

Schedule "A"

Regulations Respecting the Nova Scotia Building Code made by the Minister of Housing and Municipal Affairs under Section 4 of Chapter 46 of the Revised Statutes of Nova Scotia, 1989, the *Building Code Act*

Part 1: Interpretation, Definitions, Scope and Administration

Citation

1 These regulations may be cited as the *Nova Scotia Building Code Regulations*.

Adoption and Interpretation

Definitions

2 (1) In these regulations, the following definitions apply:

"Act" means the *Building Code Act*;

"alternating tread device" means a device that has a series of steps between 50° and 70° from the horizontal, usually attached to a centre support rail in an alternating manner so that the user does not have both feet on the same level at the same time;

"authority having jurisdiction" has the same meaning as specified in any code adopted under Section 4 and includes a building official as designated under Section 48;

"camping accommodation" means any building within a campground that is intended to

- (i) serve the public, or
- (ii) be used as rental accommodation for the travelling or vacationing public;

"Code" means the *Nova Scotia Building Code*, which includes all of the following:

- (i) all national codes adopted under Section 4,

- (ii) all amendments, including deletions and additions, to adopted national codes made in these regulations, including in Schedule C to these regulations,
- (iii) Schedules B and D to these regulations;

“egress roof access window” means a skylight or roof window;

“field review of construction” means the review of construction work at intervals appropriate to the stage of construction, at the project site and at any fabrication location where building components are fabricated for use at the project site, that the designer in their profession discretion considers necessary to determine general compliance with the design drawings accepted by the authority having jurisdiction and all revisions to the drawings, but does not include coordination, quality and performance of construction;

“heritage building” means a registered heritage property, registered under the *Heritage Property Act* by the Province or by a municipality;

“heritage conservation district” means a heritage conservation district designated by a municipality in accordance with the *Heritage Property Act*;

“home-based business” means a business or service use located in a dwelling unit that is used or occupied as a single housekeeping unit;

“interior designer” means a member or licensee of the Association of Interior Designers in Nova Scotia;

“landing platform” means a landing provided as the top step of a stairway accessing a loft;

“loft” means a floor level located directly above and accessed from a floor level with direct access to an exit door and open to the floor level below on at least 1 side;

“manufactured home” means a transportable, single- or multiple-section dwelling unit certified by an accredited certification body as complying with the CSA Z240 MH Series, *Manufactured Homes* at the time of manufacture, before it is placed on the installation site;

“modular home” means a finished section or sections of a complete dwelling unit built in a factory for transport to the site for installation and certified to CSA A277, *Procedures for the Factory Certification of Buildings*, by an accredited certification body at the time of manufacture, before it is placed on the installation site;

“National Building Code” or “NBC” means the *National Building Code of*

Canada, as adopted under Section 4;

“National Energy Code” or “NECB” means the *National Energy Code of Canada for Buildings*, as adopted under Section 4;

“National Farm Building Code” or “NFBC” means the *National Farm Building Code of Canada*, as adopted under Section 4;

“National Plumbing Code” or “NPC” means the *National Plumbing Code of Canada*, as adopted under Section 4;

“NSBCR” means these regulations (the *Nova Scotia Building Code Regulations*);

“recreational cabin” means a building that meets the criteria in Sentence 9.38.1.1.(1) (Part 9 of Division B) of the *National Building Code*, as added by these regulations;

“roofed accommodation” means a roofed building, part of a building or group of buildings that is intended as rental accommodation for the travelling or vacationing public;

“Schedule A” means Schedule A: Forms for Field Review of Construction;

“Schedule B” means Schedule B: Design Data for Selected Locations in Nova Scotia;

“Schedule C” means Schedule C: Substituted Section 3.8 of NBC, Accessibility (Replaced for Code);

“Schedule D” means Schedule D: Alternate Compliance Methods for Existing Buildings;

“tiny house” means a dwelling unit that is 37 m² or less in building area;

“work” means any construction activity regulated by these regulations and carried out on or about a construction site or on, in or about a building or part thereof.

