

## City of Merritt

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### BYLAW 2382

## A BYLAW FOR ADMINISTRATION OF THE BUILDING CODE AND REGULATION OF CONSTRUCTION

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The Council of The Corporation of the City of Merritt enacts as follows:

### PART 1: TITLE

#### Citation

1.1 This bylaw may be cited as “City of Merritt Building Bylaw No. 2382, 2024”.

#### Repeal

1.2 “City of Merritt Building Bylaw No. 1865, 2003”, and all amendments there to, is hereby repealed.

### 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*, his or her 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, occupancy permit* or final inspection notice 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.

## Definitions

2.5 In this bylaw the following words and terms have the meanings

- (a) set out in section 1.4.1.2 of the *Building Code* : *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, registered professional, residential occupancy, treatment occupancy, and unsafe condition*;
- (b) subject to this bylaw, set out in the Schedule to the *Community Charter*: *highway, land, occupier, parcel, 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*.

2.6 In this bylaw

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

*access or accessible* as per the *Building Code* means an area and its facilities, or both which is easy to approach, enter, exit, operate, participate in, pass to and from and use safely and independently by persons with disabilities;

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

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

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

*Architects Act* means the *Architects Act* RSBC 1996, c. 17, as amended from time to time;

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

*building official* means 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*;

*complex building* means:

- (a) a *building* used for a *major occupancy* classified as:
- *assembly occupancy*;
  - *care occupancy*;
  - *detention occupancy*;
  - *high hazard industrial occupancy*,
  - *treatment occupancy*; or
  - *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:
- *residential occupancy*;
  - *business and personal services occupancy*;
  - *mercantile occupancy*; or
  - *medium and low hazard industrial occupancy*,

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

*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;

*Council* means the municipal council of the City of Merritt;

*Engineers and Geoscientists Act* means the *Engineers and Geoscientists Act* RSBC 1996, c. 116, as amended from time to time;

*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;

*Fees and Charges Bylaw* means the City of Merritt Fees and Charges Bylaw No. 2386, 2024 and any amendments thereto;

*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*;

*GHG* means greenhouse gas;

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

*Homeowner Protection Act* means the *Homeowner Protection Act* SBC 1998, c. 31, as amended from time to time;

*Letters of Assurance* means standardized, legal accountability documents that are required for Part 3

and some Part 9 *buildings* in the BC *Building Code*. They are intended to clearly identify the roles and responsibilities of registered professionals in a construction project.

*owner* means any person, firm or corporation controlling the property under consideration when this bylaw applies, or an *agent* duly authorized by the *owner* in writing;

*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*;

*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;

*retaining wall* means a *structure* exceeding 1.2 metres in height that holds or retains *soil* or other material behind it;

*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*,

*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, paving and retaining constructs less than 1.2 meters in height;

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

*value of the work* means an amount that is calculated as follows:

- (a) 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
  - (i) the declared *value of the work*; or
  - (ii) the value calculated using Appendix A; or
- (b) for all other *construction*, the greater of
  - (i) the declared *value of the work*; or
  - (ii) the value calculated using a method as determined by the building official.

2.7 Every reference to this bylaw in this or another bylaw of the City is a reference to this bylaw as amended from time to time.

2.8 Every reference to

- (a) the *Building Code* is a reference to the current edition as of the date of application 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.

2.9 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

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

### Severability

2.11 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 3: SCOPE AND EXEMPTIONS

### Application

- 3.1 This bylaw applies to the geographical area of the City of Merritt (“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) except as set out in Part 11 [*Retaining Walls and Grades*] of this bylaw, a fence;
  - (b) an accessory *building* with a floor area of less than 10 square metres, that does not constitute a potential unsafe condition;
  - (c) a trellis, an arbour, a wall supporting soil that is less than 1.2 metres in height, or other similar landscape *structures* on a parcel zoned for single-family *residential occupancy* uses under the City’s zoning bylaw;
  - (d) a *building* or *structure* commonly known as “Canadian Standards Association Z240 MH series”, except as regulated by the *Building Code*; this exemption does not extend to onsite preparations (foundations, anchorage), connection to services and installation of appliances;
  - (e) decks or patios which are less than 600mm from the ground or finished *grade* and have no walls or roofs;
  - (f) repair and maintenance of lawfully-conforming *structures* where the level of life safety and *building* performance shall not be decreased below a level that already exists;
  - (g) the cleaning or repair of mechanical heating and ventilation systems; and
  - (h) the clearing or stoppages or the repairing of leaks in pipes, valves or fixtures, or the replacement of tubs, showers, toilets, lavatories, sinks or hot water tanks, if the work

does not involve or require the rearrangement of valves, pipes, or fixtures.

