

SUMMARY:

The Building bylaw is a bylaw to regulate construction and administer the British Columbia *Building Code* in the City of Nelson in accordance with the *Community Charter* and the *Building Act*.

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THE CORPORATION OF THE CITY OF NELSON

BYLAW NO. 3456, 2019
REVISED: August 18, 2026

Consolidated for Convenience to Include Bylaw No. 3487, 3508, 3570,
3580, 3654

BEING A BYLAW TO REGULATE THE CONSTRUCTION, ALTERATION, REPAIR, OR DEMOLITION OF BUILDINGS AND STRUCTURES IN THE CITY OF NELSON

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THE CORPORATION OF THE CITY OF NELSON

Building Bylaw No. 3456, 2019

GIVEN that the Council of the City of Nelson:

- A. may by bylaw regulate, prohibit and impose requirements in respect to buildings and structures under sections 8(3)(g) and (l) of the *Community Charter* for the following under section 53(2):
 - (a) the provision of access to a building or other structure, or to part of a building or other structure, for a person with disabilities;
 - (b) the conservation of energy or water;
 - (c) the reduction of greenhouse gas emissions;
 - (d) the health, safety or protection of persons or property;
- B. is enacting this bylaw to regulate construction and administer the British Columbia *Building Code* in Nelson in accordance with the *Community Charter* and the *Building Act*;
- C. has employed trained building officials for the purposes of this bylaw;

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

PART 1 – TITLE

- 1.1 This bylaw may be cited as “**The Corporation of the City of Nelson Building Bylaw No. 3456, 2019**”.

PART 2 – DEFINITIONS

- 2.1 Definitions in this bylaw

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

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;

Alternative solution means an alternative solution authorized under the *building code*;

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;

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 designated or appointed by the City, and for certainty the *building official* is the “building inspector” referred to in the *Community Charter, Local Government Act* and *Building Act*;

City means the Corporation of the City of Nelson;

Complex building means:

(a) a *building* used for a *major occupancy* classified as:

- (i) *assembly occupancy*;
- (ii) *care occupancy*;
- (iii) *detention occupancy*;
- (iv) *high hazard industrial occupancy*,
- (v) *treatment occupancy*; or

- (vi) *post-disaster building*,
- (b) a *building* exceeding 600 square metres in *building area* or exceeding three storeys in *building height* used for a *major occupancy* classified as:
 - (i) *residential occupancy*;
 - (ii) *business and personal services occupancy*;
 - (iii) *mercantile occupancy*; or
 - (iv) *medium and low hazard industrial occupancy*;

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;

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

Constructor means a person who *constructs*;

Engineers and Geoscientists Act means the *Engineers and Geoscientists Act* RSBC 1996, c. 116;

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;

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 current legislation in place by the *Homeowner Protection Office* to regulate the construction of new homes built within the Province of British Columbia;

Homeowner Protection Office is the current division of the Provincial government of British Columbia regulating new home construction within the Province;

Owner means the registered *owner* in fee simple, 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*;

Pool means a *structure* or *constructed* depression used or intended to be used for swimming, bathing, wading or diving which is designed to contain water and has a depth, at any point, exceeding 0.6 m, including an in-ground *pool*;

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 *structures* less than 1.2 metres in height;

Temporary building includes a sales office, seasonal soft roofed storage buildings, construction office or a *structure* in which tools are stored during construction of a *building* or other *structure*;

Value of the work means that amount that is calculated as follows:

- (a) for all construction, the greater of:
 - (i) the declared *value of the work*; or
 - (ii) the value calculated using a method stipulated in the “Marshall Valuation Service”.
- (b) When the total construction fees for a project are based on the declared *value of the work*:
 - (i) a “Certificate of the Total Cost of Construction” may be required to be submitted to the City, prior to a final inspection or occupancy of the building; and
 - (ii) if after completion of the work, for which the *building permit* was issued, the actual cost of construction of the work exceeds the cost that was used to calculate the *building permit* fee, the difference will be recalculated and the building permit holder required to pay the City an additional fee for the extra value of construction as determined in the City’s fees and charges bylaw.

2.2 Other Applicable Definitions

- (a) The following words and terms have the meanings set out in section 1.4.1.2 of the *building code* as of the date of the adoption of this bylaw: *accessible assembly occupancy, building, building area, building height, business and personal services occupancy, care occupancy, constructor, coordinating registered professional, designer, detention occupancy, excavation, field review, firewall, first storey, grade, high hazard industrial occupancy, industrial occupancy, low hazard industrial occupancy, major occupancy, medium hazard industrial occupancy, mercantile occupancy, occupancy, post disaster occupancy, private sewage disposal system, registered professional, residential occupancy, treatment occupancy or unsafe condition*.
- (b) Subject to this bylaw, the following words and terms have the meanings set out in the Schedule to the *Community Charter*: *assessed value, highway, land, occupier, parcel, public authority, service and soil*.

- (c) Subject to this bylaw, the following words and terms have the meanings set out in section 29 of the *Interpretation Act*: *may*, *must*, *obligation*, *person*, *property*, *writing*, *written* and *year*.
- (d) Every reference to this bylaw in this or another bylaw of the City is a reference to this bylaw as amended to the date of the reference.
- (e) Every reference to
 - (i) the *building code* is a reference to the current edition as of the date of issuance of the *building permit*; and
 - (ii) 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.

