



BYLAW NO 2/2026

A BYLAW RESPECTING BUILDINGS

The Council of the TOWN OF PENSE in the Province of Saskatchewan enacts as follows:

SHORT TITLE

- 1 (1) This bylaw may be cited as the Building Bylaw.

PURPOSE OF THE BUILDING BYLAW

- 2 (1) The purpose of this bylaw is to provide for the administration and enforcement of the Act, the regulations, the National Building Code of Canada, the National Energy Code of Canada for Buildings, ministerial interpretations and Saskatchewan Construction Standards Appeal Board orders and building official orders within the local authority.

INTERPRETATION/LEGISLATION

- 3 (1) Notwithstanding the definitions prescribed in this section for the purpose of administration and enforcement of this building bylaws, definitions contained in *The Construction Codes Act*, *The Building Code Regulations* and *The Energy Code Regulations* shall apply in this building bylaw.
- (2) “**Act**” means *The Construction Codes Act*.
- (3) “**building official**” means a person who holds a building official licence and appointed by the local authority to provide building official services.
- (4) “**building official services**” means plan review services, inspection services and enforcement services carried out by an appointed building official.
- (5) “**certificate of occupancy**” means a written document issued by the local authority giving the owner of the building permission to occupy the building for its intended use.
- (6) “**competent person**” means a person who is recognized by the local authority as having:
- (a) a degree, certificate or professional designation; or
 - (b) the knowledge, experience and training; necessary to design or review the design of a proposed work.
- (7) “**farm building**” means, subject to the regulations, a building that:
- (a) does not contain a residential occupancy;
 - (b) is located on land used for an agricultural operation as defined in *The Agricultural Operations Act*; and
 - (c) is used for the following purposes:

- (i) the of housing livestock;
 - (ii) the production, storage or processing of primary agricultural and horticultural crops or feeds;
 - (iii) the housing and storage or maintenance of equipment or machinery associated with an agricultural operation; or
 - (iv) any other prescribed purpose.
- (8) **“inspection”** means the inspection of the following by the appointed building official to ascertain whether this building bylaw and the construction mandates have been or are being complied with:
 - (a) ongoing or incomplete building construction, materials of construction or building systems; and
 - (b) completed or existing building construction, materials of construction or building systems.
- (9) **“local authority”** means the Town of Pense and its elected council to which this Building Bylaw applies.
- (10) **“NBC”** means the edition and provisions of *the National Building Code of Canada*, including revisions, errata and amendments to it, declared to be in force pursuant to the Act and the regulations.
- (11) **“NECB”** means the edition and provisions of *the National Energy Code of Canada for Buildings*, including revisions, errata and amendments to it, declared to be in force pursuant to the Act and *The Energy Code Regulations*.
- (12) **“owner”** means:
 - (a) any person who has any right, title, estate or interest in land, improvements or premises other than that of a mere occupant, tenant or mortgagee;
 - (b) any person, firm or corporation that controls the property under consideration; or
 - (c) if the building is owned separately from the land on which the building is located, the owner of the building.
- (13) **“owner’s representative”** means any person, corporation, employee or contractor who has authority to act on behalf of an owner.
- (14) **“permit”** means written authorization issued by the local authority or its building official.
- (15) **“permit fees”** means as defined in this building bylaw.
- (16) **“plan review”** means the examination of building drawings and related documents by a building official to ascertain whether those drawings and documents meet the requirements of this building bylaw and the construction mandates.
- (17) **“regulations”** means *The Building Code Regulations* and *The Energy Code Regulations*.
- (18) **“SAMA fee”** means a fee charged to the local authority by the Saskatchewan Assessment Management Agency with respect to the work.

- (19) **“storey”** means that portion of a building that is situated between the top of any floor and the top of the floor next above it, and if there is no floor above it, that portion between the top of such floor and the ceiling above it.
- (20) **“value of construction”** means the total costs to the owner for the work in its completed form and includes the cost of all building work, materials of construction, building systems, labour and overhead, and profit of the contractor and subcontractors. For greater clarity, this includes typical costs for design, but excludes design revision costs.
- (21) **“work”** means any design, construction, addition, erection, placement, alteration, repair, renovation, demolition, relocation, removal, use, change of use, occupancy or change of occupancy of a building. For greater clarity, this includes reconstruction of a building.

SCOPE OF THE BYLAW

- 4 (1) This building bylaw applies to all work undertaken or to be undertaken within the geographical jurisdiction of the local authority.