### 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 a final inspection notice, 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 12 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 Except in accordance with this bylaw, a person must not erase, alter or modify plans and supporting documents after they have been reviewed by a *building official*, or plans and supporting documents which have been filed for reference with the *building official* after a *permit* has been issued.
- 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 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 contravene an administrative requirement of a *building official* made under section 6.7 or any other provision of this bylaw.
- 4.9 A person must not change the use, *occupancy* or both of a *building* or *structure* or a part of a *building* or *structure* without first applying for and obtaining a *building permit* under this bylaw.
- 4.10 A person must not continue any work if a Stop Work Order is posted by a *building official* other than the remedial actions required by the notice.
- 4.11 A person must not occupy a *building*, *structure*, or part of a *building* or *structure* if a Do Not Occupy Notice is posted by a *building official*.

#### **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* of the *owner*) to carry out the work in respect of which the *permit* was issued in compliance with the *Building Code*, this bylaw and all other applicable codes, standards and enactments.

#### **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) keep records of applications received, *permits*, notices and orders issued, inspections and tests made, and may retain copies of all digital or hardcopy papers and documents connected with the administration of this bylaw;
  - (c) establish or require an *owner* to establish whether a method or type of construction or material used in the construction of a *building* or *structure* complies with the requirements and provisions of this bylaw and the *Building Code*; and
  - (d) direct that tests of materials, equipment, devices, construction methods, structural assemblies or *foundations* be carried out, or that sufficient evidence or proof be submitted by the *owner*, at the *owner's* sole expense, where such evidence or proof is necessary to determine whether the material, equipment, device, construction or *foundation* condition complies with this bylaw and the *Building Code*.

## Refusal and Revocation of Permits

- 6.3 A *building official* may refuse to issue a *permit* if the proposed work contravenes the requirements of the *Building Code* or the provisions of this or any other bylaw of the City and must state the reason in writing.
- 6.4 A *building official* may revoke a *permit* if, in their opinion, there is a violation of
- (a) a condition under which the *permit* was issued;
  - (b) any requirement of the *Building Code* or of this or another bylaw of the City;
  - (c) the *permit* was issued in error;
  - (d) cancellation or termination of *Homeowner Protection* Office Registration occurs prior to finalization of *permit*;
  - (e) the *permit* was issued on the basis of false or incorrect information; or
  - (f) the results of any tests carried out are not satisfactory to the *building official*;
- 6.5 *Permit* revocation may be delivered by written notice to the *owner*.

## Right of Entry

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

## Powers

- 6.7 Subject to applicable enactments, a *building official* may by notice in writing require
- (a) a person who contravenes any provision of this bylaw to comply with that provision within the time ordered;
  - (b) an *owner* to stop work on a building or *structure*, or any part of a *building* or *structure*, if the work is proceeding in contravention of this bylaw, the *Building Code*, or any other

- enactment of the City or other applicable enactments, or if there is deemed to be an unsafe condition, and may enter on property to affix or post a stop work order;
- (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.

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

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

- (i) within the time ordered, or
- (ii) 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*, including a retaining wall;
  - (b) moving a *building* or *structure* into or within the City;
  - (c) demolishing a *building* or *structure*;
  - (d) occupying a new *building* or *structure*;
  - (e) changing the use or *occupancy* of a *building*;
  - (f) construction of foundations for, and installation of, manufactured homes; installation of plumbing systems;
  - (g) alterations and additions to plumbing systems,
  - (h) installation and alteration of fire protection sprinkler systems;
  - (i) installation of temporary *buildings*, including fabric covered *structures*;
  - (j) installation or alteration of mechanical exhaust and fire protection systems for commercial cooking equipment pursuant to NFPA 96 Ventilation Control and Fire Protection of Commercial Cooking Operations;
  - (k) installation or alteration of spray booths or spray room equipment pursuant to NFPA 33 and wood dust collection to systems to NFPA 664;
  - (l) construction, installation, or alteration of masonry chimneys or fireplaces. All factory built wood burning appliances and chimneys will require a WETT inspection to be submitted upon completion;
- 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 that all *permits* are posted conspicuously on the site during the entire execution of the work;
- 7.4 Every *owner* must allow a *building official* to enter any building or premises at any reasonable time to administer and enforce this bylaw.
- 7.5 Every *owner* to whom a permit is issued must, during construction,
- (a) post the civic address on the property so that it may be easily read from the public highway from which the property takes its address; and
  - (b) post the *permit* on the property so that it may be easily read from the public highway from which the property takes its address.

