

Following are the relevant sections of the Act pertaining to this topic:

4.2 (1) This section applies only if a principal authority authorizes it, by regulation, by-law or resolution, as the case may be, to apply within the jurisdiction of the principal authority. 2002, c. 9, s. 8.

Appointment

(2) Subject to this Act and the building code, a prescribed person who is entitled to apply for a permit under section 8 of this Act may appoint a registered code agency to perform all of the functions described in section 15.15 in respect of the construction of a building. 2002, c. 9, s. 8.

Exception

(3) Subsection (2) does not apply,

(a) if a registered code agency has been appointed by a principal authority to perform any function in respect of the construction; or

(b) if an inspector has begun to perform any function in respect of the construction. 2002, c. 9, s. 8.

Manner of appointment

(4) The appointment must be made in writing in the prescribed manner and is subject to the prescribed conditions and restrictions. 2002, c. 9, s. 8.

Conflicts

(5) A registered code agency shall not accept an appointment in the circumstances set out in the building code or if it would have a conflict of interest as determined in accordance with the building code. 2002, c. 9, s. 8.

Effect of appointment

(6) A registered code agency shall perform its functions for the specified building subject to the restrictions set out in this Act and the building code and shall do so in the manner and subject to the restrictions, if any, set out in the building code. 2002, c. 9, s. 8.

Same

(7) The duty of the registered code agency to perform those functions begins when the appointment is made and ends when the appointment expires as described in section 15.19 or is terminated in accordance with section 15.20. 2002, c. 9, s. 8.

Replacement agency

(8) A person who has appointed a registered code agency under subsection (2) in respect of the construction of a building cannot replace the agency after it has begun to perform any function in respect of the construction unless the appointment of that agency has expired as described in section 15.19 or has been terminated in accordance with section 15.20. 2002, c. 9, s. 8.

Notice to director

(9) The person who appoints a registered code agency under this section shall give the director such information as may be prescribed by regulation. 2002, c. 9, s. 8.

Notice to chief building official

(10) The person who appoints a registered code agency under this section shall give the chief building official such information as may be prescribed by regulation. 2002, c. 9, s. 8.

Notice to chief building official

15.14 (1) Every registered code agency shall give the chief building official such information as may be prescribed by regulation. 2002, c. 9, s. 28.

Notice to the director

(2) Every registered code agency shall give the director such information as may be prescribed by regulation. 2002, c. 9, s. 28.

Functions of registered code agencies

15.15 The following are the functions that a registered code agency may be appointed to perform in respect of the construction of a building:

1. Review designs and other materials to determine whether the proposed construction of a building complies with the building code.
2. Issue plans review certificates.
3. Issue change certificates.
4. Inspect the construction of a building for which a permit has been issued under this Act.
5. Issue final certificates.
6. Perform such other functions as may be authorized under this Act or in the building code. 2002, c. 9, s. 28.

Scope of agency's powers

15.16 (1) A registered code agency may exercise the powers and perform the duties specified in this Act and the building code in respect only of the functions and the building specified in a particular appointment. 2002, c. 9, s. 28.

Confidentiality

(2) A registered code agency shall not collect, use or disclose information except in accordance with the building code. 2002, c. 9, s. 28.

Persons acting on behalf of an agency

15.17 (1) A registered code agency may authorize, in writing, one or more prescribed persons to exercise powers and perform its functions under this Act, subject to such conditions as may be prescribed by regulation. 2002, c. 9, s. 28.

Certificate of authorization

(2) The registered code agency shall issue a certificate of authorization containing the prescribed information to the authorized person. 2002, c. 9, s. 28.

Powers and duties of inspector

(3) The authorized person may exercise the powers and perform the duties of an inspector under any of the following provisions, in respect of the construction of a building for which the agency is appointed under this Act:

1. Section 12 (inspection).
2. Section 13 (order not to cover).
3. Section 16 (entry to dwellings).
4. Section 18 (powers of inspector). 2002, c. 9, s. 28.

Duties re certificates and orders

15.18 (1) When a registered code agency makes an order under this Act, the agency shall give a copy of the order within the period prescribed by regulation to the chief building official. 2002, c. 9, s. 28.

Certificates

(2) A registered code agency shall issue such certificates and use such forms as may be required by the building code and shall include in them or provide such information as may be prescribed. 2002, c. 9, s. 28.

