

BUILDING CODE BYLAW

{made pursuant to the enabling powers conferred by and under the
Charlottetown Area Municipalities Act and the Planning Act}

AMENDED/APPROVED JUNE 13, 2011

Part 1 - Repeals, Interpretation, Scope, Definitions and Administration

Section 1.1. Repeals, Adoption and Interpretation

1.1.1. Title, Repeals, and Effective Date

1.1.1.1. Title

(1) This Bylaw may be cited as the Charlottetown Building Code Bylaw.

1.1.1.2. Repeals and Effective Date of Bylaw

(1) The Building Code By law adopted by City on April 14, 2008 and which came into effect on May 1, 2008 is repealed and this Bylaw is substituted therefore.

(2) This Bylaw shall come into effect on and after July 10, 2011.

1.1.2. Adoption

1.1.2.1. Charlottetown Building Code

(1) This Bylaw hereby adopts the National Building Code of Canada, 2010 except as may be modified by this Bylaw and which together with this Bylaw shall be known as the "Charlottetown Building Code" and may be referred to as the "Code".

1.1.3 Interpretation

1.1.3.1 Numbering System

(1) This Bylaw has been prepared following the same decimal numbering system as used in the National Building Code of Canada 2010.

(2) The first number indicates the Part of this Bylaw; the second, the Section in the Part; the third, the Subsection and the fourth, the Article in the Subsection. An Article may be further broken down into Sentences (indicated by numbers in brackets), and the Sentence further divided into Clauses and Subclauses. They are illustrated as follows:

A	Division
A-3	Part
A-3.5	Section
A-3.5.2.	Subsection
A-3.5.2.1.	Article
A-3.5.2.1.(2)	Sentence
A-3.5.2.1.(2)(a)	Clause
A-3.5.2.1.(2)(a)(l)	Subclause

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1.1.3.2 Schedules.

The Schedules “A-1” through “A-9” inclusive, and “B”, “C”, “D”, and “E” form an integral part of this Bylaw.

1.1.3.3 Charlottetown Building Advisory Committee

- (1) Prior to adopting this Bylaw, the City of Charlottetown consulted an advisory group consisting of:
 - (a) a representative of Community and Cultural Affairs of the Province of P.E.I.;
 - (b) a representative of the Planning Department and the Fire Department of the City of Charlottetown;
 - (c) a representative appointed from among persons nominated by the PEI Council of People with Disabilities;
 - (d) a representative appointed from among persons nominated by the Executive of the Association of Professional Engineers of the Province of P.E.I.;
 - (e) a representative appointed from among persons nominated by the Executive of the Province of P.E.I. Association of Architects;
 - (f) a representative of the PEI Consulting Engineers Association; and,
 - (g) a representative from Construction Association of PEI.

- (2) After adoption of this Bylaw by Council, the Charlottetown Building Advisory Committee may be consulted from time to time by Council or City Staff for input on any major changes contemplated in this Bylaw.

Section 1.2. Scope and Application

1.2.1 Application

1.2.1.1 Scope

- (1) This Bylaw applies to the administration and enforcement of the National Building Code in the design, construction, erection, placement and *occupancy* of new *buildings*, and the *alteration*, reconstruction, *demolition*, removal, relocation, *occupancy* and change of *occupancy* classification of existing *buildings* and to the work necessary to correct *unsafe conditions* in existing *buildings* reported to the *authority having jurisdiction* or observed during an inspection.

- (2) Any construction or condition that lawfully existed 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 in the opinion of the authority having jurisdiction.

- (3) Construction pursuant to a building permit in effect prior to July 10, 2011 and still in effect, need not conform to this Bylaw provided that such construction conforms to the bylaw in force on the date that the building permit was issued.

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- (4) Where a *building* or any part thereof is altered, this Bylaw applies to the parts of the *building* that are altered.
- (5) Where the whole or any part of a *building* is relocated within the area of jurisdiction of the *authority having jurisdiction* this Bylaw applies only to the parts of the *building* that are being altered or *constructed*.
- (6) Where the whole or any part of a *building* is relocated into the City of Charlottetown this Bylaw shall apply to the building.
- (7) When 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 remaining after demolition to the extent that deficiencies occurring or remaining after demolition require correction.
- (8) When a building is damaged by fire, earthquake or other cause, this Bylaw applies to the work necessary to reconstruct damaged portions of the *building*.
- (9) “Alternate Compliance Methods for Existing *Buildings*”, contained in Schedule “D” of this Bylaw, or a combination of the “Alternate Compliance Methods for Existing *Buildings*”, prescribed by the Building Code, may be used for a renovation to a *building* that existed prior to 1979 in the Former City of Charlottetown and for a renovation to an existing building located outside of the Former City that was built prior to January 1, 1997;
- (10) When a *heritage building* or part thereof is undergoing a change in *occupancy* classification the *owner* may choose the “Alternate Compliance Methods for Existing *Buildings*”, contained in Schedule “D” of this Bylaw, or a combination of the “Alternate Compliance Methods for Existing *Buildings*”, and as prescribed by the Building Code and the Fire Prevention Bylaw.

1.2.1.2. Exemptions

(1) The Code does not apply to:

- (a) sewage, water, electrical, telephone, rail or similar systems located above, below or on an area which has been dedicated or deeded for public use,
- (b) public utility towers and poles, television and radio or other communication aerials and towers, except for loads resulting from those located on or attached to *buildings*,
- (c) flood control, dams for public water supply, hydroelectric dams and their related structures (not excluding *buildings*),
- (d) mechanical or other equipment and *appliances* not specifically regulated by the Code,
- (e) above ground or below ground bulk storage tanks not regulated under Part 6 of the Code, or the National Farm Building Code of Canada,
- (f) free-standing signs,
- (g) fences,

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- (h) retaining walls or exterior steps not attached to, and forming part of, a *building's* construction,
- (i) modular homes and mobile homes built to CAN/CSA - A277-M-01, "Procedure for Certification of Factory Built Homes", or CSA Z240 MH Series Standard "Mobile Homes", except for the inspections required by Subclause 2.1.1.11,
- (j) accessory *buildings* not greater than 20 square meters (215.2 square feet) in area, or,

1.3.1. Definitions

1.3.1.1. General

Definitions contained in Section 3 of the *Zoning & Development Bylaw* also apply in this Bylaw, unless the context clearly otherwise requires.

1.3.1.2. Italicized Words

The words and phrases defined in Article 1.4.1.2. Division A of the *Code (National Building Code, 2010)* identified in this Bylaw in italics, also apply in this Bylaw unless otherwise defined.

In this Bylaw the following definitions apply:

"*Adaptable Dwelling Unit*" means a dwelling unit designed and constructed to facilitate future modifications to provide access for persons with disabilities.

"*Architect*" means a member licensed to practice or licensee of the PEI Association of Architects pursuant to the *Architects Act Chapter A-18-1*.

"*Authority having jurisdiction*" shall have the same meaning in this Bylaw as it does in the *National Building Code* and in the *National Fire Code*.

"*Building Official*" means a person appointed as an inspector pursuant to Section 2.4.1.

"*Building Permit*" means a building permit as required and/or obtained pursuant to the *Zoning & Development Bylaw*.

"*Chief Building Inspector*" means the Chief Building Inspector or his designate who is to carry out the duties assigned by City Council pursuant to this Bylaw.

"*City*" means the City of Charlottetown established under Section 3 of the *Charlottetown Area Municipalities Act, (1995)*.

"*Camping Accommodation*" means the same as defined in the *PEI Tourism Industry Act Chapter T-3.3 and regulations* and any amendments thereto from time to time.

"*Care Facility*" means the *occupancy* or use of a *building* or part thereof by persons who require special care or treatment because of cognitive or

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physical limitations pursuant to the *Community Care Facilities and Nursing Home Act and regulations* and any amendments thereto from time to time.

“Code” means the National Building Code of Canada, 2010 except as which may be modified by this bylaw and which together with this Bylaw shall be known as the “Charlottetown Building Code” but may be referred to simply as the “Code”.

"Compliance Order" means an order requiring an Owner to Bring the Work on a Property into conformance with the Code within the time period set out therein, the duration of which shall be at the discretion of the Inspector making it. A Compliance Order shall be in the form annexed as Schedule “B”.

“Construct” or “construction” means to do anything in the erection, installation, extension, relocation, material *alteration* or material repair of a *building* and includes the installation of a factory-made *building* fabricated or moved from elsewhere.

"Council" means the Council of the City of Charlottetown.

“Demolition” means the doing of anything in the removal of a *building* or any material part thereof.

“Field Review of Construction” means, and is limited to, the inspection and field review of the construction work at intervals appropriate to the stage of construction, at the project site and where applicable at the fabrication location where *building* components are fabricated for use at the project site, that the *designer* in their professional discretion consider[s] necessary to determine substantially complies with the design drawings accepted by the *authority having jurisdiction* and all revisions thereto. “Field Review of Construction” does not include the coordination, quality and performance of construction.

"Former City" means that geographic area of the City established pursuant to the former *City of Charlottetown Act, (1979)* (now repealed).

“Heritage Building” means a registered heritage property registered under the Chapter H-3.1 of the *Heritage Places Protection Act* by the Province; designated by the City under the City’s *Zoning & Development Bylaw, Appendix A*; or, located within the designated Heritage Preservation Area designated in the City’s *Zoning & Development Bylaw*.

“Heritage Preservation District” means the heritage preservation area designated by the City pursuant to the City’s *Zoning & Development Bylaw*.

“Mobile home” means a transportable, single or multiple section *dwelling unit* certified by Canadian Standards Association prior to placement on the site as complying with the CAN/CSA-Z240 Series “Mobile Homes” at the time of manufacture.

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“*Modular home*” means a finished section or sections of a complete *dwelling unit* built in a factory for transport to the site for installation certified by Canadian Standards Association prior to placement on the site as complying with the CSA Standard A277-M-01 “Procedures for Certification of Factory Built Houses”.

“*National Building Code of Canada, 2010*” means the National Building Code of Canada, 2010 as issued by the Canadian Commission on Building and Fire Codes, National Research Council of Canada, NRCC No. 53301, including all revisions and errata and corrections to errata made by that body, but does not include Part 7 (Plumbing Services), Section 9.34 (Electrical Facilities), Article 3.6.1.2 (Electrical Wiring and Equipment).

“*Occupancy Permit*” means an occupancy permit as required and/or obtained pursuant to the City’s *Zoning & Development Bylaw*.

