

Bylaw Name:	Building Code Bylaw (PH-BC.3)
Effective Date:	December 17, 2020

Revision No:	000
Date amended:	December 17, 2020

# 1. Scope

### 1.1. Authority

- **1.1.1.** This bylaw is enacted under the authority of the *Municipal Government Act* R.S.P.E.I 1988, Cap. M-12.1 and Section 26 of the *Building Codes Act*, RSPEI 1988 Chapter B5.1.
- 1.1.2. This bylaw maybe cited as the City of Charlottetown Building Code Bylaw and may be referred to as the Building Code Bylaw.

### 1.2. Repeal

- 1.2.1. This Bylaw shall come into force effective the date of Council and the Minister's approval.
- 1.2.2. The City of Charlottetown Building Code Bylaw (November 01, 2018) is hereby repealed.

# 2. Provincial Act and Regulations and Administration

### 2.1. The PEI Building Code Act and Building Code Regulations

- 2.1.1. The PEI *Building Codes Act & Regulations* were adopted by the Province as of March 31, 2020 and are hereby adopted in the Municipality except as may otherwise or additionally be provided for herein.
- 2.1.2. This Bylaw utilizes the same numbering system and italicizing of definitions as the National Building Code of Canada, 2015.

### 2.2. Administration and Enforcement

2.2.1. The "authority having jurisdiction" shall administer and enforce this Bylaw.

### 3. Definitions

3.1. Definitions contained in the *Zoning & Development Bylaw* and the *PEI Building Codes Act & Regulations* and the *National Building Code of Canada, 2015* also apply in this Bylaw, unless the context clearly otherwise requires.

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

Council means the Mayor and Councilors of the City of Charlottetown.

*Municipality* means the City of Charlottetown established pursuant to the *Municipal Government Act* R.S.P.E.I. 1988, Cap. M-12.1.

# 4. Responsibilities and Obligations

## 4.1. Permit Application(s)

- 4.1.1. To obtain a building permit or demolition permit, an applicant must complete an application form which shall be provided by the Municipality.
- 4.1.2. All applicable drawings, documents and project details will be required at time of submission of application.

### **4.2. Fees**

4.2.1. Permit application fees shall be set out in the Municipality's Fees Bylaw.

## 4.3. Abandoned Application

4.3.1. When the necessary documentation in support of an application for a building or demolition permit has not been provided in conformance with the requirements of this Bylaw within six (6) months after it is filed with the Municipality, the application shall be deemed to have been abandoned.

## 4.4. Plumbing and Electrical

4.4.1. The sole authority having jurisdiction respecting Plumbing and Electrical approvals and permits is the Province of Prince Edward Island. This is not the Municipality's responsibility.

### 4.5. Single Family homes exception

4.5.1. The one (1) year exception under 44. (3) of the Provincial *Building Codes Regulations* does not apply within the Municipality.

### 4.6. Decks

- 4.6.1. Decks attached to *buildings* and /or at a height of 600mm or greater above ground level will require frost protection and a *Building Permit* regardless of size.
- 4.6.2. Decks not attached to *buildings* up to 55m² (592sqft), and at a height less than 600mm to ground level do not require a *Building permit*, however a development permit would be required.

### 4.7. Relocated Buildings

4.7.1. Where the whole or any part of a *building* that is relocated within the area of jurisdiction of the *authority having jurisdiction* this Bylaw applies to the entire *building* and to the parts of the *building* that are being altered or *constructed*.

### 4.8. Demolished Building

4.8.1. 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.

### 4.9. Damaged Building

4.10.1 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*.

### 4.10. Suites of Residential Units Required to be Barrier Free

4.10.1. See Schedule B.

### 4.11. Withhold issuance until satisfied

4.11.1. 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 Planning Act, the Building Codes Act & Regulations and the Municipal Government Act, including the Municipality's Zoning & Development Bylaw, the Fire Prevention Bylaw, any lot grading plan and/or Development Agreement, have been complied with; and, all required permits have been issued by the Development Officer.

# 4.12. Notification for Inspection and Field Review of Construction

- 4.12.1. 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 inspection(s), at the following stage(s) of construction for compliance with the Building Code:
  - i. Footings and Foundation, before commencing backfilling of the laterally supported foundation and before a superstructure is placed on the foundation.
  - ii. Under slab insulation & vapour barrier, and Radon Pipe installation.
  - iii. Framing and Mechanical.
  - iv. Wall and Attic Insulation & vapour barrier before wall framing is covered,
  - v. Final Inspection before Occupancy.