GENERAL DUTIES OF THE OWNER

- 5 (1) It is the duty of the owner or the owner’s representative of a building in the geographical jurisdiction of the local authority to ensure that the building and work is in accordance with this building bylaw and the construction mandates with which the building is associated.
- (2) It shall be the responsibility of the owner or the owner’s representative to arrange for all permits, inspections and certificates required by any other applicable bylaws, Acts and regulations, and ensuring all copies of any inspection or review reports conducted by others are made available to the building official and local authority.
- (3) A building or part of a building for which a permit has been granted shall not be occupied before the issuance of a certificate of occupancy by the building official.
- (4) No person or company to whom a permit is issued pursuant to the Act shall fail to comply with the terms and conditions of the plan review or permit.
- (5) Work must not commence before a permit is issued.
- (6) It is the responsibility of the owner or the owner’s representative to ensure that all notifications required by section 7 of the Act and this building bylaw are given to the local authority and that all inspections required by the building official are scheduled and completed by the building official. Failure to do so may result in additional fees for follow up inspections and destructive testing efforts requested by the building official at the cost of the owner or the owner’s representative.
- (7) The owner or the owner's representative shall not enclose work that requires inspection by a building official before the inspection is complete.

- (8) The owner or the owner's representative shall be responsible for all cost associated with showing compliance with this building bylaw and the standards of construction, including but not limited to:
 - (a) additional inspection fees; and
 - (b) cost of testing.
- (9) The owner or the owner's representative shall obtain prior written approval from the local authority before closing or blocking any road, street, lane, or sidewalk.
- (10) The owner or the owner's representative shall supply and maintain, at their own cost, all warning signs, barricades, fences or other services that may be required to warn the public and protect the public from the work.
- (11) The owner or the owner's representative shall fill and level any excavation on the property with clean non-expansive fill, to an elevation compatible with abutting properties.
- (12) The owner or the owner's representative shall ensure that the property is left in a safe and clean condition, including removing all rubbish and building materials to an approved location. For greater clarity, this includes not burying on the site any waste material, including concrete from demolition of a basement or foundation, or below ground level substructures or framework.
- (13) If intending to construct a farm building, the owner or the owner's representative shall provide to the satisfaction of the local authority on the form provided by the local authority that the building satisfies the definition of farm building in this building bylaw. For greater clarity, as per the section 2 of the Act, farm buildings do not contain a residential occupancy.

GENERAL CONDITIONS

- 6 (1) The provisions of this building bylaw apply to buildings greater than 10 m² (107.6 ft²) in building area except as otherwise exempted by the Act or the regulations or this building bylaw.
- (2) Subject to 6(3) and (4) of the Act, this building bylaw declares that farm buildings shall comply with Part 4, 5, 6 and 8 of the NBC and the NECB, and farm buildings:
 - (a) larger than 600 m² (6458 ft²) or more than 3 storeys in building height shall comply with Part 3 of Division B of the NBC; and
 - (b) 600 m² (6458 ft²) and less shall comply with Part 9 of Division B of the NBC.
- (3) An accessory building not greater than 10 m² (107.6 ft²) is exempt from this building bylaw provided it does not create a hazard and provided it does not have sleeping accommodations.
- (4) The provisions of this building bylaw apply to retaining walls on lands not used for agricultural purposes where the wall is attached to a structure or is free-standing and greater than 600 mm (2 ft) in differential grade height. A building permit is required for these retaining walls, which must be designed in accordance with Part 4 of the NBC. All drawings and specifications shall be prepared or reviewed, sealed, dated, and signed by an architect or engineer.

- (5) Decks under 600 mm (2 ft) in differential grade height on lands for residential use are deemed as patios exempt from this building bylaw.
- (6) Permits may be subject to any geotechnical requirements stated by the local authority or the building official.
- (7) The issuance of a permit shall not:
 - (a) entitle the grantee, his successor or assigns, or anyone on his behalf to erect any building that fails to comply with the requirements of any Acts, regulations or bylaws affecting the site described in the permit; or
 - (b) contravene immunity of the local authority or the building official as per section 41 of the Act.
- (8) Approval in writing from the local authority or the building official is required for any proposed deviation, omission or revision from the reviewed and accepted with conditions plans and permitted by the local authority, prior to undertaking the deviation, omission or revision.

