

City of Courtenay

BUILDING BYLAW NO. 3114

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City of Courtenay

BUILDING BYLAW NO. 3114

A Bylaw for Administration of the Building Code and Regulation of Construction

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* 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 the City of Courtenay in accordance with the *Community Charter* and the *Building Act*;
- C. has employed trained building officials for the purposes of this bylaw;

NOW THEREFORE the Council of the City of Courtenay enacts as follows:

PART 1: TITLE

Citation

- 1.1 This bylaw may be cited as “Building Bylaw No. 3114”.

PART 2: PURPOSE OF BYLAW

- 2.1 Despite any other provision in this bylaw, this bylaw must be interpreted in accordance with this Part.
- 2.2 Every permit issued under this bylaw is issued expressly subject to the provisions of this Part.
- 2.3 This bylaw is enacted to regulate, prohibit and impose requirements in regard to *construction* in the City in the public interest.

2.4 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 3: SCOPE AND EXEMPTIONS

Application

3.1 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.

3.2 This bylaw applies to the design, construction or *occupancy* of new *buildings* or *structures*, and the *alteration*, reconstruction, demolition, removal, relocation or *occupancy* or change of use or *occupancy* of *existing buildings* and *structures*.

3.3 This bylaw does not apply to

- (a) buildings or structures exempt by Division A Part 1 of the building code except as expressly provided herein;
- (b) an accessory *building* with a floor area of less than 10 square metres;
- (c) platforms or decks without roofs less than 0.6 meters above grade;
- (d) retaining walls that do not support a building or structure;
- (e) breakwaters, seawalls, bulkheads, riprap, deposition of materials such as stone and concrete, rubble, bluff stabilization projects, and similar measures employed to protect property from the sea or any lake, swamp, pond or watercourse;
- (f) a fence, a trellis, an arbour, stairs that are not part of an egress from a building or structure, or other similar landscape *structures* on a parcel zoned for single-family *residential occupancy* uses under the City's zoning bylaw;

- (g) a portable or temporary tent, rigid frame structure covered with a flexible material, or a shipping container used for storage;
- (h) polyethylene film covered greenhouses used for the production of agricultural and horticultural produce and feeds;
- (i) the replacement of plumbing fixtures (sinks, tubs, water closets, valves etc.) or the maintenance of *existing building plumbing systems*, providing the work does not involve the rearrangement of supply, waste or vent lines;
- (j) above or below grade swimming pools not located within a building or structure, spa or hot tubs;
- (k) a *building* or *structure* commonly known as “Canadian Standards Association Z240 MH series, Z241 series or A277 series”, except as regulated by the Building Code.

Limited Application to Existing Buildings

- 3.4 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.
- 3.5 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 11 applies to *building* moves.
- 3.6 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*.
- 3.7 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 4: PROHIBITIONS

- 4.1 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.
- 4.2 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 *final inspection notice* 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*.
- 4.3 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.
- 4.4 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, except in accordance with this bylaw, including the acceptance of revised plans or supporting documents by the *building official*.
- 4.5 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.
- 4.6 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*.
- 4.7 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.
- 4.8 A person must not *construct* on a *parcel* unless the civic address is conspicuously posted on the front of the premises or on a signpost so it may be easily read from the public *highway* from which it takes its address.
- 4.9 A person must not contravene an administrative requirement of a *building official* made under the authority set out in section 6.6 or any other provision of this bylaw.
- 4.10 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 5: PERMIT CONDITIONS

- 5.1 A *permit* is required if work regulated under this bylaw is to be undertaken.
- 5.2 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.
- 5.3 No person shall 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.
- 5.4 Without limiting section 5.2(a), it is the full and sole responsibility of the *owner* (and if the *owner* is acting through an *agent*, the *agent*) 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.

PART 6: POWERS OF A BUILDING OFFICIAL

Administration

- 6.1 Words defining the authority of a *building official* are to be construed as internal administrative powers and not as creating a duty.
- 6.2 A *building official* may
- (a) administer this bylaw, but owes no public duty to enforce or administer this bylaw;
 - (b) create, amend, publish and prescribe any forms, notices, policies, or other documents that may be convenient for the administration of this bylaw, including stop work orders, the format and content of any supporting documents, and the verification of compliance with the *Energy Step Code and Zero Carbon Step Code*;
 - (c) keep records of applications received, *permits*, notices and orders issued, inspections and tests made, and may retain copies of all papers and documents connected with the administration of this bylaw;

- (d) 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*; and
- (e) 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*.

Refusal and Revocation of Permits

- 6.3 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, on request, must state the reason for the refusal in writing.
- 6.4 A *building official* may revoke a *permit* if, in their opinion, the *construction* authorized by the *permit* is not being carried out in accordance with the *building code* or the provisions of this bylaw, or both, 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, or if all *permits* required under this bylaw have not been obtained.

Right of Entry

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

Powers

- 6.6 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 City;
 - (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* in contravention of a provision of this bylaw;
- (h) a person to cease any *occupancy* if any *unsafe condition* exists because of work being undertaken but not complete and where the *building official* has not issued a final inspection notice for the work;
- (i) an *owner* to correct any *unsafe condition*; and
- (j) an *owner* to correct any work that contravenes this bylaw, the *building code*, or any other enactment.

