

**HALIFAX REGIONAL MUNICIPALITY
BY-LAW NUMBER B-201
RESPECTING THE BUILDING CODE**

BE IT ENACTED by the Council of the Halifax Regional Municipality under the authority of the Building Code Act as follows:

Short Title

1. This By-law shall be known as "By-law B-201" and shall be cited as the "Building By-Law".

Interpretation

2. (1) Unless otherwise defined herein, definitions contained in the Building Code Act, Nova Scotia Building Code Regulations, and Nova Scotia Building Code also apply to this By-law.

(2) In this By-law

(a) "Administrative Order 15" means Administrative Order 15, the *License, Permits and Processing Fees Administrative Order*;

(aa) "Authority having Jurisdiction" means any person appointed as a Building Inspector by the Council of the Halifax Regional Municipality;

(ab) "CMP" means a Construction Management Plan prepared in accordance with Administrative Order 2016-003-ADM;

(b) "Core area" means that portion of the Halifax Regional Municipality for which the Municipality has assumed responsibility for maintenance of public streets and is more particularly described in Agreement No. HRM-01 between the Halifax Regional Municipality and the Minister of Transportation & Public Works which became effective on June 24, 1996;

(ba) "Non-profit organization" includes:

(i) a society incorporated pursuant to the *Societies Act*, R.S.N.S.1989 c.435, as amended,

(ii) a non-profit association incorporated pursuant to the *Co-operative Associations Act*, R.S.N.S.1989 c. 98, as amended,

(iii) a non-profit association to which the *Co-operative Associations Act* applies,

(iv) a not-for-profit corporation incorporated pursuant to the *Canada Not-for-profit Corporations Act*, S.C. 2009, c. 23, and

(v) a non-profit organization otherwise incorporated pursuant to an Act of the Nova Scotia Legislature;

(bb) "Registered Canadian Charitable Organization" means a charitable organization registered pursuant to the Income Tax Act (Canada) and the regulations made pursuant to that Act; and

(c) "Temporary Building" means a building, or part thereof, which because of its nature will exist for a specified period of time as set out in the occupancy permit, and

includes a tent, a portable office, and any other building referred to in 1.4.1.12.(1) of the Nova Scotia Building Code Regulations-

Application

3. This bylaw shall apply to the entire Halifax Regional Municipality.

Building Permit Application

4. (1) In addition to the requirements in the Nova Scotia Building Code Regulations, an application for a building permit shall include plans as set forth in:

- (a) Appendix-A: Residential projects, except decks and accessory buildings, up to and including four units,
- (b) Appendix-B: Leasehold improvements or alterations,
- (c) Appendix-C: New commercial/industrial and multi-tenant residential projects,
- (d) Appendix-D: Fences exceeding 6.5 feet (2m) in height

(2) Unless subsection (2A) applies, fees shall be paid at the time of application and in the full amount as set in Administrative Order 15.

(2A) For an application for either new commercial/industrial and multi-tenant residential project under Clause 4(1)(c), or a leasehold improvement or alteration under Clause 4(1)(b), 25% of the fees set in section 6D of Administrative Order 15 may be paid at the time of application.

(3) The Municipality may at its discretion, refuse to accept or process any application for which the required plans, information or fees have not been submitted.

(4) No permit shall be issued until all appropriate fees have been paid.

(5) Unless subsection (5A) applies, where an application has not been approved within 6 months after the application has been made, the application shall be canceled and 75% of any building permit fees paid shall be refunded.

(5A) There shall be no refund where only 25% of the fee was paid in accordance with subsection 4(2A).

(6) The Halifax Regional Municipality is exempt from the payment of building permit fees.

(7) Notwithstanding subsection (2), within the Barrington Street Heritage Conservation District pursuant to By-law No. H-500, applications for additions, renovations, repairs and attached signs are exempt from the payment of building permit fees.

