

City of Chilliwack

Bylaw No. 2970

A Bylaw for the Administration and Enforcement of the Building Code

WHEREAS the Province of British Columbia has enacted the British Columbia Building Code to govern standards in respect of the construction, alteration, repair and demolition of buildings and structures in municipalities and regional districts in the Province;

AND WHEREAS the Province by enactment has authorized Council, for the health, safety and protection of persons and property, to regulate the construction, alteration, repair or demolition of buildings and structures by Bylaw;

NOW THEREFORE the Council of the City of Chilliwack, in open meeting assembled, enacts as follows:

1. This Bylaw may be cited as “**Building Regulation Bylaw 2003, No. 2970**”.
2. Every reference to this Bylaw in this or another City Bylaw is a reference to this or the other Bylaw as amended as of the date of the reference.
3. “Building Bylaw 1991, No. 1614” as amended is repealed.

PART 1

INTERPRETATION

4. *In this Bylaw the following words and terms have the meanings set out in Division A – Sub-Section 1.4.1 of the British Columbia Building Code: (AB #3380)*

“assembly”, “building”, “building area”, “building height”, “business and personal services occupancy”, “care or detention occupancy”, “constructor”, “coordinating registered professional”, “designer”, “excavation”, “field review”, “firewall”, “high hazard industrial occupancy”, “industrial occupancy”, “low hazard industrial occupancy”, “major occupancy”, “mercantile occupancy”, “medium hazard industrial occupancy”, “occupancy”, “owner”, “private sewage disposal system”, “registered professional”, “registered professional of record” (AB #3756), “residential occupancy” or “unsafe condition”.

5. In this Bylaw:

“accepted” means reviewed by the chief building official under the applicable provisions of the Building Code and this Bylaw;

INTERPRETATION (continued)

“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 person, firm or corporation representing the owner, by written designation or contract, and also includes a hired tradesperson or constructor who may be granted permits for work within the limitations of his or her licence;

“alteration” means a change, repair or modification of the construction or arrangement of any building or structure, or to an occupancy regulated by this Bylaw;

“Building Code” means the British Columbia Building Code 2006 as adopted by the Minister responsible under provincial legislation, as amended or re-enacted from time to time; (AB #3380)

“building official” includes building inspectors, plan checkers and plumbing inspectors designated or appointed by the City;

“chief building official” means the person designated in or appointed to that position by the City, and any person named by Council to act in place of the chief building official;

“complex building” means:

- (1) a building used for major occupancies classified as:
 - (a) assembly occupancies,
 - (b) care or detention occupancies, or
 - (c) high hazard industrial occupancies, or
- (2) a building exceeding 600 square metres in building area or exceeding three storeys in building height used for major occupancies classified as:
 - (a) residential occupancies,
 - (b) business and personal services occupancies,
 - (c) mercantile occupancies, or
 - (d) medium and low hazard industrial occupancies;

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

“designer” means the person responsible for design and, unless the requirement is waived under an enforcement policy of the Council, if required under this Bylaw or the Building Code must be an architect or professional engineer registered and licensed as such under the laws of British Columbia;

“existing, in respect of building” means that portion of a building constructed prior to the submission of a permit application required under this Bylaw;

“multi-family residential” describes a building containing more than one residential occupancy, where each residential occupancy does not have more than one stove or other cooking facility;

INTERPRETATION (continued)

“owner” includes the agent of the owner;

“permit” means permission or authorization in writing by the chief building official to perform work regulated by this Bylaw and, in the case of occupancy permit, to occupy a building or part of a building;

“pool” means a structure or constructed depression used or intended to be used for swimming, bathing, wading or diving which is designed to contain water and has a depth exceeding 0.5 m;

“premium plan review” means a building permit application plan review and process during non-regular working hours in order to reduce the turn-around time for a building permit review. The review is conducted after a formal request from an owner/applicant who is prepared to pay a premium rate as set out in Schedule “B” for the premium plan review;” (AB #3032)

“professional design” means the plans and supporting documents bearing the date, seal or stamp, and signature of registered professional

“project” means any construction operation;

“protection” describes an enactment made for the health, safety and protection of persons and property;

“retaining wall” means a wall, or a series of walls, constructed for the purpose of supporting or confining earth, water or other material and restraining it from moving:

- (1) if the wall exceeds 1.22m (4ft) in height above the lesser of natural or finished grade;
- (2) in the case of a series of walls, if any of the walls extend above a line commencing 1.22 metres above the lesser of natural or finished grade at the base of any of the walls and projected at an angle of one linear unit vertically to one unit horizontally;

“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 major occupancies classified as:

- (1) residential occupancies,
- (2) business and personal services occupancies,
- (3) mercantile occupancies, or
- (4) medium and low hazard industrial occupancies;

“stacked rock wall” means any non-mortared or non-reinforced wall consisting of rock or boulder units greater than 250mm in the least dimension or .027 m³ in volume where each rock or boulder unit is not:

- (1) buried in native, solid bearing ground to a depth not less than one third its diameter and volume; and
- (2) located on land generally sloping less than 3 horizontal to 1 vertical;

INTERPRETATION (continued)

“structure” means a construction or portion thereof, of any kind, whether fixed to, supported by or sunk into land or water, except landscaping, fences, paving and retaining structures less than 1.22 metres in height;

“value of the work” means that amount that is calculated as follows:

- (1) for construction of a building containing a residential occupancy that is served by only one stove, or two stoves if permitted as an auxiliary and secondary residential occupancy, the greater of:
 - (a) the declared value of the work, or
 - (b) the value calculated using Schedule C; or
- (2) for all other construction, the greater of:
 - (a) the declared value of the work, or
 - (b) the value calculated using a method stipulated in the “Marshall Valuation Service”.

6. 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, taking into account the specialized use of terms with the various trades and professions to which the terminology applies.

ADMINISTRATIVE DIRECTIONS

7. Words defining the authority of the chief building official are to be construed as internal administrative directions and not as creating a duty.

ABBREVIATIONS

8. The abbreviations of words and phrases in this Bylaw shall have the meanings assigned to them by the Building Code.

PART 2

PURPOSE OF BYLAW

9. Despite any other provision in this Bylaw, this Bylaw is to be interpreted in accordance with this Part.
10. This Bylaw is enacted for the purpose of regulating construction in the City in the general public interest.
11. The activities undertaken by or on behalf of the City under this Bylaw are for the sole purpose of providing a limited and interim spot checking.

PURPOSE OF BYLAW (continued)

- 12.** The purpose of this Bylaw does not extend to:
- (1) the protection of owners, owner/builders or constructors from economic loss;
 - (2) the assumption by the City or any building official of any responsibility for ensuring the compliance by any owner, his or her representatives or any employees, constructors or designers retained by him or her, with the Building Code, the requirements of this Bylaw or any other applicable codes or standards;
 - (3) 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;
 - (4) providing a warranty or assurance that construction undertaken pursuant to building permits issued by the City is free from latent, or any, defects.