PERMIT – APPLICATION AND ISSUANCE

- 7 (1) Every application for a permit shall be on the form provided by the local authority or the building official, and shall be accompanied by a minimum of one set of plans and specifications of the proposed building and work in electronic format (PDF).
- (2) Whenever the proposed work requires the technical expertise of an architect or engineer, the local authority or building official may require that all drawings and specifications, or any part thereof, be prepared or reviewed, sealed, dated and signed by an architect or engineer.
- (3) Where a building is to be demolished or removed, the local authority shall not issue a permit until the local authority is satisfied that there are no debts or taxes in arrears or taxes outstanding with respect to the building or land on which the building is situated.
- (4) Every application for a permit shall be reviewed and approved by the building official including plan review and approval.
- (5) The local authority or the building official may issue a permit on the form provided by the local authority, if:
 - (a) all permit fees and deposits have been collected including any applicable taxes, and
 - (b) the work described in the application for a permit, to the best of the knowledge of the local authority or the building official, complies with the requirements of this building bylaw and the construction mandates. In addition, one set of the approved plans and specifications will be returned to the owner or the owner's representative with the permit, listing all the required notifications for inspections by the building official.
- (6) A permit issued pursuant to this building bylaw shall include items as per section 9(1) of the regulations.

PERMIT FEE

- 8 (1) The permit fee shall be calculated by the local authority, and may include the following:
 - (a) an administration fee of \$50.00 for the processing, handling and issuance of a permit;
 - (b) the building official services fee, which may include plan review, inspection and enforcement, in accordance with the agreement between the provider of building official services and the local authority;
 - (c) the SAMA fee; and
 - (d) a deposit, if required, in an amount determined by the local authority.
- (2) In addition to the permit fee, additional fees may be calculated by the local authority, and may include the following:
 - (a) any additional work or service performed by the local authority or the building official in administering and enforcing the construction mandates, including additional inspections and execution of orders; and
 - (b) any work governed by the construction mandates that began before a permit was issued, where the additional fee is equivalent to but in addition to the permit fee.
- (3) If a deposit is collected it shall, on request by the owner or owner's representative, be refundable if the work is deemed by the building official as satisfactory complete or on approval of use or occupancy of the building by the local authority or the building official.
- (4) The local authority or the building official may establish the value of construction for the work described in an application for a permit, for the purpose of calculating the permit fee or additional fees, based on established current construction costs, the owner's or the owner's representative statement of costs or constructor's contract values, or similar methods selected by the building official.
- (5) The owner or the owner's representative will be invoiced by the local authority for additional fees and payment of the additional fees will be due on receipt of an invoice. Fees not paid within 30 days of the date the local authority notifies the owner or owner's representative of the amount due, will be considered a debt due to the local authority and may be recovered from the owner of the land or premises in or on which the work was carried out as per the Act, including the local authority adding the amount due to the owner's property taxes.
- (6) The local authority may, at its discretion, rebate a portion of a permit fee, deposit or additional fees where work is reduced in scope or discontinued, or where other exceptional circumstances occur.
- (7) The fee for a permit to demolish or remove a building shall be \$50.00. In addition, the applicant must deposit a fee of \$1,000.00 with the local authority to ensure that the site has been restored or made safe to the satisfaction of the local authority or its authorized representative. If the applicant restores the site to a condition acceptable to the local authority or its authorized representative, the deposited amount, or any unused portion of it, will be refunded.

PERMITS – REFUSAL TO ISSUE

- 9 (1) The local authority may refuse to issue a permit if:
- (a) the proposed work described on the application for a permit would contravene this building bylaw or the construction mandates.
 - (b) the person who designed or reviewed the design of a proposed work that is within the scope of Part 9 of the NBC is not a competent person;
 - (c) the person who designed or completed a design review of a proposed work that is within the scope of Part 3, 4, 5, 6 or 7 of the NBC is not an architect or engineer;
 - (d) the person who designed or completed a design review of a proposed building that is within the scope of the NECB is not an architect or engineer;
 - (e) the application for a permit is incomplete;
 - (f) any fees, deposits or bonds required pursuant to the local authority's building bylaw for the issuance of a permit have not been paid; or
 - (g) the proposed work described on the application for a permit would contravene any other Act, regulations or bylaw that applies to the proposed work.
- (2) Where the local authority refuses to issue a permit pursuant to subsection (1), the local authority shall:
- (a) provide written notice to the applicant as to the reasons for the local authority's refusal to issue a permit; and
 - (b) refund any fee or deposit paid as part of the application for a permit, less any administration and service fees.