2.3 Non Defined Terms

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.

PART 3 – PURPOSE OF BYLAW

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

(d) providing any person a warranty or assurance that *construction* undertaken under *building permits* issued by the City is free from latent, or any, defects; or

(e) the protection of adjacent real property from incidental damage or nuisance.

PART 4 – SCOPE & EXEMPTIONS

4.1 This bylaw applies to the geographical area of the City and to land, the surface of water, air space, *buildings* or *structures* in the City.

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

4.3 This bylaw does not apply to:

(a) except as set out in Part 12 [*Retaining Walls and Grades*] of this bylaw, a fence;

(b) an accessory *building* less than 3 metres in height and with a floor area of less than 10 square metres;

(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 Zoning Bylaw;

(d) a *building* or *structure* commonly known as “Canadian Standards Association Z240 MH series or Z241 series”, except as regulated by the Building Code.

(e) a *temporary* or seasonal plastic, vinyl, or canvas covered structures used as storage facilities or greenhouses less than 55 metres square and limited to one storey.

4.4 Except as provided in the *building code* or to the extent an *existing building* is under *construction* or does not have an *occupancy permit*, when an *existing building* has been *constructed* before the enactment of this bylaw, the enactment of this bylaw is not to be interpreted as requiring that the *building* must be *reconstructed* and *altered*, unless it is expressly so provided by this or another bylaw, regulation or statute.

4.5 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.

- 4.6 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*.
- 4.7 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 5 - PROHIBITIONS

- 5.1 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.
- 5.2 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*.
- 5.3 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.
- 5.4 Except in accordance with this bylaw, including acceptance of revised plans or supporting documents, a person must not erase, alter or modify plans and supporting documents after the same have been reviewed by the *building official*, or plans and supporting documents which have been filed for reference with the *building official* after a *permit* has been issued.
- 5.5 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.

- 5.6 A person must not do any work that is substantially at variance with the *accepted* design or plans of a *building*, *structure* or other works for which a *permit* has been issued, unless that variance has been authorized in writing by a *building official*.
- 5.7 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.
- 5.8 A person must not *construct* on a *parcel* unless the civic address is conspicuously posted on the front of the premises or on a sign post so it may be easily read from the public street or highway from which it takes its address.
- 5.9 A person must not contravene an administrative requirement of a *building official* made under section 7.6 or any other provision of this bylaw.
- 5.10 A person must not change the use, *occupancy* or both of a *building* or *structure* or a part of a *building* or *structure* without first applying for and obtaining a *building permit* under this bylaw.

PART 6 – PERMIT CONDITIONS

- 6.1 A *permit* is required if work regulated under this bylaw is to be undertaken.
- 6.2 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.
- 6.3 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.

- 6.4 Without limiting section 6.2(a), it is the full and sole responsibility of the *owner* (and if the *owner* is acting through a representative, the representative 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 7 – POWERS OF A BUILDING OFFICIAL

- 7.1 Words defining the authority of a *building official* are to be construed as internal administrative powers and not as creating a duty.
- 7.2 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 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*.
- 7.3 A *building official* may refuse to issue a *permit* if the proposed work will contravene the requirements of the *building code* or the provisions of this or any other bylaw of the City, and must state the reason in writing.
- 7.4 A *building official* may revoke a *permit* if, in their opinion, the results of tests on materials, devices, construction methods, structural assemblies or *foundation* conditions contravene the *building code* or the provisions of this bylaw, or both, or if all *permits* required under this bylaw have not been obtained.
- 7.5 Subject to section 16 of the *Community Charter*, a *building official* may enter on property at any time to ascertain whether the requirements of this bylaw are being met.
- 7.6 Subject to applicable enactments, a *building official* may by notice in writing require:

- (a) a person who contravenes any provision of this bylaw to comply with that provision within the time ordered;
 - (b) an *owner* to stop work on a *building* or *structure*, or any part of a *building* or *structure*, if the work is proceeding in contravention of this bylaw, the *building code*, or any other enactment of the City or other applicable enactments, or if there is deemed to be an *unsafe condition*, and may enter on property to affix or post a stop work order;
 - (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.
- 7.7 Every reference to “*owner*” in section 7.6 includes a reference to the *owner’s* agent or *constructor*.
- 7.8 Every person served with a notice under this Part must comply with that notice:
- (a) within the time ordered, or
 - (b) if no time is ordered, immediately.

PART 8 – OWNER’S RESPONSIBILITIES

- 8.1 Subject to Part 11 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 *pool* or *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) *constructing* a masonry fireplace or installing a wood-burning appliance or chimney, whether attached to, part of or detached from a *building*;
 - (f) changing the use or *occupancy* of a *building*,
- unless the works are the subject of another valid and subsisting *building permit*.
- 8.2 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*.
- 8.3 Every *owner* shall submit the following documentation to the building official, prior to applying for a Permit to renovate a *building* or *structure*, as required by Worksafe BC regulations unless waived by the building inspector:
- (a) a Hazardous Materials Assessment;
 - (b) a Clean Air Analysis Summary; and
 - (c) a copy of the Worksafe BC Inspection Report.
- 8.4 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; and
 - (c) prior to the issuance of a *building permit*, execute and submit to the City an *owner's* undertaking in the form included in the current Building permit

application form, where required by the *building official*.

