



City of
Campbell
River

BUILDING BYLAW NO. 3899,
2023

BYLAWS



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Building Bylaw

Bylaw No. 3899, 2023

ADOPTED June 29, 2023

PURPOSE

This bylaw sets out to define procedures for the administration of the Building Code and Regulation of Construction within the City of Campbell River.

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GIVEN that the *City Council*

- A. *may* by bylaw regulate, prohibit and impose requirements in respect to *buildings* and *structures* under sections 8(3)(g) and (l) of the *Community Charter* and for the following under section 53(2):
 - (a) the provision of access to a *building* or other *structure*, or to part of a *building* or other *structure*, for a *person* with disabilities;
 - (b) the conservation of energy or water;
 - (c) the reduction of greenhouse gas emissions;
 - (d) the health, safety or protection of *persons* or *property*;
- B. is enacting this bylaw to regulate construction and administer the British Columbia *Building Code* in Campbell River in accordance with the *Community Charter* and the *Building Act*;
- C. has employed qualified *building officials* in accordance with the *Building Act* for the purposes of this bylaw;

NOW THEREFORE the Council of the *City* of Campbell River enacts as follows:

PART 1: TITLE

- 1.1 This bylaw *may* be cited for all purposes as “**Building Bylaw No. 3899, 2023**”.

PART 2: INTERPRETATION

- 2.1 In this bylaw the following words and terms have the meanings
 - (a) set out in Division A, Section 1.4.1.2. of the *Building Code* as of the date of adoption of this bylaw: *accessible, assembly occupancy, authority having jurisdiction, building, building area, building height, business and personal services occupancy, care occupancy, constructor, coordinating registered professional, designer, detention occupancy, excavation, field review, firewall, first storey, grade, high hazard industrial occupancy, industrial occupancy, low hazard industrial occupancy, major occupancy, medium hazard industrial occupancy, mercantile occupancy, occupancy, plumbing system, post disaster building, private sewage disposal system, registered professional, residential occupancy, treatment occupancy, unsafe condition*;
 - (b) subject to this bylaw, set out in the Schedule to the *Community Charter*; *assessed value, highway, land, occupier, parcel, public authority, service, soil*; and
 - (c) subject to this bylaw, set out in Section 29 of the *Interpretation Act*: *may, must, obligation, person, property, shall, writing, written and year*.

- 2.2 In this bylaw

accepted means reviewed by the *building official* under the applicable provisions of the *Building Code* and this bylaw;

addition means an *alteration* to any *building* which will increase the total aggregate floor area or the *building height* (in storeys), and includes the provision of two or more separate *buildings* with openings between each other for intercommunication;

agent includes a firm, corporation or other *person* representing the *owner*, by written designation or contract, and includes a hired tradesperson or *constructor* who *may* be granted a *permit* for *work* within the limitations of their knowledge or license;

appraised value means the pre-construction evaluation of a *building*, performed by a professional appraiser recognized by the Appraisal Institute of Canada – British Columbia or other accreditation acceptable to the *building official*;

alternative solution means an *alternative solution* authorized under the *Building Code*;

alteration means a change, repair or modification of the construction or arrangement of or use of any *building* or *structure*, or to an *occupancy* regulated by this bylaw;

Architects Regulation means the *Architects Regulation, BC Reg 33/2023*,

Building Code means the British Columbia *Building Code* as adopted by the Minister responsible under provincial legislation, as amended or re-enacted from time to time;

building official means a *person* designated in or appointed to that position by the *City* and includes the Building Services Manager, building inspector, plan checker, plumbing inspector or other such *person* or *persons* as they *may* designate from time to time as their assistants, and for certainty has the same meaning as *building inspector* referred to in the *Community Charter* and *Local Government Act*;

City means the *City of Campbell River*;

complex building means

- (a) a *building* used for a *major occupancy* classified as
 - (i) *assembly occupancy*;
 - (ii) *care occupancy*;
 - (iii) *detention occupancy*;
 - (iv) *high hazard industrial occupancy*;
 - (v) *treatment occupancy*; or
 - (vi) *post-disaster building*;
- (b) a *building* exceeding 600m² in *building area* or exceeding three storeys in *building height* used for a *major occupancy* classified as
 - (i) *residential occupancy*;
 - (ii) *business and personal services occupancy*;
 - (iii) *mercantile occupancy*; or
 - (iv) *medium hazard occupancy*;
 - (v) *low hazard industrial occupancy*;

construct includes build, erect, install, repair, alter, add, enlarge, move, locate, relocate, reconstruct, demolish, remove, *excavate* or shore;

Energy Advisor means a *person* who is registered and in good standing as an *energy advisor* by Natural Resources Canada who conducts EnerGuide home evaluations on behalf of *service* organizations licensed by Natural Resources Canada;

Engineers and Geoscientists Regulation means the Engineers and Geoscientists Regulation BC Reg 14/21;

existing, in respect of a *building*, means the portion of a *building* lawfully constructed prior to the submission of a *permit* application required under this bylaw;

floating building, means a structure incorporating a floatation system, intended for use or being used or occupied, not primarily intended for, or usable in, navigation and does not include a watercraft designed or intended for navigation;

GHG means greenhouse gas;

health and safety aspects of the work means design and construction regulated by Parts 3, 4, 5, 6, 7, 8, 9 and 10, Division B, of the *Building Code*; and subject to Parts 1 and 2 in relation to Parts 3 through 10, Division B;

Homeowner Protection Act means the *Homeowner Protection Act* SBC 1998, c.31;

marina means a specially designed harbour with moorings for pleasure craft, workboats, other small boats and includes all associated *structures* on *land* or *water*;

mobile home means factory built housing constructed to the CAN/CSA-Z240 MH standard, and designed to be transported from time to time;

modular home means factory built housing constructed to the CAN/CSA A277 standard in compliance with the *Building Code*, and designed to be permanently placed on a foundation;

occupancy certificate means permission or authorization in *writing* issued by a *building official* to signify a *building* or *structure* is approved for *occupancy* or *use*;

owner means in respect of real *property*

- (a) the registered *owner* of an estate in fee simple, or an *agent* duly authorized by the *owner* in *writing* in the form prescribed by the *building official*
- (b) a tenant for life under a registered life estate;
- (c) a registered holder of the last registered agreement for sale; or
- (d) a holder or *occupier* of *land* held in the manner mentioned in Sections 228 and 229 of the Community Charter;

permit means permission or authorization in *writing* by the *building official* to perform *work* regulated by this bylaw and, in the case of *Occupancy*, a *permit* to occupy a *building* or part of a *building*;

professional design means the plans and supporting documents bearing the date, seal or stamp, and signature, or an authenticated electronic signature of a *registered professional*;

project means any construction operation;

retaining wall means any *structure*, other than a *building*, that holds or retains *soil* or other material;

simple building means a *building* of three storeys or less in *building height*, having a *building area* not exceeding 600m² and used for a *major occupancy* classified as

- (a) *residential occupancy*;
- (b) *business and personal services occupancy*;
- (c) *mercantile occupancy*; or
- (d) *medium and low hazard industrial occupancy*;

Step Code means the Energy *Step Code* as referenced in the British Columbia *Building Code* as amended from time to time;

structure means construction or portion of construction, of any kind, whether fixed to, supported by or sunk into *land*, airspace or water, but specifically excludes paving, fences and landscaping;

swimming pool means any constructed or prefabricated *swimming pool*, situated on or below ground level, used or intended to be used for swimming, bathing or wading, and having a depth of more than 0.6 m, which is situated on any privately-owned real *property* and is considered an accessory *structure*, and which does not fall within the jurisdiction of the Provincial Regulations governing Public *Swimming Pools* under the Provincial Health Act;

swimming pool enclosure means a fence or barrier surrounding a *swimming pool*, a method intended to deter unauthorized entry between the *swimming pool* area and from the outside *swimming pool* area;

temporary building includes a sales office, construction office or a *building or structure* in which tools are stored during construction of a *building*;

value of construction means the amount that is calculated as the greater of

- (a) the declared value of the work; including *excavation*, civil work, design documents, investigation and testing, consulting *services*, construction management and all but not limited to architectural, structural, mechanical, electrical, plumbing, drainage and gas installations necessary for the carrying out of the construction to its completed form; or
- (b) the value calculated using a method stipulated in the “Marshall & Swift Residential Cost Handbook”;

2.3 Every reference to this bylaw in this or another bylaw of the *City* is a reference to this bylaw as amended to the date of the reference.

2.4 Every reference to

- (a) the *Building Code* is a reference to the current edition as of the date of issuance of the *building permit*; and
- (b) a section of the *Building Code* is a reference to the applicable successor sections, as the *Building Code* or section *may* be amended or re-enacted from time to time.

2.5 Definitions of words and phrases used in this bylaw that are not included in the definitions in this part have the meanings commonly assigned to them in the context in which they are used in this bylaw, considering the specialized use of terms with the various trades and professions to which the terminology applies.

PART 3: PURPOSE OF THIS BYLAW

- 3.1 Despite any other provision in this bylaw, this bylaw *must* be interpreted in accordance with this Part.
- 3.2 Every *permit* issued under this bylaw is issued expressly subject to the provisions of this Part.
- 3.3 This bylaw is enacted to regulate, prohibit and impose requirements in regard to construction in the *City*, in the public interest.
- 3.4 The purpose of this bylaw does not extend to
- (a) the protection of *owners, designers or constructors* from economic loss;
 - (b) the assumption by the *City* or any *building official* of any responsibility for ensuring the compliance by any *owner*, their representatives or any employees, *constructors* or *designers* retained by the *owner*, with the *Building Code*, the requirements of this bylaw, or other applicable enactments, codes or standards;
 - (c) providing any *person* a warranty of design or workmanship with respect to any *building or structure* for which a *building permit* or *occupancy permit* is issued under this bylaw;
 - (d) providing any *person* a warranty or assurance that construction undertaken under *building permits* issued by the *City* is free from latent, or any, defects; or
 - (e) the protection of adjacent real *property* from incidental damage or nuisance.

