



# CORPORATION OF THE CITY OF SUMMERSIDE

**BYLAW NAME:** Building Bylaw

**BYLAW #:** CS-31

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**BE IT ENACTED** by the Council of the City of Summerside as follows:

## PART I – INTERPRETATION AND APPLICATION

### 1. Title

- 1.1. This bylaw shall be known and cited as the “Building Bylaw”.

### 2. Authority

- 2.1. This bylaw is enacted pursuant to Section 26 of the *Building Codes Act*, RSPEI 1988, c B-5.1.

### 3. Definitions

- 3.1. In this bylaw,
- (a) “Act” means the *Building Codes Act*, RSPEI 1988, c B-5.1 and regulations made thereunder;
  - (b) “applicant” means a person who has submitted an application for a permit;
  - (c) “Building Code” means the Building Code adopted under the regulations passed pursuant to the Act, except to the extent that the Act or this bylaw provides a more stringent standard;
  - (d) “building official” means a person appointed as a building official by the Chief Administrative Officer;
  - (e) “City” means the City of Summerside, as continued by the *Municipal Government Act*, RSPEI 1988, c M-12.1;
  - (f) “Council” means the Mayor and Councillors of the City of Summerside;
  - (g) “Energy Code” means the Energy Code adopted under the regulations passed pursuant to the Act, except to the extent that the Act or this bylaw provides a more stringent standard;
  - (h) “permit” means a valid and subsisting permit issued under this bylaw in respect of construction or demolition or the occupancy or use of a building;
- 3.2. The words used in this Bylaw have the same definitions as those contained in the City of Summerside *Zoning Bylaw, Subdivision and Site Development Bylaw*, and the *Act*.

- 3.3. Where there is inconsistency in a definition contained in the *Zoning Bylaw, Subdivision and Site Development Bylaw*, and the Act, the definition contained in the Act applies to the interpretation of this bylaw.

#### **4. Application**

- 4.1. This bylaw applies to any of the following activities within the City of Summerside:
- (a) The design, construction, erection, placement, use and occupancy of new buildings;
  - (b) The alteration, demolition, removal and relocation and changes to the use and occupancy of existing buildings; and
  - (c) The work necessary to correct unsafe conditions in existing buildings,
- 4.2. The Act applies to all matters referred to in subsection 4.1 commenced on or after March 31, 2020, except to the extent that this bylaw provides a more stringent standard.

#### **5. Interpretation**

- 5.1. No provision of this bylaw is or shall be invalidated by an error in its drafting.
- 5.2. Should any provision of this bylaw be held by a court of competent jurisdiction to be invalid, the validity of the remainder of the Bylaw shall not be affected.
- 5.3. Where there is a conflict or inconsistency between the Act, this bylaw or any other enactment, the most stringent requirement shall apply.
- 5.4. Any legislation or regulation cited herein includes any revisions, amendments, or successor legislation.

### **PART II – CODES ADOPTED**

#### **6. Adoption of the Building Code and Energy Code**

- 6.1. The City hereby adopts the Building Code and the Energy Code adopted under the regulations passed pursuant to the Act, except to the extent that the Act or this bylaw provide a more stringent standard.

#### **7. Adoption of the Codes under the *Fire Prevention Act***

- 7.1. The City hereby adopts the standards and codes adopted under the *Fire Prevention Act*, RSPEI 1988, c F-11, which standards may be used for inspection and review of in-use structures as well as conditions for permits granted under this bylaw.

### **PART III – ADMINISTRATION**

#### **8. Building Officials**

- 8.1. This bylaw shall be administered by the building official or building officials who shall be appointed by the Chief Administrative Officer.

- 8.2. A building official appointed by the Chief Administrative Officer shall have all the powers and responsibilities bestowed upon a building official by the Act, including all powers of inspection and enforcement.

## **9. Fees**

- 9.1. Council may set fees for any matter provided for in the Act or this bylaw, which fees shall be enumerated in Schedule A hereto and form part of this bylaw.
- 9.2. The fees established pursuant to this bylaw may be amended by simple resolution of Council.
- 9.3. All fees required by this bylaw shall be paid prior to the issuance of a permit, and no work shall commence until all fees have been paid.
- 9.4. Culvert fees are required to be paid at the same time as permit fees.