PART 3

APPLICATION

- 13.** This Bylaw applies to the geographical area of the City of Chilliwack and to land, the surface of water, air space, buildings and structures in the City of Chilliwack.
- 14.** This Bylaw applies to the design, construction and occupancy of new buildings and structures, and the alteration, reconstruction, demolition, removal, relocation and occupancy of existing buildings and structures.
- 15.** This Bylaw does not apply to:
- (1) a fence permitted to be constructed under the City’s Zoning Bylaw, in force from time to time;
 - (2) an accessory building with a floor area less than 10 square metres, a trellis, an arbour, a wall supporting soil less than 4 feet in height, and other such landscape features on a parcel zoned for single family residential occupancy uses under the City’s Zoning Bylaw, in force from time to time, if the building or structure complies with the siting requirements of the Zoning Bylaw, in force from time to time;
 - (3) non-structural repair and maintenance of lawfully conforming structures on a parcel zoned for single family residential occupancy uses under the City’s Zoning Bylaw, in force from time to time;
 - (4) a building or structure exempted by Part 1 of the Building Code except as provided in this Bylaw;
 - (5) public works located on a highway or within an easement or statutory right of way;
 - (6) mechanical or other equipment and appliances not regulated under this Bylaw or the Building Code.

LIMITED APPLICATION TO EXISTING BUILDINGS

16. Except as provided in the Building Code, 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 or altered, unless it is by this or another bylaw, regulation or statute expressly so provided.
17. 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.
18. If an existing building or a structure is damaged by fire, decay, storm, earthquake or otherwise to an extent greater than 75 percent of its assessed value as of the date of the damage above its foundations, this Bylaw, the Building Code and the British Columbia Fire Code Regulation apply to the work necessary to reconstruct damaged portions of the building or structure and to correct any contraventions of these codes in the remainder of the building or structure.
19. If an alteration is made to an existing building the alteration must comply with this Bylaw and the Building Code;

PART 4 POWERS, ROLES AND RESPONSIBILITIES

ADMINISTRATION OF BYLAW

20. The chief building official may keep records of applications received, permits and orders issued, inspections and tests, and retain copies of papers and documents connected with the administration of this Bylaw.

REFUSAL TO ISSUE PERMIT

21. The chief building official may refuse to issue a permit if in his or her opinion the proposed work will contravene the requirements of the Building Code or the provisions of this or any other bylaw of the City.

REVOCAION OF PERMIT

22. The chief building official may revoke a permit if in his or her 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, or if all permits required under this Bylaw have not been obtained.

CONFORMITY TO BUILDING CODE

23. The chief building official may establish or require the 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.

RIGHT OF ENTRY

24. The chief building official may enter on property at any time in order to ascertain whether the requirements of this Bylaw are being met.

CONSENT OR NOTICE

25. If a building permitted under the City’s Zoning Bylaw, in force from time to time, to be used for a residential occupancy is occupied, the chief building official must, prior to entry in the residence under Section 24:
- (1) obtain the prior consent of an occupant; or
 - (2) deliver to an occupant at least 24 hours' written notice of the proposed entry.

CREDENTIALS

26. The chief building official must ensure that persons entering on property under Sections 24 and 25 are in possession of credentials which identify them as his or her authorized representatives.

TESTS

27. The chief building official may direct that tests of materials, equipment, devices, construction methods, structural assemblies or foundations be made, or sufficient evidence or proof be submitted at the expense of the owner, 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.

POWERS

28. The chief building official may order
- (1) a person who contravenes any provision of this Bylaw to comply with the provision within the time period ordered;
 - (2) work to stop on the building or structure or any part of it, if the work is proceeding in contravention of this Bylaw, the Building Code, or any other enactment of the City or other applicable enactments respecting protection or if there is an unsafe condition, and may enter on the property to affix or post a stop work order in the form of Schedule I;
 - (3) the removal of any unauthorized encroachment on public property;
 - (4) the removal of any building, structure or part of them constructed in contravention of a provision of this Bylaw;
 - (5) the cessation of any occupancy in contravention of a provision of this Bylaw;
 - (6) the cessation of any occupancy if any unsafe condition exists because of work being undertaken or not completed;
 - (7) the correction of any unsafe condition; and
 - (8) the correction of any work which contravenes this Bylaw, the Building Code or any other enactments of the City.

and every person served with an order under this section must comply with the order.

OWNER'S AND CONSTRUCTOR'S RESPONSIBILITIES

ALTERNATIVE SOLUTIONS

- 29.** Every owner who wishes to provide an *alternative solution* to satisfy one or more of the requirements of the Building Code or this Bylaw must submit sufficient evidence to demonstrate that the proposed *alternative solution* will provide the level of performance required by the Building Code or this Bylaw and pay the non-refundable fee set out in Schedule B. (AB #3380)

OWNER'S UNDERTAKINGS

- 30.** Despite the other provisions of this Bylaw, the chief building official may require as a condition of the issuance of a building permit that the owner execute and submit to the City the owner's undertaking form set out in Schedule D.

OWNER'S RESPONSIBILITY

- 31.** Every owner, or his or her agent, must carry out construction or have the construction carried out in accordance with the requirements of the Building Code, this Bylaw and the other bylaws of the City and neither the issuance of a permit under this Bylaw, the review of plans and supporting documents, nor inspections made by the chief building official or a registered professional relieve the owner, or his or her agent, from full and sole responsibility to perform the work in strict accordance with this Bylaw, the Building Code and other applicable enactments.
- 32.** Every owner must allow the chief building official and any person authorized by the chief building official to act on his behalf to enter any building or premises at any reasonable time for the purpose of administering and enforcing this Bylaw.
- 33.** Every owner must obtain all required permits or approvals prior to commencing the work to which they relate.
- 34.** Every owner must ensure that the permit, the plans and specifications on which the issuance of the building permit was based, all municipal inspection certificates, and professional field reviews are available at the site of the work for inspection during working hours by the chief building official and that the permit placard is posted conspicuously on the site during the entire execution of the work authorized by the permit.
- 35.** Every owner must ensure that all construction complies with the Building Code, this Bylaw and other applicable enactments respecting safety.
- 36.** Every owner to whom a permit is issued is responsible for the cost of repair of any damage to municipal works that occurs in the course of the work authorized by the permit.
- 37.** Every owner to whom a permit is issued must, during construction post the civic address on the property in a location visible from any adjoining streets.