(8) Notwithstanding subsection (2) but subject to subsection (9), applications for construction, demolition, additions, renovations, repairs and attached signs are exempt from the payment of building permit fees, and fees under section 4A may be waived for residential developments undertaken by an applicant providing:

- (a) Repealed;
- (b) Repealed;

(c) Repealed;

(d) Repealed;

(e) on the day the complete application is received by the Municipality, the applicant must have been registered as a non-profit organization or registered Canadian charitable organization for a period of at least 1 year;

(f) the provision of affordable housing must be included in either the mandate, or the programs and activities, of the non-profit organization or registered Canadian charitable organization;

(g) a minimum of 60% of the total gross floor area of the development must be for a residential use; and

(h) the property that is the subject of the application must be solely owned by one, or a combination of, the following:

(i) the non-profit organization or registered Canadian charitable organization,

(ii) the Municipality,

(iii) the Province of Nova Scotia,

(iv) the Government of Canada, or

(v) an agent of the Province of Nova Scotia or the Government of Canada, including a Crown corporation.

(9) To be eligible for a waiver or an exemption from the payment of building permit fees pursuant to subsection 8, the Non-Profit Organization or the Registered Canadian Charitable Organization shall, as of the date of the application, have fully paid all taxes or all instalments or all interim payments due to the Municipality.

Fees

4A. (1) For new residential construction of four dwelling units or less, including excavations, foundations and additions, Administrative Order 15 shall set permit application fees for:

(a) construction projects not exceeding a fixed dollar amount;

(b) all floors, wherein any portion of the floor plane is at or above the mean finished grade surrounding the dwelling, at a per square meter amount;

(c) all floors extending below but not beyond 1.67 meters (5.5 feet) of the mean finished grade surrounding the building at a per square meter amount;

(d) finished basements, unfinished basements, or both, at a per square meter amount; and

(e) attached garage, detached garages, or both, at a per square meter amount.

(2) For renovation type construction, including structural alterations and repairs, and for all other types of construction, Administrative Order 15 shall set a permit application fee per thousand dollars of construction value.

(3) Where the Municipality renews a building permit, or reissues the building permit in the name of another individual or company, Administrative Order 15 shall set a fee to be paid for the renewal, reissuance, or both.

(4) Where a building permit is required to facilitate a change in use or occupancy and where that change does not involve renovations or structural alterations in excess of \$5,000, Administrative Order 15 shall set a fee for that change.

(5) Where a building exceeds one year in age and where the Municipality is requested to issue an Occupancy Permit, Administrative Order 15 shall set a permit fee for that permit.

(6) Where a demolition permit is required, Administrative Order 15 shall set a permit fee to be paid.

(7) Where a permit is required for the construction or erection of barricades, hoardings or temporary structures, Administrative Order 15 shall set a fee for that permit.

(8) In the event of a dispute between the applicant and the Municipality as to the value of construction of any building project, the Municipality's estimated value of construction shall prevail.

(9) Application fees shall be paid in full prior to the issuance of any Permit.

(10) Unless subsection (11) applies, if within twelve months of the issuance of any permit, the applicant has not exercised the right conferred by the permit the permit holder may by written request to the Municipality apply for a cancellation of the permit and if the application is approved shall receive a refund in an amount of seventy-five Percent (75%) of the fee(s) paid.

(11) There shall be no refund where only 25% of the prescribed fee was paid in accordance with subsection 4(2A).

Demolition Permits

5. (1) An application for a Demolition Permit shall include proof of \$2 million public liability insurance coverage.

(2) The proof of liability insurance coverage may be waived for the demolition of a single unit dwelling, a semi-detached dwelling and any buildings accessory thereto.

(2A) An application for a Demolition Permit shall include a CMP.

(3) An application for a demolition permit shall include a description of the location or locations where the demolition debris will be disposed and the fee set under Administrative Order 15.

(4) Immediately following demolition, the owner shall clean the property and remove all debris or other material to ensure the site conforms to Part XIII of the Halifax Regional Municipality Act.

Building Permits

6. (1) A building permit may be withheld until the Building Inspector is satisfied that the provisions of the Planning Act, any regulations or bylaws enacted pursuant thereto including any Land Use Bylaw or Subdivision bylaw, the Heritage Property Act and any regulations or bylaws enacted pursuant thereto, any Lot Grading By-law or applicable Development Agreement have been complied with.

(2) A building permit is valid for a period of 2 years from the date of issue.

(3) If within 2 years of the date of issue,

(a) no work has taken place, the building permit shall be canceled and, unless subsection (3A) applies, 75% of the permit fee paid shall be refunded; or

(b) where the work has commenced but not been completed, a new application shall be completed and a fee paid based on the value of the work to be completed.