## **10. Orders**

- 10.1. Where a building official is of the opinion that any provision of the Act or this bylaw is or has been contravened, the building official may issue to the owner or constructor of the building an order in accordance with the Act requiring compliance with the contravened provision.
- 10.2. An order shall be served on the person to whom it is directed in accordance with Section 29 of the Act.
- 10.3. A person to whom an order is issued pursuant to this bylaw shall comply with the order.

## **11. Enforcement of Orders**

- 11.1. The City has all rights of enforcement provided by the Act and the *Municipal Government Act*, RSPEI 1988, c M-12.1, which include but are not limited to:
  - (a) The right to carry out the actions specified in the order, the costs of which become a debt due to the City and constitute a lien on the real property that was the subject of the order;
  - (b) The right to carry out the actions specified in the order to terminate any danger giving rise to an emergency, the costs of which become a debt due to the City and constitute a lien on the real property that was the subject of the order;
  - (c) The right to initiate proceedings in the Supreme Court of Prince Edward Island to obtain any court order which the City considers necessary to enforce an order issued by the building official.

## **12. Appeals**

- 12.1. A person who is aggrieved by a decision of a building official or an order issued by a building official may request a review of the decision or order in accordance with the Act by submitting a request for review in the form approved by the Minister to the Chief Building Official of the Province of PEI within 10 days after receipt of the decision or order.
- 12.2. The process for review and appeals shall be in accordance with the Act.

### 13. Offences and Penalties

- 13.1. An individual who contravenes a provision of the Act or this bylaw is guilty of an offence punishable on summary conviction and is liable
- (a) to a fine in accordance with the *Ticket Regulations*, PEI Reg EC58/08 passed pursuant to the *Summary Proceedings Act*, RSPEI 1988, c S-9;
  - (b) where no fine is specified in the *Ticket Regulations*, PEI Reg EC58/08 passed pursuant to the *Summary Proceedings Act*, RSPEI 1988, c S-9, to a fine of not less than \$500 and not more than \$10,000; or
  - (c) to a term of imprisonment of not more than 12 months, or to both a fine and imprisonment.
- 13.2. A corporation who contravenes a provision of the Act or this bylaw is guilty of an offence punishable on summary conviction and is liable
- (a) to a fine in accordance with the *Ticket Regulations*, PEI Reg EC58/08 passed pursuant to the *Summary Proceedings Act*, RSPEI 1988, c S-9; or
  - (b) where no fine is specified in the *Ticket Regulations*, PEI Reg EC58/08 passed pursuant to the *Summary Proceedings Act*, RSPEI 1988, c S-9, to a fine of not less than \$1,000 and not more than \$50,000.
- 13.3. Continuing offences by an individual or corporation after a conviction shall be in accordance with the Act.
- 13.4. Fines payable pursuant to this section shall accrue to the City.

## PART IV – PERMITS

### 14. Prohibition

- 14.1. No person shall
- (a) commence construction or order the construction of a building;
  - (b) demolish or order the demolition of a building;
  - (c) change the use of a building; or
  - (d) conduct any work regulated by the Building Code or the Energy Code, unless
  - (e) the work is exempt from the application of the Act; or
  - (f) the work is exempt pursuant to Schedule “B” of this bylaw; or
  - (g) a permit for the work has been issued by a building official; and
  - (h) the proposed work conforms to
    - A. the requirements of the Act and this bylaw; and
    - B. the terms and conditions of the permit.

### 15. Application for Permit

- 15.1. An application for a permit shall be written on the form provided and shall be signed and dated by the applicant.

- 15.2. In addition to the information required by Section 9 of the Regulations passed pursuant to the Act, an application for a permit shall
  - (a) identify the service requirements for water, sewer and electrical;
  - (b) identify the requirement for a culvert;
  - (c) identify the requirement for the alteration of existing street curbs and/or sidewalks; and
  - (d) state the estimated construction value of the proposed project.
- 15.3. The building official may request any additional information or documentation from an applicant which the building official considers necessary to determine whether the proposed project complies with the Act or this bylaw, including but not limited to
  - (a) a survey plan prepared by a land surveyor who is a member of the Association of Prince Edward Island Land Surveyors;
  - (b) a storm water management or drainage plan; and/or
  - (c) a soil test.