“*Owner*” means:

- (a) A person who legally owns a lot and is a registered land owner;
- (b) a tenant, lessee, or other Person in possession or occupancy of the subject lot or building; or
- (c) an executor, administrator, trustee, agent, or other Person managing the subject lot or building for the registered land Owner.

“*Professional Engineer*” means a member or licensee of the Association of Professional Engineers of PEI pursuant to the *Engineering Profession Act* Chapter E.8.1.

“*Roofed accommodation*” has the same meaning as defined in the PEI *Tourism Industry Act Chapter T-3.3 and Regulations* including any amendments thereto from time to time.

“*Work*” means any construction, duty or function regulated by this Bylaw, carried out on or about a construction site or on, in, or about a *building* or part thereof., except as may be exempted under the provisions of this Bylaw or the *Zoning and Development Bylaw*.

Section 1.4. Administration

1.4.1. Permits

1.4.1.1. General

- (1) A *permit* is required if *work* regulated by the *Code* is to be done.
- (2) The *authority having jurisdiction* may place a value on the cost of the work based on an accepted costing standard for the purpose of determining *permit* fees to be applicable.

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- (3) The *authority having jurisdiction* may, if applicable, withhold a *building permit* until satisfied that there is a valid on-site sewage disposal system *permit* issued by the Department of the Environment for the construction of a *building* requiring a new *private sewage disposal system*.
- (4) Subject to Section 1.4.1.11, the *authority having jurisdiction* may withhold the issuance of a *building permit* until satisfied that any and all applicable laws, bylaws, regulations or requirements under the *Charlottetown Area Municipalities Act*, including the *Zoning & Development Bylaw*, the *Fire Prevention Bylaw*, any lot grading plan or Development Agreement, have been complied with; and, all required permits have been issued by the Development Officer.
- (5) Except as may be specifically exempted by the Zoning & Development Bylaw, an *occupancy permit* is required:
 - (a) to allow the initial *occupancy* of a *building* or part thereof,
 - (b) when the *occupancy* classification of a *building* or part thereof is changed, or
 - (c) to allow partial *demolition* or *alteration* of a *building*.

1.4.1.2. Application

To obtain a *permit* the owner shall file an application as prescribed by the *authority having jurisdiction*.

1.4.1.3. Required Information

- (1) Every *building permit* application as a minimum shall:
 - (a) identify and describe in detail the work and *occupancy* to be covered by the *permit* for which application is made,
 - (b) describe the land by including where PEI property mapping exists in the unique Parcel Identifier (PID) and a description that will readily identify and locate the *building* lot,
 - (c) include plans and specifications as required by Section 2.2 and 2.3 of Division C of the *Code*,
 - (d) state the valuation of the proposed work and be accompanied by the required fee,
 - (e) state the names, addresses and telephone numbers of the owner, *architect*, *professional engineer*, or other *designer*, *constructor* and any inspection or testing agency that has been engaged to monitor the work or part of the work, and
 - (f) describe any special *building* systems, materials and *appliances*,
 - (g) such additional information as may be required by the *authority having jurisdiction*.

1.4.1.4. Letter of Undertaking when Professional Required to Design

The owner shall, along with the application referred to in Article 1.4.1.2., submit a letter of undertaking to the *authority having jurisdiction* for the *Field Review of Construction* when the *building*, or part thereof, has been designed within the

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Scope of Part 4 of the Code as well as provided for under Article 2.1.1.5 for Part 9 buildings.

1.4.1.5. Dimensional Tolerances

If, in the opinion of the *authority having jurisdiction*, safety to life will not be reduced and *barrier-free* design and access will not be adversely affected, an *authority having jurisdiction* may accept a minor variation, not more than 2%, in a dimension given in this Code.

1.4.1.6. Deviations

The *owner* shall not deviate, nor authorize a deviation, from the Code, or the conditions of a *permit*, without first obtaining permission in writing to do so from the *authority having jurisdiction*.

1.4.1.7. Land Survey

In addition to Clause 1.4.1.3.(1)(c) the *owner*, if requested by the *authority having jurisdiction* shall submit an up-to-date plan of survey or real property report, prepared by a registered PEI Land Surveyor, containing sufficient information regarding the site and the location of the *building*:

(1) to establish before construction begins that this Bylaw of the Code related to the site and the location of the building will be complied with, and

(2) to verify that, upon completion of the work, compliance with all such Bylaw.

1.4.1.8. Responsibility for carrying out work

(1) City shall rely on the undertakings and certificates required by this Bylaw and prescribed in the Schedules to this Bylaw to ensure the design and field work are carried out in accordance with the Code.

(2) The random review or acceptance of plans, drawings and specifications, any random site inspections made by the *authority having jurisdiction* and the granting of a *permit* shall not in any way relieve the *owner*, *owner's agent*, the *constructor*, the *architect*, the *professional engineer*, or the *designer*, of a *building* from their respective responsibility for carrying out the work or having it carried out in accordance with this Bylaw, including ensuring that the *occupancy* of the *building*, or any part thereof, is in accordance with the terms of the *permit*.

1.4.1.9 Inspection Exemption Modular and Mobile Homes

Modular homes and mobile homes are subject to the inspection required by Clauses 2.1.1.11.(1)(b) of this Bylaw and are exempt for the work certified at factory in accordance with CSA Z240 MH Series "Mobile Homes" or the CSA Standard A277-M-08 "Procedures for Certification of Factory Built Houses".

1.4.1.10 Site Grading

The *authority having jurisdiction* may require an *owner* to have a *building* site graded in conformance with any storm drainage plan, accepted by the *authority having jurisdiction*, for the area in which the *building* is located.

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1.4.1.11 Permission to Proceed in Part

- (1) The *authority having jurisdiction* may allow, at the risk of the *owner*, with conditions if necessary, to ensure conformance with this *Code*, the *owner* to proceed with *excavation* or construction of part of a *building* before the plans of the entire *building* have been submitted.
- (2) If the *authority having jurisdiction* allows *excavation* or construction of part of a *building* under Sentence (1), the *owner* shall submit all such plans and specifications as may be required in connection therewith by the *authority having jurisdiction*, including at a minimum, complete plans and specifications for the work which is authorized under Sentence (1).
- (3) If an *owner* proceeds to excavate or *construct* part of a *building* under Sentences (1) and (2), the *owner* proceeds without assurance that the *excavation* or construction of other parts of the *building* will be allowed.

1.4.1.12 Temporary Building or Occupancy

- (1) Notwithstanding anything contained elsewhere in this Bylaw, a permit for a temporary *building* or part thereof, or a temporary change of occupancy classification of an existing building, may be issued by the *authority having jurisdiction*, authorizing for a limited time only the erection and existence of a *building*, or part thereof, or for a temporary change of *occupancy* classification, for an *occupancy* which, because of its nature, will exist for a short time, under circumstances which warrant only selective compliance with the *Code*.
- (2) A *permit* for a temporary *building* or temporary change of *occupancy* classification shall state the date after which and the conditions under which the *permit* is no longer valid.
- (3) A *permit* for a temporary *building* or temporary change of *occupancy* classification may be extended provided permission in writing is granted by the *authority having jurisdiction*.
- (4) A *permit* for a temporary *building* or temporary change of *occupancy* classification shall be posted on the *building*.
- (5) A *permit* issued for a tent or temporary *air-supported structure*, shall be required to be renewed every twelve months.
- (6) A *permit* issued for a temporary change of *occupancy* classification shall be required to be renewed every twelve months.

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Part 2 - Responsibilities and Obligations

Section 2.1. Obligations of Owner

2.1.1. General

2.1.1.1. Required *Permits*

Every *owner* shall obtain all required *permits* or approvals prior to commencing the work to which they relate.

2.1.1.2. Start Up Date

Every *owner* shall give adequate notice to the *authority having jurisdiction* of the date on which the *owner* intends to begin work prior to commencing work on the *building* site.

2.1.1.3. Notice of Employees

(1) Every *owner* shall, prior to commencing the work, give notice in writing to the *authority having jurisdiction* of:

- a. 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 *architect(s)*, *professional engineer(s)*, and prime consultant(s) performing the *Field Review of Construction(s)*, and
 - iv. any inspection or testing agency engaged to monitor the work or part of the work, and
- b. any change in or termination of employment of such persons during the course of the construction in writing, as soon as practical but not later than 3 days of such change, or termination occurs.

(2) Every *owner* shall give notice in writing to the *authority having jurisdiction*:

- a. as soon as any change in ownership or change in the address of the *owner* occurs prior to the issuance of an *occupancy permit*, and
- b. prior to occupying any portion of the *building* if it is to be occupied in stages.

2.1.1.4. Plans at Site

Every *owner* shall ensure that the required stamped plans, specifications and related documents on which the issuance of the *building permit* was based are available at the site of the work for inspection during working hours by the *authority having jurisdiction*, and that the *permit*, or true copy thereof, is posted conspicuously on the site during the entire execution of the work.

Professional Design and Review

2.1.1.5 Owner's Responsibility

An *owner* who undertakes to *construct* or have *constructed* a *building* or part thereof within the scope of Part 4 of the Code shall:

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- (1) ensure that an *architect, professional engineer, or both*, as required, are appointed to undertake the design of the *building* or part thereof, and
- (2) complete and submit a letter of undertaking in the form specified in Schedule “A” for the *Field Review of Construction* of such *buildings*.

2.1.1.6 Design Bylaw for Structural Components

Where the dimensions of a structural component are not provided in Part 9 of the *Code* for use in a *building* within the scope of that Part, and such dimensions are to be determined on the basis of calculation, testing or other means of evaluation, the *owner* shall:

- (1) ensure that a *professional engineer* is appointed to undertake the design of the structural component, and
- (2) when required by the *authority having jurisdiction*, complete and submit a letter of undertaking in the form specified in Schedule “A” for the *Field Review of Construction* for this structural component.

2.1.1.7 Site Conditions, Size, or Complexity Requiring Professional Design and Inspection

Where the site conditions, the size or complexity of a *building*, part of a *building* or *building* component warrant, the *authority having jurisdiction* may require the *owner* to file a Letter of Undertaking and have appropriate Field Review of Construction Declarations submitted as deemed necessary.

2.1.1.8 Design Bylaw for Sprinklered Building

- (1) Where a *building* is required or intended to be *sprinklered*, the *owner* shall:
 - a. ensure that a *professional engineer* is appointed to undertake the design of the sprinkler system, and
 - b. complete and submit a Letter of Undertaking in the form specified in Schedule “A” of the *Field Review of Construction*.
- (2) Where the *alteration* of an existing *building* requires changes to an existing sprinkler system, the *authority having jurisdiction* may waive compliance with Clauses 2.1.1.8(1) (a) and (b). Where Clauses 2.1.1.8(1) (a) and (b) are waived, the design documents and test results conducted on the system as per the City’s Fire Prevention Bylaw must be filed with the *authority having jurisdiction*.

