



DISTRICT OF HOUSTON
BYLAW NO. 906, 2005

A BYLAW OF THE DISTRICT OF HOUSTON FOR THE ADMINISTRATION
OF THE REGULATIONS OF THE BRITISH COLUMBIA BUILDING CODE
AND THE BRITISH COLUMBIA PLUMBING CODE.

WHEREAS the Council of the District of Houston is empowered by the Community Charter, to prescribe conditions generally governing the issue and validity of permits and the inspection of works, buildings and structures, and to regulate the construction, repair, alteration, demolition and moving of buildings and structures, in addition to other powers set out in that section;

NOW, THEREFORE the Municipal Council of the District of Houston, in open meeting assembled, **HEREBY ENACTS** the following:

DEFINITIONS

1.0 In this Bylaw:

The following words and terms have the meanings set out in Section 1.1.3.2 of the British Columbia Building Code 1998: **assembly occupancy, building, building area, building height, business and personal services occupancy, care or detention occupancy, constructor, coordinating registered professional, designer, field review, high hazard industrial occupancy, industrial occupancy, low hazard industrial occupancy, major occupancy, mercantile occupancy, medium hazard industrial occupancy, occupancy, owner, registered professional, and residential occupancy.**

1.2 **Building Code** means the British Columbia Building Code 1998 adopted by the Minister pursuant to Community Charter, as amended or re-enacted from time to time.

1.3 **Building Official** includes Building Inspectors, Plan Checkers and Plumbing Inspectors employed, appointed or contracted by the District of Houston in these capacities.

1.4 **District** means the Corporation of the District of Houston as a corporate body or the geographical area within its boundaries, as the context requires.

1.5 **Complex Building** means:

- a) all **buildings** used for **major occupancies** classified as:
 - i) **assembly occupancies,**
 - ii) **care or detention occupancies,**
 - iii) **high hazard industrial occupancies, and**
- b) all **buildings** exceeding 600 square meters in **building area** or exceeding three storeys in **building height** used for **major occupancies** classified as:
 - i) **residential occupancies,**
 - ii) **business and personal services occupancies,**
 - iii) **mercantile occupancies,**
 - iv) **medium and low hazard industrial occupancies.**

- 1.6 **Health and safety aspects of the work** means design and construction regulated by Part 1, Part 2, Part 3, Part 4, Part 6, Part 7, and Sections 9.4, 9.7, 9.8, 9.9, 9.10, 9.13, 9.14, 9.15, 9.17, 9.18, 9.19, 9.20, 9.21, 9.22, 9.23, 9.24, 9.25, 9.31, 9.32, 9.34, 9.35, and 9.36 of Part 9 of the **Building Code**.
- 1.7 **Permit** means a permit required by or issued under this Bylaw.
- 1.8 **Standard building** means a **building** of three storeys or less in **building height**, having a **building area** not exceeding 600 square metres and used for **major occupancies** classified as:
- a) **residential occupancies,**
 - b) **business and personal services occupancies,**
 - c) **mercantile occupancies, or**
 - d) **medium and low hazard industrial occupancies.**
- 1.9 **Stop Work Notice** means a Notice in writing requiring the immediate suspension of all construction, alteration, reconstruction or other work in respect of all or part of the building or structure to which the said Notice is attached.
- 1.10 **Structure** means a construction or portion thereof of any kind, whether fixed to, supported by or sunk into land or water, but specifically excludes landscaping, fences, paving and retaining structures not supporting an occupancy.
- 1.11 **Survey certificate** means a survey plan prepared by a B.C. Land Surveyor indicating the location of the foundations of **buildings** and **structures** in relation to the property lines.
- 1.12 **Value** means the fair market **value** of all material and labour costs from grubbing and site preparation stage up to and including landscaping and construction completion stage. **Value** does not include material costs only of processing machinery but includes their structural mountings and supports as well as all crane ways and hoists.

PURPOSE OF BYLAW

- 2.0 Despite any other provision herein, this Bylaw shall be interpreted in accordance with this section.
- 2.1 This Bylaw has been enacted for the purpose of regulating construction within the District of Houston in the general public interest. The activities undertaken by or on behalf of the District of Houston pursuant to this Bylaw are for the sole purpose of providing a limited and interim spot-checking function for reason of health, safety and the protection of persons and property. It is not contemplated nor intended, nor does the purpose of this Bylaw extend:
- a) to the protection of **owners, owner/builders or constructors** from economic loss;
 - b) to the assumption by the District of Houston or any **Building Official** of any responsibility for ensuring the compliance by any **owner**, his or her representatives or any employees, **constructors** or **designers** retained by him or her, with the **Building Code**, the requirements of this Bylaw or other applicable enactments respecting safety;

- c) to providing any person a warranty of design or workmanship with respect to any **building** or **structure** for which a building permit or occupancy permit is issued under this Bylaw;
- d) to providing a warranty or assurance that construction undertaken pursuant to building permits issued by the District of Houston is free from latent, or any defects;
- e) to providing to any person a warranty that construction is in compliance with the **Building Code**, this bylaw or any other enactment with respect to a **building** or **structure** for which a **building** permit or occupancy permit is issued under this bylaw.

