



VARIANCE REFUSAL WRITTEN NOTICE

A This Written Notice is being served under the authority of section 38 of the Safety Codes Act.

B Issue Date:

C TO: Person(s) upon whom the Written Notice is being served:

Municipal Address:

TO: Name of property owner on title (if not named above):

Municipal Address:

Municipal address or legal description of the property upon which the thing, process or activity is the subject-matter of the proposed variance:

D Proposed Variance Request Details:

E VARIANCE REFUSAL

- Request to issue a variance does not provide sufficient or complete information
- Request to issue a variance contains incorrect information
- Variance proposed does not provide approximately equivalent or greater safety performance to person and property regulated by the Safety Codes Act
- Other

Rationale and reasons for refusal:

F AUTHORITY HAVING JURISDICTION

Name:

Address:

City: Postal Code:

Phone: Email:

ACCREDITED AGENCY (if applicable)

Name:

Address:

City: Postal Code:

Phone: Email:

ISSUING SAFETY CODES OFFICER

Name:

Discipline: DOP #:

Address:

City: Postal Code:

Phone: Email:

Signature:

G Copy: Safety Codes Council
Administrator of Accreditation
500, 10405 Jasper Avenue NW Edmonton, AB T5J 3N4
Email: accreditation@safetycodes.ab.ca

Procedure to commence an appeal of the Written Notice

A person on whom this Written Notice is issued may appeal it to the Safety Codes Council in conformance with the Bylaws of the Council, within **30 days** of the date the Written Notice was served on the person.

Request for an Appeal shall be made to:

Coordinator of Appeals
500, 10405 Jasper Ave
Edmonton, Alberta
T5J 3N4

Telephone: 780-413-0099 toll free 1-888-413-0099
Fax: 780-424-5134 toll free 1-888-424-5134
Email: appeals@safetycodes.ab.ca
Website: safetycodes.ab.ca/council-information/appeals

A request for an Appeal shall:

- be in writing, in the form of the Council's Notice of Appeal and signed by the appellant,
- contain a copy of the Written Notice being appealed,
- contain a concise statement concerning the matter being appealed setting out the grounds for appeal,
- contain the name, address, telephone number, and email of the person appealing; and
- be accompanied by the appropriate fee set out in the Council fee schedule.

Note: If you have reached out to an Administrator and received a written decision, you are not able to pursue the Council appeal process with respect to this notice refusal.



A Authority under which the Written Notice is being served.
Safety Codes Act, Section 38, subsection (6):

(1) An Administrator or a safety codes officer may issue a written variance with respect to any thing, process or activity to which this Act applies if the Administrator or officer is of the opinion that the variance provides approximately equivalent or greater safety performance with respect to persons and property as that provided for by this Act.

(2) An Administrator or a safety codes officer may include terms and conditions in the variance.

(3) A safety codes officer on issuing a variance shall notify an Administrator.

(4) The Regulations Act does not apply to variances issued under this section

(5) A decision of the Administrator under subsection (1) is final and not subject to appeal.

(6) If a safety codes officer refuses to issue a written variance, the applicant shall be served with a written notice of the refusal.

(7) An applicant who receives a notice referred to in subsection (6) may, within 30 days after the date on which the notice is received, appeal the refusal to the Council in accordance with the Council's bylaws.

B Issue date of the Written Notice

C Name and title of person(s) upon whom the Written Notice is being served, which may include the owner, contractor or professional representative and the municipal address of the person(s)

D Include a brief summary of the site specific or jurisdictional variance (within municipal boundaries) being sought including the relevant Code reference(s) and the date of request
(Note: this does not include province wide variances as these can only be issued through the applicable Administrator with this authority).

E RATIONALE AND REASONS FOR REFUSAL

■ **Request to issue a variance does not provide sufficient or complete information**

Sample: The request requires an engineer report and the applicant does not deem this to be necessary. Having the engineer report will.....

■ **Request to issue a variance contains incorrect information**

Sample: The request contains building code references that appear incorrect. Accurate code references needed in order to properly assess whether the variance request supports equivalent or greater safety performance.

■ **Variance proposed does not provide approximately equivalent or greater safety performance to the person and property regulated by the Safety Codes Act**

Sample: The request does not support approximately equivalent or greater safety performance because...

■ **Other**

Include any other reason for refusal with rationale and attachments as applicable.

Sample: The request for a variance does not fall within the scope of the Safety Codes Act because.....



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Authority Having Jurisdiction

Includes accredited corporations, municipalities, Regional Services Commission, Delegated Administrative Organizations, or the Authority.

(Note: The Authority is the Alberta Safety Codes Authority)

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Copy

This will enable Council to identify safety codes system trends to support informed decision making.