NOTICE

38. Every owner must, at least 48 hours prior to commencing work at the building site, give notice to the chief building official of the date on which the owner intends to begin such work.
39. Every owner must give notice in writing to the chief building official of any change in or termination of engagement of a registered professional during the course of the construction immediately when the change or termination occurs.
40. If an owner terminates the engagement of a registered professional the owner must terminate the work until the owner has engaged a new registered professional, and has delivered to the chief building official letters of assurance.
41. Without limiting Sections 101 to 105, every owner must give notice to the chief building official with at least 24 hours' warning:
 - (1) of intent to do work that is required or ordered to be inspected during construction;
 - (2) of intent to cover work that has been ordered to be inspected prior to covering; and,
 - (3) when work has been completed so that a final inspection can be made.
42. Every owner must give notice in writing to the chief building official and pay the non-refundable fee set out in Schedule B immediately upon any change in ownership or change in the address of the owner which occurs prior to the issuance of an occupancy permit.
43. Every owner must give such other notice to the chief building official as may be required by the chief building official or by a provision of this Bylaw.

UNCOVERING WORK

44. When required by the chief building official, every owner must uncover and replace at the owner's own expense any work that has been covered without inspection contrary to this Bylaw or an order issued by the chief building official.

SECURITY DEPOSIT

45. In addition to a security deposit under Sections 79 to 83, every owner must pay to the City, within 30 days of receiving an invoice for same from the City, the cost of repair of any damage to public property or City works or services that may occur as a result of undertaking work for which a permit was required.

REQUIREMENTS OF PERMIT

46. Every owner must comply with the requirements of this Bylaw and the conditions of a permit and must not omit work required by this Bylaw or the conditions of a permit.

OCCUPANCY PERMIT

- 47.** Every owner must obtain an occupancy permit from the chief building official under Sections 126 to 128 prior to any occupancy of:
- (1) a new building or structure; or
 - (2) a partial occupancy of a building or structure under construction, but only if that portion of the building or structure is self-contained and provided with essential services respecting health and safety.

UNSAFE CONDITION

- 48.** When a building or part thereof is in an unsafe condition, the owner must immediately take all necessary action to put the building in a safe condition.

DEMOLITION

- 49.** *Upon* obtaining a building permit to demolish a structure the owner must: (AB #3380)
- (1) provide a vacancy date, and
 - (2) pay capping and inspection chamber installation fees as set out in the City’s bylaws governing waterworks and sewers.
- 50.** Prior to *demolishing* a structure all municipal services must be capped and terminated at the property line in a City standard inspection chamber and valve arrangement.
(AB #3380)
- 51.** Every owner must ensure that on completion of demolition procedures, all debris and fill is cleared and the site levelled or graded.

OBLIGATIONS OF CONSTRUCTOR

- 52.** Every constructor must ensure that all requirements of the Building Code, this Bylaw and other applicable enactments respecting construction safety are complied with.
- 53.** Every constructor must ensure that no excavation or other work is undertaken on public property, or adjacent private property and that no land is disturbed, building erected or materials stored in whole or in part thereon, without first having obtained approval in writing from the appropriate authority over such public or private property.
- 54.** Every constructor is responsible jointly and severally with the owners for any work actually undertaken.

REGISTERED PROFESSIONALS’ RESPONSIBILITIES

PROFESSIONAL DESIGN AND FIELD REVIEW

55. If a building official considers that the site conditions, size or complexity of a development or an aspect of a development warrant, he or she may require the owner to retain a *registered professional of record* (AB #3756) to provide design and plan certification and field review supported by letters of assurance in the form of Schedule A, B, C-A and C-B referred to in *Division C – Sub-Section 2.2.7* of the Building Code. (AB #3380)
56. Prior to the coordinated preoccupancy site review for a complex building, or final inspection for a simple building in circumstances where letters of assurance have been required in accordance with the requirements of this Bylaw, 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 *Division C – Sub-Section 2.2.7* of the Building Code. (AB #3380)
57. *If a registered professional of record provides letters of assurance in accordance with the requirements of this Bylaw, he or she shall also provide proof of professional liability insurance and errors and omissions insurance to the chief building official with coverage and limits adequate to permit the City, the owner or a third party to recover damages and costs from the registered professional in respect of any cause, claim or action that might arise as a result of professional liability/error or omission of the registered professional of record.* (AB #3756)

REQUIREMENT FOR REGISTERED PROFESSIONAL

58. The owner must provide professional design and a field review in respect of a building permit for:
- (1) a complex building;
 - (2) a simple building constructed on, or contiguous to, a complex building;
 - (3) structural components of buildings that fall within the scope of Division B - Part 4 of the Building Code;
 - (4) foundation and excavation components of new simple buildings in schedule area (i.e. geotech area) in the area shown on Schedule E;
 - (5) a building that is designed with common egress systems for the occupants and requires the use of firewalls according to the Building Code;
 - (6) alterations to a building or structure falling under the circumstances set out in subsections 58(1), (2) or (3);
 - (7) a building or structure subject to Section 55 in respect of which the chief building official determines that site conditions, size or complexity so warrant in the interests of health and safety of persons or protection of persons and property;
 - (8) the building envelope components of all buildings under *Division B - Part 3* of the Building Code, all residential buildings that contain more than two dwelling units, and all other buildings whose building envelopes do not comply with the prescriptive requirements of *Division B - Part 9* of the Building Code; and, (AB#3380)

REQUIREMENT FOR REGISTERED PROFESSIONAL (continued)

- (9) a building or structure on a parcel the chief building official believes is subject to 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 professional design and a field review is in addition to a requirement under an enactment 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 that the plans submitted with the application comply with the relevant provisions of the Building Code and applicable bylaws of the City.
59. The requirement for professional design and field review in Section 58 may be waived by the chief building official for work involving minor tenant improvements if Council has adopted a policy respecting enforcement in relation to minor tenant improvements.
60. The chief building official may require the registered professional carrying out the professional design and field review of a building envelope to provide evidence that he or she has experience and expertise in respect of the design and field review of building envelopes.

PROFESSIONAL PLAN CERTIFICATION

61. The letters of assurance in the form of Schedules *A and B* referred in *Division C – Sub-Section 2.2.7* of the Building Code are relied upon by the City and its building officials as certification that the design and plans to which the letters of assurance relate comply with the Building Code and other applicable enactments relating to protection. (AB #3380) (AB #3756)
62. A building permit issued for the construction of a complex building, or for a simple building for which a building official required professional design under Sections 74, 75 and 76 must be in the form of Schedule F, and letters of assurance pursuant to Sections 74 and 76 of this Bylaw must be in the form of Schedules *A and B* referred to in *Division C – Sub-Section 2.2.7* of the Building Code. (AB #3380) (AB #3756)
63. A building permit issued pursuant to Section 62 of this Bylaw must include a notice to the owner that the building permit is issued in reliance upon the certification of the *registered professional of record* that the design and plans submitted in support of the application for the building permit comply with the Building Code and other applicable enactments relating to protection. (AB #3756)
64. When a building permit is issued pursuant to Section 63 of this Bylaw the permit fee must be reduced by 25% of the fees payable under Schedule B to this Bylaw. (AB #3380)

PERMIT CONDITIONS

65. A permit is required whenever work regulated under this Bylaw is to be undertaken.

OWNER RESPONSIBILITY

- 66.** The issuance of a permit under this Bylaw, the acceptance or review of plans, drawings or specifications or supporting documents or inspections made by or on behalf of the City do not:
- (1) relieve the owner or his or her representatives from full and sole responsibility to perform the work in strict accordance with the Building Code, this Bylaw and all other codes, standards and applicable enactments;
 - (2) constitute in any way a representation, warranty, assurance or statement that the Building Code, this Bylaw or any other applicable standards or enactments have been complied with; or
 - (3) constitute a representation or warranty that the building or structure meets any standard of materials or workmanship,
- and no person may rely on any of those acts as establishing compliance with the Building Code or this Bylaw or any standard of construction.
- 67.** It is the full and sole responsibility of the owner (and if the owner is acting through a representative, the representative and 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.