PERMITS – REVOCATION

- 10 (1) The local authority may revoke a permit issued pursuant to the Act:
- (a) if the holder of the permit requests in writing that it be revoked or cancelled;
 - (b) if the permit was issued on mistaken, false or incorrect information;
 - (c) if the permit was issued in error;
 - (d) subject to subsection (2), if, after 6 months after the permit's issuance, the work for which the permit was issued has not, in the opinion of the building official, been seriously commenced and no written agreement for the delay has been given by the local authority;
 - (e) subject to subsection (2), if the work for which the permit was issued is, in the opinion of the building official, substantially suspended, discontinued, or not substantially progressed for a period of more than 6 months after the last inspection by the building official and no written agreement for the delay has been given by the local authority; or
 - (f) if there is contravention of any condition under which the permit was issued that is not resolved with typical enforcement actions.
- (2) If the local authority revokes a permit pursuant to subsection (1) it shall provide written notice to the permit holder as to the reasons for the revocation.
- (3) Where the local authority revokes a permit pursuant to subsection (1), the local authority may refund any fee or deposits paid as part of the application for a permit, less any administration and service fees paid.

- (4) Where the local authority revokes a permit pursuant to subsection (1) but the work has commenced, the permit revocation does not relieve the owner or the owner's representative from the obligation to put the building in a safe condition or demolish the building if approved by the local authority.

PERMITS – EXPIRY

- 11 (1) The expiry of a permit does not relieve the owner or the owner's representative from the obligation to complete the work approved in the permit, or to put the building in a safe condition or demolish the building if approved by the local authority.
- (2) All permits issued pursuant to this building bylaw expire on the date stated in the permit, or if no date is stated then the earliest of the following:
 - (a) eighteen months from date of issue;
 - (b) six months from date of issue if work is not commenced within that period;
 - (c) on the date specified by the local authority if work has not seriously commenced and is suspended for a period of six months; or
 - (d) on the date specified by the local authority if work has been suspended with written permission by the local authority or building official and the agreed upon period has been exceeded.
- (3) An owner or the owner's representative that does not complete all the work listed on a permit before the permit expires shall apply to the local authority to do one of the following:
 - (a) revoke the permit;
 - (b) extend the term of the permit, to a maximum of 6 additional months; or
 - (c) vary the conditions of the permit.
- (4) The local authority may revoke, extend or vary the conditions of a permit on written application of the permit holder and subject to any condition or fees listed in the bylaw.
- (5) If applying to extend the term of the permit, the owner or owner's representative must provide a revised construction schedule that will have all work approved in the permit completed within the new approved expiration date.
- (6) All permits issued for demolition or removal expire 6 months from the date of issue.

ENFORCEMENT

- 12 (1) The local authority or the building official may take any measures as permitted by section 24, 25 or 26 of the Act and sections 13 and 14 of *The Building Code Regulations* for the purpose of ensuring compliance with this building bylaw.
- (2) For greater clarity, the measures prescribed in section 24, 25 and 26 of the Act include but are not limited to:
 - (a) at any reasonable hour, entering land or a building;

- (b) inspecting and taking samples of any material, equipment or appliance being used in the design, construction, addition, erection, placement, alteration, repair, renovation, demolition, relocation, removal, use, change of use, occupancy or change of occupancy of a building;
 - (c) issuing an order pursuant to the Act;
 - (d) directing the local authority to register an interest on title pursuant to section 20 of the Act;
 - (e) applying to a judge of the court for a restraining order or a warrant; and
 - (f) requesting the assistance of a peace officer to assist in carrying out any action authorized by this section.
- (3) If the building official is satisfied that a building is in an unsafe condition, whether the building was commenced or completed before or after the coming into force of the Act, the building official may order the owner or the owner's representative to take any steps necessary to eliminate the unsafe condition within a specified time period.

NOTIFICATION

- 13 (1) The owner or the owner's representative of proposed work shall ensure that the local authority is notified in writing of:
- (a) when excavation is to be commenced;
 - (b) when the foundation is to be placed;
 - (c) when a superstructure is to be placed on the foundation;
 - (d) any other event at the time required by the permit under which work has been undertaken; and
 - (e) any other specified event at the specified time.
- (2) Before commencing work, the owner or the owner's representative shall give notice to the local authority in writing of:
- (a) the date on which the owner or the owner's representative intends to commence the work; and
 - (b) 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 person or firm that is to review the work to determine whether or not the work conforms to the design; and
 - (iv) any inspection or testing agency that is engaged to monitor the work.
- (3) During the course of the work, the owner or the owner's representative shall give notice to the local authority in writing of:
- (a) any change in, or termination of, the employment of a person or firm mentioned in clause (2)(b);
 - (b) the owner's or owner's representative intent to do any work that has been ordered by a building official or local authority to be inspected;
 - (c) the owner's or owner's representative intent to enclose work that has been ordered by a building official or local authority to be inspected before enclosure;
 - (d) any proposed deviation from the plans approved and permitted by the local authority;
 - (e) any construction undertaken that deviates from the plans approved and permitted by the local authority;
 - (f) the completion of work;

