

**RM OF LIVINGSTON NO. 331**

**BYLAW NO. 2023-01**

**A BYLAW RESPECTING BUILDINGS**

The Council of the RM of Livingston No. 331 in the Province of Saskatchewan enacts as follows:

**SHORT TITLE**

1. This bylaw may be cited as the Building Bylaw

**PURPOSE OF THE BUILDING BYLAW**

2. The purpose of this bylaw is to provide for the administration and enforcement of the Act, the regulations, the National Building Code of Canada, the National Energy Code of Canada for Buildings, ministerial interpretations and Saskatchewan Construction Standards Appeal Board orders and building official orders within the local authority.

**INTERPRETATION/LEGISLATION**

3. Definitions contained in *The Construction Codes Act*, *The Building Code Regulations* and *The Energy Code Regulations* shall apply in this building bylaw.

- (1) "Act" means *The Construction Codes Act*.
- (2) "accessory building or use" means a building, structure or use of a specific site which is subordinate and exclusively devoted to the principal building, principal structure, or principal use of the same site.
- (3) "building official" means a person who holds a building official license.
- (4) "competent person" means a person who is recognized by the local authority as having:
  - (a) a degree, certificate or professional designation; or
  - (b) the knowledge, experience and training;

necessary to design or review the design of the building.

- (5) "farm building" means subject to the regulations a building
  - a. that does not contain a residential occupancy;
  - b. is located on agricultural land and used for agricultural operation as defined in *The Agricultural Operations Act*;
  - c. and is used for the following purposes:
    - i. the housing of livestock;
    - ii. the production, storage or processing of primary agricultural and horticultural crops or feeds;
    - iii. the housing, storage or maintenance of equipment or machinery associated with an agricultural operation;
    - iv. any other prescribed purpose.
- (6) "local authority" means the Rural Municipality of Livingston No. 331 to which this Building Bylaw Applies.
- (7) "municipal official" means the Administrator of the Rural Municipality of Livingston No. 331 or their designate.

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- M-11 (a) (8) "NBC" means the edition and provisions of the National Building Code of Canada, including revisions, errata and amendments to it, declared to be in force pursuant to the Act and the regulations.
- (9) "NECB" means the edition and provisions of the National Energy Code of Canada for Buildings, including revisions, errata and amendments to it, declared to be in force pursuant to the Act and the regulations.
- (10) "Occupancy Certificate" means a certificate issued with respect to the approved use or occupancy of a building.
- (11) "owner" means:
- (a) any person who has any right, title, estate or interest in land, improvements or premises other than that of a mere occupant, tenant or mortgagee;
  - (b) any person, firm or corporation that controls the property under consideration; or
  - (c) if the building is owned separately from the land on which the building is located, the owner of the building.
- (12) "owner's representative" means any person, company, employee or contractor who has authority to act on behalf of an owner.
- (13) "permit" means written authorization issued by the local authority or its building official in the form of a building permit.
- (14) "plan review" means the examination of building drawings and related documents by a building official to ascertain whether those drawings and documents meet the requirements of the Act and the regulations.
- (15) "SAMA Fee" means a fee charged to the local authority by the Saskatchewan Assessment Management Agency with respect to the work.
- (16) "regulations" means *The Building Code Regulations* and *The Energy Code Regulations*.
- (17) "value of construction" means the total costs to the owner for the building construction in its completed form and includes the cost of all building work, materials of construction, building systems, labour and overhead, and profit of the contractor and subcontractors.
- (18) "work" means any construction, addition, erection, placement, alteration, repair, renovation, demolition, relocation, removal, use, occupancy or change of occupancy of a building.

#### **SCOPE OF THE BYLAW**

4. This building bylaw applies to all work undertaken or to be undertaken within the geographical jurisdiction of the local authority.

#### **GENERAL**

- 5.
- (1) It is the duty of every owner or the owner's representative of a building in Saskatchewan to ensure that the building and work is in accordance with the Act, regulations, any associated codes, interpretations and orders and any bylaws adopted by the local authority with which the building is associated.