### **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 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 or to the point of service 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 2 business days prior to commencing work at a building site, give written notice to a *building official* of the date on which the *owner* intends to begin such work.
- 7.11 Every *owner* must give written notice to a *building official* of any change in or termination of engagement of a *registered professional*, including a *coordinating registered professional*, during *construction*, within 1 business day 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 10.26 to 10.32, every *owner* must give at least 2 business days 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 the *Fees and Charges Bylaw* immediately upon any change in *ownership* or change in the address of the *owner* which occurs prior to final inspection notice for the work.
- 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*, or other work, is undertaken on public property, and that no public is disturbed, no *building* or *structure* erected, and no materials stored thereon, in whole or in part, without first having obtained approval in writing from the appropriate authority over such public property.
- 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

- (b) other *registered professional* for a *complex building*, or 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* in the form of a copy of the insurance certificate, naming the insurer and policy number, in the amount of at least two million dollars (\$2,000,000.00).

### **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) a *building* that is designed with common egress systems for the occupants and requires the use of *firewalls* in accordance with the *Building Code*;
  - (d) prior to *alterations* to a *building*, or to a structural component of a *building* described in paragraph (b);
  - (e) 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*;
  - (f) 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
  - (g) 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* in the form of Schedules A and B as referred to in subsection 2.2.7, Division C, of the *Building Code* referred to in sections 9.1 and 9.3 are relied upon by the City and its *building officials* as certification that the design and plans to which the *letters of assurance* refer comply with the *Building Code*, this bylaw and other applicable 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*, or a simple *building* with *Professional design*, 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 *registered professionals*.
- 9.8 If a *building permit* is issued for the construction of a *complex building* or a simple *building* with *professional design*, the *permit fee* is reduced by 5% up to a maximum reduction of \$500.00.

## 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 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 irrevocable letters of credit or cash security for completion of the works and service.

### Building Permit Applications for Complex Buildings

- 10.2 An application for a *building permit* with respect to a *complex building* must
- (a) be made on the approved application form 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 using the approved form provided by the City and signed by the *owner*, or a signing officer if the *owner* is a corporation;
  - (c) include a copy of a title search for the relevant property made within 30 days of the date of the *permit* application;
  - (d) 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;
  - (e) include a copy of a survey plan prepared by a British Columbia land surveyor;
  - (f) include a site plan prepared by a *registered professional* showing
    - (i) the bearing and dimensions of the *parcel* taken from the registered subdivision plan;
    - (ii) the legal description and civic address of the *parcel*;
    - (iii) the location and dimensions of *existing* and proposed statutory rights of way, easements and setback requirements, adjacent street and lane names;
    - (iv) the location and dimensions of *existing* and proposed *buildings* or *structures* on the *parcel*;
    - (v) setbacks to the natural boundary of any lake, swamp, pond or watercourse or planned future outfalls or overland drainage paths;
    - (vi) north arrow;
    - (vii) if applicable, location of an approved *existing* sewage disposal system, water supply system or storm water drainage system;
    - (viii) zoning compliance summary;
    - (ix) the location, dimensions and gradient of parking and parking access;
    - (x) proposed and *existing* setbacks to property lines;
    - (xi) natural and finished *grade* at *building* corners, property corners, land breaks and significant breaks in the *building* plan and proposed *grade* around the *building* faces in order to ascertain *foundation* height;
    - (xii) first storey floor elevation;
    - (xiii) location, setbacks and elevations of all *retaining walls*, steps, stairs and decks;
    - (xiv) line of upper floors;
    - (xv) location and elevation of curbs, sidewalks, manholes, and service poles;
    - (xvi) location of *existing* and proposed service connections;
    - (xvii) location and species of all trees greater than 10 centimetres in diameter;
    - (xviii) location of top bank and water courses;
    - (xix) geodetic elevation of the underside of a wood floor system or the top of a finished concrete slab of a *building* or *structure* where the City's land use regulations or provincial flood mapping regulations establish siting requirements related to minimum floor elevation,

