

Questions & Answers

2020 NS Building Code Regulations Adoption

PLEASE SEND IN WRITTEN COMMENTS BEFORE SEPTEMBER 29, 2023

MAIL: PO BOX 231, HALIFAX, NS B3J 2M4 or EMAIL: OFM@NOVASCOTIA.CA

ONLY COMMENTS SUBMITTED IN WRITING WILL BE TAKEN INTO CONSIDERATION

The Office of the Fire Marshal requests comments on the proposed adoption of the 2020 National Codes. As part of the process of adoption, the *Nova Scotia Building Code Regulations* are currently being advertised for a 45-day period. We hope the following Questions & Answers, offers some clarity.

- ***Is there a redline version so we can compare changes to the previous Regulations?***
A redline version is not available because most changes are in the National Codes. The OFM is required under the Building Code Act to publish the Regulations as approved by the Registrar of Regulations. They are not permitted to be altered in any way.
- ***Why are there two Schedule A's with these Regulations?***
The first "Schedule A" must be filed in order to obtain a regulation number and permit adoption of the Regulations. The second set of Schedules (A-C) must be filed to permit the proposed modifications going forward. This provides the roadmap industry has requested and avoids going back out to public notice and replaces the first Schedule "A".
- ***Is Nova Scotia accepting the 2020 National Codes as written?***
Proposed changes are made to some parts of the 2020 National Codes through the *Nova Scotia Building Code Regulations* "Schedule A". All changes to the National Codes are found in Part 3 of the Regulation. If approved, the adoption of the National Codes along with the changes in "Schedule A", form the Nova Scotia Building Code and will be in force in Nova Scotia.
- ***Can the Code adoption be delayed?***
The proposed implementation date is January 2024 at the earliest. Regulations cannot come into force earlier than that date but there is a possibility of delaying implementation pending received comments and stakeholder feedback.
- ***Will there be training on the Codes?***
Staff continue to engage with the sector, stakeholder, and special interest groups on code requirements on an ongoing basis. Information sessions will be planned to support the progression through the tiers as needed. Depending on the implementation date, training may not widely be available prior to implementation.
- ***Why is Nova Scotia using the 1995 Farm Code if there is a new Farm Code in the 2020 National Building Code?***
The Province of Nova Scotia has determined that further analysis and stakeholder engagement is required prior to adoption of the National Building Code (NBC) 2020 and the National Fire Code

(NFC) 2020 requirements for large farm buildings (Group G occupancies) and farm building equipment. Until this is done, the requirements of the 1995 Farm Building Code are proposed to remain in effect.

- **Are the Codes retroactive?**

No, Codes are not retroactive. A building must meet the Code that was in force at the time of application for a Building Permit. Any construction or condition that lawfully existed before the effective date of the regulations is not required to conform to the regulations if the construction or condition does not constitute an unsafe condition in the opinion of the building official.

- **What is the timeline for adoption of the energy tiers in Nova Scotia?**

	National Building Code (9.36)	National Energy Code
Tier 1	Jan. 1, 2024	Jan. 1, 2024
Tier 2	Jan. 1, 2025	Jan. 1, 2026
Tier 3	Jan. 1, 2026	Jan. 1, 2028
Tier 4	*TBD	*TBD
Tier 5	*TBD	--

- **Why is Nova Scotia proposing to begin at Tier 1 and not Tier 5?**

Industry has been seeking information about adoption of the 2020 National Codes for some time. The new codes introduce a tiered system that provides the construction sector with guidance and sets performance standards for energy efficiency which will serve as a roadmap to help to move industry forward to net zero construction. Based on the advice of the Nova Scotia Building Advisory Committee, a phased progression through the tiers is proposed so the sector has time to adopt and adapt to the requirements without impacting development. Of course, builders can always have the option to build beyond the current minimum Code requirements.

We look forward to reading your comments on the adoption of the 2020 National Codes.

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Digital Versions Are Available:

Proposed Regulations: [Nova Scotia Building Code Proposed Regulations \(PDF\)](#) and [Draft Amendments Schedule A to C \(PDF\)](#)

National Building Code of Canada: <https://publications.gc.ca/site/eng/9.897526/publication.html>

National Energy Code of Canada: <https://publications.gc.ca/site/eng/9.897536/publication.html>

National Plumbing Code of Canada: <https://publications.gc.ca/site/eng/9.897532/publication.html>

National Farm Code 1995: <https://nrc-publications.canada.ca/eng/view/object/?id=8d848d71-3fc2-4e1b-b0c1-c45d15a79a46>

National Fire Code of Canada: <https://publications.gc.ca/site/eng/9.897548/publication.html>