PART 5 BUILDING PERMIT

REQUIREMENTS BEFORE APPLYING FOR BUILDING PERMIT

- 68.** Prior to submitting an application for a building permit, the owner must satisfy the following requirements or conditions:
- (1) issuance of a development permit in an area designated by the City's official community plan as a development permit area;
 - (2) compliance of the proposed building or structure with all City bylaws, 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;
 - (3) the signing by the City Approving Officer of the subdivision plan that, once registered, would create the parcel on which the building or structure is proposed to be constructed;
 - (4) documentation to provide evidence to the chief building official that the person applying for the proposed building permit is the owner of the parcel that is the subject of the proposed building permit application, or is the agent of the owner; and,
 - (5) if the parcel that is the subject of the proposed building permit application is not, or is not intended to be, connected to the City's sewage disposal system, approval of an alternate private sewage disposal system.

REQUIREMENTS AND EXEMPTIONS

- 69.** It is the duty of the owner to make application for and obtain a building permit prior to commencement of construction or prior to a change in the use, occupancy, or both, of a building or structure or part of a building or structure.
- 70.** No person may:
- (1) construct, or
 - (2) continue construction
- unless the chief building official has issued a building permit for the construction.

APPLICATIONS

- 71.** Every person must apply for and obtain a building permit:
- (1) before constructing, repairing or altering a building or structure;
 - (2) to install or modify a commercial cooking facility or ventilation system used in a process producing grease laden vapours;
 - (3) to install or modify a fire alarm system;
 - (4) before moving a building or structure;
 - (5) to demolish, before demolishing a building or structure; and,
 - (6) before the construction of a masonry fireplace or the installation of a wood burning appliance or chimney unless the works are the subject of another valid building permit.

FORM

- 72.** An application for a permit must be made in the form attached as Schedule A.

DESIGNER

- 73.** Plans submitted with permit applications must bear the name and address of the designer of the building or structure.

APPLICATIONS FOR COMPLEX BUILDINGS

- 74.** An application for a building permit with respect to a complex building must:
- (1) be made in the form attached as Schedule A to this Bylaw, signed by the owner;
 - (2) be accompanied by the owner’s acknowledgment of responsibility and undertakings made in the form attached as Schedule D to this Bylaw, signed by the owner;
 - (3) include a copy of a title search made within 30 days of the date of the application;
 - (4) include a Building Code compliance summary including applicable edition of the Building Code, *Division B - Part 3* or *Division B - Part 9* designation, major occupancy classification(s) of the building, occupant load calculations, building area and height, number of streets the building faces, accessible entrances, work areas, washrooms and facilities; (AB #3380)

APPLICATIONS FOR COMPLEX BUILDINGS (continued)

- (5) include a copy of a survey plan of the parcel and proposed foundations and exterior extremities of the building or structure, prepared by a British Columbia land surveyor, except that the building official may waive the requirements for a survey plan, in whole or in part, where conditions warrant;
- (6) include a site plan prepared by a registered professional showing:
 - (a) the bearing and dimensions of the parcel taken from the registered subdivision plan;
 - (b) the legal description and civic address of the parcel;
 - (c) the location and dimensions of existing and proposed statutory rights of way, easements and setback requirements, adjacent street and lane names;
 - (d) the location and dimensions of existing and proposed buildings or structures on the parcel;
 - (e) setbacks to the natural boundary of any lake, swamp, pond or watercourse;
 - (f) north arrow;
 - (g) location of an approved existing or proposed alternative sewage disposal system;
 - (h) zoning compliance summary;
 - (i) the location, dimensions and gradient of parking and parking access;
 - (j) proposed and existing setbacks to property lines;
 - (k) natural and finished grade at building corners and significant breaks in the building plan;
 - (l) main floor elevation;
 - (m) location, setbacks and elevations of all retaining walls, steps, stairs and decks;
 - (n) line of upper floor;
 - (o) location and elevation of curbs, sidewalks, manholes and service poles;
 - (p) location of existing and proposed service connections;
 - (q) location and species of all trees greater than 10 cm in diameter;
 - (r) location of top of bank and water courses;
 - (s) the access routes for firefighting;
 - (t) the accessible paths of travel from the street to the building; and,
 - (u) the geodetic elevation of the underside of a wood floor system or the top of finished concrete slab of a building or structure if the City’s land use regulations or provincial flood mapping regulations establish siting requirements related to minimum floor elevation;

APPLICATIONS FOR COMPLEX BUILDINGS (continued)

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;

- (7) include floor plans showing the dimensions and uses of all areas; 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; plumbing fixtures; structural elements; and stair dimensions;
- (8) include a cross section through the building or structure illustrating foundations, drainage, ceiling heights and construction systems;
- (9) include elevations of all sides of the building or structure showing finish details, roof slopes, windows, doors, natural and finished grade, and ridge height;
- (10) 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;
- (11) 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 approval;
- (12) include a letter of assurance in the form of Schedule A as referred to in *Division C – Sub-Section 2.2.7* of the Building Code, signed by the owner, or a signing officer of the owner if the owner is a corporation, and the coordinating registered professional; (AB #3380)
- (13) include letters of assurance in the form of Schedule B as referred to in *Division C – Sub-Section 2.2.7* of the Building Code, each signed by such registered professional as the building official or Building Code may require to prepare the design for and conduct field reviews of the construction of the building or structure; and, (AB #3380) (AB #3756)
- (14) include two sets of drawings at a suitable scale of the design prepared by each registered professional containing the information set out in subsections 74(6) to 74(10) of this Bylaw.

75. In addition to the requirements of Section 74, the following may be required by a building official to be submitted with a building permit application for the construction of a complex building if the complexity of the proposed building or structure or siting circumstances warrant:

- (1) 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 Control Bylaw, in force from time to time;
- (2) section through the site showing grades, buildings, structures, parking areas and driveways; and,

APPLICATIONS FOR COMPLEX BUILDINGS (continued)

- (3) any other information required by the building official or the Building Code to establish compliance with this Bylaw, the Building Code and other bylaws and enactments relating to the building or structure.