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*;

- (g) include floor plans showing the dimensions and uses and *occupancy* classification of all areas, including: the dimensions and height of crawl and roof spaces; the location, size

- and swing of doors; the location, size and opening of windows; floor, wall, and ceiling finishes; fire separations; plumbing fixtures; structural elements; and stair dimensions;
- (h) include a cross-section through the *building* or *structure* in sufficient detail and locations to illustrate *foundations*, drainage, ceiling heights and constructions systems;
- (i) include elevations of all sides of the *building* or *structure* showing finish details, roof slopes, windows, doors, natural and finished *grade*, spatial separations and ridge height to comply with the *Building Code* and to illustrate that the *building* or *structure* conforms with the City zoning bylaw and development *permit*;
- (j) include cross-sectional details drawn at an appropriate scale and at sufficient locations to illustrate that the *building* conforms to the *Building Code*;
- (k) include all other requirements of sections 2.2.1, 2.2.3, 2.2.4, 2.2.5, 2.2.6 and 2.2.9, Division C of the *Building Code*;
- (l) include copies of approvals required under any enactment relating to health or safety, including, without limitation, sewage disposal *permits*, highway access *permits* and ministry of health approvals;
- (m) include a *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 an *agent* of the *owner*, and the *coordinating registered professional*;
- (n) include *letters of assurance* in the form of Schedule B referred to in subsection 2.2.7 Division C, of the *Building Code*, each signed by such *registered professionals* as the *building official* or *Building Code* may require to prepare the design for and conduct *field reviews* of the construction of the *building*;
- (o) include two sets of drawings at a suitable scale of the design prepared by each *registered professional* containing the information set out in (g) to (k) of this section; and,
- (p) include illustration of any slopes on the subject parcel that exceed 30%.

- 10.3 In addition to the requirements of section 10.2 of this bylaw, a *building official* may require the following to be submitted with a *permit* application for the construction of a *complex building* 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 servicing bylaw;
  - (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*.

### **Building Permit Applications for Simple Buildings**

- 10.4 An application for a building *permit* with respect to a *simple building* must
- (a) be made using the approved application form and signed by the *owner*, or a signing officer if the *owner* is a corporation;
  - (b) be accompanied by the *owner's* acknowledgment of responsibility and undertaking made using the approved *Owner's Undertaking* and signed by the *owner*, or an *agent* of the *owner*;
  - (c) include a copy of a title search for the relevant property made within 30 days of the date of the *permit* application;
  - (d) include a copy of a survey plan prepared by a British Columbia land surveyor except that the *building official* may waive the requirement for a survey plan, in whole or in part, where

- conditions warrant;
- (e) include a site plan showing
- (i) the bearing and dimensions of the parcel taken from the registered subdivision plan;
  - (ii) the legal description and civic address of the parcel;
  - (iii) the location and dimensions of *existing* and proposed statutory rights of way, easements and setback requirements, adjacent street and lane names;
  - (iv) the location and dimensions of *existing* and proposed *buildings* or *structures* on the parcel;
  - (v) setbacks to the natural boundary of any lake, swamp, pond or watercourse or planned future outfalls or overland drainage paths;
  - (vi) north arrow;
  - (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;
  - (viii) the location, dimensions and gradient of parking and parking access;
  - (ix) proposed and *existing* setbacks to property lines;
  - (x) natural and finished grade at *building* corners, property corners, and land breaks and datum determination points;
  - (xi) *first storey* floor elevation;
  - (xii) location, setbacks and elevations of all *retaining walls*, steps, stairs and decks;
  - (xiii) line of upper floors;
  - (xiv) location of *existing* and proposed service connections;
  - (xv) location of top bank and water courses; and
  - (xvi) the geodetic elevation of the underside of a wood floor system or the top of a finished concrete slab of a *building* or *structure* where the City's land use regulations or provincial flood mapping regulations establish siting requirements related to minimum floor elevation,
- 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*;
- (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*;
- (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;
- (k) include geotechnical *letters of assurance* and/or geotechnical report, if the *building*

*official* determines that the site conditions so warrant it;

- (l) include two sets of drawings at a suitable scale of design including the information set out in (f) to (i) of this section; and
- (m) 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 and compliance with article 2.2.2.1(2), Division C of the *Building Code*.

