

1973 Bill 62

---

---

Second Session, 17th Legislature, 21 Elizabeth II

---

---

THE LEGISLATIVE ASSEMBLY OF ALBERTA

**BILL 62**

**The Alberta Uniform Building Standards Act**

---

---

THE MINISTER OF MANPOWER AND LABOUR

---

---

First Reading .....

Second Reading .....

Third Reading .....

# BILL 62

1973

## THE ALBERTA UNIFORM BUILDING STANDARDS ACT

(Assented to \_\_\_\_\_, 1973)

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:

**1.** In this Act,

- (a) "building" includes a structure or any part of a building or structure;
- (b) "clerk" means
  - (i) the city clerk, in the case of a city, or
  - (ii) the secretary, in the case of a town, new town, village, municipal district or county, or
  - (iii) the Deputy Minister of Municipal Affairs, in the case of an improvement district or a special area;
- (c) "constructon" includes alteration or repair;
- (d) "Council" means the Alberta Building Standards Council;
- (e) "demolition" includes removal;
- (f) "Director" means the Director of Building Standards;
- (g) "inspector" means a person appointed as an inspector pursuant to section 2 and includes the Director;
- (h) "local authority" means
  - (i) a city, town, new town, village, municipal district or county, or
  - (ii) the Minister of Municipal Affairs, in the case of an improvement district or a special area;
- (i) "Minister" means the Minister of Manpower and Labour;
- (j) "municipality" means the area of a city, town, new town, village, county, municipal district, improvement district or special area;
- (k) "permit" means a permit issued pursuant to this Act;

## **Explanatory Notes**

General. This Bill provides for uniform building standards throughout Alberta.

### **1. Definitions.**

- (1) "regulation" includes any building code or other code of standards that is declared to be in force pursuant to section 3, subsection (2).

**2.** (1) In accordance with *The Public Service Act* there may be appointed a Director of Building Standards, inspectors and such other employees as required for the purposes of this Act.

(2) Where, pursuant to section 4, a local authority is authorized to enforce this Act, it may appoint inspectors.

**3.** (1) The Lieutenant Governor in Council may make regulations

- (a) prescribing standards respecting any materials, equipment or appliances used or installed in the construction of any building;
- (b) classifying buildings according to their use;
- (c) governing methods used in the construction or demolition of any building or any class of building;
- (d) governing the construction standards that must be met in respect to any building or class of building;
- (e) governing the use of the property upon which a building is located during the period of time that the construction or demolition of the building is taking place;
- (f) generally, providing for any other matter in connection with the use, construction or demolition of buildings.

(2) Notwithstanding subsection (1), the Lieutenant Governor in Council may by regulation, declare

- (a) the *National Building Code of Canada 1970*, or
- (b) any other code of standards respecting any materials, equipment or appliances used or installed in the construction or demolition of any building,

to be in force in whole or in part, with such revisions, variations or modifications as may be specified by the regulations.

(3) The Minister may make regulations

- (a) prohibiting the commencement by any person of the use, construction or demolition of any building unless that person is authorized by a permit to do so;
- (b) providing for the form and content of permits for the use, construction or demolition of a building;
- (c) providing for the issuance of permits;
- (d) providing that the granting of a permit does not entitle the permittee, his successors or assigns or

**2.** This section provides for the appointment of employees and inspectors to carry out the purposes of this Act and the regulations.

**3.** Regulations.

anyone on his or their behalf, to construct any building that fails to comply with the requirements of any building restriction agreement affecting the site described in the permit;

- (e) prescribing the fees to be charged for the issuing of permits;
- (f) exempting
  - (i) any person, class of persons, local authority or class of local authorities, or
  - (ii) any municipality or class of municipality, or
  - (iii) any building, material, equipment, appliances or classes thereof,from the operation of any or all of the provisions of this Act or the regulations;
- (g) prescribing the requirements that must be met by persons appointed as inspectors;
- (h) generally, for carrying out the purpose and intent of this Act.

**4.** (1) The Minister may, by regulation, authorize any local authority or class of local authority to enforce this Act in its respective municipality.

(2) Where a local authority is authorized to enforce the provisions of this Act pursuant to the regulations under subsection (1),

- (a) the local authority may make by-laws with respect to the subject matter of section 3, subsection (3), clauses (a), (b), (c), (d) and (e), and
- (b) upon by-laws being made under clause (a), the regulations of the Minister made under section 3, subsection (3), clauses (a), (b), (c), (d) and (e) do not apply in that municipality.