#### **16. Plan Requirements**

- 16.1. Any plan required by this bylaw shall conform with the requirements and specifications enumerated in Schedule "C" attached hereto.

#### **17. Occupancy Permits**

- 17.1. A permit for the occupancy of a building shall be obtained in accordance with the Act or as specified on the permit issued for the construction of a building.
- 17.2. Conditions may be added to a permit for the occupancy of a building, including but not limited to the maximum number of occupants.

#### **18. Review and Issuance of Permits**

- 18.1. The building official is not required to review incomplete permit applications.
- 18.2. When the necessary documentation in support of an application for a permit has not been provided in conformance with the requirements of this bylaw within six (6) months after the application is filed with the City, the application shall be deemed to have been abandoned.
- 18.3. A building official is permitted to impose conditions on the issuance of a permit and/or the manner in which work is to be completed.
- 18.4. A building official may withhold the issuance of a permit until satisfied that all applicable enactments, and any lot grading plan, and/or Development Agreement, have been complied with and all required approvals or permits have been issued.
- 18.5. No change of ownership shall affect the rights or obligations attached to any permit issued pursuant to this bylaw.

#### **19. Notification for Inspection and Field Review of Construction**

- 19.1. All inspections under the Act or this bylaw are in addition to, and not in replacement of, inspections by the City's Development Officer for compliance with the City's *Zoning Bylaw*.

- 19.2. The owner of a building being constructed under the scope of Part 9 of the Building Code shall notify the building official, and the building official shall carry out inspections at the following stages of construction to ensure compliance with the Building Code:
  - (a) footings and foundation, before commencing backfilling of the laterally supported foundation and before the superstructure is placed on the foundation,
  - (b) framing and building envelope with electrical, plumbing and mechanical systems that will be covered in place as applicable,
  - (c) wall and attic insulation and vapour barrier before wall framing is covered,
  - (d) final inspection before occupancy.
- 19.3. Work shall not proceed beyond the designated inspection points until the required inspection is completed.
- 19.4. The building official may require inspections in addition to those listed in Section 19.2 herein, and if required by the building official, work shall not proceed beyond the designated inspection point until the required inspection is completed. These inspections may be required prior to a permit being issued, prior to work commencing, or at any time during the work.
- 19.5. The building official may waive any or all required inspections where the building official considers that the nature of the work is such that any or all of the inspections referred to under Section 19.2 herein are not required to determine Building Code compliance.
- 19.6. The owner of a building or any portion of a building being constructed in accordance with the design of a professional designer shall notify the designer at the points determined by the designer, and the designer may carry out reviews to ensure compliance with their design. The building official may require that the designer conduct a review and work shall not proceed until the review is completed. The building official may require inspections in addition to those of the designer.

## **20. Deviation from Codes/ Plan Changes**

- 20.1. An owner shall not deviate, omit, or revise, nor authorize any person to deviate, omit, or revise, from the requirements of the Building Code, Energy Code, this bylaw, any conditions of a permit, nor from the plans or building materials listed on the plans, for which a permit has been issued, without first obtaining permission in writing to do so from the building official.

## **PART V – BUILDING REQUIREMENTS**

### **21. Decks/Ramps/Balconies/Fire Escapes**

- 21.1. Decks attached to buildings and/or at a surface height of 762mm (30”) or greater above ground level will require frost protection regardless of size.
- 21.2. Regardless of size, non-residential decks, decks with roofs, decks with hot tubs or other unusual loads, and accessibility ramps for buildings may require professional design.
- 21.3. An entry stair with a landing greater than 4m<sup>2</sup> (43ft<sup>2</sup>) may be deemed a deck and the construction requirements for a deck may be applied.

- 21.4. Balconies supported on a building by brackets, steel fire escape stairs and/or fire escape ladders shall require professional design.

## **22. Residential Garages**

- 22.1. All attached residential garages are to be constructed using 5/8" Type-X gypsum board on ceilings and on wall.
- 22.2. Additional finishes may be applied to the gypsum wall board on approval by the building official.
- 22.3. All ventilation systems (HRV/ERV) located in a garage shall be enclosed within a closet with a weather-stripped door or within an enclosure that has weather-stripped access panels.

