

# Plain Language Guide

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*Imagine that!*

## Building Bylaw Review

### Introduction

This is a plain language guide to changes from the old building Bylaw #32 to the new Building Bylaw #50 for the benefit of residents, councilors, and staff.

### Purpose

The changes to the Building Bylaw are mandatory under the enactment of the Provincial Building Codes Act and the adoption of the Building Codes Act Regulations, the 2015 National Building Code, and the 2015 National Energy Code of Canada for Buildings by the Government of PEI.

### Changes

#### Definitions

Various definitions have been added and/or modified to align with the Building Codes Act, Building Codes Act Regulations, and the Town of Stratford's Development Bylaw #45.

#### Enforcement By

The staff person enforcing the Building Bylaw will now be known as a "Building Official" instead of a "Building Inspector". These two terms describe the same position, and a Building Official will have the same functions as the Building Inspector had before.

#### Codes Enforced

The Town of Stratford will be abandoning the 2010 National Building Code and adopting the 2015 National Building Code and 2015 National Energy Code of Canada for Buildings. The Town is adopting the 2015 NBC and 2015 NECCB as a requirement under the new Building Codes Act and Building Codes Act Regulations.

Since the Town of Stratford currently enforces the National Building Code for all construction, the 2015 NBC will apply to all construction once adopted.

There is not a significant difference between the requirements of the 2010 NBC and the 2015 NBC. Technical changes for the 2015 NBC are summarized in the link below. Please contact the Stratford Planning Department for specific inquiries on code changes.

<https://nrc.canada.ca/en/certifications-evaluations-standards/codes-canada/2015-editions-codes-canada-publications-significant-technical-changes>

### Design Schedules

The requirements for owners and professionals to submit design schedules (also known as undertakings) are the same, except that the professional submitting the C-6 Fire Suppression System Design Requirements must be the fire protection engineer who designs the sprinkler system and performs the hydraulic calculations for the sprinkler system.

### Inspections

The inspections required for houses and Part 9 buildings (which are buildings 3 stories and under, under 600m<sup>2</sup>, and have business and personal service, residential, mercantile, or low/medium hazard industrial occupancies) under the new Building Bylaw are near the same points of construction as in the old Building Bylaw, but cover a larger scope. An inspection comparison between the old Building Bylaw and the new Building Bylaw is shown below.

<b>Building Bylaw #32</b>	<b>Building Bylaw #50</b>
inspection of the foundation prior to backfilling and placing of a structure thereon	Inspection of footings and foundation, before commencing backfilling of the laterally supported foundation, and before a superstructure is placed on the foundation
inspection of the framing prior to covering	Inspection of framing and building envelope, including insulation and vapour barrier, before the wall framing is covered
final inspection after completion of all Work	inspection before the final completion of the Work.

The first inspection under the new Building Bylaw includes a requirement for the inspection of footings at the time of the foundation inspection, and the second inspection includes a requirement to inspect the insulation and vapour barrier assemblies in addition to the framing of the building.

The inspection requirements for Part 3 buildings remains the same, and the Building Official still has the authority to order additional inspections for both Part 9 and Part 3 buildings.

### Occupancy Permits

The requirement to obtain occupancy permits remains the same under the new Building Bylaw, however provisions are provided for Building Officials to issue partial occupancy permits when requested by an owner if the Building Official is satisfied that no unsafe condition remains.

### Orders

In addition to the orders that the Building Inspector could issue under the old Building Bylaw (Compliance Order, Uncover Order, and Stop Work Order), a Building Official may also issue an Order Not to Cover and an Order Respecting Dangerous Premises.

An order respecting dangerous premises may be issued when a building is structurally unsound and presents a danger to persons or property. Some items from the Dangerous and Unsightly Premises Bylaw #22 are now covered in the Building Bylaw #50 under Orders Respecting Dangerous Property.

Where an owner refuses to comply with an order, the new Building Bylaw authorizes the Town to carry out the order at the expense of the owner by way of the courts or other means.

### Penalties

Penalties and fines have been increased under the new Building Bylaw to coincide with the Building Codes Act. Under the old Building Bylaw, a person guilty of an offense was punishable on summary conviction to a minimum fine of \$100 and a maximum fine of \$1000 for various offences.

Under the new Building Bylaw, an individual who is guilty of an offence is punishable on summary conviction to a minimum fine of \$500 and a maximum fine of \$10,000, imprisonment of not more than 12 months, or both a fine and imprisonment.

A corporation that is guilty of an offence is punishable on summary conviction to a minimum fine of \$1000 and a maximum fine of \$50,000.

Where an offence continues after a summary conviction, the party is liable to a separate fine for each day that the offence continues. These fines are a minimum of \$500 for individuals per day, and a minimum of \$1000 for corporations per day.

### Appeals

The old Building Bylaw did not have any provisions for residents to appeal a decision or order of the Building Inspector. To coincide with the Building Codes Act, the new Building Bylaw includes a provision where a person aggrieved by a decision or order by a Building Official may appeal the decision or order to the Chief Building Official (a provincial employee) for review within 10 days after receipt of the decision or order.

If a person is aggrieved by a decision of the Chief Building Official, they may appeal that decision to the provincial Appeal Board. The decision of the appeal board is final and cannot be appealed.

### **Conclusion**

The new Building Bylaw #50 shall replace the old Building Bylaw #32, and shall replace sections 6 and 11 of Bylaw #22, the Dangerous and Unsightly Premises Bylaw.

In summary, the new Building Bylaw adopts the 2015 editions of the NBC and the NECCB, replaces the term "Building Inspector" with "Building Official", provides a provision for partial occupancy permits, aligns inspection requirements, orders, and penalties with the Building Codes Act, and provides the option for residents to appeal decisions by the Building Official.

For more information please contact:

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