6.7 Every reference to “*owner*” in section 6.6 includes a reference to the *agent* or *constructor*.

6.8 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 7: OWNER’S RESPONSIBILITIES

Permit Requirements

7.1 Subject to Part 10 of this bylaw, every *owner* must apply for and obtain a *permit*, prior to

- (a) *constructing*, repairing or *altering* a *building* or *structure*;
- (b) moving a *building* or *structure* into or within the City;
- (c) demolishing a *building* or *structure*;
- (d) *constructing*, repairing or *altering* a *plumbing system* or fire suppression system;
- (e) *occupying* a new *building* or *structure*;
- (f) changing the use or *occupancy* of a *building*,

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

7.2 Every *owner* must ensure that plans submitted with a *permit* application bear the name, phone number, address and email address of the *designer* of the *building* or *structure*.

Owner's Obligations

- 7.3 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*, all plans and specifications and supporting documents on which a *permit* was based, all municipal inspection certificates, and all professional *field reviews* are available at the site of the work for inspection during working hours by the *building official*; and
 - (c) prior to the issuance of a *building permit*, execute and submit to the City an *owner's* undertaking made in the form prescribed by the *building official*, where required by the *building official*.
- 7.4 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.
- 7.5 Every *owner* to whom a *permit* is issued must, during *construction*,
- (a) allow a *building official* to enter any *building* or premises at any reasonable time to administer and enforce this bylaw;
 - (b) 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; and
 - (c) post the *permit* on the property so that it may be easily read from the public *highway* from which the property takes its address.

Damage to Municipal Works

- 7.6 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*.
- 7.7 In addition to payment of a security deposit under sections 10.11 to 10.15, 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.

Demolition

- 7.8 Prior to obtaining a *permit* to demolish a *building* or *structure*, the *owner* must
- (a) provide to the City a vacancy date;
 - (b) pay capping and inspection chamber installation fees as set out in the City's bylaws governing waterworks and sewer; and
 - (c) ensure that all municipal services and other services are capped and terminated at the property line in a City standard inspection chamber and valve arrangement.
- 7.9 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 not possible.

Notice

- 7.10 Every *owner* must, at least 48 hours prior to commencing work at a *building site*, give written or online notice to a *building official* of the date on which the *owner* intends to begin such work.
- 7.11 Every *owner* must give written or online 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.
- 7.12 If an *owner* or a *registered professional* terminates the engagement of the *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.
- 7.13 Without limiting sections 10.32 to 10.47, every *owner* must give at least 48 hours' online or 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 work has been completed so that a final inspection can be made.
- 7.14 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 change in ownership or change in the address of the *owner* which occurs prior to the acceptance of final inspection.
- 7.15 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.

PART 8: OBLIGATIONS OF OWNER'S CONSTRUCTOR

- 8.1 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.
- 8.2 Every *constructor* must ensure that no *construction, excavation* or other work is undertaken on public property, and that such public property is not disturbed or used for the storage of materials, without first having obtained approval in writing from the appropriate authority over such public property.
- 8.3 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 9: REGISTERED PROFESSIONAL'S RESPONSIBILITIES

Professional Design and Field Review

- 9.1 The provision by the *owner* to the City of letters of assurance in accordance with the requirements of the *building code* shall occur prior to
 - (a) the pre-occupancy site review coordinated by the *coordinating registered professional* or other *registered professional* for a *complex building*, or
 - (b) a final inspection for a *simple building* in circumstances where letters of assurance have been required in accordance with the requirements of the *building code*, in which case the *owner* must provide the City with letters of assurance in the form of Schedules C-A or C-B, as appropriate, referred to in subsection 2.2.7, Division C, of the *building code*.
- 9.2 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

- 9.3 The *owner* must retain a *registered professional* to provide 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 of a *permit* application
 - (a) prior to the pre-occupancy site review coordinated by the *coordinating registered professional* or other *registered professional* for a *complex building*, or
 - (b) prior to a final inspection for a *simple building* in circumstances where letters of assurance have been required in accordance with the requirements of the *building code*, in which case the *owner* must provide the City with letters of assurance in the

form of Schedules C-A or C-B, as appropriate, referred to in subsection 2.2.7, Division C, of the *building code*;

- (c) except for single storey 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) a *building* that is designed with common egress systems for the occupants and requires the use of *firewalls* in accordance with the *building code*;
- (e) prior to *alterations* to a *building*, or to a structural component of a *building* described in paragraph (b);
- (f) 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*;
- (g) 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*; and
- (h) 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.

9.4 The *building official* may require any *registered professional* carrying out the *professional design* and *field review* required under section 9.3 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

9.5 The letters of assurance referred to in sections 9.1 and 9.3 of this bylaw 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 enactment.

9.6 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*.

- 9.7 For a *building permit* issued for the construction of a *complex building*, the building official shall 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 certification of the *registered professionals*.
- 9.8 If a *building permit* is issued for a construction of a *complex building*, the *permit fee* is reduced by 5% of the fees payable under Appendix A to this bylaw, up to a maximum reduction of \$500.00 (five hundred dollars).