PERMIT CONDITIONS

- 3.0 A permit is required whenever work regulated under this Bylaw is to be undertaken.
- 3.1 Neither the issuance of a permit under this Bylaw nor the acceptance or review of plans, drawings or supporting documents, nor any inspections made by or on behalf of the District of Houston shall in any way relieve the **owner** or his or her representatives from full and sole responsibility to perform the work in strict accordance with this Bylaw, the **Building Code** and or other applicable enactments respecting safety.
- 3.2 It shall be the full and sole responsibility of the **owner** (and where the **owner** is acting through a representative, the representative) to carry out the work in respect of which the permit was issued in compliance with the **Building Code** and this Bylaw or other applicable enactments respecting safety.
- 3.3 Neither the issuance of a permit under this Bylaw nor the acceptance or review of plans, drawings or specifications or supporting documents, nor any inspections made by or on behalf of the District of Houston constitute in any way a representation, warranty, assurance or statement that the **Building Code**, this Bylaw or other applicable enactments respecting safety have been complied with.
- 3.4 No person shall rely upon any permit as establishing compliance with this Bylaw or assume or conclude that this Bylaw has been administered or enforced according to its terms. The person to whom the building permit is issued and his or her representatives are responsible for making such determination.
- 3.5 Any **owner** of property for which a Permit is issued shall be responsible for the cost of repair of any damage to municipal works or property that occurs as a result of work performed under the Permit.
- 3.6 Any **owner** of property for which a Permit is issued shall conform to all requirements of this bylaw and all other statutes and Bylaws in force in the District of Houston.

SCOPE AND EXEMPTIONS

- 4.0 This Bylaw applies to the design, construction and **occupancy** of new **buildings** and **structures**, and the alteration, reconstruction, demolition, removal, relocation, **occupancy** and change of **occupancy** of existing **buildings** and **structures**.

- 4.1 This Bylaw does not apply to **buildings** or **structures** exempted by Part 1 of the **Building Code** except as expressly provided herein, nor to retaining **structures** that are part of a building or structure that does not support an occupancy, nor to minor repairs or alterations which do not alter or affect a structural component of the **building** or **structure**.

PROHIBITIONS

- 5.0 No person shall commence or continue any construction, alteration, reconstruction, demolition, removal, relocation or change the **occupancy** of any **building** or **structure**, including excavation or other work related to construction unless a **Building Official** has issued a valid and subsisting permit for the work.
- 5.1 No person shall occupy or use any **building** or **structure** unless a valid and subsisting occupancy permit has been issued by a **Building Official** for the **building** or **structure**, or contrary to the terms of any permit issued or any notice given by a **Building Official**.
- 5.2 No person shall knowingly submit false or misleading information to a **Building Official** in relation to any permit application or construction undertaken pursuant to this Bylaw.
- 5.3 No person shall, 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 upon or affixed to a **building** or **structure** pursuant to this Bylaw.
- 5.4 No person shall do any work that is substantially at variance with the accepted design or plans of a **building**, **structure** or other works for which a permit has been issued, unless that variance has been accepted in writing by a **Building Official**.
- 5.5 No person shall obstruct the entry of a **Building Official** or other authorized official of the District of Houston on property in the administration of this Bylaw.
- 5.6 No person shall connect rainwater leaders, drains or surface runoff to a building sewer or building drain leading to the sanitary drainage system.

BUILDING OFFICIALS

- 6.0 A **Building Official** may
- a) administer this Bylaw;
 - b) keep records of permit applications, permits, notices and orders issued, inspections and tests made, and shall retain copies of all documents related to the administration of this Bylaw or microfilm copies of such documents;
 - c) establish, if requested to do so, whether the methods or types of construction and types of materials used in the construction of a **building** or **structure** for which a permit is sought under this Bylaw substantially conform to the requirements of the **Building Code**.

6.1 A Building Official

- a) may enter any land, **building, structure**, or premises at any reasonable time for the purpose of ascertaining that the terms of this Bylaw are being observed;
- b) where any residence is occupied, shall obtain the consent of the occupant or provide written notice to the occupant 24 hours in advance of entry;
- c) shall carry proper credentials confirming his or her status as a **Building Official**.

6.2 A **Building Official** may order the correction of any work that is being or has been done in contravention of this Bylaw.

