

Request for Hearing

Saskatchewan Construction Standards Appeal Board

Pages 1 and 2 of this Request for Hearing Application must be filed with the Appeal Board at the address on the right.

Attention: Chief Codes Administrator
Building and Technical Standards Branch
Saskatchewan Ministry of Government Relations
1430 – 1855 Victoria Avenue
REGINA SK S4P 3T2
Phone: 306-787-4113 | Email: btstandards@gov.sk.ca

IN THE MATTER OF THE CONSTRUCTION CODES ACT

Chapter 9 of the Statutes of Saskatchewan, 2021 (effective January 1, 2022)

To: Saskatchewan Construction Standards Appeal Board

I _____ (name)
of _____ (municipality), _____ (province)

Owner(s) of a building (or proposed building) located at:

Legal Description	
Civic Address	
Municipality	
Postal Code	

Hereby (please check one of the following applicable to your request):

- ☐ Give NOTICE OF APPEAL of an order of a building official dated _____ and received on _____, issued pursuant to Section 25 of *The Construction Codes Act* (the CC Act) and attached to this Request for Hearing, under Section 31 of the CC Act and have included the deposit of \$200.
- ☐ Give NOTICE OF APPLICATION under Section 32 of the CC Act and apply for an order to determine an interpretation of any provision of a construction code and have included the deposit of \$500.
- ☐ Give NOTICE OF APPLICATION under Section 33 of the CC Act and apply for an order to determine an exemption of a construction code pertaining to accessibility as prescribed by Clause 5(1)(b) of the CC Act and have included the deposit of \$200.

The reasons in support of the application or appeal are as follows:

The Request for Hearing application must be accompanied by the deposit amount. Other information may be requested and/or provided prior to the hearing.

Deposit is/will be provided by:

- ☐ Cash, cheque or money order (make cheque or money order payable to the Minister of Finance)
- ☐ By credit card (you will receive a link to the email address below to complete the transaction)

The following documents are filed in support of my application or appeal:

- ☐ Design plans
- ☐ As-built plans
- ☐ Specifications
- ☐ Copy of the building official order
- ☐ Copy of letter from local authority (municipality) specific to the construction project
- ☐ Copy of building permit
- ☐ Photographs
- ☐ Other documents (please specify)

Dated at _____, Saskatchewan, this _____ day of _____, 20____.

Signature _____

Please print or type:

Name	
Mailing Address	
Daytime Telephone #	
Email Address	

Information for Appellant/Applicant (keep pages 3-5 for your records)

The Saskatchewan Construction Standards Appeal Board (the Appeal Board) may establish rules of procedure under Section 29 of *The Construction Codes Act* (the CC Act). The purpose of these rules is to facilitate the resolution of appeals in a timely and procedurally fair manner. These rules should be read together with Sections 27, 28, 29, 30, 31, 32, 33 and 34 of the CC Act and Sections 32, 33, 34 and 35 of *The Building Code Regulations* (the BC Regulations). The Appeal Board has the powers of commissioners pursuant to *The Public Inquiries Act, 2013*.

Appeal of a Building Official's Order – Section 31 of the CC Act

An owner or owner's representative, referred to as the Appellant, may make an application for an appeal under Section 31 of the CC Act of an order received from a building official made pursuant to Section 25 of the CC Act. The application must be received within 15 days after the service of the order and can be made by:

- Filing a written notice of the appeal with the Chief Codes Administrator (CC Administrator)
- Providing a deposit of \$200 with the CC Administrator
- Submitting all substantiating information considered necessary by the CC Administrator

Within 15 days after the filing of an appeal and providing the deposit, the CC Administrator shall:

- Inform the Appellant of all substantiating information considered necessary to be submitted to allow the appeal to continue
- Inform the Appellant of the date by which all information required must be submitted
- Inform the appropriate local authority of the appeal request

If the Appellant does not provide the necessary information by the required date or does not provide a reason acceptable to the CC Administrator why the information has not been provided, the appeal will be considered abandoned. Although the appeal will be considered abandoned, the building official order associated with the appeal will remain in force.