PART 10: BUILDING APPLICATION REQUIREMENTS

Requirements before applying for a Building Permit

- 10.1 Prior to issuance 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 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) 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;
 - (d) 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 the name and contact information of the *owner*;
 - (e) 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*;
 - (f) 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;

- (g) 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; and
- (h) 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 completion agreement with the City and deliver to the City letters of credit or cash security for completion of the works and service.

General Application Requirements

10.2 An application for a *building permit* shall be submitted electronically and:

- (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 that is subject of the application made on the date of the *permit* application;
- (d) include a copy of a survey plan prepared by a British Columbia Land Surveyor, except the *building official* may waive the requirements for a survey plan, in whole or in part, where conditions warrant;
- (e) include a site plan showing;
 - (i) the bearing and dimensions of the parcel boundaries 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 setback requirements, adjacent street and lane names;
 - (iv) the location and dimensions of *existing* and proposed *buildings* or *structures* on the parcel including proposed and *existing* setbacks to property lines;
 - (v) setbacks to the natural boundary of the sea and any lake, swamp, pond or watercourse where the City's land use regulations establish siting requirements related to flooding or riparian areas;

- (vi) the existing and finished ground levels to an established datum at or adjacent to the site and the geodetic elevation of the underside of the floor system or the top of a finished concrete slab of a of a building or structure where the City's land use regulations establish siting requirements related to minimum floor elevation;
 - (vii) if applicable, location of an approved *existing* or proposed alternative private or other sewage disposal system, water supply system or storm water drainage system; and
 - (viii) the location, dimensions and gradient of parking and parking access,
- 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* or structure;
- (f) include floor plans showing the dimensions 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; plumbing fixtures; structural elements; and stair dimensions;
 - (g) include a cross-section through the *building* illustrating foundations, drainage, ceiling heights and construction systems;
 - (h) 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 permit;
 - (i) include cross-sectional details drawn at an appropriate scale and at sufficient locations to illustrate that the building or structure substantially conforms to the building code; and
 - (j) 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;

Application for Complex Buildings

- 10.3 In addition to the requirements set out in section 10.2 of this Part, an application for a building permit with respect to a complex building shall be submitted electronically and include;
- (a) a site plan prepared by a *registered professional* showing the information set out in section 10.2(e);
 - (b) one set of drawings at a suitable scale of the design prepared by each *registered professional* containing the information set out in section 10.2(f) to (i) and 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*;
- (c) 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*;
 - (d) 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*;
 - (e) include a *building code* compliance summary including the applicable edition of the *building code*, such as without limitation whether the building is designed under Part 3 or Part 9 of the building code, *major occupancy* classification(s) of the *building*, *building area* and *building height*, number of streets the *building* faces, and *accessible* entrances, work areas, washrooms, firewalls and facilities;
 - (f) include illustration of any slopes on the subject parcel that exceed 30%;
- 10.4 A *building official* may require the following to be submitted with a *permit* application for the construction of a *complex building* if the *building official* determines that the complexity of the proposed *building* or *structure* or siting circumstances warrant:
- (a) 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 replaced from time to time;
 - (b) a section through the site showing grades, *buildings*, *structures*, parking areas and driveways; 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 *building* or *structure*.

Application for Simple Buildings

- 10.5 In addition to the requirements set out in section 10.2 of this bylaw, an application for a building permit with respect to a *simple building* shall include;
- (a) one set of drawings at a suitable scale of the design including the information set out in section 10.2(f) to (i);
 - (b) a *foundation* and *excavation* design prepared by a *registered professional* in accordance with the *building code*;
 - (c) geotechnical letters of assurance, in addition to a required geotechnical report, if the *building official* determines that the site conditions so warrant.

10.6 Where a *project* involves:

- (a) two or more *buildings* with the aggregate footprint area that totals more than 1,000 square meters;
- (b) two or more *buildings* that will collectively contain four or more dwelling units; or
- (c) a determination by the *building official* that 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*:

- (i) 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 replaced from time to time;
- (ii) a section through the site showing grades, *buildings*, *structures*, parking areas and driveways;
- (iii) a roof plan and roof height calculations;
- (iv) structural, electrical, plumbing, mechanical or fire suppression drawings prepared and sealed by a *registered professional*;
- (v) letters of assurance in the form of Schedule B referred to in Division C of the *building code*, signed by a *registered professional*;
- (vi) 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*; or
- (vii) 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*.

10.7 The building official may waive the requirements under subsection 10.5(b) of this Part in whole or in part, where the permit is sought for the:

- (a) repair or *alteration* of an *existing building* or *structure*; or
- (b) construction of a single story detached storage garage or carport less than 55 square meters in area serving a single-family dwelling.

Site and Location Information

10.8 Without limiting sections 10.2(d) or 10.3(a) of this Part, the building official may in writing require an owner to submit an up to date certificate of location prepared by a British Columbia Land Surveyor which contains sufficient information respecting to the site and location of any building or structure;

- (a) to establish, before *construction* begins, that all the provisions of this bylaw in relation to this information will be complied with;
- (b) to 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 of an *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.