APPLICATIONS

7.0 Unless exempted under Section 4.1 of this bylaw, a person shall apply for and obtain a valid permit from the District under the following circumstances and comply with the following requirements and conditions, where applicable:

- a) before constructing, repairing or altering a **building or structure**;
- b) for the development or redevelopment of Parking Facilities;
- c) for the installation of a permanent swimming pool;
- d) for any work for which a building permit was issued where that permit has subsequently lapsed.

7.1 Prior to commencing any plumbing work; a person must obtain a Plumbing Permit and:

- a) (if not already done) arrange for connection to District water, sanitary sewer and storm sewer services, where services are available;
- b) arrange the plumbing to suit the location of the connection provided for the lot by the District; and
- c) where District sanitary sewer connection is not available to the property, install a sewage disposal system acceptable to the Health Act Regulations.

7.2 An **owner** must deliver to the **Building Official** records of the results of any tests of material, if the tests are made to ensure conformity with the requirements of the **Building Code** or of this Bylaw.

7.3 Prior to moving a **building or structure** into, out of or within the District, a person must obtain a Moving Permit from the **Building Official**, according to the following procedures, conditions and requirements:

- a) the **owner** or the owner's duly authorized agent must sign the application form provided by the **Building Official**;

- b) The **owner** or the owner's duly authorized agent is responsible for
 - i) complying with the requirements of this Bylaw regulating building, plumbing and demolition of works and services;
 - ii) complying with the requirements of any other Bylaw of the District;
 - iii) complying with the requirements of all other regulating bodies; and
 - iv) ensuring the building or structure is certified structurally sound, for moving purposes, by a practising engineer registered in the Province of British Columbia.

7.4 An **owner**, before demolishing a **building** or **structure** including underground piping, foundations and tanks, whether it is to be done on the applicant's own initiative, required by Bylaw or required by regulation, must obtain a demolition permit, and the **owner** or the owner's duly authorized agent and the owner's Contractor shall abide by the following requirements:

- a) arrange for the District to disconnect and cap water and sewer service lines to the property, prior to demolition;
- b) arrange disconnection of all power, telephone and gas lines, prior to demolition;
- c) obtain from the District any additional permits required for street closures, and notify all regulating bodies, prior to demolition;
- d) protect, as per Building Code Requirements (Part 8 "Safety Measures at Construction and Demolition Sites") all public sidewalks, thoroughfares and streets, prior to demolition;
- e) remove all demolition materials and foundations from the site, fill and level all excavations, and leave the site in a tidy manner;
- f) damages to utilities, adjoining properties and all liabilities during demolition are the responsibility of the **Owner** (or his duly authorized agent) and the Contractor;
- g) ensure compliance with Heritage Bylaw(s), where applicable; and
- h) complete all the above items fully within Ninety (90) Days of the date of issuance of the Demolition Permit.

7.5 An application for a permit under this Bylaw must be made in the form provided by the District.

7.6 Each **building** or **structure** to be constructed on a site requires a separate building permit and shall be assessed a separate building permit fee based on the **value** of that **building** or **structure**.

APPLICATIONS FOR COMPLEX BUILDINGS

8.0 An application for a building permit with respect to a **complex building** shall:

- a) be submitted to the **Building Official** in the form provided by the District and signed by the **owner**, or a signing officer if the **owner** is a corporation, and the **coordinating registered professional**;
- b) be accompanied by the **owner's** acknowledgment of responsibility and undertakings made in the form provided by the District, signed by the **owner**, or a signing officer if the **owner** is a corporation;
- c) be accompanied by a site plan prepared by a British Columbia Land Surveyor, or 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 all statutory rights of way, easements and setback requirements;
 - iv) the location and dimensions of all existing and proposed **buildings or structures** on the parcel;
 - v) setbacks to the natural boundary of any lake, swamp, pond or watercourse where the District of Houston's land use regulations establish siting requirements related to flooding;
 - vi) the existing and finished ground levels to an established datum at or adjacent to the site and the geodetic elevation of the underside of the floor system of a **building or structure** where the District of Houston's land use regulations establish siting requirements related to minimum floor elevation;
 - vii) the location, dimension and gradient of parking and driveway access.