- 8.5 Every *owner* and every owner's *agent*, must carry out *construction* or have the *construction* carried out in accordance with the requirements of the *building code*, this bylaw and other bylaws of the City and none of the issuance of a *permit* under this bylaw, the review of plans and supporting documents, or inspections made by a *building official* or a *registered professional* shall relieve the *owner*, or his or her *agent*, from full and sole responsibility to perform the work in strict accordance with this bylaw, the *building code* and all other applicable codes, standards and enactments.
- 8.6 Every *owner* must allow a *building official* to enter any *building* or premises at any reasonable time to administer and enforce this bylaw. 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.
- 8.7 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*.
- 8.8 In addition to payment of a security deposit under sections 11.9 to 11.13, 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.
- 8.9 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 bylaws governing waterworks and sewer; and
 - (c) ensure that all municipal services and other services are capped and terminated at the property line in a City standard inspection chamber and valve arrangement.
- 8.10 Every *owner* shall submit the following documentation to the building official, prior to applying for a Demolition Permit to demolish a *building* or *structure*, as required by Worksafe BC regulations:
- (a) a Hazardous Materials Assessment;

- (b) a Clean Air Analysis Summary; and
 - (c) a copy of the Worksafe BC Inspection Report.
- 8.11 Every *owner* must ensure that, on completion of all demolition procedures, all debris and fill are cleared and the *site* is leveled or graded, or made safe if leveling and grading are not possible.
- 8.12 Every *owner* must, at least 2 business days' prior to commencing work at a *building site*, give notice to a *building official* of the date on which the *owner* intends to begin such work.
- 8.13 Every *owner* must give written or online notice to a *building official* of any change in or termination of engagement of a *registered professional*, including a *coordinating registered professional*, during construction, within 24 hours of when the change or termination occurs.
- 8.14 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.
- 8.15 Without limiting sections 11.30 to 11.45, every *owner* must give at least 2 business days' online or written notice to a *building official*:
- (a) of intent to do work that is required or ordered to be corrected during *construction*;
 - (b) of intent to cover work that is required under this bylaw to be, or has been ordered to be, inspected prior to covering; and
 - (c) when work has been completed so that a final inspection can be made.
- 8.16 Every *owner* must give notice in writing to a *building official* immediately upon any change in ownership or change in the address of the *owner* which occurs prior to the issuance of an *occupancy permit*.
- 8.17 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 9 – OBLIGATIONS OF OWNER'S CONSTRUCTOR

- 9.1 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.

- 9.2 Every *constructor* must ensure that no *excavation* or other work is undertaken on public property, and that no public property 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.
- 9.3 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 10 – REGISTERED PROFESSIONAL’S RESPONSIBILITIES

- 10.1 The provision by the *owner* to the City of letters of assurance in accordance with the requirements of the *building code* shall occur prior to:
- (a) the pre-occupancy site review coordinated by the *coordinating registered professional* or other *registered professional* for a *complex building*; or
 - (b) a final inspection for a *simple building* in circumstances where letters of assurance have been required in accordance with the requirements of the *building code*, in which case the *owner* must provide the City with letters of assurance in the form of Schedules C-A or C-B, as appropriate, referred to in subsection 2.2.7, Division C, of the *building code*.
- 10.2 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*.
- 10.3 The *owner* must retain a *registered professional* to provide a *professional design* and plan certification and letters of assurance in the form of Schedules A, B, C-A and C-B referred to in subsection 2.2.7, Division C, of the *building code*, in respect of a *permit* application:
- (a) prior to the pre-occupancy site review coordinated by the *coordinating registered professional* or other *registered professional* for a *complex building*; or
 - (b) prior to a final inspection for a *simple building* in circumstances where letters of assurance have been required in accordance with the requirements of the *building code*, in which case the *owner* must provide the City with letters of assurance in the form of Schedules C-A or C-B, as appropriate, referred to in subsection 2.2.7, Division C, of the *building code*;
 - (c) except for garages, carports and garden structures, *foundation* and

excavation components of new *simple buildings* and *additions* greater than 55 square metres to *simple buildings* in accordance with the *building code*;

- (d) for a *building* that is designed with common egress systems for the occupants and requires the use of *firewalls* in accordance with the *building code*;
 - (e) prior to *alterations* to a *building*, or to a structural component of a *building* described in paragraph (b);
 - (f) for a *building* in respect of which the *building official* determines that site conditions, size or complexity so warrant in the interests of safety of persons or protection of property under the *building code*;
 - (g) if the *building* envelope components of the *building* fall under Division B Part 3 of the *building code*, the *building* contains more than two dwellings, or if the *building* envelopes do not comply with the prescriptive requirements of Division B Part 9 of the *building code*; and
 - (h) for a parcel of land on which a *building* or *structure* is proposed if the *building official* believes the parcel is or is likely to be subject to flooding, mud flows, debris flows, debris torrents, erosion, land slip, rock falls, subsidence or avalanche, and the requirement for a *professional design* is in addition to a requirement under Division 8 of Part 3 of the *Community Charter*.
 - (i) for a report certified by a professional engineer with experience in geotechnical engineering that the parcel may be used safely for the use intended, and
 - (ii) that the plans submitted with the application comply with the relevant provisions of the *building code* and applicable bylaws of the City.
- 10.4 The *building official* may require any *registered professional* carrying out the *professional design* and *field review* required under section 10.3 to provide evidence that they have experience and expertise in respect of the *professional design* and *field review* of the context and scope required.
- 10.5 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 10.1 and 10.3 are relied upon by the City and *its building officials* as certification that the design and plans to which the letters of assurance comply with the *building code*, this bylaw and other applicable enactment.
- 10.6 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*.