10.5 In addition to the requirements of section 10.4 of this Part, if the complexity of the proposed *building* or *structure* or siting circumstances warrant, a *building official* may require the following be submitted with a *permit* application for the construction of each *simple building* in the *project*:

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

### Site and Location Information

10.6 Without limiting sections 10.2(e) or 10.4(d) of this Part, the *building official* may in writing require an *owner* to submit an up-to-date plan or survey prepared by a registered British Columbia land surveyor which contains sufficient information respecting the site and location of any *building* to

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

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

### Building Permit Fee

10.7 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 the current *Fees and Charges Bylaw*; 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*.

### Permit Fee Refunds

- 10.8 No fee or part of a fee paid to the City may be refunded if construction of the *building* has started.
- 10.9 A *building permit* or other *permit* fee may be partially refunded as set out in the *Fees and Charges Bylaw* and section 10.48, only if
- (a) the *owner* has submitted a written request for a refund;
  - (b) the *building official* has certified a start has not been made on the construction of the *building* or *structure*; and
  - (c) the *permit* has not expired.
- 10.10 A *building permit* or other *permit* fee is not refundable after the *permit* has been extended under section 10.43 of this Part.

### Design Modification

- 10.11 If an issued *building permit* or other *permit* is active and the *owner* proposes modification to the *building* design whereby the value of the work does not increase or the value of the work decreases, the *owner* must pay to the City a *building permit* fee based on the plan review hourly rate set out in the *Fees and Charges Bylaw*.

### Expiration of Application for a Permit

- 10.12 A *building permit* application expires 180 days from the date a complete application is received under this Part if the *building permit* is not issued, unless the failure to issue the *permit* was solely the cause of the City.

### Issuance of a Building Permit

- 10.13 If
- (a) a completed application in compliance with sections 10.2 and 10.3 or sections 10.4 and 10.5 of this Part, including all required supporting documentation, has been submitted;
  - (b) the *owner* has paid all applicable fees set out in the *Fees and Charges Bylaw*;
  - (c) the *owner* has paid all charges and met all requirements imposed by any other statute or bylaw;
  - (d) the *owner* has retained a professional engineer or 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*, on the approved *Building Permit* form, 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*.

- 10.14 Once the applicant has been notified that the *permit* is ready for payment and pick up, the start of the 180 days for permit pickup commences.
- 10.15 The *permit* will be available for pick up for a maximum of 180 calendar days. If it is not picked up within that time it will become void and the applicant will be required to begin the application process again, including paying any applicable fees.
- 10.16 Despite section 10.13, the *building official* may refuse to issue a *permit* if any construction by the *owner* is in contravention of this bylaw and the *owner* has notice of that contravention.

### **Compliance with the Homeowner Protection Act**

- 10.17 If the application is in respect of a *building* that includes, or will include, a *residential occupancy* governed by the *Homeowner Protection Act*, the *building permit* must not be issued unless the *owner* provides evidence under section 30(1) of the *Homeowner Protection Act* that the proposed *building*
- (a) is covered by home warranty insurance; and
  - (b) the *constructor* is a licensed “residential builder” as defined in that Act.
- 10.18 Section 10.17 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*.
- 10.19 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*.
- 10.20 Intentionally left blank.

### **Partial Construction**

- 10.21 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 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.
- 10.22 If a *building permit* has expired and partial *construction* has progressed, with no extension requested of the *building official*, permanent type fencing with a privacy screen complying with the City’s *Zoning Bylaw No. 2284, 2020*, as amended from time to time, must be erected around the *building* site for protection to the public.

### **Conditions of a Building Permit**

- 10.23 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 in writing, and the *owner* has paid the non-refundable fee required under the *Fees and Charges Bylaw*. The transfer or assignment of a *building permit* is not an extension of a *building permit*.

