



Province of Alberta

## SAFETY CODES ACT

# PERMIT REGULATION

### **Alberta Regulation 204/2007**

With amendments up to and including Alberta Regulation 22/2019

Current as of April 1, 2019

### Office Consolidation

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(Consolidated up to 22/2019)

**ALBERTA REGULATION 204/2007**

**Safety Codes Act**

**PERMIT REGULATION**

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**Interpretation**

**1(1)** In this Regulation,

- (a) “Act” means the *Safety Codes Act*;
- (b) “Administrator” means an Administrator appointed under section 14 of the Act with respect to the applicable discipline;
- (c) repealed AR 31/2015 s5;
- (d) “Alberta Electrical Utility Code” means the Alberta Electrical Utility Code declared in force by the *Electrical Code Regulation* (AR 209/2006);
- (e) “Alberta Fire Code” means the *National Fire Code - 2019 Alberta Edition* declared in force by the *Fire Code Regulation* (AR 32/2015);
- (f) “Electrical Code” means the Canadian Electrical Code, Part I, declared in force by the *Electrical Code Regulation* (AR 209/2006);

- (g) “electrician” means a person who holds a trade certificate or equivalency in the electrician trade acceptable under the *Apprenticeship and Industry Training Act*;
- (h) “electronic signature” means information that a person creates, adopts, records, transmits or stores in digital or other intangible form in order to effect a signature on a document and that is either in, attached to or associated with that document;
- (i) “farm building” means a building located on agricultural land as defined in the *Agricultural Operation Practices Act* that is occupied for an agricultural operation as defined in the *Agricultural Operation Practices Act*, including, but not limited to,
  - (i) housing livestock,
  - (ii) storing, sorting, grading or bulk packaging of agricultural products that have not undergone secondary processing, and
  - (iii) housing, storing or maintaining machinery that is undertaken in the building;
- (j) “gasfitter” means a person who holds a trade certificate or equivalency in the gasfitter trade acceptable under the *Apprenticeship and Industry Training Act*;
- (k) “master electrician” means a person who holds a master electrician certificate of competency issued pursuant to the Act;
- (l) “parcel of land” means a parcel of land as defined in section 616 of the *Municipal Government Act*;
- (m) “permit issuer” means a safety codes officer or a person designated to issue permits pursuant to section 44 of the Act;
- (n) “plumber” means a person who holds a trade certificate or equivalency in the plumber trade acceptable under the *Apprenticeship and Industry Training Act*;
- (o) “private sewage installer” means a person who holds a private sewage installer certificate of competency issued pursuant to the Act;
- (p) “relocatable industrial accommodation” means a building to which Part 10 of the *National Building Code - 2019*

*Alberta Edition* declared in force by the *Building Code Regulation* (AR 31/2015) applies;

- (q) “restricted master electrician” means a person who holds a restricted master electrician certificate of competency issued pursuant to the Act;
- (r) “restricted private sewage installer” means a person who holds a restricted private sewage installer certificate of competency issued pursuant to the Act;
- (s) “rural wireman” means a person who holds a rural wireman certificate of competency issued pursuant to the Act;
- (s.1) “sheet metal worker” means a person who holds a trade certificate or equivalency in the sheet metal worker trade acceptable under the *Apprenticeship and Industry Training Act*;
- (t) “sign installation technician” means a person who is permitted to perform sign installation tasks in the electrical trade pursuant to an authorization under the *Apprenticeship and Industry Training Act*;
- (u) “single family residential dwelling” means a residential dwelling for a single family that includes, if applicable, a residential garage or accessory structure associated by use to the dwelling, if the garage or structure is situated on the same parcel of land as the dwelling;
- (v) “undertaking” means the construction of a thing or the control or operation of a thing, process or activity to which the Act applies.

(2) Unless otherwise defined in the Act or this Regulation, the definitions in a code, standard or body of rules relating to the building, electrical, gas plumbing or private sewage discipline declared in force under the Act apply to this Regulation.

