

BOWEN ISLAND MUNICIPALITY
BUILDING BYLAW NO. 489, 2019

CONSOLIDATED FOR CONVENIENCE – November 24, 2025

The amendment bylaws have been combined with the original bylaw for convenience only. This consolidation is not a legal document. Certified copies of the original bylaws should be consulted for all interpretations and applications of the bylaw on this subject.

Amendment Bylaw	Date of Adoption
Bylaw No. 536, 2021	April 12, 2021
Bylaw No. 560, 2022	January 24, 2022
Bylaw No. 606, 2023	July 24, 2023
Bylaw No. 657, 2024	July 8, 2024
Bylaw No. 700, 2025	November 24, 2025

Table of Contents

Part 1: TITLE	5
Citation	5
Part 2: PURPOSE OF BYLAW.....	5
Part 3: SCOPE AND EXEMPTIONS.....	6
Application.....	6
Limited Application to Existing Buildings.....	6
Part 4: PROHIBITIONS	7
Part 5: PERMIT CONDITIONS.....	8
Part 6: POWERS OF A BUILDING OFFICIAL.....	9
Administration	9
Refusal and Revocation of Permits.....	9
Right of Entry	10
Part 7: OWNER’S RESPONSIBILITIES.....	11
Permit Requirements.....	11
Owner’s Obligations	11
Damage to Municipal Works	12
Demolition	12
Notice.....	13
Part 8: OBLIGATIONS OF OWNER’S CONSTRUCTOR.....	14
Part 9: REGISTERED PROFESSIONAL’S RESPONSIBILITIES	14
Professional Design and Field Review	14
Requirement for a Registered Professional.....	14
Professional Plan Certification.....	16
Part 10: BUILDING APPLICATION requirements	16
Requirements Before Applying for a Building Permit	16
Building Permit Applications for Complex Buildings	18
Building Permit Applications for Simple Buildings.....	21
Building Permit Applications for Group Moorage Facilities and Private Moorage Facilities	24
Site and Location Information	25
Building Permit Fee.....	25

Security Deposit with Building Permit Application.....	25
Permit Fee Refunds	26
Expiration of Application for a Permit	27
Issuance of a Building Permit	27
Compliance with the <i>Homeowner Protection Act</i>	28
Partial Construction	28
Conditions of a Building Permit	28
Inspections.....	29
Stop Work Order.....	31
Do Not Occupy Notice	32
Inspection and Other Fees.....	32
Permit Expiration	33
Permit Extension.....	33
Building Permit Revocation	33
Building Permit Cancellation	33
Occupancy	34
Temporary Buildings.....	36
Sanitary Facilities	37
Part 11: RETAINING WALLS AND GRADES.....	37
Part 12: BUILDING MOVE.....	38
Part 13: POOLS	38
Swimming Pool Permit and Fencing	38
Pool Gate	38
Spa or Hot Tub Lid	38
Maintenance.....	38
Part 14: Energy CONSERVATION AND <i>GHG</i> EMISSION REDUCTION.....	39
Part 15: ACCESS ROUTE FOR FIRE VEHICLE.....	39
Part 16: OFFENCE, PENALTY AND ENFORCEMENT	40
Violations	40
Deemed Offence.....	40
Part 17: INTERPRETATION.....	41

Definitions.....	41
Appendices	45
Severability	46
Part 18: REPEAL.....	46
Appendix A – Building Permit Application Form.....	47
Appendix B – Building Permit Form	52
Appendix C – Fees.....	53
Appendix D – Letter of Authorization	56
Appendix E – Owner’s Undertaking	57
Appendix F – Confirmation of Professional Liability Insurance	59
Appendix G – Confirmation of Required Documentation.....	61
Appendix H – Stop Work Order	64
Appendix I – No Not Occupy	65

Bowen Island Municipality

Bowen Island Municipality Building Bylaw No. 489, 2019

A Bylaw for Administration of the Building Code and Regulation of Construction

GIVEN that the Bowen Island Municipality

- 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; and
- B. is enacting this bylaw to regulate construction and administer the British Columbia *Building Code* in Bowen Island Municipality in accordance with the *Community Charter* and the *Building Act*.

NOW THEREFORE THE COUNCIL OF THE BOWEN ISLAND MUNICIPALITY, in open meeting assembled, enacts as follows

PART 1: TITLE

Citation

- 1.1 This bylaw may be cited as “*Bowen Island Municipality Building Bylaw No. 489, 2019*”.

PART 2: PURPOSE OF BYLAW

- 2.1 Despite any other provision in this bylaw, this bylaw must be interpreted in accordance with this Part.
- 2.2 Every permit issued under this bylaw is issued expressly subject to the provisions of this Part.
- 2.3 This bylaw is enacted to regulate, prohibit and impose requirements in regard to *construction* in the *Municipality* in the public interest.
- 2.4 The purpose of this bylaw does not extend to

- (a) the protection of *owners, designers or constructors* from economic loss;
- (b) the assumption by the *Municipality* 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 *Municipality* is free from latent, or any, defects; or
- (e) the protection of adjacent real property from incidental damage or nuisance.

PART 3: SCOPE AND EXEMPTIONS

Application

- 3.1 This bylaw applies to the geographical area of the Bowen Island Municipality and to land, the surface of water, air space, *buildings* or *structures* in the *Municipality*.
- 3.2 This bylaw applies to the design, construction or *occupancy* of new *buildings* or *structures* and the *alteration*, reconstruction, demolition, removal, relocation or *occupancy* or change of use or *occupancy* of *existing buildings* and *structures*.
- 3.3 This bylaw does not apply to
 - (a) except as set out in Part 11 [*Retaining Walls*] of this bylaw, a fence;
 - (b) an accessory *building* with a floor area of less than 10 square metres;
 - (c) a trellis, an arbour, a wall supporting soil that is less than 1.5 metres in height, regardless of whether the structure is embedded on level ground or on a slope, or other similar landscape *structures* on a *parcel*;
 - (d) a *building* or *structure* commonly known as “Canadian Standards Association Z240 MH series, Z241 series or A277 series”, except as regulated by the *building code*.

Limited Application to Existing Buildings

- 3.4 Except as provided in the *building code* or to the extent an *existing building* is under *construction* or does not have 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.

- 3.5 This bylaw applies if the whole or any part of an *existing building* is moved either within or into the *Municipality*, including relocation relative to parcel lines created by subdivision or consolidation. Part 12 applies to *building* moves.
- 3.6 If an *alteration* is made to an *existing building* the *alteration* must comply with this bylaw and the *building code* and the entire building must be made to comply with this bylaw and the *building code*, but only to the extent necessary to addresses any new infractions introduced in the remainder of the building as a result of the *alteration*.
- 3.7 If an *alteration* creates an *addition* to an *existing building*, the *alteration* or *addition* must comply with this bylaw, the *Municipality's Land Use Bylaw* or any other bylaw and the *building code* and the entire building must be made to comply with this bylaw and the *building code*, but only to the extent necessary to address any new infractions introduced in the remainder of the building as a result of the *alteration* or *addition*.