**5.** (1) There shall be a council, called the "Alberta Building Standards Council", the members of which shall be appointed by the Lieutenant Governor in Council for a term not exceeding three years and who shall be eligible for reappointment.

(2) The Lieutenant Governor in Council may prescribe the remuneration to be paid to those members of the Council who are not employees of the Government and may designate from among the members of the Council a chairman and vice-chairmen.

**6.** The Council shall

- (a) advise the Minister on matters concerning this Act and the regulations and any other matter concerning the use, construction or demolition of buildings;

**4. Municipal by-laws.**

**5. Establishment of the Alberta Building Standards Council.**

**6. Functions of the Council.**

- (b) provide a liaison between the Minister and the Associate Committee on the National Building Code of the National Research Council, or any other persons or bodies interested in construction standards;
- (c) perform any duties and functions assigned to it by the Minister.

**7.** (1) For the purpose of ensuring compliance with the provisions of this Act or the regulations or the conditions of a permit, an inspector may

- (a) enter into or upon any property, construction site or building at any reasonable hour,
- (b) demand the production of any register, certificate, plan or document pertaining in any manner to the use, construction or demolition of a building and may examine and make copies thereof, and
- (c) inspect and take samples of any material, equipment or appliances being used in the construction or demolition of a building.

(2) Where a person refuses to allow an inspector to exercise any powers under subsection (1) or interferes or attempts to interfere with an inspector in the exercise of a power under subsection (1), the Minister or the local authority, as the case may be, may apply to the district court by way of originating notice of motion for an order restraining any person from preventing or interfering in any manner with an inspector in the exercise of his powers under subsection (1).

(3) A copy of the originating notice of motion and a copy of each affidavit in support shall be served not less than three days before the day named in the notice for hearing of the application.

**8.** Where an inspector finds that the use, construction or demolition of a building is not in accordance with the requirements or provisions of this Act, the regulations or a permit, the inspector shall by notice in writing order the owner of the building or the person responsible for the use, construction or demolition of the building to

- (a) stop the use, construction or demolition of the building in whole or in part as directed by the notice;
- (b) take measures so that the use, construction or demolition of the building is in accordance with the requirements or provisions of this Act, the regulations or a permit;
- (c) take such measures, as are specified in the notice, to ensure that the use, construction or demolition of the building is in accordance with this Act, the regulations or a permit;

within the time specified by the notice.



**7. Powers of inspector.**

**8. Compliance with directions of inspector.**

**9.** (1) Where an owner of a building or the person responsible for the use, construction or demolition of a building is of the opinion that an order of an inspector made under section 8 is not proper, that person may appeal to the Council.

(2) An appeal made under subsection (1) must be commenced by serving notice of the appeal upon the Director within 15 days from the date that the owner of the building or the person responsible of the use, construction or demolition of the building is given the order of the inspector.

(3) Upon considering the matter being appealed the council may by order confirm, revoke or vary the order of the inspector.

(4) An appeal lies to the Supreme Court of Alberta from the order of the Council upon a question of law or a question of jurisdiction and upon hearing the matter the Court may confirm, revoke or vary the order of the Council.

(5) An appeal under subsection (4) shall be commenced by originating notice of motion within 30 days from the date that the order of the Council is served upon the party appealing.

(6) An appeal made pursuant to subsection (1) does not operate as a stay of the order of an inspector except so far as the chairman or a vice-chairman of the Council so directs.

(7) An appeal made pursuant to subsection (4) does not operate as a stay of the order of the Council except so far as a judge of the Supreme Court so directs.

**10.** (1) Where the Council is considering appeals under section 9

- (a) it may, at the direction of the chairman, sit in one or more divisions and the divisions may sit simultaneously or at different times;
- (b) three members constitute a quorum of the Council or of a division of the Council;
- (c) the chairman shall designate a member to preside at any sitting of the Council, or a division thereof, at which the chairman is not present;
- (d) an order of a division is an order of the Council and binds all members of the Council.

(2) The Council may establish rules of procedure respecting the hearing of appeals before it or before a division.

**11.** Where a person does not comply with an order directed to him under section 8 or section 9 within the time specified in the order,

**9.** Appeals from the order of an inspector.

**10.** Council procedures and quorums on appeals.

**11.** Execution of an order of the inspector, of the Council or of the Court.

(a) the Minister or a person appointed by him, or  
(b) the local authority or a person appointed by it,  
as the case may be, may enter upon the land and building  
and execute the order and recover the expenses of executing  
the order by an action.

