

CITY OF DUNCAN

BYLAW NO. 3254, 2026

**A BYLAW TO REGULATE THE CONSTRUCTION AND OCCUPANCY OF
BUILDINGS AND STRUCTURES**

The Council of the City of Duncan enacts as follows:

1. TITLE

1.1 This bylaw may be cited as “Building Bylaw No. 3254, 2026.”

2. REPEAL

2.1 “Building Bylaw No. 1848, 1998” and its amendments are repealed.

3. PURPOSE OF BYLAW

3.1 The purpose of this bylaw is to establish administrative, procedural, and enforcement regulations for *building permit* applications, construction, and occupancy in the City of Duncan under the *Community Charter*, *Building Act*, and *Building Code* for the health and safety of persons and property in the general public interest.

4. INTERPRETATION AND DEFINITIONS

4.1 A reference to a statute, regulation, or code refers to an enactment of British Columbia and a reference to any bylaw or other enactment is to that enactment as amended or replaced from time to time.

4.2 Where used in this bylaw, “City” refers to the office and the organization of the City of Duncan and, unless otherwise noted in this bylaw, does not specifically mean the Council of the City of Duncan.

4.3 Words and phrases used in this bylaw that are not defined in this bylaw have the same meaning and are to be interpreted consistently with the *Building Act*, *Building Code*, *Community Charter*, and *Interpretation Act*, and if not therein defined, are given the meanings commonly assigned 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.

4.4 Words defining the authority of a *building official* are to be construed as internal administrative powers and not as creating a duty.

4.5 In this bylaw,

- (a) “*addition*” means an extension or increase in the building area, building height, number of storeys, and also includes the reconstruction, replacement, or rebuilding of a portion of a building that is removed and rebuilt in the same or substantially the same location, whether or not there is a net increase in building area or floor area;
- (b) “*applicable enactments*” means the *Building Code*, this bylaw, any other bylaw (pertaining to unregulated matters within the Building Act) of the City, and any applicable statute or regulation of the Province of British Columbia or the Government of Canada;
- (c) “*applicant*” means an owner, or an agent authorized in writing by the owner who applies for or to whom a *building permit* is issued under this bylaw, and includes any contractor, subcontractor, construction manager, or other person who manages, undertakes, or carries out construction authorized by that *building permit*;
- (d) “*Building Code*” means the British Columbia Building Code established by the order of the designated provincial ministry pursuant to the *Building Act*;
- (e) “*building official*” means a qualified *building official* retained by the City under the *Building Act*;
- (f) “*building permit*” means a permit issued by a building official under this bylaw that authorizes a person to undertake construction, work, or activity;
- (g) “*letters of assurance*” means the letters of assurance required under Division C of the *Building Code*;
- (h) “*occupancy permit*” means a written authorization issued by a *building official* under this bylaw permitting the occupancy of a building or structure, or part thereof;
- (i) “*substantially commenced*” means that construction has progressed to the completion of the footings and foundations for the building or structure authorized by the *building permit*;
- (j) “*qualified professional*” means a person who, by reason of education, training, experience, and professional standing, is qualified and competent to provide the design, report, inspection, certification, or other service required, and who, where the service is governed by a professional regulatory body or association, is licensed, registered, or certified and in good standing with that body or association;

5. APPLICATION OF BYLAW

- 5.1 Unless exempted under this bylaw, a person must not undertake any construction, work, or activity that is subject to the application of the *Building Code* without first applying for and obtaining a *building permit* from the City.
- 5.2 A *building permit* is required prior to relocating any building to the City of Duncan from another jurisdiction when construction of the building would otherwise be subject to the application of the *Building Code*, and the relocated building must be brought into full compliance with the *Building Code* as if the building was constructed at the new site.
- 5.3 A *building permit* is required prior to relocating any building from one location in the City of Duncan to another when construction of the building would otherwise be subject to the application of the *Building Code* and the scope of the proposed relocation and associated requirements must include any work necessary to ensure safety in the relocated building during and after the relocation, including, but not limited to, siting, foundations, mountings, and other site preparations, access and egress, and connections to services.
- 5.4 If an alteration or *addition* is made to an existing building, and a *building permit* is required for the proposed work, the alteration or *addition* must comply with this bylaw and the *Building Code*, and the entire building must be made to comply, as per the provisions of the *Building Code* that address its application to existing buildings.

