



Subject:

**Guide to Applying for an Alternative Solution (Variance)**

Under the National Building Code - Alberta Edition, in the City of Calgary

November 23, 2023

Background:

The purpose of this document is to assist parties who may wish to apply for an Alternative Solution as referred to in Division A, Article 1.2.1.1. of the National Building Code – Alberta Edition (NBC - AE), or equivalent in a successive code, for a project in the City of Calgary. For variances with the intent of applying beyond the City of Calgary, the applicant must contact Alberta Municipal Affairs to speak to the Chief Building Administrator. Because NBC - AE knowledge is required it is assumed that the applicant is familiar with the NBC - AE. If that is not the case, a consultant who is familiar with the NBC - AE should be retained. Variances are requested by the owner, or the owner's agent to a safety codes officer in the building discipline. A request for a variance may be accepted, refused or you may be asked for further information. Beginning December 1, 2021, a Written Notice of Variance Refusal issued by an SCO is appealable to the Safety Codes Council. In order to appeal, the recipient of the notice must submit to the Safety Codes Council a [Notice of Appeal Form](#) with a copy of the Written Notice and the \$500 appeal fee within 30 days from date of service of the Written Notice of Variance Refusal.

The Safety Codes Act, under which the NBC - AE is enacted, allows for the issuance of variances. Variances are also referred to as "alternative solutions" in the NBC - AE. A variance or "alternative solution" may only be issued by a safety codes officer (SCO), a technical administrator, or the Safety Codes Council (SCC). As indicated in SCC policy, "alternative solutions" are referred to as "variances". Therefore, the term "variance" will be used throughout this document to refer to both.

Variances are intended to allow for innovative design, new construction technology or methodology. A variance is not:

- intended for product or equipment approval.
- intended as a process for the approval of new or untested products or equipment.
- a means of waiving the level of safety of people or property required by the NBC - AE.

Variances issued under the Act may be used as a means to authorize installations, processes, equipment, or actions not consistent with the strict provisions of existing rules, but which provides an equal or greater level of safety to persons and property than that prescribed pursuant to the Act.

## How to obtain a variance

The basic steps in obtaining a variance are:

1. Discuss the need for a variance with an SCO in the building discipline.
  - a. If a permit has been applied for, please contact 311 and ask to speak to the file manager for your permit.
  - b. If the project is already under construction, please contact the inspector or the plans examiner who issued the permit.

2. If it is determined that a variance is the correct route to proceed, discuss the details of a variance with the party above. A face-to-face meeting may be set up to discuss details or the information may be exchanged through e-mail, phone, or other means. Other parties within the City of Calgary may be brought in to assist. The SCO may also request further representation from the applicant. For example, if an owner is requesting a variance, the SCO may request that the Architect also participate since responsibility for the design lies with the Architect.
3. The owner or the owner's agent is to submit a formal variance application along with all supporting documentation to the SCO contacted in step 1, above. Refer to the [Request for Specific Variance](#) form (attached). In accordance with SCC policy, the form must be completed and submitted for all variance applications regardless of what formal documentation is also submitted. The form is in pdf format. Completion digitally is preferred, where possible. Supporting documentation may be submitted in hard copy form or digitally by sending an email to the SCO.
4. The application and documentation will be reviewed by the applicable parties within Inspections & Permit Services. You may be asked for further information.
5. After the variance has been reviewed you will be advised of acceptance or rejection.
6. If accepted, a formal variance will be issued by the SCO that will include any conditions attached to the variance.

## How to complete the Request for Specific Variance form

The following is a guide to completing the attached [Request for Specific Variance](#) form. This form is considered part of the formal variance if accepted so it must be completed fully and accurately. Please note that some of the wording is fixed and must not be removed or altered as it is provided from the referenced regulations.

A separate form must be submitted for each different issue. For example, if you are seeking to vary the travel distance to an exit there may be several articles that you are seeking to vary that would be included under one request. However, if you are also seeking to vary a roof rating on the same project, this is a separate issue and must be submitted under a separate request. If you are unsure, this is one of the details that should be discussed with the SCO in step 2 above.

The following is an explanation of the fields on the [Request for Specific Variance](#) form:

- *Permit Number*
  - A variance request can only be accepted if a building permit has been applied for because a variance must be tied to a building permit. This does not mean that a discussion cannot take place prior to applying for the building permit as indicated above; it just means that a variance number cannot be issued without a building permit number.
  - Variances are site specific so if this variance is to apply to more than one permit or more than one building, a separate variance request is required for each permit or site.
- *Date of Request*
  - Date the request for specific variance application is submitted.
- *Name of owner and/or owner's agent requesting variance*
  - The owner's agent may be the architect, contractor, engineer, specialist consultant or other party representing the owner in dealing with the permit and the variance.
- *Address*
  - Mailing addresses and e-mail address of the owner or owner's agent to be provided.
- *Code or Standard to be varied*
  - Provide the specific article/sentence/clause reference(s) which is to be varied.

- *Details of variance*
  - Indicate what code, standard, and/or regulation including sections, etc. that are being varied.
  - Quote from the code or standard to be varied.
  - Provide a description of the project for which the variance will apply.
  - Describe the work that will be done under the variance.
  - Describe what effect, if any, the work of the variance will have on other NBC - AE requirements.
  - Provide the function and objective statements that are associated with the articles you are seeking to vary.
  - Include any conditions if applicable.
  - *Reason for Variance*
    - Rationale as to why an alternative method of achieving the objectives of the code should be accepted rather than compliance with the prescriptive requirements of Division B.
    - Rationale for how and/or why the proposed variance will achieve as good or better performance than the acceptable solution of Division B.
    - Supporting evidence for the rationale provided.
    - Address how the alternative solution will achieve the function and objective statements.
  - Refer to any documents attached to support the variance including any detailed reports, standards, photographs, drawings etc. by name and date issued.
  - If a report outlining the details of the variance is submitted in support of the variance a brief summary of the report is to be included here in the form with the outcomes clearly stated.
- *Supporting Documentation*
  - Evidence/proof of equal or better safety performance – list attachments.
  - As indicated above, the details of the supporting documentation are to be summarized above.
  - If the project or the subject of the variance is such that the work is for a project where a professional is required, then the supporting documents must also be stamped and sealed.
- *Address and/or legal description of the property upon which the thing, process or activity which is the subject-matter of the variance is located.*
  - Provide the full street address and/or legal description of the site address, as it would appear on the building permit.
- *Declaration of understanding*
  - Fixed wording for the applicant to acknowledge that by signing below, the owner or owner's agent expressly acknowledges that the owner is aware of and agrees with this request for variance, which is intended to provide an alternative to the strict provisions of the Code / standard / regulation, and that it is the responsibility of the owner to provide and maintain safety in accordance with the variance.
- *Identification of owner or owner's agent*
  - The owner or owner's agent must sign and print their name on the [Request for Specific Variance](#)



The contents of this document are based on the following:

- [Safety Code Act](#) – Section 38, Variances
- [NOTICE – Variances under the Safety Codes Act](#)
- National Building Code – Alberta Edition
  - Division A, article 1.2.1.1.
  - Division C, Section 2.3 Alternative Solutions
- Safety Codes Council [Variances - Safety Codes Council](#)
- Safety Codes Council [Variance FAQ](#)
- Safety Codes Council [Written Notice of Variance Refusal Template](#)
- Safety Codes Council [Variance sample](#)
- City of Calgary [Request for Specific Variance](#)

Chief Building Official  
The City of Calgary