

The **Construction Codes Act** outlines the accessibility standards for buildings.

Objective: To ensure buildings and facilities are designed and constructed in a way that reduces the likelihood of individuals with **physical or sensory restraints** from being **hindered from entering or using the building or facility**.

In limited circumstances, an owner of a building (or proposed building) may be granted exemption from all or part of the accessibility requirements **prior to permit issuance**. Such exemptions are not issued by Professional Building Inspections Inc. and must therefore be applied for through the provincial government.

1. Exemption Process

Process/Order of Events

1. Building owner completes and submits their application for exemption to the Province (as detailed in the next section)
2. Chief Codes (CC) Administrator requests all supporting information required for the submission from the owner
3. Owner provides necessary information by given due date
4. CC Administrator determines if application will be heard by the Appeal Board
5. If it will be heard by the board, the owner is notified when hearing will be
6. Appeal Board renders a decision following the hearing

2. Application

When to Apply

An application for an exemption order is to take place **prior to a permit being issued** by the local authority (municipality).

How to Apply

File a "Request for Hearing" form with the CC Administrator	Provide the CC Administrator with the deposit (typically \$200)	Submit all information deemed necessary by the CC Administrator
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The "Request for Hearing" Form can be found at:
[Publications Centre \(saskatchewan.ca\)](http://Publications Centre (saskatchewan.ca))

3. Requirements

Exemption Requirements

The appeal board must be satisfied that:

- The exemption will not lead to unsafe conditions

And

- Compliance with the accessibility standards:
 - Is impractical;
 - Is inappropriate; or
 - Would cause undue hardship to the building owner; or
- An owner's submitted proposal would offer accessibility to people with disabilities that is **equal to** or **better than** what the construction standard requirements intended

4. Automatic Exemptions

Building Types

The following buildings are not required to be barrier-free (NBC 3.8.2.1):

- Detached houses, semi-detached houses, houses with a secondary suite, duplexes, triplexes, townhouses, row houses and boarding houses,
- Buildings of Group F, Division 1 major occupancy, and
- Buildings that are not intended to be occupied on a daily or full-time basis, including automatic telephone exchanges, pumphouses and substations.

5. Human Rights

Powers

The Human Rights Acts can overrule the appeal board's decisions.

Canadian Human Rights Act

"The Governor in Council may, for the benefit of persons having any disability, make regulations prescribing standards of accessibility to services, facilities or premises."

(Source: Canadian Human Rights Act - Point 24 (1))

The Saskatchewan Human Rights Code

"Under the Code any building open to the public must be accessible. Where discrimination is on the basis of disability, the Code requires a service provider to take steps to accommodate the needs of people with disabilities unless those steps cause undue hardship."

(Source: Saskatchewan Human Rights Commission Accessibility Rights of Persons with Disabilities Building Standards)