- (2) A reference in these regulations to an occupancy group classification or class is a reference to the classification as set out in the *National Building Code*.
- (3) A reference to a building official in these regulations and the Act is a reference to the building official as the authority having jurisdiction, in accordance with Section 48.

Definitions in NBC apply

- 3 The definitions in Sentence 1.4.1.2.(1) of Division A to the *National Building Code* apply to these regulations, unless otherwise defined.

Adoption of national codes

- 4 (1) These regulations adopt all of the following national codes, as amended by these regulations, as part of the Code:
- (a) the *National Building Code of Canada 2015*, including all revisions, errata and corrections to the errata issued by the Canadian Commission on the Building and Fire Codes, National Research Council of Canada, NRCC No. 56190 on or before March 1, 2019;
 - (b) the *National Energy Code of Canada for Buildings 2017*, including all revisions, errata and corrections to the errata issued by the Canadian Commission on the Building and Fire Codes, National Research Council of Canada, NRCC No. 56215 on or before March 1, 2019;
 - (c) the *National Plumbing Code of Canada 2015*, including all revisions, errata and corrections to the errata issued by the Canadian Commission on the Building and Fire Codes, National Research Council of Canada, NRCC No. 56193 on or before March 1, 2019;
 - (d) the *National Farm Building Code of Canada 1995*, including all revisions, errata and corrections to the errata issued by the Canadian Commission on the Building and Fire Codes, National Research Council of Canada, NRCC No. 38732 on or before March 1, 2019.
- (2) A national code adopted under subsection (1) as part of the Code must be complied with as adopted.

Notes referenced in regulations

- 5 (1) These regulations reference the following types of notes:
- (a) notes found in Appendix A to the *National Building Code*, which are noted as “(See Note A-[specific provision numbers and letters], NBC)”;
 - (b) notes found in the explanatory notes to these regulations, which are noted as “(See Note NS-[specific provision number and letters], NSBCR)”.
- (2) Notes are for explanatory purposes only and do not form part of these regulations.

Scope and Application

Scope

- 6 These regulations apply to the administration and enforcement of the Act in the
- (a) design, construction, erection, placement and occupancy of new buildings;
 - (b) alteration, reconstruction, demolition, removal, relocation, occupancy and change of occupancy classification of existing buildings; and

- (c) work necessary to correct unsafe conditions in existing buildings that are reported to a building official or observed during an inspection.
- (2) If a building or any part thereof is altered, these regulations apply to the parts of the building that are altered.
- (3) If the whole or any part of a building is relocated either within or into the area of jurisdiction of a municipality as the authority having jurisdiction, these regulations apply only to the parts of the building that are being altered or constructed.
- (4) If the whole or any part of a building is demolished, these regulations apply to
 - (a) the work involved in the demolition; and
 - (b) the work required to any part of the building that remains after demolition, to the extent that deficiencies occurring or remaining after demolition require correction.
- (5) If a building is damaged by fire, earthquake or other cause, these regulations apply to the work necessary to reconstruct damaged portions of the building.

Existing buildings

- 7 (1) Any construction or condition that lawfully existed before the effective date of these regulations is not required to conform to these regulations if the construction or condition does not constitute an unsafe condition in the opinion of a building official.
- (2) The alternate compliance methods for existing buildings under the Code that are set out in Schedule D may be used if a building existed before March 13, 1987, and either of the following apply:
 - (a) the building is undergoing construction other than for a change of occupancy classification;
 - (b) the building is undergoing construction and a change of occupancy classification results in an occupancy with a reduced fire hazard risk.
- (3) If a heritage building, or part thereof, is undergoing a change in occupancy classification, the owner may choose the alternate compliance methods for existing buildings in Schedule D, or a combination of those methods and the Code.
- (4) If any building in a Heritage Conservation District is undergoing a change in occupancy classification, the owner may choose the alternate compliance methods for existing buildings in Schedule D, or a combination of the those methods and the Code.