## **23. Residential Ventilation**

- 23.1. Ventilation supply/return duct ceiling penetrations at the unit location are to be sleeved with solid metal pipe.
- 23.2. All dryer duct lines are to be solid non-flexible metal pipe extending to the exterior wall of the building.

## **24. Secondary Suites**

- 24.1. New or renovated secondary suites shall be constructed using 5/8" Type-X gypsum board where gypsum board is required by the Building Code.
- 24.2. A secondary suite shall have separate metered electrical service.
- 24.3. A secondary suite shall have a separate electrical panel.

## **25. Pre-Manufactured Accessory Buildings**

- 25.1. Pre-Manufactured buildings greater than 20m<sup>2</sup> are required to comply with Building Code. Documentation showing Building Code compliance may be required to obtain a permit.

## **26. Pre-Engineered Buildings**

- 26.1. The plans for a pre-engineered building shall be sealed by a professional engineer who shall be responsible for the field review and inspection commitments.

## **27. Braced-Wall Construction**

- 27.1. Buildings constructed using braced-wall and/or mechanical shear-bracing methods are to be designed by a professional engineer.

## **28. Plumbing and Electrical**

- 28.1. Plumbing and electrical work done within the scope of work of a permit is not considered independent of the permit and is subject to and may be included in any enforcement action even though a separate permit for the plumbing and/or the electrical work is issued by the Province of PEI.
- 28.2. Notwithstanding requirements under bylaws and policies of the City of Summerside, or the authority having jurisdiction respecting plumbing approvals and permits is the Province of Prince Edward Island,

- (a) all buildings are required to have a backwater valve installed on the building sanitary pipe; and
  - (b) all commercial kitchens are to have an oil/grease separator installed.
- 28.3. Notwithstanding requirements under bylaws, regulations and policies of the City of Summerside Electric Utility, the authority having jurisdiction respecting electrical installation approvals and permits is the Province of Prince Edward Island.

### **29. Suites of Residential Occupancy Required to be Barrier-Free**

- 29.1. At least one unit of every twelve units (1:12) in a new Group C building shall conform to the requirements for barrier-free units enumerated in Schedule D of this bylaw.

### **30. Multiple Housing Unit Buildings-Individually Owned Units**

- 30.1. All new semi-detached and townhouses or existing compliant units to be individually sold, shall be constructed with masonry or concrete party walls extending to the roof line and have separate water, sewer and electrical services to allow for individual ownership whether or not the units are or were intended or constructed for that purpose.

### **31. Multiple Housing Unit Buildings-Single Property Owner**

- 31.1. All new rowhouse buildings shall be constructed with attic fire-blocks at each fire separation between the individual units.
- 31.2. Crawlspace shall have a fire separation aligned with the unit fire separations on the above floor that are of a fire separation rating equal or greater than the rating of the fire separation above.

### **32. Relocated Buildings**

- 32.1. Where the whole or any part of a building that is relocated into or within the City, this bylaw applies to the entire building and to the parts of the building that are being altered or constructed.

### **33. Damaged Buildings**

- 33.1. When a building is damaged by fire, flooding or other cause, this bylaw applies to the work necessary to reconstruct damaged portions of the building.
- 33.2. The owner is responsible to correct any deficiencies found during the reconstruction that are deemed unsafe by the building official regardless of whether the deficiency occurred when the building was damaged or found within the existing building.
- 33.3. The owner may be required to reconstruct or up-grade elements to meet the current Building Code requirements regardless of whether they were in place at the time the damage occurred.

### **34. Building Demolition**

- 34.1. When the whole or any part 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.



- 34.2. A time limit to commence and/or complete building demolition may be given as a condition of a demolition permit.
- 34.3. A building under demolition shall be secured to prevent unauthorized access by:
- (a) having the doors and windows or other openings relaced or repaired and locked; or
  - (b) by covering the doors and window or other openings with a solid wooden material; and
  - (c) securing the land on which the building is located by a fence at least 1.5m in height; or
  - (d) a combination of all or any of the above if prior written approval is obtained from the building official.