6. EXEMPTIONS

- 6.1 Unless otherwise specifically provided for in this bylaw, any construction, work, or activity that is not subject to the application of the *Building Code* is exempt from the requirement for a *building permit*.

7. PROHIBITIONS

- 7.1 A person must not do any of the following:
 - (a) commence or continue any construction, work, or activity that does not conform with the requirements of this bylaw, the *Building Code*, or a *building permit* issued by a *building official*;
 - (b) occupy or permit the occupancy of any building or structure, or part thereof, unless a valid *occupancy permit* or final inspection notice has been issued by a *building official* for the authorized work, nor contravene the terms of such *occupancy permit*;
 - (c) submit false or misleading information to the City, *building official*, or the City's agents in relation to any *building permit* application or construction, work, or activity undertaken pursuant to this bylaw;
 - (d) erase, alter, or modify plans and supporting documents that form part of the issued *building permit*;

- (e) reverse, alter, deface, cover, remove, or in any way tamper with any notice, *building permit*, or certificate posted or affixed to a building or structure pursuant to this bylaw;
- (f) undertake any construction, work, or activity that is at variance with the designs or plans accepted and approved by the City for a building, structure, or other works for which a *building permit* has been issued, unless that variance has been authorized in writing by a *building official*;
- (g) interfere with or obstruct the entry onto a property of a *building official* or other authorized official of the City in the administration and enforcement of this bylaw;
- (h) 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*, final inspection, and/or *occupancy permit* under this bylaw, or written confirmation from the *building official* that a *building permit* is not required;
- (i) build on a property unless the civic address is posted on the front of the premises or on a signpost so it may be easily read from the public highway from which it takes its address; nor
- (j) contravene an order, direction, notice, or other requirement of the City or *building official* made under this bylaw.

8. APPLICATION REQUIREMENTS

8.1 An application for a *building permit*, including an application for an amendment or extension to a *building permit*, must be made in a form approved by a *building official* and include all authorizations, fees, items, plans, and reports required by a *building official* to determine compliance with *applicable enactments*, including, but not limited to:

- (a) detailed and comprehensive building plans by *qualified professionals* and, where required by the *Building Code* or *Professional Governance Act*, must be prepared by an architect;
- (b) detailed and comprehensive excavation, geotechnical, electrical, mechanical, plumbing, civil, fire suppression, and structural plans prepared by *qualified professionals*;
- (c) detailed site and building survey plans prepared by British Columbia land surveyors;
- (d) detailed and comprehensive *Building Code* compliance summary reports prepared by *qualified professionals*;
- (e) detailed and comprehensive alternative solution reports prepared by *qualified professionals*;
- (f) detailed and comprehensive professional reports prepared by *qualified professionals*, including, but not limited to, energy modelling and compliance reports, environmental assessments, hazardous materials testing reports, servicing reports, and arborist reports;

- (g) geotechnical reports pursuant to the provisions of the *Community Charter* that specifically enable a *building official* to require geotechnical reports;
- (h) copies of approvals or clearances required under any enactment or by any agency;
- (i) complete *letters of assurance*;
- (j) independent or third-party reviews required by a *building official* or a professional association;
- (k) any item, report, drawing, confirmation, fee, or condition identified in a development permit issued by the City required prior to *building permit* application; and
- (l) current copies of title searches, states of title certificates, covenants, rights-of-way, easements, and any other charge or encumbrance registered on title, including all associated plans.

8.2 All application submission materials must be provided to the City in paper format and electronic PDF format, including two full-sized sets of drawings (36 inches by 48 inches), unless otherwise advised by a *building official* that smaller drawing sets or an electronic-only submission is permitted.

8.3 Each building or structure that is proposed to be constructed or altered, and each space in an existing building that is proposed to be improved for a specific tenancy, requires a separate *building permit* application.