8.1 The **Owner** must:

- a) submit a survey certificate for all buildings or structures erected within the District immediately upon completion of the foundation wall of the building or structure, when required by the **Building Official**.
- b) ensure there is sufficient information on building plans to determine compliance with this Bylaw such as:
 - i) floor plans showing the dimensions and uses of all areas;
 - ii) the dimensions and height of crawl and roof spaces;
 - iii) the location, size and swing of doors;
 - iv) the location, size and opening of windows;

- v) floor, wall, and ceiling finishes;
 - vi) plumbing fixtures;
 - vii) structural elements;
 - viii) and stair dimensions;
 - ix) a cross section through the **building** or **structure** illustrating foundations, drainage, ceiling heights and construction systems;
 - x) elevations of all sides of the **building** or **structure** showing finish, roof slopes, windows, doors, finished grade and required details;
 - xi) cross-sectional details drawn at an appropriate scale and at sufficient locations to illustrate that the **building** or **structure** substantially conforms to the **Building Code**; and
 - xii) mechanical information.
- c) submit copies of approvals, including, without limitation, sewage disposal permits, highway access permits and Ministry of Health approval.
 - d) submit a letter of assurance in the form of the Schedule A contained in Part 2, and referred to in Section 2.6 of Part 2 of the **Building Code**, signed by the **owner**, or a signing officer of the **owner** if the **owner** is a corporation, and the **coordinating registered professional**.
 - e) submit letters of assurance in the form of the **Schedules B-1 and B-2** contained in Part 2, and referred to in Section 2.6 of Part 2 of the **Building Code**, each signed by such **registered professionals** as the **Building Official** or **Building Code** may be required to prepare the **design** for and conduct **field reviews** of the construction of the **building** or **structure**.
 - f) submit two sets of drawings at a suitable scale of the design prepared by each **registered professional** and including the information set out in Sections 8.1(b) of this Bylaw.
- 8.2 The **Building Official** may waive the requirements for a site plan in whole or in part, where the permit is sought for the repair or alteration of an existing **building** or **structure**.
- 8.3 In addition to the requirements of Sections 8.0 and 8.2 of this Bylaw, the following may be required by a **Building Official** to be submitted with a building permit application for the construction of a **complex building** where 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 District of Houston's subdivision and development Bylaw;
 - b) a section through the site showing grades, **buildings**, **structures**, parking areas and driveways;

- 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**.

APPLICATIONS FOR STANDARD BUILDINGS

9.0 An application for a building permit with respect to a **standard building** shall:

- a) be made in the form provided by the District, 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 undertakings made in the form provided by the District, signed by the **owner**, or a signing officer if the **owner** is a corporation;
- c) be accompanied by a site plan, and where, in the opinion of the **Building Official**, siting regulations may be contravened, the site plan must be prepared by a British Columbia Land Surveyor or **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 all statutory rights of way, easements and setback requirements;
 - iv) the location and dimensions of all existing and proposed **buildings or structures** on the parcel as required;
 - v) setbacks to the natural boundary of any lake, swamp, pond or watercourse where the District of Houston's land use regulations establish siting requirements related to flooding;
 - vi) the existing and finished ground levels to an established datum at or adjacent to the site and the geodetic elevation of the underside of the floor system of a **building or structure** where the District of Houston's land use regulations establish siting requirements related to minimum floor elevation; and
 - vii) the location, dimension and gradient of parking and driveway access as required.

9.1 The **Building Official** may waive the requirements for a site plan, in whole or in part, where the permit is sought for the repair or alteration of an existing **building or structure**.

9.2 In addition to the requirements of Section 9.0, the **Owner** must:

- a) provide a **survey certificate** for all **buildings** or **structures** erected within the District immediately upon completion of the foundation wall of the **building** or **structure**, when required by the **Building Official**;
- b) ensure sufficient information is shown on **building** plans to determine compliance with this Bylaw, such as
 - i) floor plans showing the dimensions and uses of all areas;
 - ii) the dimensions and height of crawl and roof spaces;
 - iii) the location, size and swing of doors;
 - iv) the location, size and opening of windows;
 - v) floor, wall, and ceiling finishes;
 - vi) plumbing fixtures;
 - vii) structural elements;
 - viii) stair dimensions;
 - ix) a cross section through the **building** or **structure** illustrating foundations, drainage, ceiling heights and construction systems;
 - x) elevations of all sides of the **building** or **structure** showing finish details, roof slopes, windows, doors, and finished grade;
 - xi) 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**;
 - xii) Mechanical systems information such as the location and size of every drain and of every trap or inspection piece that is on a drain; and
 - xiii) show in cross-section the size and location of every soil or waste pipe, trap and vent pipe.
- c) ensure that the plans and specifications contain complete design and calculation criteria, and contain the name and address of the designer;
- d) include copies of approvals required under any enactment relating to health or safety, including, without limitation, sewage disposal permits, highway access permits and Ministry of Health approval;
- e) submit a foundation design prepared by a **registered professional** in accordance with Section 4.2 of Part 4 of the **Building Code**, accompanied by letters of assurance in the form of the **Schedules B-1 and B-2** contained in Part 2, and referred to in Section 2.6 of Part 2 of the **Building Code**, signed by the **registered professional**;