2.1.1.9 Alteration to Property Boundary or Ground Elevation

No *owner* or person hired by the *owner* shall allow the ground elevations or the property boundaries of a *building* lot to be changed so as to place a *building* or part thereof, in contravention of this Bylaw, unless the *building* or part thereof, is so altered, after obtaining the necessary *permit* under the Zoning & Development Bylaw, such that no contravention will occur as a result of the change of the property boundary or grades.

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2.1.1.10 Right of Entry

(1) Every owner shall allow the *authority having jurisdiction* to enter any work site, *building* or premises at any reasonable time for the purpose of administering and enforcing this Bylaw.

(2) Any person who impedes, attempts to impede, refuses or does not permit an inspection pursuant to this Bylaw shall be guilty of an offense.

(3)

- a. In the event that the *authority having jurisdiction* is refused or not permitted to carry out an inspection pursuant to this Bylaw, the *authority having jurisdiction* may apply to a court of competent jurisdiction for an order authorizing entry on to the property in question.
- b. A court of competent jurisdiction may at any time issue a warrant in the prescribed form authorizing a person named in the warrant to enter and search a Building, receptacle or place if the court of competent jurisdiction is satisfied by information on oath that there are reasonable grounds to believe that an offence has been committed and the entry will afford evidence relevant to the commission of the offence. A search warrant shall name the date upon which it expires, which shall be not later than fifteen (15) days after the warrant is issued.

2.1.1.11 Notification for Inspection and Field Review of Construction

(1) The owner of a *building* being *constructed* under the scope of Part 9 of the Code shall notify the *authority having jurisdiction* who may carry out a random inspection, at the following stage(s) of construction for compliance with the Code:

- a.
 - i. the site before commencing backfilling of the laterally supported foundation, before a superstructure is placed on the foundation,
 - ii. the framing, roof, and mechanical, insulation and vapour barrier before wall framing is covered,
 - iii. before *occupancy*,
- b. for *mobile* and *modular homes* conforming to 1.4.1.9.
 - i. (a) in the case of a mobile home, the site preparation, foundation installation and anchorage in accordance with CSA CAN3 - Z240.10.1-94 "Recommended Practice for Site Preparation, Foundation, and Anchorage of Mobile Homes",
(b) in the case of a modular home site preparation and foundation, installation and anchorage,
 - ii. before *occupancy*.

(2) The owner of a *building* being *constructed* outside the scope of Part 9 of the Code shall notify the *authority having jurisdiction* to carry out a random inspection, if required for compliance with the Code:

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- a. of the intent to undertake construction that may be inspected and may be reviewed as per the appropriate Letter of Undertaking required by Article 2.1.1.5., 2.1.1.6., or 2.1.1.7.,
- b. of intent to cover construction that has been ordered to be inspected by the *authority having jurisdiction* before covering and,
- c. at intervals deemed necessary by the *authority having jurisdiction* based on the complexity of the *building* and,
- d. when construction has been completed so that a final inspection may be made.

2.1.1.12 Occupancy Prior to Completion

Should the *owner* require *occupancy* to occur prior to the completion of all work the *owner* shall apply for the *occupancy permit* and shall ensure that no *unsafe condition* exists or will exist because of the work being undertaken or not completed.

2.1.1.13 Test or Inspections to Prove Compliance

Every *owner* shall make, or have made at their own expense, the tests or inspections necessary to prove compliance with this Bylaw and shall promptly file a copy of all such test or inspection reports with the *authority having jurisdiction*.

2.1.1.14 Repairs to Public Property

Every *owner* is responsible for the cost of repair of any damage to public property or works located therein that may occur as a result of undertaking work for which a *permit* was or was not required.

2.1.1.15 Discontinuation of Work

Every *owner* who is unable to continue work owing to bankruptcy or other cause, is responsible, before leaving the site of the work, for ensuring that no *unsafe condition* remains at the site.

2.1.1.16 Suites of Residential Dwellings Required to be Barrier Free

Apartment Buildings from 12 Units up to and including 35 Units

- (1) At least one unit of twelve units (1:12) or part thereof (0.5 or greater require an extra unit) in a new Group C apartment *building* of up to 35 shall conform to Section 3.8 (Part 3, Division B, Volume 1) of the National Building Code of Canada, for a *barrier free* unit.

Apartment Buildings 36 Units and over

- (2) At least one unit in eighteen units (1:18) or part thereof (0.5 or greater require an extra unit) in a new Group C apartment *building* of 36 units and over shall conform to Section 3.8 (Part 3, Division B, Volume 1) of the National Building Code of Canada, for a *barrier free* unit and shall conform to the requirements in Schedule "E" of this Bylaw.

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Section 2.2. Obligations of Professional

2.2.1 General

2.2.1.1 Design

The *architect*, or *professional engineer* who undertakes to design a *building* or part thereof shall do so in accordance with their respective statutes and Bylaws to ensure that the design meets the intent of the Code.

2.2.1.2 Field Review of Construction

The *architect*, or *professional engineer* who undertakes the *Field Review of Construction* shall do so in accordance with their respective statutes and Bylaws, and shall:

- (1) Inspect the *building* at intervals appropriate to the stage of construction to determine compliance with design referred to in Article 2.2.1.1.,
- (2) Coordinate with the *authority having jurisdiction* the review of any changes to the design documents for consistency with the intent of the plans and specifications.
- (3) When the architect or engineer is satisfied that the *work* substantially complies with the design drawings, promptly file with the *authority having jurisdiction* the *Letter of Undertaking and the Field Review of Construction Declarations*, Schedules A-1 and A-2 – A-9, respectively.

Section 2.3. Obligations of Constructor

2.3.1. General

2.3.1.1. Construction Safety Bylaw

Every *constructor* shall ensure that all construction safety requirements of the *Occupational Health and Safety Act and Regulations*, are complied with.

2.3.1.2. Work on Public Property

Every *constructor* is responsible for ensuring that no *excavation* or other work is undertaken on public property, and that no *building* is erected or materials stored in whole or in part therein without approval having first been obtained in writing from the appropriate government authority.

2.3.1.3. Responsibilities for the Work Undertaken

- (1) Every *constructor* is responsible jointly and severally with the *owner* for all and any work actually undertaken.
- (2) Every *constructor* who is unable to continue work owing to bankruptcy or other cause, is responsible, before leaving the site of the work, for ensuring that no *unsafe condition* remains at the site.

BUILDING CODE BYLAW

2.3.1.4. Owner Deemed to be *Constructor*

Where the work for which a *permit* is issued is not under the control of a *constructor*, the *owner* shall be deemed to be the *constructor* and shall accept the responsibilities and obligations of a *constructor*.

2.3.1.5. Materials, Systems, to Comply with Code

Every *constructor* shall ensure that all materials, systems, equipment, used in the construction, *alteration*, reconstruction or renovation of a *building* meet of the Code for the work undertaken.

Section 2.4. Obligation of Authority having Jurisdiction

2.4.1. Qualifications of Building Officials

2.4.1.1. Appointment

A person appointed or eligible to be appointed by the City as a building official shall:

- (1) hold a valid diploma in architectural design or construction technology; and,
- (2) be a member in good standing of the New Brunswick, Nova Scotia or Ontario Building Officials Association(s).

2.4.2. General

2.4.2.1. Administration and Enforcement

The *authority having jurisdiction* shall administer and enforce this Bylaw.

2.4.2.2. Copies of Applications, Inspections, and Tests

The *authority having jurisdiction* shall keep copies of all applications received, *permits* and orders issued, inspections and tests made and of all papers and documents connected with the administration of this Bylaw.

2.4.2.3. Notices and Orders

The *authority having jurisdiction* shall issue, in writing, such notices or orders as may be necessary to inform the *owner* where a contravention of this Bylaw has been observed. Such notices or orders may specify any remedial or other measures that are required to meet this Bylaw. Where the *authority having jurisdiction* issues such written notice or order, a copy shall be retained by the *authority having jurisdiction* and a copy shall be sent to:

- (1) the *owner*, by regular mail, at the address given on the *permit* application;
- (2) the *designer*, *architect* or *professional engineer* by regular mail, at the address given on the *permit* application;
- (3) the *constructor*, by regular mail, or if the *constructor* is present during the inspection, may be given to the *constructor*.

BUILDING CODE BYLAW

2.4.2.4. Responding to Code Inquiries

The *authority having jurisdiction* shall answer such relevant questions as may be reasonable with respect to the provisions of this Bylaw when requested to do so, but shall refrain from assisting in the laying out of any work and from acting in the capacity of a *designer*.

2.4.2.5. Authority having Jurisdiction to Issue Permits

The *authority having jurisdiction* shall issue a *building permit* and/or an *occupancy permit* to the *owner* when, to the best of *authority having jurisdiction's* knowledge, the applicable conditions, as set forth in this Bylaw, have been met.

2.4.2.6. Safety

The *authority having jurisdiction* shall, when inspecting *building* sites and structures, comply with applicable safety requirements made pursuant to the *Occupational Health and Safety Act* and Regulations.

Section 2.5. Powers of Authority having Jurisdiction

2.5.1 General

2.5.1.1 Right to Enter Property

The *authority having jurisdiction* may enter and inspect any work site, *building* or premises at any reasonable time for the purpose of administering or enforcing this Bylaw.

2.5.1.2 Orders

(1) The *authority having jurisdiction* is empowered to order:

- a. any person who contravenes any provision of this Bylaw to comply with this Bylaw within such reasonable time period as may be specified in the Order; and, such Order may be in the form annexed as Schedule "B";
- b. to stop work on a work site or *building* or any part thereof if such work is proceeding in contravention of this Bylaw, or if there is deemed to be an *unsafe condition* and such Order may be in the form annexed as Schedule "C";
- c. the removal of any unauthorized encroachment on public property;
- d. the removal of any site improvement or alteration, *building* or part thereof constructed in contravention of this Bylaw;
- e. the cessation of any *occupancy* in contravention of this Bylaw;
- f. the cessation of any *occupancy* if any *unsafe condition* exists because of work being undertaken or not completed;
- g. correction of any *unsafe condition*; and,
- h. the *owner* to uncover and replace at their own expense:
 - i. work that has been ordered to be done pursuant to an order issued by the *authority having jurisdiction* and which has been covered without being inspected; and

BUILDING CODE BYLAW

- ii. work for which notification to inspect is required to be given pursuant to Article 2.1.1.11, and where uncovering the work is necessary to determine compliance with the Code.