(3) For greater certainty, in this Regulation a building includes a stage and a tent, including an overhead structure used or intended to be used in conjunction with a stage or tent

AR 204/2007 s1;40/2012;17/2015;31/2015;194/2015;22/2019

### Exemptions

2 This Regulation does not apply to the following:

- (a) an accredited corporation operating within the scope of its terms of accreditation;

- (b) equipment and materials regulated under the *Elevating Devices, Passenger Ropeways and Amusement Rides Permit Regulation* (AR 28/2012);
- (c) equipment, materials and systems regulated under the *Pressure Equipment Safety Regulation* (AR 49/2006).  
AR 204/2007 s2;17/2015

## Part 1 Permits

### Permit required

**3(1)** Subject to subsection (2), a person shall not start any undertaking for which a permit is required under this Regulation unless a permit has been issued.

**(2)** If a permit issuer is not readily available and there is imminent serious danger to, or imminent serious danger of damage to, persons or property because of any thing, process or activity to which this Act applies or because of a fire hazard or risk of an explosion, a person may, without a permit, start an undertaking for which a permit is required under this Regulation but that person must apply for a permit as soon as a permit issuer is available.

### Permit not required

**4** A permit is not required for

- (a) an undertaking that a body accredited by the Standards Council of Canada has inspected pursuant to the body's terms of accreditation and has certified, or
- (b) an undertaking governed by a quality control program acceptable to an Administrator.

### Liability

**5** A permit issued under this Regulation does not make or imply any assurance or guarantee about the life expectancy, durability, operating performance or workmanship of the equipment, materials or undertaking nor shall the permit be construed as an approval or acceptance of the undertaking.

## Building Discipline

### Building permit

**6(1)** A permit in the building discipline is required for the following:

- (a) the construction of a building, including the renovation of or addition to a building;
- (b) a change in the occupancy classification of a building.

(2) A permit issuer may require a separate permit for specific parts of the undertaking to which the relevant building code declared in force under the *Building Code Regulation* (AR 31/2015) applies if the specific parts involve a compulsory certification trade under the *Apprenticeship and Industry Training Act*.

(3) Despite subsection (1), a permit is not required for the following:

- (a) construction of a building, including a renovation or an addition to a building, if
  - (i) the building is not a stage or tent or an overhead structure that is used in or intended to be used in conjunction with a stage or tent,
  - (ii) the construction, renovation or addition does not exceed \$5000 in prevailing market value, and
  - (iii) matters affecting health or safety are not at risk;
- (b) painting or decorating if
  - (i) matters affecting health or safety are not at risk, and
  - (ii) there is no structural change to the building;
- (c) re-roofing or re-siding if
  - (i) the re-roofing or re-siding is undertaken for aesthetic purposes or for the purposes of maintaining the building,
  - (ii) the re-roofing or re-siding is being replaced with roofing or siding of a similar type,
  - (iii) matters affecting health or safety are not at risk, and
  - (iv) there is no structural change to the building;
- (d) to replace or alter ducting serving a space heating appliance if
  - (i) it is located in a single family residential dwelling, and



- (ii) there is no design change required to the heating and ventilation system;
- (e) construction of, including a renovation of or an addition to, a stage if the platform of the stage is not at a distance greater than 1200 mm above the adjacent surface on any side;
- (f) construction of, including a renovation of or an addition to, a tent
  - (i) that is
    - (A) located on property that is designated for residential use by municipal land use bylaws and used as a single family residential dwelling, and
    - (B) not used for a commercial purpose,
  - or
  - (ii) that is located on a campsite or campground or more than 3 m from any other structure if the tent
    - (A) does not cover, and is not part of a group of tents that collectively cover, more than 60 m<sup>2</sup> of ground, and
    - (B) does not contain, and is not intended to contain, commercial cooking equipment;
- (g) construction of an exterior deck that is attached to or detached from a single family dwelling that is not greater than 600 mm from that adjacent grade on all sides of the deck.

(4) Despite subsection (1), a permit is not required with respect to the relocation of a relocatable industrial accommodation if the relocatable industrial accommodation is at the relocation site for not more than 28 days.

AR 204/2007 s6;223/2010;31/2015;194/2015;22/2019

### **Building permit for new home**

**6.1(1)** In this section,

- (a) “authorization” means an authorization as defined in the *New Home Buyer Protection Act*;
- (a.1) “licence” means a licence as defined in the *New Home Buyer Protection Act*;

- (a.2) “operator’s licence” has the same meaning as in section 1(1)(bb) of the *Traffic Safety Act*;
- (b) “new home” means a new home as defined in the *New Home Buyer Protection Act*;
- (c) “owner builder” means an owner builder as defined in the *New Home Buyer Protection Act*;
- (d) “Registrar” means the person appointed under section 8 of the *New Home Buyer Protection Act* as the Registrar for the purposes of that Act;
- (e) “required home warranty coverage” means required home warranty coverage as defined in the *New Home Buyer Protection Act*.