- f) submit two sets of drawings at a suitable scale of the design containing sufficient information on building plans to determine compliance with this Bylaw, such as the information set out in Section 9.0.c) of this Bylaw, if applicable;
 - g) state on the application, the intended use or uses and the **value** of the **building** or **structure**.
- 9.3 The requirements of Section 9.2 (e) may be waived by a **Building Official** in circumstances where the **Building Official** has required a professional engineer's report pursuant to Division 8 of the Community Charter and the building permit is issued in accordance with Sections 699 (5) and (6) of the Local Government Act.
- 9.4 The requirements of Section 9.2 (e) may be waived by a **Building Official** if documentation, prepared and sealed by a **registered professional**, is provided assuring that the foundation design substantially complies with Section 9.4 of Part 9 of the **Building Code** and the foundation excavation substantially complies with Section 9.12 of Part 9 of the **Building Code**.
- 9.5 The requirements of Section 9.2 (e) may be waived for the construction of a detached one family dwelling, a two family dwelling or an accessory building where the **owner** signs an undertaking in the form provided by the District acknowledging the **owner's** responsibility for the design and construction of the foundation and the condition of the supporting soils of the building to which the waiver applies.
- 9.6 In addition to the requirements of Sections 9.0 and 9.2, the following may be required by a **Building Official** to be submitted with a building permit application for the construction of a **standard building** where the project involves two or more buildings, which in the aggregate total more than 1000 square metres, or two or more buildings that will contain four or more dwelling units, or otherwise where 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 District of Houston subdivision and development Bylaw;
 - b) a section through the site showing grades, **buildings**, **structures**, parking areas and driveways;
 - c) a roof plan and roof height calculations;
 - d) structural, electrical, mechanical or fire suppression drawings prepared and sealed by a **registered professional**;
 - e) letters of assurance in the form of **Schedules B-1 and B-2** as referred to in Section 2.6 of Part 2 of the **Building Code**, signed by the **registered professional**;
 - f) any other information required by the **Building Official** or the **Building Code** to establish substantial compliance with this Bylaw, the **Building Code** and other Bylaws and enactments relating to the **building** or **structure**.

PROFESSIONAL PLAN CERTIFICATION

- 10.0 The letters of assurance in the form of the **Schedules B-1 and B-2** contained in Part 2 and referred in Section 2.6 of Part 2 of the **Building Code** and provided pursuant to Sections 8.1, 9.1, 9.2, 9.3, 9.4, 14.0 and 14.1 of this Bylaw are relied upon by the District of Houston and its **Building Officials** as certification that the design and plans to which the letters of assurance relate substantially comply with the **Building Code** and other applicable enactments relating to safety.
- 10.1 A building permit issued for the construction of a **complex building**, or for a **standard building** for which a **Building Official** required professional design pursuant to Section 8.1 (d) and letters of assurance pursuant to Section 8.1 (e) of this Bylaw shall include a notice to the **owner** that the building permit is issued in reliance upon the certification of the **registered professionals** that the design and plans submitted in support of the application for the building permit comply with the **Building Code** and other applicable enactments relating to safety.
- 10.2 When a building permit is issued in accordance with Section 10.1 of this Bylaw the plan review fee shall be reduced by 50% of the fees payable pursuant to **Schedule "A"**.

FEES AND CHARGES

- 11.0 In addition to any fees and charges payable under other Bylaws, the applicable permit fee prescribed by and calculated in accordance with **Schedule "A"** to this Bylaw, shall be paid in full prior to the issuance of a permit under this Bylaw.
- 11.1 The non-refundable application fee prescribed in **Schedule "A"** shall accompany an application for a building permit made under this Bylaw.
- 11.2 An application shall be cancelled and the application fee forfeited if the building permit was not issued and the permit fee was not paid within 180 days of the date of written notification to the **owner** that the permit is ready to be issued.
- 11.3 When an application is cancelled, the plans and related documents submitted with the application may be destroyed.
- 11.4 The **owner** may obtain a refund of the permit fees paid as prescribed in **Schedule "A"** to this Bylaw when a permit is surrendered and cancelled before any construction begins, provided
- a) the refund shall not include the application fee and plan review fee paid pursuant to Section 11 (Fees and Charges) of this Bylaw; and
 - b) no refund shall be made where construction has begun or an inspection has been made.
- 11.5 Where, due to non-compliance with this Bylaw, more than two inspections are necessary when one inspection is normally required, for each inspection after the second inspection, the re-inspection charge prescribed in **Schedule "A"** to this Bylaw shall be paid prior to the additional inspections being performed.

- 11.6 For a required permit inspection requested to be done after the hours during which the offices of the District of Houston are normally open, an inspection charge shall be payable based on the time actually spent in making such inspection, including travel time, prescribed in **Schedule "A"** to this Bylaw.
- 11.7 The administration fee prescribed in **Schedule "A"** to this bylaw will be returned if the work is completed for which the permit has been issued and the **owner** receives a final inspection report, occupancy permit, or renewal permit prior to the permit lapsing.

