



BULLETIN RB06-040

(Updated 2015 Dec 18)

APPLICATION OF THE BUILDING CODE & THE BUILDING PERMIT BY-LAW

Reference: Div A, Clause 1.1.1.1.(1)(h), Div A, Clause 1.1.1.1.(1)(l), Div A, Clause 1.1.1.1.(1)(m) and Alberta Regulation 204/2007

Div A, Clause 1.1.1.1.(1)(h) "This Code applies to any one or more of the following: the reconstruction of any building that has been damaged by fire, earth quake or other cause,"

Div A, Clause 1.1.1.1.(1)(l) "This Code applies to any one or more of the following: the installation, replacement, or alteration of materials regulated by this Code,"

Div A, Clause 1.1.1.1.(1)(m) "This Code applies to any one or more of the following: the installation, replacement, or alteration of equipment regulated by this Code,"

Alberta Regulation 204/2007 6.(3)(a) "Despite **subsection (1)**, a permit is not required for the following:

(a) construction that does not exceed \$5000 in prevailing market value if matters affecting health or safety are not at risk;"

Commentary / Relevant Facts:

The meanings of most of the Clauses defining Application are clear. However, it is more difficult to find guidance on whether a permit is required for the installation, replacement, or alteration of the materials and equipment regulated by the Code, i.e., **Clauses (l) and (m) of Sentence 1.1.1.1.(1)**.

The two major categories considered in deciding whether a permit is required or not for a renovation or alterations are restoration/reconstruction and maintenance,

To make the decision, one must first establish whether the entire proposed work or just a portion of it is regulated by the Code, keeping in mind that the total value of the work has no bearing on the requirement for permits.

RESTORATION/RECONSTRUCTION:

If the situation is one of reconstruction after fire, earthquake, or other cause of damage, such as impact, explosion, etc., **Clause (h) of Div A, 1.1.1.1.(1)** regulates the work and requires a permit.

MAINTENANCE:

If the work is essentially of a maintenance nature, permits may or may not be required. An SCO at the permit counter or in the field may determine that a building permit is not required. Nevertheless, electrical, plumbing, gas, or mechanical work regulated by Code(s) may require permit(s).

Maintenance work which normally does not require a permit includes: painting, decorating, millwork, cabinetry, carpeting, removal of non-load bearing interior partitions in dwellings, replacing non-rated interior doors, re-roofing, eavestroughing and flashing, repointing of masonry joints, stucco repairs, and replacing exterior siding which is not governed by the Spatial Separation Requirements of the **ABC 2006**.

EXAMPLE #1 (Mixed Case):

Replacing carpets inside of an occupancy does not require a building permit. Replacing carpets subject to flame spread rating requirements of the Code (e.g., in public corridors and exits) does require a building permit.

EXAMPLE #2:

Re-roofing a single family residence with roof covering of the same kind does not require a building permit. Re-roofing with a material heavier than original, say concrete tile vs. original asphalt shingles, requires a building permit because of the increase in the dead load imposed on the structure. Re-roofing of a commercial (including multi-family residential) roof requires a permit if structural parts of the building (e.g., deck, decking, slab, parapet walls, fire wall projections) are repaired, roof drainage is affected (rain water ponding), and roof mounted mechanical units are added or their supports are modified.

EXAMPLE #3:

Elevator repairs/replacements do not require a building permit, unless structural components of the building are being altered. Any work on fire protection equipment of a building, e.g. fire alarm, hard wired smoke detectors/alarms requires building and electrical permits. Electrical permits may be required in single, two family and townhouse dwellings.

EXAMPLE #4:

Replacing a lightweight siding with same or similar lightweight siding (aluminum, vinyl, wood) does not require a building permit. Note: Walls closer than 1.2 m to property line will require a fire-resistance rating. Replacing a lightweight siding with 100 mm (4 in) brick requires a building permit because of the additional weight imposed on the structure and the need to examine the structural supports and their fastener details.