2.5.1.3 Tests Required to Prove Compliance

The *authority having jurisdiction* may direct that tests of materials, equipment, devices, construction methods, structural assemblies or foundation conditions be made, or sufficient evidence or proof be submitted at the expense of the *owner*, where such evidence or proof is necessary to determine whether the material, equipment, device, construction or foundation condition meets this Bylaw.

2.5.1.4 Reports Regarding Failure or Potential Failure

The *authority having jurisdiction* may require the *owner* or the *owner's* representative, where any failure occurs which causes or has the potential to cause injury or loss of life, to submit a report stating the nature and details of the failure and the name and addresses of the *constructor*.

2.5.1.5 Conditional *Building* or *Occupancy Permit*

(1) The *authority having jurisdiction* may issue a *building* or *occupancy permit* conditional upon:

- a. the submission of additional information not available at the time where such information is of such a nature that withholding of the *permit* until the information becomes available would be unreasonable,
- b. completion of such work that is incomplete at the time of inspection, or application is of such a nature that no *unsafe condition* exists and that withholding of the *permit* would be unreasonable.

2.5.1.6 Refuse to Issue *Permit*

(1) The *authority having jurisdiction* may refuse to issue any *permit*:

- a. whenever information submitted is inadequate to determine compliance with the provisions of this Bylaw,
- b. whenever incorrect information is found to have been submitted,
- c. that would authorize any *building* work or *occupancy* that would not be permitted by this Bylaw, or
- d. that would be prohibited by any other Act, Regulation or this Bylaw.

2.5.1.7 Revoke a *Permit*

(1) The *authority having jurisdiction* may revoke a *permit* by written notice to the *permit* holder if:

- a. there is contravention of any condition under which the *permit* was issued,
- b. the *permit* was issued in error, or
- c. the *permit* was issued on the basis of incorrect or incomplete information.

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2.5.1.8 Occupancy Prior to Completion

The *authority having jurisdiction* may issue an *occupancy permit*, subject to compliance with provisions to safeguard persons in or about the premises, to allow the *occupancy* of a *building* or part thereof for the accepted use, prior to commencement or completion of the construction or *demolition* work.

2.5.1.9 Provide Reasons for Refusal

The *authority having jurisdiction* shall provide the reasons for refusal to grant a *permit*, when requested to do so.

2.5.1.10 Offenses and Enforcement

(1) Any person who violates, or who refuses or neglects to comply with, any provision of this Bylaw, including, without limitation, an order or direction of the *authority having jurisdiction* pursuant to Articles 2.1.1.9, 2.5.1.1, 2.5.1.2, 2.5.1.3, and 2.5.1.4 of this Bylaw is guilty of an offense. A first offense is punishable by a fine of up to \$5,000 and any subsequent offense is punishable by a fine of up to \$400.00 for each day during which the offense continues.

(2) In accordance with the relevant provisions of the *Charlottetown Area Municipalities Act* and the *Planning Act*, the *authority having jurisdiction* may enforce any violation of this Bylaw by way of a prosecution under the *Summary Proceedings Act* and/or by seeking a declaratory judgment, injunction or other order, remedy or relief from a court of competent jurisdiction.

BUILDING CODE BYLAW

Part 3

3.1 Amendments Made to Parts 1 through 9 inclusive of the National Building Code of Canada.

3.1.1. Amendments

3.1.1.1. Definition of *Owner*

The definition of “*owner*” in Section 1.4 (Part 1, Division A, Volume 2), of the National Building Code of Canada, 2010 is deleted and replaced herein with the definition of “*owner*” in Article 1.3.1.2 of this Bylaw.

3.1.1.2. Sentence 1.1.1.1(2) (Part 1, Division A, Volume 2) amended

Sentence 1.1.1.1.(2) (Part 1, Division A, Volume 2) of the National Building Code of Canada, 2010 is deleted and the following substituted:

1.1.1.1(2) (Part 1, Division A, Volume 2) Scope

- (a) Except as provided in Sentences (2) and (3), the *Code* applies to both site assembled and factory built *buildings*.
- (b) Mobile homes are exempt from this *Code* provided they meet the requirements of CSA Z240 MH Series and have not been structurally altered. This exemption does not extend to on-site preparations (foundations, *basements*, anchorage), interconnection of modules, connection to services or installation of *appliances* which shall meet the requirements of CSA Z240 MH Series.
- (c) Modular homes are exempt from this *Code* provided they meet the requirements of CSA A277-M-01 and have not been structurally altered. This exemption does not extend to on-site preparations (foundations, *basements*, anchorage), interconnection of modules, connection to services or installation of *appliances* which shall meet the requirements of CSA A277-M-01.

3.1.1.3. Section 3.2. (Part 3, Division B, Volume 2) amended

Section 3.2. (Part 3, Division B, Volume 2) 3.2. of the National Building Code of Canada, 2010 is amended by adding Article 3.2.2.89. “Alternate Compliance Methods For Existing Buildings”.

3.1.1.4. Plumbing Services (Part 7, Division B, Volume 2)

Part 7 Division B (Plumbing Services) of the National Building Code of Canada is deleted.

3.1.1.5. Electrical Facilities Section 9.34. (Part 9, Division B, Volume 2)

Section 9.34. Electrical Facilities (Part 9, Division B, Volume 2) of the National Building Code of Canada is deleted.

3.1.1.6. Electrical Wiring and Equipment Article 3.6.1.2. (Part 3, Division B, Volume 2)

BUILDING CODE BYLAW

Article 3.6.1.2. Electrical Wiring and Equipment (Part 3, Division B, Volume 2) of the National Building Code of Canada is deleted.

3.1.1.7. Alternate Compliance Methods For Existing *Buildings* Application

The Alternate Compliance Methods contained in Schedule “D” of this Bylaw are hereby adopted and may be used in certain existing *buildings* as defined in Sentence 1.2.1.1.(9) of this Bylaw.

3.1.1.8. Section 9.1. General (Part 9, Division B, Volume 2) amended

Section 9.1. (Part 9, Division B, Volume 2) of the National Building Code of Canada, 2010 is amended by adding Sentence 9.1.1.1(2):

(1) The Alternate Compliance Methods for Existing *Buildings* contained in Schedule “D” of this Bylaw are hereby adopted and may be used in accordance with Sentences 1.2.1.1.(8), (9), and (10) of this Bylaw.

3.1.1.9. Article 1.3.1.2. (Part 1, Division B, Volume 2) Applicable Editions amended

Article 1.3.1.2. (Part 1, Division B, Volume 2) of the National Building Code of Canada, 2010 is deleted and replaced with the following:

(1) Except as provide[d] under Sentence (2) where documents are referenced in this Code, they shall be the editions designated in Table 1.3.1.2 (Part 1, Division B, Volume 2) except those documents designated under the following Acts or Regulations of the Province of Prince Edward Island in which case the edition so referenced shall be deemed to be enforced (see Appendix note A-1.3.1.2.)

- a. *Petroleum Products Act & Regulations;*
- b. *Boilers and Pressure Vessels Act of PEI and Regulations;*
- c. *Elevators and Lifts Act of PEI and Regulations ;*
- d. *Electrical Inspection Act of PEI and Regulations.*
- e. *Plumbing Regulations under the Environmental Protection Act*

(2) Where amendments to documents adopted by this Code apply, these amendments shall apply to the particular provisions of those documents adopted by the above Acts and Bylaw unless amended by this regulation.

3.1.1.10. Moisture Content Article 9.3.2.5. (Part 9, Division B, Volume 2) deleted and replaced

Article 9.3.2.5(1) Moisture Content (Part 9, Division B) of the National Building Code of Canada 2010 is deleted and replaced with

9.3.2.5.

only lumber designated as “S-Dry #2 grade or better” may be used in any construction except that lumber with a designation of “S-Green #2 or better” may be used for the construction of detached accessory buildings or structures.

3.1.1.11. Article 3.2.2.50. Group D, up to 6 Stories (Part 3, Division B) deleted and replaced

Article 3.2.2.50. Group D, up to 6 Storey’s (Part 3, Division B) of the National Building Code of Canada 2010 is deleted and replaced with **3.2.2.50.**

BUILDING CODE BYLAW

- (1) A building classified as Group D is permitted to conform to Sentence (2) provided
- (a) it is not more than 3 storey's in building height, and
 - (b) it has a building area not more than the value in Table 3.2.2.55

Table 3.2.2.55
Maximum Building Area, Group D, up to 3 Storey's

No. of Storey's	Maximum Area, m ²		
	Facing 1 Street	Facing 2 Streets	Facing 3 Streets
1	not limited	not limited	not limited
2	7200	not limited	not limited
3	4800	6000	7200

- (2) The building referred to in Sentence (1) shall be of noncombustible construction, and
- (a) floor assemblies shall be fire separations with a fire-resistance rating not less than 1 h,
 - (b) mezzanines shall have a fire-resistance rating not less than 1 h,
 - (c) roof assemblies shall have a fire-resistance rating not less than 1 h, except that in a building not more than 1 storey in building height this requirement is waived, and
 - (d) load bearing walls, columns and arches shall have a fire-resistance rating not less than that required for the supported assembly.

3.1.1.12. Appendix Notes

The Appendix Notes to the National Building Code of Canada 2010 edition apply as appendix notes to the *Code* and where amendments made by this regulation unless specifically replaced or amended herein.

BUILDING CODE BYLAW

Schedule "A"

Letter of Undertaking
Declaration of Commitment by Owner
to the Municipal Authority Having Jurisdiction
Field Review of Construction

Preamble

Whereas the *Building Code Bylaw* applies to the construction or *demolition* of a *building*;

And whereas the City of Charlottetown has by Bylaw adopted the National *Building Code*, with amendments as the Charlottetown *Building Code*, requiring compliance with it as adopted for the construction or *demolition* of *buildings*;

And whereas *architects*, and *professional engineers* are required by their respective statutes, *Bylaw*, and *Bylaws*, to ensure the general public of competent standards and ethical conduct in the design of *buildings*;

And whereas Part 2 of the Charlottetown *Building Code* requires professionals to design *buildings* in conformance with the minimum standards of the Charlottetown *Building Code* with sufficient drawings and documents to show how these standards have been met;

And whereas Part 2 of this Bylaw, requires that these *buildings* shall be inspected at intervals appropriate to the stage of construction to determine substantial compliance with the design drawings accepted by the *authority having jurisdiction* and all revisions thereto;

To: The *authority having jurisdiction* Date: _____

Address (print)

Dear _____

Re: _____

Address of project (print)

Name of Project (print)

Legal Description of Project (print)

I (the *owner*) submit this Letter of Undertaking to the *authority having jurisdiction* along with a completed application for a *building permit*.