9. APPLICATION EXPIRY

9.1 Unless extended in writing by a *building official*, a *building permit* application, for which the associated *building permit* has not been issued, expires 180 days from either of the following:

- (a) the date a *building official* requests revisions, clarification, new or amended information, reports, drawings, or other application materials, or identifies deficiencies, if the *applicant* has failed to fulfil the request to the satisfaction of a *building official*; or
- (b) the date a *building official* has advised the *applicant* that the *building permit* is ready for issuance, subject only to payment of applicable fees and securities, finalization of legal agreements, and completion of all other City requirements unrelated to *Building Code* compliance, if the *applicant* has failed to meet all specified conditions for issuance of the *building permit*.

10. BUILDING PERMIT EXPIRY

- 10.1 Unless extended in writing by the *building official*, an issued *building permit* expires, and the rights of the *applicant* under the *building permit* terminate, in any of the following circumstances:
- (a) the work authorized by the *building permit* is not *substantially commenced* within 180 days from the date of issuance of the *building permit*;
 - (b) the work is discontinued for a period of 180 days; or
 - (c) the work is not completed and an *occupancy permit* or final inspection notice obtained within two years of the date of issuance of the *building permit*.
- 10.2 A *building official* may extend the *building permit* expiry date once, for up to one year, if construction has not been *substantially commenced*, has been discontinued, or has been delayed due to adverse weather, strikes, material or labour shortages, other similar hardship beyond the *applicant's* control, or if the size and complexity of the construction warrants, provided that the applicable *building permit* extension fees have been paid and if the application for extension is received at least 30 days prior to the *building permit* expiry.

11. BUILDING PERMIT REVOCATION OR CANCELLATION

- 11.1 A *building official* may revoke a *building permit* if there is a violation of a *building permit* condition or an *applicable enactment*.
- 11.2 A *building permit* or a *building permit* application may be cancelled by the *applicant* on delivery of written notification of the cancellation to a *building official*.
- 11.3 If the *applicant* submits proposed changes to an application after a *building permit* has been issued, and the changes, in the opinion of a *building official*, substantially alter the scope of the work, design, or intent of the application for which the *building permit* was issued, a *building official* may revoke or amend the *building permit*.

12. PARTIAL CONSTRUCTION

- 12.1 If a site has been excavated under a *building permit*, and the *building permit* has subsequently expired, been revoked or cancelled, or construction of the building or structure has not *substantially commenced* within 180 days of the issuance of the *building permit*, the *applicant* must fill in the excavation to restore the original grades of the site within 60 days of being served notice by the City to do so.
- 12.2 If a *building permit* expires, is revoked, or cancelled, and partial construction has already commenced, safety fencing must be erected around the building site for protection of the

public, and any materials and equipment related to the work removed or arranged so as to avoid unsightliness and nuisance.

13. DEMOLITION

13.1 The *applicant* must complete the following prior to issuance of a *building permit* for demolition:

- (a) provide a plan, drawings, reports, and other information to confirm that the requirements of the *Building Code* and British Columbia Fire Code addressing safety and fire protection measures at construction and demolition sites are being met;
- (b) submit a hazardous materials report from a *qualified professional*, complete all hazardous materials removals from the building or structure, and provide a hazardous materials clearance letter from a *qualified professional*;
- (c) if applicable, apply for and receive approval from the City to work on City-owned land, and comply with all conditions in the permit;
- (d) if applicable, apply for and receive a utility disconnection application from the City, including payment of any required fees and securities; and
- (e) submit a tree protection plan to identify how the requirements of the City's Tree Protection Bylaw will be met.

13.2 The *applicant* must complete the following within 90 days of demolition completion prior to the *building official* issuing a final inspection notice:

- (a) disconnect services to the satisfaction of the City; and
- (b) leave the site in a safe, clean, and level condition, with all debris, foundations, and hazardous materials removed.