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- M-11 (a) (2) It shall be the responsibility of the owner or the owner's representative to arrange for all permits, inspections and certificates required by any other applicable bylaws, Acts and regulations.
- (3) A building or part of a building for which a permit has been granted shall not be occupied before the issuance of an occupancy certificate by the local authority or the building official pursuant to clause 16(11)(h) of the Act.
- (4) A permit issued pursuant to this building bylaw must include:
- (a) the name of the person, or company to whom the permit is issued;
  - (b) the period for which the permit is valid;
  - (c) fees, deposits or bonds charged for the permit;
  - (d) the scope of work authorized by the permit;
  - (e) the municipal address or legal description of the property on which the work described in the permit is located;
  - (f) the buildings or portion of the buildings to which the permit applies;
  - (g) the date of completion of the stages of construction for which a permit holder must inform the local authority;
  - (h) any conditions that the permit holder is required to comply with; and
  - (i) any information required by this building bylaw and/or the local authority.
- (5) No person, or company to whom a permit is issued pursuant to the Act shall fail to comply with the terms and conditions of the permit.
- (6) Work must not commence before a permit is issued.
- (7) All permits issued pursuant to this bylaw expire within
- (a) twenty-four (24) months from date of issue;
  - (b) twelve (12) months from the date of issue if work is not seriously commenced within that period;
  - (c) if work is suspended for a period exceeding twelve (12) months from the date the local authority provided written permission for the suspension of work, or
  - (d) on the date specified by the local authority if work has been suspended with written permission by the local authority or building official and the agreed upon period has been exceeded.
- (8) Where a permit is to expire prior to completion date:
- (a) The permit holder may before the expiration date, submit a written request for an extension of time for which the permit is valid to the local authority
    - (i) including the reasons for the extension of time request, and
    - (ii) any additional information that may be required by the local authority.
  - (b) If the extension request does not occur before the permit expires the local authority may consider the permit to be null and void and require a new application to be submitted.

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- (c) The expiry of permit does not relieve the owner or the owner's representative from the obligation to complete the work approved in the permit.
- (d) The local authority may revoke, extend or vary the conditions of a permit on the written application of the permit holder and may be subject to any conditions or fees listed in the building bylaw.
- (9) Buildings with a building area not more than 10 m<sup>2</sup> (107.6 ft<sup>2</sup>) in building area are exempt from this bylaw provided it does not create a hazard.
- (10) Any fence, wall, or gate 1.83 m (6 ft) and under is exempt from this bylaw.
- (11) Farm buildings located on agricultural land are exempt from this bylaw. Residential occupancies located on agricultural land are not exempt from this bylaw and shall comply with the Act, the regulations and this building bylaw..

**PERMITS – Construction, Addition, Erection, Placement, Alteration, Repair, Renovation, or Change of Use of Occupancy**

6.

- (1) Every application for a permit for work shall be in Form A and shall be accompanied by one set of the plans and specifications of the proposed building, except when authorized by the building official plans and/or specifications need not be submitted.
- (2) No building permit shall be issued unless a Development Permit, where required, has first been approved and issued by the local authority.
- (3) Permit applications will be reviewed by the municipal official for accuracy and completion. The permit application shall be reviewed and approved by the building official including plan review and approval.
- (4) If the work described in an application for a permit, to the best of the knowledge of the local authority or the building official, complies with the requirements of this building bylaw, the Act, or the regulations, the local authority or the building official shall, on receipt of the required fee(s), issue a permit. In addition, a copy of the approved plans and specifications will be returned to the owner or the owner's representative with the permit.
- (5) The building permit fee shall be calculated on the sum of the fees outlined in the Fees Bylaw.
  - (a) The Administration Fee as outlined in The Fees Bylaw is non-refundable.
  - (b) All permit fees will be due and collected in full prior to the building permit being issued.
    - (i) the fees for plan review, field inspection of construction and enforcement in accordance with the Fees Bylaw and the agreement between the provider of building official services and the local authority;
    - (ii) if a deposit is collected it shall, on request by the owner or owner's representative, be refundable on satisfactory completion of the work or on approval of use or occupancy of the building by the local authority or the building official.
  - (c) The owner or the owner's representative will be notified by the local authority of the required inspections and is responsible to ensure all inspections are scheduled and completed. Additional inspection fees and