The undersigned has appointed an *architect(s)*, *professional engineer(s)*, or *designer(s)*, or prime consultant(s) to undertake, as required in Articles 2.1.1.5. and 2.1.1.6. of this Bylaw, the *Field Review of Construction* and I have attached to this Letter of Undertaking (check appropriate boxes)

BUILDING CODE BYLAW

- Field Review of Construction* Commitment Declarations completed by me or the prime consultant appointed by me to coordinate the *Field Review of Construction*.
- Field Review of Construction* Commitment Declarations (identified below) completed by individual *designers* appointed by me to perform the *Field Review of Construction* for the applicable discipline(s).
- shall forward *Field Review of Construction* Commitment Declarations for those not yet appointed.

(Initial the disciplines that apply to this project. All disciplines will not necessarily be employed on every project)

- | | | |
|--|-------------------------------------|--|
| <input type="checkbox"/> Building Design | <input type="checkbox"/> Structural | <input type="checkbox"/> Plumbing |
| <input type="checkbox"/> Mechanical | <input type="checkbox"/> Electrical | <input type="checkbox"/> Geotechnical |
| <input type="checkbox"/> Fire Suppression System | | <input type="checkbox"/> Civil engineering |

I shall notify the *authority having jurisdiction* if the *architect, or professional engineer* named in the attached "Review of Construction Commitment "Declarations" ceases, for whatever reason, to provide the *Field Review of Construction* for this *building* and shall appoint another *architect* and *professional engineer* immediately so that the *Field Review of Construction* will continue uninterrupted. This notice and the necessary *Field Review of Construction* Commitment Declaration(s) shall be forwarded to the *authority having jurisdiction* as soon as practical, but not later than 3 business days.

Signature of Owner

Date

Print name

Address

Postal Code

Phone

Fax

BUILDING CODE BYLAW

I hereby declare as prime consultant for this project that I will coordinate the *Field Review of Construction* for the following disciplines which I have checked and initialled.

- | | | |
|--|-------------------------------------|---------------------------------------|
| <input type="checkbox"/> Building Design | <input type="checkbox"/> Structural | <input type="checkbox"/> Plumbing |
| <input type="checkbox"/> Mechanical | <input type="checkbox"/> Electrical | <input type="checkbox"/> Geotechnical |
| <input type="checkbox"/> Fire Suppression System | | |

I attach for your review the *Field Review of Construction* Inspection Commitment Declarations for each above marked and initialed discipline completed by an appropriate professional for each discipline, or shall forward the *Field Review of Construction* Declaration for those not yet appointed.

I, and professionals who have completed the various *Field Review of Construction* Inspection Commitment Declarations will perform the *Field Review of Construction*.

I also declare that

- 1) I will coordinate the review of shop drawings;
- 2) I will coordinate the review of changes to the design documents; and
- 3) When satisfied that the *work* substantially complies with the design drawings I will complete or have completed by the appropriate professional the Declaration of *Field Review of Construction* and return it to the *authority having jurisdiction* prior to requesting the *occupancy permit*.

Please be advised that I may delegate some or all of my duties associated with the coordination of the *Field Review of Construction* to another person employed by me or my firm where it is consistent with prudent professional practice to do so. The functions will however be performed under my supervision in accordance with the *Engineering Profession Act*, or the *Architects Act*.

The undersigned shall notify the *authority having jurisdiction*, in writing as soon as practical, but not later than 3 business days, if the contract for *Field Review of Construction* is terminated at any time during construction.

Print Name

Signature

Initials Sample

Print Name of Firm or Company

Print Address

Print Municipality

Postal Code

Telephone

Fax

(Affix below the seal of the licensed *architect* or *professional engineer* as appropriate in accordance with provincial legislation or signed by the prime consultant)

BUILDING CODE BYLAW

I hereby declare for the Building Design Requirements that

- 1) I will review the shop drawings relevant to this Declaration to determine substantial compliance with the design documents, however, the party producing the shop drawings remains responsible for the design expressed therein;
- 2) I will coordinate the review of changes to the design documents relevant to this Declaration to ensure that the changes conform to the *Code*; and
- 3) When satisfied that the *work* substantially complies with the design drawings, I will complete the Declaration of *Field Review of Construction* and return it to the *authority having jurisdiction* prior to requesting the *occupancy permit*.

Please be advised that I may delegate some or all of my duties associated with the coordination of the *Field Review of Construction* to another person employed by me or my firm where it is consistent with prudent professional practice to do so. The functions will however be performed under my supervision in accordance with the *Architects Act* or the *Engineering Profession Act*.

The undersigned shall notify the *authority having jurisdiction*, in writing as soon as practical, but not later than 3 days, if the contract for *Field Review of Construction* is terminated at any time during construction.

Print Name

Signature

Initials Sample

(Affix below the seal of the licensed *architect* or *professional engineer* in accordance with provincial legislation.)

Print Name of Firm or Company

Print Address

Print Municipality

Postal Code

Telephone

Fax

BUILDING CODE BYLAW

- 2) I will coordinate the review of changes to the structural design drawings to determine that the changes conform to the *Code*; and
- 3) When satisfied that the *work* substantially complies with the design drawings, I will complete the Declaration of *Field Review of Construction* and return it to the *authority having jurisdiction* prior to requesting the occupancy *permit*.

Please be advised that I may delegate some or all of my duties associated with the *Field Review of Construction* to another person employed by me or my firm where it is consistent with prudent professional practice to do so. The functions will however be performed under my supervision in accordance with the *Engineering Profession Act*.

The undersigned shall notify the *authority having jurisdiction*, in writing as soon as practical, but not later than 3 business days if the contract for *Field Review of Construction* is terminated at any time during construction.

Print Name

Signature

Initials Sample

(Affix below the seal of the *professional engineer* in accordance with provincial legislation.)

Print Name of Firm or Company

Print Address

Print Municipality

Postal Code

Telephone

Fax

BUILDING CODE BYLAW

I hereby declare for the Mechanical Design Requirements that

- 1) I will review the mechanical shop drawings to determine substantial compliance with the design documents, however, the party producing the shop drawings remains responsible for the design expressed therein;
- 2) I will coordinate the review of changes to the mechanical design documents to ensure that the applicable *professional engineer(s)* determines whether the changes conform to the *Code*; and
- 3) When satisfied that the *work* substantially complies with the design drawings, I will complete the Declaration of *Field Review of Construction* and return it to the *authority having jurisdiction* prior to requesting the *occupancy permit*.

Please be advised that I may delegate some or all of my duties associated with the *Field Review of Construction* to another person employed by me or my firm where it is consistent with prudent professional practice to do so. The functions will however be performed under my supervision in accordance with the *Engineering Profession Act*.

The undersigned shall notify the *authority having jurisdiction*, in writing as soon as practical, but not later than 3 business days, if the contract for *Field Review of Construction* is terminated at any time during construction.

Print Name

Signature

Initials Sample

(Affix below the seal of the
professional engineer in
accordance with provincial
legislation.)

Print Name of Firm or Company

Print Address

Print Municipality

Postal Code

Telephone

Fax

BUILDING CODE BYLAW

- 2) I will coordinate the review of changes to the electrical design documents to ensure that the applicable *professional engineer(s)* determines whether the changes conform to the *Code*; and
- 3) When satisfied that the *work* substantially complies with the design drawings, I will complete the Declaration of *Field Review of Construction* and return it to the *authority having jurisdiction* prior to requesting the *occupancy permit*.

Please be advised that I may delegate some or all of my duties associated with the *Field Review of Construction* to another person employed by me or my firm where it is consistent with prudent professional practice to do so. The functions will however be performed under my supervision in accordance with the *Engineering Profession Act*.

The undersigned shall notify the *authority having jurisdiction*, in writing as soon as practical, but not later than 3 business days, if the contract for *Field Review of Construction* is terminated at any time during construction.

Print Name

Signature

Initials Sample

Print Name of Firm or Company

Print Address

Print Municipality

Postal Code

Telephone

Fax

(Affix below the seal of the *professional engineer* in accordance with provincial legislation)

BUILDING CODE BYLAW
Schedule "A-6"
Field Review of Construction
Inspection Commitment Declaration
Fire Suppression Systems Design Requirements

Preamble

Whereas the *Building Code Bylaw* applies to the construction or *demolition* of a *building*;

And whereas the City of Charlottetown has by Bylaw adopted the National *Building Code*, with amendments as the Charlottetown *Building Code*, requiring compliance with it as adopted for the construction or *demolition* of *buildings*;

And whereas *architects*, and *professional engineers* are required by their respective statutes, *Bylaw*, and *Bylaws*, to ensure the general public of competent standards and ethical conduct in the design of *buildings*;

And whereas Part 2 of the Charlottetown *Building Code* requires professionals to design *buildings* in conformance with the minimum standards of the Charlottetown *Building Code* with sufficient drawings and documents to show how these standards have been met;

And whereas Part 2 of this Bylaw, requires that these *buildings* shall be inspected at intervals appropriate to the stage of construction to determine substantial compliance with the design drawings accepted by the *authority having jurisdiction* and all revisions thereto;

To: The *authority having jurisdiction*

Date: _____

Address (print)

Dear _____

Re: _____

 Address of project (print)

 Name of Project (print)

 Legal Description of Project (print)

This is to advise that I am the *professional engineer* appointed by the *owner* or prime consultant to perform the Field Review of Construction for the FIRE SUPPRESSION SYSTEMS design requirements.

I hereby declare **certify** for the Fire Suppression Systems Design Requirements that

- 1) I will review the fire suppression systems shop drawings *to determine* substantial compliance *with the design documents*, however, the party producing the shop drawings remains responsible for the design expressed therein;

BUILDING CODE BYLAW

- 2) I will coordinate the review of changes to the fire suppression systems design documents to ensure that the applicable *professional engineer(s)* determines whether the changes conform to the *Code*;
- 3) When satisfied that the *work* substantially complies with the design drawings, I will complete the Declaration of *Field Review of Construction* and return it to the *authority having jurisdiction* prior to requesting the *occupancy permit*;
- 4) I will file a copy of this form, a copy of the shop drawings, and specifications for the fire suppression system, and a copy of the appropriate contractor's material and test certificate for the system, as required by Sentence 3.2.5.13.(1) of the *Code*, with the Charlottetown Fire Department. I shall forward proof of receipt for each of the documents filed, issued by the Office of the City Fire Department., to the *authority having jurisdiction* prior to requesting the *occupancy permit*.