Accessibility requirements for existing buildings

- 8 (1) Except as provided in subsections 7(2), (3) and (4), if a building or part thereof has a change of occupancy classification, the accessibility requirements of Section 3.8. of the *National Building Code*, as set out in Schedule C, including for barrier-free entrances, apply to the construction of the building or part thereof undergoing the change.
- (2) In subsections (3) to (5),
“restaurant” means a restaurant as defined in the *Food Safety Regulations* made under the *Health Protection Act*.
- (3) If a Group A, Division 2 assembly occupancy building, or part thereof, is constructed or altered for use as a restaurant, the exemptions in Sentences 3.8.2.3.(1) and 3.8.2.7.(2) of the *National Building Code*, as set out in Schedule C, do not apply to the construction of the restaurant part of the building.
- (4) If a Group A, Division 2 assembly occupancy building, or part thereof, changes from a non-restaurant use to a restaurant use, the change is considered equivalent to a change of occupancy classification.
- (5) The exemptions set out in Sentence 3.8.2.3.(1) and 3.8.2.7.(2) of the *National Building Code*, as set out in Schedule C, do not apply to a building, or part thereof, with a change of occupancy classification under subsection (4).

Exemptions

- 9 (1) The Code does not apply to any of the following:
- (a) sewerage, water, electrical, telephone, rail or similar systems located above, below or on an area that is dedicated or deeded for public use;
 - (b) public utility towers and poles, television and radio or other communication aerials and towers, except for loads resulting from those located on or attached to buildings;
 - (c) if not a building, flood control structures, dams for public water supply, hydroelectric dams and their related structures;
 - (d) mechanical or other equipment and appliances not specifically regulated by the Code;
 - (e) above ground or below ground bulk storage tanks not regulated under Part 6 of the *National Building Code* or the *National Farm Building Code*;
 - (f) free-standing signs;
 - (g) fences;

- (h) retaining walls or exterior steps not attached to, and forming part of, a building's construction;
- (i) manufactured homes built to CSA Z240 MH Series, *Manufactured Homes*, except that the following are still required:
 - (i) the notifications required by subsection 35(1) for a manufactured home constructed before January 1, 2010, that has not been structurally altered,
 - (ii) the notifications required by subsection 35(1) and the requirements of Section 9.36. Energy Efficiency (Part 9 of Division B) of the *National Building Code* if the manufactured home is constructed after December 31, 2009;

(See Note NS-9(1)(i) and (j), NSBCR)

- (j) modular homes certified to CAN/CSA A277, *Procedure for Factory Certification of Buildings*, as complying with the technical requirements of this Code, except that all of the following are still required:
 - (i) the notifications required by subsection 35(1) for a modular home constructed before January 1, 2010, that has not been structurally altered,
 - (ii) the notifications required by subsection 35(1) and the requirements of Section 9.36. Energy Efficiency (Part 9 of Division B) of the *National Building Code* if the modular home is constructed after December 31, 2009.

(See Note NS-9(1)(i) and (j), NSBCR)

- (2) Unless a municipality otherwise requires by by-law or regulations under another statute require, the Code applies but a building permit is not required for any of the following:
 - (a) accessory buildings not greater than 20 m² in area;
 - (b) for buildings under the scope of Part 9 of Division B of the *National Building Code*, interior and exterior non-structural material alterations and material repairs for any or all of the following:
 - (i) removing and replacing roofing with similar materials,
 - (ii) removing and replacing cladding with similar materials,
 - (iii) replacing or repairing drywall or other interior finish,
 - (iv) installing additional insulation or replacing insulation,

- (v) replacing a furnace or boiler,
 - (vi) installing or replacing an air-conditioning unit or heat pump,
 - (vii) replacing windows or doors, if there is no change in location or size of the window or door and the structural support for the opening is not affected,
 - (viii) installing or replacing cabinets, shelving, millwork or flooring,
 - (ix) waterproofing or damp proofing of foundation walls or repairing or replacing foundation drainage;
- (c) for buildings under the scope of Part 3 of Division B of the *National Building Code*, interior and exterior non-structural material repairs or maintenance with a monetary value of \$10 000.00 or less;
 - (d) replacing or installing a new plumbing fixture that does not increase the hydraulic load of the drainage system or require alterations to an existing water distribution system or drainage system.