Reconsideration by the CC Administrator of an abandoned appeal may be given where the Appellant provides reasonable rationale for failing to provide the information by the date required.

Application for an Interpretation Order – Section 32 of the CC Act

An owner, constructor, local authority, appropriate local authority or a building official may make application under Section 32 of the CC Act, for an interpretation order of any provision of a construction code prior to the issuance of a building permit by a local authority by:

- Filing written notice of the application with the CC Administrator
- Providing a deposit of \$500 with the CC Administrator
- Submitting to the CC Administrator all substantiating information considered necessary by the CC Administrator

Application for an Exemption Order – Section 33 of the CC Act

Before a permit is issued by the appropriate local authority, an owner of a building or proposed building may make an application under Section 33 of the CC Act, for an exemption order from accessibility standards referenced in the National Building Code of Canada, as adopted and amended for use in Saskatchewan, requiring the combination of various elements of the build environment to allow entrance to, egress from and use of any class of buildings by people with disabilities. Application can be made by:

- Filing a written notice of the application with the CC Administrator
- Providing a deposit of \$200 with the CC Administrator
- Submitting to all substantiating information considered necessary by the CC Administrator

General Rules

As per the CC Act, an appeal or application for an order will not be heard by the Appeal Board if the CC Administrator determines the matter in the application:

- Is outside of the scope of the Appeal Board's mandate or areas of responsibility
- Would be considered as an alternative solution within the meaning of a construction code
- Concerns an order that has already been heard as an appeal pursuant to Section 31 of the CC Act
- For any other reason the CC Administrator considers the application ineligible

All decisions of the Appeal Board:

- May be subject to any conditions that the Appeal Board considers necessary
- Shall be in writing
- Shall be served to the owner at the owner's last known address

The Appeal Board may rescind or vary an order or decision issued pursuant to Sections 31, 32 or 33 of the CC Act if, based on new information submitted to the Appeal Board after it has issued an order or decision, the Appeal Board has reasonable grounds to believe that:

- The application or any information submitted to the Appeal Board with respect to the application contained false or misleading information
- The order or decision of the Appeal Board would result in a loss of public safety or result in non-compliance with the CC Act

Failure to Appear at Hearing

As per the BC Regulations, if notice is given of a hearing pursuant to Section 31, 32 or 33 of the CC Act and a party other than the Appellant/Applicant fails to attend the hearing, the Appeal Board may hear and decide the matter in the absence of that party.

Where notice is given of a hearing pursuant to Section 31, 32 or 33 of the CC Act and the Applicant fails to attend that hearing, the Appeal Board may dismiss the matter without conducting a hearing.

Appeal or Application Deposit

As per the CC Act, the Appellant/Applicant will be required to provide a deposit by either credit card, cash, cheque or money order.

For an appeal of a building official order written under Section 25 of the CC Act, the deposit required by Section 31 of the CC Act must accompany the Request for Hearing application and be received within 15 days after service of the order on the owner or constructor. If the deposit is not paid within the period required by the CC Act, the appeal is deemed to be dismissed and any further right of appeal is not permitted. The deposit or a portion of the deposit may be returned to the Applicant if the Appeal Board considers it appropriate to do so.

For an application for an interpretation order pursuant to Section 32 of the CC Act, the deposit must be provided in advance of the hearing.

For an application for an exemption order pursuant to Section 33 of the CC Act, the deposit must be provided in advance of the hearing.

Waiver of Appeal or Application Deposit

The CC Administrator may waive any deposit referenced in Section 33 of the BC Regulations, which is part of an appeal or application to the Appeal Board, if an Applicant is able to demonstrate to the CC Administrator's satisfaction that exceptional or unusual events or circumstances are affecting the Applicant's ability to pay.

Applicants may be required to provide, within the period set out by the CC Administrator, evidence of their circumstances that demonstrates they are unable to provide a deposit and that their evidence satisfies the CC Administrator.

If an Applicant fails to provide evidence at the request of the CC Administrator, the CC Administrator may refuse to waive the deposit for the Applicant.

For Additional Information

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Web saskatchewan.ca/btstandards