PART 4: PROHIBITIONS

- 4.1 A person must not commence or continue any *construction, alteration, excavation, reconstruction, demolition, removal, relocation* or change the use or *occupancy* of any *building* or *structure*, including other work related to construction
- (a) except in conformity with the requirements of the *building code* and this bylaw; and
 - (b) unless a *building official* has issued a valid and subsisting *permit* for the work under this bylaw.
- 4.2 A person must not *occupy* or *permit* the *occupancy* of any *building* or *structure* or part of any *building* or *structure*
- (a) unless a subsisting *final inspection notice* or occupancy permit has been issued by a *building official* for the *building* or *structure* or the part of the *building* or *structure*; or
 - (b) contrary to the terms of any *permit* issued or any notice given by a *building official*.
- 4.3 A person must not knowingly submit false or misleading information to a *building official* in relation to any *permit* application or construction undertaken pursuant to this bylaw.
- 4.4 Except in accordance with this bylaw, 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.

- 4.5 A person must not, unless authorized in writing by a *building official*, reverse, alter, deface, cover, remove or in any way tamper with any notice, *permit* or certificate posted or affixed to a *building* or *structure* pursuant to this bylaw.
- 4.6 A person must not do any work that is 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*.
- 4.7 A person must not interfere with or obstruct the entry of a *building official* or other authorized official of the *Municipality* on property in the administration of this bylaw.
- 4.8 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 highway from which it takes its address.
- 4.9 A person must not contravene an administrative requirement of a *building official* made under section 6.6 or any other provision of this bylaw.
- 4.10 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 5: PERMIT CONDITIONS

- 5.1 A *permit* is required if work regulated under this bylaw is to be undertaken.
- 5.2 Each *building* or *structure* to be constructed on a site requires a separate *building permit*.
- 5.3 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 Bowen Island *Municipality* will in any way
 - (a) relieve the *owner* (and if the *owner* is acting through an *agent*, the *agent*) from full and sole responsibility to perform the work in respect of which the *permit* was issued in strict compliance with this bylaw, the *building code*, and all other applicable codes, standards and enactments;
 - (b) constitute a representation, warranty, assurance or statement that the *building code*, this bylaw or any other applicable enactments respecting safety, protection, land use and zoning have been complied with; or

- (c) constitute a representation or warranty that the *building or structure* meets any standard of materials or workmanship.
- 5.4 No person shall rely on any *permit* as establishing compliance with this bylaw or assume or conclude that this bylaw has been administered or enforced according to its terms.
- 5.5 Without limiting section 5.3(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 6: POWERS OF A BUILDING OFFICIAL

Administration

- 6.1 Words defining the authority of a *building official* are to be construed as internal administrative powers and not as creating a duty.
- 6.2 A *building official* may
 - (a) administer this bylaw, but owes no public duty to enforce or administer this bylaw;
 - (b) keep records of applications received, *permits*, notices and orders issued, inspections and tests made, and may retain copies of all papers and documents connected with the administration of this bylaw;
 - (c) establish or require an *owner* to establish whether a method or type of construction or material used in the construction of a *building or structure* complies with the requirements and provisions of this bylaw and the *building code*; and
 - (d) direct that tests of materials, equipment, devices, construction methods, structural assemblies or *foundations* be carried out, or that sufficient evidence or proof be submitted by the *owner*, at the *owner's* sole expense, where such evidence or proof is necessary to determine whether the material, equipment, device, construction or *foundation* condition complies with this bylaw and the *building code*.

Refusal and Revocation of Permits

- 6.3 A *building official* may refuse to issue a *permit* if the proposed work will contravene the requirements of the *building code* or the provisions of this or any other bylaw of the *Municipality*, and must state the reason in writing.
- 6.4 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.

Right of Entry

6.5

- 6..5.1 As authorized pursuant to this bylaw and by section 16 of the *Community Charter*, a building official may enter on and into property to ascertain whether the requirements of this bylaw are being met.
- 6..5.2 Without limiting section 6.5.1, a building official may enter on and into property with the express or implied consent of the owner or occupier.
- 6..5.3 An owner or occupier of a building or premises with an issued or active building permit is deemed to consent to entry by a building official, at reasonable times and in a reasonable manner, to ascertain whether the requirements of this bylaw are being met.

Powers

6.6 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 *Municipality* 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 in the form prescribed by the *building official*;
- (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 or *occupancy permit* for the work;
 - (i) an *owner* to correct any *unsafe condition*;
 - (j) an *owner* to correct any work that contravenes this bylaw, the *building code*, or another applicable enactment; and,
 - (k) An *owner* to submit a complete application for a Permit for work that requires or may require a Permit under this Bylaw and has been commenced or completed without a Permit.
- 6.7 Every reference to “*owner*” in section 6.6 includes a reference to the *owner’s agent* or *constructor*.
- 6.8 Every person served with a notice under this Part must comply with that notice:
- (i) within the time ordered, or
 - (ii) if no time is ordered, immediately.

PART 7: OWNER’S RESPONSIBILITIES

Permit Requirements

- 7.1 Subject to Part 10 of this bylaw, every *owner* must apply for and obtain a *permit*, prior to:
- (a) *constructing*, repairing or *altering* a *building* or *structure*, including a *pool* or *retaining wall*;
 - (b) moving a *building* or *structure* into or within the *Municipality*;
 - (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*.
- 7.2 Every *owner* must ensure that plans submitted with a *permit* application bear the name, phone number, address and email address of the *designer* of the *building* or *structure*.

Owner’s Obligations

7.3 Every *owner* must

- (a) comply with the *building code*, the requirements of this bylaw and the conditions of a *permit*, and must not omit any work required by the *building code*, this bylaw or the conditions of a *permit*;
- (b) ensure that all *permits*, all plans and specifications and supporting documents on which a *permit* was based, all municipal inspection certificates, and all professional *field reviews* are available at the site of the work for inspection during working hours by the *building official*, and that all *permits* are posted conspicuously on the site during the entire execution of the work; and
- (c) prior to the issuance of a *building permit*, execute and submit to the *Municipality* an *owner's* undertaking in the form attached as Appendix E, where required by the *building official*.

7.4 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 *Municipality*. 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.

7.5 Every *owner* to whom a permit is issued must, during construction:

- (a) post the civic address on the property so that it may be easily read from the public highway from which the property takes its address; and
- (b) post the *permit* on the property so that it may be easily read from the public highway from which the property takes its address.

Damage to Municipal Works

7.6 Every *owner* to whom a *permit* is issued is responsible for the cost to repair any damage to municipal works or land that occurs during and arises directly or indirectly from the work authorized by the *permit*.

7.7 In addition to payment of a security deposit under sections 10.8 to 10.12, every *owner* must pay to the *Municipality*, within 30 days of receiving an invoice for same from the *Municipality*, the cost to repair any damage to public property or works located on public property arising directly or indirectly from work for which a *permit* was issued.

Demolition

- 7.8 Prior to obtaining a *permit* to demolish a *building* or *structure*, the *owner* must:
- (a) provide to the *Municipality* a vacancy date;
 - (b) pay capping and inspection chamber installation fees as set out in the *Municipality's* bylaws governing waterworks and sewer;
 - (c) ensure that all municipal services are capped and terminated at the property line in a *Municipality* standard inspection chamber and valve arrangement and other services are capped and terminated; and
 - (d) secure the demolition site and all *buildings* from unauthorized entry.
 - (e) pay the Demolition Permit Fee set out in Appendix C.
- 7.9 Every *owner* must ensure that, on completion of all demolition procedures, all debris and fill are cleared and the *site* is levelled or graded, or made safe if levelling and grading are not possible.