PART 4: SCOPE AND EXEMPTIONS

Application

- 4.1 This bylaw applies to the geographical area of the *City* and to *land*, the surface of water, air space, *buildings* or *structures* in the *City*.
- 4.2 This bylaw applies to the design, construction or *occupancy* of new *buildings* or *structures*, and the *alteration*, reconstruction, demolition, removal, relocation, *occupancy* or change of use or *occupancy* of *existing buildings* and *structures*.
- 4.3 This bylaw does not apply to
- (a) *buildings* or *structures* exempted by Division A, Part 1 of the *Building Code* except as expressly provided herein;
 - (b) a *retaining wall* supporting *soil* that is
 - (i) less than 1.2 metres in height and is not intended to support superimposed loads, unless failure would impact a *structure* or impact life safety; or
 - (ii) a sequence of walls, each less than 1.2 metres in height with
 - average slope angles less than 45 degrees to the

- horizontal (1H:1V)
 - step-back distances (distances between successive walls when used in a series) greater than the wall height; and
 - an acceptable global factor of safety (consistent with established norms for each load case under consideration) for the entire terraced slope;
- (c) a fence, a trellis, an arbour, or other similar landscape *structures* on a *parcel* zoned for single or two family *residential occupancy* uses under the *City's Zoning Bylaw* as amended or re-enacted from time to time;
- (d) repair and maintenance of lawfully-conforming *buildings* and *structures* where the level of life safety and *building* performance *must* not be decreased below the level that already exists, exclusive of structural and *building* envelope remediation as a result of a previous noted deficiency;
- (e) decks or patios which surface is less than 600mm above the ground or *finished grade*, which are not attached to a *building* and have no walls or roof;
- (f) the replacement of plumbing fixtures (sinks, tubs, water closets, lavatories, showers etc.) or the maintenance of *existing building plumbing systems*, providing the work does not involve the rearrangement of supply, waste, or vent lines;

Limited Application to Existing Buildings

- 4.4 Except as provided in the *Building Code* or to the extent an *existing building* is under construction or does not have an *occupancy permit*, when an *existing building* has been *constructed* before the enactment of this bylaw, the enactment of this bylaw is not to be interpreted as requiring that the *building must be reconstructed and altered*, unless it is expressly so provided by this or another bylaw, regulation, or statute.
- 4.5 This bylaw applies if the whole or any part of an *existing building* is moved either within or into the *City*, including relocation relative to *parcel* lines created by subdivision or consolidation. Part 14 applies to *building* moves.
- 4.6 If an *alteration* is made to an *existing building* the *alteration must* comply with this bylaw and the *Building Code* and the entire *building must* be made to comply with this bylaw and the *Building Code*, but only to the extent necessary to address any new infractions introduced in the remainder of the *building* as a result of the *alteration*.
- 4.7 If an *alteration* creates an *addition* to an *existing building*, the *alteration or addition must* comply with this bylaw and the *Building Code* and the entire *building must* be made to comply with this bylaw and the *Building Code*, but only to the extent necessary to address any new infractions introduced in the remainder of the *building* as a result of the *alteration or addition*.

PART 5: PROHIBITIONS

- 5.1 A person *must* not commence or continue any construction, *alteration, excavation, reconstruction, demolition, removal, relocation* or change the use or *occupancy* of any *building* or

structure, including other work related to construction

- (a) except in conformity with the requirements of the *Building Code* and this bylaw; and
 - (b) unless a *building official* has issued a valid and subsisting *permit* for the work under this bylaw.
- 5.2 A *person must not occupy or permit the occupancy of any building or structure or part of any building or structure*
- (a) unless a subsisting *occupancy inspection* and *occupancy certificate* has been issued by a *building official* for the *building or structure* or the part of the *building or structure*; or
 - (b) contrary to the terms of any *permit* issued or any notice given by a *building official*.
- 5.3 A *person must not knowingly submit false or misleading information to a building official in relation to any permit application or construction undertaken pursuant to this bylaw.*
- 5.4 Except in accordance with this bylaw, including acceptance of revised plans or supporting documents, a *person must not erase, alter or modify plans and supporting documents after the same have been reviewed by the building official, or plans and supporting documents which have been filed for reference with the building official after a permit has been issued.*
- 5.5 A *person must not, unless authorized in writing by a building official, reverse, alter, deface, cover, remove or in any way tamper with any notice, permit or certificate posted or affixed to a building or structure pursuant to this bylaw.*
- 5.6 A *person must not do any work that is substantially at variance with the accepted design or plans of a building, structure or other works for which a permit has been issued, unless that variance has been authorized in writing by a building official.*
- 5.7 A *person must not interfere with or obstruct the entry of a building official or other authorized official of the City on property in the administration of this bylaw.*
- 5.8 A *person must not contravene an administrative requirement of a building official made under section 7.7 or any other provision of this bylaw.*
- 5.9 A *person must not change the use, occupancy or both of a building or structure or a part of a building or structure without first applying for and obtaining a building permit under this bylaw.*

PART 6: PERMIT CONDITIONS

- 6.1 A *permit* is required if work regulated under this bylaw is to be undertaken.
- 6.2 Neither the issuance of a *permit* under this bylaw, nor the acceptance or review of plans, drawings, specifications or supporting documents, nor any inspections made by or on behalf of the *City* will in any way
- (a) relieve the *owner* (and if the *owner* is acting through an *agent*, the *agent* of the *owner*) from full and sole responsibility to perform the work in respect of which the *permit* was issued in strict compliance with this bylaw, the *Building Code*, and all other applicable codes, standards and enactments;

- (b) constitute a representation, warranty, assurance or statement that the *Building Code*, this bylaw or any other applicable enactments respecting safety, protection, *land* use and zoning have been complied with; or
 - (c) constitute a representation or warranty that the *building or structure* meets any standard of materials or workmanship.
- 6.3 No *person* must rely on any *permit* as establishing compliance with this bylaw or assume or conclude that this bylaw has been administered or enforced according to its terms.
- 6.4 Without limiting section 6.2(a), it is the full and sole responsibility of the *owner* (and if the *owner* is acting through a representative, the representative of the *owner*) to carry out the work in respect of which the *permit* was issued in compliance with the *Building Code*, this bylaw and all other applicable codes, standards and enactments.
- 6.5 A *building permit* or an application for a *building permit* that is in process *may* not be transferred or assigned until the *owner* has notified the *building official* in *writing*, and the *owner* has paid the non-refundable fee required in Appendix “A” of this Bylaw. The transfer or assignment of a *building permit* is not an extension of a *building permit*.

PART 7: POWERS OF A BUILDING OFFICIAL

- 7.1 Words defining the authority of a *building official* are to be construed as internal administrative powers and not as creating a duty.
- 7.2 A *building official* may
- (a) administer this bylaw, but owes no public duty to enforce or administer this bylaw;
 - (b) keep records of applications received, *permits*, notices and orders issued, inspections and tests made, and *may* retain copies of all documents connected with the administration of this bylaw;
 - (c) establish or require an *owner* to establish whether a method or type of construction or material used in the construction of a *building or structure* complies with the requirements and provisions of this bylaw and the *Building Code*;
 - (d) direct that tests of materials, equipment, devices, construction methods, structural assemblies or *foundations* be carried out, or that sufficient evidence or proof be submitted by the *owner*, at the *owner's* sole expense, where such evidence or proof is necessary to determine whether the material, equipment, device, construction or *foundation* condition complies with this bylaw and the *Building Code*; and
 - (e) prescribe documents to be used in conjunction with and as identified under this bylaw.

Refusal and Revocation of Permits

- 7.3 A *building official* may refuse to issue a *permit* if the proposed work will contravene the requirements of the *Building Code* or the provisions of this or any other bylaw of the *City* and *must* state the reason in *writing*.
- 7.4 A *building official* may revoke a *permit* and state the reason in *writing* if, in their opinion

- (a) all *permits* required under this or any another bylaw of the *City* have not been obtained;
- (b) a condition under which the *permit* was issued has been contravened;
- (c) the *permit* was issued in error;
- (d) cancellation or termination of the Homeowner Protection Office registration occurs prior to the *permit* receiving final inspection;
- (e) the *permit* was issued on the basis of false or incorrect information; or
- (f) there is a violation of a requirement of the *Building Code* or of this or another bylaw of the *City*;
- (g) A *building official* may revoke a *permit* if, in their opinion, the results of tests on materials, devices, construction methods, structural assemblies or *foundation* conditions contravene the *building code* or the provisions of this bylaw, or both

Such *permit* revocation *must* be in *writing* and sent to the *owner* and if acting through an *agent*, the *agent* by registered mail to, or personal *service* on, the *owner* and *agent*.

- 7.5 The review of plans and supporting documents and issuance of a *building permit* do not prevent the *building official* from subsequently requiring the correction of errors in the plans and supporting documents, or from prohibiting *building* construction or *occupancy* being carried on when in violation of this or another bylaw.

Right of Entry

- 7.6 Subject to section 16 of the *Community Charter*, every *owner must permit*, and a *building official may* enter on *property* at any time to ascertain whether the requirements of this bylaw are being met.

Powers

- 7.7 Subject to applicable enactments, a *building official may* by notice in *writing* require
- (a) a *person* who contravenes any provision of this bylaw to comply with that provision within the time ordered;
 - (b) an *owner* to stop work on a *building* or *structure*, or any part of a *building* or *structure*, if the work is proceeding in contravention of this bylaw, the *Building Code*, or any other enactment of the *City* or other applicable enactments, or if there is deemed to be an *unsafe condition*, and *may* enter on *property* to affix or post a *stop work order* in the form prescribed by the *building official*;
 - (c) an *owner* to remove or prevent any unauthorized encroachment on a public *parcel*, a statutory right of way or easement, or a setback or yard required under an enactment;
 - (d) an *owner* to remove any *building* or *structure*, or any part of a *building* or *structure*, *constructed* in contravention of a provision of this bylaw;
 - (e) an *owner* to have work inspected by a *building official* prior to covering;
 - (f) an *owner* to uncover any work that has been covered without inspection contrary to this bylaw or an order issued by a *building official*;

- (g) a *person* to cease any *occupancy* and to enter on *property* to affix or post a do not occupy notice if any *unsafe condition* exists because of work being undertaken but not complete or where the *building official* has not issued an *occupancy* notice for the work;
- (h) an *owner* to correct any *unsafe condition*; and
- (i) an *owner* to correct any work that contravenes this bylaw, the *Building Code*, or any other enactment.

7.8 Every reference to “*owner*” in section 7.7 includes a reference to the *owner’s agent* or *constructor*.

7.9 Every *person* served with a notice under this Part *must* comply with that notice

- (a) within the time ordered; or
- (b) if no time is ordered, immediately.

PART 8: OWNER’S RESPONSIBILITIES & OBLIGATIONS

Permit Requirements

8.1 Subject to Part 11 of this bylaw, every *owner must* apply for and obtain a *permit*, prior to

- (a) *constructing*, repairing, altering a *building* or *structure*, including a masonry fireplace or chimney, *swimming pool* or retaining *wall*;
- (b) moving a *building* or *structure* into or within the *City*;
- (c) demolishing a *building* or *structure*;
- (d) *constructing* or *altering* a *plumbing system*;
- (e) *constructing* or *altering* a fire suppression or fire alarm system;
- (f) siting of *temporary buildings*;
- (g) installation or *alteration* of mechanical exhaust and fire suppression systems for commercial cooking equipment;
- (h) occupying or changing the use or *occupancy* of a *building*, including the creation or consolidation of units;

unless the works are the subject of another valid and subsisting *building permit*.

Owner’s Obligations

8.3 Every *owner must*

- (a) comply with the *Building Code*, the requirements of this bylaw and the conditions of a *permit*, and *must* not omit any work required by the *Building Code*, this bylaw or the conditions of a *permit*;
- (b) ensure that all *permits*, *professional field reviews*, specifications and supporting documents to the *permit* or inspection are all available at the site of the *work* for inspection during working hours by the *building official*, and that all *permits* are

posted conspicuously on the site during the entire execution of the work; and

- (c) prior to the issuance of a *building permit*, execute and submit to the *City* in the form prescribed by the *building official*
 - (i) an *owner's* undertaking;
 - (ii) *agent* authorization, where the *permit* application is submitted by other than the *owner*;
 - (iii) the damage to *City* infrastructure agreement.