### **35. Building-Mounted Photovoltaic Installations**

- 35.1. Building-mounted photovoltaic installations shall comply with National Fire Prevention Association (NFPA) 1 Fire Code as adopted under the *Fire Prevention Act*, RSPEI 1988, c F-11 unless the Building Code provides a more stringent standard.
- 35.2. The structural capacity of a building may be required to be reviewed by a professional engineer to ensure the adequacy to support the additional loads.

### **36. Marijuana Growing, Processing, or Extraction Facilities**

- 36.1. Facilities used for the growing, processing or extraction of marijuana shall comply with National Fire Prevention Association (NFPA) 1 Fire Code as adopted under the *Fire Prevention Act*, RSPEI 1988, c F-11., unless the Building Code provides a more stringent standard.

### **37. Daycare Occupancies**

- 37.1. Daycares that include children under the age of 30 months shall comply with National Fire Prevention Association (NFPA) 101 Life Safety Code as adopted under the *Fire Prevention Act*, RSPEI 1988, c F-11 unless the Building Code provides a more stringent standard.
- 37.2. Daycares for children over the age of 30 months shall comply with requirements of a Group A-2 occupancy under the Building Code.

### **38. Provision of Services**

- 38.1. No utility shall extend service, whether temporary or permanent, to any construction work before a building permit has been issued in accordance with this bylaw.
- 38.2. If an order issued pursuant to the Act or this bylaw is not complied with, the City reserves the right to cause the appropriate utility to withdraw or withhold any temporary or permanent connection for water, sanitary sewer, or electrical services until such time as the order is complied with.
- 38.3. The City may withhold and/or disconnect services if a building official considers the building to be unsafe or a fire hazard.
- 38.4. Any costs incurred as a result of withdrawal or the withholding of services or the reinstatement of services are the responsibility of the owner.

### **39. Damages and Repairs to Public Property**

- 39.1. The owner is responsible for the cost of repair of any damage to public property or public works located on public property that occurs as a result of the owner's undertaking work for which a permit was or was not required.

### **PART VI: REPEAL and EFFECTIVE DATE**

#### **40. Repeal**

- 40.1. The City of Summerside Building Bylaw SS-09 and Building Bylaw Regulation SS-09-01 (May 27, 2009, Amended April 24, 2015) are hereby repealed.

#### **41. Effective Date**

- 41.1. This Bylaw shall come into force and be effective on the date of approval and adoption by Council.

**First Reading:**

This Building Bylaw , Bylaw #CS-31, was read a first time at the Council meeting held on the 15 day of March, 2021.

This Building Bylaw, Bylaw #CS-31, was approved by a majority of Council members present at the Council meeting held on the 15 day of March, 2021.

**Second Reading:**

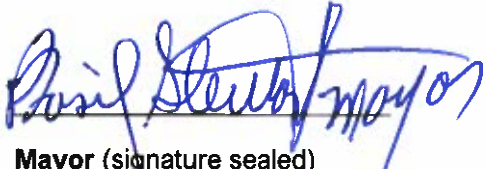
This Building Bylaw, Bylaw #CS-31, was read a second time at the Council meeting held on the 17 day of May, 2021.

This Building Bylaw, Bylaw #CS-31, was approved by a majority of Council members present at the Council meeting held on the 17 day of May, 2021.

**Approval and Adoption by Council:**

This Building Bylaw, Bylaw #CS-31, was adopted by a majority of Council members present at the Council meeting held on the 17 day of May, 2021.

**Signatures**

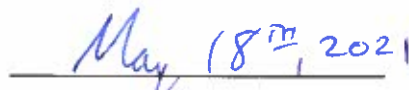
  
\_\_\_\_\_  
Mayor (signature sealed)

  
\_\_\_\_\_  
Chief Administrative Officer (signature sealed)



This Building Bylaw adopted by the Council of the City of Summerside on the 17 day of May, 2021 is certified to be a true copy.