BUILDING PERMITS

12.0 When:

- a) a completed application including all required supporting documentation has been submitted;
- b) the proposed work set out in the application substantially conforms with the **Building Code**, this Bylaw and all other applicable District of Houston Bylaws and enactments;
- c) the **owner** or his or her representative has paid to the District
 - i) all applicable fees required by Section 11.0 of this Bylaw;
 - ii) the administration fee prescribed in **Schedule "A"** for the filing of a notice on title or for the closing of an incomplete file should the permit lapse prior to the work being completed;
 - iii) the off-street paving deposit prescribed in **Schedule "A"** where surfacing off-street parking is required by Zoning Bylaw No. 750, 1998, as amended, and submitted a signed "Paving Agreement" in the form provided by the District, the return of the deposit being conditional on the work being completed;
 - iv) the landscaping deposit prescribed in **Schedule "A"** where landscaping is required by Zoning Bylaw No. 750, 1998, as amended, the return of the deposit being conditional on the work being completed;
 - v) all fees and charges are met and all requirements imposed by any other District of Houston enactment or Bylaw; and

no enactment, covenant, agreement, or regulation of or in favor of, the District of Houston authorizes the permit to be withheld, a **Building Official** shall issue the permit.

- 12.1 When the application is in respect of a **building** that includes, or will include, a **residential occupancy**, the **building** permit must not be issued unless the **owner** provides evidence of compliance with the Homeowner Protection Act.
- 12.2 Section 12.1 of this Bylaw does not apply if the **owner** is not required to be licensed and to obtain home warranty insurance in accordance with Sections 20 (1) or 30 (1) of the Homeowner Protection Act.

- 12.3 Every permit is issued upon the condition that the permit shall expire two (2) years from date of issue and the rights of the **owner** under the permit shall terminate if
- a) the work authorized by the permit is not commenced within six (6) months from the date of issuance of the permit, or
 - b) work is discontinued for a period of six (6) months.
- 12.4 A **Building Official** may issue a building permit for a portion of a **building** or **structure** before the design, plans and specifications for the entire **building** or **structure** have been accepted, provided sufficient information has been provided to the District of Houston to demonstrate to the **Building Official** that the portion authorized to be constructed substantially complies with this and other applicable Bylaws and the permit fee applicable to that portion of the **building** or **structure** has been paid. Despite the issuance of the permit, the requirements of this Bylaw apply to the remainder of the **building** or **structure** as if the permit for the portion of the **building** or **structure** had not been issued.
- 12.5 When a site has been excavated and a building permit is not subsequently issued or a subsisting building permit has expired in accordance with the requirements of Section 12.3 of this Bylaw, but without the construction of the **building** or **structure** for which the building permit was issued having commenced, the **owner** shall fill in the excavation to restore the original gradients of the site within thirty (30) days of being served notice by the District of Houston to do so.

DISCLAIMER OF WARRANTY OR REPRESENTATION

- 13.0 Neither the issuance of a permit under this Bylaw, the review and acceptance of the design, drawings, plans or specifications, nor inspections made by a **Building Official**, shall constitute a representation or warranty that the **Building Code** or this Bylaw have been complied with or the **building** or **structure** meets any standard of materials or workmanship, and no person shall rely on any of those acts as establishing compliance with the **Building Code** or this Bylaw or any standard of construction.

PROFESSIONAL DESIGN AND FIELD REVIEW

- 14.0 When a **Building Official** considers it is warranted by the site conditions, size or complexity of a development or an aspect of a development, he or she may require that a **registered professional** provides certification that the design conforms to the Building Code by means of letters of assurance in the form of **Schedules B-1, B-2 and C-B** referred to in Section 2.6 of Part 2 of the **Building Code**.
- 14.1 Prior to the issuance of an occupancy permit or a final inspection for a **complex building**, or **standard building** in circumstances where letters of assurance have been required in accordance with Sections 8.1, 9.1, 9.2, 9.3, 9.4 or 14.0 of this Bylaw, the **owner** shall provide the District of Houston with letters of assurance in the form of **Schedules C-A or C-B**, as is appropriate, referred to in Section 2.6 of Part 2 of the **Building Code**.
- 14.2 When a **registered professional** provides letters of assurance in accordance with Sections 8.1, 9.1, 9.2, 9.3, 9.4, 14.0 or 14.1 of this Bylaw, he or she shall also provide proof of professional liability insurance, specifically errors and omissions, to the **Building Official** in the form provided by the District.

