

# Building Standards Advisory

Promoting construction of safe, healthy, habitable buildings

## Five Principles of Applying the National Building Code

Application of the National Building Code (NBC) is guided by five principles under provision of *The Uniform Building and Accessibility Standards Act* (the UBAS Act). The five principles identify distinct participants and establish legal obligations, legislative responsibilities, and provide for shared responsibilities in the application of building and accessibility standards in Saskatchewan.

### Principle One

The *owner* is responsible for compliance.

The UBAS Act assigns responsibility to *building owners* to ensure compliance with the requirements of the UBAS Act and Regulations. The assignment of responsibility to the *owner* confirms the logical position that since the *owner* has control over the property, the *owner* has an obligation to meet the construction standards that have been set into law. The UBAS Act provides a definition for *owner* under clause 2(1)(o) as follows:

**“owner”** means any person, firm, or corporation that controls the property under consideration;”

Responsibility for building standards is contained in subsection 7(1) of the UBAS Act which states:

“Subject to subsections (2) and (3), the *owner* of each *building* in Saskatchewan shall ensure that the *building* is designed, constructed, erected, placed, altered, repaired, renovated, demolished, relocated, removed, used, or occupied in accordance with the building standards.”

With regard to accessibility standards, the UBAS Act provides the following in subsection 10(1) as follows:

“Subject to subsection (2), the *owner* of each *building* in Saskatchewan shall ensure that the *building* meets the accessibility standards.”

The *owner’s* responsibility for compliance under the UBAS Act and Regulations also includes other responsibilities including, but not limited to, building design, notification during construction phases and maintaining safe building conditions. Regardless of whether there is a building bylaw in place, the UBAS Act establishes *owner’s* responsibilities which are further identified in the Administrative Requirements for Use with the National Building Code 1985.

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## Principle Two

Local authorities are responsible for administration and enforcement.

A local authority is simply defined as either an urban or rural municipality and includes regional parks in Saskatchewan. The UBAS Act under clause 2(1)(k) provides a specific definition as follows:

“local authority” means:

- (i) a municipality;
- (ii) a regional park authority within the meaning of *The Regional Parks Act, 1979*, or
- (iii) with respect to park land within the meaning of *The Parks Act*, the minister responsible for the administration of that Act;”

The UBAS Act under subsection 4(1) requires a local to administer and enforce the UBAS Act and Regulations as follows:

“Subject to the other provisions of this section, each local authority shall administer and enforce this Act, the regulations and orders and decisions of the appeal board pursuant to sections 12 and 18.”

## Principle Three

The Crown (Government of Saskatchewan) is responsible for the framework and policy enabling the application of building and accessibility standards.

The preface to the NBC 2010 provides a commentary on application of codes and standards in Canada as follows:

“In Canada, provincial and territorial governments have the authority to enact legislation that regulates building design and construction within their jurisdictions. This legislation may include the adoption of the National Building Code (NBC) without change or with modifications to suit local needs, and the enactment of other laws and regulations regarding building design and construction, including the requirements for professional involvement.”

## Principle Four

The building official works for the local authority.

Subsection 5(4) of the UBAS Act states:

“A local authority may appoint persons who hold a building official’s licence as building officials”

Where a building bylaw is in effect, the role of a building official includes plan review, inspection, and enforcement. In addition, a building official is responsible for enforcement of building conditions where safety to the occupants or the public may be an issue.

Building officials derive their powers from the UBAS Act. Section 16 provides the powers of a building official which include the ability to enter onto land or into a *building* at any reasonable hour for investigative and enforcement purposes. The powers of a building official also include enforcement through a process involving the issuance of orders.

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Building officials are required to be licenced by the province. Licensing was first introduced in *The Building and Accessibility Standards Administration Regulations* (the BASA Regulations) in 1996. The certification of building officials resulted in the following licence classifications:

- Class 1 – one and two unit dwellings
- Class 2 – any *buildings* under the scope of Division B, Part 9 of the NBC include Class 1
- Class 3 – any *buildings* under the scope of the NBC including Class 1 and 2

Licensees are authorized to provide plan review, inspection, and enforcement services within the scope of their licence.

## Principle Five

The designer works for the owner.

A professional *designer* (architect or professional engineer) is required for the design or design review of:

- The *building* and all building systems if the *building* is within the scope of Part 3 of the NBC;
  - a) classified as *post-disaster buildings*,
  - b) used for *major occupancies* classified as
    - i.) Group A, *assembly occupancies*,
    - ii.) Group B, *care, treatment or detention occupancies*, or
    - iii.) Group F, Division 1, *high-hazard industrial occupancies*, or
  - c) exceeding 600 m<sup>2</sup> in *building area* or exceeding 3 storeys in *building height* used for *major occupancies* classified as
    - i.) Group C, *residential occupancies*,
    - ii.) Group D, *business and personal services occupancies*,
    - iii.) Group E, *mercantile occupancies*, or
    - iv.) Group F, Divisions 2 and 3, *medium- and low-hazard industrial occupancies*.
- The structure of the *building*, if the structure is within the scope of Part 4 of the NBC.

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