(2) A permit issuer shall not issue a building permit for a proposed new home unless the applicant provides evidence to the permit issuer, in a form acceptable to the Registrar, that the proposed new home

- (a) complies with the requirements of the *New Home Buyer Protection Act*, and
- (b) will be built by a person that holds the appropriate licence or authorization or is exempt from the requirement for a licence or authorization.

(2.1) Before issuing a building permit to an applicant, a permit issuer may require the applicant to produce the applicant’s operator’s licence or another form of identification that is issued by the government of Canada or a province, is satisfactory to the Registrar and shows the applicant’s date of birth.

(3) On request of the Registrar, a permit issuer shall forward to the Registrar information provided by applicants for permits under subsection (2).

(4) Where a permit issuer issues a building permit for a proposed new home, the permit issuer shall indicate on the permit the date that it was applied for.

AR 212/2013 s2;99/2016;208/2017

#### **Building discipline permit holder**

(1) A permit issuer may issue a permit in the building discipline to an owner of the building or to the owner’s agent.

(2) A permit issuer may issue a permit for an undertaking referred to in section 6(2) to the following:

- (a) a person having the appropriate certification to carry out the undertaking as required by the *Apprenticeship and Industry Training Act*;
  - (b) an owner who resides or intends to reside in a single family residential dwelling for the installation of building systems in the dwelling.
- (3)** Without limiting the generality of section 44(2) of the Act, for the purpose of achieving the level of safety intended by the Act and the regulations, a permit issuer may limit the type and scope of the undertaking for which a permit is issued under subsection (2)(b).

AR 204/2007 s7;17/2015

### Electrical Discipline

#### Electrical permit

- 8(1)** A permit in the electrical discipline is required to install, alter or add to an electrical system.
- (2)** Despite subsection (1), a permit is not required for the following:
- (a) communication systems;
  - (b) electrical installations to which the CSA Standard CAN/CSA M421-00(R2000) The Use of Electricity in Mines applies;
  - (c) electrical installations related to an elevating device;
  - (d) extra low voltage, Class 2 electrical circuits unless they are for any of the following:
    - (i) safety control;
    - (ii) locations described as hazardous in the Electrical Code;
    - (iii) electro-medical purposes;
    - (iv) lighting;
  - (e) the replacement of electrical equipment with units of a similar type if the replacement is made for the purpose of maintaining the system and does not modify the ratings or characteristics of the electrical installation.

AR 204/2007 s8;194/2015

**Electrical discipline permit holder**

**9(1)** A permit issuer may issue a permit in the electrical discipline to the following:

- (a) a master electrician for any electrical system within the scope of the master electrician's certification;
- (b) a restricted master electrician for any electrical system within the scope of the restricted master electrician's certification;
- (c) a rural wireman for an electrical undertaking in a residence, farm building or similar structure, in an area of Alberta prescribed by an Administrator, if the service ampacity does not exceed 100 amperes and 300 volts single phase;
- (d) an owner who resides or intends to reside in a single family residential dwelling where the electrical system serves that dwelling;
- (e) an owner of a farm building served by a single phase electrical system;
- (f) an owner, operator or designate of a power line construction company or an electrical utility for the construction of an overhead or underground power system governed by the Alberta Electrical Utility Code;
- (g) a sign installation technician to perform electrical undertakings within the scope of the technician's duties as permitted by the *Apprenticeship and Industry Training Act*;
- (h) an owner or operator if the requirements of section 23 are met.

**(2)** Without limiting the generality of section 44(2) of the Act, for the purpose of achieving the level of safety intended by the Act and the regulations, a permit issuer may limit the type and scope of the undertaking for which a permit is issued under subsection (1)(d) or (e).

AR 204/2007 s9;295/2009;17/2015

**Fire Discipline****Storage tank system permit**

**10** A permit in the fire discipline is required to install, alter or remove a storage tank system to which the Alberta Fire Code applies.