Please be advised that I may delegate some or all of my duties associated with the *Field Review of Construction* to another person employed by me or my firm where it is consistent with prudent professional practice to do so. The functions will however be performed under my supervision in accordance with the *Engineering Profession Act*.

The undersigned shall notify the *authority having jurisdiction*, in writing as soon as practical, but not later than 3 business, if the contract for *Field Review of Construction* is terminated at any time during construction.

Print Name

Signature

Initials Sample

(Affix below the seal of the
professional engineer in
accordance with provincial
legislation)

Print Name of Firm or Company

Print Address

Print Municipality

Postal Code

Telephone

Fax

BUILDING CODE BYLAW
Schedule "A-7"
Field Review of Construction
Inspection Commitment Declaration
Geotechnical Design Requirements

Preamble

Whereas the *Building Code Bylaw* applies to the construction or *demolition* of a *building*;

And whereas the City of Charlottetown has by Bylaw adopted the National *Building Code*, with amendments as the Charlottetown *Building Code*, requiring compliance with it as adopted for the construction or *demolition* of *buildings*;

And whereas *architects*, and *professional engineers* are required by their respective statutes, *Bylaw*, and *Bylaws*, to ensure the general public of competent standards and ethical conduct in the design of *buildings*;

And whereas Part 2 of the Charlottetown *Building Code* requires professionals to design *buildings* in conformance with the minimum standards of the Charlottetown *Building Code* with sufficient drawings and documents to show how these standards have been met;

And whereas Part 2 of this Bylaw, requires that these *buildings* shall be inspected at intervals appropriate to the stage of construction to determine substantial compliance with the design drawings accepted by the *authority having jurisdiction* and all revisions thereto;

To: The *authority having jurisdiction* Date: _____

Address (print)

Dear _____

Re: _____

Address of project (print)

Name of Project (print)

Legal Description of Project (print)

This is to advise that I am the *professional engineer* appointed by the *owner* or prime consultant to perform the Field Review of Construction for the GEOTECHNICAL (PERMANENT) DESIGN requirements.

I hereby declare for the Geotechnical (Permanent) Systems Design Requirements that

- 1) I will review the Geotechnical shop drawings to determine substantial compliance with the design documents, however, the party producing the shop drawings remains responsible for the design expressed therein;

BUILDING CODE BYLAW

- 2) I will coordinate the review of changes to the Geotechnical design documents to ensure that the applicable *professional engineer(s)* determines whether the changes conform to the *Code*; and
- 3) When satisfied that the *work* substantially complies with the design drawings, I will complete the Declaration of *Field Review of Construction* and return it to the *authority having jurisdiction* prior to requesting the *occupancy permit*.

Please be advised that I may delegate some or all of my duties associated with the *Field Review of Construction* to another person employed by me or my firm where it is consistent with prudent professional practice to do so. The functions will however be performed under my supervision in accordance with the *Engineering Profession Act*.

The undersigned shall notify the *authority having jurisdiction*, in writing as soon as practical, but not later than 3 business days, if the contract for *Field Review of Construction* is terminated at any time during construction.

Print Name

Signature

Initials Sample

(Affix below the seal of the
professional engineer in
accordance with provincial
legislation)

Print Name of Firm or Company

Print Address

Print Municipality

Postal Code

Telephone

Fax

BUILDING CODE BYLAW

I hereby declare for the Plumbing Design Requirements that

- 1) I will review the plumbing shop drawings to determine substantial compliance with the design documents, however, the party producing the shop drawings remains responsible for the design expressed therein;
- 2) I will coordinate the review of changes to the plumbing design documents to ensure that the applicable *professional engineer(s)* determines whether the changes conform to the Code; and
- 3) When satisfied that the *work* substantially complies with the design drawings, I will complete the Declaration of *Field Review of Construction* and return it to the *authority having jurisdiction* prior to requesting the *occupancy permit*.

Please be advised that I may delegate some or all of my duties associated with the *Field Review of Construction* to another person employed by me or my firm where it is consistent with prudent professional practice to do so. The functions will however be performed under my supervision in accordance with the *Engineering Profession Act*.

The undersigned shall notify the *authority having jurisdiction*, in writing as soon as practical, but not later than 3 business days, if the contract for *Field Review of Construction* is terminated at any time during construction.

Print Name

Signature

Initials Sample

(Affix below the seal of the
professional engineer in
accordance with provincial
legislation)

Print Name of Firm or Company

Print Address

Print Municipality

Postal Code

Telephone

Fax

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Schedule "A-9"

Declaration of *Field Review of Construction*

Note: This letter must be signed by a Licensed *Architect* or *Professional Engineer* as appropriate in accordance with Provincial Legislation and must be submitted after completion of the project but before the *occupancy permit* is issued. A separate letter must be submitted by each *architect*, or *professional engineer* hired by the *owner* or prime consultant.

To: The *authority having jurisdiction* Date: _____

Address (print)

Dear _____

Re: _____

Address of project (print)

Name of Project (print)

Legal Description of Project (print)

I hereby declare that I have fulfilled my obligations for Field Review of Construction as defined in the Letter of Undertaking and the Inspection Commitment Declaration and advise that I have reviewed the work at intervals appropriate, to determine substantial compliance with the design and all revisions thereto as accepted by the *authority having jurisdiction* for the following disciplines which I have checked and initialed.

- | | | |
|--|-------------------------------------|---------------------------------------|
| <input type="checkbox"/> Building Design | <input type="checkbox"/> Structural | <input type="checkbox"/> Plumbing |
| <input type="checkbox"/> Mechanical | <input type="checkbox"/> Electrical | <input type="checkbox"/> Geotechnical |
| <input type="checkbox"/> Fire Suppression System | | |

Print Name

Signature

Initials Sample

(Affix below the seal of the licensed *architect* or *professional engineer* as appropriate in accordance with provincial legislation)

Print Name of Firm or Company

Print Address

Print Municipality

Postal Code

Telephone

Fax

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**Schedule "B"
COMPLIANCE ORDER**

Name and Address of Owner:

Date(s) of Inspection:

CERTIFIED MAIL

Permit No:

File No.:

Structure:

Location of Property:

REQUIRED ACTION

Comply with Building Code or Bylaw

Uncover for the purpose of inspection

Comply with Zoning Bylaw

Obtain permit

Other

Nature of Contravention

Section Reference

You are hereby ordered to take the actions set out above **ON OR BEFORE** _____

If a Compliance Order issued pursuant to section 2.5.1.2. of the Building Code Bylaw is not complied with within the time specified in it, the Inspector may issue a Stop Work Order requiring any or all Work on a Property to cease immediately. The Stop Work Order shall be issued to the Owner pursuant to the Building Code Bylaw and shall be effective from the time it is issued.

Any person who fails to comply with a Compliance Order within the time period set out therein or who continues in contravention of a Stop Work Order is guilty of an offence under the Building Code Bylaw.

Date: _____

Building Inspector: _____

BUILDING CODE BYLAW

**Schedule "C"
STOP WORK ORDER**

Name and Address of Owner:

CERTIFIED MAIL
& POSTED

Permit No:

File No.:

Structure:

Location of Property:

TAKE NOTICE THAT whereas certain works are being carried out at the above project location, you are hereby advised that said works are being carried out in violation of the provisions of the Building Code and/or Zoning and Development Bylaw. It is hereby ordered that construction or demolition immediately cease as specified below:

ALL CONSTRUCTION

PART CONSTRUCTION (as detailed)

ALL DEMOLITION

PART DEMOLITION (as detailed)

DETAILS

NO PERSON shall perform any act in the construction or demolition of the building in respect of which this order is made other than work necessary to carry out a COMPLIANCE ORDER.

Any person who fails to comply with a Compliance Order within the time period set out therein or who continues in contravention of a Stop Work Order is guilty of an offence under the Building Code Bylaw.

Date: _____ Building Inspector: _____

Cc: Contractor

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Schedule "D"

Alternate Compliance Methods for Existing *Buildings*

No.	Code Requirement	Alternate Compliance Method
1	<p>Fire Separations 3.1.3.1. (Part 3, Division B, Volume 2) and Table 3.1.3.1. (Part 3, Division B, Volume 2); 9.10.9. (Part 9, Division B, Volume 2) 2 h <i>fire separation</i> required between some major occupancies.</p>	<p>Except for F1 occupancies, 1 h <i>fire separation</i> is acceptable, if the <i>building</i> is fully <i>sprinklered</i>.</p>
2	<p>Fire Separations 3.1.3. (Part 3, Division B, Volume 2) and Table 3.1.3.1. (Part 3, Division B, Volume 2); 9.10.9. (Part 9, Division B, Volume 2) 1 h <i>fire separation</i> required between some major occupancies.</p>	<p>$\frac{1}{2}$ h <i>fire separation</i> is acceptable if the <i>building</i> is fully <i>sprinklered</i>.</p>
3	<p>Noncombustible Construction 3.1.5. (Part 3, Division B, Volume 2) and 9.10.6.1. (Part 9, Division B, Volume 2) All materials used in <i>noncombustible construction</i> must be <i>noncombustible</i> unless otherwise permitted.</p>	<p>1. Roofs may be of <i>combustible construction</i> provided the <i>building</i> is fully <i>sprinklered</i>. 2. Up to 10% gross floor area to a maximum of 10% of any one floor area may be of <i>combustible construction</i> provided the <i>building</i> is fully <i>sprinklered</i>.</p>
4	<p>Fire-resistance Rating 3.1.7.1.(1) (Part 3, Division B, Volume 2); 9.10.3.1. (Part 9, Division B, Volume 2) Where a material, assembly of materials or structural member is required to have a <i>fire resistance rating</i> it shall be tested in accordance with CAN/ULC-S101.</p>	<p>A fire-resistance rating may also be used based on: 1. HUD No. 8 Guideline on Fire Ratings of Archaic Materials and Assemblies. 2. Fire Endurance of Protected Steel Columns and Beams, DBR Technical Paper No. 194. 3. Fire Endurance of Unit Masonry Walls, DBR Technical Paper No. 207. 4. Fire Endurance of Light-Framed and Miscellaneous Assemblies, DBR Technical Paper No. 222.</p>
5	<p>Rating of Supporting Construction 3.1.7.5. (Part 3, Division B, Volume 2); 9.10.8.3. (Part 9, Division B, Volume 2) Supporting assemblies to have <i>fire resistance rating</i> at least equivalent to that of the supported floor.</p>	<p><i>Heavy timber</i> construction is permitted to have a <i>fire resistance rating</i> less than would be required by the Code provided the <i>building</i>;</p> <p style="margin-left: 40px;">(a) is fully <i>sprinklered</i>, and (b) does not exceed 5 stories in <i>building height</i>.</p>
6	<p>Continuity of Fire Separations 3.1.8.3.(1) (Part 3, Division B, Volume 2) and (2); 9.10.9.2. (Part 9, Division B, Volume 2) <i>Fire separations</i> are required to be continuous above the ceiling space.</p>	<p><i>Fire separations</i> are not required to be continuous above the ceiling space where:</p> <p style="margin-left: 40px;">(a) the ceiling space is <i>non-combustible construction</i>, (b) both <i>fire compartments</i> are <i>sprinklered</i>, or (c) the ceiling has a minimum rating of 30 minutes.</p>
7	<p>Wired Glass 3.1.8.5.(1) (Part 3, Division B, Volume 2) and 3.1.8.14.(2, Part 3, Division B,</p>	<p>For fixed transoms or sidelights, 6 mm wired glass fixed to a wood frame of at least 50 mm thickness with steel stops is</p>