(3A) There shall be no refund where only 25% of the fee was paid in accordance with subsection 4(2A).

(4) In addition to the requirements in the Nova Scotia Building Code Regulations, a building permit shall be obtained for:

(a) a change of use or tenant in buildings of other than residential occupancy, regardless of the extent of construction being undertaken;

(b) creation of additional units.

Occupancy Permits

7. (1) An occupancy permit is not required for any building or occupancy in existence prior to the coming into effect of the Nova Scotia Building Code Act, as shown on the assessment record for the property as of April 1, 1987.

(2) An occupancy permit shall not be issued for any building or part thereof unless a valid building permit is in effect.

(3) Except for a change of a residential tenant, no person shall occupy a building after a change of use or tenant, including any change in the number of either commercial or residential units, without first obtaining an occupancy permit.

(4) An occupancy permit may be withheld until the Municipality is satisfied that the provisions of the Planning Act, any regulations or bylaws enacted pursuant thereto including any Land Use Bylaw or Subdivision bylaw, the Heritage Property Act and any regulations or bylaws enacted pursuant thereto, any Lot Grading bylaw, Streets bylaw or applicable Development Agreement have been complied with.

Occupancy Permits for Temporary Buildings

8. (1) A temporary building located within the core area shall not be occupied or used unless an occupancy permit therefore is first obtained.

(2) An occupancy permit for a temporary building shall not be issued for a period of more than 1 year, shall not be renewed, nor shall a second permit for a temporary building on the same property be issued until a period of 30 days has elapsed following the expiration of any previous occupancy permit for a temporary building.

(3) A temporary building shall be removed immediately upon expiration of the occupancy permit.

(4) An occupancy permit required by subsection (2) shall be issued provided that no unsafe condition exists with respect health and life safety.

Location Certificates

9. (1) A location certificate shall be provided for every new building except a building which is accessory to a single unit dwelling, semi-detached dwelling, or townhouse.

(2) The authority having jurisdiction may require a location certificate for additions or accessory buildings where the proposed construction is within 10 feet of the property line in order to be satisfied that the construction complies with the provisions of the Land-use bylaw and Building Code.

(3) A location certificate may be waived by the building inspector for a building outside the serviceable area where the lot area is greater than three acres.

(4) Unless stated on the building permit, the location certificate must be approved before a foundation inspection will be carried out and any framing is permitted to take place above the foundation.

Fences

10. (1) No person shall erect a fence more than 6.5 feet in height without first obtaining a permit therefore.

(2) Where a fence for which a permit is required separates a property containing a residential use from another property, the permit application shall be approved by the local Community Council.

(3) The municipality shall serve notice on the adjacent property owners at least 14 days in advance of the meeting of the local Community Council, at which time, the public may speak to the application.

(4) If approved by Community Council, the permit shall be issued by the authority having jurisdiction within five business days.

Inspections

11. In addition to any inspections specified on the building permit, the owner shall notify the authority having jurisdiction to inspect work outside the scope of Part 9 of the Code for compliance with the Code at the following stages of construction:

(a) once the foundation is placed, but before commencement of the superstructure

(b) at the framing stage, once all services have been roughed in, but before interior wall covers have been installed; and

(c) once the work is complete, but before occupancy.

12. A foundation inspection will not be carried out until the location certificate, where required, has been approved by both the Development Officer and the Building Inspector and where required, the Development Engineer.

13. Where a mandatory inspection is requested and the work is not ready for said inspection, or violations are noted which require a reinspection, the Inspector will perform one reinspection per mandatory inspection at no charge. Where more than one reinspection is required, the owner shall be subject to a re-inspection fee as prescribed in Bylaw F-200, the Fees Bylaw, for each subsequent inspection.

14. Any fees incurred under Section 13 shall be paid before the occupancy permit is issued.

Site Conditions

15. No person shall bury any garbage or similar debris on a construction site.

16. An owner of a property shall ensure that excavations undertaken during freezing conditions are protected from freezing before, during and after the placement of concrete.