**Fire discipline permit holder**

**11** A permit issuer may issue a permit in the fire discipline to the owner of the parcel of land on which the storage tank system is to be installed.

**Gas Discipline****Gas permit**

**12(1)** A permit in the gas discipline is required to install, alter or add to a gas system.

**(2)** Despite subsection (1), a permit is not required for the following:

- (a) a gas system that uses propane or natural gas as an alternate or principal fuel for motive power on a motor vehicle;
- (b) a gas system that uses propane or natural gas to provide conditioned air in a cargo transport unit;
- (c) the replacement of a dryer, range, water heater or space heating appliance if
  - (i) it is located in a single family residential dwelling, and
  - (ii) no design change is required to any gas piping or venting system;
- (d) the relocation, by a gas utility company, of a gas meter, including any piping changes that may be required for the relocation;
- (e) a container having a propane capacity of not more than 454 litres water capacity or when containers are manifolded together, the aggregate capacity of the containers does not exceed 454 litres water capacity;
- (f) a propane container and installation serving a pump jack, flare stack or oil tank heater at an oil field well site.

**Gas discipline permit holder**

**13(1)** A permit issuer may issue a permit in the gas discipline to the following:

- (a) a gasfitter;

- (b) an owner who resides or intends to reside in a single family residential dwelling if the gas system serves the dwelling;
- (c) an owner of a farm building if the gas system serves the farm building;
- (d) a person who has satisfactorily completed a course of training acceptable to the Administrator for the installation of liquefied petroleum tanks;
- (e) a person who has satisfactorily completed a course of training acceptable to the Administrator for the installation of natural gas secondary lines;
- (f) an owner or operator if the requirements of section 23 are met;
- (g) a certified journeyperson sheet metal worker if the permit is for the replacement of a furnace in a single family residential dwelling including, if applicable, the replacement of the gas piping downstream of the shut-off valves for the furnace.

**(2)** Without limiting the generality of section 44(2) of the Act, for the purpose of achieving the level of safety intended by the Act and the regulations, a permit issuer may limit the type and scope of the undertaking for which a permit is issued under subsection (1)(b) or (c).

AR 204/2007 s13;17/2015

## **Plumbing Discipline**

### **Plumbing permit**

**14(1)** A permit in the plumbing discipline is required to install, alter or add to a plumbing system.

**(2)** Despite subsection (1), a permit is not required for the following:

- (a) to install a water service that connects a building to a municipal or private water supply;
- (b) to install a building sewer or storm sewer outside of a building;
- (c) to change a fixture, water heater, faucet, trap or valve if a design change to the piping system is not required;

- (d) to install plumbing fixtures in a single family residential dwelling if roughed-in piping has been completed under another permit;
- (e) to install residential water treatment devices in a single family residential dwelling.

**Plumbing permit holder**

**15(1)** A permit issuer may issue a permit in the plumbing discipline to the following:

- (a) a plumber;
- (b) an owner who resides or intends to reside in a single family residential dwelling if the plumbing system serves the dwelling;
- (c) an owner of a farm building if the plumbing system serves the farm building;
- (d) an owner or operator if the requirements of section 23 are met;
- (e) a person holding a valid private sewage installer certificate of competency, in respect of a portion of a plumbing system that is
  - (i) located outside a building, and
  - (ii) required for the treatment, flow control or pressure delivery of wastewater from a plumbing system that discharges into a municipal sewage collection system.

**(2)** Without limiting the generality of section 44(2) of the Act, for the purpose of achieving the level of safety intended by the Act and the regulations, a permit issuer may limit the type and scope of the undertaking for which a permit is issued under subsection (1)(b) or (c).

AR 204/2007 s15;17/2015;194/2015

**Private Sewage Discipline****Private sewage disposal permit**

**16(1)** A permit in the private sewage discipline is required for a private sewage disposal system undertaking.

**(2)** Despite subsection (1), a permit is not required for the replacement of any equipment of a private sewage disposal system

with units of a similar type if the replacement is made for the purpose of maintaining the system and does not modify the design of the system.