Notice

- 7.10 Every *owner* must, at least 24 hours prior to commencing work at a *building site*, give written or online notice to a *building official* of the date on which the *owner* intends to begin such work.
- 7.11 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.
- 7.12 If an *owner* or a *registered professional* terminates the engagement of a *registered professional*, including a *coordinating registered professional*, the *owner* must suspend all work under a *building permit* until the *owner* has engaged a new *registered professional*, including a *coordinating registered professional*, and has delivered to a *building official* new letters of assurance.
- 7.13 Without limiting sections 10.28 to 10.43, every *owner* must give at least 24 hours' 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.

- 7.14 Every *owner* must give notice in writing to a *building official* and pay the non-refundable fee set out in Appendix C immediately upon any change in ownership or change in the address of the *owner* which occurs prior to the issuance of an *occupancy permit*.
- 7.15 Every *owner* must give such other notice to a *building official* as may be required by the *building official* or by a provision of this bylaw.

PART 8: OBLIGATIONS OF OWNER'S CONSTRUCTOR

- 8.1 Every *constructor* must ensure that all *construction* is done in compliance with all requirements of the *building code*, this bylaw and all other applicable, codes, standards and enactments.
- 8.2 Every *constructor* must ensure that no *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.
- 8.3 For the purposes of the administration and enforcement of this bylaw, every *constructor* is responsible jointly and severally with the *owner* for all work undertaken.

PART 9: REGISTERED PROFESSIONAL'S RESPONSIBILITIES

Professional Design and Field Review

- 9.1 The provision by the *owner* to the *Municipality* 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 *Municipality* with letters of assurance in the form of Schedules C-A or C-B, as appropriate, referred to in subsection 2.2.7, Division C, of the *building code*.
- 9.2 If a *registered professional* provides letters of assurance in accordance with the *building code*, they must also provide proof of professional liability insurance to the *building official* in the form and amount set by Appendix F to this bylaw.

Requirement for a Registered Professional

- 9.3 The *owner* must retain a *registered professional* to provide a *professional design* and plan certification and letters of assurance in the form of Schedules A, B, C-A and C-B referred to in subsection 2.2.7, Division C, of the *building code*, in respect of a *permit* application:

- (a) for a *complex building*, prior to the pre-occupancy site review coordinated by the *coordinating registered professional* or other *registered professional*; or
- (b) for a simple building, prior to a final inspection 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 *Municipality* 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 located on land, for *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 building envelope of the building is regulated as a Part 3 building under the British Columbia Building Code, or the building contains more than one dwelling unit, or the building envelope does not follow the prescriptive requirements for Part 9 envelopes under the British Columbia Building Code, including where an alternative solution is proposed;
 - (i) without limiting section 9.3 (g), the Building Official may require a registered professional for the building envelope where, in the opinion of the Building Official, site exposure, design complexity, or atypical detailing warrants professional envelope design and field review to ascertain substantial compliance with the British Columbia 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 *Municipality*.

(i) That includes an automatic sprinkler system designed to NFPA 13, NFPA 13R, or NFPA 13D.

9.4 The *building official* may require any *registered professional* carrying out the *professional design* and *field review* required under section 9.3 to provide evidence that they have experience and expertise in respect of the *professional design* and *field review* of the context and scope required.

Professional Plan Certification

9.5 The letters of assurance in the form of Schedules A and B as referred to in subsection 2.2.7, Division C, of the *building code*, and referred to in sections 9.1 and 9.3 of this bylaw, are relied upon by the *Municipality* and its *building officials* as certification that the design and plans to which the letters of assurance refer comply with the *building code*, this bylaw and other applicable enactment.

9.6 Letters of assurance must be in the form of Schedules A and B referred to in subsection 2.2.7, Division C, of the *building code*.

9.7 For a building permit issued for the construction of a *complex building*, the building official will 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 *Municipality* or its *building officials* on the *registered professionals*.

9.8 If a *building permit* is issued for a construction of a *complex building*, the *permit* fee is reduced by 5% of the fees payable under Appendix C to this bylaw, up to a maximum reduction of \$500.00 (five hundred dollars).

PART 10: BUILDING APPLICATION REQUIREMENTS

Requirements Before Applying for a Building Permit

10.1 Prior to issuance of a *building permit*, the *owner* must satisfy the following requirements or conditions:

- (a) the *owner* must apply for and obtain a development permit if the *building* or *structure* is in an area designated by the *Municipality's Official Community Plan* as a development *permit* area;
- (b) the *owner* must ensure that the proposed *building* or *structure* complies with all bylaws of the *Municipality*, except to the extent a variance of a bylaw is authorized by a development *permit*, development variance permit or order of the Board of Variance;
- (c) an approving officer must have approved the subdivision plan that, once registered, would create the parcel on which the proposed *building* or *structure* will be *constructed*, and the subdivision plan must have been registered in the Land Title Office;
- (d) the *owner* must provide evidence to the *building official* showing that the person applying for the *building permit* is either the *owner* of the parcel that is the subject of the proposed *building permit*, or is the *agent* of the *owner*, in which case, the *agent* must provide the name and contact information of the *owner*;
- (e) if the parcel that is the subject of the *building permit* application is not intended to be connected to the *Municipality's* sewerage disposal system, the *owner* must apply for and obtain approval from the Municipality and other applicable public authorities for an alternate *sewerage system*;
- (f) if the parcel that is the subject of the *building permit* application is not intended to be connected to the *Municipality's* waterworks system, the *owner* must apply for and obtain approval from the *Municipality's* and other applicable public authorities for an alternate potable water supply system;
- (g) if the parcel that is the subject of the *building permit* application is not intended to be connected to the Municipality's storm water drainage system, the *owner* must apply for and obtain approval from the Municipality 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 bylaw of the *Municipality* or other enactment have not been completed in accordance with the enactments, the *owner* must enter into a completion agreement with the *Municipality* and deliver to the *Municipality* letters of credit or cash security for completion of the works and service.
- (i) in the event that there is an inadequate supply of water for delivery to the parcel that is the subject of the application or an inadequate downstream sanitary sewer capacity for servicing the parcel that is the subject of the application, such that construction of a building or structure would exceed the available remaining capacity of such systems as determined by the Municipal engineer, then a building permit may be denied or deferred until such time as the applicable utility system has sufficient capacity, or alternatively an owner may at its

option grant a registerable section 219 covenant to the Municipality precluding occupancy and connection to the applicable utility system until sufficient capacity exists, as determined by the Municipal engineer, in which case the owner shall be entitled to apply for a building permit in accordance with this bylaw.