(See Note NS-9(2), NSBCR)

Home-based business exemptions

- 10 (1)** A building official may consider a home-based business as part of the Group C residential occupancy of a dwelling unit and not a major occupancy for the purposes of the Code if all the following criteria are met:
- (a) the business or service use of the dwelling unit, an accessory building to the dwelling unit, or both, is secondary to the residential occupancy use of the dwelling unit;
 - (b) at least 1 full-time resident of the dwelling unit with the home-based business operates the business or service;
 - (c) the business or service use is not 1 of the following:
 - (i) a Group F1 high-hazard industrial occupancy, or
 - (ii) a Group F2 medium-hazard industrial occupancy;
 - (d) the home-based business uses an aggregate floor area of less than 50 m²;
 - (e) the home-based business uses less than 25% of the floor area of the dwelling unit.
- (2)** A home-based business that meets all of the criteria in subsection (1), is not considered a separate and adjoining major occupancy from the dwelling unit for the separation requirements in Article 3.1.3.1. (Part 3 of Division B) of the

National Building Code.

- (3) A building official must not require additional water closets under Article 3.7.2.2. (Part 3 of Division B) of the *National Building Code* for a dwelling unit with
 - (a) a home-based business that meets all the criteria in subsection (1); or
 - (b) a home-based business located with an accessory building, if that building is less than 45 m from the dwelling unit.
- (4) A dwelling unit with a home-based business is deemed to be a building that is exempt from the barrier-free design requirements under Clause 3.8.2.1.(1)(a) of the *National Building Code*, as set out in Schedule C.
- (5) A home-based business that meets all the criteria in subsection (1) is not considered a separate major occupancy from the dwelling unit for the occupancy classification purposes in Subsection 9.10.2. (Part 9 of Division B) of the *National Building Code*.

(See Note NS-10, NSBCR)

Administration

Building permit fees

- 11 For the purpose of determining the fees to be applied for a building permit, a municipality, as the authority having jurisdiction, may place a value on the cost of the work based on an accepted costing standard.

Withholding permits

- 12 (1) A building official may withhold a building permit until they are satisfied that
 - (a) for systems that require an approval, there is a valid on-site sewage disposal system approval issued by the department responsible for enforcing the *Environment Act*; or
 - (b) for systems that do not require an approval, notification has been given to the department responsible for enforcing the *Environment Act* for the construction of a building requiring a new private sewage disposal system.

(See Note NS-12(1), NSBCR)

- (2) A building official may withhold an occupancy permit until they are satisfied that all of the following are done, as applicable:
 - (a) there is a valid electrical permit issued by the electrical authority having jurisdiction;
 - (b) the civic address is posted if a municipality requires by by-law, in accordance with Section 313 of the *Municipal Government Act*;

- (c) the certificate of installation for any on-site sewage system for the site is provided;
 - (d) a fire safety plan approved by the authority having jurisdiction over fire safety matters is in place for the occupancy.
- (3) A building official may withhold a building permit until they are satisfied that there is a valid “Minister’s Consent For Building and Access to Property” for the work issued by the department responsible under the *Public Highways Act*.
- (4) A building official may withhold a building permit until they are satisfied that
- (a) all applicable requirements of the *Heritage Property Act* and the *Municipal Government Act*, including any land use bylaw, subdivision bylaw, lot grading plan or development agreement, have been complied with; and
 - (b) all required permits are issued by a development officer for the municipality.

Applying for permit

13 To obtain a permit, an owner must submit an application as prescribed in the by-laws of the applicable municipality as the authority having jurisdiction.