**(3)** Despite subsection (1), a permit is not required for basic privies that are not connected to a holding tank.

AR 204/2007 s16;266/2009

#### **Private sewage system permit holder**

**17(1)** A permit issuer may issue a permit in the private sewage discipline to the following:

- (a) a private sewage installer for any private sewage system;
- (b) a restricted private sewage installer for the installation of holding tank;
- (c) an owner who resides or intends to reside in a single family residential dwelling for any private sewage system if the private sewage disposal system serves the dwelling;
- (d) an owner of a farm building for any private sewage system if the private sewage disposal system serves the farm building.

**(2)** Without limiting the generality of section 44(2) of the Act, for the purpose of achieving the level of safety intended by the Act and the regulations, a permit issuer may limit the type and scope of the undertaking for which a permit is issued under subsection (1)(c) or (d).

AR 204/2007 s17;17/2015

### **Utility Connections**

#### **Gas, electricity, water**

**18(1)** A supply of gas or electricity shall not be provided to a gas or electrical system unless

- (a) the permit issued in respect of that installation is presented to the supplier,
- (b) the permit issuer notifies the supplier that the required permit has been obtained, or
- (c) the permit issuer authorizes a temporary connection.

**(2)** Despite subsection (1), a permit or notification from a permit issuer does not obligate a supplier of gas or electricity to supply gas or electricity to an installation.



- (3) A permit or notification from a permit issuer does not obligate a supplier of water to supply water to a plumbing system.

### Information System

#### Permit information

**19(1)** A permit issuer shall, on request, provide an Administrator or the Council with permit information for use in an information system.

(2) The Administrator or the Council may disclose the permit information in accordance with section 63 of the Act.

AR 204/2007 s19;17/2015

## Part 2 Permit Administration

#### Form of permit application

**20** An application for a permit and any information required to be included with the application must be submitted in a form and in a manner satisfactory to the permit issuer and the application must

- (a) state the use or proposed use of the premises,
- (b) clearly set forth the address or location at or in which the undertaking will take place,
- (c) include the owner's name and mailing address,
- (d) include any further information as required to enable the permit issuer to determine the permit fee,
- (e) describe the undertaking, including information, satisfactory to the permit issuer, regarding the technical nature and extent of the undertaking,
- (f) set out the name, complete address, telephone number and evidence of credentials required of the permit applicant, together with the written or electronic signature of the permit applicant,
- (g) for a permit for the building discipline,
  - (i) state the type of occupancy,
  - (ii) set out the prevailing market value of the undertaking, and

- (iii) if a structure is to be installed on a temporary basis, as determined by the permit issuer, state the period for which the structure will be installed,
- (h) include a method of payment of fees acceptable to the permit issuer, and
- (i) include any further information that the permit issuer considers necessary, including the provision of
  - (i) a site plan that shows the actual dimensions of the parcel of land and the location of the proposed undertaking in relation to the boundaries of the parcel of land and other buildings on the same parcel of land,
  - (ii) copies of plans and specifications for the proposed undertaking, and
  - (iii) documentation required to verify information provided by the applicant.

AR 204/2007 s20;223/2010;17/2015

#### **Required permit issued - terms**

**21** A permit issued under this Regulation

- (a) must include a unique identifier that has been assigned by the permit issuer to the undertaking,
- (b) must state the date on which the permit is issued,
- (c) must state the name of the owner and the person to whom the permit has been issued,
- (d) must state where the undertaking is to take place,
- (e) must describe the undertaking or portion of the undertaking governed by the permit, and
- (f) may contain any other information that the permit issuer considers necessary.

#### **Terms and conditions of permit**

**22** A permit issuer may issue a permit for an undertaking, or part of the undertaking, and may, without limiting the generality of section 44(2) of the Act and subject to the applicable policies of the Minister and of the accredited municipality or accredited regional services commission, impose terms and conditions on the permit

that are consistent with the purpose and intent of the Regulation, including, but not limited to,

- (a) requiring that permission be obtained from the permit issuer before the occupancy or use of the construction, process or activity under the permit,
- (b) setting the date on which the permit expires,
- (c) setting a condition that causes the permit to expire,
- (d) setting the period of time that the undertaking may be occupied, used or operated,
- (e) setting out the scope of the undertaking being permitted,
- (f) setting the location or locations of the undertaking being permitted,
- (g) setting the qualifications of the person responsible for the undertaking,
- (h) requiring an identification number or label to be affixed to the undertaking, and
- (i) requiring the approval of a safety codes officer before any part of the building or system is covered or concealed.