14. INSPECTIONS

14.1 The *applicant* must obtain an inspection and receive a *building official's* written acceptance of the following applicable aspects of the work prior to concealing them in any way and proceeding with further work:

- (a) **Pre-Demolition:** before demolishing an existing building or structure;
- (b) **Post-Demolition:** after demolishing an existing building or structure, site grading, and removal of debris from the site;
- (c) **Forms:** after installing and placing forms for footings and foundations, but before pouring concrete;
- (d) **Drainage:** after removing forms and installing perimeter drain tile, damp-proofing, and roof drainage system, but before backfilling;

- (e) **Services:** after installing onsite building services;
- (f) **Ground Preparation:** after preparing the ground, including ground cover when required, below slab insulation, and perimeter insulation on inside of concrete foundation walls, but before backfilling;
- (g) **Under-Slab Plumbing:** after installing plumbing located below the finished slab level, but before pouring the concrete slab;
- (h) **Building Plumbing:** after installing rough-in plumbing;
- (i) **Solid Fuel Burning Appliances:** after rough-in of new factory-built chimneys and fireplaces and solid fuel burning appliances for new construction;
- (j) **Framing:** after framing, sheathing, fire stopping (including drywall in fire separations), bracing, chimney and ductwork, exterior doors and windows, but before the installation of insulation, interior finishes, sheathing paper, or exterior finishes;
- (k) **Insulation and Vapour Barrier:** after installing insulation and vapour barrier;
- (l) **Tubs and Showers:** after installing on-site constructed tubs or showers and tub or shower trap tests; and
- (m) **Final Inspection:** when the requirements related to health and safety, accessibility, the Energy Step Code, Zero Carbon Step Code, and the building or structure are substantially complete and ready for occupancy, but prior to occupancy.

14.2 The *applicant* must, prior to placing or pouring any concrete for footings or foundations that come within 0.5 meter of any required setback, rights-of-way, easements, or statutory rights-of-way, submit to the *building official* a survey prepared by a British Columbia land surveyor certifying that the location of the footings and foundations, including all setbacks from parcel lines, rights-of-way, easements, and statutory rights-of-way, conform to the approved plans and *applicable enactments*, and concrete shall not be poured until the required survey has been accepted by the *building official*.

14.3 The *applicant* must provide at least 48 hours' notice to the City and a *building official* when requesting an inspection.

14.4 A *building official* will only carry out an inspection if the *applicant* has requested the inspection in accordance with this bylaw and, despite the minimum amount of notice required to be provided to a *building official* by the *applicant*, a *building official* is under no obligation to perform the inspection at the date and time requested by the *applicant*.

14.5 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 as assurance that the construction conforms to the design, plans, and specifications, and that the construction complies with *applicable enactments*.

14.6 Despite the required inspections or the provision of *letters of assurance* and field reviews completed by a registered professional, a *building official* may attend the site and building or structure from time to time during the course of construction to:

- (a) ascertain whether the work is being carried out in substantial conformance with the *building permit* and *applicable enactments*; and
- (b) monitor and ascertain whether the field reviews to be undertaken by the registered professionals are taking place.

15. OCCUPANCY PERMITS

15.1 An *occupancy permit* will not be issued by a *building official* until the following are completed to the satisfaction of a *building official*:

- (a) all aspects of the work requiring inspection and acceptance pursuant to this bylaw, including a final inspection, have been inspected and accepted by a *building official*;
- (b) all conditions of occupancy identified on the *building permit* have been completed;
- (c) all required *letters of assurance* have been completed and submitted in the correct format;
- (d) all post-construction compliance reports confirming compliance with the BC Energy Step Code and BC Zero Carbon Step Code, pursuant to the requirements of this bylaw and the *Building Code*, have been provided;
- (e) all agreements, instruments, forms, and other documents required by the City have been completed, executed, and registered, as required; and
- (f) the *applicant* has delivered to the City a survey prepared by a British Columbia land surveyor, as required, showing the height of the building or structure relative to existing and finished grade and the location of the building or structure relative to property lines.