- (g) any change in ownership or change in address of the owner or the owner's representative that occurs before the issuance of a certificate of occupancy as soon as the change occurs; and
 - (h) the owner's or owner's representative's intention to occupy a portion of the building prior to the issuance of a certificate of occupancy.
- (4) A real property report prepared and sealed by a licenced Saskatchewan land surveyor clearly outlining permanent above-ground buildings, registered easements, setbacks, and property boundaries of the site shall be submitted by the owner or owner's representative to the local authority after the foundation has been placed but prior to the next required inspection by the building official as indicated in the plan review, if:
- a) the building is within 3 m of a property line; or
 - b) requested by the local authority or building official.

NOTIFICATION OF FAILURE

- 14 (1) The owner of a building or the owner's agents, contractors, employees, successors or assigns or the registered owner of the land on which the building is situated shall submit a written report to the local authority of the occurrence of any of the following that causes or has the potential to cause serious injury or loss of life:
- (a) structural failure of the building or part of the building; or
 - (b) failure of any equipment, device or appliance that is regulated by the Act or the regulations.
- (2) The report submitted pursuant to subsection (1) must be submitted to the local authority within 15 days after the occurrence of the failure, and must contain:
- (a) the name and address of the owner;
 - (b) the address or location of the building involved in the failure;
 - (c) the name and address of the constructor of the building; and
 - (d) the nature of the failure.
- (3) On receipt of the report pursuant to subsection (1), the local authority may require an owner or the owner's representative to do the following:
- (a) provide any other information that the building official or local authority may consider necessary; and
 - (b) complete any additional work that is necessary to ensure compliance as soon as practical.

SPECIAL CONDITIONS

- 15 (1) An owner or the owner's representative that undertakes to construct or have constructed a building that is within the scope of Parts 3, 4, 5, 6 or 7 of the NBC shall have an architect or engineer complete:
- (a) the design or design review of the building and all building systems;
 - (b) the field reviews of construction of the building and all building systems to ensure compliance with the design;
 - (c) any reviews required by the NBC;
 - (d) the Commitment for Field Review letter as part of the application for a permit; and

- (e) the Assurance of Field Review and Compliance letter, on completion of the work, providing assurance that the work conforms to the engineer's or architect's design and this building bylaw and the standards of construction.
- (2) An owner or the owner's representative that undertakes to construct or have constructed a building that is within the scope of the NECB shall have an architect or engineer complete:
 - (a) the design or design review of the structure;
 - (b) the field reviews of construction of the structure to ensure compliance with the design;
 - (c) any reviews required by the NECB;
 - (d) the Commitment for Field Review letter as part of the application for a permit; and
 - (e) the Assurance of Field Review and Compliance letter, on completion of the work, providing assurance that the work conforms to the engineer's or architect's design and this building bylaw and the standards of construction.
 - (3) An owner or the owner's representative that undertakes to construct or have constructed a building that is within the scope of Part 9 of the NBC shall have a competent person complete the design or design review of the structure.
 - (4) An owner or the owner's representative shall ensure that copies of any inspection or review reports made pursuant to this section are made available to a building official or the local authority on the request of the building official or local authority, as the case may be.
 - (5) No owner of a building or an owner's representative shall cause or allow the ground elevations of a building to be changed so as to place in contravention of the NBC, including:
 - (a) the building or part of the building; or
 - (b) an adjacent building.
 - (6) If the property boundaries of a building lot are changed so as to place a building or part of a building in contravention of the NBC, the regulations or bylaws, the owner or the owner's representative shall immediately alter the building or part of the building to bring it into compliance with the NBC.
 - (7) Foundations for residential occupancies including modular homes with CSA A277, Procedure for certification of prefabricated buildings, modules, and panels certification shall be designed pursuant to subsection (1).

PENALTY

- 16 (1) Any person who contravenes any of the provisions of this building bylaw may be subject to the penalties provided in Part 8 of the Act.
- (2) Conviction of a person or corporation for breach of any provision of this building bylaw shall not relieve the person or corporation from compliance with the construction mandates.

REPEAL OF BYLAW(S)

- 17 (1) On enactment of this building bylaw, all previous building bylaws, including building bylaw amendments, are repealed.

Enactment pursuant to Section 17 of *The Construction Codes Act*.

MAYOR

(seal)

ADMINISTRATOR

Certified a true copy of bylaw number _____
adopted by resolution on the _____
day of _____, 20_____