- 10.7 For a building permit issued for the construction of a *building*, the building official shall provide the *owner* with a notice that the *building permit* is issued in reliance on the certification of the *registered professional* that the *professional design* and plans submitted in support of the application for the *building permit* comply with the *building code* and other applicable enactments. Any failure on the part of the building official to provide the *owner* with the notice will not diminish or invalidate the reliance by the City or its *building officials* on the *registered professionals*.
- 10.8 If a *building permit* is issued for a construction of a *building*, the *permit* fee is reduced by 5% of the fees payable in accordance with the Fees and Charges bylaw to this bylaw, up to a maximum reduction of \$500.00 (five hundred dollars).

PART 11 – BUILDING APPLICATION REQUIREMENTS (Amended by BL 3487)

- 11.1 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 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*;
 - (d) the *owner* must provide evidence to the *building official* showing that the person applying for the *building permit* is either the *owner* of the parcel that is the subject of the proposed *building permit*, or is the *agent* of the *owner*, in which case, the *agent* must provide the name and contact information of the *owner*;
 - (e) if the parcel that is the subject of the *building permit* application is not intended to be connected to the City sewage disposal system, the *owner* must apply for and obtain approval from the City and other applicable public authorities for an alternate *private sewage disposal system*;
 - (f) if the parcel that is the subject of the *building permit* application is not intended to be connected to the City waterworks system, the *owner* must apply for and obtain approval from the City and other applicable public authorities for an alternate water supply system;

- (g) if the parcel that is the subject of the *building permit* application is not intended to be connected to the City storm water drainage system, the *owner* must apply for and obtain approval from the City and other applicable public authorities for the alternate storm water drainage and detention system; and
- (h) if all on site and off site works and services required by a City bylaw or other enactment have not been completed in accordance with the enactments, the *owner* must enter into a completion agreement with the City and deliver to the City letters of credit or cash security for completion of the works and service.

11.2 An application for a *building permit* with respect to a *complex building* must:

- (a) be made in the form as per the current building permit application form and signed by the *owner*, or a signing officer if the *owner* is a corporation;
- (b) include the *owner's* acknowledgement of responsibility and undertaking as found in the current building permit application form and be 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;
- (vi) north arrow;
- (vii) if applicable, location of an approved *existing* or proposed private or other alternative 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 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 of bank and water courses;
- (xix) access routes for firefighting;
- (xx) *accessible* paths of travel from the street to the *building*;
- (xxi) 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 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 construction 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 a signing officer if the *owner* is a corporation, 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 the *building code* may require preparation of 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%.

11.3 In addition to the requirements of section 11.2 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 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*.

11.4 An application for a *building permit* with respect to a *simple building* must:

- (a) be signed by the *owner*, or a signing officer if the *owner* is a corporation;
- (b) include the *owner's* acknowledgement of responsibility and undertaking as found in the current building permit application and be 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 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;
- (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 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 and elevation of curbs, sidewalks, manholes and service poles;
- (xv) location of *existing* and proposed service connections;
- (xvi) location and species of all trees greater than 10 centimetres in diameter;
- (xvii) location of top bank and water courses;
- (xviii) access routes for firefighting;
- (xix) *accessible* paths of travel from the street to the *building*;
- (xx) zoning compliance summary; and
- (xxi) 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 land use regulations or provincial flood mapping regulations establish siting requirements related to minimum floor elevation,

except that for a *simply building* the *building official* may waive, in whole or in

part, the requirement 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) except for garages, carports and garden structures located on land, include a *foundation* and *excavation* design prepared by a *registered professional* in accordance with the *building code*;
- (l) include geotechnical letters of assurance, in addition to a required geotechnical report, if the *building official* determines that the site conditions so warrant;
- (m) include two sets of drawings at a suitable scale of design including the information set out in (f) to (i) of this section; and
- (n) 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*.
- (o) the requirements of 11.4(k) may be waived by a *building official* if the foundation and excavation design is in compliance with Division B Part 9 of the BC Building Code.

11.5 In addition to the requirements of section 11.4 of this Part, if a *project* involves:

- (a) two or more *buildings*, the gross floor areas of which in the aggregate total more than 1000 square metres;
- (b) two or more *buildings* that will contain four or more dwelling units; or
- (c) otherwise 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*.

11.6 Without limiting sections 11.2(f) or 11.4(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, 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.