Application Fees

10.9 An application for a *building permit* shall:

- (a) be accompanied by the processing fee as prescribed in Appendix A;
- (b) be credited against the permit fee when the *permit* is issued.
- (c) expire and, if applicable, the processing fee shall be forfeited to the *City*, if:
 - (i) the application expires in accordance with section 10.22; or
 - (ii) the permit fee has not been paid within 180 days following the date on which the application was made.

Building Permit Fee

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

- (a) the *building permit* fee 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 *building permit*.

Security Deposit

- 10.11 Prior to the issuance of a *building permit*, the *owner* must pay to the City, the security deposit prescribed in Appendix A of this bylaw.
- 10.12 The security deposit sum set out in section 10.11 of this Part
- (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 *building 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 such a *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.
- 10.13 The security deposit or applicable portion must be returned to the *owner* or to the person identified by the *owner*, when:
- (a) the *building official* is satisfied that no further damage to public works or public lands will occur;
 - (b) the inspections required by this bylaw are complete and acceptable to the *building official*; and
 - (c) the conditions or provisions of a provisional certificate of *occupancy* are completed to the satisfaction of the *building official*;
- and only after the *owner* or *agent* has requested the return of the security.
- 10.14 Any credit greater than the amount of the security deposit used by the City for the purposes described in sections 10.12 of this Part will be returned to the *owner* unless otherwise so directed by the *owner*. 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 *owner*, the *constructor* or the *agent*.
- 10.15 If the proposed work includes *excavation* or construction on lands within 3 metres of 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 by the *owner* at its expense and to the satisfaction of the City, and the *owner* must deposit with the City security in accordance with sections 10.11 to 10.14 of this Part.

10.16 Any security or other deposits held by the City shall be forfeited and paid to the City as a fee for the cost of closing open *applications* or *permits* where an application or a *permit* expires prior to the *owner* obtaining an accepted final inspection report or an extension of its effective date.

Permit Fee Refunds

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

10.18 A *building permit* or other *permit* fee may be partially refunded as set out in Appendix A, only if

- (a) the *owner* or *agent* 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.

10.19 A *building permit* or other *permit* fee is not refundable after the *permit* has been extended under section 10.49 of this Part.

Design Modification

10.20 If the *owner* proposes modification to the *building* design of a completed *permit* application ready for issue, an accepted *alternative solution*, or an issued *building permit* or other *permit* that is active, the *owner* must pay to the City a design modification fee based on the plan review hourly rate set out in Appendix A.

Construction before Permit Issued

10.21 The *building permit* or other *permit* fee is doubled for every *permit* application if construction commenced before the *building official* issued a *permit*, to a maximum of \$10,000.00.

Expiration of Application for a Permit

10.22 A *building permit* application that is not complete or does not comply with the applicable provisions of this bylaw expires 180 days from the date an application is received under this Part.

Issuance of a Building Permit

10.23 If:

- (a) a completed application in compliance with sections 10.2 to 10.4 or sections 10.5 to 10.7 of this Part, including all required supporting documentation, has been submitted;

- (b) the *owner* has paid all applicable fees set out in sections 10.10 to 10.21 of this Part and Appendix A;
- (c) the *owner* or their representative has paid all charges and met all requirements imposed by any other statute or bylaw;
- (d) the *owner* has retained a *professional engineer* or *professional geoscientist* if required under this bylaw;
- (e) the *owner* has retained an *architect* if required under this bylaw; and
- (f) 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 City, for which the application is made, and the date of issuance is deemed to be the date the City gives written notice to the *owner* that the *permit* is ready to be picked up by the *owner*.

10.24 Despite section 10.23, the *building official* may refuse to issue a *permit* when the *owner* has been notified of a violation of this bylaw about the construction of another *building* or *structure* by the *owner*.

Compliance with the *Homeowner Protection Act*

10.25 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 *Homeowner Protection Act*.

10.26 Section 10.25 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*.

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

Partial Construction

10.28 If a site has been *excavated* under a *building permit* for *excavation* issued under this bylaw and a *building permit* is not subsequently issued or a subsisting *building permit* has expired under section 10.48, but without the construction of the *building* or *structure* for which the *building permit* was issued having commenced, the *owner* must fill in the *excavation* to restore the original gradients of the site within 60 days of being served notice by the *building official* to do so.

10.29 If a *building permit* has expired and partial construction has progressed, with no extension requested of the *building official* under section 10.49, permanent type fencing with privacy screen complying with the City's Zoning Bylaw, must be erected around the *building* site for protection to the public.

Conditions of a Building Permit

10.30 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, the *building official* has authorized the transfer or assignment of the *building permit* in writing and the *owner* has paid the non-refundable fee required under Appendix A. The transfer or assignment of a *building permit* is not an extension of a *building permit*.

10.31 The review of plans and supporting documents and the issuance of a *building permit* do not prevent the *building official* from subsequently requiring the correction of errors in the plans and supporting documents, nor do they prohibit the City from prohibiting *construction* or *occupancy* being carried on that violates this or another bylaw.

Inspections

10.32 If a *registered professional* provides letters of assurance in accordance with this Part, 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.

10.33 Despite section 10.32 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*.

10.34 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.