Repeal

City of Halifax By-law 131, the Building Code Ordinance; City of Dartmouth By-laws B-100 and 101; Town of Bedford By-law 26103; and Halifax County Municipality Building By-law No. 23 and Occupancy Permit Bylaw No.25 are hereby repealed. and 101; Town of Bedford By-law 26103; and Halifax County Municipality Building By-law No. 23 and Occupancy Permit Bylaw No.25 are hereby repealed.

Done and passed by Council this 14th day of April, 1998.

Mayor
Municipal Clerk

I, Vi Carmichael, Municipal Clerk for the Halifax Regional Municipality, hereby certify that the above-noted by-law was passed at a meeting of the Halifax Regional Council held April 14, 1998.

Vic Carmichael, Municipal Clerk

Building Plans

Minimum Required Information for Building Permit Applications for Single, Two Unit and Townhouses up to 4 Units

The Provincial Building Code Regulations require that a Building Permit Application be accompanied by building plans and specifications. Therefore, **three (3) copies** of the following information must be submitted, along with a Building Permit Application, in order to be considered for review. Plans, which may be hand drawn, should also be drawn to scale.

1. **Plot Plans** - A plot plan shall show the footprint of the proposed building, and any projections such as decks, roof overhangs and doorsteps. The plot plan shall also include setback dimensions from adjacent property and street lines. If the property is located in an area where a "Lot Grading By-law" is in affect (usually areas serviced with Municipal sewer, storm sewer and water), then the Plot Plan shall also show proposed finished grade elevations and be prepared by a professional surveyor or engineer..
2. **Floor Plans** - A floor plan shall show the interior layout of each floor of the proposed building including:
 - (a) all rooms labelled and showing dimensions;
 - (b) the location of all plumbing and electrical fixtures;
 - (c) the size, spacing and span of framing members; and
 - (d) the location and size of all exterior steps, decks, stairs, etc.***(e) the total square footage of each floor, and the total square footage of the proposed building.***
3. **Detailed Notes** - Detailed written notes on all heating, ventilation or other mechanical systems.
4. **Building Elevations** - Building elevations shall show the dimensions of all sides of the structure and including grade, size, location and dimensions of all windows.
5. **Cross Sections** - A typical cross section shall be taken through an exterior wall from the footing to the roof and show:
 - (a) the footing and foundation wall size;
 - (b) the floor assembly construction;
 - (c) the wall assembly construction; and
 - (d) the roof assembly construction.

Compliance: It is the responsibility of the builder to ensure that all construction complies with the requirements of the **Provincial Building Code**. If submitted plans do not contain adequate information to enable staff to accurately assess a project, revisions may be required before a Building Permit is issued.

Leasehold Plans

Minimum Required Information for Building Permit Applications for Commercial/Industrial leaseholds and alterations

The Provincial Building Code Regulations require that a Building Permit Application be accompanied by building plans and specifications. Therefore **three (3) copies** of the following information must be submitted, along with a Building Permit Application, in order to be considered for review. Plans, which may be hand drawn, should also be drawn to scale.

1. **Floor Plans** - A floor plan must show the interior layout of each floor of the proposed suite including:
 - (a) all rooms labelled and showing dimensions including exit doors and their direction of swing;
 - (b) the location of all plumbing and electrical fixtures, including exit and emergency lighting;
 - (c) the size, spacing and span of framing members;
 - (d) the location and size of all furniture such as counters, and shelving.
 - (e) the occupancy of adjacent suites; and
 - (f) the total square footage of each floor area, and the total square footage of the proposed suite.**
2. **Detailed Notes** - Detailed written notes on all heating, ventilation or other mechanical systems.
3. **Sprinkler** - Alterations to an existing sprinkler system must be accompanied by a *Field review of Construction Inspection Commitment Certificate*.
4. **Cross Sections** - A typical cross section must be taken through a wall from the floor to the roof and show:
 - (a) the floor assembly construction, if more than 1 level;
 - (b) the wall assembly construction, including fire resistance rating;
 - (c) any other details required by the Authority Having Jurisdiction.
5. **Structural** - Any structural alterations falling outside the scope of Part 9 of the Code must be accompanied by a *Field review of Construction Inspection Commitment Certificate*.
6. **Mechanical and Electrical** - Depending on the size and scope of work, *Field review of Construction Inspection Commitment Certificates* may be required for these disciplines as well

Compliance: It is the responsibility of the builder to ensure that all construction complies with the requirements of the **Provincial Building Code**. If submitted plans do not contain adequate information to enable staff to accurately assess a project, revisions may be required before a Building Permit is issued.