Minimum information required in application

- 14** (1) An application for a building permit must, at a minimum, meet all of the following criteria:
- (a) it must identify and describe in detail the work and occupancy to be covered by the permit being applied for;
 - (b) it must describe the land by including either
 - (i) if Nova Scotia property mapping exists for the property, the unique Parcel Identifier (PID), or
 - (ii) if Nova Scotia mapping does not exist for the property, the assessment account number and a description that will readily identify and locate the building lot;
 - (c) it must include plans and specifications, as required by Subsection 2.2.2. of Division C of the *National Building Code*;
 - (d) it must state the valuation of the proposed work and be accompanied by the required fee;
 - (e) it must state the name, address and telephone number of the owner and of each of the following who will perform work under the permit:

- (i) architect,
 - (ii) professional engineer,
 - (iii) interior designer or other designer,
 - (iv) constructor,
 - (v) inspection or testing agency that has been engaged to monitor the work or part of the work;
- (f) it must describe any special building systems, materials and appliances;
- (g) it must include any additional information that is required by a building official.

Dimensional tolerances

15 A building official may accept a minor variation, not more than 2%, in a dimension given in the Code if, in the opinion of the building official,

- (a) safety to life will not be reduced by the variation; and
- (b) accessible design and access will not be adversely affected by the variation.

(See Note NS-15, NSBCR)

Deviations from Code or permit

16 An owner must not deviate, nor authorize a deviation, from the Code or from the conditions of a building permit without first obtaining permission in writing for the deviation from a building official.

Land surveys

17 In addition to the documents required by clause 14(1)(c), an owner, if requested by a building official, must submit an up-to-date plan of survey or real property report prepared by a Nova Scotia land surveyor registered under the *Land Surveyors Act*, that contains sufficient information about the site and the location of the building to

- (a) before construction begins, establish that the requirements of the Act, these regulations and the Code related to the site and the location of the building will be complied with; and
- (b) upon completion of the work, verify that the requirements of the Act, these regulations and the Code related to the site and the location of the building have been complied with.

Site grading

18 A building official may require an owner to have a building site graded in conformance

with any storm drainage plan that is prepared or accepted by the building official for the area where the building is located.

Repairs to public property

- 19** An owner is responsible for the cost of repairing any damage to public property or works located on public property that may occur as a result of undertaking work, regardless of whether a permit is required for the work.

Permission to proceed in part

- 20** (1) To ensure conformance with the Code, a building official may allow, with conditions as necessary, an owner to proceed, at the owner's risk, with excavation or construction of part of a building before the plans of the entire building have been submitted.
- (2) An owner must submit all plans and specifications that a building official requires in connection with an excavation or construction allowed under subsection (1), including at a minimum, complete plans and specifications for the work allowed.
- (3) An owner who proceeds to excavate or construct part of a building in accordance with this Section proceeds without assurance that the excavation or construction of other parts of the building will be allowed.

Temporary building or occupancy permits

- 21** (1) Despite any other provision of these regulations, a temporary permit issued by a building official may authorize, for a limited time only, under circumstances that warrant only selective compliance with the Code,
- (a) the erection and existence of a building, or part of a building; or
- (b) a change of occupancy classification for an occupancy that, because of its nature, will exist for a short time.
- (2) A permit for a temporary building or temporary change of occupancy classification must state all of the following:
- (a) the date the permit expires; and
- (b) any conditions under which the permit is no longer valid.
- (3) The term of a permit for a temporary building or temporary change of occupancy classification may be extended in writing by a building official.
- (4) A permit for a temporary building or temporary change of occupancy classification must be posted on the building to which it applies.
- (5) A permit issued for a tent or temporary air-supported structure is required to be renewed every 12 months.

- (6) A permit issued for a temporary change of occupancy classification is required to be renewed every 12 months.