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

## Inspections

- 10.25 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.
- 10.26 Despite section 10.25 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*.
- 10.27 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.
- 10.28 For all work in respect of *simple buildings* the *owner* must give at least 2 business days 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) footings/*excavation* – after preparation for footing are complete, prior to placement of concrete;
  - (b) *foundation* – after forms for *foundation* walls are completed, prior to placement of concrete;
  - (c) Dampproofing/draintile/roof drains – after dampproofing and *foundation* drainage are in place, prior to backfilling;
  - (d) Plumbing under-slab – plumbing and underground fire suppression supply lines, prior to covering;
  - (e) *Foundation/* slab insulation – prior to backfilling *foundation* walls or pouring slabs where required insulation would be covered;
  - (f) radon/soil gas control – after slab preparation for soil gas requirements, the preparation of ground, including ground cover when required, perimeter insulation of inside of concrete *foundation* walls are in place, prior to covering;
  - (g) plumbing rough-in – installation of rough-in plumbing, and on-site construction of tubs or showers when complete and under test, prior to covering;
  - (h) installation of mechanical ventilation and heating systems, including solar ready installations prior to covering;
  - (i) framing – framing, sheathing, fire stopping, bracing, with installation of chimney and ductwork, rough wiring, rough plumbing, rough heating, gas venting, exterior doors and windows, but prior to the installation of insulation, interior finishes, sheathing paper or exterior finishes which would conceal such work;
  - (j) fire separations/fire blocking – insulation of required fire separations prior to covering;
  - (k) insulation vapour/air barrier – insulation, air and vapour barrier, after all insulation and

- vapour barrier is in place but prior to interior finish being applied which conceal the work;
- (l) plumbing final – all plumbing requirements for *occupancy*; and
  - (m) *occupancy/completion* – after the *health and safety aspects of the work* and the conservation, *GHG* emissions reduction and accessibility aspects of the work when the *building or structure* is substantially complete, ready of *occupancy* but prior to *occupancy*.
- 10.29 A *building official* will only carry out an inspection under section 10.28 if the *owner* or the *owner's agent* has requested the inspection in accordance with this bylaw.
- 10.30 Despite the requirement for the *building official's* acceptance of the work outlined in section 10.28, 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.
- 10.31 No person may conceal any aspect of the work referred to in section 10.28 of this bylaw until a *building official* has accepted it in writing.
- 10.32 For work in respect of *complex buildings*, the *owner* must
- (a) give at least 2 business days written notice to the City when requesting a preconstruction 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;
  - (b) give at least 2 business days written notice to the City when requesting a pre-*occupancy* 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 and the conservation, *GHG* emission and accessibility aspects of the work; and
  - (c) cause the *coordinating registered professional*, at least 2 business days prior to the pre-*occupancy* coordinated site review coordinated by the *coordinating registered professional*, to deliver to the *building official* all documentation in a hardcopy and/or in digital format.

### **Stop Work Order**

- 10.33 The *building official* may direct the immediate suspension or correction of all or a portion of the *construction* on a *building or structure* by attaching a stop work order notice 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*.
- 10.34 The *coordinating registered professional* may request, in writing, that the *building official* order the immediate suspension or correction of all or a portion of the *construction* on a *building or structure* by attaching a stop work order notice on the premises. The *building official* must

consider such a request and, if not acted upon, must respond, in writing, to the *coordinating registered professional* and give reasons.

- 10.35 If a *registered professional's* services are terminated, the *owner* must immediately stop any work that is subject to his or her design or *field review* and the *building official* is deemed to have issued a stop work order under section 10.33.
- 10.36 The *owner* must immediately, after the posting of a notice under section 10.33, 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.
- 10.37 Subject to section 10.33, no work other than the required remedial measures may be carried out on the parcel affected by the notice referred to in section 10.33 until the stop work order notice has been removed by the *building official*.
- 10.38 The notice referred to in section 10.33 must remain posted on the premises until that which is contrary to the enactments has been remedied.

#### **Do Not Occupy Notice**

- 10.39 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 on the affected part of the *building* or *structure*.
- 10.40 If a notice is posted under section 10.39, 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**

- 10.41 In addition to the fees required under other provisions of this bylaw, the *owner* must pay the non-refundable fee set out in the *Fees and Charges Bylaw* 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*, or if an 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**

- 10.42 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

- 10.43 A *building official* may extend the period set out under section 10.42 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 it, 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 the *Fees and Charges Bylaw* has been paid.