11.7 An application for a *plumbing permit* with respect to a *building* must:

- (a) be signed by the *owner*, or a signing officer if the *owner* is a corporation or applicant if they are a registered plumber;
- (b) be accompanied by the *owner's* acknowledgment of responsibility and undertaking and signed by the *owner*, or a signing officer if the *owner* is a corporation;
- (c) include:
 - (i) a description of the work, including whether the permit is for a new system or to alter an existing system;
 - (ii) the number of new fixtures;
 - (iii) plumbing plans and a plumbing schematic if required by the *building official*; and
 - (iv) in the case of sprinkler permits, detailed specifications and calculations when required by the *building official*.

11.8 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 City 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*.

11.9 An applicant for a *building permit* must pay to the City, at the time of the application, the security deposit as determined in the City Fees and Charges Bylaw.

11.10 The security deposit sum set out in section 11.9 of this Part:

- (a) covers the cost borne by the City to maintain, restore or replace any public works or public lands which are destroyed, damaged or otherwise impaired in the carrying out of the work referred to in any *building permit* held by the applicant;
- (b) covers the cost borne by the City to make the site safe if the *permit* holder abandons or fails to complete the work as designated on the *permit*;
- (c) serves as the security deposit for provisional *occupancy* when such a *final*

inspection notice makes provision for a security deposit; or

- (d) serves as a security deposit to effect compliance with any condition under which the *permit* was issued.

11.11 The security deposit or applicable portion must be returned to the applicant:

- (a) when the Director of Public Works or designated alternate is satisfied that no further damage to public works or public lands will occur;
- (b) when the inspections required by this bylaw are complete and acceptable to the Director of Public Works or designated alternate; and
- (c) when the conditions or provisions of a provisional certificate of *occupancy* are completed to the satisfaction of the Director of Public Works or designated alternate.

11.12 Any credit greater than the amount of the security deposit used by the City for the purposes described in sections 11.9 to 11.11 of this Part will be returned to the *permit* holder unless otherwise so directed by the *permit* holder. Any amount in excess of the security deposit required by the City to complete corrective work to public lands, public works, or the site is recoverable by the City from the *permit* holder, the *constructor* or the *owner* of the property.

11.13 If the proposed work includes *excavation* or construction on lands within 10 metres of works or services owned by the City, the *owner* must deliver to the *building official* a signed agreement in a form prescribed by the Director of Public Works or designated alternate under which the *owner* acknowledges and agrees that any damage to municipal works or services arising from the construction associated with the *building permit* will be repaired by the *owner* at its expense and to the satisfaction of the Director of Public Works or designated alternate, and the *owner* must deposit with the City security in accordance with sections 11.9 to 11.12 of this Part.

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

11.15 A *building permit* or other *permit* fee may be partially refunded as set out in the City Fees and Charges Bylaw, 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.

11.16 A *building permit* or other *permit* fee is not refundable after the *permit* has been extended under section 11.47 of this Part.

11.17 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 rate set out in the City Fees and Charges Bylaw.

11.18 The *building permit* or other *permit* fee at the discretion of the *building official* can be doubled for every *permit* application if construction commenced before the *building official* issued a *permit*, to a maximum of \$1,000.00 additional charge.

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

11.20 If:

- (a) a completed application in compliance with sections 11.2 and 11.3 or sections 11.4 and 11.5 of this Part, including all required supporting documentation, has been submitted;
- (b) the *owner* has paid all applicable fees set out in sections 11.8 to 11.18 of this Part and the City Fees and Charges Bylaw;
- (c) the *owner* or his or her representative has paid all charges and met all requirements imposed by any other statute or bylaw;
- (d) the *owner* has retained a professional engineer or geoscientist if required under this bylaw;
- (e) the *owner* has retained an architect if required under this bylaw; and
- (f) no covenant, agreement, resolution or regulation of the City requires or authorizes the *permit* to be withheld,

the *building official* must issue the *permit*, in the form currently in use for which the application is made, and the date of issuance is deemed to be the date the City gives notice to the *owner* that the *permit* is ready to be picked up by the *owner*.

11.21 Despite section 11.20, the *building official* may refuse to issue a *permit* when the *owner* has been notified of a violation of this bylaw about the construction of

another *building* or *structure* by the *owner*.

- 11.22 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.
- 11.23 Section 11.22 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*.
- 11.24 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*.
- 11.25 If a site has been *excavated* under a *building permit* for *excavation* issued under this bylaw and a *building permit* is not subsequently issued or a subsisting *building permit* has expired under section 11.46, but without the construction of the *building* or *structure* for which the *building permit* was issued having commenced, the *owner* must fill in the *excavation* to restore the original gradients of the site within 60 days of being served notice by the City to do so.
- 11.26 If a *building permit* has expired and partial construction has progressed, with no extension requested of the *building official* under section 11.47, permanent type fencing with privacy screen complying with the City Zoning Bylaw, must be erected around the *building* site for protection to the public.
- 11.27 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, and the *building official* has authorized the transfer or assignment in writing. The transfer or assignment of a *building permit* is not an extension of a *building permit*.
- 11.28 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.
- 11.29 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.