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payment of the inspection fees will be due on receipt of notice. Unpaid inspection fees will be considered a debt due to the local authority and may be recovered from the owner of the land or premises in or on which the work was carried out as per the Act as a result of:

- (i) Re-inspection(s) of infractions or deficiencies to ensure National Building Code compliance until deficiencies are satisfactorily completed.
  - (ii) A progress inspection may be initiated for construction projects where an inspection has not occurred in the past six (6) months.
  - (iii) Fees related to any deviation, omission or revision of work for which a permit has already been issued.
  - (iv) Action required to issue Orders, Affidavits or other work to remedy non-compliance. Any additional fees as a result of any of the above circumstances, plus building official travel costs, which are part of the inspection process shall be due upon notification from the local authority.
- (6) The local authority or the building official may estimate the value of construction for the work described in an application for building permit, for the purpose of calculating a permit fee, based on established current construction costs, owner's statement of costs or constructor's contract values, or similar methods selected by the local authority or the building official.
- (7) The local authority may, at its discretion, rebate a portion of a permit fee where work is reduced in scope or discontinued, or where other exceptional circumstances occur.

#### **PERMITS – Demolition or Removal or Relocation**

7.

- (1) Every application for a permit to demolish or remove, or relocate a building shall be in Form B as prescribed by the local authority.
- (2) Demolition or Removal Fees
  - (a) The fee for a permit to demolish or remove a building shall be as per the Fees Bylaw.
  - (b) In addition, the applicant shall deposit with the local authority a sum as per the Fees Bylaw to cover the cost of restoring the site after the building has been demolished or removed to such a condition that it is, in the opinion of the local authority or its building official, not dangerous to public safety.
    - (i) Whereas a building is less than 10 m<sup>2</sup> (107.6 ft<sup>2</sup>) the deposit will be waived.
    - (ii) If the applicant who demolishes the building restores the site to a condition satisfactory to the local authority and/or the building official, the sum deposited, or portion thereof, shall be returned.
  - (c) All permit fees will be due and collected in full prior to the demolition, removal or relocation permit being issued.
- (3) Where a building is to be demolished or removed and the local authority and/or its building official is satisfied that there are no debts or taxes in arrears or taxes outstanding with respect to the building or land on which the building is situated, the local authority, upon receipt of the Administration Fee and deposit prescribed, shall issue a permit for the demolition or removal.

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- (4) Where a building is to be relocated from its site and set upon a site in the local authority, and the local authority and/or its building official is satisfied that there are no debts or taxes in arrears or taxes outstanding with respect to the building or land on which the building is situated, and the building when placed on its new site and completed, to the best of the knowledge of the local authority or its building official, will conform with the requirements of this bylaw, the local authority, upon receipt of the Administration Fee and deposit prescribed, shall issue a permit for the relocation.
- (a) In addition, the applicant shall deposit a Performance Bond as set out in the Fees Bylaw.
- (i) Whereas a building is less than 10 m<sup>2</sup> (107.6 ft<sup>2</sup>) the Performance Bond will be waived.
- (ii) If the applicant who relocates the building restores the site to a condition satisfactory to the local authority and/or building official, the sum of the Performance Bond, or portion thereof, shall be refunded.

#### PERMITS – REFUSAL TO ISSUE

8.