### Building Permit Revocation

- 10.44 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 registered mail to, or personal service on, the *permit* holder.

### Building Permit Cancellation

- 10.45 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 *building official*.
- 10.46 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".
- 10.47 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 *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".
- 10.48 If a *building permit* application or *permit* is cancelled, and *construction* has not commenced under the *permit*, the *building official* may return to the *owner* any fees deposited under the *Fees and Charges Bylaw*, less
- (a) any non-refundable portion of the fee; and
  - (b) 15% of the refundable portion of the fee.

### Occupancy

- 10.49 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*.

- 10.50 A final inspection notice will not be issued until
- (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 this bylaw have both 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 digital format as required by the City;
  - (d) the *owner* has provided to the City, if required, 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.
- 10.51 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.
- 10.52 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*, *GHG* emissions and conservation; and
  - (b) the requirements set out in section 10.50 have been met with respect to it.
- 10.53 A final inspection notice may not be issued unless
- (a) all *letters of assurance* and the Confirmation of required documentation 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 10.25 through 10.32 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 have been substantially completed and required documentation provided.
- 10.54 Where a person occupies a *building* or *structure* or part of a *building* or *structure* in contravention of 10.49, a *building official* may post a Do Not Occupy notice in a form prescribed from time to time by the municipality.
- 10.55 The *owner* of a property on which a Do Not Occupy notice has been posted, and every person, shall 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*.

## Temporary Buildings

- 10.56 Subject to the bylaws of the City and orders of Council, the *building official* may issue a *building permit* for the erection or placement of a *temporary building or structure for occupancy* if
- (a) the *permit* is for a period not exceeding one year; and
  - (b) the *building or structure* is located in compliance with the City's zoning bylaw, built in compliance with the *Building Code* and this bylaw, and connected, as required by enactments, to City utility services.
- 10.57 An 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 signed by the *owner*, or an *agent*, and must include
- (a) plans and supporting documents showing the location and *building height* of the *building or structure* on the parcel;
  - (b) plans and supporting documents showing *construction* details of the *building or structure*;
  - (c) a statement by the *owner* indicating the intended use and duration of the use;
  - (d) plans and supporting documents showing the proposed parking and loading space;
  - (e) a written description of the *project* explaining why the *building* is temporary;
  - (f) a copy of an issued development *permit*, if required;
  - (g) in the case of a manufactured *building*, a CSA label in respect of manufacture and, without limitation, a Quonset or other steel *building* must be certified in accordance with CSA Standard A660;
  - (h) a report or drawing by an engineer, architect or designer confirming compliance with the *Building Code*, this bylaw, the *City's Zoning Bylaw* and other applicable bylaws;
  - (i) security in the form of cash or an irrevocable letter of credit for 10% of the value of the *temporary building*, which security
    - (i) may be used by the City to remove the *building* after one year of the date of the final inspection required under this bylaw; or
    - (ii) must be returned to the *owner* if the *owner* removes the *temporary building* within one year of the date of the final inspection of the *temporary building* required under this bylaw; and
  - (j) in the case of a *temporary building*, information to comply with article 1.1.1.1(2)(f), Division A of the *Building Code*.
- 10.58 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 the current *Fees and Charges Bylaw*.
- 10.59 A *permit* fee for a *temporary building or structure* is not refundable.

## 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 *Building 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.

#### **PART 11: RETAINING WALLS AND GRADES**

- 11.1 No person may construct, or structurally repair, a *retaining wall* without a *building permit*.
- 11.2 Except as certified by a professional engineer with expertise in geotechnical engineering, pursuant to the *Engineers and Geoscientists Act*, RSBC 1996, c. 116, 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.
- 11.3 Without limiting section 11.2, no person may occupy a *building* placed permanently for intended use unless the finished *grade* complies with all applicable enactments.

#### **PART 12: BUILDING MOVE**

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

#### **PART 13: NUMBERING OF BUILDINGS**

- 13.1 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.
- 13.2 Despite section 13.1, an authorized employee of the City may renumber or alter the assigned numbers in respect of any *building* on any parcel, including those already in existence or numbered.
- 13.3 Without limiting sections 13.1 or 13.2, 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.
- 13.4 Without limiting sections 13.1 through 13.3, prior to the issuance of a final inspection notice, the

*owner* or occupier of the *parcel* must affix the numbers permanently in a conspicuous place on the *building* such that the number is visible from an adjacent highway that is not a lane.