  
\_\_\_\_\_  
Chief Administrative Officer

  
\_\_\_\_\_  
Date



# CORPORATION OF THE CITY OF SUMMERSIDE

**SCHEDULE:** Schedule "A"  
**BYLAW NAME:** Building Bylaw  
**BYLAW #:** # CS-31

*This Schedule enumerates the fees to be imposed pursuant to the Building Bylaw.*

## 1. Definitions

- 1.1. In this Schedule,
- (a) "construction value" or "project value" means the total costs to the owner for the building construction in its completed form and includes the cost of design, all building work, materials of construction, building systems, and labour and profit of the contractor and subcontractors, but does not include the cost of non-fixed furnishings or non-fixed equipment.

## 2. Valuation

- 2.1. No portion of any building, including mechanical, electrical and plumbing work shall be excluded from the construction value by reason of any other permit required by any legislation, regulation, bylaw or government agency.
- 2.2. The construction value of a permit in the case of the removal or relocation of a building to a new site shall include the cost of excavation at the new site, cleaning and leaving the former site in the conditions specified on the permit and the cost of alterations or repairs to the building.
- 2.3. The final determination of construction value shall be made by the building official who may amend the estimated construction value.

## 3. Fees

- 3.1. The Fees to be imposed pursuant to the Building Bylaw shall be as follows:

Description	Fee
Construction (New-Addition-Alteration)	\$3.00 per \$1000 of Construction Value- Minimum Fee of \$15.00
Demolition	\$25.00
Change of Use	\$25.00
Change of Use-Alteration	See Construction
Residential Deck/Ramp	No Fee
Secondary Suite	See Construction
Accessory Building >20m <sup>2</sup>	See Construction

Mini-Home Placement	See Construction
Work to bring non-compliant Secondary Suite or Apartment into compliance	No Fee
Work to Restore a Damaged Building per bylaw Section 33	See Section 3.2 of this Schedule
Permit Renewal	\$25.00
Occupancy Permit	No Fee

- 3.2. Permit fees may be waived for the repair and/or restoration of a structure damaged by flood, fire or other cause but fees may apply to additions or modification to the structure beyond what was existing at the time the damage occurred.

#### 4. Culvert Fees

- 4.1. Where a culvert is required, the culvert fees shall be charged to the property owners as follows:

Description	Fee
Supply and install standard access culvert	\$500.00
Supply and install additional access culvert	Full Cost
Extensions to culverts to widen driveway	Full Cost
Filling all or a portion of a ditch	Full Cost

- 4.2. Culvert fees are required to be paid at the same time permit fees are paid.



## **CORPORATION OF THE CITY OF SUMMERSIDE**

**SCHEDULE:** Schedule "B"  
**BYLAW NAME:** Building Bylaw  
**BYLAW #:** # CS-31

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***This Schedule enumerates the work for which a permit is (and is not) required pursuant to the Building Bylaw.***

### **1. Work Exempt from Permit**

#### **1.1. A person is not required to obtain a permit for:**

- (a) sewage, water, electrical, telephone, rail or similar systems located above, below or on an area of land which has been dedicated or deeded for public use;
- (b) public utility towers and poles, television and radio or other communication aerials and towers, wind turbines or solar panel installations except for those located on or attached to buildings (see Note 1);
- (c) flood control, dams for public water supply, hydroelectric dams and their related structures, not including buildings (see Note 1);
- (d) mechanical or other equipment and appliances not specifically regulated by the codes;
- (e) above-ground or below-ground bulk storage tanks not regulated under Part 6 of the Building Code or the National Farm Building Code of Canada, 1995, issued by the Canadian Commission on Building and Fire Codes, National Research Council of Canada;
- (f) free-standing signs (see Note 1);
- (g) fences (see Note 1);
- (h) pools (see Note 1);
- (i) retaining walls;
- (j) exterior steps not attached to, and forming part of, a building's construction (see Note 1);
- (k) in respect of a building within the scope of Division B of Part 9 of the Building Code, interior and exterior non-structural material alterations and material repairs such as
  - A. removing and replacing roofing with similar materials except in the case of a heritage building;
  - B. removing and replacing cladding with similar materials except in the case of a heritage building;
  - C. replacement or repair of drywall or other interior finish;
  - D. installation of additional insulation or replacement of insulation;
  - E. replacement of a furnace or boiler;
  - F. installation or replacement of an air-conditioning unit or heat pump;