10.35 For all work in respect of *simple buildings* the *owner* must give at least 48 hours' notice to the City when requesting an inspection and must obtain an inspection and receive a *building official's* written acceptance of the following aspects of the work prior to concealing them

- (a) after demolition, the grading of and removal of debris from the site;
- (b) siting and footing forms prior to pouring concrete;
- (c) installation of perimeter drain tile, dampproofing and roof drainage system prior to backfilling;

- (d) installation of *building* services before being covered;
- (e) prior to inspection under section 10.35(f), plumbing located below the finished slab level;
- (f) the preparation of ground, including ground cover when required, below slab insulation and perimeter insulation on inside of concrete *foundation* walls;
- (g) installation of rough-in plumbing before it is covered;
- (i) rough in of new factory built chimneys and fireplaces and solid fuel burning appliances;
- (j) framing, sheathing, fire stopping (including drywall in fire separations), bracing, chimney and ductwork, exterior doors and windows, but prior to the installation of insulation, interior finishes, sheathing paper or exterior finishes which would conceal such work;
- (k) insulation and vapour barrier prior to the installation of any finishes that could conceal such work;
- (l) on-site *constructed* tubs or showers and tub or shower trap tests; and
- (m) Final inspection when the *health and safety aspects of the work* and the *Energy Step Code, Zero Carbon Step Code* and accessibility aspects of the work when the *building* or *structure* is substantially complete, ready for *occupancy* but prior to *occupancy*.

10.36 A *building official* will only carry out an inspection under section 10.35 if the *owner* or the *agent* has requested the inspection in accordance with this bylaw.

10.37 Despite the requirement for the *building official's* acceptance of the work outlined in section 10.35, 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.

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

- (a) give at least 48 hours' online or written notice to the City when requesting a preconstruction meeting with the *building official* prior to the start of construction, and the *owner* or their representative must ensure that the *coordinating registered professional*, the *constructor*, as well as representatives of major trades, are in attendance;

- (b) give at least 48 hours' online or written notice to the City when requesting a preoccupancy coordinated by the *coordinating registered professional* or other *registered professional* to have the *owner*, the *constructor* and the *registered professionals* demonstrate to the *building official* and Fire Services the compliance with *the health and safety aspects of the work*, the coordination and integration of the fire and life safety system, applicable City requirements and other enactments respecting safety, the *Energy Step Code*, *Zero Carbon Step Code* and accessibility aspects of the work; and
- (c) cause the *coordinating registered professional*, at least 48 hours prior to the preoccupancy coordinated site review coordinated by the *coordinating registered professional*, to deliver to the *building official* the Confirmation of Required Documentation described in this bylaw, complete with all documentation in the form as prescribed by the *building official*.

Stop Work Order

- 10.39 The *building official* may direct the immediate suspension or correction of all or a portion of the *construction* on a *building* or *structure* or an unsafe *excavation* by attaching notice of a stop work order 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*.
- 10.40 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 notice of a stop work order in the form prescribed by the *building official* 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.
- 10.41 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*.
- 10.42 The *owner* must immediately, after the posting of a *stop work order*, 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.
- 10.43 Subject to section 10.42, no work other than the required remedial measures may be carried out on the parcel affected by a *stop work order* until the *stop work order* has been removed by the *building official*.
- 10.44 The *stop work order* must remain posted on the premises until that which is contrary to the enactments has been remedied.

Do Not Occupy Notice

- 10.45 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*.
- 10.46 If a notice is posted under section 10.45, 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

- 10.47 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 second 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 one site visit is required for any required inspection;
 - (b) a special inspection during the City's normal business hours to establish the condition of a *building* where such inspection requires special arrangements because of time, location or construction techniques; and
 - (c) inspection required under this bylaw which cannot be carried out during the City's normal business hours.

Permit Expiration

- 10.48 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 two years of the date of issuance of the *permit*.

Permit Extension

- 10.49 A *building official* may extend the period set out under section 10.48 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) application for the extension is made at least 30 days prior to the date of *permit* expiration; and
- (b) the non-refundable fee set out in Appendix A has been paid.

Building Permit Revocation

10.50 The *building official* may revoke a *building permit* if there is a violation of

- (a) a condition under which the *permit* was issued; or
- (b) a requirement of the *building code* or of this or another bylaw of the City,

such *permit* revocation must be in writing and sent to the *permit* holder by signature mail to, or personal service on, the *permit* holder.

Building Permit Cancellation

10.51 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*.

10.52 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".

10.53 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".

10.54 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 under Appendix A, less

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

Occupancy

10.55 No person may occupy a *building* or *structure* or part of a *building* or *structure* until a final inspection notice has been issued by a *building official*.

10.56 A final inspection notice will not be issued unless

- (a) all letters of assurance have been submitted when required in accordance with this bylaw;

- (b) all aspects of the work requiring inspection and acceptance pursuant to Part 9 and sections 10.32 through 10.38 of this bylaw been inspected and *accepted* or the inspections and acceptance are not required in accordance with this bylaw;
- (c) the *owner* has delivered to the City as-built plans of works and *services* in the prescribed format;
- (d) the *owner* has provided to the City 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;
- (e) all other documentation required under applicable enactments has been delivered to the City; and
- (f) the *owner* has delivered to the City as-built drawings of the *building* or *structure* in digital format as required by the City.