#### **PART 14: ACCESS ROUTE FOR FIRE VEHICLE**

- 14.1 Prior to the issuance of a *building permit* for a simple *building* of multi-family or commercial occupancy 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 satisfies the following:
- (a) the width of an access route must be not less than 6 metres;
  - (b) the centerline radius of an access route must be 12 metres;
  - (c) the overhead clearance of an access route must be 5 metres;
  - (d) the gradient of the access route must not change more than 1:12.5 over a minimum of 15 metres;
  - (e) the access route must comply with the bearing load and surface material standards of the City's *Subdivision and Development Servicing Bylaw, No. 1187 (1987)*, as amended or replaced from time to time; and
  - (f) the length above which a dead-end portion of an access route requires turnaround facilities is 90 metres.

#### **PART 15: OFFENCES**

##### **Violations**

- 15.1 Any person who causes or allows anything to be done in contravention or violation of this bylaw, or who neglects or fails to do anything required to be done pursuant to this bylaw, commits an offence against this bylaw and is liable upon summary conviction to pay a fine of not more than \$50,000, plus the costs of prosecution, and any other penalty or remedy available under the *Community Charter and Offence Act*.
- 15.2 Each day during which a violation, contravention or breach of this bylaw continues is deemed to be a separate offence.
- 15.3 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.
- 15.4 Every person who commences work requiring a *building permit* without first obtaining such a *permit* must, if a Stop Work notice is issued, pay an additional charge as outlined in the *Fees and Charges Bylaw*.

##### **Ticketing**

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

- 15.7 The words or expressions set forth in Column 1 of Appendix B are authorized pursuant to s. 264(1)(c) of the *Community Charter* to designate the offence committed under the bylaw section number appearing in Column 2 opposite the respective words or expressions.
- 15.8 The amounts appearing in Column 3 of Appendix B are the fines established pursuant to s. 265(1)(a) of the *Community Charter* for the corresponding offence designated in Column 1.

READ A FIRST TIME this 25<sup>th</sup> day of March, 2025

READ A SECOND TIME this 25<sup>th</sup> day of March, 2025

READ A THIRD TIME this 25<sup>th</sup> day of March, 2025

ADOPTED this 8<sup>th</sup> day of April, 2025

Original Signed by:

M. Goetz

L. Brick

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Michael Goetz  
Mayor

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Linda Brick  
Corporate Officer

**BYLAW 2382**

**Appendix A – Value of Work**

This Appendix applies to single family dwellings, row housing, semi-detached and duplex residences. The following values are to be used in calculating the *value of the work* as per s. 2.6 of this Bylaw:

(a)	With full basement or part basement including first floor	\$300 per sq. ft
(b)	First storey with no basement	\$250 per sq. ft
(c)	Each additional storey	\$150 per sq. ft
(d)	Attached garages	\$100 per sq. ft
(e)	Attached carports	\$60 per sq. ft
(f)	Buildings for ancillary use greater than 10m <sup>2</sup>	\$60 per sq. ft

## BYLAW 2382

## Appendix B – Offences

COLUMN 1	COLUMN 2	COLUMN 3
DESIGNATED EXPRESSION	SECTION	FINE
Interference with <i>building official's</i> right of entry	4.7, 7.4	\$250.00
Construction without <i>building permit</i>	4.1, 4.10	\$250.00
Demolition without <i>building permit</i>	4.1	\$250.00
Moving <i>building</i> without <i>building permit</i>	4.1	\$250.00
Failure to have <i>permit</i> and supporting documents on site	7.3	\$100.00
Unsafe site	10.21, 10.22, 10.36	\$100.00
Failure to post civic address	7.5, 13.1	\$100.00
Failure to comply with <i>permit</i> conditions	7.3	\$250.00
Failure to obtain final inspection notice	10.49	\$250.00
Unsafe condition	10.36	\$100.00
Failure to clear all debris and fill	7.9	\$100.00
Failure to obtain <i>building official's</i> written acceptance prior to concealing work	10.31	\$250.00
Failure to stop work after a registered professional's services are terminated	7.12	\$250.00
Violation of Stop Work Order	4.10	\$250.00
Violation of Do Not Occupy Notice	4.11	\$250.00