EXAMPLE #5:

Finishing a basement in a single family dwelling requires a building permit. Items which require inspection include:

- i) the furnace must be enclosed and separated from other spaces,
- ii) windows from bedrooms must be of sufficient size to serve as emergency exits,
- iii) vapour barriers must be properly installed to prevent condensation,
- iv) thermal barrier for foamed plastic insulation must be provided,

- v) electrical and plumbing installations must comply with requirements.

Insulating basement walls with adhesive-fixed batt insulation (without framing) and damp proofing does not require a permit.

EXAMPLE #6:

Constructing an exterior wood deck with surface less than 600 mm above finished grade does not require a building permit. Constructing a deck more than 600 mm above finished grade does require a building permit, and may in some situations require a development permit.

EXAMPLE #7:

Constructing a garage pad ("floating slab" without foundations) does not require a permit. Individuals enquiring about permits should be cautioned that they need to check for compliance with Land Use Bylaw before locating the pad if they intend to construct a garage on the pad at some point in the future. Constructing a detached/attached residential garage always requires a building permit. Insulating, applying external/internal garage finishes at 1.2 m or more from property line is normally included in the permit to construct the garage. If the property is sold before finishes are completed and the permit has expired, no permit is required to complete the finishes which are 1.2 m or more from property line. Note: Exposed foamed plastic insulation requires to be thermally protected and walls less than 1.2 m from property line will require a fire-resistance rating. The addition of brick veneer to an existing garage does require a permit.

EXAMPLE #8 (Multi-family Residential):

Renovations valued at \$150,000 to a condominium penthouse unit worth \$600,000 are contemplated. The extent of work is described as: complete remove all drywall and replace with new, replacement of existing electrical wiring, re-installation of all trim and millwork, replacement of kitchen cabinets, replacement of all bathroom fixtures, painting, decorating, and replacement of all interior doors (non-rated). Note that no fire separations are involved. No building permit is required for this work although electrical permit and plumbing permits are required. Condominium corporations usually control work involving common property (structure, party walls, exterior building envelope, etc) for which permits are required.

EXAMPLE #9 (Institutional/Commercial/Industrial Occupancies):

George has rented the space formerly occupied by Mike's Dental Supply. He will operate George's Fish & Chips on the location. Applying for a building permit, he gives value of work as \$3,000 for some drywall and painting. Unless the space was originally built as Group A, Div.2 occupancy, George must apply for a building permit to upgrade the fire separations between his and adjacent units. The indicated cost of work appears too low and George's design professional should review and confirm/revise it. In general, work in these occupancies requires a building permit and other permits. Changes of use and/or renovations are more frequent, more extensive and more likely to involve regulated items than in residential occupancies. Unregulated (maintenance) work listed at the beginning of this Regulation Bulletin need not be included in the scope and value of work.

SPECIAL CASE - UNSAFE SITUATION:

In a discussion at the permit counter the Safety Codes Officer (SCO) cautions the permit applicant to maintain the smoke detector/alarm in working condition during and after renovations and provide portable Class A.B.C. fire extinguishers for the duration of the construction period. The applicant states that the hard-wired alarm system appears to have been disabled throughout the building because of numerous false alarms. The SCO advises the Fire Department and the Supervisor that an unsafe situation requiring immediate action may exist in the building. On confirmation, the building owner applies for building and electrical permits to repair the fire alarm system.

Chief Building Inspector

This bulletin is issued by The City of Calgary Inspections & Permit Services.

Unless stated otherwise, the Code references in this bulletin are to Division B of the Alberta Building Code 2014 (ABC 2014). Bulletins do not overrule the ABC 2014 nor constitute a relaxation of the Code. They serve to clarify the Code in areas where the latter is ambiguous or does not cover a specific topic. Bulletins are City of Calgary clarifications for staff use to enable consistency in the application of the Code. These bulletins should always be read in the context of the appropriate requirements of the Code.