



**REPORT OF COUNCIL-IN-COMMITTEE**

*For City Council – November 28, 2022*

*\*Additional Items*

**From:** Office of the City Clerk

**Date:** Monday, November 28, 2022

**Title:** New Building By-law

**Description:**

---

Council-in-Committee, at its session held on November 28, 2022 considered an administrative report from the Manager of Building Inspections which requested amend the building by-law to conform to the requirements set out in the Building Code Administration Act, or they will cease to have effect on January 1, 2023.

The Province of New Brunswick adopted the Building Code Administration Act (BCAA), assented to March 17, 2020, and the accompanying NB Regulation 2021-2 on January 28, 2021. Municipal building by-laws made under section 62 of the *Community Planning Act* (CPA) remain temporarily in force, as provided in section 23(1). Subsequent amendments to the legislation require that all Municipal building by-laws be made to conform to the requirements set out in the BCAA by January 1, 2023.

Upon review of the current by-law, it was determined changes were needed to bring it into conformance with the Act and to reflect current construction and inspection practices.

Major operational changes include the following:

- Changing a building’s use to a new occupancy type requires a building permit even if no construction is done. For example, when changing a residential use to commercial, Building Inspection reviews to ensure the new use is code compliant, and Community Planning provides the required review of land use.
- The monetary limit for permit exemptions for small projects not impacting health, safety or structural aspects is increased from a construction value of \$1,500 to \$5,000. This simplifies renovations for home owners doing small projects and frees inspection resources for more complicated projects.
- Re-roofing projects for 1-2 unit residential buildings are exempted from requiring permits.
- Lot grading and foundation elevation regulations are updated to better avert drainage issues for home owners and neighboring properties.
- The site deposit formerly taken for new foundations is eliminated, reducing financial burdens for home builders.
- The number of mandatory site inspections is increased for large permits, providing a heightened level of service to complex projects.

Form No.:	GOV-FRM-259	Service:	Community Leadership
Issue No.:	1.2	Issue Date:	06/11/10
Printed On:	November 28, 2022	©	May 25, 2001

- Pre-occupancy inspections are required for large projects, improving public safety.
- Fee structures are updated to add a \$50 application fee to help cover administration costs, but permit fees otherwise remain the same at \$8 per thousand dollars construction value.
- Building inspectors are authorized to write tickets under the BCAA.
- Other miscellaneous housekeeping items.

Multiple stakeholders were consulted, including general contractors, home builders, developers, electrical contractors, professional engineers, and NB Land Surveyors. Amendments were developed with the goal of improving the effectiveness and efficiency of operations, while maintaining developer friendly policies and better matching levels of service with the work associated with building permits.

The Committee directed that the following resolution be forwarded to City Council for consideration:

BE IT RESOLVED that the Council of the City of Fredericton authorizes and directs the City Solicitor to initiate the formal process to repeal By-law No. R-1, A Building By-law and amendments thereto, and to give consideration to the proposed new Building By-law which conforms to the Building Code Administration Act, SNB 2020, c. 8.

## Report Approval Details

Document Title:	Report of CIC - New Building By-law - November 28, 2022.docx
Attachments:	
Final Approval Date:	Nov 28, 2022

This report and all of its attachments were approved and signed as outlined below:

Hart, Steven