



Bylaw No. 2023-59

Disclaimer:

This information has been provided solely for research convenience. Official bylaws are available from the Office of the City Clerk and must be consulted for purposes of interpretation and application of the law.

BYLAW NO. 2023-59

THE BUILDING BYLAW, 2023

Contents

PART I: GENERAL 1

Purpose..... 1

Statutory Authority 1

Interpretation..... 1

Definitions..... 1

Scope..... 3

Existing Buildings..... 3

Exemptions 4

Owner Responsible..... 4

Designation and Appointment 4

PART 2: PERMITS 6

Permit Prior to Commencement of Work or Occupancy..... 6

Building Permit Required 6

Building Permit Application..... 7

Building Permit Expiration..... 8

Reinstatement of a Permit..... 9

Revision of a Building Permit..... 10

Building Permit Transfer 11

Permit for a Temporary Building..... 11

Demolition Permit Application..... 12

Demolition Permit Expiration..... 13

Certificate of Occupancy 14

Conditional or Partial Certificate of Occupancy 15

Certificate of Occupancy Applications 15

Staged Work Permits 16

Permit Conditions 16

Permit Refusal..... 17

Permit Revocation..... 17

Abandonment of Permit Application..... 18

Cancellation of Permit Application 18

PART 3: BUILDING STANDARDS..... 18

<u>Provision of Real Property Report to Local Authority</u>	18
<u>Display of Address on Site</u>	18
<u>Use of Public Property</u>	18
<u>Responsibility for Damage</u>	18
<u>Metric Policy</u>	18
<u>Professional Design Requirements</u>	19
<u>Frost Line</u>	19
<u>Addressing</u>	19
<u>Expansion Joints in Plumbing Stacks</u>	19
<u>Availability of Unsoftened Water</u>	19
<u>Sound Insulation in New Homes Adjacent to Airports</u>	20
<u>Flood-Proofing in Floodway Fringe Areas</u>	20
<u>Facilities for Infant Children in Public Places</u>	22
<u>PART 4: INSPECTIONS</u>	22
<u>Scheduled Inspections for New Residential Construction</u>	22
<u>Surcharge and Re-Inspection Fee</u>	23
<u>PART 5: OFFENCES AND PENALTIES</u>	23
<u>Prohibitions</u>	23
<u>Offence and Penalty</u>	24
<u>PART 6: MISCELLANEOUS</u>	24
<u>Additional Fees</u>	24
<u>Consequential Amendments</u>	24
<u>Effective Date</u>	24
<u>Severability</u>	25

BYLAW NO. 2023-59

THE BUILDING BYLAW, 2023

THE COUNCIL OF THE CITY OF REGINA ENACTS AS FOLLOWS:

PART 1: GENERAL

Purpose

1 The purpose of this Bylaw is to provide for the administration and enforcement of *The Construction Codes Act*, the regulations to *The Construction Codes Act*, the National Building Code of Canada, the National Energy Code of Canada for Buildings and the National Plumbing Code of Canada.

Statutory Authority

2 The authority for this Bylaw is section 17 of *The Construction Codes Act* and section 8 of *The Cities Act*.

Interpretation

3 The words and terms italicized in this Bylaw shall have the meanings:

- (a) prescribed by the *Act* and the *regulations* thereto;
- (b) prescribed in this Bylaw; and
- (c) prescribed in the *Zoning Bylaw*.

4 Further to section 3 of this Bylaw, in the event of any conflict between definitions prescribed by the *Act* and the *regulations* thereto, this Bylaw and the *Zoning Bylaw*, the definitions by the *Act* and the *regulations* thereto shall prevail.

5 Interpretation of words and phrases used in this Bylaw that are not specifically defined in the *Act* or the *regulations* thereto, this Bylaw or the *Zoning Bylaw* shall have the meanings which are commonly assigned to them in the context in which they are used in this Bylaw, taking into account the specialized use of terms within the various trades and professions to which the terminology applies.

Definitions

6 In this Bylaw:

- (a) “**Act**” means *The Construction Codes Act*;

Approved as to form this _____ day of _____, 20_____.

City Solicitor

- (b) **“building permit”** means a *permit* authorizing *construction, erection, alteration* or *relocation* of a new or existing *building* or part thereof, to excavate or to lay or install pipes;
- (c) **“City”** means the City of Regina;
- (d) **“City services”** includes fire hydrants, *curb* crossings, sidewalks, *curbs*, streetlights, bus stops, trees, or other physical amenities owned by or under the control of the *City*;
- (e) **“elevation”** means the vertical distance above or below mean sea level;
- (f) **“grade elevation”** means the *elevation* of the finished ground surface at a specific point on a *lot* or the finished ground *elevation* at any point on the required slope or slopes between two specific *elevations* at any given location on a *lot*;
- (g) **“ground oriented residential housing”** means a form of housing that contains a *dwelling unit* that has a separate exterior entrance that is directly accessible, without passing through a common lobby or corridor, from a *street* or *open space*;
- (h) **“NBC”** means the edition and provisions of the National Building Code of Canada declared to be in force pursuant to the *Act* and the regulations thereto;
- (i) **“NECB”** means the edition and provisions of the National Energy Code of Canada for Buildings declared to be in force pursuant to the *Act* and the regulations thereto;
- (j) **“NPC”** means the edition and provisions of the National Plumbing Code of Canada declared to be in force pursuant to the *Act* and the regulations thereto;
- (k) **“property”** means a parcel of land containing one or more abutting *lots*, or parts thereof, or parcel of land defined by plan, deed, certificate of title or other document of record at Information Services Corporation (ISC) held under separate ownership;
- (l) **“street”** means a street within the definition of *The Cities Act*;
- (m) **“value of construction”** means the total monetary worth, as determined by the *local authority*, of all *construction* or *work* including, but not limited to all excavation, site restoration, painting, papering, roofing, electrical work, plumbing, permanent or fixed heating equipment, elevator equipment, fire sprinkler equipment, and all labour costs, professional and other *construction*

fees, overhead, materials and other devices entering into and necessary to the prosecution of the *work* in its completed form including all applicable taxes and without exclusion of any *work* which may concurrently require a *permit* under any other bylaw or from any other authority;

- (n) **“Zoning Bylaw”** means any zoning bylaw of the *City*.