(See Note NS-21, NSBCR)

Nova Scotia Building Advisory Committee—qualification of members

22

- (1) The Committee must include a minimum of the following qualified members:
- (a) a representative of the Fire Marshal for the Province;
 - (b) a representative appointed from among persons nominated by the Nova Scotia Accessibility Advisory Board;
 - (c) a representative of municipal government appointed from among persons nominated by the Executive of the Nova Scotia Federation of Municipalities;
 - (d) a representative appointed from among persons nominated by the Executive of the Association of Professional Engineers of Nova Scotia;
 - (e) a representative appointed from among persons nominated by the Executive of the Nova Scotia Association of Architects;
 - (f) a representative appointed from among persons nominated by the Executive of the Nova Scotia Home and Building Designers Association;
 - (g) a representative appointed from among persons nominated by the Executive of the Association of Interior Designers of Nova Scotia;
 - (h) a representative appointed from among persons nominated by the Executive of the Canadian Home Builders' Association Nova Scotia;
 - (i) a representative appointed from among persons nominated by the Executive of the Construction Association of Nova Scotia;
 - (j) a representative appointed from among persons nominated by the Executive of the Nova Scotia building officials Association;
 - (k) a representative appointed from among persons nominated by the Executive of the Atlantic Canada Regional Council of Carpenters, Millwrights and Allied Workers, and who is a resident of Nova Scotia.
- (2) If an organization specified in subsection (1) is unable to nominate a representative, the Minister may appoint a member nominated by any similar organization that the Minister determines to be a replacement organization.

Forms prescribed for field review of construction

23 The following forms are prescribed for use in the field review of construction required by

these regulations:

- (a) Form 1—Letter of Undertaking: Confirmation of Commitment by Owner to Municipal Building Official as Authority Having Jurisdiction;
- (b) Form 2—Commitment Certificate: Prime Consultant;
- (c) Form 3—Commitment Certificate: Building Design Requirements;
- (d) Form 4—Commitment Certificate: Structural Design Requirements;
- (e) Form 5—Commitment Certificate: Mechanical Design Requirements;
- (f) Form 6—Commitment Certificate: Electrical Design Requirements;
- (g) Form 7—Commitment Certificate: Fire Suppression Systems Design Requirements;
- (h) Form 8—Commitment Certificate: Geotechnical Design Requirements;
- (i) Form 9—Commitment Certificate: Plumbing Design Requirements;
- (j) Form 10—Commitment Certificate: Interior Design Requirements;
- (k) Form 11—Commitment Certificate: Resource Conservation Measures – Energy Requirements;
- (l) Form 12—Certification of Field Review of Construction.

Part 2: Responsibilities and Obligations

Responsibility for Carrying out Work

Responsibility for carrying out work not affected

- 24** The acceptance of drawings and specifications, the issuing of a permit and inspections made by a building official do not relieve an owner, owner's agent, constructor, architect, professional engineer or interior designer of a building from their respective responsibility for carrying out the work or having it carried out in accordance with the Act, these regulations and the Code, including ensuring that the occupancy of the building, or part thereof, is in accordance with the terms of the permit.

Obligations of Owner

Letter of undertaking when professional required to design

- 25** Together with their application for a permit, an owner must submit a letter of undertaking to a building official for the field review of construction in accordance with Sections 30 and 32 when the building or part thereof is designed within the scope of any 1 or more of

the following:

- (a) Part 3 of Division B to the *National Building Code*;
- (b) Part 4 of Division B to the *National Building Code*;
- (c) Section 32, for buildings within the scope of Part 9 of Division B to the *National Building Code*.

Required permits and plan reviews

- 26 (1) An owner must obtain all required permits or approvals before starting the work that they relate to.
- (2) For a building or facility containing 1 or more of the classes of occupancy that are required to have a plan review under subsection 12(1) of the *Fire Safety Regulations*, an owner must ensure that they submit the plans for review by the Office of the Fire Marshal before starting the construction or alteration, as required by those regulations.

Start-up date

- 27 Before starting work on a building site, an owner must give a building official written notice of the date that the owner intends to start work.

Notice of names and contact information for employees

- 28 (1) Before starting work on a building site, an owner must give a building official notice in writing of the name, address and telephone number of all of the following:
- (a) the constructor or other person in charge of the work;
 - (b) the designer of the work;
 - (c) all architects, professional engineers and any prime consultant performing a field review of construction for the work;
 - (d) any inspection or testing agency engaged to monitor the work, or any part of the work.