8.4 Every *owner* and every *owner's agent*, *must* carry out construction or have the construction carried out in accordance with the requirements of the *Building Code*, this bylaw and other bylaws of the *City* and none of the issuance of a *permit* under this bylaw, the review of plans and supporting documents, or inspections made by a *building official* or a *registered professional* shall relieve the *owner*, or their *agent*, from full and sole responsibility to perform the work in strict accordance with this bylaw, the *Building Code* and all other applicable codes, standards and enactments.

8.5 Every *owner* to whom a *permit* is issued *must* during construction

- (a) post the civic address on the *property* so that it *may* be easily read from the public *highway* from which the *property* takes its address;
- (b) post the *permit* on the *property* so that it *may* be easily read from the public *highway* from which the *property* takes its address; and
- (c) allow a *building official* to enter any *building* or premises at any reasonable time to administer and enforce this bylaw and provide *building officials* with safe access to the work site and all areas requiring inspection.

Notice

8.6 Every *owner must* give *written* notice to a *building official* of any change in or termination of engagement of a *registered professional*, including a *coordinating registered professional*, during construction, within 24 hours of when the change or termination occurs.

8.7 If an *owner* or a *registered professional* terminates the engagement of a *registered professional*, including a *coordinating registered professional*, the *owner must* terminate all work under a *building permit* until the *owner* has engaged a new *registered professional*, including a *coordinating registered professional*, and has delivered to a *building official* new letters of assurance.

8.8 Without limiting sections 11.30 to 11.45, every *owner must* give at least 24 hours' *written* notice to a *building official*

- (a) of intent to do work that is required or ordered to be corrected during construction;
- (b) of intent to cover work that is required under this bylaw to be, or has been ordered to be inspected prior to covering; and
- (c) when all work has been completed so that a final inspection can be made.

8.9 Every *owner must* give notice in *writing* to a *building official* and pay the non-refundable fee set out in Appendix A, immediately upon any transfer of *permit* holder, change in ownership or change in the address of the *owner* which occurs from the time of application for a *building*

permit until an *occupancy permit* has been issued.

- 8.10 Every *owner* must give such other notice to a *building official* as may be required by the *building official* or by a provision of this bylaw.

Damage to Municipal Works

- 8.11 Every *owner* to whom a *permit* is issued is responsible for the cost to repair any damage to municipal works or *land* that occurs during and arises directly or indirectly from the work authorized by the *permit*.
- 8.12 In addition to payment of a security deposits under *City* bylaws, every *owner* must pay to the *City*, within 30 days of receiving an invoice for same from the *City*, the cost to repair any damage to public *property* or works located on public *property* arising directly or indirectly from work for which a *permit* was issued.

PART 9: CONSTRUCTOR'S OBLIGATIONS

- 9.1 Every *constructor* must ensure that all construction is done in compliance with all requirements of the *Building Code*, this bylaw and all other applicable, codes, standards and enactments.
- 9.2 Every *constructor* must ensure that no *excavation* or other work is undertaken on public *property*, and that no public *property* is disturbed, no *building* or *structure* erected, and no materials stored thereon, in whole or in part, without first having obtained approval in *writing* from the appropriate authority over such public *property*.
- 9.3 For the purposes of the administration and enforcement of this bylaw, every *constructor* is responsible jointly and severally with the *owner* for all work undertaken.

PART 10: REGISTERED PROFESSIONALS

Professional Design and Field Review

- 10.1 The provision by the *owner* to the *City* of letters of assurance in accordance with the requirements of the *Building Code* or this bylaw *must*
- (a) if a *building permit* is required, deliver to the *building official* *letters of assurance* set out in the forms of Schedules A or B as appropriate, prior to the issuance of the *permit*;
 - (b) if an *occupancy* inspection, or where only a final inspection is required, from the *building official* is required and before an *owner* occupies or receives permission to occupy the *building* or *structure*, the *owner* or *coordinating registered professional* *must* provide the *City* with *letters of assurance* in the form of Schedules C-A or C-B, as appropriate, as referred to in subsection 2.2.7, Division C, of the *Building Code*.
- 10.2 If a *registered professional* provides *letters of assurance* in accordance with the *building code*, they *must* also provide proof of *professional* liability insurance to the *building official*.

Requirement for a Registered Professional

10.3 The *owner must* retain a *registered professional* to provide to the *City* a *professional design* and plan certification and letters of assurance in the form of Schedules A, B, C-A and C-B referred to in subsection 2.2.7, Division C, of the *Building Code*, in respect to a *permit*

- (a) for a *complex building*;
- (b) for a *simple building* in circumstances where letters of assurance are required in accordance with the requirements of the *Building Code*;
- (c) except for garages, carports and garden *structures, foundation* and *excavation* components of new *simple buildings* and *additions* greater than 55 square metres to *simple buildings* in accordance with the *Building Code*;
- (d) for onsite site storm water detention or disposal systems;
- (e) for the installation of all new fire suppression systems, or for the alteration of existing fire suppression systems involving the relocation, deletion or addition of more than five fixed sprinkler heads or alterations involving any number of flex head sprinkler connections;
- (f) prior to *alterations* or *additions* to a *building*, or to a structural component that was previously designed by a *registered professional*;
- (g) for a *building* in respect of which the *building official* determines that site conditions, size or complexity so warrant in the interests of safety of *persons* or protection of property under the *Building Code*;
- (h) if the *building* envelope components of the *building* fall under Division B Part 3 of the *Building Code*, the *building* contains more than four dwellings, or if the *building* envelopes do not comply with the prescriptive requirements of Division B Part 9 of the *Building Code*; or
- (i) for a *parcel* of *land* on which a *building* or *structure* is proposed if the *building official* believes the *parcel* is or is likely to be subject to flooding, mud flows, debris flows, debris torrents, erosion, *land* slip, rock falls, subsidence or avalanche, and the requirement for a *professional design* is in addition to a requirement under Division 8 of Part 3 of the *Community Charter*
 - (i) for a report certified by a *professional* engineer with experience in geotechnical engineering that the *parcel may* be used safely for the use intended; and
 - (ii) that the plans submitted with the application comply with the relevant provisions of the *Building Code* and applicable bylaws of the *City*.

10.4 The *building official* may require any *registered professional* carrying out the *professional design* and *field review* required under section 10.3 to provide evidence that they have experience and expertise in respect of the *professional design* and *field review* of the context and scope required.

Professional Plan Certification

10.5 The letters of assurance in the form of Schedules A and B as referred to in subsection 2.2.7, Division C, of the *Building Code* referred to in sections 10.1 and 10.3 are relied upon by the *City* and its *building officials* as certification that the design and plans to which the letters of assurance refer comply with the *Building Code*, this bylaw and other applicable enactments.

- 10.6 Letters of assurance *must* be in the form of Schedules A and B referred to in subsection 2.2.7, Division C, of the *Building Code*.
- 10.7 For a *building permit* issued for the construction of a *complex building*, the *building official must* provide the *owner* with a notice that the *building permit* is issued in reliance on the certification of the *registered professional* that the *professional design* and plans submitted in support of the application for the *building permit* comply with the *Building Code* and other applicable enactments. Any failure on the part of the *building official* to provide the *owner* with the notice will not diminish or invalidate the reliance by the *City* or its *building officials* on the *registered professionals*.
- 10.8 If a *building permit* is issued for construction of a *complex building*, the *permit* fee is reduced by 5% of the fees payable as indicated in Appendix A, up to a maximum reduction of \$1000.00 (One Thousand dollars).

Alternative Solutions

- 10.9 An *owner* who wishes to provide *alternative solutions* to satisfy one or more of the requirements of the *Building Code* or this bylaw *must* submit sufficient evidence, certified by a *registered professional*, to demonstrate that the proposed *alternative solutions* will provide the level of performance required by the *Building Code* or this bylaw and *must* receive written acceptance of the proposal from the building official.

PART 11: BUILDING PERMITS

Permit Requirements

- 11.1 Subject to this part, every *owner must* apply for and obtain a *permit*, prior to
- (a) *constructing*, repairing, altering a *building* or *structure*, including a *swimming pool* or *retaining wall*;
 - (b) moving a *building* or *structure* into or within the *City*;
 - (c) demolishing a *building* or *structure*;
 - (d) *constructing* or *altering* a fire suppression or fire alarm system;
 - (e) *constructing*, or *altering* a *plumbing system*;
 - (f) siting of *temporary buildings*;
 - (g) *constructing* a masonry fireplace or chimney;
 - (h) occupying or changing the use or *occupancy* of a *building*, including the creation or consolidation of units; or
 - (i) installation or *alteration* of mechanical exhaust and fire suppression systems for commercial cooking equipment;

unless the works are the subject of another valid and subsisting *building permit*.

Requirements Before Applying for a Building Permit

- 11.2 Prior to application of a *building permit*, the *owner must* satisfy the following requirements or

conditions

- (a) the *owner must* apply for and obtain a development *permit* if the *building* or *structure* is in an area designated by the *City's* Sustainable Official Community Plan as a development *permit* area;
- (b) the *owner must* ensure that the proposed *building* or *structure* complies with all bylaws of the *City*, except to the extent a variance of a bylaw is authorized by a development *permit*, development variance *permit*, or order of the Board of Variance;
- (c) the *owner must* apply for and receive approval for all applicable development applications as identified in the *City's* Development Applications Bylaw or other *permits* as required by *City* bylaws that could affect the design, siting or use of the proposed construction;
- (d) an approving officer *must* have approved the subdivision plan that, once registered, would create the *parcel* on which the proposed *building* or *structure* will be *constructed*, and the subdivision plan *must* have been registered in the Land Title Office;
- (e) the subject *property* or *building must* be addressed in accordance with *City* Bylaws;
- (f) the *owner must* provide evidence to the *building official* showing that the *person* applying for the *building permit* is either the *owner* of the *parcel* that is the subject of the proposed *building permit*, or is the *agent* of the *owner*, in which case, the *agent must* provide authorization signed by the *owner*, in the form prescribed by the *building official*;
- (g) if the *parcel* that is the subject of the *building permit* application is not intended to be connected to the *City's* sewage disposal system, the *owner must* apply for and obtain approval from the *City* and other applicable public authorities for an alternate *private sewage disposal system*;
- (h) if the *parcel* that is the subject of the *building permit* application is not intended to be connected to the *City's* waterworks system, the *owner must* apply for and obtain approval from the *City* and other applicable public authorities for an alternate water supply system;
- (i) if the *parcel* that is the subject of the *building permit* application is not intended to be connected to The *City's* storm water drainage system, the *owner must* apply for and obtain approval from the *City* and other applicable public authorities for the alternate storm water drainage and detention system;
- (j) if all on site and off site works and *services* required by a *City* bylaw or other enactment have not been completed in accordance with the enactments, the *owner must* enter into a *written* agreement with the *City* and deliver to the *City* letters of credit or cash security for completion of the works and *service*; and
- (k) If the *parcel* that is the subject of the *building permit* application requires work within the *City* road right of way, a works on *City* lands *permit must* be obtained prior to commencement of the works.