Building Permit Applications for Complex Buildings

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

- (a) be made in the form attached as Appendix A, or as revised and authorized by the Manager of Planning and Development, and signed by the owner, or a signing officer if the owner is a corporation;
- (b) be accompanied by the *owner's* acknowledgement of responsibility and undertaking made in the form attached as Appendix E to this bylaw and signed by the *owner*, or a signing officer if the *owner* is a corporation;
- (c) include a copy of a title search for the relevant property made within 30 days of the date of the *permit* application;
- (d) include a *building code* compliance summary including the applicable edition of the *building code*, such as without limitation whether the building is designed under Part 3 or Part 9 of the *building code*, *major occupancy* classification(s) of the *building*, *building area* and *building height*, number of streets the *building* faces, and *accessible* entrances, work areas, washrooms, *firewalls* and facilities;
- (e) include a copy of a survey plan prepared by a British Columbia land surveyor;
- (f) include a site plan prepared by a *registered professional* showing
 - (i) the bearing and dimensions of the parcel taken from the registered subdivision plan;
 - (ii) the legal description and civic address of the *parcel*;
 - (iii) the location and dimensions of *existing* and proposed statutory rights of way, easements and setback requirements, and adjacent street 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, wetland, water reservoir, pond, watercourse, or the sea;
 - (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 driveway 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 of top bank and water courses;
- (xviii) access routes for firefighting;
- (xix) *accessible* paths of travel from the street to the *building*;
- (xx) 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 Bowen Island Municipality's land use regulations or provincial flood mapping regulations establish siting requirements related to minimum floor elevation,

except that the *building official* may waive, in whole or in part, the requirements for a site plan, if the *permit* is sought for the repair or *alteration* of an *existing building* or *structure*;

- (g) include floor plans showing the dimensions and uses and *occupancy* classification of all areas, including: the dimensions and height of crawl and roof spaces; the location, size and swing of doors; the location, size and opening of windows; floor, wall, and ceiling finishes; fire separations; plumbing fixtures; structural elements; and stair dimensions;
- (h) include a cross-section through the *building* or *structure* in sufficient detail and locations to illustrate *foundations*, drainage, ceiling heights and constructions systems;

- (i) include elevations of all sides of the *building* or *structure* showing finish details, roof slopes, windows, doors, natural and finished *grade*, spatial separations and ridge height to comply with the *building code* and to illustrate that the *building* or *structure* conforms with the *Municipality's Land Use Bylaw* and any Development Permits;
 - (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:
 - (i) a copy of the **Record of Sewerage System** that has been filed with and accepted by the Health Authority;
 - (ii) a copy of the **Letter of Certification** issued by an authorized person as required by Section 9 of the British Columbia Sewerage Regulation No. 326, 2004; and
 - (iii) copies of all valid driveway access permits issued by the *Municipality*.
 - (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 *building code* may require to prepare the design for and conduct *field reviews* of the construction of the *building*;
 - (o) include three sets of drawings at a suitable scale of the design prepared by each *registered professional* containing the information set out in (g) to (k) of this section; and
 - (p) include illustration of any slopes on the subject parcel that exceed 30%.
- 10.3 In addition to the requirements of section 10.2 of this bylaw, a *building official* may require the following to be submitted with a *permit* application for the construction of a *complex building* if the complexity of the proposed *building* or *structure* or siting circumstances warrant:
- (a) site servicing drawings, including sufficient detail of off-site services to indicate locations at the property line, prepared and sealed by a *registered professional*, in accordance with the *Municipality's* subdivision and development servicing bylaw;

- (b) a section through the site showing grades, *buildings, structures*, parking areas and driveways; and
- (c) any other information required by the *building official* or the *building code* to establish substantial compliance with this bylaw, the *building code* and other bylaws and enactments relating to the *building* or *structure*.

Building Permit Applications for Simple Buildings

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

- (a) be made in the form attached as Appendix A to this bylaw and signed by the *owner*, or a signing officer if the *owner* is a corporation;
- (b) be accompanied by the *owner's* acknowledgment of responsibility and undertaking made in the form attached as Appendix E and signed by the *owner*, or a signing officer if the *owner* is a corporation;
- (c) include a copy of a title search for the relevant property made within 30 days of the date of the *permit* application;
- (d) include a 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 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 and adjacent street 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, wetland, pond, water reservoir, watercourse, or the sea;
 - (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 driveway access;
- (ix) proposed and *existing* setbacks to property lines;
- (x) natural and finished grade at *building* corners and datum determination points;
- (xi) location, setbacks and elevations of all *retaining walls*, steps, stairs and decks;
- (xii) line of upper floors;
- (xiii) location of *existing* and proposed service connections;
- (xiv) location of top bank and water courses;
- (xv) access routes for firefighting;
- (xvi) *accessible* paths of travel from the street to the *building*;
- (xvii) zoning compliance summary; and
- (xviii) 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 *Municipality's* land use regulations or provincial flood mapping regulations establish siting requirements related to minimum floor elevation,

except that for a *simple building* the *building official* may waive, in whole or in part, the requirements for a site plan, if the *permit* is sought for the repair or *alteration* of an *existing building*, or the requirement for a *registered professional* to prepare the site plan;

- (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 Bowen Island Municipality's *Land Use Bylaw* and any development permits;

- (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:
 - (i) a copy of the **Record of Sewerage System** that has been filed with and accepted by the Health Authority;
 - (ii) a copy of the **Letter of Certification** issued by an authorized person as required by Section 9 of the *British Columbia Sewerage Regulation No. 326, 2004*; and
 - (iii) copies of all driveway access *permits*;
- (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*, accompanied by *letters of assurance*;
- (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 three 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*.

10.5 In addition to the requirements of section 10.4 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) 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 *Municipality's* Subdivision and Development Servicing 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, plumbing, mechanical or fire suppression drawings prepared and sealed by a *registered professional*;
- (e) letters of assurance in the form of Schedule B referred to in Division C of the *building code*, signed by a *registered professional*; and
- (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*.

Building Permit Applications for Group Moorage Facilities and Private Moorage Facilities

10.6 An application for a building permit with respect to a *group moorage facility* or *private moorage facility* must

- (a) be made in the form attached as Appendix A and signed by the *owner*, or a signing officer if the *owner* is a corporation;
- (b) be accompanied by the *owner's* acknowledgement of responsibility and undertaking made in the form attached as Appendix E and signed by the *owner*, or a signing officer if the *owner* is a corporation;
- (c) include a copy of the foreshore tenure issued by the Province of British Columbia as well as proof of ownership of the adjacent upland property in the form of a title search made within 30 days of the application;
- (d) include plans identifying all improvements, the location and dimensions of all existing and proposed *buildings* and *structures* on the adjacent upland property;
- (e) include plans by a *registered professional* for all improvements associated with the *group moorage facility* or *private moorage facility* including all docks, piers, ramps, gangways, floats, anchor lines and pilings and all setbacks from waterlot lease lines and from the property line extensions; and
- (f) include cross-section showing the *grades* of all areas over which *group moorage facilities* and *private moorage facilities* are proposed.

Site and Location Information

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

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

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

Building Permit Fee

10.8 Before receiving a *building permit* for a *building* or *structure*, the *owner* must first pay to the *Municipality*:

- (a) the *building permit* fee prescribed in Appendix C;
- (b) any fees, charges, levies or taxes imposed by the *Municipality* and payable under an enactment at the time of issuance of the *building permit*; and
- (c) When an owner has commenced work requiring a *building permit* without first obtaining such a *permit* they must, if a Stop Work notice is issued, pay an additional fee as outlined in Appendix C of this bylaw.

Security Deposit with Building Permit Application

10.9 An applicant for a building permit must pay to the Municipality, at the time of the application a security deposit sum set out in Appendix C.