- (1) The local authority may refuse to issue a permit if:
- (a) the proposed work described on the permit application would contravene:
- (i) the Act;
- (ii) the regulations;
- (iii) an order of the appeal board;
- (iv) a written interpretation of the minister pursuant to section 8 of the Act;  
or
- (v) the local authority's building bylaw
- (b) the person who designed or reviewed the design of a proposed building that is within the scope of Part 9 of the NBC is not a competent person;
- (c) the person who designed or completed a design review of a proposed building that is within the scope of the NECB is not an architect or engineer;
- (d) the application for a permit is incomplete;
- (e) any fees, deposits or bonds required pursuant to the local authority's building bylaw for the issuance of a permit have not been paid; or
- (f) the proposed work described on the permit application would contravene any other Act, regulations or bylaw that applies to the proposed work.
- (2) Where the local authority refuses to issue a permit pursuant to subsection (1), the local authority shall:
- (a) provide written notice to the applicant as to the reasons for the local authority's refusal to issue a permit.
- (b) refund any service fee or deposit paid as part of the permit application for work pursuant to the Act, less any fees paid for:
- (i) administration fee; and

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- (ii) plan review and inspections already invoiced or to be invoiced to the local authority by the building official.

**PERMITS – REVOCATION**

**9.**

- (1) The local authority may revoke a permit issued pursuant to the Act:
  - (a) if the holder of the permit requests in writing that it be revoked;
  - (b) if the permit was issued on mistaken, false, or incorrect information;
  - (c) if the permit was issued in error;
  - (d) subject to subsection (2), if, after 12 months after the permit's issuance, the work for which the permit was issued has not, in the opinion of the local authority's building official, been seriously commenced and no written agreement for the delay has been given by the local authority; or
  - (e) subject to subsection (2), if the work for which the permit was issued is, in the opinion of the local authority's building official, substantially suspended or discontinued for a period of more than 12 months after the permit's issuance and no written agreement for the delay has been given by the local authority.
- (2) If the local authority revokes a permit pursuant to subsection (1) it shall provide written notice to the permit holder as to the reasons for the revocation.

**NOTIFICATION**

**10. As per section 7 of the Act.**

- (1) The owner or the owner's representative of a building to be constructed shall ensure that the local authority is notified of:
  - (a) when excavation is to be commenced;
  - (b) when the foundation is to be placed;
  - (c) when a superstructure is to be placed on the foundation;
  - (d) any other event at the time required by the permit under which work has been undertaken; and
  - (e) any other specified event at the specified time.
- (2) Before commencing work at a building site, the owner or the owner's representative shall give notice to the local authority of:
  - (a) the date on which the owner or the owner's representative intends to commence the work; and
  - (b) subject to subsection (8), the name, address and telephone number of:
    - (i) the constructor or other person in charge of the work;
    - (ii) the designer of the work;
    - (iii) the person or firm that is to review the work to determine whether or not the construction conforms to the design; and
    - (iv) any inspection or testing agency that is engaged to monitor the work.

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- M-11 (a) (3) During the course of construction, the owner or the owner's representative shall give notice to the local authority of:
- (a) subject to subsection (8), any change in, or termination of, the employment of a person or firm mentioned in clause (2)(b);
  - (b) the owner's or owner's representative intent to do any work that has been ordered by a building official or local authority to be inspected during construction;
  - (c) the owner's or owner's representative intent to enclose work that has been ordered by a building official or local authority to be inspected before enclosure;
  - (d) subject to subsection (8), any proposed deviation from the plans approved and permitted by the local authority;
  - (e) subject to subsection (8), any construction undertaken that deviates from the plans approved and permitted by the local authority; and
  - (f) the completion of work.
- (4) Subject to subsection (8), the owner or the owner's representative of a building under construction shall give notice to the local authority of:
- (a) any change in ownership or change in address of the owner or the owner's representative that occurs before the issuance of the occupancy certificate to occupy as soon as the change occurs; and
  - (b) the owner's or owner's representative intention to occupy a portion of the building if the building is to be occupied in stages.
- (5) The owner of a building or the owner's representative, contractors, employees, successors or assigns or the registered owner of the land on which the building is situated shall submit a written report to the local authority of the occurrence of the following that causes or has the potential to cause serious injury or loss of life:
- (a) structural failure of the building or part of the building;
  - (b) failure of any equipment, device or appliance that is regulated by the Act or the regulations.
- (6) A report submitted pursuant to subsection (5) must:
- (a) contain:
    - (i) the name and address of the owner;
    - (ii) the address or location of the building involved in the failure;
    - (iii) the name and address of the constructor of the building; and
    - (iv) the nature of the failure; and
  - (b) be submitted to the local authority within 15 days after the occurrence of the failure mentioned in clause 5(a) or (b).
- (7) On receipt of the report pursuant to subsection (5), the local authority may require an owner to do the following:
- (a) provide any other information that the building official or local authority may consider necessary;
  - (b) complete any additional work that is necessary to ensure compliance.