Building Permit Applications for Complex Buildings

11.3 An application for a *building permit* with respect to a *complex building* must

- (a) be made in the form prescribed by the *building official* and signed by the *owner*, or a signing officer if the *owner* is a corporation;
- (b) be accompanied by the *owner's* acknowledgement of responsibility and undertaking made in the form prescribed by the *building official* and signed by the *owner*, or a signing officer if the *owner* is a corporation;
- (c) include a copy of a title search for the relevant *property* made within 14 days of the date of the *permit* application;
- (d) ensure that plans submitted with a *permit* application bear the name and contact information of the *designer* and indicate the civic address for the *project*;
- (e) include a *Building Code* compliance summary including the applicable edition of the *Building Code*, such as without limitation the *building* is designed under Part 3 of the *Building Code*, *major occupancy* classification(s) of the *building*, *building area*, *building height*, number of streets the *building* faces, and *accessible* requirements, work areas, washrooms, *firewalls* and facilities and any other information required by the *building official* to confirm compliance with the *Building Code* and *City* bylaws;
- (f) include a copy of a survey plan prepared by a British Columbia Land Surveyor except that the *building official* may waive the requirement for a survey plan, in whole or in part;
- (g) include a completed Fire Department Checklist and Construction Fire Safety Plan;
- (h) include a site plan prepared by a *registered professional* showing
 - i) the legal description and civic address of the *parcel*;
 - ii) the location and dimensions of *existing* and proposed statutory right of way, easements and adjacent street and lane names;
 - iii) proposed and required setbacks for all buildings and *structures* on the *property*;
 - iv) the location and dimensions of *existing* and proposed *buildings* or *structures* on the *parcel*;
 - v) setbacks to the natural boundary (top of bank) of any sea, strait, lake, swamp, pond or watercourse;
 - vi) geodetic elevation of the underside of a wood floor system or the top of finished concrete slab of a *building* or *structure* where the *City's land* use regulations or provincial flood mapping regulations establish siting requirements related to minimum floor elevation;
 - vii) North arrow;
 - viii) if applicable, location of an approved *existing* or proposed private or other alternative sewage disposal system, water supply system or stormwater drainage system;
 - ix) zoning compliance summary;
 - x) the location, dimensions and gradient of parking and parking access;

- xi) finished *grade* at *building* corners and significant breaks in the *building* plan and proposed *grade* around the *building* faces in order to ascertain *building height*;
- xii) *first storey* geodetic floor elevation;
- xiii) location, setbacks and elevations of all *retaining walls*, steps, stairs and decks;
- xiv) line of upper floors;
- xv) location and elevation of curbs, sidewalks;
- xvi) access routes for firefighting and;
- xvii) *accessible* paths of travel from the street to the *building*

except that the *building official* may waive, in whole or in part, the requirements for a site plan, if the *permit* is sought for the repair or *alteration* of an *existing building* or *structure*;

- (i) include floor plans showing the dimensions and uses and *occupancy* classification of all areas, including: the dimensions and height of crawl and roof spaces; the location, size and swing of doors; the location, size and opening of windows; floor, wall, and ceiling finishes; fire separations including rated assemblies and construction; plumbing fixtures; structural elements; and stair dimensions;
- (j) include cross-sections and details through the *building* or *structure* in sufficient detail and locations to illustrate the *building* or *structure* conforms to the *Building Code*;
- (k) include elevations of all sides of the *building* showing finish details, roof slopes, windows, doors, the *grade*, the maximum *building height* line, ridge height, spatial separations and natural and finished *grade* to comply with the *Building Code* and to illustrate that the *building* or *structure* conforms with the *City* zoning and development *permits*;
- (l) site servicing drawings, including sufficient detail of off-site services to indicate locations at the *property* line, prepared and sealed by a *registered professional*, in accordance with the *City's* Subdivision and Development Servicing Bylaw, as amended or re-enacted from time to time to the satisfaction of the *City's* Development Engineering;
- (m) include all other requirements of sections 2.2.1, 2.2.3, 2.2.4, 2.2.5, 2.2.6 and 2.2.9, Division C of the *Building Code*;
- (n) include copies of approvals required under any enactment relating to health or safety, including, without limitation, sewage disposal *permits*, *highway* access *permits* and ministry of health approvals;
- (o) include a letter of assurance in the form of Schedule A referred to in subsection 2.2.7 Division C, of the *Building Code*, signed by the *owner*, or a signing officer if the *owner* is a corporation, and the *coordinating registered professional*;
- (p) include letters of assurance in the form of Schedule B referred to in subsection 2.2.7 Division C, of the *Building Code*, each signed by such *registered professionals* as the *building official* or *Building Code* may require to prepare the design for and conduct *field reviews* of the construction of the *building*;
- (q) include one digital set of drawings signed, sealed and dated with a digital certificate,

at a suitable scale of the design prepared by each *registered professional* containing the information set out in (i) to (m) of this section; and

- (r) applications for renovations, *additions* or demolitions of *buildings constructed* prior to 1990, to include a hazardous materials survey in accordance WorkSafe BC regulations.

11.4 In addition to the requirements of section 11.3 of this bylaw, a *building official* may require further information to establish substantial compliance with this bylaw, the *Building Code* and other bylaws and enactments relating to the *building* or *structure*.

Building Permit Applications for Simple Buildings

11.5 An application for a *building permit* with respect to a *simple building* must

- (a) be made in the form prescribed by the *building official*, and signed by the *owner*, or a signing officer if the *owner* is a corporation;
- (b) be accompanied by the *owner's* acknowledgment of responsibility and undertaking made in the form prescribed by the *building official* and signed by the *owner*, or a signing officer if the *owner* is a corporation;
- (c) include a copy of a title search for the relevant *property* made within 14 days of the date of the *permit* application;
- (d) ensure that plans submitted with a *permit* application bear the name and contact information of the *designer* and indicate the civic address for the *project*;
- (e) include a copy of a survey plan prepared by a British Columbia Land Surveyor except that the *building official* may waive the requirement for a survey plan, in whole or in part;
- (f) include a site plan showing
 - i) the dimensions of the *parcel* taken from the registered subdivision plan;
 - ii) the legal description and civic address of the *parcel*;
 - iii) the location and dimensions of *existing* and proposed statutory rights of way, easements and adjacent street and lane names;
 - iv) the location and dimensions of *existing* and proposed *buildings* or *structures* on the *parcel*;
 - v) proposed and required setbacks for all buildings and *structures* on the *property*;
 - vi) setbacks to the natural boundary of any sea, strait, lake, swamp, pond or watercourse;
 - vii) the geodetic elevation of the underside of a wood floor system or the top of a finished concrete slab of a *building* or *structure* where the *City's land use* regulations or provincial flood mapping regulations establish siting requirements related to minimum floor elevation;
 - viii) North arrow;
 - ix) if applicable, location of an approved *existing* or proposed alternative private or other sewage disposal system, water supply system or stormwater drainage system;
 - x) zoning compliance summary;

- xi) the location, dimensions and gradient of parking and parking access;
 - xii) finished *grade* at *building* corners and significant breaks in the *building* plan and proposed *grade* around the *building* faces in order to ascertain *building height*;
 - xiii) *first storey* floor elevation;
 - xiv) location, setbacks and elevations of all *retaining walls*, steps, stairs and decks;
 - xv) line of upper floors;
 - xvi) for other than single and two family dwellings on independent *parcels*, access routes for Firefighting; and
 - xvii) where required by the *Building Code* accessible paths of travel from the street, and designated *accessible* parking areas to the *building*;
- except that for a *simple building* the *building official* may waive, in whole or in part, the requirements for a site plan, if the *permit* is sought for the repair or *alteration* of an *existing building*;
- (g) include floor plans showing the dimensions, *occupancy* classification and uses of all areas, including: the dimensions and height of crawl and roof spaces; the location, size and swing of doors; the location, size and opening of windows; floor, wall, and ceiling finishes; fire separations, including rated assemblies and construction; plumbing fixtures; structural elements; and stair dimensions; truss layout, including loads;
 - (h) include cross-sections and details drawn at an appropriate scale and at sufficient locations to illustrate that the *building* or *structure* substantially conforms to the *Building Code*;
 - (i) include elevations of all sides of the *building* showing finish details, roof slopes, windows, doors, the *grade*, the maximum *building height* line, ridge height, spatial separations and natural and finished *grade* to comply with the *Building Code* and to illustrate that the *building* or *structure* conforms with the *City's* zoning, and development and variance *permits* where applicable;
 - (j) for other than single and two family dwellings on independent lots, site servicing drawings including sufficient detail of off-site services to indicate locations at the *property* line, prepared and sealed by a *registered professional*, in accordance with the *City's* Subdivision and Development Servicing Bylaw, as amended or re-enacted from time to time, to the satisfaction of the *City's* Development Engineering;
 - (k) include site grading, and stormwater management plan prepared by a *registered professional* for on-site stormwater disposal systems;
 - (l) include copies of approvals required under any enactment relating to health or safety, including, without limitation, sewage disposal *permits*, *highway access permits* and Ministry of Health approvals;
 - (m) include a *foundation* and *excavation* design prepared by a *registered professional* in accordance with the *Building Code*, except for garages, carports and garden *structures* and *additions* less than 55 square metres;
 - (n) include geotechnical letters of assurance, in addition to a required geotechnical report, if the *building official* determines that the site conditions so warrant;

- (o) include one digital set of drawings signed, sealed and dated with a digital certificate, at a suitable scale of the design including the information set out in (g) to (j) and (m) of this section
- (p) include a *Building Code* compliance summary including the applicable edition of the *Building Code*, such as, without limitation, the *building* is designed under Part 9 and compliance with article 2.2.2.1(2), Division C of the *Building Code*; and
- (q) applications for renovations, *additions* or demolition of *buildings constructed* prior to 1990 to include a hazardous materials survey in accordance WorkSafe BC regulations.

11.6 In addition to the requirements of section 11.5 of this Part, if the complexity of the proposed *building* or *structure* or siting circumstances warrant, a *building official* may require the following be submitted with a *permit* application for the construction of each *simple building* in the *project*

- (a) a Fire Department Checklist and construction fire safety plan;
- (b) a section through the site showing *grades, buildings, structures, parking areas* and *driveways*;
- (c) structural, electrical, plumbing, mechanical or fire suppression drawings prepared and sealed by a *registered professional*, including letters of assurance in the form of Schedule B referred to in Division C of the *Building Code*, signed by a *registered professional*; and
- (d) any other information required by the *building official* or the *Building Code* to establish substantial compliance with this bylaw, the *Building Code* and other bylaws and enactments relating to the *building* or *structure*.