- 11.30 Despite section 11.29 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*.
- 11.31 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.
- 11.32 For all work in respect of *simple buildings* the *owner* must give at least 48 hours notice to the City when requesting an inspection and must obtain an inspection and receive a *building official's* written acceptance of the following aspects of the work prior to concealing them:
- (a) after demolition, the grading of and removal of debris from the site;
 - (b) *foundation* and footing forms, before concrete is poured;
 - (c) after installation of the perimeter drain tile and damp proofing is complete, but before backfilling;
 - (d) prior to inspection under section 11.32(e), plumbing located below the finished slab level;
 - (e) the preparation of ground, including ground cover when required, radon mitigation preparation, perimeter insulation on inside of concrete *foundation* walls and reinforcing steel and below slab insulation;
 - (f) installation of rough-in plumbing before it is covered;
 - (g) installation of *building* services before being covered;
 - (h) rough-in of factory built chimneys and fireplaces and solid fuel burning appliances for new buildings only;
 - (i) framing, sheathing, fire stopping (including drywall in fire separations), bracing, 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) insulation and vapour barrier;
 - (k) *construction* of an exterior deck if the deck serves as a roof;
 - (l) on-site *constructed* tubs or showers and tub or shower trap tests;
 - (m) the installation of wall sheathing membrane, externally applied vapour or air barrier, stucco wire or lath, and flashings, but prior to the installation of exterior finishes which could conceal such work; and
 - (n) the *health and safety aspects of the work* and the conservation, GHG emission reduction and accessibility aspects of the work when the *building* or *structure* is substantially complete, ready for *occupancy* but prior to *occupancy*.
 - (o) reinforcing for insulated concrete foundation walls before concrete is installed when a structural engineer is not retained.
- 11.33 A *building official* will only carry out an inspection under section 11.32 if the *owner* or the *owner's agent* has requested the inspection in accordance with this bylaw.
- 11.34 Despite the requirement for the *building official's* acceptance of the work outlined in section 11.32, 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.
- 11.35 No person may conceal any aspect of the work referred to in section 11.32 of this bylaw until a *building official* has *accepted* it in writing.
- 11.36 For work in respect of *complex buildings*, the *owner* must
- (a) give at least 48 hours' 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 48 hours' 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 48 hours prior to the pre-occupancy coordinated site review coordinated by the *coordinating registered professional*, to deliver to the *building official* all the required documentation.

- 11.37 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 in the form described in Appendix A on the premises or by notifying the owner in writing 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*.
- 11.38 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.
- 11.39 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 11.37.
- 11.40 The *owner* must immediately, after the posting of a notice under section 11.37, 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.
- 11.41 Subject to section 11.37, no work other than the required remedial measures may be carried out on the parcel affected by the notice referred to in section 11.37 until the stop work order notice has been removed by the *building official*.
- 11.42 The notice referred to in section 11.37 must remain posted on the premises until that which is contrary to the enactments has been remedied.
- 11.43 If a person occupies a *building* or *structure* or part of a *building* or *structure* in contravention of this bylaw, a *building official* may post a Do Not Occupy Notice in the form of Appendix B on the affected part of the *building* or *structure*.
- 11.44 If a notice is posted under section 11.43, 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*.

11.45 In addition to the fees required under other provisions of this bylaw, the *owner* must pay the non-refundable fee set out in City Fees and Charges Bylaw for:

- (a) a third 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.

11.46 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*.

11.47 A *building official* may extend the period set out under section 11.46 for only one period, not to exceed twelve months, if construction has not been commenced or has been discontinued due to adverse weather, strikes, material or labour shortages, other similar hardship beyond the *owner's* control, or if the size and complexity of the construction warrants, if:

- (a) application for the extension is made at least 30 days prior to the date of *permit* expiration; and
- (b) the non-refundable fee set out in City Fees and Charges Bylaw has been paid.

11.48 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 mail to, or personal service on, the *permit* holder.

- 11.49 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*.
- 11.50 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".
- 11.51 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".
- 11.52 No person may occupy a *building* or *structure* or part of a *building* or *structure* until an occupancy inspection has been conducted by a *building official* and an occupancy inspection notice has been issued.
- 11.53 A occupancy permit will not be issued unless:
- (a) all letters of assurance have been submitted when required in accordance with this bylaw;
 - (b) all aspects of the work requiring inspection and acceptance pursuant to sections 8.11 to 8.16 of Part 8 of this bylaw have both been inspected and *accepted* or the inspections and acceptance are not required in accordance with this bylaw;
 - (c) if required the *owner* has delivered to the City as-built plans of works and *services* in a format as required by the City;
 - (d) if required the *owner* has provided to the City a *building* survey prepared by a British Columbia Land Surveyor showing the *building* height, size, location and elevation determined in accordance with the City land use regulations;
 - (e) all other documentation required under applicable enactments has been delivered to the City; and
 - (f) if required the *owner* has delivered to the City as-built drawings of the *building* or *structure* in a format as required by the City.

- 11.54 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.
- 11.55 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 11.54 have been met with respect to it.
- 11.56 A final inspection notice may not be issued unless:
- (a) all letters of assurance and 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 10 and sections 11.29 through 11.36 of this bylaw have both been inspected and *accepted*;
 - (c) the *owner* has executed and delivered to the City every agreement, instrument or form required by the City in relation to the work or the site; and
 - (d) all required offsite works respecting safety have been completed.
- 11.57 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 Zoning Bylaw, built in compliance with the *building code* and this bylaw, and connected, as required by enactments, to City utility services.
- 11.58 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 *building permit* application, signed by the *owner* or *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 Zoning Bylaw and other applicable bylaws;
- (i) security in the form of cash or a 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 a time determined by the Director of Development Services of the final inspection required under this bylaw; or
 - (ii) must be returned to the *owner* if the *owner* removes the *temporary building* within a time determined by the Director of Development Services 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 C of the *Building Code*.

