

## APPLICATION OF ENERGY EFFICIENCY REQUIREMENTS AND ENFORCEMENT DATES

### INTRODUCTION

This STANDATA has been developed to provide interpretations respecting the application of energy efficiency requirements under Section 9.36. Alberta Building Code 2014 (ABC 2014) and the National Energy Code of Canada for Buildings 2011 (NECB 2011).

A key update is the clarified enforcement date of November 1, 2016 for energy efficiency requirements.

### ISSUE #1

#### Extension of Transition Period

Input from municipalities, construction industry, professionals, safety codes officers and the Building Sub-Council of the Safety Codes Council has indicated that the May 1, 2016 mandatory application of the NECB 2011 will not be practical or feasible. The substantive changes required to accommodate energy efficiency with respect to design, training and verification necessitates a relatively short extension. There has also been considerable confusion respecting the transition period for energy efficiency between voluntary usage and mandatory application of the energy codes.

#### Interpretation

The May 1, 2016 transition period for voluntary application of the NECB 2011 is extended to November 1, 2016. This extension provides consistency with the mandatory application date for Section 9.36. ABC 2014, which is also November 1, 2016.

A clarified condition for demonstrating compliance as of November 1, 2016 is also required for both NECB 2011 and Section 9.36. ABC 2014. Where an application for a building permit for a site-constructed building is received by the authority having jurisdiction before November 1, 2016, the design of the building is not required to comply with the requirements of Section 9.36. ABC 2014 or the NECB 2011 as appropriate.

Energy codes are an important component of climate change strategies in Alberta, Canada and globally. For this reason, owners and designers are encouraged to voluntarily apply energy efficiency requirements during this extended transition period. Alberta and other provinces and territories are committed to the expeditious adoption of future editions of the national energy codes and the corresponding improved energy efficiency standards.

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Unless stated otherwise, all Code references in this STANDATA are to Division B of the Alberta Building Code 2014.



Issue of this STANDATA is authorized by  
the Chief Building Administrator

*[Original Signed]*  
James Orr



**ISSUE #2****Manufactured homes and energy efficiency**

Manufactured homes and other factory-built structures, unlike site-constructed buildings, are typically not constructed using a building permit process. Factory-constructed buildings may be constructed long before the buildings are placed on site. Consequently, the information or evidence to demonstrate compliance with respect to enforcement dates for factory-constructed buildings and site-constructed buildings are not the same.

**Interpretation****Site-Constructed Buildings**

Where an application for a building permit for a site-constructed building is received by the authority having jurisdiction before November 1, 2016, the design of the building is not required to comply with the requirements of Section 9.36. ABC 2014 or the NECB 2011 as appropriate.

Where an application for a building permit for a site-constructed building is received on or after November 1, 2016, the building design must comply with the requirements under Section 9.36. ABC 2014 or the NECB 2011 as appropriate.

**Manufactured Homes and Other Factory-Constructed Buildings**

Where a manufactured home is constructed prior to November 1, 2016, the building design is not required to meet the requirements of Section 9.36. ABC 2014. The builder will be required to provide the homeowner and permit issuer with appropriate documentation that proves that the construction completion date occurred prior to November 1, 2016. In cases where the home is not substantially completed in the manufacturer's facility, the manufacturer's record of completion date will be used.

A manufactured home that has had its factory-related construction completed on or after November 1, 2016, will be required to meet the requirements of Section 9.36. ABC 2014.

Factory-constructed buildings other than manufactured homes will not be required to meet the energy efficiency requirements (Section 9.36. ABC 2014 or NECB 2011 as appropriate) provided the factory-related construction is completed before November 1, 2016. Similar to manufactured homes, appropriate documentation demonstrating date of completion must be provided to the owner and permit issuer.

A factory-constructed building that has had its factory-related construction completed on or after November 1, 2016, will be required to meet the requirements of Section 9.36. ABC 2014 or NECB 2011 as appropriate.

