

1977 BILL 28

Third Session, 18th Legislature, 26 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 28

THE ALBERTA UNIFORM BUILDING STANDARDS
AMENDMENT ACT, 1977

MR. ZANDER

First Reading

Second Reading

Third Reading

Bill 28
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THE ALBERTA UNIFORM BUILDING STANDARDS AMENDMENT ACT, 1977

(Assented to , 1977)

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

- 1. The Alberta Uniform Building Standards Act is hereby amended.*
- 2. Section 1, clause (k) is amended by adding after the words "this Act" the words "or pursuant to a by-law made under this Act".*
- 3. Section 3, subsection (1) is amended by adding after clause (a) the following:*
 - (a.1) prescribing any materials, equipment, protection devices or appliances that must be used or installed in a building or a class of building;
 - (a.2) governing the use or installation of any materials, equipment, protection devices or appliances in a building or a class of building;
 - (a.3) prohibiting the use or installation of any materials, equipment, protection devices or appliances in a building or a class of building;
- 4. Section 3.1 is amended by adding after clause (a) the following:*
 - (a.1) prescribing any materials, equipment, protection devices or appliances that must be used or installed in a building or a class of building;

Explanatory Notes

1. This Bill will amend chapter 85 of the Statutes of Alberta, 1973.

2. Section 1, clause (k) presently reads:

(k) "permit" means a permit issued pursuant to this Act;

3. The new clauses (a.1), (a.2) and (a.3) of section 3, subsection (1) permit the making of regulations by the Lieutenant Governor in Council in respect of the subject matter contained in the new clauses.

4. Prohibits a municipality from passing a by-law or adopting a code respecting the subject matter contained in the new clauses (a.1), (a.2) and (a.3). The opening and closing words of section 3.1 presently read:

3.1 Any by-law or code

(a) ...

- (a.2) governing the use or installation of any materials, equipment, protection devices or appliances in a building or a class of building;
- (a.3) prohibiting the use or installation of any materials, equipment, protection devices or appliances in a building or a class of building;

5. *Section 8 is struck out and the following is substituted therefor:*

8. Where an inspector finds that the use, occupancy, relocation, construction or demolition of a building is not in accordance with the requirements or provisions of this Act, the regulations, a by-law made under section 4 or a permit, the inspector, for the purpose of ensuring that those requirements or provisions will be complied with, may by notice in writing order the owner of the building or the person responsible for the use, occupancy, relocation, construction or demolition of the building, within the time prescribed in the notice, to do one or more of the following:

- (a) comply with specific conditions prescribed in the notice;
- (b) comply with general conditions prescribed in the notice;
- (c) take the measures prescribed in the notice;
- (d) follow the methods of construction, demolition or relocation prescribed in the notice;
- (e) use or stop using, as the case may be, the materials, equipment, protection devices or appliances described in the notice;
- (f) stop the use, occupancy, relocation, construction or demolition of a building in whole or in part as directed by the notice.

6. *Section 12, subsection (1) is amended by striking out clauses (d) and (e) and by substituting therefor the following:*

- (d) contravenes any provision of this Act, the regulations or a by-law made under section 4 or any condition of a permit, or

(b) ...

and made or adopted under The Municipal Government Act or The County Act is inoperative.

5. Section 8 presently reads:

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.

6. Section 12, subsection (1) presently reads:

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*

- (e) uses, occupies, relocates, constructs or demolishes a building except in accordance with this Act, the regulations, a by-law made under section 4 or a permit,

7. *The following sections are added after section 12:*

12.1. (1) Where a person

- (a) fails to comply with an order directed to him under section 8 or 9, within the time specified in the order, or
- (b) refuses to allow
 - (i) the Minister or anyone appointed by him, or
 - (ii) a local authority or anyone appointed by it,

to carry out, under section 11, an order made under section 8 or 9 or interferes with or attempts to interfere with the carrying out of that order under section 11,

the Minister or the local authority, as the case may be, may, whether or not that person has been prosecuted under section 12, apply to the Supreme Court by way of originating notice for an order requiring that person

- (c) to comply with the order made under section 8 or 9, or
- (d) restraining that person from interfering in any manner with the carrying out under section 11 of an order made under section 8 or 9.

(2) A copy of the originating notice and each affidavit in support shall be served not less than three days before the day named in the notice for the hearing or such shorter time as the Court may direct.

12.2. Where an application is made under section 7, subsection (2), section 9 or section 12.1, the Court may make such direction as to costs as it considers proper.

(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.

7. Order of the Court requiring compliance with the order of an inspector.

8. (1) *The words “their use” are struck out wherever they appear in the following provisions and the words “their use or occupancy” are substituted therefor:*

Section 3, subsection (1), clause (b);

Section 3.1, clause (b).

(2) *The word “use,” is struck out wherever it appears in the following provisions and the words “use, occupancy, relocation,” are substituted therefor:*

Section 3, subsection (1), clause (f) and subsection (3), clauses (a) and (b);

Section 6, clause (a);

Section 7, clause (b);

Section 9, subsections (1) and (2).

(3) *The words “originating notice of motion” are struck out wherever they appear in the following provisions and the words “originating notice” are substituted therefor:*

Section 7, subsections (2) and (3);

Section 9, subsection (5).

9. *This Act comes into force on the day upon which it is assented to.*

8. The amendments contained in subsections (1) and (2) will allow the occupancy of buildings to be determined pursuant to The Alberta Uniform Building Standards Act. The amendment contained in subsection (3) substitutes the words “originating notice” for the present words “originating notice of motion”.