10.57 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 a final report 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.

10.58 A *building official* may issue a final inspection notice for partial *occupancy* of a portion of a *building* or *structure* under construction when

- (a) that portion of the *building* or *structure* is self-contained and provided with essential services respecting *health and safety aspects* of the work, and if applicable, accessibility, *Energy Step Code*, *Zero Carbon Step Code*; and
- (b) the requirements set out in section 10.56 have been met with respect to it.

10.59 A final inspection notice may not be issued unless

- (a) all letters of assurance and the Confirmation of Required Documentation described in this bylaw have been submitted when required in accordance with the requirements of this bylaw;
- (b) all aspects of the work requiring inspection and review pursuant to Part 9 and sections 10.32 through 10.38 of this bylaw have both been inspected and *accepted*;
- (c) 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
- (d) all required offsite works respecting safety have been completed.

Sanitary Facilities

10.60 During the time a *building permit* has been issued and remains valid under this bylaw, the *owner* must provide on the parcel of land in respect of which the *permit* has been issued, sanitary facilities for the disposal of human waste from individual persons who enter on the parcel in relation to the work referred to in the *permit*, which facilities must be accessible and unlocked when not occupied while work is being carried out on the parcel under this bylaw, and every sanitary facility that is not connected to a

- (a) sanitary sewer; or
- (b) septic disposal system approved under the *Health Act*,

by plumbing that complies with the *Plumbing Code* and this bylaw, must be provided, at all times the facility is required under this bylaw, with toilet paper, a locking door for privacy, and ventilation, and must be kept in sanitary condition without leaking beyond the facility and without overflowing within the facility. Such facilities must be located so as not to create a nuisance to neighbouring parcels or *highways*.

Application for Plumbing Systems

10.61 In addition to the requirements set out in section 10.2(a) to (c) of this Part, an application for a plumbing *permit* with respect to a plumbing system shall include:

- (a) one set of drawings at a suitable scale of design and including the information set out in sentence 2.2.2.1(1) in Part 2 of Division C of the *Plumbing Code* when the registered owner will be installing a plumbing system in accordance with clause 1.2.3.1. (1) (c) Part 1 of Division A of the *Plumbing Code* or at any time deemed necessary by the building official; and
- (b) 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*.

PART 11: BUILDING MOVE

11.1 No person may move a *building* or *structure* into or within the City except:

- (a) where certified by a *registered professional* that the *building*, including its *foundation*, will substantially comply with the current version of the *building code*;
- (b) the *owner* of the premises onto which the *building* is proposed to be moved has provided documentation that the age of the *building* or *structure* is not greater than 15 years old; and
- (c) a *building permit* has been issued for the *building* or *structure*.

PART 12: NUMBERING OF BUILDINGS

- 12.1 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* or occupant must display the address number assigned to it by the City
- (a) on or over the entrance to the *building* or where landscaping or *structures* obscure the visibility of a *building* entrance from the adjacent highway, on the *building* property within sight of the adjacent highway; and
 - (b) until such time as the *building* is removed from the site or has been demolished.
- 12.2 Despite section 12.1, the City may renumber or alter the assigned numbers in respect of any *building* on any parcel, including those already in existence or numbered.
- 12.3 Without limiting sections 12.1 or 12.2, the *building official* must, on the issuance of a *building permit*, designate a house number or set of house numbers related to the *building* authorized by the *permit*. The *owner* or occupier must post the number or numbers on the site immediately after obtaining the *building permit* and keep the numbers posted in a conspicuous location at all times during construction.

PART 13: ENERGY CONSERVATION AND GHG EMISSION REDUCTION

- 13.1 In relation to the conservation of energy and the reduction of greenhouse gas emissions, the City incorporates by reference the *Energy Step Code* in accordance with sections 13.2 through 13.3.
- 13.2 A *building* regulated by Part 3 of the *building code* must be designed and constructed to meet the minimum performance requirements specified in:
- (a) Step 3 of the *Energy Step Code*; or
 - (b) for *building permit* applications received on or after adoption of Step 3 within the *building code*, Step 4 of the *Energy Step Code*.
- 13.3 A *building* regulated by Part 9 of the *building code* must be designed and constructed to meet the minimum performance requirements specified in;
- (a) Step 4 of the *Energy Step Code*; or
 - (b) for *building permit* applications received on or after adoption of Step 4 within the *building code*, Step 5 of the *Energy Step Code*.
- 13.4 When an *Energy Advisor* or an *architect*, as required, provides energy reports or field reviews in accordance with this bylaw, the City will rely solely on field reviews undertaken by the *Energy Advisor* or *architect* 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 or applicable aspect thereof

substantially complies with the *building code*, this bylaw, and other applicable enactments respecting energy efficiency.