Same

(3) A certificate issued under this Act by a registered code agency must be in the prescribed form or the form approved by the Minister. 2002, c. 9, s. 28; 2006, c. 21, Sched. F, s. 104 (9).

Expiry of an agency's appointment

15.19 (1) The appointment of a registered code agency expires when the agency has performed the functions for which it was appointed in respect of construction of the specified building. 2002, c. 9, s. 28.

Same, by virtue of circumstances

(2) The appointment of a registered code agency that has not performed all of the functions for which it is appointed in respect of the construction expires if either of the following events occurs:

1. The chief building official refuses to issue a permit for construction of the specified building.
2. The permit for construction of the building is revoked. 2002, c. 9, s. 28.

Termination of an agency's appointment

15.20 (1) The appointment of a registered code agency shall not be terminated except in accordance with this section and the building code. 2002, c. 9, s. 28.

Same

(2) The building code may specify that the consent of the director to the termination of an appointment is required. 2002, c. 9, s. 28.

Effect of termination, appointment by principal authority

(3) If the registered code agency was appointed by a principal authority, upon the termination of the appointment the principal authority becomes responsible to ensure that the remaining functions of the agency are performed by the principal authority or another registered code agency. 2002, c. 9, s. 28.

Same, appointment by applicant

(4) If the registered code agency was appointed under section 4.2, upon the termination of the appointment the person who made the appointment becomes responsible to ensure that the remaining functions of the agency are performed by another registered code agency or, with the prior written agreement of the principal authority, by the principal authority or to ensure that work on the construction is halted. 2002, c. 9, s. 28.

Powers of the director

(5) When the appointment of a registered code agency is terminated, the director may give directions to anyone described in subsection (6) in order to facilitate the transfer of the agency's functions. 2002, c. 9, s. 28.

Same

(6) Directions may be given to the person who made the appointment that has been terminated, to the registered code agency whose appointment has been terminated and to a transferee registered code agency. 2002, c. 9, s. 28.

Duties

(7) The person to whom directions are given shall comply with them. 2002, c. 9, s. 28.

Order to suspend construction

15.21 (1) The chief building official may, by order, suspend all or part of the construction of the building to which the appointment of a registered code agency relates,

(a) if the chief building official has reason to believe that the registered code agency has ceased to perform the functions specified in the appointment; and

(b) if the appointment of the registered code agency has not expired or been terminated. 2002, c. 9, s. 28.

Same

(2) If the appointment of a registered code agency under section 4.2 is terminated, the chief building official shall, by order, suspend the construction of the applicable building until,

- (a) another registered code agency is appointed to perform the remaining functions of the original registered code agency; or
- (b) the principal authority agrees, in writing, to perform the remaining functions of the original registered code agency. 2002, c. 9, s. 28.

Delegation

(3) A principal authority may delegate to the chief building official the power to agree to perform the remaining functions of a registered code agency appointed under section 4.2 whose appointment is terminated and may impose conditions and restrictions on the delegation. 2002, c. 9, s. 28.

Effect of order

(4) If an order is issued under this section, no person shall perform any act in the construction of the building in respect of which the order is made, other than work necessary to secure the safety and security of the building and of the construction site. 2002, c. 9, s. 28.

Procedural matters

(5) Subsections 14 (2) and (3) apply with respect to an order under this section. 2002, c. 9, s. 28.

Conflict between appointment and Act, etc.

15.22 This Act and the building code prevail over the terms of an appointment of a registered code agency. 2002, c. 9, s. 28.

3.7.2.1.

(3) A registered code agency may not be appointed under the Act or continue to act under an appointment if the registered code agency would be in a conflict of interest.

(4) For the purposes of Sentence (3), a registered code agency would be in a conflict of interest if the registered code agency or an officer, director, partner or employee of the registered code agency or any person engaged by the registered code agency to perform functions for it,

(a) has participated or participates, in any capacity, in design activities or construction relating to any part of the building to which an appointment relates,

(b) is or has been employed within the previous 180 days by a person who carried out design activities or construction relating to any part of the building,

(c) has a professional or financial interest in,

(i) the construction of the building to which the appointment relates,

(ii) the building to which the appointment relates, or

(iii) the person responsible for the design of the building to which the appointment relates, or

(d) is an elected official, officer or employee of a principal authority.

(5) For the purposes of Clause (4)(c), involvement with a building as a registered code agency and entitlement to any fee paid for acting as a registered code agency in respect of a building shall not be considered to be a professional or financial interest in the construction of the building, the building or the person responsible for the design of the building.