



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

Revision No:	001
Date amended:	July 23, 2024
Date document updated:	July 24, 2024

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 The City of Charlottetown Building Code Bylaw (November 01, 2018) is hereby repealed.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 Building Code.

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 *Building Code* 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 Provincial Government of PEI is the Authority Having Jurisdiction with respect to A Code for Plumbing Services pursuant to the Environmental Protection Act R.S.P.E.I. 1988, Cap. E-9 and the Electrical Inspection Act R.S.P.E.I. 1988, Cap. E-3. The City of Charlottetown hereby removes and exempts from its authority the following from the Building Code:

Part 7, Division B, Volume 1, Plumbing Services
Section 9.34. (Part 9, Division B, Volume 1) Electrical Facilities
Article 3.6.1.2. (Part 3, Division B, Volume 1) Electrical Wiring and Equipment

4.5. Decks

- 4.5.1. 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.
- 4.5.2. 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.

4.6. Relocated Buildings

- 4.6.1. 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*.

4.7. Demolished Building

4.7.1. 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.

4.8. 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*.

4.9. Suites of Residential Units Required to be Barrier Free

4.9.1. See Schedule B.

4.10. Withhold issuance until satisfied

4.10.1. 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.

4.11. Notification for Inspection and Field Review of Construction

4.11.1. The *owner* of a *building* being constructed under the scope of Part 9 of the *Building 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.

4.12. Schedule A documents – See attached documents.

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

- 4.12.2. 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 Building Code and the 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*.

Schedule “A” - Letter of Undertaking

(Initial the disciplines that apply to this project. All disciplines will not necessarily be employed on every project)

_____ Building Design _____ Structural _____ Mechanical _____ Electrical
_____ Geotechnical _____ Plumbing _____ Fire Suppression System

I shall notify the *authority having jurisdiction* if the *architect*, or *professional engineer* named in the attached “Review of Construction Commitment “Declarations” ceases, for whatever reason, to provide the *Field Review of Construction* for this *building* and shall appoint another *architect* and *professional engineer* immediately so that the *Field Review of Construction* will continue uninterrupted. This notice and the necessary *Field Review of Construction* Commitment Declaration(s) shall be forwarded to the *authority having jurisdiction* as soon as practical, but not later than 3 business days.

**(Affix below the seal of the
licensed Architect or professional
Engineer in accordance with
provincial legislation.)**

Print Name

Signature

Initials Sample

Print Name of Firm or Company

Print Address

Mailing Address

Telephone

Email

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 Engineer in accordance with provincial legislation.)

Print Name

Signature

Initials Sample

Print Name of Firm or Company

Print Address

Mailing Address

Telephone

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 jurisdiction*: _____ Date: _____
City of Charlottetown - Planning & Heritage Department
70 Kent Street, Charlottetown, PE, C1A 1M9

Att: _____ (Building Official)

Re: _____
Address of project (print)

Name of Project and Description (print)

I hereby declare that I have fulfilled my obligations for Field Review of Construction as defined in the Letter of Undertaking and the Inspection Commitment Declaration and advise that I have reviewed the work at intervals appropriate, to determine substantial compliance with the design and all revisions thereto as accepted by the *authority having jurisdiction* for the following disciplines **which I have initialed**.

_____ Building Design _____ Structural _____ Mechanical _____ Electrical
_____ Geotechnical _____ Plumbing _____ Fire Suppression System

Print Name

Signature _____
Initials Sample

Print Name of Firm or Company

Print Address

Print Municipality Postal Code

Telephone Fax

(Affix below the seal of the
*licensed Architect or professional
Engineer* in accordance with
provincial legislation.)

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 Building Code, 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 Building Code, 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. of the Building Code,
 - b) Barrier-free path of travel to, into, and throughout each required suite in accordance with Article 3.8.2.3. of the Building Code,
 - c) An accessible balcony if required in accordance with 3.3.1.7. (1) (c) of the Building Code, 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 m² (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.

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. of the Building Code, and be equipped with Grab Bars, conforming to 3.8.3.12 (1) (f&g);
- b) a clear lateral transfer space of 900mm wide that is parallel and adjacent to the open side of the water closet conforming to 3.8.3.12. (1)(b) of the Building Code;
- c) a lavatory conforming to Article 3.8.3.16 of the Building Code;
- d) a shower (If provided instead of tub), it shall conform to Article 3.8.3.17. of the Building Code;
- e) a tub (If provided instead of shower), it shall conform to Article 3.8.3.18. of the Building Code; 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) 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 750mm wide x 200 deep x 680mm high, with an additional toe space at least 750mm wide x 230mm 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
001	07/09/2024	07/23/2024		Bylaw Amendment # PH-BC.3.1	Amend the City of Charlottetown Building Code Bylaw to align terminologies with the recently enacted National Building Code.