Scope

7 The provisions of this Bylaw apply to the *design, construction and occupancy* of new *buildings*, the *alteration, repair, reconstruction, demolition, removal, relocation and occupancy* of existing *buildings*, excavation of a *property* and the laying and installation of pipes and underground tanks to service a *building*.

Existing Buildings

8(1) Subject to subsection (2), any construction or condition that lawfully existed within the *local authority’s* area of jurisdiction prior to the effective date of this Bylaw need not conform to this Bylaw provided that such construction or condition does not constitute an *unsafe condition*.

(2) Where:

- (a) a *building* or any part thereof is altered, this Bylaw applies to the parts of the *building* that are altered;
- (b) the whole or any part of a *building* is relocated either within or into the *local authority’s* jurisdiction, this Bylaw applies;
- (c) the whole or any part of a *building* is demolished, this Bylaw applies to the work involved in the *demolition* and to the work required to any parts of the *building* remaining after *demolition*;
- (d) a *building* is damaged by fire, earthquake or other cause, this Bylaw applies to the work necessary to reconstruct damaged portions of the *building*;
- (e) an *unsafe condition* exists in or about a *building*, this Bylaw applies to the work necessary to correct the *unsafe condition*;
- (f) the *occupancy* of a *building* or any part thereof is changed, this Bylaw applies to all parts of the *building* affected by the change; and
- (g) reconstruction or *alteration* of a *building* is made necessary on account of dilapidation, this Bylaw applies to the work necessary to reconstruct or re-erect the dilapidated portions of the *building*.

Exemptions

9 This Bylaw does not apply to:

- (a) sewage, water, electrical, telephone, rail or similar systems located in or on a *street* or a public transit right of way;
- (b) public utility towers and poles;
- (c) flood control and hydroelectric dams and structures constructed on public *property*;
- (d) mechanical or other equipment and appliances not specifically regulated in these requirements; and
- (e) *accessory buildings* not greater than 10 m² in *building area* provided they are not in an *unsafe condition*.

Owner Responsible

10 The *owner* of a *property* shall ensure that the *property* and the *buildings* on the *property* are designed, excavated, constructed, erected, placed, altered, repaired, renovated, demolished, relocated, removed, used or occupied in accordance with this Bylaw.

Designation and Appointment

11(1) For the purposes of the *Act* and this Bylaw, the *City* hereby designates and appoints any person employed by the *City* in one of the following positions to exercise the *City's* functions as the *local authority*:

- (a) Manager of Building Standards & Inspections;
- (b) Coordinator, Building Permit Inspections;
- (c) Supervisor, Residential Inspection;
- (d) Supervisor, Permit Processing;
- (e) Building Code Engineer;
- (f) Building Official 1;
- (g) Building Official 2;
- (h) Building Official 3;

- (i) Project Engineer;
 - (j) Supervisor, Mechanical and Plumbing Inspections;
 - (k) Mechanical Inspector; and
 - (l) such further persons as may be appointed by the City Manager.
- (2) For the purposes of the *Act* and this Bylaw, the *City* hereby designates and appoints persons employed by the *City* in one of the following positions and holding a *building official's* license as *building officials*:
- (a) Manager of Building Standards & Inspections;
 - (b) Coordinator, Building Permit Inspections;
 - (c) Supervisor, Residential Inspection;
 - (d) Supervisor, Permit Processing;
 - (e) Building Code Engineer;
 - (f) Building Official 1;
 - (g) Building Official 2;
 - (h) Building Official 3;
 - (i) Project Engineer;
 - (j) Supervisor, Mechanical and Plumbing Inspections;
 - (k) Mechanical Inspector; and
 - (l) such further persons as may be appointed by the City Manager.
- (3) For the purposes of the *Act*, *The Plumbing Code Regulations* thereto, and this Bylaw, the *City* hereby designates and appoints the person holding the position of Supervisor, Mechanical and Plumbing Inspections as the Chief Plumbing Administrator.

PART 2: PERMITS

Permit Prior to Commencement of Work or Occupancy

12(1) No person shall commence:

- (a) excavation at a property;
 - (b) laying or installing pipes and/or underground tanks to service a *building*; or
 - (c) *construction, placement, alteration, repair, renovation, demolition, relocation, removal, use, occupancy* or change of *occupancy* of a *building* unless that person is authorized by a *permit* to do so.
- (2) If *work* is commenced prior to issuance of a *permit* required by this Bylaw, the *permit* for such *work* will be subject to both the *permit* fee as established by Schedule “A” to this Bylaw and a surcharge as established by Schedule “A” to this Bylaw.