### 4.13. Schedule A documents – See attached documents.

4.13.1. The documents in Schedule A are incorporated herewith and form an integral part of this Bylaw.

- 4.13.2. The applicable documents in Schedule A shall be completed and submitted at intervals appropriate to the stage of construction so as to satisfy the requirements of this Building Code and the Provincial *Building Codes Act and Regulations* which:
  - i. requires professionals to design *buildings* in conformance with the minimum standards of the National Building Code and the National Energy Code with sufficient drawings and documents to show how these standards have been met; and,
  - ii. enables the Municipality to determine whether or not there has been substantial compliance of construction with the design drawings and all revisions thereto accepted by the *authority having jurisdiction*.

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# 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 Province has adopted the National *Building Code* and the National Energy 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 The Provincial Building Code Act and Regulations requires professionals to design *buildings* in conformance with the minimum standards of the National Building Code and National Energy Code with sufficient drawings and documents to show how these standards have been met;

And whereas The Provincial Building Code Regulations, 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;

The authority having jurisdiction:	Date:
City of Charlottetown - Planning & Heritage D	<u>Department</u>
70 Kent Street, Charlottetown, PE, C1A 1M9	
	(Building Official)
Address of project (print)	
Address 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)* as prime consultant(s) to coordinate the *Field Review of Construction* for the below listed disciplines and I have attached to this Letter of Undertaking (check appropriate boxes)

- □ 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.

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# Schedule "A" - Letter of Undertaking

(Initial the disciplines the every project)	nat apply to this projec	t. All discipline	es will no	ot necessarily be employed	l or
Building Design	Structural	Mechani	cal	Electrical	
Geotechnical	Plumbing	Fire Sup	pression	System	
"Review of Construction Co Review of Construction for immediately so that the Fie necessary Field Review of having jurisdiction as soon	this <i>building</i> and shall ap Id Review of Construction Construction Commitme	point another an will continue of Declaration(s	a <i>rchitect a</i> uninterru <sub>l</sub> s) shall be	and <i>professional engineer</i>	
Print Name		Ì. E	icensed A Engineer i	w the seal of the crchitect or professional n accordance with legislation.)	
Signature	Initial	s Sample			
Print Name of Firm or Cor	npany				
Print Address					
Mailing Address					
Telephone	Email				

Declarations will perform the Field Review of Construction.

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# Schedule "A-1" <u>Prime Consultant</u> Inspection Commitment Declaration

### **Preamble**

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

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

And whereas *architect*s, 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 The Provincial Building Code Regulations requires professionals to design *buildings* in conformance with the minimum standards of the National Building Code and National Energy Code with sufficient drawings and documents to show how these standards have been met;

And whereas The Provincial Building Code Regulations, 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;

То:		ng jurisdiction: own - Planning & Herita narlottetown, PE, C1A 1		Date:	
Att:			(Bui	lding Official)	
Re:					
	Address of project	(print)			
	Name of Project ar	nd Description (print)			
		the architect or <i>profess</i> he <i>Field Review</i> of Con		pointed by the <i>owner</i> as prime llowing disciplines.	9
		ne Consultant for this proj g disciplines <b>which I ha</b>		nate the Field Review of	
	Building Design	Structural	Mechanical	Electrical	
	Geotechnical	Plumbing	Fire Suppress	ion System	
above r	narked and initialed		n appropriate profes	mitment Declarations for each ssional for each discipline or shapointed.	all

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### Schedule "A-1"

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.

		(Affix below the seal of the licensed Architect or professional
Print Name		Engineer in accordance with provincial legislation.)
Signature	Initials Sample	
Print Name of Firm or Company	·	
Print Address		
Mailing Address		
 Telephone	Email	

# Schedule "A-2" - Field Review of Construction Inspection Commitment Declaration

### **Preamble**

**Telephone** 

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

And whereas the Province has adopted the National *Building Code* and the National Energy 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 the Provincial Building Code Regulations requires professionals to design *buildings* in conformance with the minimum standards of the National Building Code and National Energy Code with sufficient drawings and documents to show how these standards have been met;