Plans and permit at site

- 29 (1) An owner must ensure that the plans, specifications and related documents that a building permit is based on are available at the site of the work for inspection during working hours by a building official.
- (2) An owner must ensure that the building permit, or true copy of it, is posted conspicuously at the site during the entire execution of the work.

Professional design and review

- 30 An owner who undertakes to construct or have constructed a building or part thereof

under the scope of Part 3 or Part 4 of Division B of the *National Building Code* must do all of the following:

- (a) ensure that an architect, professional engineer or interior designer, as required,
 - (i) are appointed to undertake the design of the building or part of the building, and
 - (ii) complete and submit the appropriate certificates of commitment for the field review of construction of the building, using the applicable forms set out in Schedule A;
- (b) complete and submit the letter of undertaking set out in Form 1 of Schedule A for the field review of construction of the building.

Structural components requiring professional design and review

31 If the dimensions of a structural component are not provided in Part 9 of the *National Building Code* for use in a building within the scope of that Part, and the dimensions are to be determined on the basis of calculation, testing or other means of evaluation, an owner must do all of the following:

- (a) ensure that a professional engineer is appointed to undertake the design of the structural component;
- (b) when required by a building official, complete and submit the certificate of commitment specified in Form 4 of Schedule A for the field review of construction for the structural component.

Site conditions, size or complexity requiring professional design and review

32 If the site conditions, size or complexity of a building, part of a building or a building component warrant, a building official may require an owner to file an additional letter of undertaking and have prepared and submitted any additional certificates of commitment that the building official considers necessary.

Professional design and review for sprinklered buildings

33 (1) Except as provided in subsection (2), an owner must do all of the following for a building that is required or intended to be sprinklered:

- (a) ensure that a professional engineer is appointed to undertake the design of the sprinkler system;
 - (b) ensure that the professional engineer completes and submits the commitment certificate in Form 7 of Schedule A for the field review of construction for the fire suppression system design.
- (2)** Clauses (1)(a) and (b) do not apply to an alteration of an existing building that requires changes to an existing sprinkler system, if a building official determines

that all of the following conditions are met:

- (a) there is no change in occupancy for the existing building;
 - (b) there is no change to the branch pipe sizing for the sprinkler system;
 - (c) there are no new branches or mains for the sprinkler system;
 - (d) the total number of individual sprinkler devices to be added, removed or relocated is 10 or fewer.
- (3) If clauses (1)(a) and (b) are determined not to apply under subsection (2), any design documents and test results of tests conducted on the system that are required under the *Fire Safety Regulations* made under the *Fire Safety Act* must be filed with a building official.

Alteration to property boundary or ground elevation

- 34 (1) Except as provided in subsection (2), an owner or person hired by an owner must not allow the ground elevations or property boundaries of a building lot to be changed so as to place a building or part thereof in contravention of these regulations or the Code.
- (2) Subsection (1) does not apply if the building or part thereof is altered after obtaining the necessary permit so that no contravention will occur as a result of the change to the property boundary or grades.

Notification for inspection and certification of field review of construction

- 35 (1) An owner of a building being constructed under the scope of Part 9 of Division B of the *National Building Code* must notify a building official to inspect for compliance with the Code at all of the following stages of construction:
- (a) footings in place;
 - (b) subfloor plumbing;
 - (c) subfloor and foundation insulation;
 - (d) pre-backfill;
 - (e) for buildings other than manufactured and modular homes,
 - (i) the framing, roof and plumbing and mechanical systems, and
 - (ii) insulation and vapour barrier before wall framing is covered;
 - (f) for manufactured and modular homes,
 - (i) superstructure installation and anchorage systems,

(ii) foundation insulation and vapour barrier before wall framing is covered, and

(iii) plumbing connections below the first floor;

(g) before occupancy.