10.10 The security deposit sum set out in section 10.9 of this Part

- (a) covers the cost borne by the *Municipality* 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 *Municipality* 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 interim *occupancy* when the 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.

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

- (a) when the *building official* 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 *building official*; and
- (c) when the conditions or provisions of a interim *occupancy* permit are completed to the satisfaction of the *building official*;

only if the applicant has requested the return of the security.

10.12 Any credit greater than the amount of the security deposit used by the *Municipality* for the purposes described in sections 10.9 to 10.11 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 *Municipality* to complete corrective work to public lands, public works, or the site is recoverable by the *Municipality* from the *permit* holder, the *constructor* or the *owner* of the property.

Permit Fee Refunds

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

10.14 A *building permit* or other *permit* fee may be partially refunded as set out in Appendix C, only if

- (a) the *owner* has submitted a written request for a refund;
- (b) the *building official* has certified a start has not been made on the construction of the *building* or *structure*; and

(c) the *permit* has not expired.

10.15 A *building permit* or other *permit* fee is not refundable after the *permit* has been extended under section 10.45 of this Part.

Design Modification

10.16 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 *Municipality* a *building permit* fee based set out in Appendix C.

Construction Before Permit Issued

10.17 The *building permit* or other *permit* fee is doubled for every *permit* application if construction commenced before the *building official* issued a *permit*, to a maximum of \$10,000.00.

Expiration of Application for a Permit

10.18 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 *Municipality*.

Issuance of a Building Permit

10.19 If

- (a) a completed application in compliance with sections 10.2 and 10.3, sections 10.4 and 10.5, or section 10.6 of this Part, including all required supporting documentation, has been submitted;
- (b) the *owner* has paid all applicable fees set out in sections 10.8 to 10.18 of this Part and Appendix C;
- (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;
- (f) no covenant, agreement, resolution or regulation of the *Municipality* requires or authorizes the *permit* to be withheld; and
- (g) the *owner* has paid all charges and met all requirements imposed by other statute or bylaw,

the *building official* will issue the *permit*, in the form prescribed by the *building official*, for which the application is made, and the date of issuance is deemed to be the date the *Municipality* gives written notice to the *owner* that the *permit* is ready to be picked up by the *owner*.

- 10.20 Despite section 10.19, 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*.
- 10.21 The *building official* may issue a foundation permit or an excavation permit prior to the issuance of a building permit.

Compliance with the *Homeowner Protection Act*

- 10.22 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.
- 10.23 Section 10.22 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*.
- 10.24 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*.

Partial Construction

- 10.25 If a site has been excavated under a building permit for excavation issued under this bylaw, or construction has started under a foundation permit issued under this bylaw, and a building permit is not subsequently issued or a subsisting building permit has expired under Section 10.45 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 Municipality to do so.

Conditions of a Building Permit

- 10.26 A *building permit* or an application for a *building permit* that is in process may not be transferred or assigned until the *owner* has notified the *building official* in writing, the *building*

official has authorized the transfer or assignment in writing and the *owner* has paid the non-refundable fee required under Appendix C. The transfer or assignment of a *building permit* is not an extension of a *building permit*.

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

Inspections

- 10.28 If a *registered professional* provides letters of *assurance* in accordance with this Part, the *Municipality* 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 referenced by those letters of assurance substantially conforms to the design, plans and specifications and that the construction complies with the *building code*, this bylaw and other applicable enactments respecting safety.
- 10.29 Despite section 10.28 of this Part, a *building official* may attend the site from time to time during the course of construction to ascertain that the *field reviews* are taking place and to monitor the *field reviews* undertaken by the *registered professionals*.
- 10.30 A *building official* may attend periodically at the site of the construction of *simple buildings* or *structures* to ascertain whether the work is being carried out in substantial conformance with the *building code*, this bylaw and any other applicable enactments concerning safety.
- 10.31 For all work in respect of *simple buildings* the *owner* must give at least 24 hours' notice to the *Municipality* when requesting an inspection and following an inspection must 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) *excavation*, within 24 hours of the start of *excavation*;
 - (c) *foundation* and footing forms, before concrete is poured;
 - (d) prior to inspection under section 10.30(e), plumbing located below the finished slab level;
 - (e) the preparation of ground, including ground cover when required, perimeter insulation on inside of concrete *foundation* walls and reinforcing steel;
 - (f) after inspection under section 10.30(e) hydronic heating pipes and below slab insulation;

- (g) installation of rough-in plumbing before it is covered;
- (h) installation of *building* services before being covered;
- (i) rough in of masonry fireplaces, factory built chimneys and fireplaces and solid fuel burning appliances;
- (j) 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;
- (k) insulation and vapour barrier;
- (l) *construction* of an exterior deck if the deck serves as a roof;
- (m) on-site *constructed* tubs or showers and tub or shower trap tests;
- (n) 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
- (o) 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*.

10.32 An *owner* requesting an inspection must make the request online or in writing in accordance with this bylaw.

10.33 Any letters of assurance being provided under this bylaw must be submitted to the *building official* before the construction of the work being addressed by the registered professional commences.

10.34

- (a) No person may conceal any aspect of the work referred to in section 10.30 and 10.31 of this bylaw until a *building official* has *accepted* it in writing unless letters of acceptance by a registered professional have been submitted in relation to that aspect of the work.
- (b) If work has proceeded past one or more of the stages referred to in section 10.31 and 10.33 of this Bylaw without approval from the Building official, the Owner must:
 - (i) remove the unapproved work and return the project to the stage following the last approved inspection;

- (ii) call for inspection;
 - (iii) pay all re-inspection applicable fees;
- before proceeding with any further work.

10.35 For work in respect of *complex buildings*, the *owner* must:

- (c) give at least 48 hours' online or written notice to the *Municipality* 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;
- (d) give at least 48 hours' online or written notice to the *Municipality* 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 bylaws of the *Municipality* and other enactments respecting safety and the conservation, *GHG* emission and accessibility aspects of the work; and
- (e) 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* the Confirmation of Required Documentation described in Appendix G, complete with all documentation in a hard covered three ring binder and in digital pdf format on a memory stick.

Stop Work Order

- 10.36 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 H on the premises, or by delivering the notice to the *owner*, whenever it is found that the work is not being performed in accordance with the requirements of the *building code*, the Building Permit issued in respect of the work of this Bylaw, any applicable bylaw of the *Municipality* or the applicable provisions of the *Homeowner Protection Act*.
- 10.37 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 or delivering the notice to the *owner*. The *building official* must consider such a request and, if not acted upon, must respond, in writing, to the *coordinating registered professional* and give reasons.

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

Do Not Occupy Notice

- 10.42 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 described in Appendix I on the affected part of the *building* or *structure*, or may deliver such notice to the *owner* along with direction as to where the notice must be or remain posted.
- 10.43 If a notice is posted under section 10.42, 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*. An *owner* to whom such notice is delivered must ensure that the notice is and remains on the affected part of the *building* or *structure*, as directed by the *building official*.