- G. replacement of windows or doors, where there is no change in location or size of the window or door and the structural support for the opening is not affected except in the case of a heritage building;
- H. installation or replacement of cabinets, shelving, millwork or flooring; and
- I. waterproofing or damp-proofing of foundation walls or repair or replacement of foundation drainage;
- (l) an accessory building not greater than 20m<sup>2</sup> (215ft<sup>2</sup>) in area (see Note 1);
- (m) a single-storey exterior wooden deck for residential use not attached to a building with a deck surface height that is less than 600mm (24") above ground level and less than 55m<sup>2</sup> (600ft<sup>2</sup>) in area and does not support a roof (see Note 1);
- (n) a tent with a floor or ground area of less than 223m<sup>2</sup> (2400ft<sup>2</sup>) that is erected for a temporary purpose;
- (o) recreational structures such as playground equipment, tree houses, gazebos (see Note 1);
- (p) in respect of a building within the scope of Division B of Part 3 of the Building Code, interior and exterior non-structural material repairs or maintenance with a project value of \$10,000 or less but does not include work involving fire separations, exits or a change of use.

## 2. Permit Required

- 2.1. **In addition to the permit requirements found in the Act and Regulations, a Building Permit is required for:**
- (a) a change-of use regardless of whether work is required;
  - (b) a deck, regardless of size, if it has a surface height above ground level of 600mm (24") or more;
  - (c) a building that is within the scope of the National Farm Building Code of Canada (see Note 2);
  - (d) a building over 20m<sup>2</sup> (215ft<sup>2</sup>) used for a resource use (buildings for the production and harvesting or extraction of any agricultural, forestry, or fisheries product) (see Note 2);
  - (e) a building over 20m<sup>2</sup> (215ft<sup>2</sup>) used for a resource industrial use (buildings for any industrial development directly associated with agriculture, fisheries or forestry industries) (see Note 2);
  - (f) non-residential biomass boiler buildings; or
  - (g) tourism establishments including but not limited to B&B's, inns, tourist homes, and short- term rentals.

*Note 1: Approval by the Development Officer may be required.*

*Note 2: Required per this Bylaw though not required under the Building Codes Act Regulations.*



## CORPORATION OF THE CITY OF SUMMERSIDE

**SCHEDULE:** Schedule "C"  
**BYLAW NAME:** Building Bylaw  
**BYLAW #:** # CS-31

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***This Schedule enumerates the specifications for plans required by the Building Bylaw.***

### 1. Waiver of Plan

- 1.1. A building official may in writing waive any or all of the requirements of this Schedule when, in the opinion of the building official, the nature of the work is such that the information is not required to determine compliance with the *Building Bylaw*.

### 2. Part 9 Building Plan Requirements

- 2.1. For buildings classified as Part 9 in the Building Code, an applicant shall submit the following information prior to the issuance of a permit:
  - (a) site plan to metric scale indicating
    - A. property lines,
    - B. the location of the proposed building,
    - C. services on the site,
    - D. location of additional buildings on the site,
    - E. any grading changes, proposed surface drainage/storm water control,
    - F. location of driveway access and
    - G. setbacks to property boundaries,
  - (b) floor plan layout to scale indicating
    - A. the dimensions and proposed use of each room or area noted,
    - B. door locations and swings,
    - C. location of furnace, boiler, fireplaces and HRV units
  - (c) details of fire alarm, fire separations, suppression systems, emergency lighting and exit lighting where required,
  - (d) the details or description of the windows and outside doors, including the size,
  - (e) foundation, truss and structural framing plans and details,
  - (f) cross sectional details at sufficient locations to indicate all roof and wall assemblies, structural and finish details, guards and fire ratings,
  - (g) exterior elevations showing overall height and openings to determine the limiting distance requirement; and
  - (h) other information as required by the building inspector to determine compliance with this and other city bylaws including the requirement that components of a Part 9 Building be designed by a professional designer where required in the building code.
- 2.2. Where full or partial professional design is required all plans and specifications shall be accompanied with design certificates bearing the seal of a professional designer licensed to practice in the Province of Prince Edward Island.



- 2.3. Each plan or drawing required for a building classified as Part 9 in the Building Code shall indicate
- (a) the civic address and/or lot number of the building location,
  - (b) the name of the owner,
  - (c) the name of the designer, and
  - (d) the drawing scales used.