(See Notes NS-35(1) and (2) and NS-9(1)(i) and (j), NSBCR)

(2) An owner of a building being constructed outside the scope of Part 9 of Division B to the *National Building Code* must notify a building official to inspect for compliance with the Code as follows:

(a) before beginning any construction that will require inspection, by notifying of their intent to undertake construction;

(b) during construction, as intended in the letter of undertaking and applicable commitment certificates required by Section 30 or 32;

(c) at the times specified and as otherwise ordered to be inspected by a building official before covering construction, by notifying the building official of the intent to cover construction;

(d) at intervals considered necessary by a building official, based on the complexity of the building;

(e) when construction is completed, so that a final inspection can be made.

Occupancy before work completed

36 If an owner requires occupancy to occur before all work is completed, the owner must

(a) apply for the occupancy permit; and

(b) ensure that no unsafe condition exists or will exist because of the work that is being undertaken or is not completed.

Test or inspections to prove compliance

37 (1) An owner must make, or have made at their own expense, any tests or inspections necessary to prove compliance with these regulations or the Code.

(2) An owner must promptly file a copy of all test or inspection reports from tests or inspections conducted in accordance with subsection (1) with a building official.

Responsibility on discontinuation of work

38 An owner who is unable to continue work because of bankruptcy or another cause is responsible, before leaving the site of the work, for ensuring that no unsafe condition remains at the site.

Obligations of Professionals

Design in accordance with profession and Code

39 An architect, professional engineer or interior designer who undertakes to design a building or part thereof in accordance with their respective governing statutes, regulations and bylaws must ensure that the design meets the intent of the Code.

Field review of construction

40 An architect, professional engineer or interior designer who undertakes a field review of construction must do all of the following:

- (a) review the building at intervals appropriate to the state of construction to determine general compliance with the design;
- (b) coordinate, with a building official, the review of any changes to the design documents for consistency with the intent of the plans and specifications;
- (c) file the certification of field review of construction in Form 12 of Schedule A with a building official.

Obligations of Constructor

Owner deemed to be constructor

41 If the work for which a permit is issued is not under the control of a constructor, the owner is deemed to be the constructor.

Work on public property

42 A constructor is responsible for ensuring that prior approval in writing is obtained from the appropriate government authority before

- (a) any excavation or other work is undertaken on public property; or
- (b) any building is erected on public property or materials stored in whole or in part in the building.

Responsibilities for work with owner

43 A constructor is responsible jointly and severally with the owner for all and any work undertaken.

Responsibility on discontinuation of work

44 A constructor who is unable to continue work because of bankruptcy or another cause is responsible, before leaving the site of the work, for ensuring that no unsafe condition remains at the site.

Materials, systems to comply with Code

45 A constructor must ensure that all materials, systems and equipment used in the construction, alteration, reconstruction or renovation of a building meet the provisions of

the Code for the work undertaken.

Obligations of Building Official

Appointment and qualification of building officials

46 A person appointed by a municipality as a building official must meet all of the following qualifications:

- (a) they must hold a valid diploma from the Nova Scotia Building Code Training and Certification Board;
- (b) they must be a member in good standing of the Nova Scotia Building Officials Association.

Administration and enforcement of Act, regulations and Code

- 47** (1) Subject to subsection (2), a building official must administer and enforce the provisions of the Act, these regulations and the Code.
- (2) A building official may only administer and enforce the provisions of the Act, these regulations and the Code within the scope for which they hold a valid diploma from the Nova Scotia Building Code Training and Certification Board.
- (3) When enforcing the Act, these regulations and the Code in accordance with subsection (2), a building official is designated as an authority having jurisdiction in the municipality for which they are appointed.
- (4) Any reference to a building official in the Act and these regulations is deemed to be a reference to an authority having jurisdiction in accordance with subsection (3).

Copies of applications, inspections and tests

48 A building official must keep copies of all of the following:

- (a) applications received;
- (b) permits and orders issued;
- (c) inspections and tests made;
- (d) all papers and documents connected with the administration and enforcement of the Act, these regulations and the Code.

Notices and orders

- 49** (1) Any notices or orders that are necessary to inform an owner that a contravention of the Act, these regulations or the Code has been observed must be issued by a building official in writing.
- (2) A notice or order issued by a building official may specify any remedial or other