16. BUILDING OFFICIALS

16.1 A *building official* may:

- (a) issue a *building permit*, provided that all requirements of *applicable enactments* have been met;
- (b) refuse to issue a *building permit* if, in their opinion, the proposed work will contravene the requirements of an *applicable enactment*;
- (c) require a damage deposit to be paid to the City in respect of potential damage to public land or property;
- (d) require the *applicant* to retain a registered professional to provide a professional design, plan certification and *letters of assurance* if a *building official* determines that

it is warranted based on site conditions, project size or complexity, or in the interests of the safety of persons or protection of property under the *Building Code*;

- (e) require a registered professional carrying out professional design and field reviews to provide evidence of experience and expertise in respect of the context and scope of the design and field reviews;
- (f) require, at the sole cost of the *applicant*, an independent or third-party review of any drawing, report, or other item submitted with a *building permit* application;
- (g) establish, or require the *applicant* 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 an *applicable enactment*;
- (h) 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 *applicant*, at the *applicant's* sole expense, where such evidence or proof is necessary to determine whether the material, equipment, device, construction, or foundation condition complies with an *applicable enactment*;
- (i) revoke a *building permit* or *occupancy permit* if, in their opinion, the results of tests on materials, devices, construction methods, structural assemblies, or foundation conditions contravene an *applicable enactment*;
- (j) enter onto a property at any time to ascertain whether the requirements a *building permit* or an *applicable enactment* are being met;
- (k) enter on property to affix or post a stop work order or "do not occupy" notice in the form prescribed by a *building official* if work is proceeding or a building is occupied in contravention of a *building permit* or an *applicable enactment*, or if a *building official* considers a condition to be unsafe, with the posted order or notice to remain in place until the works have been authorized by the *building official*,

and otherwise administer this bylaw but owes no public duty to enforce or administer this bylaw.

16.2 A *building official* may require any of the following:

- (a) a person who contravenes any provision of this bylaw to comply with that provision within the time ordered;
- (b) the *applicant* to remove or prevent any unauthorized encroachment on public land, a statutory right-of-way, easement or covenant area, or a setback required under an *applicable enactment*;
- (c) the *applicant* to remove any building or structure, or any part of a building or structure, constructed in contravention of a *building permit* or *applicable enactment*;
- (d) the *applicant* to have work inspected by a *building official* prior to covering;

- (e) the *applicant* to uncover any work that has been covered or concealed without inspection contrary to this bylaw or an order issued by a *building official*;
- (f) a person to cease any occupancy in contravention of a *building permit* or *applicable enactment*;
- (g) the applicant to correct any unsafe condition; or
- (h) the applicant to correct any work that contravenes a *building permit* or an *applicable enactment*.

16.3 Every person served with written notice under this bylaw must comply with that notice within the time ordered, or if no time is ordered, immediately.

16.4 The review of plans and supporting documents and issuance of a *building permit* do not prevent a *building official* from subsequently requiring the correction of errors in the plans and supporting documents, or from prohibiting building construction or occupancy being carried out when in violation of an *applicable enactment*.

17. APPLICANT'S RESPONSIBILITIES

17.1 Every *applicant* must:

- (a) comply with the conditions in the issued *building permit* and all requirements of *applicable enactments*;
- (b) in the event that a *building official* issues a stop work order or "do not occupy" notice, immediately secure the construction and the lands and premises surrounding the construction in compliance with the safety requirements of *applicable enactments*, and must not carry out further work, other than remedial measures required by a *building official*, or occupy or permit the occupancy of a building on the parcel affected by the order or notice until the order or notice has been removed by a *building official*.
- (c) ensure that all permits, plans and specifications, and supporting documents on which a *building permit* was based, City inspection certificates, and professional field reviews are available at the site of the work for inspection by a *building official* during working hours, and that all permits are posted conspicuously on the site during the entire execution of the work;
- (d) carry out construction or have the construction carried out in accordance with the conditions in the issued *building permit* and all requirements of *applicable enactments*;
- (e) allow a *building official* to enter any property, building, or premises to administer and enforce this bylaw;
- (f) give written notice to a *building official* of any change in or termination of engagement of a registered professional, including a coordinating registered

professional, during construction, within 24 hours of when the change or termination occurs;