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	Volume 2); 9.10.13.1. (Part 9, Division B, Volume 2) and 9.10.13.5. (Part 9, Division B, Volume 2) 6 mm wired glass in steel frame required in <i>fire separations</i> .	permitted in a required <i>fire separation</i> .
8	Mezzanines 3.2.1.1.(3) to (6) (Part 3, Division B, Volume 2); 9.10.4.1. (Part 9, Division B, Volume 2) <i>Mezzanines</i> enclosing more than 10% above the horizontal plane are considered as [a] <i>storey</i> in <i>building height</i> .	<i>Mezzanines</i> may enclose up to 20% above the horizontal plane and not be considered a <i>storey</i> in <i>building height</i> if the <i>building</i> is fully <i>sprinklered</i> .
9	Building Height 3.2.2.21. to 3.2.2.88 (Part 3, Division B, Volume 2) <i>Noncombustible construction</i> required for <i>buildings</i> over 4 <i>stories</i> in <i>building height</i> .	<i>Buildings</i> may be of <i>combustible construction</i> up to 5 <i>stories</i> provided: (a) the <i>building</i> is fully <i>sprinklered</i> , (b) the <i>building</i> contains Group C, D, E, F2 or F3 occupancies, and (c) floor assemblies not required to exceed 1 h <i>fire separation</i> requirements may be of <i>heavy timber construction</i> .
10	Spatial Separation 3.2.3. (Part 3, Division B, Volume 2); 9.10.14. (Part 9, Division B, Volume 2) The maximum area of <i>unprotected openings</i> .	The area of <i>unprotected opening</i> is not limited provided: (a) the exterior walls have a interior thermo barrier of 12.7 mm, thick gypsum board of lath, and plaster in good condition, (b) the <i>limiting distance</i> is a minimum 1 m, (c) the entire <i>building</i> has a supervised sprinkler system in conformance with Sentence 3.2.4.9.(2),(Part 3, Division B, Volume 2) and (d) the sprinkler system is connected to the fire department in conformance with Sentence 3.2.4.7.(4). (Part 3, Division B, Volume 2)
11	Construction of Exposing Building Face 3.2.3.7. (Part 3, Division B, Volume 2); 9.10.14.5. and 9.10.15.5. (Part 9, Division B, Volume 2) The <i>exposing building face</i> is required to have a <i>fire resistance rating</i> and/or be of <i>noncombustible construction</i> .	<i>Exposing building face</i> is not required to have a <i>fire resistance rating</i> if the <i>building</i> is fully <i>sprinklered</i> . Also, the <i>exposing building face</i> is not required to be of <i>noncombustible construction</i> if it is protected by an exterior sprinkler system conforming to NFPA 13 and has a thermo barrier as specified in No.10(a) of these compliance tables.
12	Roof Covering Rating 3.1.15.2. (Part 3, Division B, Volume 2) Class A, B or C roof covering in conformance with CAN/ULC-S107 required.	For existing roofs not covered by a Class A, B or C roofing a manually operated deluge system in accordance with NFPA 13 is permitted.

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13	<p>Interconnected Floor Space 3.2.8. (Part 3, Division B, Volume 2); 9.10.1.3(6) (Part 9, Division B, Volume 2) Openings that are not protected by shafts or <i>closures</i> shall be protected in conformance with section 3.2. (Part 3, Division B, Volume 2) or Sentence 9.10.1.3(6) (Part 9, Division B, Volume 2)</p>	<p>1. An open stair in <i>buildings</i> of maximum 3 stories in <i>building height</i> need not comply with Subsection 3.2.8. (Part 3, Division B, Volume 2) provided:</p> <ul style="list-style-type: none"> (a) it is not a required exit stair, (b) the <i>building</i> contains a Group C or D occupancy, (c) the <i>building</i> is fully <i>sprinklered</i> with fast response sprinklers, (d) corridors opening into the <i>interconnected floor space</i> are separated from the <i>interconnected floor space</i> by a <i>fire separation</i> with the rating required for the corridor, and (e) <i>smoke detectors</i> are installed in the rooms opening into the <i>interconnected floor space</i>.
14	<p>Separation of Suites 3.3.1.1. (Part 3, Division B, Volume 2); 9.10.9.13. and 9.10.9.14. (Part 9, Division B, Volume 2), <i>Suites</i> are required to be separated from adjoining <i>suites</i> by 3/4 h or 1 h rated <i>fire separations</i>.</p>	<p>Existing 1/2 h <i>fire separations</i> are acceptable in fully <i>sprinklered buildings</i> not exceeding 5 stories in <i>building height</i>.</p>
15	<p>Corridor Fire Separation 3.3.1.4. (Part 3, Division B, Volume 2); 9.10.9.15. (Part 9, Division B, Volume 2) <i>Public corridors</i> are required to be separated from the remainder of the <i>building</i> by a <i>fire separation</i> having a <i>fire resistance rating</i> of at least 3/4 h.</p>	<p>Existing corridors with 1/2 h <i>fire resistance ratings</i>, are acceptable in <i>residential occupancies</i> provided the <i>building</i>:</p> <ul style="list-style-type: none"> (a) does not exceed 5 stories in <i>building height</i>, and (b) is fully <i>sprinklered</i> with fast response sprinklers.
16	<p>Corridor Width 3.3.1.9. and 3.4.3.1. (Part 3, Division B, Volume 2) ; 9.9.3.3. (Part 9, Division B, Volume 2) <i>Public corridors</i> and <i>exit corridors</i> are permitted to have a minimum width of 1100 mm.</p>	<p><i>Public corridors</i> and <i>exit corridors</i> are permitted with a minimum width of 800 mm provided:</p> <ul style="list-style-type: none"> (a) the <i>occupant load</i> of the <i>building</i> is maximum 20 people, and (b) the <i>building</i> does not exceed 3 stories in <i>building height</i>.
17	<p>Door Swing 3.3.1.11. and 3.4.6.12(Part 3, Division B, Volume 2) ; 9.9.6.5. (Part 9, Division B, Volume 2) Doors required to swing in the direction of <i>exit travel</i>.</p>	<p>2nd egress door from a room is not required to swing in the direction of <i>exit travel</i> provided:</p> <ul style="list-style-type: none"> (a) the <i>building</i> is fully <i>sprinklered</i> and the system is supervised in conformance with Sentence 3.2.4.9.(2), (Part 3, Division B, Volume 2) and (b) the <i>occupant load</i> of the <i>building</i> is maximum 100 people.
18	<p>Stairs, Ramps, Handrails and Guards 3.3.1.14., 3.3.1.16., 3.3.1.18., 3.4.6.5 to 3.4.6.9 (Part 3, Division B, Volume</p>	<p>Existing conditions that do not comply fully with the requirements are permitted if they do not create a hazardous condition and are</p>

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	2); 9.8. (Part 9, Division B, Volume 2)	acceptable to the <i>authority having jurisdiction</i> .
19	<p>Transparent Doors and Panels 3.3.1.19. (Part 3, Division B, Volume 2); 9.6.6.2. (Part 9, Division B, Volume 2) Glass in doors and sidelights are [is] required to be protected by <i>guards</i> and to be safety glass.</p>	Existing glass or transparent panels that do not comply fully with the requirements are permitted if sufficiently discernible or <i>guards</i> are provided in hazardous situations.
20	<p>Dead-end Corridors 3.3.1.9.(7) (Part 3, Division B, Volume 2); 9.9.7.3. (Part 9, Division B, Volume 2) Dead-end corridors are permitted to a maximum length of 6 m.</p>	<ol style="list-style-type: none"> 1. Dead-end corridors are permitted to a maximum length of 10 m in Group C occupancies provided: <ol style="list-style-type: none"> (a) the <i>building</i> is fully <i>sprinklered</i> with fast response sprinklers, and (b) <i>smoke detectors</i> are installed in the corridor system. 2. Dead-end corridors are permitted to a maximum of 15 m in length in Group D, E, F2 and F3 occupancies provided: <ol style="list-style-type: none"> (a) the <i>building</i> is fully <i>sprinklered</i> with fast response sprinklers, and (b) <i>smoke detectors</i> are installed in the corridor system.
21	<p>Exits 3.4.2.1. (Part 3, Division B, Volume 2); 9.9.8.2. (Part 9, Division B, Volume 2) <i>Floor areas</i> shall be served by not fewer than 2 <i>exits</i> except as permitted by 3.4.2.1.(2) (Part 3, Division B, Volume 2).</p>	<p><i>Floor areas</i> may be served by a single <i>exit</i> within the limits of 3.4.2.1.(2) (Part 3, Division B, Volume 2) provided:</p> <ol style="list-style-type: none"> (a) the <i>building</i> does not exceed 3 <i>stories</i> in <i>building height</i>, (b) the <i>building</i> is fully <i>sprinklered</i> with fast response sprinklers, and (c) the <i>building</i> contains an approved fire alarm system with <i>smoke detectors</i> located in accordance with Sentence 3.2.4.12 (Part 3, Division B, Volume 2)
22	<p>Reduction of Exit Width 3.4.3.3(2) (Part 3, Division B, Volume 2); 9.9.6.1. (Part 9, Division B, Volume 2) Swinging doors in their swing shall not reduce the effective width of exit stairs and landings to less than 750 mm.</p>	Existing swinging doors in their swing are permitted to reduce the effective width of <i>exit</i> stairs and landings to a minimum of 550 mm provided: <ol style="list-style-type: none"> (a) they serve Group C or D occupancies, (b) the <i>building</i> does not exceed 5 <i>stories</i> in <i>building height</i>, and (c) the <i>building</i> is fully <i>sprinklered</i>.
23	<p>Fire Separation of Exits 3.4.4.1. (Part 3, Division B, Volume 2); 9.9.4. (Part 9, Division B, Volume 2) <i>Exits</i> are required to be separated from the remainder of the <i>floor area</i> by a <i>fire separation</i> having a fire-resistance rating of not less than 3/4 h.</p>	<ol style="list-style-type: none"> 1. Existing <i>fire separations</i> of ½ h, are acceptable provided the <i>building</i> is fully <i>sprinklered</i> with fast response sprinklers and does not exceed 3 <i>stories</i> in <i>building height</i>. 2. <i>Buildings</i> not exceeding 5 <i>stories</i> in <i>building height</i> may have <i>exits</i> that are separated by a 3/4 h <i>fire separation</i> provided the <i>building</i> is fully <i>sprinklered</i>.