Inspection and Other Fees

- 10.44 In addition to the fees required under other provisions of this bylaw, the *owner* must pay the non-refundable fee set out in Appendix C for:
- (a) a second and each subsequent re-inspection where it has been determined by the *building official* that due to non-compliance with the provisions of this bylaw or due to non-complying work, more than one site visit is required for any required inspection;

- (b) a special inspection during the *Municipality'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 *Municipality's* normal business hours.

Permit Expiration

10.45 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 12 months from the date of issuance of the *permit*;
- (b) work is discontinued for a period of 12 months; or
- (c) the work is not completed within two years of the date of issuance of the *permit*.

Permit Extension

10.46 A Building Official may authorize a twelve month extension to a Permit:

- (a) upon the written request of the Owner and the payment of the applicable fees in Appendix C
- (b) Notwithstanding 10.46 (a), where, in the opinion of the *Building Official*, *Construction* has not proceeded in a timely manner for any reason, the *Building Official* may deny an extension to a Permit.

Building Permit Revocation

10.46 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 *Municipality*,

such *permit* revocation must be in writing and sent to the *permit* holder by signature mail to, or personal service on, the *permit* holder.

Building Permit Cancellation

- 10.47 A *building permit*, or a *building permit* application, may be cancelled by the *owner*, or his or her *agent*, on delivery of written notification of the cancellation to the *building official*.
- 10.48 On receipt of the written cancellation notice, the *building official* must mark on the application, and a *permit* if applicable, the date of cancellation and the word "cancelled".
- 10.49 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*, alter the scope of the work, design or intent of the application in respect of which the *permit* was issued, the *building official* may cancel or amend the *permit* and mark on the *permit* the date of cancellation or amendment and the word "cancelled" or "amended".
- 10.50 If a *building permit* application or *permit* is cancelled, and construction has not commenced under the *permit*, the *building official* must return to the *owner* any fees deposited under Appendix C, less
- (a) any non-refundable portion of the fee; and
 - (b) 50% of the refundable portion of the fee.

Occupancy

- 10.51 No person may occupy a *building* or *structure* or part of a *building* or *structure* until an occupancy permit has been issued by a *building official*.
- 10.52 An occupancy permit will not be issued unless:
- (a) all letters of assurance and the Confirmation of Required Documentation described in Appendix G have been submitted when required in accordance with the requirements of this bylaw;
 - (b) all aspects of the work requiring inspection and acceptance pursuant to this bylaw have both been inspected and accepted or the inspections and acceptance are not required in accordance with this bylaw;
 - (c) all aspects of the work requiring inspection and review pursuant to Part 9 and sections 10.27 through 10.34 of this bylaw have both been inspected and *accepted*;
 - (d) the *owner* has delivered to the *Municipality* as-built plans of works and *services* in digital format as required by the *Municipality*;
 - (e) the *owner* has executed and delivered to the *Municipality* every agreement, instrument or form required by the *Municipality* in relation to the work or the site; and

- (f) all required offsite works respecting safety have been completed.
- (g) the *owner* has provided to the *Municipality* a *building* survey prepared by a British Columbia Land Surveyor showing the *building* height, size, location and elevation determined in accordance with the *Municipality's* land use regulations;
- (h) all other documentation required under applicable enactments has been delivered to the *Municipality*; and
- (i) the *owner* has delivered to the *Municipality* as-built drawings of the *building* or *structure* in digital format as required by the *Municipality*.
- (j) there is an adequate supply of water and an adequate downstream sanitary sewer capacity for servicing the parcel, as determined by the Municipal engineer.

10.53 When a *registered professional* provides letters of assurance in accordance with this bylaw, the *Municipality* will rely solely on the letters of assurance when issuing a final report authorizing *occupancy* as assurance that the items *identified* on the letters of assurance substantially comply with the *design, the building code*, this bylaw and other applicable enactments respecting safety.

10.54 A *building official* may issue an *occupancy permit* for partial *occupancy* of a portion of a *building* or *structure* under construction when

- (a) that portion of the *building* or *structure* is self-contained and provided with essential services respecting *health and safety aspects* of the work, and if applicable, accessibility, GHG emissions and conservation; and,
- (b) the requirements set out in section 10.52 have been met with respect to it.

10.55 A *building official* may issue an *occupancy permit* for a period of not more than 12 months for a *building* or *structure* when

- (a) the interim *occupancy permit* is for a period not exceeding one year;
- (b) all aspects of the work requiring inspection and acceptance pursuant to sections 7.10 to 7.15 of Part 7 of this bylaw have both been inspected and *accepted* or the inspections and acceptance are not required in accordance with this bylaw;
- (c) all aspects of the work requiring inspection and review pursuant to Part 9 and sections 10.27 through 10.34 of this bylaw have both been inspected and *accepted*;

(d) that the *building or structure* is provided with essential services respecting *health and safety aspects* of the work, and if applicable, accessibility, *GHG* emissions and conservation; and

(e) the *owner* has paid the applicable fee set out in Appendix C

Temporary Buildings

10.56 Subject to the bylaws of the *Municipality* 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 *Municipality's Land Use Bylaw*, built in compliance with the *building code* and this bylaw, and connected, as required by enactments, to *Municipality's* utility services.

10.57 An application for a *building permit* for the erection or placement of a *temporary building or structure* must be made in the form of a temporary *permit* application in the form prescribed by the *building official*, 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 *Municipality's Land Use 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 *Municipality* to remove the *building* after one year of the date of the final inspection required under this bylaw; or
 - (ii) must be returned to the *owner* if the *owner* removes the *temporary building* within one year of the date of the final inspection of the *temporary building* required under this bylaw; and
 - (j) in the case of a *temporary building*, information to comply with article 1.1.1.1(2)(f), Division C of the *Building Code*.
- 10.58 Before receiving a *building permit* for a *temporary building* or *structure for occupancy*, the *owner* must pay to the *Municipality* the applicable *building permit* fee set out in Appendix C.
- 10.59 A *permit fee* for a *temporary building* or *structure* is not refundable.

Sanitary Facilities

- 10.60 During the time a *building permit* has been issued and remains valid under this bylaw, the *owner* must provide on the *parcel* in respect of which the *permit* has been issued, or on land in the vicinity of that *parcel* with the written permission of the owner of the other land, if applicable, 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*. Facilities must be accessible and unlocked when not occupied while work is being carried out on the *parcel* under this bylaw, and every sanitary facility that is not connected to a
- (a) sanitary sewer; or
 - (b) septic disposal system approved under the *Health Act*,
- by plumbing that complies with the *Building Code* and this bylaw, must be provided, at all times the facility is required under this bylaw, with toilet paper, a locking door for privacy, and ventilation, and must be kept in sanitary condition without leaking beyond the facility and without overflowing within the facility. Such facilities must be located so as not to create a nuisance to neighbouring *parcels* or *highways*.

PART 11: RETAINING WALLS AND GRADES

- 11.1 No person may construct, or structurally repair, a *retaining wall* without a *building permit*.
- 11.2 Except as certified by a professional engineer with expertise in geotechnical engineering 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.

- 11.3 Without limiting section 11.2, no person may occupy a *building* unless the finished *grade* complies with all applicable enactments.

PART 12: BUILDING MOVE

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

PART 13: POOLS

Swimming Pool Permit and Fencing

- 13.1 Without limiting section 5.1 of this bylaw, a person must not construct, or structurally repair, a swimming *pool* without a valid *building permit*.
- 13.2 A swimming *pool*, including a spa or hot tub, 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 1.5 metres and no openings greater than 100 mm at their greatest dimension.