APPLICATIONS FOR SIMPLE BUILDINGS

76. An application for a building permit with respect to a simple building must:

- (1) be made in the form attached as Schedule A to this Bylaw, signed by the owner, or a signing officer if the owner is a corporation;
- (2) be accompanied by the owner’s acknowledgment of responsibility and undertakings made in the form attached as Schedule D to this Bylaw, signed by the owner, or a signing officer if the owner is a corporation;
- (3) include a copy of a title search made within 30 days of the date of the application;
- (4) include a copy of a survey plan of the parcel and proposed foundations and exterior extremities of the building or structure, prepared by a British Columbia land surveyor, except that the building official may, waive the requirements for a survey plan, in whole or in part, where conditions warrant.
- (5) include a site plan showing:
 - (a) the bearing and dimensions of the parcel taken from the registered subdivision plan;
 - (b) the legal description and civic address of the parcel;
 - (c) the location and dimensions of all statutory rights of way, easements, setback requirements adjacent street and lane names;
 - (d) the location and dimensions of existing and proposed buildings or structures on the parcel;
 - (e) setbacks to the natural boundary of any lake, swamp, pond or watercourse;
 - (f) north arrow;
 - (g) location of an approved existing or proposed alternative sewage disposal system;
 - (h) the location, dimensions and gradient of parking and parking access;
 - (i) proposed and existing setbacks to property lines;
 - (j) natural and finished grade at building corners datum determination points;
 - (k) main floor elevation;
 - (l) location, setbacks and elevations of all retaining walls, steps, stairs and decks;
 - (m) line of upper floor;
 - (n) location and elevation of curbs, sidewalks, manholes and service poles;

APPLICATIONS FOR SIMPLE BUILDINGS (continued)

- (o) location of existing and proposed service connections;
- (p) location of top of bank and water courses; and
- (q) the geodetic elevation of the underside of a wood floor system or the top of finished concrete slab of a building or structure if where the City’s land use regulations or provincial flood mapping regulations establish siting requirements related to minimum floor elevation;

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;

- (6) include floor plans showing the dimensions and uses of all areas; 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;
- (7) include a cross section through the building or structure illustrating foundations, drainage, ceiling heights and construction systems;
- (8) include elevations of all sides of the building or structure showing finish details, roof slopes, windows, doors, the building height base line, the maximum building height line, ridge height and natural and finished grade;
- (9) 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;
- (10) 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 approval;
- (11) include a foundation and excavation design prepared by a *registered professional of record* in accordance with *Division B - Section 4.2* of Part 4 of the Building Code, accompanied by letters of assurance in the form of *Schedule B* as referred to in *Division C - Section 2.2.7* of the Building Code, signed by the *registered professional of record*; (AB #3380) (AB #3756)
- (12) include a geotechnical report if the chief building official determines that the site conditions so warrant;
- (13) include two sets of drawings at a suitable scale of the design including the information set out in subsections 76(5) to 76(9) of this Bylaw.

APPLICATIONS FOR SIMPLE BUILDINGS (continued)

- (14) In addition to the requirements of Sections 76(1) to (13) the following may be required by a building official to be submitted with a building permit application for the construction of a simple building where the project involves two or more buildings, which in the aggregate total more than 1000 square metres, or two or more buildings that will contain four or more dwelling units, or otherwise if 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 Control Bylaw, in force from time to time;
 - (b) a section through the site showing grades, buildings, structures, parking areas and driveways;
 - (c) a roof plan and roof height calculations;
 - (d) structural, electrical, mechanical or fire suppression drawings prepared and sealed by a *registered professional of record*; (AB #3756)
 - (e) letters of assurance in the form of Schedule *B* as referred to in *Division C – Sub-Section 2.2.7* of the Building Code, signed by the *registered professional of record*; or, (AB #3380) (AB #3756)
 - (f) 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.
- (15) Solar Hot Water Ready
- (a) All single family homes shall comply with the Ministerial Order No. M 145, “Solar Hot Water Ready Regulation”, as amended from time to time. (AB #3756)

SURVEY

77. Without limiting subsections 74(5) or 76(4), the chief building official may order any owner to submit an up to date plan of survey prepared by a registered British Columbia land surveyor which contains sufficient information respecting the site and location of any building:
- (1) to establish before construction begins that all the provisions of this Bylaw in relation to this information will be complied with;
 - (2) to verify on completion of the construction that all provisions of this Bylaw have been complied with;
 - (3) in relation to an existing building when and as required by the chief building official, to substantiate its location, size, including appendages whether above, at or below ground level, relative to the site or its relationship to neighbouring grades; and

SURVEY (continued)

- (4) in relation to construction of a new building, or addition to an existing building, prior to the placement of concrete for foundations and footings, including the elevations 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 an order under this section must comply with the order.

BUILDING PERMIT FEE

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

- (1) the building permit fees prescribed in Schedule B, and
- (2) fees, charges, levies or taxes imposed by the City and payable under an enactment Security Deposit

79. An applicant for a building permit must pay to the City, at the time of the application, a security deposit as set out in Schedule B.

80. The security deposit sum received pursuant to Section 79 must:

- (1) cover 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;
- (2) cover 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;
- (3) serve as the security deposit for a provisional certificate of occupancy when such a certificate makes provision for a security deposit; or
- (4) serve as a security deposit for the purpose of effecting compliance with any condition under which the permit was issued.

81. The security deposit must be returned to the applicant:

- (1) when the building official is satisfied that no further damage to public works or public lands will occur;
- (2) when the inspections required by this Bylaw are complete and acceptable to the building official;
- (3) when the conditions or provisions of a provisional certificate of occupancy are completed to the satisfaction of the building official; or
- (4) any combination of subsections 81(1), (2) or (3).

BUILDING PERMIT FEE (continued)

82. Any credit greater than the amount of the security deposit used by the City for the purposes described in Sections 79 to 80 will be returned to the payee unless otherwise so directed by the payee. An 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 constructor or the owner of the property.
83. If the proposed works includes excavation or construction on lands within 10 metres of municipal works, the owner must deliver to the chief building official a signed agreement in a form prescribed by the director of public works and engineering under which the owner acknowledges and agrees that any damage to municipal works arising from the construction associated with the building permit will be repaired by the owner at its expense and the satisfaction of the director of public works and engineering. The owner must deposit with the city security in accordance with Sections 79 to 80.

FEE REFUNDS

84. No fee or part of a fee paid to the City may be refunded if a start has been made on construction of the building.
85. A building permit or a mechanical permit fee may be partially refunded as set out in Schedule B, only if:
- (1) the owner has submitted a written request for a refund;
 - (2) the chief building official has certified a start has not been made on the construction of the building or structure; and
 - (3) the permit has not expired.
86. A building permit or a mechanical permit fee is not refundable after the permit has been extended under Section 117.
87. If an issued building permit or mechanical permit is active and the owner proposes modification to the building design whereby the value of construction does not increase or the value of construction decreases, the owner must first pay to the City a building permit fee based on the plan review hourly rate set out in Schedule B.
88. The building permit or mechanical permit fee is doubled for every permit application if construction commenced before the chief building official issued a permit, to a maximum of \$5,000.00 (Five Thousand Dollars).

EXPIRATION OF APPLICATION

89. A building permit or a mechanical permit application expires 180 days from the date a complete application is received under this Part if the building permit or mechanical permit is not issued by the application expiration date, unless the permit is not issued only due to delays caused by the chief building official.

ISSUANCE OF A PERMIT

- 90.** If:
- (1) a completed application in compliance with Sections 74 and 75 or 76 and 77 of this Bylaw, including all required supporting documentation, has been submitted;
 - (2) the owner has paid all applicable fees set out in Sections 78 to 79 and Schedule B of this Bylaw;
 - (3) the owner or his or her representative has paid all charges and met all requirements imposed by any other statute or bylaw;
 - (4) the owner has retained a professional engineer or geoscientist if required under this Bylaw or by the provisions of the Engineers and Geoscientists Act;
 - (5) the owner has retained an architect if required by the provisions of the Architects Act;
 - (6) no covenant, agreement, resolution or regulation of the City requires or authorizes the permit to be withheld;

the Chief Building Official must issue the permit, in the form of Schedule F for which the application is made.

COMPLIANCE WITH THE HOMEOWNER PROTECTION ACT

- 91.** If the application is in respect of a building that includes, or will include, a residential occupancy, the building permit must not be issued unless the owner provides evidence under Section 30(1) of the *Homeowner Protection Act*, SBC 1998, Chapter 31, that the proposed building:
- (1) is covered by home warranty insurance, and
 - (2) the constructor is a licensed residential builder.
- 92.** Section 91 of this Bylaw 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*, SBC 1998, Chapter 31.
- 93.** 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.
- 94.** A building official may issue a building permit for an excavation or a portion of a building or structure before the design, plans and specifications for the entire building or structure have been accepted, if sufficient information has been submitted 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 all security deposits and charges related to the entire building or structure and the permit fee applicable to that portion of the building or structure has been paid. Despite the issuance of a permit, 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.

COMPLIANCE WITH THE HOMEOWNER PROTECTION ACT (continued)

- 95.** 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 in accordance with the requirements of Section 116, 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 City to do so.

CONDITIONS OF A BUILDING PERMIT

- 96.** 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 chief building official in writing, the chief building official has authorized the transfer or assignment in writing, and the owner has paid the non-refundable fee required under Schedule B. The transfer or assignment of a building permit is not an extension of a building permit.
- 97.** The review of plans and supporting documents and issuance of a building permit do not prevent the chief building official from subsequently requiring the correction of errors in the said plans and supporting documents, or from prohibiting building construction or occupancy being carried on when in violation of this or another bylaw.
- 98.** The chief building official may refuse to issue a permit when the owner has been notified of violation of this Bylaw with regard to the construction of another building or structure by the owner.

INSPECTIONS

- 99.** 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 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.
- 100.** Despite Section 99 of this Bylaw, 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.
- 101.** 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.

INSPECTIONS (continued)

102. 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 and receive a building official’s written acceptance of the following aspects of the work prior to concealing them:

- (1) after demolition, the grading of and removal of debris from the site;
- (2) excavation, within 24 hours of the start of excavation;
- (3) foundation and footing forms, before concrete is poured;
- (4) prior to inspection under subsection 102(5), plumbing located below the finished slab level;
- (5) the preparation of ground, including ground cover when required, perimeter insulation on inside of concrete foundation walls and reinforcing steel;
- (6) after inspection under subsection 102(5), hydronic heating pipes and below slab insulation;
- (7) rough in of factory built chimneys and fireplaces and solid fuel burning appliances;
- (8) framing, firestopping, bracing, chimney and ductwork, rough plumbing, exterior doors and windows, but prior to the installation of insulation, interior finishes, sheathing paper or exterior finishes which would conceal such work;
- (9) insulation and vapour barrier;
- (10) the installation of wall sheathing membrane, externally applied vapour or air barrier, stucco wire or lath, and flashings, but prior to the installation of exterior finishes which could conceal such work;
- (11) the installation of a cladding assembly designed and constructed to minimize the ingress of precipitation into exterior walls and interior space. (AB #3380)
- (12) the health and safety aspects of the work when the building or structure is substantially complete, ready for occupancy but prior to occupancy.

103. A building official may only carry out an inspection under Section 102:

- (1) in the order specified in subsections 102(1) to 102(12); and
- (2) if the owner or the owner’s agent has requested the inspection.

104. Despite the requirement for the building official’s acceptance of the work outlined in Section 102, if a *registered professional of record* provides letters of assurance, the City will rely solely on field reviews undertaken by the *registered professional of record* 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 conforms to the design, plans and specifications and that the construction complies with the Building Code, this Bylaw and other applicable enactments respecting safety. (AB #3756)

105. No aspect of the work referred to in Section 102 of this Bylaw shall be concealed until a building official has accepted it in writing.

INSPECTIONS (continued)

106. For work in respect of complex buildings the owner must:

- (1) give at least 48 hours’ notice to the City when requesting a pre-construction meeting with the building official prior to the start of construction, and the owner or his or her representative must ensure that the coordinating registered professional, the constructor as well as representatives of major trades are in attendance;
- (2) give at least 48 hours’ notice to the City when requesting a pre-occupancy coordinated site review in order to have the owner, the constructor and the registered professional demonstrates 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;
- (3) cause the coordinating registered professional, at least 48 hours prior to the pre-occupancy coordinated site review, to deliver to the building official the Confirmation of Required documentation described in Schedule G, complete with all documentation in a hard covered three ring binder.

STOP WORK ORDER

- 107.** The chief 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 described in Schedule I 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 provisions of the *Homeowner Protection Act*.
- 108.** The coordinating registered professional may request, in writing, that the chief 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 chief building official must consider such a request and if not acted upon, must respond, in writing, to the coordinating registered professional and give reasons.
- 109.** If a registered professional services are terminated, the owner must immediately stop any work that is subject to his or her design or field review and the chief building official is deemed to have issued a stop work order under Section 107.
- 110.** The owner must immediately after the posting of a notice under Section 107 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.
- 111.** Subject to Section 110, no work other than the required remedial measures may be carried out on the parcel affected by the notice referred to in Section 107 until the stop work order notice has been removed by the chief building official.
- 112.** The notice referred to in Section 107 must remain posted on the premises until that which is contrary to the enactments has been remedied.

