

# Building Standards Advisory

Promoting construction of safe, healthy, habitable buildings

## Role of the Building Official

### Question

“What is the role of the building official?”

### Answer

When working for a local authority with a building bylaw, building officials appointed by the local authority have a clear mandate to undertake plan review, inspection, and enforcement services for building projects within and on behalf of the local authority where they are appointed. They also have powers to inspect existing *buildings* for unsafe conditions and take actions where a *building* poses the threat of imminent danger.

When working for an individual providing their skills, expertise, and advice, a building official is simply providing a consultation and has no powers to write and enforce orders.

When working for a municipality that has no building bylaw, a building official will have all the power assigned to them under *The Uniform Building and Accessibility Standards Act* (the UBAS Act) provided they have been appointed.

### Background

Most building officials are appointed and provide services in municipalities that have adopted and approved building bylaws. This is the standard of practice and most building officials enjoy a relationship supported under this model.

In the odd circumstance a building official may find themselves being asked by *building owners* to inspect the construction of a *building* in a municipality where there is no building bylaw and no appointed building official. This is sometimes because of conflict between the *owner* and his contractor. It might also

be for the purposes of liquor licensing or inspection requirements under other legislation with what the *building owners* must comply. In these circumstances the building official is only providing their skills, expertise, and advice as a consultation and has no power to write and enforce orders or do any follow-up except by agreement with the *building owners*.

Compliance with *The Uniform Building and Accessibility Standards Act*, Regulations and the National Building Code of Canada 2010 (NBC 2010) is addressed in this advisory. Words in italics, other than Act titles, are defined in the NBC 2010.

In other circumstances, a building official may be asked by a municipality that has no building bylaw to inspect a *building* and act on behalf of the municipality. Not having a building bylaw does not limit the ability of a municipality to administer and enforce the UBAS Act, Regulations, and the National Building Code (NBC). It does however, limit the municipality in its ability to charge permit fees and control other items they are permitted to do under section 14 of the UBAS Act. Should a building official find themselves in this situation the following is recommended.

1. The local authority should prepare, adopt, and submit for approval a building bylaw.

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2. The local authority should arrange to hire and appoint official a building official with the appropriate licence class as per section 5 of the UBAS Act.
3. The building official should arrange to contact the *owner* and advise him/her of their obligation under the UBAS Act to comply with the NBC.
4. The building official may arrange for other authorities to be involved such as the regional health authority as prescribed by section 16 of the UBAS Act.
5. The building official should arrange for a site inspection and if refused, should consider the provisions of section 16 to enter onto the land.
6. The building official should complete the inspection and ensure that all deficiencies are documented in an inspection report.
7. The building official should present the report to the local authority.
8. The building official should write an order based on the report as prescribed by section 17 of the UBAS Act including the right of appeal to the Saskatchewan Building and Accessibility Standards Appeal Board.
9. The Order is a legal instrument and should capture all relevant information including what will be required to satisfy the Order.
10. Further enforcement measures should be considered as prescribed by sections 21, 22, and 23 of the UBAS Act and will be dependent upon the opinion of the local authority and its legal counsel.

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This advisory is published by the Saskatchewan Ministry of Government Relations for purposes of providing information to users on the topic contained herein. In case of conflict between *The Uniform Building and Accessibility Standard Act* (the UBAS Act), the National Building Code of Canada 2010 (NBC 2010) and this advisory, provisions of the UBAS Act and NBC 2010 shall apply.