Pool Gate

- 13.3 Access through a fence or other vertical barrier enclosing a swimming pool, spa, or hot tub must be only through a self-closing and self-latching gate or door designed and constructed so as to cause the gate or door to return to a closed, locked position when not in use and secured by a latch or lock located on the swimming pool, spa or hot tub side of the gate or door.

Spa or Hot Tub Lid

- 13.4 In lieu of a fence, a spa or hot tub may be covered with a locking cover, which would prevent unauthorized access to the water.

Maintenance

- 13.5 A person may not use or *occupy* a swimming *pool*, including a spa or hot tub, unless the *owner* or *occupier* of property on or in which the *pool*, spa or hot tub is located maintains every fence or cover required under sections 13.2 to 13.4 in good order. Without limiting the foregoing, the *owner* or *occupier* must keep the *pool*, coverings and fence and repairs in good order at all times, in particular to prevent all sagging gates, loose parts, torn mesh, missing materials, worn latches, locks or broken or binding members.

Leaks or Other Failures

- 13.6 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 14: ENERGY CONSERVATION AND ZERO CARBON

- 14.1 The Municipality adopts by reference the BC Energy Step Code and the BC Zero Carbon Step Code, as applicable under the BC Building Code
- 14.2 A building regulated by Part 3 of the Building Code must be designed and constructed to meet the minimum performance requirements specified in Step 3 of the Energy Step Code and Zero Carbon Step Code Level EL-1.
- 14.3 A building regulated by Part 9 of the Building Code must be designed and constructed to meet the minimum performance requirements specified in Step 3 of the Energy Step Code and Zero Carbon Step Code Level EL-1.
- 14.4 For any building or part of a building within the scope of the BC Energy Step Code or the BC Zero Carbon Step Code, compliance is required as set out in the BC Building Code.
- 14.5 When an NRCan-registered Energy Advisor or *registered professional*, provides energy and/or emissions reports or field reviews in accordance with this bylaw, the Municipality may rely on those submissions as evidence that the construction conforms to the approved design and complies with the BC Building Code, this bylaw, and other applicable enactments respecting energy efficiency and operational greenhouse-gas emissions. Such reliance does not limit the Municipality's authority to inspect, require additional information, or enforce compliance, and does not relieve the owner, energy advisory, or *registered professional* of responsibility for compliance.
- 14.6 A building permit application accepted as complete before the effective date of this amendment may, at the owner's election, proceed under the requirements in force on the date of acceptance.

PART 15: ACCESS ROUTE FOR FIRE VEHICLE

- 15.1 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 3.6 metres;
 - (b) the centerline radius of an access route must be 12 metres;
 - (c) the overhead clearance of an access route must be at least 5 metres; and

- (d) the gradient of the access route must not change more than 1 in 12.5 over a minimum distance of 15 metres;
 - (e) the access route must comply with the bearing load and surface material standards of the Municipality's Subdivision and Development Servicing Bylaw, as amended or replaced from time to time; and,
 - (f) the maximum unobstructed path of travel for fire fighters from main entrance to fire department vehicle is 15 metres.
- 15.2 The requirements of section 15.1 may be waived by the Fire Chief for the *Municipality* if the Fire Chief is satisfied that the access route will not impede or obstruct vehicles or equipment used by members of the *Municipality's* Fire Department in carrying out their work.

PART 16: CLIMATIC DATA

16.1 The climatic data for the design of *buildings* in the Municipality shall be the data provided for the *Municipality* by *Environment and Climate Change Canada*, which will be published on the *Municipality's* official website.

PART 17: OFFENCE, PENALTY AND ENFORCEMENT

Violations

- 17.1 Without limiting Part 4 of this bylaw, every person who
- (a) contravenes or violates a provision of this bylaw;
 - (b) *permits*, suffers or allows any act to be done in contravention or violation of any provision of this bylaw; or
 - (c) fails or neglects to do anything required to be done under any provision of this bylaw, or an order issued or a notice posted or delivered under this bylaw,
- commits an offence and each day during which a violation or contravention of this bylaw continues amounts to a separate offence.
- 17.2 A person found guilty of an offence under this bylaw is liable to pay a fine of up to \$10,000, the costs to the *Municipality* of prosecution, and to such other penalties and compensation as may be imposed by a court under the *Community Charter* and *Offence Act*.

Deemed Offence

- 17.3 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*.
- 17.4 No person is deemed liable under section 16.3 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*.
- 17.5 Nothing in section 16.4 affects
- (a) the *Municipality'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.

Enforcement

- 17.6 This bylaw may be enforced by a *building official* or by a bylaw enforcement officer appointed by the *Municipality* to enforce this bylaw.
- 17.7 This bylaw may be enforced:
- (a) by prosecution under the *Offence Act*;
 - (b) by issuance of a bylaw notice under the *Bowen Island Municipality Bylaw Notice Enforcement Bylaw*;
 - (c) by civil action as authorized by law.

PART 18: INTERPRETATION

Definitions

- 18.1 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 as amended or re-enacted from time to time;

Authorized person means a registered practitioner or a professional as defined by the Sewerage System Regulation.

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 Bowen Island Municipality, and includes a building inspector, plan checker, plumbing inspector gas inspector, or electrical inspector designated or appointed by the Bowen Island Municipality, and for certainty the *building official* is the “building inspector” referred to in the *Community Charter* and *Local Government Act*;

complex building means:

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

- (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 as amended or re-enacted from time to time;

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

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;

Gangway, Group Moorage Facility and Private Moorage Facility mean *gangway, group moorage facility and private moorage facility* as defined in Bowen Island Municipality *Land Use Bylaw* No. 57, 2002 as amended or re-enacted from time to time;

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;

Health Authority means the regional health board established under the Health Authorities Act that has jurisdiction over the geographic area in which the *Municipality* is located;

Letters of Assurance means the schedules in the *Building Code* outlining the responsibilities and commitments of *Registered Professionals*;

Letter of Certification means the document filed with the Health Authority by an authorized person upon completion of the installation of a sewerage system, as required by Section 9 of the Sewerage System Regulation;

Municipality means the Bowen Island Municipality

owner means the registered *owner* in fee simple, or an *agent* duly authorized by the *owner* in writing in the form attached as Appendix D;

permit means permission or authorization in writing by the *building official* to perform work regulated by this bylaw and, in the case of an *occupancy permit*, to occupy a *building* or part of a *building*;

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

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;

Record of Sewerage Filing means the document issued to the property owner by the Health Authority upon the receipt of construction plans for a sewerage system in the form required by Section 8 of the *Sewerage System Regulation*.

Registered Professional means a person who is registered or licensed to practice as an architect under the Architects Act or a person who is registered or licensed to practice as a professional engineer under the *Engineers and Geoscientists Act*.

retaining wall means a *structure* exceeding 1.5 metres in height, regardless of whether the structure is embedded on level ground or on a slope, that holds or retains *soil* or other material behind it;

Sewerage system means a system for treating domestic sewage that uses one or more treatment methods and a discharge area, but does not include a holding tank or a privy.

Sewerage System Regulation means Sewerage System Regulation under the Public Health Act (BC).