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- (8) Notice given pursuant to clause (2)(b), (3)(a), (3)(d), (3)(e) or subsection (4) is to be in writing.

### **ENFORCEMENT OF BYLAW**

11. The local authority or the building official may take any measures as permitted by section 24, 25 or 26 of the Act and sections 13 and 14 of *The Building Code Regulations* for the purpose of ensuring compliance with this building bylaw.

### **SPECIAL CONDITIONS**

12.

- (1) An owner or the owner's representative that undertakes to construct or have constructed a building that is within the scope of Parts 3, 5, 6 and 7 of the NBC shall have an architect engineer complete the design or design review of:
- (a) the building; and
  - (b) all building systems.
- (2) An owner or the owner's representative that undertakes to construct or have constructed a building with a structure that is within the scope of Part 4 of the NBC shall have an architect or engineer complete:
- (a) the design or design review of the structure;
  - (b) an inspection of construction of the structure to ensure compliance with the design; and
  - (c) the reviews required by the NBC.
- (3) An owner or the owner's representative that undertakes to construct or have constructed a building with a structure within the scope of the NECB shall have an architect or engineer complete:
- (a) the design or design review of the structure;
  - (b) the inspection of construction of the structure to ensure compliance with the design; and
  - (c) the reviews required by the NECB.
- (4) In addition to the requirements of subsection (1), (2) or (3), the local authority or building official shall require that an engineer or architect provide:
- (a) a Commitment for Field Review letter as part of the permit application for work; and
  - (b) an Assurance of Field Review and Compliance letter, on completion of the work, providing assurance that the work conforms to the engineer's or architect's design.
- (5) An owner or the owner's representative that undertakes to construct or have constructed a building that is within the scope of Part 9 of the NBC shall ensure that a competent person has designed or reviewed the design of the building.
- (6) An owner or the owner's representative shall ensure that copies of any inspection or review reports made pursuant to this section are made available to a building official or the local authority on the request of the building official or local authority, as the case may be.

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M-11 (a) (7) No owner of a building or an owner's representative shall cause or allow the ground elevations of a building to be changed so as to place in contravention of the NBC:

(a) the building or part of the building; or

(b) an adjacent building.

(8) If the property boundaries of a building lot are changed so as to place a building or part of a building in contravention of the NBC, the owner or the owner's representative shall immediately alter the building or part of the building to bring it into compliance with the NBC.

### PENALTY

13.

(1) Any person who contravenes any of the provisions of this bylaw may be subject to the penalties provided in Part 8 of the Act.

(2) Where it is determined that work has commenced for which a permit has not been issued:

(a) a stop work order will be issued until a building permit has been issued by the local authority; and

(b) an additional fee as set out in The Fees Bylaw, in addition to all permit fees will be required.

(3) Conviction of a person or corporation for breach of any provision of this building bylaw shall not relieve the person or corporation from compliance with the Act or regulations.

### EFFECTIVE DATE OF BYLAW

14. This bylaw shall come into force on approval of the Minister.

Enactment pursuant to Section 17 of *The Construction Codes Act*.

