

Ministerial Interpretation

The Construction Codes Act

PRESCRIPTIVE TRADE-OFF PATH FOR NBC 2020 SECTION 9.36. TIER 3

Issue Number: NBC 2020 - 002
Date Effective: December 11, 2024
Expires: The day the National Building Code of Canada 2025 comes into force.
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Purpose

To provide for the use of a prescriptive-based path for compliance with Tier 3 of the National Building Code of Canada 2020 (NBC 2020) Division B, Section 9.36. effective January 1, 2026.

Discussion

The 2020 edition of the National Building Code of Canada (NBC 2020) introduced five energy performance tiers with increasing levels of improvement for houses and small residential occupancies. Two energy efficiency compliance options were identified as the performance-based path prescribed in subsection 9.36.7. and the prescriptive-based path prescribed in subsection 9.36.8. were introduced.

On January 1, 2026, Tier 3 will automatically take effect and require higher energy efficiency standards for the new construction of houses and small residential occupancies. Tier 3 will apply to both the performance-based path and the prescriptive-based path for energy efficiency design.

This interpretation will provide the language necessary to allow Tier 3 of the prescriptive-based path to be applied as an option for building owners and designers.

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NBC 2020 Section 9.36. shall be interpreted with subsection 9.36.8.2. removed and the following substituted:

“9.36.8.2. Compliance

- 1) Compliance with this Subsection shall be achieved by designing and constructing buildings to which this Subsection applies in accordance with Sentences (2) to (5).
- 2) The requirements of Subsections 9.36.2. to 9.36.4. shall be met, except where these requirements are specifically permitted by this Subsection to be waived. (See Note A-9.36.8.2.(2).)
- 3) The minimum sum of energy conservation points as specified in Table 9.36.8.2. shall be accumulated, by complying with one or more of the energy conservation measures prescribed in Articles 9.36.8.5. to 9.36.8.11., to attain the applicable energy performance tier.
- 4) The minimum sum of energy conservation points from building envelope measures as specified in Table 9.36.8.2. shall be accumulated, by complying with one or more of the energy conservation measures prescribed in Articles 9.36.8.5. to 9.36.8.8. and 9.36.8.11., to attain the applicable energy performance tier.
- 5) A minimum Airtightness Level of AL-3A or AL-4B as specified in Article 9.36.6.4. shall be achieved to attain Energy Performance Tiers 4 and 5.

Table 9.36.8.2.
Energy Performance Tiers
Forming Part of Sentences 9.36.8.2.(3) and (4)

Minimum Sum	Energy Performance Tiers				
	Tier 1	Tier 2	Tier 3	Tier 4	Tier 5
Energy conservation points	⁽¹⁾	10	20	40	75
Energy conservation points from <i>building</i> envelope measures ⁽²⁾	-	-	5	10	15

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Notes to Table [9.36.8.2.-B]:

- (1) Tier 1 represents compliance with the baseline energy efficiency requirements stated in Subsections 9.36.2. to 9.36.4.; therefore, this Tier has no energy conservation points associated with it.
- (2) Applicable measures include building envelope measures described in Articles 9.36.8.5. to 9.36.8.7., airtightness measures prescribed in Article 9.36.8.8. and building volume measures prescribed in Article 9.36.8.11

Note A-9.36.8.2.(2) Compliance Options.

The prescriptive requirements presented in Subsections 9.36.2. to 9.36.4. serve as the basis for the energy conservation measures presented in Subsection 9.36.8. Builders and designers can choose to apply one or more of the measures in order to accumulate the associated energy conservation points with a view to achieving compliance with more stringent Energy Performance Tiers. Energy conservation measures are provided only for certain building elements addressed in Subsections 9.36.2. to 9.36.4.; therefore, other building elements that comply with other Code provisions cannot be credited with any energy conservation points.”

Authority

Section 8 of *The Construction Codes Act*.

Jurisdiction

This interpretation will apply throughout Saskatchewan.

Original approved and signed by:

The Honourable Eric Schmalz
Minister of Government Relations