Site and Location Information

11.7 Without limiting sections 11.3(f) or 11.5(e) of this Part, the *building official* may in *writing* require an *owner* to submit an up-to-date plan or survey prepared by a registered British Columbia Land Surveyor which contains sufficient information respecting the site and location of any *building* to

- (a) establish, before construction begins, that all the provisions of this bylaw in relation to this information will be complied with;
- (b) verify, on completion of the construction, that all provisions of this and other applicable bylaws have been complied with;
- (c) in relation to an *existing building*, substantiate its location, size, including appurtenances whether above, at or below ground level, relative to the site or its relationship to neighbouring *grades*; and
- (d) in relation to construction of a new *building*, or *addition* to an *existing building*, prior to and after the placement of concrete for *foundations* and footings, show the *elevation* at proposed top of concrete on all *building* elevations and at all significant changes of elevation to substantiate its size, location and elevation;

and every *person* served with a *written* requirement under this section *must* comply with the requirement.

Building Permit Fee

11.8 Before receiving a *building permit* for a *building* or *structure*, the *owner* *must* first pay to

the *City*

- (a) the *permit* fees prescribed in Appendix A; and
- (b) any fees, charges, levies or taxes imposed by the *City* and payable under an enactment at the time of issuance of the *permit*;

11.9 The building *permit* fee to be increased by 50% for new residential dwellings where the builder is not licenced by the Home-Owner Protection Office.

Value of Construction

11.10 Each *building* or *structure* to be *constructed* on a site requires a separate *building permit* and shall be assessed a separate *building permit* fee based on the amount calculated as the *value of construction* as defined in this Bylaw.

11.11 A Building Inspector *may* require an applicant to provide the *City* with an appraisal of the value of the proposed construction, at the applicant's expense. In such case, the building *permit* fee *must* be based on the *appraised value* of the construction in accordance with the fee schedules in Appendix A.

Security Deposit with Building Permit Application

11.12 Before receiving a *building permit* or *demolition permit* for a *building* or *structure*, the owner must first pay to the *City* a security deposit as set out in Appendix A.

11.13 The security deposit sum set out in section 11.12

- (a) covers the cost borne by the *City* to maintain, restore or replace any public works or public *lands* which are destroyed, damaged or otherwise impaired in the carrying out of the work referred to in any *permit* held by the applicant;
- (b) covers the cost borne by the *City* to make the site safe if the *permit* holder abandons or fails to complete the work as designated on the *permit*;
- (c) serves as the security deposit for provisional *occupancy* when the final inspection notice makes provision for a security deposit; or
- (d) serves as a security deposit to effect compliance with any condition under which the *permit* was issued.

11.14 The security deposit or applicable portion must be returned to the applicant

- (a) when the *building official* is satisfied that no further damage to public works or public *lands* will occur;
- (b) when the inspections required by this bylaw are complete and acceptable to the *building official*; and
- (c) when the conditions or provisions of a provisional certificate of *occupancy* are completed to the satisfaction of the *building official*;

only if the applicant has requested the return of the security.

11.15 Any credit greater than the amount of the security deposit used by the *City* for the purposes described in sections 11.13 of this Part will be returned to the *permit* holder unless otherwise so directed in *writing* by the *permit* holder. Any amount in excess of the security deposit required by the *City* to complete corrective work to public *lands*, public works, or the site is recoverable by the

City from the *permit* holder, the *constructor* or the *owner* of the *property*.

11.16 Where required by the *building official*, if the proposed work includes *excavation* or construction on *lands* within 3 metres of major utilities works or services owned by the *City*, the *owner must* deliver to the *building official* a signed agreement in a form prescribed by the *City* under which the *owner* acknowledges and agrees that any damage to municipal works or services arising from the construction associated with the *building permit* will be repaired at the *owners* expense and to the satisfaction of the *City's* Development Engineering, and the *owner must* deposit with the *City* security in accordance with sections 11.12 to 11.15 of this Part.

Permit Fee Refunds

11.17 No fee or part of a fee paid to the *City* may be refunded if construction of the *building* has started.

11.18 A *permit* fee as set out in Appendix A, may be refunded only if

- (a) the *owner* has submitted a *written* request for a refund;
- (b) the *building official* has certified a start has not been made on the construction of the *building* or *structure*; and
- (c) the *permit* has not expired.

11.19 A *building permit* or other *permit* fee is not refundable after the *permit* has been extended under section 11.49 of this Part.

Construction Before Permit Issued

11.20 The *permit* fee prescribed in section 11.8(a) is doubled and added to every *permit* application if construction commenced before the *building official* issued a *permit*, to a maximum additional fee of \$10,000.00 added to the calculated *permit* fee. For plumbing installations only, that commenced before the issuance of a *permit*, the additional fee shall be a flat rate of \$500.00 for each occurrence.

Expiration of Application for a Permit

11.21 A *building permit* or other *permit* application must be cancelled if the *building permit* has not been issued and the *permit* fee paid within 180 days of the *permit* application, unless the *permit* is not issued only due to delays caused by the *City*. When an application is cancelled the plans and related documents may be held for a maximum of two weeks and then may be destroyed.

Issuance of a Building Permit

11.22 If

- (a) a completed application in compliance with sections 11.3 and 11.4 or sections 11.5 and 11.6 of this Part, including all required supporting documentation, has been submitted and reviewed by the *building official*;
- (b) All covenants and agreements determined necessary have been executed or where necessary registered with BC Land Title & Survey;
- (c) the *owner* has paid all applicable fees set out in sections 11.8 to 11.20 of this Part and Appendix A;
- (d) the *owner* or their representative has paid all fees and met all requirements imposed by any other statute or bylaw;

- (e) the *owner* has retained a *professional* engineer or geoscientist if required under this bylaw;
- (f) the *owner* has retained an architect if required under this bylaw or the *Architects Regulation*; and
- (g) no covenant, agreement, resolution or regulation of the *City* requires or authorizes the *permit* to be withheld;

the *building official* must issue the *permit*, in the form prescribed by the *building official*, for which the application is made, and the date of issuance is deemed to be the date all conditions of 11.22 (a) to (g) have been satisfied.

11.23 Despite section 11.22, the *building official* may refuse to issue a *permit* when the *owner* has been notified of a violation of this bylaw concerning the construction of another *building* or *structure* by the *owner*.

Compliance with the Homeowner Protection Act

11.24 If the application is in respect of a *building* that includes, or will include, a *residential occupancy* governed by the *Homeowner Protection Act*, the *building permit* must not be issued unless the *owner* provides evidence under section 30(1) of the *Homeowner Protection Act*, that the proposed *building*

- (a) is covered by home warranty insurance; and
- (b) the *constructor* is a licensed “residential builder” as defined in that Act.

11.25 Section 11.24 of this Part does not apply if the *owner* is not required to be licensed and to obtain home warranty insurance in accordance with sections 20(1) or 30(1) of the *Homeowner Protection Act*.

11.26 Every *permit* is issued subject to the *owner* and *constructor* maintaining compliance with the *Homeowner Protection Act* and negotiations under it during the term of the *permit*.

Partial Construction

11.27 A *building official* may issue a *building permit* for a portion of a *building* or *structure* before the design, plans and specifications for the entire *building* or *structure* have been *accepted*, provided sufficient information has been provided to the *City* to demonstrate to the *building official* that the portion authorized to be *constructed* substantially complies with this and other applicable bylaws, and the *permit* fee applicable to that portion of the *building* or *structure* has been paid. The issuance of the *permit* notwithstanding, the requirements of this bylaw apply to the remainder of the *building* or *structure* as if the *permit* for the portion of the *building* or *structure* had not been issued.

11.28 If a *building permit* has expired and partial construction has progressed, with no extension requested of the *building official* under section 11.49, the site *shall* be restored to original gradients or where construction has progressed beyond the *excavation* stage permanent type fencing with privacy screen complying with the *City’s* Zoning Bylaw, as amended or re-enacted from time to time, *must* be erected around the *building* site for protection to the public.

Inspections

11.29 If a *registered professional* provides letters of assurance in accordance with this bylaw, the *City* will rely solely on *field reviews* undertaken by the *registered professional* and the letters of assurance

submitted pursuant to this bylaw and the *Building Code* as assurance that the construction substantially conforms to the design, plans and specifications and that the construction complies with the *Building Code*, this bylaw and other applicable enactments respecting safety. Copies of all *field reviews* must be submitted to the *City* after the *registered professionals* individual inspections are conducted.

- 11.30 Despite section 11.29 of this Part, a *building official* may attend the site from time to time during the course of construction to ascertain that the *field reviews* are taking place and to monitor the *field reviews* undertaken by the *registered professionals*.
- 11.31 A *building official* may attend periodically at the site of the construction of *simple buildings* or *structures* to ascertain whether the work is being carried out in substantial conformance with the *Building Code*, this bylaw and any other applicable enactments concerning safety.
- 11.32 For all work in respect of *simple buildings* the *owner* must give at least 24 hours' notice to the *City* when requesting an inspection and *must* obtain an inspection confirmation notice and receive a *building official's* written acceptance of the following aspects of the work prior to concealing them
- (a) the installation of completed concrete footing formwork, prior to the placement of concrete, when in absence of having submitted, both letters of assurance from *registered professionals* for the *foundation* and *excavation* components and a proposed building location survey at time of *permit* application;
 - (b) prior to inspection under section 11.32(d), plumbing located below the finished slab level once completed and under test;
 - (c) installation of foundation drains, rainwater leaders and damp-proofing prior to backfilling;
 - (d) the preparation of ground, including ground cover with under slab and/or *foundation* insulation;
 - (e) installation of above ground rough-in plumbing, once completed and under test;
 - (f) installation of the *building* water, sanitary and storm services from the *building* to the *property* line, or to any on-site water supply or sewage disposal system, after the required tests to sanitary and water supply lines have been applied;
 - (g) rough in of masonry chimneys and fireplaces;
 - (h) framing, sheathing, fire stopping (including drywall in fire separations) and required bracing, after the complete installation of chimney and ductwork, rough wiring, rough plumbing, rough heating, gas venting, exterior doors and windows, and submission of a *building* location survey from a registered BCLS but prior to the installation of insulation, interior finishes, sheathing paper or exterior finishes which would conceal such work;
 - (i) air barrier, when *constructed* independently of the vapour barrier and where the permitted construction is not required to comply with the *Step Code*;
 - (j) rain-screen and flashing details;
 - (k) the insulation, vapour barrier, and fan ductwork and insulation there of, prior to the application of any interior finish and after the substantial completion of the siding or other main exterior finishes, exclusive of minor trim or details; and

- (l) *Occupancy / Final*, the health and safety aspects, *GHG* emissions reduction and accessibility aspects of the work, when the *building* or *structure* is substantially complete but before *occupancy* takes place of the whole or part of the *building* or *structure*.

11.33 A *building official* will only carry out an inspection under section 11.32 if the *owner* or the *owner's agent* has requested the inspection in accordance with this bylaw.