And whereas the Provincial Building Code Regulations, 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 havir					-
		own - Planning & Herit narlottetown, PE, C1A		<u>nent</u>		
Att:				(Building	(Official)	
Re:						
	Address of project (p	rint)				
	Name of Project and	Description (print)				-
Require	consultant to perfor ements for:	nat I am the Architect of m the Field Review of Structural	Constructio	<b>n.</b> I hereby o	declare for the <b>Desig</b>	
	Jeotechnicai	Plumbing	Fire Sup	pression Sys	stem	
the Cod 3) Wh Declara request Constru practice Engine	de; and hen satisfied that the lation of Field Review ling the occupancy possible Please be advised to do so. The functive ring Profession Act.  The undersigned shan 3 business days if	ew of changes to the dework substantially composed Construction and retremit.  hat I may delegate some one employed by me or one will however be per all notify the authority has the contract for Field Research.	olies with the urn it to the a e or all of my my firm wher formed under	design drawing thority having duties assoce it is consisted my supervisition, in writing estruction is te	ngs, I will complete to a jurisdiction prior to iated with the Field I ent with prudent profion in accordance with as soon as practical erminated at any times.	he Review of fessional ith the al, but not
Print N		Signature		professional accordance	the seal of the <i>l engineer</i> in with provincial	
Print N	lame of Firm or Comp	any		legislation.)		
Mailing	g Address					
	,					

**Email** 

# Schedule "A-3" 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	<b>.</b>		
		wn - Planning & Heritage De arlottetown, PE, C1A 1M9	<u>epartment</u>	
Att:			(Building Offi	icial)
Re:				
	Address of project (pr	int)		
	Name of Project and I	Description (print)		
at inter	of Undertaking and the vals appropriate, to de	I have fulfilled my obligations in Inspection Commitment Decetermine substantial compliance of the following jurisdiction for the following in	laration and advise that be with the design and a	I have reviewed the work all revisions thereto as
I	Building Design	Structural	Mechanical	Electrical
(	Geotechnical	Plumbing	Fire Suppression	System
Print N	Name		(Affix below the solicensed Architec Engineer in acco	ct or professional
Signat	ture	Initials Sample	provincial legisla	
Print N	Name of Firm or Comp	pany		
Print A	Address			
Print N	Municipality	Postal Code		
Teleph	none	Fax		

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### Schedule B

### SUITES OF RESIDENTIAL OCCUPANCIES REQUIRED TO BE BARRIER-FREE

1. Buildings from 12 Units up to and including 35 Units (Includes Apartments, Condominiums, hotel, motel and lodging/boarding homes.)

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 *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 and shall conform to the requirements as listed below.

2. Buildings of 36 Residential Units and over (Includes Apartments, Condominiums, hotel, motel and lodging/boarding homes.)

(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 *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 as listed below.

### **REQUIREMENTS**

#### 1. General

- 1.1. Where a suite of residential occupancy is required to provide barrier free access, it shall be served by:
  - a) Entrances in accordance with Article 3.8.2.2. NBC 2015,
  - b) Barrier-free path of travel to, into, and throughout each required suite in accordance with Article 3.8.2.3. 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).

### 2. Sleeping Area

- 2.1. Where a suite of residential occupancy is required to provide barrier free access, it shall contain at least one sleeping area with:
  - a) a minimum floor area 12.25 m<sup>2</sup> (131.85sqft)
  - b) at 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.

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### Schedule B

#### 3. Bathroom

- 3.1. Where a suite of residential occupancy is required to provide barrier free access, a minimum of one accessible bathroom shall be provided with:
  - a) a water closet conforming to Article 3.8.3.13. NBC, and be equipped with Grab Bars, conforming to 3.8.3.11 NBC (e&f);
  - b) a clear space of 900mm wide that is parallel and adjacent to the open side of the water closet conforming to 3.8.3.12 NBC (d);
  - c) a lavatory conforming to Article 3.8.3.15. NBC;
  - d) a shower (If provided instead of tub), it shall conform to Article 3.8.3.16. NBC;
  - e) a tub (If provided instead of shower), 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
  - g) 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 (In a bathroom that does not have a bathtub.).