INSPECTIONS

- 15.0 When a **registered professional** provides letters of assurance in accordance with Sections 8.1, 9.1, 9.2, 9.3, 9.4, 14.0 or 14.1 of this Bylaw, the District of Houston will rely solely on **field reviews** undertaken by the **registered professional** and the letters of assurance submitted pursuant to Section 14.1 of this Bylaw as assurance that the construction substantially conforms to the design and that the construction substantially complies with the **Building Code**, this Bylaw and other applicable enactments respecting safety.
- 15.1 Notwithstanding Section 15.0 of this Bylaw, a **Building Official** may attend the site from time to time during the course of construction to ascertain that the **field reviews** are taking place and to monitor the **field reviews** undertaken by the **registered professionals**.
- 15.2 A **Building Official** may attend periodically at the site of the construction of **standard buildings** or **structures** to ascertain whether certain **health and safety aspects of the work** are being carried out in substantial conformance with the those portions of the **Building Code**, this Bylaw and any other applicable enactment concerning safety.
- 15.3 The **owner** or his or her representative shall give at least twenty-four (24) hours notice to the District of Houston when requesting an inspection and shall obtain an inspection and receive a **Building Official's** acceptance of the following aspects of the work prior to concealing it, except as provided in 15.3 (g) and 15.5,
- a) installation of perimeter drain tiles and damp proofing, prior to backfilling;
 - b) the preparation of underground plumbing, when required, prior to placing of a concrete slab;
 - c) rough in of factory built chimneys and fireplaces and solid fuel burning appliances;
 - d) the framing and sheathing;
 - e) insulation and vapor barrier;
 - f) when the **building** or **structure** is substantially complete and ready for **occupancy**, but before **occupancy** takes place of the whole or part of the **building** or **structure**;
 - g) prior to placing any concrete for the footings or foundations, the **owner** or authorized agent shall notify the **Building Official** and request a site visit to document the various aspects of the foundation.
- 15.4 No aspect of the work referred in Section 15.3 of this Bylaw shall be concealed until a **Building Official** has accepted it in writing.
- 15.5 The requirements of Section 15.3 of this Bylaw do not apply to any aspect of the work that is the subject of a **registered professional's** letter of assurance provided in accordance with Sections 8.1, 9.1 9.2 9.3, 9.4, 14.0 or 14.1 of this Bylaw.

OCCUPANCY PERMITS

- 16.0 No person shall occupy or change the class of **occupancy** of a **building** or **structure** or part of a **building** or **structure** until the **Building Official** has issued an occupancy permit.
- 16.1 An occupancy permit shall not be issued unless:
- a) all letters of assurance have been submitted when required in accordance with Sections 8.1, 9.1, 9.2, 9.3, 9.4, 14.0 and 14.1 of this Bylaw; and
 - b) all aspects of the work requiring inspection and acceptance pursuant to Section 15.3 of this Bylaw have both been inspected and accepted or the inspections and acceptance are not required in accordance with Section 15.5 of this Bylaw.
- 16.2 A **Building Official** may issue a Provisional Occupancy Permit for part of a **building** or **structure** when the part of the **building** or **structure** is self-contained, provided with essential services and the requirements set out in Section 16.1 of this Bylaw have been met with respect to it.

CLIMATIC DATA

- 17.0 Buildings must be designed in accordance with the climatic data provided by the **Building Official**.

PENALTIES AND ENFORCEMENT

- 18.0 A person who violates a provision of this Bylaw commits an offence, is punishable in accordance with the Offence Act and on conviction is liable to a minimum fine of one hundred dollars (\$100.00) and to the maximum penalties prescribed by law.
- 18.1 Each day that a violation of this bylaw is continued or caused or allowed to continue constitutes a separate offence.
- 18.2 For the purposes of Subsection 5.0, the **owner** is deemed to have knowledge of and be liable under this Bylaw for:
- a) any **construction, gas work or plumbing**; and
 - b) any change in the **use, occupancy** or both of the **owner's building or structure**.
- 18.3 No person shall disobey an order or notice issued by a **Building Official**.
- 18.4 A **Building Official** may order the cessation of any work that is proceeding in contravention of provisions of the **Building Code** or this Bylaw dealing with health, safety and protection of the public by posting a Stop Work notice on the property where the work is occurring.

- 18.5 The **owner** of property on which a Stop Work notice has been posted, and every other person performing work on that property, shall cease all construction work immediately and shall not do any work until all applicable provisions of this Bylaw have been substantially complied with and the Stop Work notice has been rescinded in writing by a **Building Official**.
- 18.6 If a person occupies a **building** or **structure** or part of a **building** or **structure** in contravention of Section 5.1 of this Bylaw, a **Building Official** may post a Do Not Occupy notice on the affected part of the **building** or **structure**.
- 18.7 The **owner** of property on which a Do Not Occupy notice has been posted, and every person occupying that property, 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 or removed by a **Building Official**.
- 18.8 A person who commences work requiring a permit without first obtaining such a permit shall, if a Stop Work notice is issued and remains outstanding for thirty (30) days, pay an additional administrative charge equal to twenty-five percent (25%) of the applicable permit fee prior to obtaining the required permit.

