

1989

CHAPTER 62

An Act to amend The Uniform Building and Accessibility
Standards Act

(Assented to August 25, 1989)

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

Short title 1 This Act may be cited as The Uniform Building and Accessibility Standards
Amendment Act, 1989.

S.S. 1983-84, c.U-1.2 amended

2 The Uniform Building and Accessibility Standards Act is amended in the manner set
forth in this Act.

Section 2 amended³ Subsection 2(1) is amended:

- (a) by striking out "established pursuant to section 6" in clause (b) and substituting
"continued pursuant to subsection 6(1)";
- (b) by striking out "Chief Inspector of Building Standards" in clause (e) and
substituting "chief inspector";
- (c) by repealing clause (k) and substituting the following:
"local authority"(k) 'local authority' means a:
 - (i) city, town, village or resort village within the meaning of The Urban Municipality
Act, 1984;
 - (ii) rural municipality within the meaning of The Rural Municipality Act; or
 - (iii) town, northern village or northern hamlet within the meaning of The Northern
Municipalities Act ; and
- (d) by repealing subclause (m)(ii) and substituting the following:
"(ii) the administrator or clerk of a city or town".

Section 4 amended⁴ Subsections 4(3) and (4) are repealed and the following
substituted:

- "(3) A local authority may apply to the minister for the designation of one or more
inspectors to assist the local authority in enforcing this Act
and the regulations.
- "(4) Where the minister receives a request from a local authority pursuant to
subsection (1), the minister may designate one or more
inspectors to assist the local authority in enforcing this Act
and the regulations.
- "(5) Where the minister designates one or more inspectors to assist a local authority
to enforce this Act and the regulations:
 - (a) the local authority shall make payment for the assistance in accordance with a
schedule of amounts prescribed in the regulations; and
 - (b) any amount payable by the local authority pursuant to clause (a) is a debt due to
the Crown by the local authority.
- "(6) Notwithstanding subsection (4), where the minister appoints an inspector pursuant
to that subsection to assist a local authority, the inspector
is deemed, for the purposes of this Act, to have been appointed

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by the local authority during the period the inspector assists the local authority".

New sections 5 and 5.1

5 Section 5 is repealed and the following substituted:

Inspectors"5(1) A chief inspector, inspectors and any other employees that are required for the purposes of this Act may be appointed in accordance with The Public Service Act.

"(2) The minister may enter into agreements with any person, firm or corporation for the provision by the person, firm or corporation of inspection or other services pursuant to this Act.

"(3) Any person who is authorized by the minister in an agreement entered into pursuant to subsection (2) to provide inspection services is deemed, for the purposes of this Act, to have been appointed an inspector pursuant to subsection (1).

"(4) A local authority may appoint inspectors.

"(5) Where local authorities enter into an agreement pursuant to subsection 4(2), the local authorities that are parties to the agreement may appoint inspectors and, when inspectors are appointed, they are deemed, for the purposes of this Act, to be appointed jointly by the local authorities that are parties to the agreement.

"(6) The municipal official of a local authority shall issue a certificate of appointment bearing his or her signature to every inspector appointed by the local authority pursuant to subsection (4) or deemed to be appointed by the local authority pursuant to subsection (5).

Licences to inspectors

"5.1(1) The chief inspector may issue an inspector's licence to a person who demonstrates to the chief inspector that the person is able to perform the duties of an inspector.

"(2) The chief inspector may:

- (a) issue a licence pursuant to subsection (1) for a limited period; and
- (b) impose terms, conditions or restrictions on the duties that may be performed by the licensee".

Section 6 amended6 Subsection 6(1) is repealed and the following substituted:

"(1) The Saskatchewan Building and Accessibility Standards Appeal Board is continued consisting of not more than eight persons who are residents of Saskatchewan appointed by the Lieutenant Governor in Council.

"(1.1) A member of the appeal board:

- (a) holds office at pleasure and until a successor is appointed; and
- (b) is eligible for reappointment".

New section 8.17 The following section is added after section 8:

Additional building standards

"8.1(1) A local authority may pass bylaws prescribing building standards in addition

to the building standards contained in the regulations pursuant to section 8 where the authority considers the bylaws necessary for the health, safety or welfare of persons.

"(2) A local authority shall file a copy of a bylaw made pursuant to subsection (1) with the minister within 30 days of its enactment and the minister may, within 30 days of receipt of the bylaw, disallow the bylaw.

"(3) A bylaw that is disallowed by the minister pursuant to subsection (2) is void".

New sections 11.1 and 11.2

8 The following sections are added after section 11:

Alternative accessibility provision

"11.1(1) An owner may apply to the chief inspector for approval of a proposal to make provision for accessibility to a building or part of a building in a manner that is not in compliance with the accessibility standards.

"(2) The chief inspector may authorize the issuance of a permit pursuant to Part IV to an owner who has made an application pursuant to subsection (1) where the chief inspector is satisfied that:

- (a) it is impractical or inappropriate for any reason for the owner to comply with the accessibility standards with respect to the building or part of the building for which the application was made; and
- (b) the proposal of the owner for the provision of accessibility to the building or part of it set out by the owner in the application pursuant to subsection (1) will provide accessibility that is equal to or better than that required or intended by the accessibility standards.

"(3) An owner who provides accessibility to a building or part of a building pursuant to a permit authorized pursuant to subsection (2) and in accordance with the terms of the proposal for which the permit was authorized is deemed to have complied with the accessibility standards with respect to the building or part of the building.

Appeal"11.2(1) Any person aggrieved by the decision of the chief inspector to authorize or to refuse to authorize the issuance of a permit to an applicant pursuant to subsection 11.1(1) may appeal the decision to the appeal board.

"(2) Within 30 days of the receipt of an appeal mentioned in subsection (1), the appeal board shall consider the matter and render its decision in writing".

New sections 24 and 24.1

9 Section 24 is repealed and the following substituted:

Certain bylaws in conflict, void in part

"24 Subject to sections 8.1 and 14, a bylaw passed pursuant to:

- (a) section 122 of The Urban Municipality Act, 1984;
 - (b) section 238 of The Rural Municipality Act; or
 - (c) section 91 of The Northern Municipalities Act;
- that conflicts with this Act or the regulations is void to the extent of the conflict.

Bylaws re construction etc. of buildings

"24.1 Where a local authority proposes to pass bylaws after Part IV comes into force with respect to any matters set out in section 13, it shall:

- (a) pass bylaws only pursuant to subsection 14(1) for the purpose; and
- (b) not pass bylaws in that respect pursuant to any other Act".

Coming into force 10(1) Subject to subsection (2), this Act comes into force on the day on which Part IV of The Uniform Building and Accessibility Standards Act comes into force.

- (2) Section 24 of The Uniform Building and Accessibility Standards Act, as being enacted by section 9 of this Act, comes into force on the day on which Part IV of The Uniform Building and Accessibility Standards Act comes into force but is retroactive and is deemed to have been in force on and from June 6, 1988.