11.59 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 City Fees and Charges bylaw.

11.60 A *permit fee* for a *temporary building* or *structure* is not refundable.

11.61 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 City to

demonstrate to the *building official* that the portion authorized to be constructed substantially complies with this and other applicable bylaws and enactments and the permit fee applicable to that portion of the building or structure has been paid. The issuance of the *building permit* notwithstanding, the requirements of this bylaw apply to the remainder of the *building* or *structure* as if the *building permit* for the portion of the *building* or *structure* had not been issued.

11.62 During the time a *building permit* has been issued and remains valid under this bylaw, the *owner* may be required to 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 12 – RETAINING WALLS AND GRADES

12.1 No person may construct, or structurally repair, a *retaining wall* without a *building permit*.

12.2 Except as certified by a professional engineer with expertise in geotechnical engineering registered in the province of British Columbia, fill material placed on a parcel, unless restrained by permitted *retaining walls*, must not have a surface slope exceeding a ratio of one linear unit vertically to two linear units horizontally.

12.3 Without limiting section 12.2, no person may occupy a *building* unless the finished *grade* complies with all applicable enactments.

PART 13 – BUILDING MOVE

13.1 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 14 – NUMBERING OF BUILDINGS

- 14.1 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 street or highway, on the *building* property within sight of the adjacent street or highway; and
 - (b) until such time as the *building* is removed from the site or has been demolished.
- 14.2 Despite section 14.1, the Director of Development Services may renumber or alter the assigned numbers in respect of any *building* on any parcel, including those already in existence or numbered.
- 14.3 Without limiting sections 14.1 or 14.2, 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.
- 14.4 Without limiting sections 14.1 through 14.3, on issuance of an *occupancy permit*, 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 street or highway that is not a lane.

PART 15 – POOLS

- 15.1 Without limiting section 5.1 of this bylaw, a person must not construct, or structurally repair, a swimming *pool* without a valid *building permit*.
- 15.2 A swimming *pool* must be enclosed within a fence constructed without footholds or grips that children may use to climb into the enclosed area, having a minimum height of 1.22 metres and no openings greater than 100 millimetres at their greatest dimension.
- 15.3 Access through a fence enclosing a swimming *pool* must be only through a self-closing and self-latching gate designed and constructed or installed so as to cause the gate to return to a closed position when not in use and secured by a latch located on the swimming *pool* side of the gate.

- 15.4 A person may not use or *occupy* a swimming *pool* unless the *owner* or *occupier* of property on or in which a *pool* is located maintains every fence or cover required under sections 15.2 to 15.3 in good order and without limitation maintains and repairs in good order at all times all sagging gates, loose parts, torn mesh, missing materials, worn latches, locks or broken or binding members.
- 15.5 A person may not obtain a valid and subsisting *building permit* for or use or *occupy* a swimming *pool* without first delivering to the *building official* at the time of the *building permit* application an opinion of a *registered professional* that the *design* of the *pool* will not cause or result in leaks or other failures of the *pool*.

PART 16 – ENERGY CONSERVATION AND GHG EMISSION REDUCTION (amended by Bylaw No. 3508, 2021; 3570, 2023; 3580, 2023; 3654, 2026)

- 16.1 In order to address the conservation of energy and the reduction of GHG emissions, the City has adopted BCBC Sections 9.36.6, 9.37, 10.2 and 10.3 (the British Columbia Energy Step Code and the British Columbia Zero Carbon Step Code) in accordance with Sections 16.2, 16.3, 16.4, and 16.5 of this Bylaw.
- 16.2 A building regulated under Part 9 of the BC Building Code must be designed and constructed to achieve a minimum of Step 4 of the BC Energy Step Code and Emissions Level 4 (EL-4) of the BC Zero Carbon Step Code.
- 16.3 A building regulated by Part 3 of the BC Building Code, fitting Group A occupancy such as Schools other than Colleges, Libraries, Recreation Centres, Hospitals, or Care Centres, must be designed and constructed to meet the minimum performance requirements specified in Step 2 of the BC Energy Step Code.
- 16.4 A building regulated by Part 3 of the BC Building Code, fitting the occupancy of Offices or Other Business & Personal Service (Group D), or Mercantile Occupancies (Group E), must be designed and constructed to meet the minimum performance requirements specified in Step 3 of the BC Energy Step Code and EL-2 of the Zero Carbon Step Code.
- 16.5 A building regulated by Part 3 of the BC Building Code, fitting the occupancy of Hotels and Motels or Other Residential (Group C) Occupancies, must be designed and constructed to meet the minimum performance requirements specified in Step 3 of the BC Energy Step Code and EL-2 of the Zero Carbon Step Code.