\_\_\_\_\_  
Reeve, Linda Bourque

\_\_\_\_\_  
Administrator, Kelly Kim Rea



All readings: November 15, 2023

APPROVED  
In accordance with Clause 17(6)(A) of  
*The Construction Codes Act*

\_\_\_\_\_  
Building and Technical Standards  
Ministry of Government Relations

November 6, 2023  
Date

## APPLICATION FOR A BUILDING PERMIT

I hereby make application for a permit to \_\_\_\_\_ construct  
 \_\_\_\_\_ alter a building according to  
 \_\_\_\_\_ reconstruct  
 the information below and to the plans and documents attached to this application.

Project Information		
<b>Legal Land Description</b>		
Lot	Block	Plan
All/Part of the _____ ¼, Section _____, Township _____, Range _____ W2		
Civic Address (if applicable):		

Work Description			
Details of proposed work:			
Existing Use of Land & Buildings: (circle one)		Proposed Use of Land & Buildings: (circle one)	
Agricultural	Residential	Commercial	Agricultural
Residential	Commercial	Agricultural	Residential
Commercial	Agricultural	Residential	Commercial
Size of Building			Building Area (area of largest storey)
Length	Width	Height	_____ square metres/feet
Estimated Value of Construction (excluding site): \$			

Applicant			
Contact Name:			
Mailing Address	Town/City	Province	Postal Code
Phone Number(s)		Email Address	

Owner (if different than Applicant)			
Contact Name:			
Mailing Address	Town/City	Province	Postal Code
Phone Number(s)		Email Address	

Contractor			
Contact Name:			
Mailing Address	Town/City	Province	Postal Code
Phone Number(s)		Email Address	

- Documents to be attached to the application:
1. Residential Mechanical Ventilation Record (attached) – To be filled out by the mechanical contractor. (if applicable).
  2. Site Plan – Showing lot and building dimensions and distances to property lines.
  3. Structural Drawings – Building elevations, floor plans, sections, foundation plans.
- \*Hand drawings are not acceptable for new houses and additions.\***

**I hereby agree to comply with the Building Bylaw of the local authority and acknowledge that it is my responsibility to ensure compliance with the Building Bylaw of the local authority and with any other applicable bylaws, acts and regulations regardless of any plan review or inspections that may or may not be carried out by the local authority or its building official.**

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Applicant

## APPLICATION FOR A PERMIT TO DEMOLISH OR MOVE A BUILDING

**Applicant Name:** \_\_\_\_\_ **Phone:** \_\_\_\_\_

**Mailing Address:** \_\_\_\_\_ **Postal Code:** \_\_\_\_\_

**E-mail Address:** \_\_\_\_\_ **Cell Phone:** \_\_\_\_\_

**DEMOLITION:** I hereby make application for a permit to demolish a building now situated on

Civic address or location \_\_\_\_\_

Lot \_\_\_\_\_ Block \_\_\_\_\_ Plan \_\_\_\_\_

The demolition will commence on \_\_\_\_\_, 20 \_\_\_\_\_

and will be completed on \_\_\_\_\_, 20 \_\_\_\_\_

The site work (filling, final grading, landscaping, etc.) which will be done after removal of the building

includes \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**BUILDING MOVE:** I hereby make application for a permit to move a building now situated on

Civic address or location \_\_\_\_\_

Lot \_\_\_\_\_ Block \_\_\_\_\_ Plan \_\_\_\_\_

to Civic address or location \_\_\_\_\_

Lot \_\_\_\_\_ Block \_\_\_\_\_ Plan \_\_\_\_\_

Or Out of the municipality \_\_\_\_\_

The building has the following dimensions: length \_\_\_\_\_ width \_\_\_\_\_ height \_\_\_\_\_

The building mover will be \_\_\_\_\_

and the date of the move will be \_\_\_\_\_, 20 \_\_\_\_\_.

The building will be moved over the following route: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**I hereby agree to comply with the Building Bylaw of the local authority and to be responsible and pay for any damage done to any property as a result of the demolition or moving of the said building, and to deposit such sum as may be required by the Building Bylaw. I acknowledge that it my responsibility to ensure compliance with any other applicable bylaws, acts and regulations, and to obtain all required permits and approvals prior to demolishing or moving the building.**

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Applicant or Applicant's Agent