### **3. Part 3-6 Building Plan Requirements**

- 3.1. For buildings classified as Part 3, 4, 5 or 6 in the Building Code, an applicant shall submit the following information prior to the issuance of a permit:
- (a) site plan with dimensions and to metric scale indicating
    - A. the location of
      - i. the property lines;
      - ii. setbacks to property boundaries;
      - iii. proposed building;
      - iv. adjacent buildings;
      - v. access routes for firefighting;
      - vi. fire department connection;
      - vii. services on the site;
      - viii. electrical transformer; and
      - ix. driveway access;
    - B. any grading changes; and
    - C. proposed storm water control;
  - (b) floor plans with dimensions and to scale indicating
    - A. floor layout;
    - B. proposed use of rooms or areas;
    - C. height of all rooms;
    - D. openings;
    - E. exits;
    - F. access to exits;
    - G. fire separations; and
    - H. finish schedules;
  - (c) the details or description of the wall, roof, ceiling and floor construction, including insulation;
  - (d) exterior elevations to a scale showing window sizes, grade elevation, and floor and roof elevations referencing the height from grade;
  - (e) structural plans with dimensions and to scale indicating foundation systems and structural framing and truss systems;
  - (f) mechanical plans to scale indicating mechanical ventilation showing,
    - A. the size and continuity of all pipes, ducts, shafts, flues, and fire dampers;
    - B. the size on location of all combustion air and ventilation openings;
    - C. the location, size, capacity and type of all principal units of equipment;
    - D. fire suppression systems;

- (g) electrical plans to scale indicating service size, fire alarm and emergency and exit lighting systems;
  - (h) a building code design review; and
  - (i) other information as required to determine compliance with the code and the City's *Zoning Bylaw and Subdivision and Site Development Bylaw*.
- 3.2. All plans and specifications shall be accompanied with design certificates bearing the seal of a professional designer licensed to practice in the Province of Prince Edward Island.
- 3.3. Information that should be shown on architectural drawings and drawings for electrical, heating, ventilating and air-conditioning systems are:
- (a) the civic address or lot number of the building;
  - (b) the name of the owner;
  - (c) the name of the architect;
  - (d) the name of the engineer or designer; and
  - (e) the drawing scales used.



## **CORPORATION OF THE CITY OF SUMMERSIDE**

**SCHEDULE:** Schedule "D"  
**BYLAW NAME:** Building Bylaw  
**BYLAW #:** # CS-31

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***This Schedule enumerates the requirements for ensuring that large multi-unit developments contain barrier free (accessible) units.***

### **1. Requirement for Barrier Free (Accessible) Units**

- 1.1. At least one unit of every twelve units (1:12) in a new building classified as a Group C building in the Building Code shall conform to Section 3.8 (Part 3, Division B, Volume 1) of the Building Code for a barrier free unit to the requirements as listed below.
- 1.2. For the sake of clarity, the requirement to include barrier free units includes apartment buildings, condominiums, hotels, motels and lodging/boarding homes.

### **2. General Requirements**

- 2.1. Where a suite of residential occupancy is required to provide barrier-free access, it shall be served by:
  - (a) entrances, doorways and doors in accordance with Article 3.8 of the Building Code;
  - (b) barrier-free path of travel to, into, and throughout each required suite, in accordance with Article 3.8 of the Building Code;
  - (c) an accessible balcony if required in accordance with Article 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, that are intended to be operated by the occupant and are located in or adjacent to a barrier-free path of travel which complies with Article 3.8.3 of the Building Code.

### **3. Bathroom Requirements**

- 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;
  - (b) grab bars, conforming to Article 3.8.3.11.(e)&(f) of the Building Code;
  - (c) a clear space of 900mm wide that is parallel and adjacent to the open side of the water closet conforming to Article 3.8.3.12.(d) of the Building Code;
  - (d) a lavatory conforming to Article 3.8.3.15. of the Building Code;
  - (e) a shower, if provided instead of tub, shall conform to Article 3.8.3.16. of the Building Code; and
  - (f) a tub, if provided instead of shower, shall conform to Article 3.8.3.17 of the Building Code.