**12.** (1) Any person who

- (a) interferes in any manner with an inspector in the exercise of his duties or powers under this Act or the regulations, or
- (b) does not comply with an order made under section 8 or section 9, or
- (c) refuses to allow or interferes with the execution of an order under section 11, or
- (d) contravenes the provisions of this Act or the regulations or the conditions of a permit, or
- (e) uses, constructs or demolishes a building, except in accordance with this Act, the regulations or a permit issued for that building,

is guilty of an offence and liable on summary conviction to a fine of not more than \$1,000 and in default to imprisonment for a term not exceeding 90 days, or to both fine and imprisonment.

(2) Where, pursuant to section 4, a local authority has been authorized to enforce this Act any fines resulting from an offence under this Act which took place within the boundaries of the municipality shall accrue to that local authority.

**13.** A certificate

- (a) purporting to be signed by
  - (i) the Director, in the case of an inspector appointed under section 2, subsection (1), or
  - (ii) the clerk, in the case of an inspector appointed under section 2, subsection (2), and
- (b) stating that the person named therein is an inspector under this Act,

shall be admitted in evidence as prima facie proof of the appointment of the person named therein as an inspector without proof of the signature or official character of the person appearing to have signed the certificate.

**14.** (1) Where a building is being constructed or demolished at the time this Act comes into force and a building permit in respect to that building has been issued by a local authority pursuant to a by-law made under *The Municipal Government Act*, that building permit shall be deemed to be a permit issued under this Act.

**12.** This section provides for offences and penalties.

**13.** Proof of appointment of an inspector.

**14.** Building permits previously issued and appointments of building inspectors previously made under The Municipal Government Act shall be valid under this Act.

(2) Where, at the time this Act comes into force, a local authority

(a) has appointed inspectors under *The Municipal Government Act* for the purpose of enforcing building standards established by by-law under that Act, and

(b) has been authorized to enforce this Act  
those inspectors shall be deemed to have been appointed under section 2, subsection (2) of this Act.

**15.** *The Municipal Government Act* is amended

(a) *by striking out section 223 and by substituting therefor the following:*

**223.** The Council may pass by-laws not inconsistent with any Act of the Parliament of Canada or the Legislature, or any regulations thereunder, to prescribe, regulate and enforce standards respecting gas piping, steam fittings, electric wiring and plumbing.

(b) *by striking out section 238 and by substituting therefor the following:*

**238.** The council may pass by-laws to carry out the provisions of *The Planning Act*.

(c) *by striking out section 240.*

**16.** This Act comes into force on a date or dates to be fixed by Proclamation.

**15. Transitional amendments. Sections 223, 238 and 240 of The Municipal Government Act presently read:**

223. The council may pass by-laws not inconsistent with any Act of Parliament, or the Legislature, or the regulations thereunder, to prescribe, regulate and enforce standards respecting any materials, equipment or appliances installed or used in the construction of buildings or structures and without restricting the generality of the foregoing may set standards for gas piping, steam fittings, electric wiring and plumbing.

238. (1) The council may pass by-laws to carry out the provisions of The Planning Act and to regulate in every way the construction of buildings and may provide for the classification, alteration, repair, demolition or removal of buildings within the municipality or any part thereof as the council considers necessary.

(2) In any by-law relating to the construction, erection, sanitation or use of buildings or other similar by-law, the council may

- (a) provide for the creation of an appeal board to deal with and adjudicate upon any question that may arise under the provisions of the by-law,
- (b) prescribe the duties and powers of the board, and
- (c) fix their remuneration and tenure of office.

240. (1) The council may pass by-laws

- (a) providing for the issuance of building permits for all or any part of a building, erection or structure to be erected, altered or repaired,
- (b) prohibiting the commencement of the erection, alteration, repair, demolition or removal of any building, erection or structure except in conformance with the regulations pertaining thereto and unless authorized by permit, and
- (c) providing that the granting of a building permit shall not entitle the grantee, his successors or assigns or anyone in his or their behalf, to erect any building, erection or structure that fails to comply with the requirements of any building restriction agreement affecting the site described in such permit.

(2) Neither the municipality nor any of its officials or employees shall be held liable for damages or otherwise by reason of the fact that a building, erection or structure, the erection of which has been authorized by permit, does not comply with the requirements of any such building restriction agreement.

(3) The council may pass by-laws adopting and constituting as building regulations the National Building Code of Canada or any part or parts thereof.