Building Permit Required

13(1) A *building permit* is required for:

- (a) *construction* of a new *building* or part thereof including the *renovation* of, or addition to a building;
 - (b) alteration, reconstruction, removal or relocation of an existing *building* or part thereof;
 - (c) repair of the *foundation* or structure of a *building*;
 - (d) excavation of a *property*;
 - (e) laying or installing pipes and/or underground tanks to service a *building*; or
 - (f) a change in the *occupancy* classification of a building.
- (2) Notwithstanding subsection (1), a *permit* is not required for the following:
- (a) *construction* of, including a *renovation* of or an *addition* to, a stage if the platform of the stage is not at a distance greater than 1200 mm above the adjacent surface on any side and does not create a hazard;
 - (b) *construction* of, including a *renovation* of or an *addition* to, a premanufactured tent or gazebo serving *ground oriented residential housing*, with or without a secondary suite or backyard suite, if the structure:

- (i) does not cover, and is not part of a group of tents that collectively cover, more than 60 m² of ground;
 - (ii) does not cover, and is not part of a group of gazebos that collectively cover, more than 25 m² of ground;
 - (iii) is not attached or supported on another building; and
 - (iv) does not create a hazard.
- (c) *construction* of, including a *renovation* of or an *addition* to a tent or gazebo serving buildings other than ground oriented residential housing that:
- (i) does not cover, and is not part of a group of tents or gazebos that collectively cover, more than 60 m² of ground;
 - (ii) does not contain, and is not intended to contain, commercial cooking equipment;
 - (iii) is not attached or supported on another *building* or structure;
 - (iv) is more than 3 m from any other structure or property line unless the structure is constructed of materials which are non-combustible or conform to CAN/ULCS109; and
 - (v) does not create a hazard.
- (d) construction of an uncovered or unenclosed exterior deck that is attached to or detached from a *ground oriented residential housing* that is not greater than 600 mm from that adjacent *grade* on all sides of the deck.

Building Permit Application

14(1) Except as otherwise allowed by the *local authority*, every application for a *building permit* shall:

- (a) be made in a form established by, or acceptable to, the *local authority*;
- (b) identify and describe in detail the *work*, including the *occupancy* of all parts of the *building*, to be covered by the *building permit* for which application is made;
- (c) describe the land on which the *work* is to be done by a description that will readily identify and locate the *lot*;

- (d) include detailed plans and specifications for the *work*;
 - (e) provide proof satisfactory to the *local authority* that the applicant has obtained all required approvals from the *City* for any *street* closure or encroachment required for the *construction* and has made payment for same;
 - (f) state the names, addresses, telephone numbers and email addresses of the *owner, architect, engineer* or other *designer* or *constructor*;
 - (g) state the *value of construction*; and
 - (h) be accompanied by the required fee as established by Schedule “A” to this Bylaw.
- (2) For the purposes of clause (1)(h), the *local authority* shall review the *value of construction* as identified by the *permit* applicant and shall:
- (a) if satisfied that the *value of construction* has been correctly estimated by the applicant, assess the applicable *building permit* fee in accordance with Schedule “A”; or
 - (b) if not satisfied that the *value of construction* has been correctly estimated by the applicant, correct the *value of construction* and assess the applicable *building permit* fee in accordance with Schedule “A” based on the *local authority’s value of construction*.

Building Permit Expiration

- 15(1) Subject to subsections (2) and (3), a *building permit* expires 2 years after the date of issuance.
- (2) Notwithstanding subsection (1), a *building permit* expires, and the rights of an *owner* under the *building permit* terminate, if:
- (a) the *work* authorized by the *permit* is not commenced within six months of the date of issue of the *permit* and actively carried out thereafter; or
 - (b) *work* authorized by the permit is suspended for a period of six months or more.
- (3) Notwithstanding subsection (1), an extension of a *building permit* may, in the *local authority’s* sole discretion, be granted if:
- (a) the term of the extension does not exceed a period of one year;

- (b) an application is made by the *permit* holder to the *local authority*, which application is:
 - (i) made in writing;
 - (ii) accompanied by payment of the applicable fee established by Schedule “A” to this Bylaw; and
 - (iii) accompanied by a schedule identifying what *work* authorized by the *permit* is incomplete and the expected completion date of the *work* if a *permit* extension is granted;
 - (c) the *permit* sought to be extended has not been revoked or has not expired as of the date the extension application is received by the *local authority*;
 - (d) the *local authority*, following review of the schedule submitted by the *permit* holder and inspection of the work site, is satisfied that the *work* to be completed:
 - (i) is authorized by the existing *permit*; and
 - (ii) can reasonably be completed within the extension period if an extension is granted.
- (4) An extension of a *building permit* shall be granted in writing.

Reinstatement of a Permit

- 16(1) The applicant or *owner* of an expired *building permit* or *demolition permit* may request reinstatement of that *permit* provided that no *construction* was commenced under the *permit*.
- (2) Any request for reinstatement of an expired *building permit* or *demolition permit* shall be:
- (a) submitted in writing to the *local authority*; and
 - (b) accompanied by a schedule which identifies the date when the *work* would commence and the date when *work* would be completed if the *permit* was reinstated; and
 - (c) accompanied by payment of the applicable fee established by Schedule “A” to this Bylaw.

- (3) The *local authority* may reinstate an expired building for reinstatement of the *permit* if:
- (a) *construction* under the expired *permit* was not started;
 - (b) there has been no change to the *Act* or the *regulations* thereto, this Bylaw or to any other regulation applicable to the *work* which would prevent a new *permit* issuing for the same *work*;
 - (c) in the opinion of the *local authority*, the timeline for *construction* start and completion is reasonable; and
 - (d) payment of the applicable fee established by Schedule “A” to this Bylaw has been received by the *local authority*.