#### **Annual permit**

**23** A permit issuer may issue a permit in the electrical, gas or plumbing discipline allowing the owner or operator of the premises to effect minor repairs, alterations or additions on the premises under the following conditions:

- (a) a person who holds a trade certificate in the appropriate trade under the *Apprenticeship and Industry Training Act* carries out the undertaking;
- (b) the permit does not entitle the owner or operator to effect major alterations in or additions to the premises;
- (c) the owner or operator maintains on the premises an accurate record of all repairs for the previous 2 years and makes the record available to a safety codes officer on request;
- (d) the permit is limited to a one-year term, subject to renewal by the permit issuer.

AR 204/2007 s23;17/2015

**Responsibilities of the permit holder**

**24** On the issuance of a permit, the permit holder must

- (a) comply with the terms and conditions of the permit,
- (b) undertake the construction, process or activity in accordance with the Act and applicable codes and standards,
- (c) notify the permit issuer
  - (i) if the permit holder does not intend to complete the undertaking, or
  - (ii) if there is a change in ownership from the owner as stated on the permit application,
- (d) ensure that all plans and specifications required to apply for the permit are available at the construction site at all reasonable times for inspection by a safety codes officer, and
- (e) ensure that a permit for the building discipline is posted or readily available at the construction site.

AR 204/2007 s24;17/2015

**Term of a permit**

**25(1)** In the absence of a different term set under section 22, a permit expires if the undertaking to which it applies

- (a) is not commenced within 90 days from the date of issue of the permit,
- (b) is suspended or abandoned for a period of 120 days, or
- (c) is in respect of a seasonal use residence and the undertaking is suspended or abandoned for a period of 240 days after the undertaking is started.

**(2)** Despite subsection (1), when the term of a permit has not expired, a permit issuer may, in writing, and on the request of the permit holder, extend the permit for an additional fixed period of time that the permit issuer considers appropriate.

**Refusal to issue, suspension or cancellation**

**26** Without restricting the generality of section 46 of the Act, a permit issuer may refuse to issue a permit and, without restricting the generality of section 44 of the Act, a safety codes officer may suspend or cancel a permit that has been issued if

- (a) in the case of an addition or alteration, the existing undertaking is unsafe or will reduce the level of safety of the undertaking governed by the permit to below that which is intended by the Act and regulations, codes, standards or body of rules declared to be in force pursuant to the Act,
- (b) incorrect or insufficient information is submitted with respect to the permit or the undertaking to be governed by the permit,
- (b.1) incorrect or insufficient information is provided under section 11 of the New Home Buyer Protection (General) Regulation or section 2 of the New Home Buyer Protection (Regional Municipality of Wood Buffalo) Regulation,
- (b.2) evidence provided under section 6.1(2) was incorrect or is no longer correct,
- (c) in the opinion of the permit issuer, the undertaking for which the permit would be or has been issued would or does contravene the Act or another enactment,
- (d) the permit fee has not been paid,
- (e) there is a contravention of any condition under which the permit was issued, or
- (f) the permit was issued in error,
- (g) an administrative penalty has been issued, to the person who submitted the permit application, and was not paid within 30 days, if
  - (i) no appeal was filed under section 57.3 of the Act, or
  - (ii) an appeal was filed under section 57.3 of the Act and the penalty was upheld in whole or in part.

AR 204/2007 s26;99/2016;207/2017

#### **Deviation from permit conditions**

**27** No person shall deviate or authorize a deviation from a permit or terms or conditions of a permit without first obtaining the written permission of the permit issuer.

#### **Permit transfer, termination**

**28(1)** If a holder of a permit relinquishes the holder's interest or participation in the undertaking governed by the permit before the

undertaking is completed, the permit or any label or identification number issued as part of a permit

- (a) is terminated, and
- (b) applies only to the part of the undertaking completed before the termination unless the permit issuer authorizes the permit or label or identification number to be transferred.

(2) A permit is not transferable to any other person unless the transfer is authorized in writing by the permit issuer.

### **Part 3 Coming into Force**

**29** Repealed AR 208/2017 s4.

#### **Coming into force**

**30** This Regulation comes into force on April 1, 2008.





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