13.5 Requirements for *Energy Advisors*:

- (a) With respect to a building permit for a *building* or *structure* that falls within the scope of Part 9 of the *building code*, the *owner* must provide, to the satisfaction of the *building official*, all the materials and documentation required by the *Energy Step Code*, prepared and signed by an *Energy Advisor*, and such other reports and materials as required by the *building official*.
- (b) The *Energy Advisor*, providing the required materials and documentation set out in the *Energy Step Code*, must provide evidence to the building inspector that he or she is an *Energy Advisor* registered and in good standing with Natural Resources Canada in accordance with the EnerGuide Rating System Administrative Procedures (ERS) and adheres to the technical standards and procedures of the ERS.
- (c) For certainty, and notwithstanding Sections 13.5(a) above, where a *registered professional* is required under this bylaw, in respect of a *building permit* for a *building* or *structure* that falls within the scope of Part 3 or Part 9 of the *building code*, the professional design and field review shall include the materials and documentation required by the applicable step of the *Energy Step Code*, and such other reports and materials as required by the *building official*.

PART 14: ACCESS ROUTE FOR FIRE VEHICLE

- 14.1 Prior to the issuance of a *building permit* for a *building* under Part 9 of the *building code*, the *owner* must satisfy the *building official* that the *building* or *structure* for which the *permit* is issued will be served by a fire access route that complies with the bearing load and surface material standards of the City's Subdivision and Development Servicing Bylaw, as amended or replaced from time to time.

PART 15: OFFENCES

Violations

- 15.1 Without limiting Part 4 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 \$50,000.00, 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.

- 15.2 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.
- 15.3 Every person who commences work requiring a *building permit* without first obtaining such a *permit* must, if a *stop work order* is issued and remains outstanding for 30 days, pay an additional charge as outlined in Appendix A of this bylaw.

Deemed Offence

- 15.4 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.
- 15.5 No person is deemed liable under section 15.4 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.
- 15.6 Nothing in section 15.5 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

- 15.7 The offences in Municipal Ticket Information Bylaw No. 2435 Appendix 2 are designated for enforcement under s. 264 of the *Community Charter*.
- 15.8 The following persons are designated as bylaw enforcement officers under section 264(1)(b) of the *Community Charter* for enforcing the offences in Municipal Ticket Information Bylaw No. 2435 Appendix 2 *building officials*, fire inspectors and persons designated by Council as bylaw enforcement officers.
- 15.9 The words or expressions set forth in Column 1 of Municipal Ticket Information Bylaw No. 2435 Appendix 2 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.
- 15.10 The amounts appearing in Column 3 of Municipal Ticket Information Bylaw No. 2435 Appendix 2 are the fines established pursuant to s. 265(1)(a) of the *Community Charter* for the corresponding offence designated in Column 1.

PART 16: INTERPRETATION

Definitions

16.1 In this bylaw

- (a) *accepted* means reviewed by the *building official* under the applicable provisions of the *building code* and this bylaw;
- (b) *addition* means an *alteration* to any *building* that increases 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;
- (c) *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 licence;
- (d) *alternative solution* means an alternative solution authorized under the *building code*;
- (e) *alter* or *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;
- (f) *architect* means an architect within the meaning of the *Professional Governance Act*, SBC 2018, c 47;
- (g) *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;
- (h) *building official* means the person designated in or appointed to that position by the City, and includes a building inspector, plan checker, plumbing inspector gas inspector, or electrical inspector designated or appointed by the City, and for certainty the *building official* is the “building inspector” referred to in the *Community Charter* and *Local Government Act*;
- (i) *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 600 square metres 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 and low hazard industrial occupancy,*
- (j) *coordinating registered professional* means a *registered professional* retained pursuant to the *building code* to coordinate all design work and field reviews of the *registered professionals* required for a development;
- (k) *construct* or *construction* includes build, erect, install, repair, alter, add, enlarge, move, locate, relocate, reconstruct, demolish, remove, excavate or shore;
- (l) *constructor* means a person who *constructs*;
- (m) *Energy Advisor* means a person qualified to carry out any of the activities contemplated by the *Energy Step Code* or *Zero Carbon Step Code*;
- (n) *Energy Step Code* means the *building code*'s performance based standard for energy efficiency in new *construction* which involves energy modelling prior to construction and onsite testing after construction to ensure that the building envelope, equipment and systems, and airtightness are consistent with the performance based standards for the applicable step;
- (o) *existing*, in respect of a *building*, means that portion of a *building constructed* prior to the submission of a *permit* application required under this bylaw;
- (p) *foundation* means a system or arrangement of *foundation* units through which the loads from a *building* are transferred directly to supporting soil or rock and includes any portion of the exterior walls of a building that lie below the finished grade immediately adjacent to the building;
- (q) *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;