Revision of a Building Permit

- 17(1) A person to whom a *building permit* has been issued by the local authority, or the *owner* of a *building* for which a *building permit* has been issued by the local authority, may submit a request to the local authority to revise the *building permit*.
- (2) A request to revise a *building permit* shall:
- (a) be accompanied by revised drawings and any other documentation relating to the changes required by the *regulations* and show the proposed changes; and
 - (b) clearly identify what aspect(s) of the *building permit* or documentation supporting the original *permit* application are sought to be revised.
- (3) The *local authority* may, following receipt of a request to revise a *building permit*, revise the *building permit* provided that:
- (a) there has been no change to the *Act* or the *regulations* thereto, this Bylaw or to any other regulation applicable to the *work* which would prevent a revised *permit* issuing for the same *work*;
 - (b) the revisions do not contain changes:
 - (i) to the *building area*;
 - (ii) to the number of storeys;
 - (iii) to the *use* or *occupancy* of the building;

- (iv) to the issued development permit; or
 - (v) any other significant changes that would warrant a new *building permit* as determined by the *local authority*; and
- (c) the local authority has received payment of the applicable fee established by Schedule “A” to this Bylaw.

Building Permit Transfer

- 18(1) The holder of a *building permit* may apply to the *local authority*, in a form established by or acceptable to the *local authority*, for the *building permit* to be transferred to a new *owner* of the *property* to which the *building permit* relates.
- (2) The *local authority*, in its sole discretion, may grant a transfer of the *building permit* on the following conditions:
- (a) the transferee is an *owner* of the *property* to which the *building permit* relates;
 - (b) the transferee has provided to the *local authority* a written consent to the *permit* transfer;
 - (c) the transferee has acknowledged acceptance of all conditions applied by the *local authority* to the *building permit*; and
 - (d) the transfer of the *building permit* does not extend the expiry date of the *building permit*.

Permit for a Temporary Building

- 19(1) For the purposes of this section, a temporary *building* shall mean a *building* that:
- (a) is one *storey* in height;
 - (b) is erected or placed on a non-conforming *foundation*;
 - (c) which includes, but is not limited to, tents and *air-supported structures*.
- (2) A temporary building within the meaning of this section may include, but is not limited to a tent or *air-supported structure*.
- (3) Notwithstanding anything contained elsewhere in this Bylaw, a *permit* for a temporary *building* may be issued by the *local authority*, authorizing, for a limited time only, the *erection* and existence of a *building*, or part thereof, for an *occupancy* which, because of its nature, will exist for a short time.

- (4) The fee for a *permit* for a temporary *building* is as prescribed by Schedule “A” to this Bylaw.
- (5) Notwithstanding any other provision of this Bylaw, a *permit* for a temporary *building* expires on the date stated on the *permit* and that date shall not exceed one year from the date of *permit* issuance.
- (6) A temporary *building* to be used in connection with construction work and located on the construction site may be erected without a *permit* but shall be removed immediately upon completion of the said *work*.
- (7) Subject to subsection (5), a *permit* for a temporary *building* may be extended by the *local authority* provided such extension is issued in writing.

Demolition Permit Application

20(1) Except as otherwise allowed by the *local authority*, every application for a *demolition permit* shall:

- (a) be made in a form established by, or acceptable to, the *local authority*;
- (b) at the request of the local authority, identify and describe in detail both the manner and the method to be employed in demolishing the *building*;
- (c) describe the land on which the *work* is to be done by a description that will readily identify and locate the *lot*;
- (d) provide proof satisfactory to the *local authority* that the applicant has arranged with the *City* for all obsolete or redundant sewer and water connections to the *building* to be sealed off or removed, and has made payment for such services;
- (e) provide proof satisfactory to the *local authority* that the applicant has arranged for the discontinuation or removal of any gas, electrical or telephone utilities;
- (f) provide proof satisfactory to the *local authority* that the applicant has obtained all required approvals from the *City* for any *street* closure or encroachment required for the *demolition* and has made payment for same;
- (g) state the names, addresses, telephone numbers and email addresses of the *owner* and any *contractors*;
- (h) provide proof satisfactory to the *local authority* that the applicant has complied with all environmental regulatory requirements relevant to the

demolition, whether imposed by the *City* or other governmental authority, including but not limited to:

- (i) a contamination investigation of the *building*, materials or *soils* on or adjacent to the *building* site, if such investigation is required by the *City*;
 - (ii) an undertaking from the applicant with respect to method of disposal of non-salvageable materials from the *demolition* site;
 - (iii) an authorization from any applicable regulatory agency regarding proper disposal of materials from the *demolition* site; and
- (i) be accompanied by the required fee as established by Schedule “A” to this Bylaw.
- (2) In addition to compliance with subsection (1), an application for a *demolition permit* when the work includes blasting shall be accompanied by:
- (a) proof in a form satisfactory to the *local authority* that the blasting operations shall be conducted and directed by a person qualified to conduct such work; and
 - (b) proof of insurance in a form satisfactory to the *local authority*.

Demolition Permit Expiration

21(1) A *demolition permit* expires:

- (a) in the case of a *demolition permit* for a *building* not exceeding 600 m² in area or 3 stories in height, within thirty calendar days from the date of issuance of the *permit*; and
 - (b) in the case of a *demolition permit* for *buildings* exceeding 600 m² in area or 3 stories in height, within ninety calendar days from the date of issuance of the *permit*.
- (2) Notwithstanding subsection (1), an extension of a *demolition permit* may, in the *local authority*'s sole discretion, be granted if:
- (a) the term of the extension does not exceed a period of one year;
 - (b) an application is made by the *permit* holder to the *local authority*, which application is:

- (i) made in writing;
 - (ii) accompanied by payment of the applicable fee established by Schedule “A” to this Bylaw; and
 - (iii) accompanied by a schedule identifying what *work* authorized by the *permit* is incomplete and the expected completion date of the *work* if a *permit* extension is granted; and
- (c) the *permit* sought to be extended has not been revoked or has not expired as of the date the extension application is received by the *local authority*;
- (d) the *local authority*, following review of the schedule submitted by the *permit* holder and *inspection* of the work site, is satisfied that the *work* to be completed:
- (i) is authorized by the existing *permit*; and
 - (ii) can reasonably be completed within the extension period if an extension is granted.
- (3) An extension of a *demolition permit* must be granted in writing.

Certificate of Occupancy

- 22(1) If a *certificate of occupancy* is required pursuant to subsection (2), no person shall occupy or allow the *occupancy* of any *building* or part thereof unless a *certificate of occupancy*, partial *certificate of occupancy* or temporary *certificate of occupancy* has first been obtained from the *local authority*.
- (2) A *certificate of occupancy* is required to be obtained:
- (a) on completion of a new *unit* or *building*;
 - (b) on completion of an *addition* to an existing *building*;
 - (c) if there is a change of *occupancy* or a change of *use*;
 - (d) if obtaining a *certificate of occupancy* has been made a condition of a *building permit*; or
 - (e) if a *building official* has issued an order stating that a *building* or part thereof shall not be occupied unless a *certificate of occupancy* is first obtained.

- (3) No *certificate of occupancy* shall issue unless a *building official* has conducted an inspection of the *property* and is satisfied the *property* can be safely occupied.
- (4) No *certificate of occupancy* shall issue for a project other than *ground oriented residential housing* without submission to the *local authority* of a certificate of compliance by the *architect* or *engineer* responsible for the review of *construction* for the project certifying that the work complies with the requirements for *design* conformance as contained in the *NBC, NECB and NPC* that is satisfactory to the *local authority*.
- (5) No *certificate of occupancy* shall issue for a project comprised of *ground oriented residential housing* without submission to the *local authority* of:
 - (a) a Grade Elevation Certificate in accordance with Bylaw 2016-24 of the City of Regina, *The Wastewater and Storm Water Bylaw, 2016* or its successor bylaws that is satisfactory to the *local authority*;
 - (b) a Real Property Report in accordance with section 31 of this Bylaw that is satisfactory to the *local authority*; and
 - (c) if requested by the *local authority*, certification by the *architect* or *engineer* responsible for *design* and/or review of any *building system* of the project certifying that the *work* complies with the requirements for *design* conformance as contained in the *NBC and NPC* that is satisfactory to the *local authority*.

Conditional or Partial Certificate of Occupancy

- 23(1) The *local authority* may issue a conditional *certificate of occupancy* or partial *certificate of occupancy* provided that such conditional or partial *occupancy* or *use* would not jeopardize health, safety or adjacent properties.
- (2) Subject to subsection (3), no *building* shall be occupied under a conditional *certificate of occupancy* for more than six months.
- (3) At the discretion of the *local authority*, the *local authority* may renew a conditional *certificate of occupancy*.

Certificate of Occupancy Applications

- 24 An application for a *certificate of occupancy* shall be made in a form established by, or acceptable to, the *local authority*.

Staged Work Permits

- 25(1) Application may be made to the *local authority* for a *permit* to excavate property or to construct a portion of a *building*, and the *local authority* may grant a *permit* to excavate property or construct a portion of a *building*, provided that:
- (a) the *permit* applicant has obtained a development *permit* authorizing *development* of the whole *building* at the *property*;
 - (b) complete plans and specifications for the portion of the *work* sought to be authorized have been submitted to the *local authority*;
 - (c) given the nature of the *building* to be constructed, it is, in the opinion of the *local authority*, appropriate for *construction* of the *building* to proceed in stages with discrete *permits* to issue for each stage of *construction*.
- (2) In the event a *permit* is issued authorizing *construction* of part of a *building*, the holder of such a *permit* may proceed with the *work* without assurance that *permits* for *construction* of the remaining portions of the *building* will be granted.

Permit Conditions

- 26(1) A *permit* may be issued subject to any conditions the *local authority* deems necessary to protect public health and safety and achieve compliance with other applicable laws, regulations and municipal bylaws.
- (2) Further to subsection (1), a *permit* may be issued subject to the condition that the permit applicant will submit to the *local authority*, within the time specified by the *local authority*, additional information provided that:
- (a) the information is not available at the time of initial application for the *permit* notwithstanding due diligence on the part of the applicant;
 - (b) the information is of a secondary nature to the *work* sought to be authorized by the *permit*;
 - (c) the application is otherwise complete and the *work* disclosed by the materials supporting the application complies with all other requirements of the *Act*, the *regulations* thereto and this Bylaw; or
 - (d) the *local authority* is of the opinion that unreasonable delays in the *construction* would occur if a *permit* was not granted.
- (3) It is a condition of all *demolition permits* that completion of the *demolition* includes, but is not limited to:

- (a) removal of all rubbish and *building* materials from the *property*;
 - (b) the filling in of any excavation on the *property* to an *elevation* compatible with abutting properties, the provision of proper drainage of water to the *front* or rear of the *property*, or both; and
 - (c) the *property* be left in a safe and sanitary condition.
- (4) The requirements of this section do not exempt the *permit* holder from concurrently completing the *demolition* work in accordance with any order to comply issued pursuant to the *Act* or *The Cities Act*.

Permit Refusal

27 The *local authority* may refuse to issue any *permit* in the circumstances prescribed in the *regulations* to the *Act*.

Permit Revocation

28 The *local authority* may revoke a *permit* if:

- (a) reasons identified in the *regulations* to the *Act* for *permit* revocation exist;
- (b) there is contravention of any condition under which the *permit* was issued;
- (c) there is a failure to comply with an order issued by a *building official* pursuant to the *Act* with respect to the permitted work;
- (d) there is a deviation from the plans, drawings or specifications submitted to the *local authority* to obtain the *permit*;
- (e) the *owner* fails to give any notice to the *local authority* as mandated by the *Act*;
- (f) the *owner* fails to comply with the mandatory inspection provisions of this Bylaw;
- (g) the *owner* requests the *local authority* to revoke the *permit* regardless of whether the *owner* is the permit holder; or
- (h) ownership of the *property* changes without a transfer of the *permit* to the new *owner* having first been approved by the *local authority*.

Abandonment of Permit Application

29 When an application for a *permit* has not been completed in conformance with the provisions of this Bylaw and the *building standards* within six months after the date of filing, the application may be deemed by the *local authority* to have been abandoned.

Cancellation of Permit Application

30 An application for a permit may be cancelled on request of either the permit applicant or the *owner* of the *property* to which the permit application relates. If an application is cancelled on request of the permit applicant or *owner*, and the permit fee was paid at time of application, the permit fee may be refunded to the person from whom the *local authority* received the fee in accordance with Schedule “A” to this Bylaw.

PART 3: BUILDING STANDARDS**Provision of Real Property Report to Local Authority**

31 Prior to the framing inspection, the *owner* shall submit to the *local authority* a Real Property Report showing the lateral location of the foundation in relation to the property lines and shall also show the *elevation* of the tops of the joists for the first storey of the *building* in relation to the benchmark elevations obtained from the developer or the *City* in accordance with Bylaw 2016-24 of the City of Regina, *The Wastewater and Storm Water Bylaw, 2016*, or its successor bylaws.

Display of Address on Site

32 The person to whom a *building permit* or *demolition permit* has been issued shall, at all times during *construction* or *demolition*, post a sign at the *property*, visible from the *street*, clearly displaying the civic address of the *property* as shown on the *building permit*.

Use of Public Property

33 No person shall excavate or undertake *work* on, over or under public *property*, or erect or place any *construction* or work or store any materials thereon without approval having first been obtained in writing from the government entity or agency who owns or controls the public *property*.

Responsibility for Damage

34 Every *owner* is responsible for the cost of repair of any damage to public *property* or works located thereon that may occur as a result of undertaking *work* for which a *permit* was required or issued.

Metric Policy

35(1) All drawings submitted in support of a *permit* application for commercial *construction* shall have the dimensions and scales in metric units.

- (2) Drawings submitted in support of a *permit* application for residential *construction* shall have the *site plan* dimensions and scales in metric units but may show all other dimensions in imperial units.
- (3) Where metric units are required to be shown on drawings, imperial units may also be shown provided that the imperial units are placed in brackets after the metric units.

Professional Design Requirements

- 36(1) Subject to subsection (2), *foundations* including *foundation* walls and footings for all *Part 9 buildings*, shall be designed by an *architect* or *engineer*.
- (2) The requirements of subsection (1) do not apply to those residential detached *accessory buildings* which do not otherwise require design by an *architect* or *engineer* pursuant to the *NBC*.

Frost Line

- 37 For the purposes of Sentence 9.36.2.8 of the *NBC*, the frost line shall be assumed to be 2.0 metres unless a geotechnical report or similar analysis by a design professional satisfactory to the *local authority* establishes an alternate frost line.

Addressing

- 38(1) The *local authority* may assign an address for each *building* and may, in the case of a *building* having more than one front entrance, assign an address for each front entrance of the *building*.
- (2) Any existing *building* with an address that, in the opinion of the *local authority*, gives rise to confusion shall be given a new address by the *local authority* and upon being notified of the new address by the *local authority*, shall forthwith change any exterior display of the address on the *building* to the new address.

Expansion Joints in Plumbing Stacks

- 39(1) Drain, waste and vent piping below *grade* in a *dwelling unit* shall contain an expansion joint, approved by the *local authority*, installed within 600 mm below the first floor joist of the *building* and the portion of said joint shall be securely anchored to the floor joist of the said first floor.
- (2) Subsection (1) does not apply to *construction* with a structural basement floor unless otherwise directed by the *local authority*.

Availability of Unsoftened Water

- 40(1) For the purposes of this section, *residential occupancy* excludes any *occupancy* of a hotel, motel, or any other premises strictly intended for lodging of a temporary nature.

- (2) The *owner* of any *building* used for *residential occupancy* shall provide an unsoftened water supply that is easily accessible to all occupants of the *building* at all times.
- (3) Where the unsoftened water supply is not provided in each individual suite of a multi-unit residential *building*, the *owner* of the *building* shall ensure that the source of that unsoftened water supply is clearly marked with a permanent sign bearing the words "Unsoftened Water" or words of similar import.

Sound Insulation in New Homes Adjacent to Airports

- 41(1) The provisions of this section apply to *construction* of new residential *dwelling units* on *properties* located in the following areas located entirely or partially within the area of the 25 Noise Exposure Forecast (NEF) contour or higher as established by Transport Canada.
- (2) Applications for *permits* for the *construction* identified in subsection (1) shall be accompanied by a noise attenuation report signed and sealed by an *engineer* or *architect* which identifies the anticipated aircraft noise exposure levels, describes the construction methods employed in the design of the *building* to attenuate the anticipated aircraft noise exposure levels, and identifies the anticipated resulting indoor acoustic level achieved by the attenuation methods and confirms that the construction methods will achieve an appropriate level of indoor acoustic level for the authorized occupancy of the final *building*.