DO NOT OCCUPY NOTICE

- 113.** If a person occupies a building or structure or part of a building or structure in contravention of Section 146(8) of this Bylaw a building official may post a Do Not Occupy Notice in the form of Schedule J to this Bylaw on the affected part of the building or structure.
- 114.** If a notice is posted under Sections 107 or 113, 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 shall 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

- 115.** In addition to the fees required under other provisions of this Bylaw, the owner must pay the non-refundable fee set out in Schedule B for:
- (1) a second and subsequent re-inspection where it has been determined by the chief building official that due to non-compliance with the provisions of this Bylaw or due to non-complying workmanship, more than two inspections are required for each type of inspection;
 - (2) 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;
 - (3) each report containing a maximum of two separate *alternative solutions*;
(AB #3380)
 - (4) each *alternative solution* greater than two contained in the same report;
(AB #3380)
 - (5) an amendment to an original *alternative solution* report after acceptance or rejection of the report; (AB #3380)
 - (6) a request from the owner or agent that the chief building official review an application or part of an application that has already been reviewed by the chief building official.
 - (7) the review of drawings and inspection of landscaping requirements as set out in the City's Zoning Bylaw, in force from time to time, or authorized through a development permit; or
 - (8) if a registered professional has been retained by the owner to design and certify the landscaping components of the permitted project, the fees set out in subsection 115(7) are waived.

PERMIT EXPIRATION

- 116.** Every permit is issued on the condition that the permit expires and the rights of the owner under the permit terminate if:
- (1) the work authorized by the permit is not commenced within 180 days from the date of issuance of the permit; or
 - (2) work is discontinued for a period of 180 days; or
 - (3) the work is not completed within two years of the date of issuance of the permit.

PERMIT EXTENSION

- 117.** A building official may extend the period of time set out under Section 116 for a period of not to exceed six 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:
- (1) application for the extension is made within 30 days of the date of permit expiration, and
 - (2) the non-refundable fee set out in Schedule B has been paid.

PERMIT REVOCATION

- 118.** The chief building official may revoke a building permit if there is a violation of
- (1) a condition under which the permit was issued, or
 - (2) a requirement of the Building Code or of this or another bylaw of the City.
- 119.** The permit revocation must be in writing and sent to the permit holder by signature mail to, or personal service on, the permit holder.

PERMIT CANCELLATION

- 120.** A building permit, or a building permit application, may be cancelled by the owner, or his or her agent, on delivery of written notification of the cancellation to the chief building official.
- 121.** On receipt of the written cancellation notice, the chief building official must mark on the application, and a permit if applicable, the date of cancellation and the word “cancelled”.
- 122.** If the owner, or his or her agent, submits changes to an application after a permit has been issued and the changes, in the opinion of the chief building official, substantially alter the scope of the work, design or intent of the application in respect of which the permit was issued, the chief building official must cancel the permit and mark on the permit the date of cancellation and the word “cancelled”.

PERMIT REVOCATION (continued)

123. If a building permit application or permit is cancelled, and construction has not commenced under the permit, the chief building official must return to the owner any fees deposited under Schedule B, less:

- (1) any non-refundable portion of the fee, and
- (2) 25% of the refundable portion of the fee. (AB #3380)

CHANGES BY PERMIT HOLDER

124. Construction which is at variance with the plans and supporting documents for a building or structure for which a building permit has been issued is prohibited, unless the change has been reviewed and accepted by the chief building official.

OCCUPANCY PERMITS

125. No person may occupy a new building or structure until an occupancy permit has been issued in the form of Schedule H;

126. An occupancy permit may not be issued unless:

- (1) all letters of assurance and the confirmation of required documentation described in Schedule G have been submitted when required in accordance with the requirements of this Bylaw;
- (2) all aspects of the work requiring inspection, review and acceptance pursuant to Sections 99 to 106 of this Bylaw have both been inspected and accepted;
- (3) 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
- (4) all required off site works respecting safety have been completed.

127. A building official may issue an occupancy permit for partial occupancy of a portion of a building under construction when that portion of the building or structure is self-contained and provided with essential services respecting health and safety.

128. If occupancy occurs prior to the completion of any work being undertaken that requires a permit, every owner must ensure that no unsafe condition exists or will exist because of the work being undertaken or not completed.

TEMPORARY BUILDING

129. Subject to the bylaws of the City and orders of Council, the chief building official may issue a building permit for the erection or placement of a temporary building or structure for occupancy if:

- (1) the permit is for a period not exceeding one year; and
- (2) the building or structure is located in compliance with the City's Zoning Bylaw, in force from time to time, built in compliance with the Building Code and this Bylaw, and connected, as required by enactments, to municipal utility services.

TEMPORARY BUILDING (continued)

- 130.** The application for a building permit for the erection or placement of a temporary building or structure must be made in the form of a temporary permit application under Schedule A, signed by the owner or agent, including:
- (1) plans and supporting documents showing the location of the building or structure on the parcel;
 - (2) plans and supporting documents showing construction details of the building or structure;
 - (3) a statement by the owner indicating the intended use and duration of the use;
 - (4) plans and supporting documents showing the proposed parking and loading space;
 - (5) a written description of the project explaining why the building is temporary;
 - (6) a copy of an issued development permit, if required;
 - (7) in the case of a manufactured building, a CSA label in respect of electrical inspections;
 - (8) a report or drawing of an engineer, architect or designer confirming compliance with the Building Code, this Bylaw, the City's Zoning Bylaw, in force from time to time, and other applicable bylaws;
 - (9) security in the form of cash or a letter of credit for 10% of the value of the temporary building, which security:
 - (a) 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
 - (b) 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.
- 131.** Before receiving a building permit for a temporary building or structure for occupancy, the owner must pay to the City the applicable building permit fee set out in Schedule B.
- 132.** A permit fee for a temporary building or structure is not refundable.

RETAINING WALLS

- 133.** A registered professional must undertake the design and conduct field reviews of the construction or structural repair of a retaining wall. Sealed copies of the design plan and letters of assurance prepared by the registered professional for all retaining walls must be submitted to a building official prior to issuance of a permit for the work.

PERMIT

- 134.** No person may construct, or structurally repair, a retaining wall without a valid and subsisting building permit. Design and field review services and applicable letters of assurance must be provided by the registered professionals for all retaining walls.

SLOPES CREATED BY EXCAVATION

- 135.** Except as certified by a professional engineer with expertise in geotechnical engineering registered in the province of British Columbia, a slope on a parcel that is steeper than one linear unit vertically to one linear unit horizontally and total height of three metres or more that is created by excavation is prohibited unless restrained by a retaining wall.

SLOPES CREATED BY FILL MATERIAL

- 136.** 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.

BUILDING MOVE

- 137.** No person may move a building or structure into or within the City:
- (1) except where certified by a registered professional that the building or structure will substantially comply with the current version of the Building Code; and
 - (2) a building permit has been issued for the building.