11.34 Despite the requirement for the *building official's* acceptance of the work outlined in section 11.32, if a *registered professional* provides letters of assurance, the *City* will rely solely on *field reviews* undertaken by the *registered professional* and the letters of assurance submitted pursuant to this bylaw as assurance that the aspects of the construction referenced by those letters of assurance substantially conform to the *design*, plans and specifications and that the construction complies with the *Building Code*, this bylaw and other applicable enactments respecting safety.

11.35 No *person* may conceal any aspect of the work referred to in section 11.32 of this bylaw until a *building official* has *accepted* it in writing.

11.36 For work in respect of *complex buildings*, the *owner* must

- (a) provide to the *City*, or have the *coordinating registered professional* provide to the *City*, all *registered professionals field reviews* within 24 hours' of completion of the following stages of construction
 - (i) after the water, sanitary and storm sewer, including site servicing and street connections, are completed;
 - (ii) after the footings and *foundations* are complete;
 - (iii) after framing of the *building* is complete, including fire stopping and separations, chimney, duct work, fire suppression, plumbing, gas venting, wiring, but before any insulation or other interior or exterior finish is applied which would conceal such work; and
 - (iv) after insulation and vapour barrier and fire stop systems but before any interior finish is applied;
- (b) submit to the *City* a *building* location survey from a registered BCLS once the *foundations* have been completed but prior to the completion of the work specified in section 11.36(a)(iii);
- (c) give at least 72 hours' notice to the *City* when requesting an *occupancy* but prior to occupying the *building* or *structure*, to demonstrate to the *building official* and the fire department, compliance with *the health and safety aspects of the work*, the coordination and integration of the fire and life safety systems, applicable *City* requirements and other enactments respecting safety and the conservation, *GHG* emission and accessibility aspects of the work; and
- (d) cause the *coordinating registered professional*, at least 72 hours prior to the pre-*occupancy* coordinated site review to deliver in digital format to the *building official* all applicable documents listed in the Confirmation of Required Documentation form as prescribed by the *building official*.

Stop Work Order

- 11.37 The *building official* may direct the immediate suspension or correction of all or a portion of the construction on a *building* or *structure* by attaching a stop work order notice, in the form prescribed by the *building official*, on the premises whenever it is found that the work is not being performed in accordance with the requirements of the *Building Code*, any applicable bylaw of the *City* or the applicable provisions of the *Homeowner Protection Act*.
- 11.38 The *coordinating registered professional* may request, in *writing*, that the *building official* order the immediate suspension or correction of all or a portion of the construction on a *building* or *structure* by attaching a stop work order notice on the premises. The *building official* must consider such a request and, if not acted upon, *must* respond, in *writing*, to the *coordinating registered professional* and give reasons.
- 11.39 If a *registered professional's services* are terminated, the *owner* *must* immediately stop any work that is subject to their *design* or *field review* and the *building official* is deemed to have issued a stop work order under section 11.37.
- 11.40 The *owner* *must* immediately, after the posting of a notice under section 11.37, secure the construction and the *lands* and premises surrounding the construction in compliance with the safety requirements of every statute, regulation or order of the Province or of a provincial agency and of every applicable bylaw of the *City*.
- 11.41 Subject to section 11.37, no work other than the required remedial measures *may* be carried out on the *parcel* affected by the notice referred to in section 11.37 until the stop work order notice has been removed by the *building official*.
- 11.42 The notice referred to in section 11.37 *must* remain posted on the premises until that which is contrary to the enactments has been remedied and the stop work order notice has been rescinded in *writing* by the *building official*.

Do Not Occupy Notice

- 11.43 If a *person* occupies a *building* or *structure* or part of a *building* or *structure* in contravention of this bylaw, a *building official* may post a Do Not Occupy Notice in the form prescribed by the *building official* on the affected part of the *building* or *structure*.
- 11.44 If a notice is posted under section 11.43, the *owner* of a *parcel* on which a Do Not Occupy Notice has been posted, and every other *person*, *must* cease *occupancy* of the *building* or *structure* immediately and refrain from further *occupancy* until all applicable provisions of the *Building Code* and this bylaw have been substantially complied with and the Do Not Occupy Notice has been rescinded in *writing* by a *building official*.

Inspection and Other Fees

- 11.45 In addition to the fees required under other provisions of this bylaw, the *owner* *must* pay the non-refundable fee set out in Appendix A for
- (a) a third and each subsequent re-inspection where it has been determined by the *building official* that due to non-compliance with the provisions of this bylaw or due to non-complying work, more than two site visits are required for any required inspection;
 - (b) a special inspection during the *City's* normal business hours to establish the condition of a *building*, or if an inspection requires special arrangements because of time,

- location or construction techniques;
- (c) a request from the *owner* or *agent* that the *building official* review an application or part of an application that has already been reviewed by the *building official* the *owner must* pay to the *City* fee based on the plan review fee hourly rate set out in Appendix A;
 - (d) If an issued *building permit* or *other permit* is active and the *owner* proposes modification to the *building* design, the *owner must* pay to the *City* a fee based on the plan review hourly rate set out in Appendix A; or
 - (e) the removal of a notice that had previously been registered on the title of the *property* in accordance with s.57 of the Community Charter for a matter related to *building* regulations having been contravened.

Permit Expiration

11.46 Every *permit* is issued on the condition that the *permit* expires and the rights of the *owner* under the *permit* terminate if

- (a) the work authorized by the *permit* is not commenced within 180 days from the date of issuance of the *permit*;
- (b) work is discontinued for a period of 180 days; or
- (c) the work is not completed within 24 months of the date of issuance of the *permit*.

11.47 Where a *permit* has expired, the work *must* cease and the construction *must* be removed, unless a new *permit* application is made within 90 days of the expiry date of the *permit*.

11.48 Where a *permit* has expired, and a new *permit* application is made, all construction shall comply with this bylaw, the *Building Code* and any other *City* bylaws and enactments in force at the time of the new application.

Permit Extension

11.49 A *building official* may extend the period set out under section 11.46 for only one period not to exceed twelve months, if construction has not been commenced or has been discontinued due to adverse weather, strikes, material or labour shortages, other similar hardship beyond the *owner's* control, or if the size and complexity of the construction warrants, if

- (a) *written* application for the extension is made at least 30 days prior to the date of the *permit* expiration; and
- (b) the non-refundable fee set out in Appendix A has been paid.

Permit Cancellation

11.50 A *building permit*, or a *building permit* application, may be cancelled by the *owner*, or their *agent*, on delivery of *written* notification of the cancellation to the *building official*.

11.51 On receipt of the *written* cancellation notice, the *building official* must mark on the application, and a *permit* if applicable, the date of cancellation and the word "cancelled".

11.52 If the *owner*, or their *agent*, submits changes to an application after a *permit* has been issued and the changes, in the opinion of the *building official*, substantially alter the scope of the work, design or intent of the application in respect of which the *permit* was issued, the *building official* may cancel or amend the *permit* and mark on the *permit* the date of cancellation or amendment and

the word "cancelled" or "amended".

11.53 If a *building permit* application or *permit* is cancelled, and construction has not commenced under the *permit*, the *building official* must return to the *owner* any fees deposited in association with the *permit* less,

- (a) any non-refundable portion of the fee; and
- (b) 15% of the refundable portion of the fee.

Occupancy

11.54 No *person* may occupy a *building* or *structure* or part of a *building* or *structure* until an *occupancy* inspection certificate has been approved by a *building official*.

11.55 An *occupancy* inspection certificate will not be issued unless

- (a) letters of assurance, in the form of schedules C-A and C-B have been submitted where letters of assurance have been required for *simple buildings*, *complex buildings* or *structures* in accordance with this bylaw;
- (b) the Confirmation of Required Documentation described in section 11.36(d) have been submitted when required in accordance with the requirements of this bylaw;
- (c) all aspects of the work requiring inspection and acceptance pursuant to sections 11.32 and 11.36 of this bylaw have both been inspected and *accepted* or the inspections and acceptance are not required in accordance with this bylaw;
- (d) where requested in *writing* by the *building official* and for *complex buildings*, the *owner* has delivered to the *City*, as-built plans of works and services in digital format;
- (e) where requested in *writing* by the *building official* and for *complex buildings*, the *owner* has delivered to the *City*, as-built drawings of the *building* or *structure* in digital format;
- (f) unless waived by the *building official*, the *City* has received a *building* survey prepared by a British Columbia Land Surveyor showing the *building height*, size, location and elevation determined in accordance with the *City's land* use regulations;
- (g) the *health and life safety aspects of the work* and the conservation, *GHG* emission reduction and accessibility aspects of the work when the *building* or *structure* is substantially complete in compliance with the *design*, the *Building Code*, other applicable enactments or special conditions of the permit; and
- (h) all other documentation required under applicable enactments has been delivered to the *City*.

11.56 When a *registered professional* provides letters of assurance in accordance with this bylaw, the *City* will rely solely on the letters of assurance when issuing an *occupancy* inspection notice authorizing *occupancy* as assurance that the items identified on the letters of assurance substantially comply with the *design*, the *Building Code*, this bylaw and other applicable enactments respecting safety.

11.57 A *building official* may issue an *occupancy* inspection notice for partial *occupancy* of a portion of a *building* or *structure* under construction, when that portion of the *building* or *structure* is self-contained and the requirements set out in section 11.55, have been met with respect to it.

11.58 A final inspection notice *may* not be issued unless

- (a) the requirements of section 11.55 have been met;
- (b) all special conditions for which the *permit* has been issued have been met;
- (c) all aspects of the work requiring inspection and review pursuant to Part 10 and sections 11.29 through 11.36 of this bylaw have both been inspected and *accepted*;
- (d) the *owner* has executed and delivered to the *City* every agreement, instrument or form required by the *City* in relation to the work or the site; and
- (e) all required offsite works respecting safety have been completed.

PART 12: EROSION & SEDIMENT PROVISIONS

12.1 Subject to bylaws of the *City* and other enactments regarding environmental protection, erosion and sediment control practices *must* be employed at all times throughout the duration of a *permit*, including

- (a) Roadways fronting the disturbed area are to be swept free and cleaned on a regular basis (once a day or more frequently during rain events). Flushing of the roadway is prohibited;
- (b) Install and maintain drop and / or curb inlet sediment barriers around any catch basins, on all road frontage catch basins and lawn basins collecting runoff from the construction site;
- (c) Excavated/imported *soils* are not to be stockpiled or unloaded on road allowances, curbs, or sidewalks and if *soils* are stockpiled within the boundary of the lot, then the stockpiles *must* be covered with polyethylene sheeting and weighted down. Breaks in the cover *must* be repaired immediately; and
- (d) Temporary graded areas, such as housing lots, *must* be protected from erosion through the use of straw, mulch and/or polyethylene tarps in non-traffic areas and a gravel cap in zones of construction traffic. Final graded or landscaped areas *must* have the appropriate permanent surface protection or landscaping in place as soon as possible.

