



Building Advisory B23-001
January 29, 2024

Subject: Application of the Building Code Regulation for Multi-Building Projects in Transition from NBC 2019 (AE) to NBC 2023 (AE)

Background:

The City of Calgary is working towards the implementation of the National Building Code – 2023 Alberta Edition (NBC 2023 [AE]) and National Energy Code for Buildings 2020 (NECB 2020) in accordance with *Order in Council O.C. 014/2024 Building Code Regulation*, the Notice from Alberta Municipal Affairs (AMA) dated January 2024 and subsequent communications with the Director, Standards Development & Fire Commissioner, Technical & Corporate Services, Alberta Municipal Affairs. The AMA Notice provided for a transition period from the introduction of the regulation on January 24, 2024 to the full implementation of the NBC 2023 (AE) and NECB 2020 on May 1, 2024. As of May 1, 2024 any projects for which a building permit is applied for are to comply with the NBC 2023 (AE) and NECB 2020.

The City of Calgary recognizes that some multi-building projects may have been caught in the transition while in the design stage prior to a building permit being obtained, or may have been specifically designed to the previous building code or energy code edition to provide consistency within an existing project which is being added to or still under construction under the National Building Code – 2019 Alberta Edition (NBC 2019 [AE]) and National Energy Code for Buildings 2017 (NECB 2017). The AMA Notice provides some exceptions to application of code edition and makes specific reference to a municipality being able to administer the permit system as per the municipality's policies and in a manner that permits flexibility. As per the Notice:

- “Municipal Affairs recognizes that municipalities require flexibility to appropriately manage the transition period for the administration of new code requirements.”
- “Under the Safety Codes Act, municipalities have the authority to carry out their powers and duties as an accredited municipality including the administration of their permit system.”

Advisory:

The City of Calgary has, as policy in the past, used the date of Development Permit (DP) application as an indication of when the drawing process for the multi-building project had progressed to the point of being a viable entity for permission to develop the project. This assures the Safety Codes Officer that the preparation of the plans and specifications did begin prior to the new code coming into effect. To maintain this policy and provide predictability for owners and designers and apply it to the current building code adoption the following will apply for multi-building projects:

- if the DP application date for the multi-building project was on or prior to January 24, 2024 a building permit application under either the NBC 2019 (AE) / NECB 2017 or NBC 2023 (AE) / NECB 2020 will be accepted. At least one building permit application on a multi-building project had to have been made prior to May 1, 2024 in order to accept any further applications under the NBC 2019 (AE) / NECB 2017.
- if the DP application date for the multi-building project was after January 24, 2024 a building permit application under only the NBC 2023 (AE) / NECB 2020 will be accepted.



All building permits for buildings in a multi-building project must be applied for prior to the coming into force date of the next edition of the NBC (AE) in order for the NBC 2019 (AE) / NECB 2017 to apply. This interpretation is not intended to permit acceptance of a building permit application under an edition of the NBC (AE) prior to the NBC 2019 (AE).

This interpretation was accepted by the Codes and Standards Technical Interpretation Committee (CSTIC – December 18, 2023).

Chief Building Official
The City of Calgary

This Advisory is issued by The City of Calgary. Advisories have no legal status and cannot be used as an official interpretation of the various bylaws, codes, and regulations currently in effect. The City of Calgary accepts no responsibility to persons relying solely on this information.