**ISSUE #3****Safety Codes Officer Authority to Inspect and Enforce Energy Efficiency Requirements**

Safety codes officers designated in the building discipline have raised questions with Municipal Affairs respecting their authority to inspect and enforce energy efficiency requirements under the NECB 2011 and to a lesser extent Section 9.36. ABC 2014.

The specific reference to the Alberta Building Code, specific editions of the Alberta Building Code or omission to reference the NECB 2011 in an accredited authority Quality Management Plan (QMP) or the safety codes officer designation of powers is creating confusion respecting the valid authority of a building safety codes officer to inspect and enforce energy efficiency requirements.

## Interpretation

A safety codes officer may only exercise their powers and perform their duties in accordance with their designation of powers and their terms of employment. The designation of powers certificate for a building safety codes officer references the term “Building” and lists the powers under the *Safety Codes Act (Act)* that the safety codes officer is authorized to exercise. The *Act* provides authority to make regulations respecting “buildings” and the Building Code Regulation (31/2015) references both Section 9.36. ABC 2014 and the NECB 2011. This means that a building safety codes officer has authority to inspect and enforce Section 9.36. ABC 2014 and NECB 2011 subject to the certification of competency (group and levels) that the safety codes officer has attained and the actual implementation period for energy efficiency requirements. As a building safety codes officer is designated in the “Building” safety system, a building safety codes officer retains the authority to inspect and enforce energy efficiency. As training is made available in May 2016, safety codes officers will be required to take that training in order to retain their certification.

Terms used within the QMP are not relevant to the authority of the safety codes officer to exercise powers and perform duties with respect to energy efficiency requirements. A review of the QMP wording will be jointly undertaken by the Safety Codes Council and Municipal Affairs to identify and adjust terms that may cause confusion for accredited authorities and safety codes officers.

## ISSUE #4

### Documentation of Design Compliance for Energy Efficiency and NECB 2011

Industry stakeholders and accredited authorities have raised questions respecting the acceptable means for demonstrating design compliance with the NECB 2011. There is a belief circulating that because the professional schedules do not specifically reference energy efficiency or the NECB 2011, the professional schedules cannot be used for documenting design compliance to the NECB 2011.

The ABC 2014 references the requirement for professional schedules, but the actual professional schedule forms are not part of the mandatory sections of the ABC 2014 or any previous building code edition. This means professional schedule forms may be changed at any time without amending the ABC 2014 or Building Regulation. Currently, the Building Sub-Council of the Safety Codes Council is working with stakeholders and Municipal Affairs to revise and modernize the professional schedules. This is why the terms related to energy efficiency were not identified on the professional schedules when energy efficiency code requirements were adopted.

## Interpretation

The professional schedules are acceptable as documentation of professional involvement related to NECB 2011 and energy efficiency regulated under the Building Code Regulation. While there is no requirement to specifically reference energy efficiency in the professional schedules, the identification of energy efficiency provides certainty and confidence for both the authority having jurisdiction, designers, owners and other persons and organizations in the safety system.

The absence of a reference to energy efficiency on the professional schedule forms is not relevant to the validity of the professional schedules for the NECB 2011 or any other code. Under Article 2.4.3.1., Division C ABC 2014, the design of a project shall comply with the ABC 2014 and “other regulations made pursuant to the *Safety Codes Act*”; and, “the construction of the *project* will substantially comply with this Code and other regulations made pursuant to the

*Safety Codes Act.*” This means that the professional schedules are subject to the *Safety Codes Act* and any applicable regulations and codes under the *Act* including the NECB 2011 and energy efficiency under the Building Code Regulation.

Buildings constructed to the NECB 2011 or buildings assessed by a safety codes officer to require professional involvement (i.e. because of complexity or risk) require evidence of professional involvement under the A, B and C schedules as referenced in the ABC 2014. The owner and professional have an obligation to satisfy the authority having jurisdiction that energy efficiency requirements have been considered and confirmed.

This INTERPRETATION is applicable throughout the province of Alberta.