SEVERABILITY

- 19.0 The provisions of this Bylaw are severable and the invalidity of any part of this Bylaw shall not affect the validity of the remainder of this Bylaw.

SCHEDULES

- 20.0 Schedules to this bylaw shall be established by resolution of Council and are enforceable in the same manner as this Bylaw.

REPEALED BYLAWS

- 21.0 District of Houston Building Bylaw No. 502, 1989 and all amendments to it are repealed.

BYLAW TITLE

- 22.0 This Bylaw may be cited, for all purposes, as "**District of Houston Building Regulations Bylaw No. 906, 2005**".

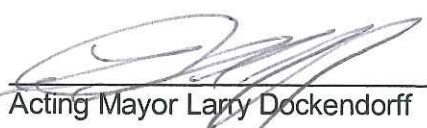
READ a first time this 21st day of December, 2004.

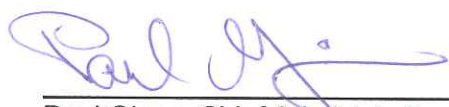
READ a second time this 21st day of December, 2004.

AMENDED this 5th day of April, 2005

READ a third time this 5th day of April, 2005.

ADOPTED this 19th day of April, 2005.


Acting Mayor Larry Dockendorff


Paul Gipps, Chief Administrative Officer

District of Houston Building Regulations Bylaw No. 906, 2005

Schedule "A"

- Page 1 of 2 -

1. To erect, alter, repair or place a building or structure the fee shall be:

Commencing January 1, 2005 - **\$6.00 per \$1,000.00** or part thereof of the estimated value.

Commencing January 1, 2006 - **\$7.00 per \$1,000.00** or part thereof of the estimated value.

In addition:

A plan review fee of \$1.00 per \$1,000.00 of value will also be charged.

A non-refundable application fee of:

- a) \$30.00 for any project with a value under \$10,000.00;
- b) \$50.00 for any project with a value of \$10,000.00 and over; and
- c) Double the permit fee, up to a maximum of \$250.00 for any work undertaken on a project without a valid permit or approval;

shall be submitted with every application for a permit under this Bylaw

2. Estimated value shall be established by the Building Inspector interpreting the following guidelines:

(a) **Industrial and Commercial** (use building area)

(i)	Frame construction, unfinished, concrete floor	\$36.00/ft ²
(ii)	Frame construction, unfinished, no partitions	\$42.00/ft ²
(iii)	Frame construction, finished, with partitions	\$78.00/ft ²
(iv)	Masonry construction, unfinished, concrete floors	\$42.00/ft ²
(v)	Masonry construction, finished, no partitions	\$47.00/ft ²
(vi)	Masonry construction, finished, with partitions	\$84.00/ft ²

(b) **Residential**

- (i) Single or multi-family frame construction (use aggregate finished floor area):

Slab on grade/crawl space	\$80.00/ft ²
All second floors	\$50.00/ft ²
Unfinished basement area	\$10.00/ft ²
Finished basement area	\$30.00/ft ²
Attached garages	\$30.00/ft ²
Carports (post and beam)	\$15.00/ft ²
Detached garages/shops	\$25.00/ft ²
Decks	\$10.00/ft ²

- (ii) Residential using masonry construction \$80.00/ft²

District of Houston Building Regulations Bylaw No. 906, 2005**Schedule "A"****- Page 2 of 2 -**

3. Administration Fee:

\$350.00 for all projects where the construction value exceeds \$10,000.00.

4. Signs:

To erect, alter, or place a:

- | | | |
|-----|--------------------------|----------|
| (a) | free-standing sign | \$100.00 |
| (b) | home based business sign | \$ 25.00 |
| (c) | all other signs | \$ 75.00 |

5. Plumbing: To install, alter, or repair any plumbing works, the fee shall be \$6.00 per fixture.

6. Sprinklers: \$6.00 for the first twenty-five (25) sprinkler heads plus \$2.00 for each additional sprinkler head thereafter.

7. Demolition: To demolish a building or structure, the fee shall be \$50.00.

8. Moving: To move a building or structure, the fee shall be \$100.00

9. Re-inspection: For the inspection of rejected work, the fee shall be \$75.00.

101. Paving Deposits: \$1.25/ft² for required paving.

11. Landscaping Deposits: An amount equal to an acceptable quote for the required works from a qualified landscape contractor, acceptable to the District of Houston