PART 13: TEMPORARY BUILDINGS

13.1 Subject to bylaws of the *City* and orders of Council, the *building official* may issue a *building permit* for the erection or placement of a *temporary building for occupancy* if

- (a) the *building* complies with the *City's* Zoning Bylaw, as amended or re-enacted from time to time, built in compliance with the *Building Code* and this bylaw, and connected, as required by enactments, to *City* utility services; and
- (b) the *permit* is for a period not exceeding one year.

- 13.2 An application for a *building permit* for a *temporary building* must be made on the form prescribed by the *building official*, signed by the *owner* or *agent*, and *must* include
- (a) plans and supporting documents showing the location and *building height* of the *building* on the *parcel*;
 - (b) plans and supporting documents showing construction details of the *building*;
 - (c) a statement by the *owner* indicating the intended use and duration of the use;
 - (d) in the case of a manufactured *building*, a CSA label in respect of manufacture and, without limitation, a Quonset or other steel *building* must be certified in accordance with CSA Standard A660;
 - (e) in the case of a *temporary building*, information to comply with article 1.1.1.1(2)(f), Division A of the *Building Code*;
 - (f) as required by the City, a report or drawing by an engineer, architect or *designer* confirming compliance with the *Building Code*, this bylaw, the City's Zoning Bylaw and other applicable bylaws as amended or re-enacted from time to time;
 - (g) security in the form of cash or a letter of credit for 25% of the value of the *temporary building*, which security
 - (i) may be used by the City to remove the *building* after one year of the date of the final inspection required under this bylaw; or
 - (ii) must be returned to the *owner* if the *owner* removes the *temporary building* within one year of the date of the final inspection of the *temporary building* required under this bylaw.
- 13.3 Before receiving a *building permit* for a *temporary building*, the *owner* must pay to the City the applicable *building permit* fee and set out in Appendix A.
- 13.4 A *permit fee* for a *temporary building* is not refundable.

PART 14: BUILDING MOVE

- 14.1 No *Person* shall move or cause to be moved any *building* into the City or from one *parcel* to another in the City without first obtaining a *Building Permit* to carry out such move and to site the *building* on the *parcel* to which it is to be moved.
- 14.2 An application for a *building permit* for a *building move* must be made on the form prescribed by the *building official*, signed by the *owner* or *agent*, and *must* include
- (a) certification from a *Registered Professional* that the *structure* is safe for its intended use including the *structure's* new *foundation* and siting;
 - (b) detailed plans and specifications of the proposed relocation and rehabilitation of the *building*, including *additions* and renovations to the *building*; and
 - (c) detailed plans and specifications of the *building* siting, driveway and other site improvements proposed on the *parcel*.

- 14.3 A security in the form of cash or an irrevocable letter of credit without an expiry date, a certified cheque, or cash payment deposited with the *City* for the amount equal to five (5) percent of the *value of the construction* to a maximum of \$10,000.00.
- 14.4 If the *building* or part of it is not completed and an *occupancy permit* has not been issued within a twelve (12) month period subsequent to the issuance of a *Building Permit*, the *Building Official* may send a *written* notice to the *owner* stating that the *building* does not comply with this bylaw or other enactment and direct the *owner* to remedy the non-compliance within thirty (30) days from the date of *service* of the notice. If the non-compliance is not remedied within the thirty-day period, the *City* or its *agent* may enter, tidy and erect screening at the site and the expenses associated with this *shall* be deducted from the security in section 14.3.
- 14.5 For clarity other than section 14.2(a) these provisions apply to certified factory built houses that meet or exceed CAN/CSA Z240 MH Series or CSA A-277-M1990.
- 14.6 Before receiving a *building permit* for a moved *building* or *structure*, the *owner* must pay to the *City* the applicable *building permit* fee set out in Appendix A.

PART 15: RETAINING WALLS AND GRADES

- 15.1 Without limiting section 6.1 of this bylaw, a *person* must not *construct*, or structurally repair, a *retaining wall* without a valid *building permit*.
- 15.2 Except as certified by a *professional* engineer with expertise in geotechnical engineering registered in the province of British Columbia, fill material placed on a *parcel*, unless restrained by permitted *retaining walls*, must not have a surface slope exceeding a ratio of one linear unit vertically to two linear units horizontally.
- 15.3 Without limiting section 15.2, no *person* may occupy a *building* unless the *grade* complies with all applicable enactments.
- 15.4 An application for a *building permit* for a *retaining wall* must be made on the form prescribed by the *building official*, signed by the *owner* or *agent*, and must include
- (a) sealed copies of all design drawings and specifications, including schedules from a *registered professional* engineer;
 - (b) a site plan with the information as applicable, described in section 11.5(f); and
 - (c) any other information required by the *building official* or the *Building Code* to establish substantial compliance with this bylaw, the *Building Code* and other bylaws and enactments relating to the *retaining wall*.
- 15.6 Before receiving a *building permit* for a *retaining wall*, the *owner* must pay to the *City* the applicable *building permit* fee and security deposit set out in Appendix A.

PART 16: ELECTRICAL SERVICES

- 16.1 Where electrical services to buildings are to be upgraded, no building permit shall be issued for new buildings or renovations of commercial, industrial and multi family

buildings in the following areas unless all overhead services are directed underground:

- (a) Downtown Business Improvement & Willow Point Improvement Areas, except those properties where the electrical service is from a lane;
- (b) Highway 19A from the southern municipal boundary to Orange Point Road, except those properties where the electrical service is from a side road or lane;
- (c) Highway 19;
- (d) All arterial and connector roads as defined in the Municipal Specifications in Subdivision and Development Servicing Bylaw, as amended from time to time.

PART 17: POOLS

Swimming Pool Permits and Fencing

- 17.1 Without limiting section 6.1 of this bylaw, a *person must not construct*, or structurally repair, a *swimming pool* without a valid *building permit*.
- 17.2 A *swimming pool*, *must* meet all requirements as outlined in other *City* bylaws and provincial enactments, as amended or re-enacted from time to time.
- 17.3 An application for a *building permit* for a *swimming pool must* be made on the form prescribed by the *building official*, signed by the *owner* or *agent*, and *must* include
- (a) all design drawings, specifications, for the *swimming pool* and *swimming pool enclosure*, and if the *swimming pool* is situated near a hillside, schedules from a registered geotechnical engineer;
 - (b) a site plan with the information as applicable, described in section 11.5(f); and
 - (c) any other information required by the *building official* or the *Building Code* to establish substantial compliance with this bylaw, the *Building Code* and other Bylaws and enactments relating to a *swimming pool*.
- 17.4 Before receiving a *building permit* for a *swimming pool*, the *owner must* pay to the *City* the applicable *building permit* fee and security deposit set out in Appendix A.

Enclosure or Fencing for Swimming Pools, Spas and Hot Tubs

- 17.5 A *swimming pool*, a spa or hot tub *must* be enclosed within a fence *constructed* without footholds or grips that children *may* use to climb into the enclosed area, having a minimum height of 1.22m and no openings greater than 100mm at their greatest dimension.
- 17.6 Access through a fence enclosing a *swimming pool*, spa or hot tub *must* be only through a self-closing and self-latching gate designed and *constructed* or installed so as to cause the gate to return to a closed position when not in use and secured by a latch located on the *swimming pool*, spa or hot tub side of the gate. Where the access to the *swimming pool* is from a dwelling located on the same property as the *swimming pool*, the access *may* be directly from the dwelling.
- 17.7 All openings or gates in the fence or barrier *must* be locked closed when not in use.

17.8 In lieu of a fence, a spa or hot tub *may* be covered with a locking cover, which would prevent unauthorized access to the water.

Maintenance

17.9 A *person may* not fill with or allow to remain full of water, use or *occupy* a *swimming pool*, unless the *owner* or *occupier of property* on or in which a *pool* is located maintains every fence or cover required under sections 17.5 to 17.8 in good order and without limitation maintains and repairs in good order at all times all sagging gates, loose parts, torn mesh, missing materials, worn latches, locks or broken or binding members.

Leaks or Other Failures

17.10 A *person may* not obtain a valid and subsisting *building permit* for or use or *occupy* a *swimming pool*, other than a soft sided pool, without first delivering to the *building official* at the time of the *building permit* application an opinion of a *registered professional* that the *design* of the *pool* will not cause or result in leaks or other failures of the *pool*.

PART 18: FLOATING BUILDINGS AND STRUCTURES

18.1 This section includes both *floating buildings* and *marinas*,

18.2 Without limiting section 6.1 of this bylaw, a *person must* not moor, *construct*, or structurally repair, a *floating building* or *marina* without a valid *building permit*.

18.3 All floating *buildings*, and *marina structures* shall be subject to the following

- (a) the floatation system *must* be designed according to *accepted* marine engineering and naval architectural principles, and *must* be approved and sealed by a professional engineer qualified in such design;
- (b) all structural elements *must* be designed and certified by a structural engineer;
- (c) be designed and *constructed* in conformance with the British Columbia Float Home Standard, British Columbia *Building*, Plumbing & Fire Codes, and all other applicable bylaws and enactments, as amended from time to time;
- (d) public washroom facilities connecting to a public sewer system or sewer discharge otherwise approved by the Province *shall* be provided within floating *buildings* or *must* be *constructed on land*; and
- (e) Fire Safety Plan *must* be submitted with application detailing fire fighting access which is acceptable to and approved by the Fire Chief or designate.

18.4 Before receiving a *building permit* for the mooring, construction or structural repair of a *floating building* or construction or structural repair of a *marina*, the *owner must* pay to the *City* the applicable *building permit* fee and security deposit set out in Appendix A.

PART 19: DEMOLITION

19.1 Without limiting section 6.1 of this bylaw, a *person must* not *demolish* a *building* or *structure*

without a valid *building permit*.

- 19.2 An application to demolish a building or *structure* must be made on the form prescribed by the *building official*, signed by the *owner* or *agent*, and must include or ensure
- (a) a site plan that clearly indicates the building or *structure* to be demolished;
 - (b) that all municipal services are capped and terminated to *City* standards;
 - (c) include a hazardous materials survey in accordance with WorkSafe BC regulations;
 - (d) provide the *City* a vacancy date; and
 - (e) pay disconnection and capping fees as set out in the *City's* bylaws governing waterworks, sanitary and storm sewer, as amended or re-enacted from time to time.
- 19.3 Every *owner* must ensure that, on completion of all demolition procedures, all debris and fill are cleared and the *site* is levelled or *graded*, or made safe. If levelling and grading are delayed, permanent type fencing with privacy screen complying with the *City zoning* bylaw, as amended or re-enacted from time to time, must be erected around the *building* site for protection to the public.
- 19.4 Where *City* owned water meters and appurtenances are decommissioned as part of the services disconnection process, they must be returned to the *City* within 30 days of removal.
- 19.5 Before receiving a *building permit* for the demolition of a *building* or *structure*, the *owner* must pay to the *City* the applicable *demolition permit* fee and security deposit set out in Appendix A.