Flood-Proofing in Floodway Fringe Areas

- 42(1) The provisions of this section apply to *property* identified on the maps in Section 8N of the *Zoning Bylaw*, either whole or in part, within the *Floodway Fringe*.
- (2) Any *building* or *structure* constructed, reconstructed, relocated, renovated, repaired or altered on a *property* located, in whole or in part, within the *Floodway Fringe* shall comply with the following flood-proofing measures:
 - (a) the *grade elevation* of the *building* shall not be less than the 1:500 design flood levels as noted in clause (2)(e);
 - (b) the finished first floor *elevation* of the *building* or *structure* must be 500 mm or more above the 1:500 design flood level;
 - (c) an automatic backwater valve or backflow preventer satisfactory to the *local authority* shall be installed in the sanitary and storm sewer lines that service the *building* or *structure* where the finished basement floor *elevation* is at or below the 1:500 design flood level;
 - (d) all openings, such as doors, windows and vent penetrations, must be 500 mm or more above the 1:500 design flood level; and

- (e) the 1:500 design flood level shall be known as the following elevations for each indicated area:

Richardson to Albert Street	
Wascana View to Highway No. 1 Bypass	573.86 m
Highway No. 1 Bypass to Broad Street	573.60 m
Broad Street to Albert Street	572.86 m
Albert Street to Elphinstone Street	571.24 m
Elphinstone Street to CN Railroad	570.86 m
CN Railroad to CP Railroad	570.42 m
CP Railroad to Dewdney Avenue	569.66 m
Dewdney Avenue to Courtney Street	
Dewdney Avenue to Dieppe Place School	569.49 m
Dieppe Place School to Courtney Street	568.63 m
Courtney Street to Sewage Lagoons	
Courtney Street to Ritter Avenue	568.22 m
Ritter Avenue to CN Railroad	567.90 m
E 1/2 33-19-20-W2	567.39 m
W 1/2 33-19-20-W2	566.81 m

- (3) Notwithstanding clauses (2)(a) and (b), the *elevation* of the first floor of a new *building* may be equal to the 1:500 design flood level if, in the opinion of the *local authority*:
- (a) the *building* meets the standard established by clause (2)(c); and
 - (b) strict compliance with the standard established by clauses (2)(a) and (b) is impractical due to excessive differences in *elevation* from existing *structures*.
- (4) Notwithstanding clauses (2)(a) and (b), an existing *building* may be *repaired*, renovated or altered without compliance with clauses (2)(a) and (b) if, in the opinion of the *local authority*:
- (a) the work sought to be authorized by the *permit* consists of:
 - (i) routine *repairs*,

- (ii) minor *additions*;
 - (iii) minor *alterations*; and/or
 - (iv) finishing of basements for recreational space; and
- (b) the existing *building* complies with clause 2(c).

Facilities for Infant Children in Public Places

- 43(1) For the purposes of this subsection a public place means any *building* or part thereof to which parents and infant children have access, by invitation, expressed or implied, and where public washrooms are provided and is deemed to include, in whole or in part, the following: shopping centres, performing arts *buildings*, movie theatres, recreation facilities, transportation facility *buildings*, libraries, religious *buildings*, restaurants with a seating capacity exceeding fifty people, and all other non-residential locations that parents and infant children frequent.
- (2) A changing facility for infant children shall be included in at least one washroom open to persons of any gender in every public place.
 - (3) A changing facility shall include, but not be limited to, a permanent counter located in such a manner as to be available at all times or a permanently attached wall device designed to be folded down when required.
 - (4) A changing facility shall be adjacent to a wash basin with hot and cold water and shall be equipped with disposable towels in addition to any other hand-drying equipment.
 - (5) A changing facility shall have a minimum dimension of 500 mm x 700 mm and have a surface material that is impervious to moisture and is easily cleaned and sanitized.
 - (6) The *owner* or his or her agent shall ensure that every changing facility is maintained in a state of good repair and is kept clean.

PART 4: INSPECTIONS

Scheduled Inspections for New Residential Construction

- 44(1) This section applies to persons to whom a *permit* to construct new *Part 9 ground oriented residential housing* has been issued and the successors, assigns, agents or *contractors* of that person.
- (2) In addition to facilitating such other *inspections* of *work* and giving such notices as may be authorized or prescribed by the *Act* and this Bylaw, at each stage of *construction* identified in the table below, a person to whom subsection (1) applies

shall cease *work*, notify the *building official* assigned to the *permit* or the *local authority* that the prescribed stage of *construction* has been reached and shall not proceed with further *work* until authorized to do so, in writing, by a *building official*:

Stage	Stage Description
Foundation	after installation of re-bar but prior to concrete pour
Prior to Backfill	after removal of forms and application of exterior damp proofing, weeping tile and after granular cover has been placed
Framing	after completion of framing and sheathing, installation of all exterior doors, windows, and roof membrane, including installation of flashing, fire stopping, bracing, blocking, chimney and duct work, rough wiring and plumbing and gas venting of the superstructure and after a Real Property Report has been submitted to the <i>local authority</i>
Insulation and Vapour Barrier	after insulation and vapor barrier are placed but before they are concealed by any other work
Final	after the <i>building</i> is completely constructed and ready for occupancy but prior to occupancy
Other	as otherwise directed in writing by a <i>building official</i>

Surcharge and Re-Inspection Fee

- 45(1) Whenever any *work* for which a permit is required under the provision of this Bylaw has been commenced without the authority of such a permit, a special investigation of the site shall be made by the *local authority* before a permit may be issued for the *work*, and a surcharge in accordance with Schedule “A” hereto shall be charged in addition to the permit fees.
- (2) Where it has been determined by a *building official* or *mechanical inspector* that due to non-compliance with the provisions of this Bylaw, the *Act*, the *regulations* to the *Act*, the *NBC* or the *NPC*, or that, due to incomplete *work*, reinspection is necessary, a fee as established by Schedule “A” to this Bylaw shall apply to the *owner* on each reinspection visit.