Building Plans

Minimum Required Information for Building Permit Applications for New Commercial and Multi-Unit Residential Buildings

The Provincial Building Code Regulations require that a Building Permit Application be accompanied by building plans and specifications. Therefore, **three (3) copies** of the following information must be submitted, along with a Building Permit Application, in order to be considered for review. Plans, which may be hand drawn, shall be drawn to scale.

1. **Plot Plans-** A plot plan must show the footprint of the proposed building, and any projections such as decks, roof overhangs and doorsteps. The plot plan shall also include setback dimensions from adjacent property and street lines and proposed finished grade elevations.
2. **Floor Plans-** A floor plan must show the interior layout of each floor of the proposed building including:
 - (a) all rooms labeled and showing dimensions;
 - (b) the location of all plumbing and electrical fixtures;
 - (c) the size, spacing and span of framing members; and
 - (d) the location and size of all exterior steps, decks, stairs, etc.
3. **Detailed Drawings-** Where a building or part thereof falls within the scope of part 4 of the Code detailed drawings are required from the appropriate professional bearing his registered stamp, signature and **Letter of Undertaking** specified in Schedule "A" of the Building Code Regulations.
4. **Building Elevations-** Building elevations must show the dimensions of all sides of the structure and including grade, size, location and dimensions of all windows.
5. **Cross Sections-**A typical cross section must be taken through an exterior wall from the footing to the roof and show:
 - (a) the footing and foundation wall size;
 - (b) the floor assembly construction;
 - (c) the wall assembly construction; and
 - (d) the roof assembly construction.
6. **Construction Management Plan (CMP)** – a detailed construction management plan prepared in accordance with Administrative Order 2016-003-ADM.

Compliance: It is the responsibility of the builder to ensure that all construction complies with the requirements of the **Provincial Building Code**. If submitted plans do not contain adequate information to enable staff to accurately assess a project, revisions may be required before a Building Permit is issued.

Fence Plans

Minimum Required Information for Building Permit Applications for Fences

The Halifax Regional Municipality Building By-law requires that a Building Permit Application for a fence be accompanied by plans and specifications. Therefore, **three (3) copies** of the following information must be submitted, along with a Building Permit Application, in order to be considered for review. Plans, which may be hand drawn, should also be drawn to scale.

1. **Plot Plans** - In addition to the subject property, a plot plan must show all properties adjacent to the subject property and should include the following information:
 - a) the location of all buildings;
 - b) the location of the proposed fence, including the height at 8' intervals;
 - c) the location and condition of vegetation such as trees, shrubs, flowers, etc;
2. **Construction Details** - Complete construction details of the proposed fence including a Professional Architect's or Engineer's design.
3. **Additional Information**- The authority having jurisdiction may request additional information due to the location of the fence and adjacent properties.

Compliance: It is the responsibility of the applicant to provide enough information for Community Council to make a determination as to the appropriateness of the proposed fence. Should sufficient information not be provided, the processing of the application may be delayed.

BY-LAW B-201

Notice of Motion:	February 10, 1998
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“Notice of Intent” Publication:	April 4, 1998
Second Reading:	April 14, 1998
Third Reading:	April 14, 1998
Approval of Minister of Housing & Municipal Affairs:	N/A
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Amendment # 1 (B-202)

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Approval of Service Nova Scotia and Municipal Relations:	N/A
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Amendment # 2 (A-501)

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2016	
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Amendment # 3 (B-203)

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Amendment # 4 (B-204)

- Repealed 4(8)(a,b,c,d)
- Added 4(8)(e,f,g,h)

Notice of Motion:	September 22, 2020
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Second Reading:	November 10, 2020
Approval by Minister of Municipal Affairs and Housing:	N/A
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Amendment #5 (B-206)

- Amended clauses 2(a),(aa), 6(3)(a), subsections 4(2), 4(4), 4(5), 4(8), 4(9), 5(3)
- Added clause 2(a), subsections 4(2A) and 4(5A), 6(3A), and section 4A,

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