BUILDING NUMBERING

- 138.** Every owner or occupier of a parcel must place a building number assigned by the chief building official in a conspicuous place on every building located on the parcel.
- 139.** Despite Section 138, the City or its chief building official may renumber or alter the assigned numbers in respect of any building on any parcel, including those already in existence or numbered.
- 140.** Without limiting Sections 138 or 139, the chief building official must, on the issuance of a building set, 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 position at all times during construction.
- 141.** On issuance of an occupancy permit, the owner or occupier of the parcel must affix the numbers permanently in a conspicuous place on the buildings such that the number is visible from an adjacent highway that is not a lane.

FIRE LIMITS

- 142.** (1) In this Section:
- “FIRE LIMITS AREA” in this Part means the areas shown on the Plan attached as Schedule K to this Bylaw; and,
 - “RESIDENTIAL OCCUPANCY” means a residential occupancy in a building comprising more than three dwelling units and where each dwelling unit does not have at least two access/ egress doors that open to the exterior of the building;

FIRE LIMITS (continued)

- (2) Except as provided for in subsection (3), subsections (2) to (7) apply to:
 - (a) a new complex building or RESIDENTIAL OCCUPANCY;
 - (b) an existing complex building or RESIDENTIAL OCCUPANCY upon creation of an additional dwelling unit; and,
an existing complex building or RESIDENTIAL OCCUPANCY if the total building permit value determined by the chief building official, pursuant to this Bylaw, of all additions and structural alterations made within any consecutive 24 month period, exceeds 25% of the assessed value of the existing building as determined by the most recent assessment by the British Columbia Assessment Authority.
- (3) Subsections (2) to (7) do not apply to simple buildings, assembly occupancies where the total occupant load is 60 or less persons or residential occupancies located outside the FIRE LIMITS AREA.
- (4) Subject to subsection (3), a complex building or a building containing a RESIDENTIAL OCCUPANCY in a FIRE LIMITS AREA must be sprinklered in accordance with NFPA 13 “Standard for Installation of Sprinkler Systems”.
- (5) A building containing only a RESIDENTIAL OCCUPANCY of up to four storeys in height must be sprinklered in accordance with NFPA 13 “Standard for Installation of Sprinkler Systems” or with NFPA 13R “Standard for Installation of Sprinkler Systems in Residential Occupancies up to and including Four Storeys in Height”, except as set out in subsection (3).
- (6) All fire sprinkler systems must be designed and reviewed by a registered professional with experience in sprinkler system design, except for modifications to existing systems involving the relocation or addition of less than six sprinkler heads, in which case the requirement for registered professional design and review may be waived at the discretion of the chief building official.
- (7) Review of the work by a registered professional must include field review as defined in the building code and review of the Contractor’s Material and Test Certificates, a copy of which shall be provided with the letter of assurance of Professional Field Review and Compliance.

CONFORMITY WITH BUILDING CODE AND BYLAW

- 143.** No building or structure may be constructed except in conformity with the requirements of the Building Code and this Bylaw.
- 144.** Section 143 applies whether or not in any case it is expressly stated that the doing of or failure to do the thing mentioned is unlawful.

GENERAL PROHIBITIONS

145. No person may

- (1) unless authorized by the chief building official, reverse, alter, deface, cover, remove or in any way tamper with a construction site identification placard, stop work order notice, certificate, card or notice posted on or affixed to a building or structure pursuant to a provision of this Bylaw;
- (2) do any work at variance with the description, plans and supporting documents for the building, structure or work for which a permit has been issued, unless the chief building official has authorized the change;
- (3) interfere with or obstruct the entry of the chief building official if he or she is administering this Bylaw;
- (4) erase, alter or modify plans and supporting documents after the same have been reviewed by the chief building official, or plans and supporting documents which have been filed for reference with the chief building official after the permit has been issued;
- (5) submit false or misleading information in relation to a permit or an application for a permit under this Bylaw;
- (6) repair a building or structure damaged by fire, decay, storm, earthquake or otherwise to an extent greater than 75% of its assessed value as of the date of damage above its foundations unless in every respect the entire building or structure is made to comply with the Building Code, subject to the provisions of this Bylaw;
- (7) repair any portion of a building or structure damaged by fire, decay, storm or otherwise to an extent less than 75% of its assessed value as of the date of damage above its foundations unless in every respect the repair of the building or structure is made to comply with the Building Code, subject to the provisions of this Bylaw;
- (8) occupy or permit occupancy of a building or structure or part of a building or structure until the chief building official has issued a final inspection notice for it;
- (9) construct on a parcel unless the civic address is conspicuously posted on the front of the premises or on a sign post so it may be easily read from the public highway from which it takes its address; or
- (10) 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.

OFFENCE AND PENALTY

146. Every person who violates or causes or allows to be violated a requirement of this Bylaw is guilty of an offence and of a separate offence each day the violation is caused or allowed to continue.

OFFENCE AND PENALTY (continued)

- 147.** Every person who commits an offence contrary to the provisions of this Bylaw is liable on summary conviction to a penalty of not more than \$10,000.00 in addition to the costs of the prosecution.
- 148.** 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.
- 149.** No person is deemed liable under Section 148 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.
- 150.** Nothing in Section 149 affects:
- (1) the City's right to require and the owner's obligation to obtain a permit; and
 - (2) the obligation of the owner to comply with this Bylaw.

SEVERABILITY

- 151.** If any section, subsection, paragraph, subparagraph or phrase of this Bylaw is for any reason declared invalid by a Court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of this Bylaw.

SCHEDULES

- 152.** The following schedules are attached to and form part of this Bylaw:
- (1) Schedule A - Building Permit Application
 - (2) Schedule B - Permit Fees and Security Deposits
 - (3) Schedule C - Construction Values
 - (4) Schedule D - Owner's Undertaking
 - (5) Schedule E - Geotechnical Hazard Areas
 - (6) Schedule F - Building Permit Form
 - (7) Schedule G - Confirmation of Required Documentation
 - (8) Schedule H - Occupancy Permit Form
 - (9) Schedule I - Stop Work Order
 - (10) Schedule J - Do Not Occupy Notice
 - (11) Schedule K - Fire Limits Areas

EFFECTIVE DATE

- 153.** This Bylaw shall come into effect on January 1, 2004.

“Building Regulation Bylaw 2003, No. 2970” adopted on the 17th day of November, 2003.
Amendment Bylaw 2004, No. 3032 adopted on the 5th day of July, 2004.
Amendment Bylaw 2007, No. 3380 adopted on the 2nd day of May, 2007.
Amendment Bylaw 2011, No. 3756 adopted on the 10th day of January, 2012.
Amendment Bylaw 2012, No. 3860 adopted on the 21st day of August, 2012.
Amendment Bylaw 2013, No. 3974 adopted on the 17th day of December, 2013.
Amendment Bylaw 2015, No. 4107 adopted on the 13th day of April, 2015.

“Clint Hames”

Mayor

“Robert L. Carnegie”

Clerk