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24	<p>Exits Through Lobbies 3.4.4.2. (Part 3, Division B, Volume 2); 9.9.8.5. (Part 9, Division B, Volume 2) Rooms adjacent to the lobby are required to be separated by a <i>fire separation</i>.</p>	<p>Rooms adjacent to the lobby are not required to be separated by a <i>fire separation</i> provided:</p> <ul style="list-style-type: none"> (a) the <i>floor area</i> is <i>sprinklered</i> with fast response sprinklers, and (b) <i>smoke detectors</i> are installed in the adjacent rooms
25	<p>Rooms Opening into an Exit 3.4.4.4.(7) (Part 3, Division B, Volume 2); 9.9.5.9. (Part 9, Division B, Volume 2) <i>Service rooms</i> and ancillary rooms are not permitted to open directly into an exit.</p>	<p><i>Service rooms</i> and ancillary rooms may open directly into an <i>exit</i> provided:</p> <ul style="list-style-type: none"> (a) the <i>building</i> is fully <i>sprinklered</i>, (b) the room is <i>sprinklered</i> with fast response sprinklers, (c) the door assembly has a <i>fire protection rating</i> of at least 20 min., (d) the <i>building</i> does not exceed 3 stories in <i>building height</i>, and (e) weatherstripping is installed on the door to prevent the passage of smoke.
26	<p>Illumination of Exit Signs 3.4.5.1.(3) (Part 3, Division B, Volume 2); 9.9.11.3(3) (Part 9, Division B, Volume 2) Exit signs are required to be illuminated continuously while the <i>building</i> is occupied.</p>	<p>In provincial or municipal designated heritage <i>buildings</i> where exit signage may compromise historic appearances, or authenticity of displays, exit signs may be installed to light only on an emergency condition, such as by the fire alarm system or due to power failure.</p>
27	<p>Clearance from Exit Doors 3.4.6.11 (1) (Part 3, Division B, Volume 2); 9.9.6.6. (Part 9, Division B, Volume 2) Stair risers shall not be closer than 300 mm from an <i>exit door</i>.</p>	<p>Except as permitted in Sentences 3.4.6.11(2) or 9.9.6.6(2), existing <i>exit doors</i> shall not extend beyond the first riser.</p>
28	<p>Fire Escapes 3.4.7. (Part 3, Division B) (Volume 2); 9.9.2.1. (Part 9, Division B, Volume 2) Fire escapes are required to conform to Article 3.4.7. (Part 3, Division B, Volume 2).</p>	<p>Existing fire escapes that do not completely conform to Article 3.4.7.1. are acceptable provided:</p> <ul style="list-style-type: none"> (a) they are acceptable to the <i>authority having jurisdiction</i>, and (b) the <i>building</i> is fully <i>sprinklered</i>.
29	<p>Fire Escape Construction 3.4.7.2. (Part 3, Division B, Volume 2); 9.9.2.1. (Part 9, Division B, Volume 2)</p>	<p>Existing <i>combustible</i> fire escapes are permitted if the <i>building</i> is permitted to be of <i>combustible construction</i> by Part 3, (Part 3, Division B, Volume 2) Part 9 (Part 9, Division B, Volume 2) or by these compliance tables.</p>
30	<p>Protection of Fire Escapes 3.4.7.4. (Part 3, Division B, Volume 2); 9.9.4.4 (Part 9, Division B, Volume 2) Openings in the exterior wall adjacent to the fire escape are required to be protected by <i>closures</i>.</p>	<p>Existing openings in the exterior wall adjacent to the fire escape are not required to be protected by <i>closures</i> provided:</p> <ul style="list-style-type: none"> (a) the <i>building</i> is fully <i>sprinklered</i>, and (b) a sprinkler head is located within 1.5 m of the opening required to be protected by Article 3.4.7.4. (Part 3, Division B, Volume 2)
31	<p>Vertical Service Space 3.6.3.1. (Part 3, Division B, Volume 2) <i>Vertical service spaces</i> are required to</p>	<p>Existing <i>vertical service spaces</i> that do not completely conform to the rated <i>fire separation</i> requirements are acceptable</p>

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	be separated from the adjacent <i>floor area</i> by a rated <i>fire separation</i> .	provided the <i>building</i> is fully <i>sprinklered</i> .
32	Height and Area of Rooms 3.7.1. (Part 3, Division B, Volume 2); 9.5. (Part 9, Division B, Volume 2) The height and area of rooms are required to comply to minimum dimension requirements.	Existing rooms are not required to comply to the minimum dimension requirements of Subsection 3.6.1. (Part 3, Division B, Volume 2) or Section 9.5. (Part 9, Division B, Volume 2).
33	Window Areas 9.7.1.2. (Part 9, Division B, Volume 2) Windows in <i>dwelling units</i> are required to comply to minimum dimensions.	Existing windows are not required to comply with the minimum dimensions of Article 9.7.1.2. (Part 9, Division B, Volume 2).
34	Washrooms Required to be Barrier-Free 3.8.2.3.(1) Code Except as permitted by Sentence (2), a washroom in a storey to which a barrier-free path of travel is required in accordance with Article 3.8.2.1., shall be barrier-free in accordance with the appropriate requirements in Articles 3.8.3.8. to 3.8.3.12. Code.	Except in <i>Assembly occupancies</i> and Group D <i>Business and personal services occupancies</i> intended to offer medical or therapeutic services, a barrier free washroom need not be provided in an existing building with a building area less than 120 m ² .
35	Entrances 3.8.1.2.(1) Code (1) In addition to the barrier-free entrances required by Sentence (2), not less than 50% of the pedestrian entrances of a building referred to in Sentence 3.8.1.1.(1) shall be barrier-free and shall lead from a) the outdoors at sidewalk level, or b) [a] ramp that conforms to Article 3.8.3.4. and leads from a sidewalk.	Where an existing building has: (a) a building area less than 120 m ² , (1292 sq. ft.), and (b) the slope from the entrance level floor at the entrance door to a street or public way is greater than 1 in 10, and (c) no entrance is more than 1 m to the property line, and (d) no alternate access to an entrance from a street or public way is possible; the owner may use a stair with (a) a maximum rise of 150 mm (6"), and (b) a minimum run of 280 mm (11"), and (c) tactile landings, and (d) contrasting colour nosings, and (e) an unobstructed width of 1 m.
36	Mechanical Systems Part 6 of Code	Existing mechanical systems in <i>buildings</i> are not required to fully comply to the requirements of Parts 6 or 7 provided: (a) it is not an <i>unsafe condition</i> , and (b) it is acceptable to the authority having jurisdiction.

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Schedule E

Suites of Residential Occupancies Required to Be Barrier-Free

General

- (1) Where a suite of residential occupancy is required by Article 2.1.1.16. to provide barrier free access it shall be served by
- (a) entrances in accordance with Article 3.8.1.2. NBC 2010,
 - (b) barrier-free path of travel to, into, and throughout each required suite in accordance with Article 3.8.1.3. NBC,
 - (c) an accessible balcony if required in accordance with 3.3.1.7. (1) (c) NBC, and
 - (d) barrier free controls for the operation of *building* services or safety devices, including electrical switches, thermostats and intercom switches, shall be accessible to a person in a wheelchair, operable with one hand, and mounted not more than 1 200 mm above the floor and electrical receptacles shall be located between 400 mm and 550 mm above the finished floor, except as required by clause (3)(f) (bathroom).

Sleeping Area

- (2) Where a suite of residential occupancy is required by Article 2.1.1.16. to provide barrier free access it shall contain at least one sleeping area with
- (a) a minimum floor area 12.25 m²,
 - (b) a least one horizontal room dimension not less than 3.35 m, and
 - (c) at least one closet that provides
 - (i) a minimum clear opening of 900 mm,
 - (ii) clothes hanger rods located at a height of 1 200 mm, and
 - (iii) at least one shelf located at a height of 1 370 mm. 76

Bathroom

- (3) Where a suite of residential occupancy is required by Article 2.1.1.16. to provide barrier free access, a minimum of one accessible bathroom shall be provided with
- (a) in a bathroom that does not have a bathtub a floor space of not less than 3.7 m² with no dimension less than 1 700 mm when the door swings out and 4.0 m² with no dimension less than 1 800 mm when the door swings in,
 - b) a water closet conforming to Article 3.8.3.9. NBC,
 - (c) a lavatory conforming to Article 3.8.3.11. NBC,
 - (d) where a shower is provided, it shall conform to Article 3.8.3.13. NBC,
 - (e) where a tub is provided, it shall conform to Article 3.8.3.17. NBC, and
 - (f) a GFI razor outlet located not more than 1 200 mm above the floor, and

Kitchen

- (4) Where a suite of residential occupancy is required by Article 2.1.1.16. to provide barrier free access the kitchen shall have
- (a) a minimum 1 200 mm clearance between counters and all opposing base cabinets, counter tops, appliances.
 - (b) a minimum of one work surface that is
 - (i) 750 mm wide x 600 mm deep,
 - (ii) 810 mm to 860 mm above the floor,
 - (iii) have a clear floor area 750 mm 1 200 mm which may extend [extend] 480 mm under the work surface,
 - (iv) have a knee space a minimum of 750 mm wide, 480 mm deep, and 680 high, and
 - (v) have a minimum of one electrical receptacle shall be located at the front or side of the work surface.