PART 5: OFFENCES AND PENALTIES

Prohibitions

- 46(1) No person shall fail to comply with this Bylaw or suffer or permit a contravention of this Bylaw to occur or continue.
- (2) Notwithstanding the generality of subsection (1), no person shall:

- (a) fail to obtain a *permit* required by this Bylaw prior to commencing the work or *occupancy* to which the required *permit* relates;
- (b) deviate from the plans and specifications forming a part of the *building permit*, or omit or fail to complete, prior to *occupancy*, work required by the said plans and specifications forming part of the *building permit*, without first having obtained in writing the approval of the *local authority* for the change;
- (c) fail to comply with any condition of a *permit* issued pursuant to this Bylaw;
- (d) fail to give any notice to the *local authority* as required by this Bylaw;
- (e) fail to submit to any *inspection* required by this Bylaw;
- (f) fail to pay any fee or surcharge imposed by this Bylaw; or
- (g) remove an order posted by a *building official* without written authorization for such removal from the *building official*.

Offence and Penalty

- 47 Any person who contravenes any provision of this Bylaw or fails to comply with any provision of this Bylaw commits an offence and is liable to prosecution under the *Act*.

PART 6: MISCELLANEOUS

Additional Fees

- 48 In addition to the fees specifically identified elsewhere in this Bylaw, the *local authority* may impose fees in accordance with Schedule “A” to this Bylaw for other permits and services issued or provided by the *local authority* to administer or enforce the *Act*, the *regulations* thereto or this Bylaw.

Consequential Amendments

- 49(1) The Domestic Pigeon Control Bylaw is amended by striking out “2003-7” and substituting “2023 - 59” in section 3.
- (2) The Appointment and Authorization of City Officials Bylaw is amended by striking out section 7 thereof.

Effective Date

- 50(1) Bylaw 2003-7 is repealed effective as of the date this Bylaw receives Ministerial approval.

- (2) This Bylaw comes into force on the date it receives Ministerial approval pursuant to the *Act*.

Severability

51 If any section, subsection, sentence, clause, phrase or other portion of this Bylaw is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, that portion shall be deemed a separate, distinct and independent provision and the holding of the Court shall not affect the validity of the remaining portions of the Bylaw.

52 This Bylaw comes into force on the date of approval by the Ministry of Government Relations.

READ A FIRST TIME THIS 16th DAY OF August 2023.

READ A SECOND TIME THIS 16th DAY OF August 2023.

READ A THIRD TIME AND PASSED THIS 16th DAY OF August 2023.

S. Masters
Mayor

J. Nicol
City Clerk (SEAL)

CERTIFIED A TRUE COPY

City Clerk

Approved by the Ministry of Government Relations
this 20th day of September, 2023.

M. Meickel
Ministry of Government Relations

Schedule “A” Fees

All fees on this schedule are subject to applicable taxes

Effective Date	On date of bylaw adoption
Part 9 Small Projects:	
a) basement development	\$245.00
b) decks (covered and uncovered)	\$100.00
c) detached garages	\$195.00
d) foundation repairs	\$135.00
New and Additions to One and Two Unit Dwellings	\$9.00 per m ² , minimum fee \$100.00
All Construction Other Than New and Additions to One and Two Unit Dwellings and Part 9 Small Projects: (including renovations, sunrooms, secondary suites, carports, attached garages, etc)	\$8.00 per \$1000 construction value, minimum fee \$100.00
Temporary Building Permit	\$138.00 per month
Demolition Permit	
a) Buildings under 600m ²	\$100.00
b) Buildings 600 m ² and over	\$200.00
Surcharge for Commencement of Construction Prior to Permit Issuance	10% of permit fee or \$100, whichever is greater
Permit Extension	\$100.00
Permit Reinstatement	\$100.00
Permit Revision	\$100.00
Permit Application Cancellation refunds	
a) after permit issued but before inspections commence	refund of 50% of permit fee less \$100.00 administration charge
b) after inspections commence or 2 years after the issuance date	no refund
Reinspection Fee	\$100.00
Special Inspection Fee (outside scheduled working hours)	\$200.00
Compliance Certificate	\$140.00
Change of Address	\$21.75
Permit History Retrieval Fee	
a) Plans II x 17 and smaller	\$20.00
b) Plans II x 17 and larger	\$30.00 + supplier cost
Off Site Permit History Retrieval (per box)	\$13.80

ABSTRACT

BYLAW NO. 2023-59

THE BUILDING BYLAW, 2023

PURPOSE:	To renew and replace the City’s building bylaw due to the repeal and replacement of <i>The Uniform Building and Accessibility Standards Act</i> with <i>The Construction Codes Act</i> .
ABSTRACT:	<i>The Construction Codes Act</i> requires that local authorities with building bylaws adopted pursuant to <i>The Uniform Building and Accessibility Standards Act</i> renew and/or replace those bylaws with a new building bylaw adopted pursuant to <i>The Construction Codes Act</i> . This Bylaw substantially continues the regulatory program established through Bylaw 2003-7 but contains some changes to align the bylaw with <i>The Construction Codes Act</i> , the National Building Code of Canada, the National Plumbing Code of Canada, the National Energy Code of Canada and City process and program improvements arising from recent program review projects, improve readability of the bylaw and remove dated or redundant provisions.
STATUTORY AUTHORITY:	Section 17 of <i>The Construction Codes Act</i> and section 8 of <i>The Cities Act</i> .
MINISTER’S APPROVAL:	Ministerial approval of this Bylaw is required pursuant to section 17 of <i>The Construction Codes Act</i> .
PUBLIC HEARING:	N/A
PUBLIC NOTICE:	N/A
REFERENCE:	Executive Committee, July 5, 2023, EX23-60 and City Council July 12, 2023, CR23-88
AMENDS/REPEALS:	Bylaw 2003-7
CLASSIFICATION:	Regulatory
INITIATING DIVISION:	City Planning and Development
INITIATING DEPARTMENT:	Planning & Development Services