- (g) if the *applicant* or a registered professional terminates the engagement of a registered professional, including a coordinating registered professional, cease all work under a *building permit* until the *applicant* has engaged a new registered professional, including a coordinating registered professional, and has delivered to a *building official* new *letters of assurance*;
- (h) give at least 48 hours' written notice to a *building official* of intent to do work that is required or ordered to be corrected during construction, to cover work that is required under this bylaw to be, or has been ordered to be, inspected prior to covering, and when work has been completed so that a final inspection can be made;
- (i) give notice in writing to a *building official* immediately upon any change in ownership or change in the address of the *applicant* which occurs prior to the issuance of an *occupancy permit*;
- (j) give such other notice to a *building official* as may be required by a *building official* or by a provision of this bylaw; and
- (k) post the *building permit* on the property so that it may be easily read from the public highway from which the property takes its address.

17.2 The issuance of a *building permit* under this bylaw, the review of plans and supporting documents, or inspections made by a *building official*, registered professional, or coordinating registered professional, will not relieve the *applicant* from full and sole responsibility to perform the work in strict accordance *applicable enactments*.

17.3 Every *applicant* to whom a *building permit* is issued is responsible for the cost to repair any damage to public lands or works that occurs during and arises directly or indirectly from the work authorized by the *building permit*.

18. BC ENERGY STEP CODE

18.1 The City of Duncan adopts the following minimum steps of the BC Energy Step Code:

- (a) Step 3 for buildings and structures regulated under Part 3 of the *Building Code*; and
- (b) Step 4 for buildings and structures regulated under Part 9 of the *Building Code*.

18.2 Buildings and structures must be designed and constructed to meet the minimum performance requirements specified for their respective Step Codes as adopted by this bylaw, unless the *Building Code* requires construction to meet a higher step of the BC Energy Step Code than is identified in this bylaw, in which case the higher Step Code applies.

19. BC ZERO CARBON STEP CODE

19.1 The City of Duncan adopts Level 4 of the BC Zero Carbon Step Code.

19.2 Buildings must be designed and constructed to meet the minimum performance requirements specified for the Zero Carbon Step Code as adopted by this bylaw.

20. ENCROACHING BUILDINGS AND PARCEL CONSOLIDATION

20.1 Where a *building permit* application is submitted for a parcel on which an existing building or structure straddles more than one conventional parcel or bare land strata parcel, the subject parcels must be consolidated, or the parcel line must be adjusted through a subdivision application to the City's Approving Officer, or an easement must be registered for the portion of the structure that is encroaching, prior to issuance of the *building permit*.

20.2 The requirement to consolidate parcels or adjust parcel lines does not apply to tenant improvements that are wholly contained within a single parcel or where the property owner does not own both parcels.

21. ENFORCEMENT AND PENALTIES

21.1 Every person who violates a provision of this bylaw, or who allows, suffers, or permits an act or thing to be done in violation of a provision of this bylaw, or who neglects to or refrains from doing anything required to be done by a provision of this bylaw, commits an offence and is liable upon summary conviction to a fine of not more than \$50,000, plus the cost of prosecution, and any other penalty or remedy available under the *Community Charter* and the *Offence Act*.

21.2 Where the offence is a continuing one, each day the offence continues shall be a separate offence.

21.3 The enforcement and penalty provisions of this bylaw shall not prevent the City, or an authorized person on behalf of the City, from issuing and enforcing a ticket under the City's Municipal Ticket Information Bylaw or a bylaw notice under the City's Bylaw Offence Notice Enforcement Bylaw.

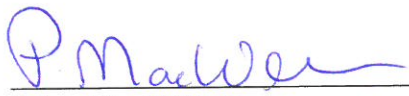
PASSED FIRST READING 13-APRIL-2026.

PASSED SECOND READING 13-APRIL-2026.

PASSED THIRD READING 13-APRIL-2026.

ADOPTED 27-APRIL-2026.


Michelle Staples,
Mayor


Paige MacWilliam,
Director of Corporate Services