PART 17 – ACCESS ROUTE FOR FIRE VEHICLE

- 17.1 Prior to the issuance of a *building permit* for a *building* under Part 9 of the *building code*, the *owner* must satisfy the *building official* that the *building* or *structure* for which the *permit* is issued will be served by a fire access route that satisfies the following:

- (a) the width of an access route must be not less than 6 metres clear width and is connected to public thoroughfare;
- (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 the prescribed formula for Part 3 buildings in the BC Building code and not more than 15% for Part 9 buildings as per the City Subdivision and Development bylaw;
- (e) the access route must comply with the bearing load and surface material standards of the City Subdivision and Development Servicing Bylaw, 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;

unless Nelson Fire & Rescue Services has determined in writing to the *building official*, on a case by case basis, that reduced requirements will remain adequate for emergency access purposes

PART 18 – OFFENCES

18.1 Without limiting Part 5 of this bylaw, every person who:

- (a) violates a provision of this bylaw;
- (b) *permits*, suffers or allows any act to be done in violation of any provision of this bylaw; and
- (c) neglects to do anything required to be done under any provision of this bylaw,

commits an offence and on summary conviction by a court of competent jurisdiction, the person is subject to a fine of not more than \$10,000.00, or a term of imprisonment not exceeding three months, or both, in addition to the costs of prosecution. Each day during which a violation, contravention or breach of this bylaw continues is deemed to be a separate offence.

18.2 Every person who fails to comply with any order or notice issued by a *building official*, or who allows a violation of this bylaw to continue, contravenes this bylaw.

18.3 An *owner* is deemed to have knowledge of and be liable under this bylaw in respect of any construction on the parcel the *owner* owns and any change in the use,

occupancy or both of a *building* or *structure* or part of a *building* or *structure* on that parcel.

- 18.4 No person is deemed liable under section 18.3 who establishes, on a balance of probabilities, that the construction or change of use or *occupancy* occurred before he or she became the *owner* of the parcel.
- 18.5 Nothing in section 18.4 affects:
- (a) the City's right to require and the *owner's* obligation to obtain a *permit*; and
 - (b) the obligation of the *owner* to comply with this bylaw.
- 18.6 The offences in the City Bylaw Notice Enforcement Bylaw are designated for enforcement under the Local Government Bylaw Notice Enforcement Act.
- 18.7 The following persons are designated as bylaw enforcement officers under section 264(1)(b) of the *Community Charter* for enforcing the offences in the City Bylaw Notice Enforcement Bylaw: *building officials*, fire inspectors and persons designated by Council as bylaw enforcement officers.

PART 19 – SEVERABILITY

- 19.1 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 20 – REPEAL

- 20.1 The City "Building Regulation Bylaw No. 3202, 2011" and all amendments thereto are hereby repealed in their entirety.

PART 21 – APPENDICES

- 21.1 Appendices "A" and "B" attached to this bylaw forms part of this bylaw.

PART 22 – FORCE AND EFFECT

- 22.1 This bylaw shall come into force and take effect on August 1, 2019.

READ A FIRST TIME the	24 th day of June, 2019
READ A SECOND TIME the	24 th day of June, 2019
READ A THIRD TIME the	24 th day of June, 2019

FINALLY PASSED AND ADOPTED the 8th day of July, 2019.

John Dooley

Mayor

Sarah Winton

Corporate Officer

CITY OF NELSON

BYLAW NO. 3456, 2019

Appendix A – Stop Work

Order CITY OF Nelson

BUILDING SERVICES

Suite 101, 310 Ward Street

Ph: (250) 352-8260

Email: development@nelson.ca

STOP WORK ORDER

YOU ARE HEREBY NOTIFIED that the City considers construction activity on this property in breach of its Building Bylaw No. 3456, 2019.

FURTHER CONSTRUCTION SHALL NOT CONTINUE until satisfactory corrections have been made.

EVERY PERSON WHO FAILS TO COMPLY WITH THIS ORDER MAY, UPON CONVICTION FOR AN OFFENCE AGAINST SAID BYLAW, BE LIABLE TO A PENALTY AS STIPULATED IN THE BYLAW.

ADDRESS of PROPERTY

DATE

INSPECTOR

*NO PERSON MAY REMOVE, REVERSE, ALTER, COVER OR IN ANY WAY TAMPER WITH
THIS NOTICE WITHOUT AUTHORIZATION OF THE CITY*

CITY OF NELSON

BYLAW 2019, NO. 3456

Appendix B – Do Not Occupy

City of Nelson

BUILDING

SERVICES

Suite 101, 310 Ward Street

Ph: (250) 352-8260

Email: development@nelson.ca

NO OCCUPANCY

YOU ARE HEREBY NOTIFIED that the City considers occupancy of this property to be a breach of its Building Bylaw No. 3456, 2019.

OCCUPANCY OF THIS PROPERTY IS PROHIBITED until further notice.

EVERY PERSON WHO FAILS TO COMPLY WITH THIS ORDER MAY,

UPON

CONVICTION FOR AN OFFENCE AGAINST SAID BYLAW, BE LIABLE TO A
PENALTY AS STIPULATED IN THE BYLAW.

ADDRESS of PROPERTY

DATE

INSPECTOR

*NO PERSON MAY REMOVE, REVERSE, ALTER, COVER OR IN ANY WAY TAMPER WITH
THIS NOTICE WITHOUT AUTHORIZATION OF THE CITY*