- (r) *owner* means the registered *owner* in fee simple, or an *agent* duly authorized by the *owner* in writing in the form prescribed by the City;
- (s) *permit* means permission or authorization in writing by the *building official* to perform work regulated by this bylaw and, in the case of a final inspection notice, to occupy a *building* or part of a *building*;
- (t) *professional design* means the plans and supporting documents bearing the date, seal or stamp, and signature of a *registered professional*; *project* means any construction operation;
- (u) *professional engineer* has the same meaning as the *Professional Governance Act*;
- (v) *professional geoscientist* has the same meaning as the *Professional Governance Act*;
- (w) *Professional Governance Act*, means the *Professional Governance Act*, SBC 2018, c 47, as amended from time to time;
- (x) *retaining wall* means a *structure* exceeding 1.2 metres in height that holds or retains *soil* or other material behind it;
- (y) *simple building* means a *building* of three storeys or less in *building height*, having a *building area* not exceeding 600 square metres and used for a *major occupancy* classified as
 - (A) residential occupancy;
 - (B) business and personal services occupancy;
 - (C) mercantile occupancy;
 - (D) medium hazard industrial occupancy; or (e) low hazard industrial occupancy,
- (z) *stop work order* means an order issued by a *building official* pursuant to section 10.39 or 10.40 of this bylaw;
- (aa) *structure* means a *construction* or portion of *construction*, of any kind, whether fixed to, supported by or sunk into land or water, except landscaping, fences, and paving;
- (bb) *value of construction* means the amount that is calculated as the greater of:
 - (A) the declared *value of the work*; or

- (B) the value calculated using a method from “Marshall Swift Valuation Service”, an appraiser or another valuation method approved by the *building official*;
- (cc) *Zero Carbon Step Code means the greenhouse gas (GHG) emission requirements set out in the building code.*

16.2 In this bylaw the following words and terms have the meanings:

- (a) set out in section 1.4.1.2 of the *building code* as of the date of the adoption of this bylaw: *accessible assembly occupancy, 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, post disaster occupancy, private sewage disposal system, registered professional, residential occupancy, treatment occupancy or unsafe condition*;
- (b) subject to this bylaw, set out in the Schedule to the *Community Charter*: *highway, land, occupier, parcel, public authority, service and soil*; and
- (c) subject to this bylaw, set out in section 29 of the *Interpretation Act*: *may, must, obligation, person, property, writing, written* and *year*.

16.3 Every reference to this bylaw in this or another bylaw of the City is a reference to this bylaw that is in force as of the date of the reference.

16.4 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 code or section may be amended or re-enacted from time to time.

16.5 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

Appendices

16.6 Appendix A is attached to and forms part of this bylaw.

Severability

16.7 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.

PART 17: REPEAL

17.1 Building Bylaw No. 3001, 2020, and all amendments thereto, are hereby repealed.

PART 18: IN FORCE

18.1 This bylaw comes into force on 1st January 2024.

Read a first time this 8th day of November, 2023

Read a second time this 8th day of November, 2023.

Read a third time this 8th day of November, 2023.

Finally passed and adopted this 22nd day of November, 2023.

Mayor Bob Wells

Adriana Proton, Corporate Officer

BUILDING BYLAW NO. 3114

Appendix A – Fees and Charges

Application Fees	
DESCRIPTION	FEE AMOUNT
Building Permits	
All	\$150 or 25% of the building permit fee prescribed below whichever is the highest
Plumbing, Fire Suppression System Permits	
Complex buildings and structures	\$125
Simple buildings and structures	\$75

Permit Fees	
DESCRIPTION	FEE AMOUNT
Building Permits	
All	\$150 + 1% of the estimated value of construction
Demolition Permits	
All	\$150
Plumbing Permits	
Complex buildings and structures	\$125 + \$15 for each fixture
Simple buildings and structures	\$75 + \$10 for each fixture
Fire Suppression System	
Complex Buildings and structures	\$125 + 1% of the estimated value of construction
Simple buildings	\$75 + 1% of the estimated value of construction

BUILDING BYLAW NO. 3114

Appendix A – Fees and Charges

Inspection Fees	
DESCRIPTION	FEE AMOUNT
Complex Buildings and structures	\$275
Simple buildings	\$125
Other permits	\$75

Extension Fees	
DESCRIPTION	FEE AMOUNT
Complex Buildings and structures	\$275 + 1% of the estimated value of construction
Simple buildings	\$125 + 1% of the estimated value of construction
Other permits	\$75

For the purposes of this table the “estimated value of construction” is the value of construction to complete the building or structure beyond the accepted inspection stage at the time the permit expired.

Transfer Fees	
DESCRIPTION	FEE AMOUNT
Complex Buildings and structures	\$275
Simple buildings	\$125
Other permits	\$75

BUILDING BYLAW NO. 3114

Appendix A – Fees and Charges

Archive Research, per site	
Complex Buildings and structures	\$300
Simple buildings	\$150
Buildings containing 1 or 2 dwelling units and other buildings	\$75

Other Fees	
DESCRIPTION	FEE AMOUNT
Title Search	At cost + \$25
To obtain a copy of a Restrictive Covenant	At cost + \$25 each
To process a covenant in favour of the City	\$250
Site inspection, Section 56 of the Community Charter	\$125
To remove a Notice on Title, Section 57 of the Community Charter	\$1000
To provide copies of plans	\$10 + applicable taxes per sheet
Rescind a Stop Work Order or Do Not Occupy Order	\$300
Design Modification	\$85/hour
Review of each alternate solution	\$400
Special inspection	\$125
Re-inspection	\$125
Security Deposit for Single/two family Dwelling	\$3000
Security Deposits for Multi-residential/commercial/industrial/institutional	\$300 per metre of frontage or a minimum fee of \$3000 whichever is the highest