### 4. Kitchen

- 4.1. Where a suite of residential occupancy is required to provide barrier free access the kitchen shall have:
  - a minimum 1200 mm clearance between counters and all opposing base cabinets, counter tops, appliances;
  - b) a kitchen sink:
    - i. located with the centerline at least 460mm from the side wall:
    - ii. to have a Rim Height located between 810 and 860mm from the floor;
    - iii. to have a knee clearance centered on the sink at least 750mmwide x 200 deep x 680mm high, with an additional toe space at least 750mm wide x230mm deep x 230mm high;
    - iv. to have a clear floor area of at least 750mm x 1200mm, which may extend up to 480mm underneath the sink;
    - v. to have facets that are either handles of the lever type, that are operable with a closed fist or automatically activated;
    - vi. to not have sharp or abrasive surfaces under it; and
    - vii. to have hot water drain pipes offset to the rear and not about the clear space.
  - c) a minimum of one work surface that:
    - i. is 760 mm wide x 600 mm deep and between 810 mm to 860 mm above the floor;
    - ii. has a clear floor area 760 mm 1 200 mm which may extent [extend] 480 mm under the work surface:
    - iii. has a knee space a minimum of 750 mm wide, 480 mm deep, and 680 high; and
    - iv. has a minimum of one electrical receptacle shall be located at the front or side of the work surface.

# APPENDIX A. BYLAW REVISION HISTORY

Amendment No	First Reading	Second Reading	Adoption of Bylaw	References:	Details:
000	12/14/2020	12/17/2020	12/17/2020	Bylaw Amendment # PH-BC.3	Repeal of old Building Code Bylaw PH-BC.2 to and adoption of New Building Code Bylaw PH- BC.3 Bylaw



# CITY OF CHARLOTTETOWN AMENDMENT

# BUILDING CODE BYLAW (PH-BC.3):

To adopt the Bylaw PH-BC.3, A Bylaw to repeal November 01, 2018 and replace with the attached B.	
BE IT RESOLVED THAT THE "BYLAW TO AMEN CODE BYLAW (PH-BC.3)", as attached, be read a first the next Public Meeting of Council.	st time and approved; and that it be read a second time at
Date:	December 14, 2020
2020	Curried 9-0
Moved by Councillor: Mul	Mike Duffy
Seconded by Councillor:	* Alanna Jankov
	Covide
WHEREAS THE "BYLAW TO AMEND THE CITY OF BYLAW (PH-BC.3)", as attached, was read and approve	
BE IT RESOLVED THAT the said Bylaw be read a secondate:	ond time and approved.  Dec 17, 2020
Moved by Councillor:	whe halfy Mike Duffy Carrie W-0
Seconded by Councillor:	um Cahe Julie McCabe
BE IT RESOLVED THAT the said Bylaw be adopted.  Date:	Dec 17, 2020
Moved by Councillor:	he hely Carried 10-0

Mayor/Chairperson (signature sealed)

Seconded by Councillor:

Chief Administrative Officer (signature sealed)

Julie McCabe

### City of Charlottetown A Bylaw to amend the Building Code Bylaw BYLAW # PH-BC-3

**BE IT ENACTED** by the Council of the City of Charlottetown as follows:

### PART I - INTERPRETATION AND APPLICATION

### 1. Title

(1) This Bylaw shall be known and cited as the "City of Charlottetown Building Code Bylaw # PH-BC.3"

### 2. Authority

- (1) Section 180 of the Municipal Government Act, R.S.P.E.I 1988, Cap. M-21, provides that a municipality may pass bylaws and bylaw amendments to provide services for municipal purposes.
- (2) Section 26 of the Building Codes Act, R.S.P.E.I 1988 Chap B5.1, provides that a municipality may impose a standard that varies from a standard set out in this Act or the regulations, not less stringent than the standard set out in the Act or the regulations.

### 3. Purpose

(1) The purpose of this bylaw is to repeal the current Building Code Bylaw (PH-BC.2) and replace it with the proposed Building Code Bylaw (PH-BC.3) in order to align with the National Building Code of Canada, 2015.

### PART II - AMENDMENTS

4. (see attached Building Code Bylaw Draft, PH-BC.3)

### PART III - EFFECTIVE DATE

### 5. Effective Date

(1) The effective date of the Building Code Bylaw amendment is the date of approval and adoption noted below:

# 6. Signatures

Mayor/Chairperson (signature sealed)

Chief Administrative Officer (signature sealed)

10,08

Chief Administrative Officer

TATE, TOT

(signature sealed)

Date: