.1 specifies
  - (a) that it be carried out immediately, all Work on the Building or the part of it specified in the Order, other than the Work necessary to carry out the Order, shall stop until the Order is complied with to the satisfaction of a Building Official; and
  - (b) the period within which it is to be carried out, and it is not carried out within that period, all Work on the project or the part of it specified in the Order, other than the Work necessary to carry out the Order, shall stop until the Order is complied with to the satisfaction of a Building Official.
- 21.4. A Building Official may issue the following Orders

- (a) *Order Not to Cover* - A Building Official may issue an Order to an Owner or a Constructor prohibiting the covering or enclosing of Construction Work pending an Inspection.
- (b) *Order to Uncover* - A Building Official may, for the purposes of Inspection, issue an Order to the Owner or Constructor that Construction Work be uncovered if
  - i. the Construction Work was covered or enclosed contrary to an Order issued under 21.4.(a);
  - ii. a notice to inspect in accordance with this Bylaw was not received;
  - iii. a notice to inspect in accordance with this Bylaw was received, but the Owner or Constructor ordered or allowed the Construction Work to be covered or enclosed before the prescribed period of time had elapsed;
  - iv. the Construction Work was carried out without a valid Building Permit issued under this Bylaw; or
  - v. a Building Official has reasonable grounds to believe that the Construction Work does not comply with the Act, the Regulations or this Bylaw.
- (c) *Compliance Order* - Where Construction or Demolition has been undertaken in contravention of the Act, the Regulations or this Bylaw, a Building Official may issue a Compliance Order to the Owner or Constructor requiring
  - i. the cessation of the Construction or Demolition;
  - ii. the alteration of the Construction or Demolition so as to remove or remedy the contravention; or
  - iii. the doing of anything to make the Building or real Property safe.
- (d) *Stop Work Order* – A Building Official may issue an Order requiring an Owner or Constructor to cease and desist all or any part of the Construction Work if any Person fails to comply with an Order issued under 21.4.(a) to 21.4.(c) or has failed to obtain a Building Permit in accordance with this Bylaw.
- (e) *Order Respecting Dangerous Premises* - Where a Building Official is satisfied that a Building or real Property constitutes a Dangerous Premises, the Building Official may issue an Order to the Owner to have the Building repaired or demolished, or take any other action that the Building Official considers necessary in order to terminate the danger.
  - i. The Town may request a report from an Architect, a Professional Engineer, a Building Official or the Fire Marshal for the purposes

- of evaluating the condition of a Building that is suspected of being dangerous or structurally unsound.
- ii. Where a Building Official is satisfied that the condition of a Building or real Property referred to in 21.4.(e) poses a significant danger that requires immediate action, a Building Official may issue an Order requiring that the Work necessary to terminate the danger be carried out immediately, and that the Building, premises or portion thereof be vacated until such repair is carried out.
  - iii. Before or after an Order under 21.4.(e).ii is served, the Town may, at the expense of the Owner, carry out the actions specified in the Order to terminate the danger giving rise to the emergency, and the cost of carrying out the actions specified in an Order under 21.4.(e).ii is a debt due to the Town.
  - iv. Except in the case of an emergency, or where an Order has been issued under 21.4.(e).ii, a Person acting on behalf of the Town shall not proceed with Demolition Work unless the Town has received a report referred to in 21.4.(e).i from an Architect, a Professional Engineer, a Building Official or the Fire Marshal confirming that the Building is dangerous or structurally unsound and that Demolition is required.
  - v. An Order issued pursuant to 21.4.(e).ii is not subject to review by the Chief Building Official under section 24 of the Act and may not be appealed under section 25 of the Act.
- 21.5. An Order issued by a Building Official shall be served on the Owner and on any Person named on the Order.
- 21.6. No Person to whom an Order is directed pursuant to this Bylaw is required to comply with the Order until the Order has been served on the Person.
- (a) Any Order issued pursuant to this Bylaw is deemed to be sufficiently served
    - i. when a copy is personally served on the Person to whom it is directed;
    - ii. if a copy is sent by facsimile or by other electronic means to the Person to whom it is directed, when an acknowledgement of receipt is received;
    - iii. five days after a copy is sent by mail addressed to the Person to whom it is directed at the last known address for that Person; or

- iv. in the case of a registered Owner of real Property, five days after a copy is sent by mail to the address for the registered Owner shown on the last revised assessment roll.
  - (b) Where the Person to be served is a corporation, service on a director, officer or recognized agent of the corporation in accordance with 21.6.(a) is deemed to be service on the corporation for the purposes of this Bylaw.
- 21.7. The costs of carrying out the Work specified in an Order of a Building Official under this Bylaw are the responsibility of the Owner of the Building or real Property in respect of which the Order was issued.
- 21.8. Enforcement of Orders
  - (a) Where a Person contravenes or fails to comply with an Order issued under 21.4, the Town may, at the expense of the Owner, carry out the actions specified in the Order.
    - i. The cost of carrying out the actions specified in the Order of a Building Official under 21.4 is a debt due to the Town.
    - ii. After taking remedial action under 21.8.(a) the Town may issue an Order for the costs of the remedial action against the Person to whom the original Order of the Building Official was given.
    - iii. An Order for cost of remediation under 21.8.(a).ii may be filed with the Registrar of the Court of Appeal and the Supreme Court at any time 30 days after it is issued and, when so filed, the Order is of the same force and effect as if it were a judgment.
  - (b) Despite any other remedy or penalty imposed under this Bylaw, if an Order made by a Building Official, a decision of the Appeal Board or any provision of this Bylaw is contravened, the Town may, on notice to the Owner of the Building or real Property to which the Order, decision or contravention relates, apply to the Court
    - i. for an Order prohibiting the continuation or repetition of the contravention;
    - ii. for an Order directing the removal or destruction of any Building or part of a Building in respect of which the contravention continues, and stating that on failure to comply with the Order the Town may, at the expense of the Owner, remove or destroy the Building or part of the Building; and
    - iii. for any other Order required to enforce the Order, decision or provision in respect of which the application was made and as to costs and the recovery of the expense of the removal or destruction as the Court considers fit.

- (c) The Court may grant an Order under 21.8.(b) and the Order may be enforced in the same manner as any other order or judgment of the Court.
  - (d) Notwithstanding any other Act, no Person shall refuse entry to, obstruct or interfere with a Building Official or a Person acting on behalf of the Town who enters or attempts to enter the Building or real Property to which the Order relates for the purposes of enforcing the Order.
- 21.9. Any Person who fails to comply with an Order issued hereunder is guilty of an offence, and is liable for the penalties set out in this Bylaw.

## Part VII - LEGAL

### 22. Offences & Penalties

- 22.1. An individual who contravenes a provision of this Bylaw is guilty of an offence punishable on summary conviction and is liable
- (a) to a fine of not less than \$500 and not more than \$10,000; or
  - (b) to a term of imprisonment of not more than 12 months, or to both a fine and imprisonment.
- 22.2. Where an offence by an individual continues after a conviction under 22.1, each day or part of a day on which the offence continues constitutes a separate offence for which the minimum fine is \$500 multiplied by the number of days during which the offence continues.
- 22.3. A corporation that contravenes a provision of this Bylaw is guilty of an offence punishable on summary conviction and is liable to a fine of not less than \$1,000 and not more than \$50,000.
- 22.4. Where an offence by a corporation continues after a conviction under 22.3, each day or part of a day on which the offence continues constitutes a separate offence for which the minimum fine is \$1,000 multiplied by the number of days during which the offence continues.
- 22.5. An individual or corporation who contravenes an Order under 21.4.(e) is guilty of an offence punishable on summary conviction and is liable to a fine of not less than \$1,000 and not more than \$10,000.
- 22.6. Subject to 22.7, a prosecution for an offence under the Act, the Regulations, or this Bylaw shall be commenced within two years after the later of
- (a) the date on which the offence is alleged to have been committed; or
  - (b) the date on which the Town becomes aware of the alleged offence, whichever is later.

- 22.7. When a request for review is made under 23.1, the time period referred to in 22.6 shall be extended by the elapsed time between
- (a) the date of the request for review; and
  - (b) the date of the review, or, if an appeal is made to the Appeal Board, the date of the final disposition of the appeal.
- 22.8. This Bylaw may be enforced in accordance with the provisions of the Act and, to the extent it is not inconsistent with the Act, in accordance with sections 225 and 226 of the *Municipal Government Act*.

### **23. Appeals**

- 23.1. A Person who is aggrieved by a decision of a Building Official in regards to a Building Permit or an Order issued by a Building Official may request a review of the decision or Order by the Chief Building Official by submitting a request for review in the form approved by the Minister to the Chief Building Official within 10 days after receipt of the decision or Order.
- 23.2. Where the decision or Order referred to in 23.1 was issued or made by the Chief Building Official, a Person or Building Official aggrieved by the Order or decision may appeal the Order or decision to the Appeal Board in accordance with section 25 of the Act.
- 23.3. The decision of the Appeal Board is final and binding and shall not be appealed.

### **24. Schedules**

- 24.1. The schedules to this Bylaw form part of the Bylaw.

### **25. Severability**

- 25.1. If any provision of this Bylaw is deemed to be invalid by a court having jurisdiction for any reason, then that provision shall be severed, and all remaining provisions shall remain valid and in force.

### **26. Repeal of Existing Bylaw**

- 26.1. On adoption, this Bylaw replaces Bylaw #32, the Building Bylaw.
- 26.2. On adoption, this Bylaw replaces sections 6 and 11 of Bylaw #22, the Dangerous and Unsightly Premises Bylaw.



**27. Effective Date**

27.1. This Bylaw is effective on the date of approval and adoption below.

**First Reading:**

This Bylaw was read and formally approved by a majority of Council members present at the Council meeting held on the  12  day of  February , 2020.

**Second Reading:**

This Bylaw was read and formally approved by a majority of Council members present at the Council meeting held on the  11  day of  March , 2020.

**Approval and Adoption by Council:**

This Bylaw was formally adopted by a majority of Council members present at the Council meeting held on the  11  day of  March , 2020.

**Signatures**

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**Mayor** (signature sealed)

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**Chief Administrative Officer** (signature sealed)

Certified to be a true copy of the Town of Stratford Building Bylaw, Bylaw # 50.

\_\_\_\_\_

**Chief Administrative Officer Signature**

\_\_\_\_\_

**Date**

**This Bylaw was filed with the Minister of Fisheries and Communities on this 11<sup>th</sup> day of March 2020.**