PART 20: BUILDING NUMBERING

- 20.1 Immediately upon issuance of a *building permit* governing the construction, *alteration* or repair of a *building*, or prior to and during the *occupancy* of a *building*, the *owner*, *constructor* or occupant must display the address number assigned to it by the *City*
- (a) at or near the entrance to the *building* or on the *building property*, be of a size and contrasting colour, to be readily visible from the adjacent *highway* that is not a lane; and
 - (b) until such time as the *building* is removed from the site or has been demolished.
- 20.2 Despite section 20.1, the *City* may renumber or alter the assigned numbers in respect of any *building*, on any *parcel*, including those already in existence or numbered.

PART 21: EMERGENCY VEHICLE ACCESS ROUTES

- 21.1 Prior to the issuance of a *building permit* for a *building* under Part 9 of the *Building Code*, that incorporates private roadways, other than driveways serving one and two dwellings on independent lots, details must be submitted confirming the *building* or *structure* for which the *permit* is issued, will be served by a fire access route satisfying the following

- (a) the access route *must* comply with the gradient, radius, clearance, width, turnaround and public through fare connection standards as determined in Part 3.2.5.6 of the *building code*, as amended or replaced from time to time; and
- (b) the access route *must* comply with the bearing load and surface material standards as required for the *City's* Local Road Standards in the Development and Subdivision Servicing Bylaw as amended or replaced from time to time.

PART 22: ENERGY CONSERVATION & GHG REDUCTION

- 22.1 Notwithstanding section 22.2 and the requirement for a building to comply with a step described in 9.36.6 of Division B of the building code, a permit for a building of other than new construction or substantial reconstruction may comply with the prescriptive requirements of 9.36.2 to 9.36.4 of Division B of the building code, as amended or replaced from time to time.
- 22.2 A *permit* for a *building* required by the building code to be designed and *constructed* to meet the performance requirements specified in the BC Energy *Step Code*, *must* comply with this part.
- 22.3 Without limiting sections 11.3 and 11.5 *building permit* applications *must* include on the submitted drawings confirmation the design as proposed, complies with the *StepCode*.
- 22.4 Without limiting section 11.55(g) confirmation of as built compliance with the *Step Code must* be submitted prior to receiving an *occupancy* inspection notice.
- 22.5 For a *building* of new construction, regulated by Part 9 of the *Building Code*
- (a) the application for a *building permit* for the *building must* include a Pre-Construction BC Energy Compliance Report – Performance Paths for Part 9 *Buildings: Pre-Construction Form* (in the latest form from time to time published by the Province of British Columbia), prepared and signed by an *Energy Advisor*, and such other reports, documentation and materials as may be required by the *building official* with respect to *Step Code* compliance; and
 - (b) prior to the issuance of an *occupancy permit* for the *building*, the *owner must* provide the *City* with a BC Energy Compliance Report - Performance Paths for Part 9 *Buildings: As-Built Form* (in the latest form from time to time published by the Province of British Columbia), prepared and signed by an *Energy Advisor*, and such other reports, documentation and materials as required by the *building official* with respect to *Step Code* compliance.
- 22.6 When an *energy advisor* or *registered professional*, as required, provides energy reports or *field reviews* in accordance with this bylaw, the *City* will rely solely on the *field reviews* undertaken by the *energy advisor* or *registered professional* and the reports submitted pursuant to this bylaw as assurance that the construction or applicable aspect thereof substantially conforms to the design, and that the construction of applicable aspect thereof substantially complies with the *Building Code*, this bylaw, and other applicable enactments respecting energy efficiency.
- 22.7 Any *energy advisor* providing documentation as set out in the *Step code must* provide confirmation to the *City* they are an *energy advisor* registered and in goodstanding with Natural Resources Canada.

PART 23: OFFENCES, ENFORCEMENT & PENALTIES

Violations

23.1 Without limiting Part 5 of this bylaw, every *person* who

- (a) violates a provision of this bylaw;
- (b) *permits*, suffers or allows any act to be done in violation of any provision of this bylaw; and
- (c) neglects to do anything required to be done under any provision of this bylaw;

commits an offence and on summary conviction by a court of competent jurisdiction, the *person* is subject to a fine of not more than \$10,000.00, or a term of imprisonment not exceeding three months, or both, in addition to the costs of prosecution. Each day during which a violation, contravention or breach of this bylaw continues is deemed to be a separate offence.

23.2 Every *person* who fails to comply with any order or notice issued by a *building official* or who allows a violation of this bylaw to continue, contravenes this bylaw.

23.3 Every *person* who commences work requiring a *building permit* without first obtaining such a *permit must*, if a Stop Work notice is issued and remains outstanding for 30 days, pay an additional charge as outlined in Appendix A of this bylaw.

Deemed Offence

23.4 An *owner* is deemed to have knowledge of and be liable under this bylaw in respect of any construction on the *parcel* the *owner* owns and any change in the use, *occupancy* or both of a *building* or *structure* or part of a *building* or *structure* on that *parcel*.

23.5 No *person* is deemed liable under section 23.4 who establishes, on a balance of probabilities, that the construction or change of use or *occupancy* occurred before he or she became the *owner* of the *parcel*.

23.6 Nothing in section 23.5 affects

- (a) the *City's* right to require and the *owner's obligation* to obtain a *permit*; and
- (b) the *obligation* of the *owner* to comply with this bylaw.

Ticketing

23.7 The offences in Appendix B are designated for enforcement under s. 264 of the *Community Charter*.

23.8 The following *persons* are designated as bylaw enforcement officers under section 264(1) (b) of the *Community Charter* for enforcing the offences in Appendix B: *building officials*, fire inspectors and *persons* designated by Council as bylaw enforcement officers.

23.9 The words or expressions set forth in Column 1 of Appendix B are authorized pursuant to s. 264(1)(c) of the *Community Charter* to designate the offence committed under the bylaw section number appearing in Column 2 opposite the respective words or expressions.

23.10 The amounts appearing in Column 3 of Appendix B are the fines established pursuant to s. 265(1)(a) of the *Community Charter* for the corresponding offence designated in Column 1.

PART 24: APPENDICIES

24.1 Appendices A & B are attached to and form part of this bylaw.

PART 25: SEVERABILITY

25.1 If a section, subsection, paragraph, subparagraph, or phrase of this bylaw is for any reason declared invalid by a court of competent jurisdiction, the decision will not affect the validity of the remaining portions of this bylaw. Every *permit* issued under this bylaw is issued expressly subject to the provisions of this Part.

PART 26: REPEAL

26.1 Building Regulation BYLAW No. 3060, 2003, as amended, is repealed.

PART 27: IN FORCE

READ THE FIRST TIME this 1st day of June 2023

READ THE SECOND TIME this 1st day of June 2023

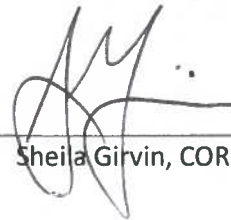
READ THE THIRD TIME this 1st day of June 2023

ADOPTED this 29th day of June 2023

Signed by the Mayor and Corporate Officer this 29th day of July 2023



Kermit Dahl, MAYOR



Sheila Girvin, CORPORATE OFFICER

APPENDIX "A"

Building Bylaw No. 3899, 2023. Appendix A - Building Permit Fees & Securities

Building Permit Fee		
<i>Value of Construction</i> not exceeding \$5,000.00		Simple Building Minimum fee \$150.00 Complex Building Minimum Fee \$2500.00
<i>Value of Construction</i> Over \$5,000.00 but less than \$100,000.00		\$150.00; plus \$10.00 for each \$1,000.00 of <i>value of construction</i> or portion there of.
<i>Value of Construction</i> Over \$100,000.00 but less than 400,000.00		\$1100; plus \$9.00 for each \$1,000.00 of <i>value of construction</i> or portion there of, from \$100,000.00 up to \$400,000.00
<i>Value of Construction</i> Over \$400,000.00		\$3800; plus \$8.00 for each additional \$1,000.00 of <i>value of construction</i> or portion there of, for more than \$400,000.00
Demolition		\$250.00
<i>Building Move</i>		<i>Building permit base Fee \$150; plus \$10.00 per \$1000.00 of value of construction</i>
<i>Building Permit for new float home or marina structures</i>		\$1.00 per sq. ft. of gross floor area
Construction without a valid <i>permit</i>		<i>Double the building permit fee.</i>
Plumbing Fees		
Up to two plumbing fixtures		Base fee \$150.00
Three or more plumbing fixtures		Base fee; plus \$8.00 per additional fixture
Fire suppression systems		Base fee: plus \$0.75 per sprinkler head
Fire protection system		Base fee; plus \$100.00 per standpipe, hydrant or hose connection
Water, Sanitary and storm Connection Fee		Base fee; plus \$50.00 for each connection
Irrigation systems		Base Fee \$150.00; plus \$25.00 per zone.
Construction of plumbing without a valid <i>permit</i>		\$500.00 in addition to the regular <i>permit</i> Fees

Inspection and Other Fees		
Re-inspection		\$75.00
Plan Review fee		\$150.00 per hour
Special inspection fee		\$150.00
Transfer of Permit		\$35.00
<i>Stop Work</i> exceeding 30 Days		\$100.00
<i>Building Permit</i> Extension		\$150.00
Remove Notice on Title	Note: Community charter s.57	\$500.00
Security Deposits		
<i>Value of Construction</i>		
\$0.00 - \$5,000		\$500.00
\$5001 - \$100,000		\$1500.00
\$100,001 - \$400,000		\$2500.00
\$400,001 +		\$3500.00
<i>Temporary building</i>		25% of the value of the <i>building</i>
<i>Moved Building</i>		5% of the value of construction to a max. of \$10,000.00
<i>Demolition</i>		\$3500.00

APPENDIX “B”

Building Bylaw No. 3899, 2023. Appendix B – Offences

COLUMN 1	COLUMN 2	COLUMN 3
DESIGNATED EXPRESSION	SECTION	FINE
Interference with <i>building official's</i> right of entry	7.6	\$300.00
Construction without <i>building permit</i>	11.1	\$300.00
Demolition without <i>building permit</i>	11.1(c)	\$300.00
Moving <i>building</i> without <i>building permit</i>	11.1(b)	\$300.00
Failure to have <i>permit</i> and supporting documents on site	8.3(b)	\$100.00
Unsafe site	8.5(c)	\$500.00
Failure to post civic address	8.5(a)	\$100.00
Failure to comply with <i>permit</i> conditions	8.3(a)	\$300.00
Failure to obtain occupancy inspection notice	11.54	\$300.00
<i>Unsafe condition</i>	7.7(h)	\$500.00
Failure to clear all debris and fill	18.3	\$300.00
Failure to obtain <i>building official's</i> written acceptance prior to concealing work	11.35	\$100.00
Failure to stop work after a <i>registered professional's</i> services are terminated	11.39	\$500.00
Violation of Stop Work Order	11.37	\$500.00
Violation of Do Not Occupy Notice	11.44	\$500.00
Failure to Install or Maintain Erosion and Sediment Control Provisions	12.1	\$100.00
Tampering with Posted Notice	5.5	\$300.00



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