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 1.5 meters in height;

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

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

- (a) as determined by the *building official* using current market costs

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

- (a) 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, set out in the Schedule to the *Community Charter*: *assessed value, highway, land, occupier, parcel, public authority, service and soil*; and
- (c) subject to this bylaw, set out in section 29 of the *Interpretation Act*: *may, must, obligation, person, property, writing, written* and *year*.

18.3 Every reference to this bylaw in this or another bylaw of the Bowen Island Municipality is a reference to this bylaw as amended or replaced from time to time.

18.4 Every reference to

- (a) the *building code* is a reference to the current edition as of the date of issuance of the *building permit*; and

- (b) a section of the *building code* is a reference to the applicable successor sections,

as the code or section may be amended or re-enacted from time to time.

18.5 Definitions of words and phrases used in this bylaw that are not included in the definitions in this Part have the meanings commonly assigned to them in the context in which they are used in this bylaw, considering the specialized use of terms with the various trades and professions to which the terminology applies.

Appendices

18.6 Appendices A through I are attached to and form part of this bylaw.

Severability

- 18.7 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 19: REPEAL

- 19.1 *"BOWEN ISLAND MUNICIPALITY Building Bylaw No. 65, 2002"*, as amended, is repealed.

READ A FIRST TIME this 9th day of September, 2019.

READ A SECOND TIME this 9th day of September, 2019.

READ A THIRD TIME this 30th day of September, 2019.

FINALLY ADOPTED this 15th day of October, 2019.

Mayor (ORIGINAL SIGNED) Corporate Officer (ORIGINAL SIGNED)

Bowen Island Municipality BYLAW No. 489, 2019

**Appendix A – Building Permit Application Form
(Form on following page)**

580 Bowen Island Trunk Road, Bowen Island, B.C. V0N 1G2

Tel: 604 947-4255/ Fax: 604 947-0193/ bim@bimbc.ca

Building Permit Application Form

Owner	Name Mailing Address _____ Postal Code _____ Tel: (home) _____ Tel: (work) _____ Fax: _____ email: _____
Architect	Name Mailing Address _____ Postal Code _____ Tel: (home) _____ Tel: (work) _____ Fax: _____ email: _____ Business Licence Number: _____
Professional Engineer	Name Mailing Address _____ Postal Code _____ Tel: (home) _____ Tel: (work) _____ Fax: _____ email: _____ Business Licence Number: _____
Contractor	Name Mailing Address _____ Postal Code _____ Tel: (home) _____ Tel: (work) _____ Fax: _____ email: _____ Business Licence Number: _____
Plumber	☐ to be installed by owner ☐ to be installed by plumbing contractor – please specify: _____ Name _____ Trade Certification No. _____ ☐ copy of certification attached Business Licence Number: _____
Sewerage Practitioner or Professional	Name _____ Trade Certification No. _____ ☐ copy of certification attached Business Licence Number: _____
Property Description	Tax Assessment Roll/Folio # _____ PID # _____ Lot _____ Block _____ _____ Plan _____ District Lot _____ House No. _____ Street _____
Application to Construct (please ✓ one) ☐ new dwelling including a secondary suite ☐ renovation ☐ new deck ☐ demolition ☐ new accessory building ☐ addition ☐ new commercial Bldg. ☐ secondary suite ☐ detached secondary suite ☐ change of use ☐ other <u>In the case of an addition/renovation are you increasing the livable space of the building</u> ☐ Yes ☐ No	
	CONSTRUCTION VALUE FOR BUILDING PERMIT: (FOR OFFICE USE ONLY)

Please Note: Incomplete Applications may delay issuance of the building permit

Applicant to ensure that a cheque or money order for \$75.00 (*made payable to the Bowen Island Municipality*) is attached and that each permit, filing or approval listed below has been obtained and the documentation is attached.

- ☐ 3 copies of architectural drawings
- ☐ Survey plan prepared by a BC Land Surveyor
- ☐ Site Plan
- ☐ Approval of strata corporation (if applicable)
- ☐ Cheque or money order for \$75.00
- ☐ Proof of Ownership (Certificate of Title - must dated within 90 days prior to application)
BIM can supply for a cost of \$25.00
- ☐ Copy of All Covenants & Easements. ***Check with Planning Clerk. BIM may already have copies***
- ☐ Record of Sewerage System. ***(new dwellings & accessory buildings)***
- ☐ Fire Department Access Permit ***(new dwellings & detached secondary suites)***
- ☐ Driveway Access Permit ***(New dwellings & detached secondary suites)***
- ☐ Homeowner Protection Certification ***(New Dwellings & detached secondary suites)***
- ☐ Approval from Agricultural Land Commission (if applicable)
- ☐ Heron Policy #16-020 Adherence if applicable
- ☐ Approval from Ministry of Environment, Lands and Parks (if applicable)
- ☐ Proof of Professional Liability Insurance from Registered Professional (if applicable)
- ☐ Potable Water ***(for all new dwellings and detached secondary suites):***
- ☐ Property is served with water from _____ Water System and letter of approval to be connected to the water system is attached
- ☐ Proposed water supply will serve 2 or more connections and approval from Health Unit and documentation required for water testing and sampling is attached
- ☐ Proposed water supply serves single property and documentation required for water testing and sampling outlined is attached
- ☐ Are you installing a Fire Sprinkler System? Yes _____ No _____

Please ensure that your site plan includes the following:

- ☐ Date, Scale, north arrow
- ☐ Approximate dimensions and sizes of all proposed buildings
- ☐ Approximate location of existing roads and trails
- ☐ Approximate location of all easements, covenant areas, rights-of-way, etc.
- ☐ Approximate location of proposed accesses for all lots (if applicable)
- ☐ Existing & finished grade at all points where 2 outside walls meet

BUILDING PERMIT OWNER'S ACKNOWLEDGEMENT OF RESPONSIBILITY

1. I acknowledge that if I am granted a building permit pursuant to this application that am responsible for compliance with the current edition of the British Columbia Building Code, this Bylaw and any other applicable enactment, code regulation or standard relating to the work in respect of which the permit is issued, whether or not the said work is undertaken by me or by those whom I may retain or employ to provide design and/or construction services.
2. I acknowledge that neither the issuance of a permit under this bylaw, the acceptance nor review of plans, specifications, drawings or supporting documents, nor inspections made by or on behalf of the Bowen Island Municipality constitute a representation, warranty, assurance or statement that the current edition of the British Columbia Building Code, the Building Bylaws of Bowen Island Municipality or any other applicable enactment, code, regulation or standard has been complied with.
3. Where the Bowen Island Municipality requires that Letters of Assurance be provided by a Registered Professional, I confirm that I have been advised in writing by the Bowen Island Municipality that it relied exclusively on the Letter of Assurance of the "Professional Design and Commitment for Field Review" prepared by _____

in reviewing the plans, drawings specifications and supporting documents submitted for a building permit.
4. I confirm that I have relied only on the said Registered Professional for the adequacy of plans, drawings, specifications and supporting documents submitted with this application.
5. I understand that I should seek independent legal advice in respect of the responsibilities I am assuming upon the granting of a building permit by the Bowen Island Municipality.

Signed this _____ day of _____, 20____ Owner'/Agent's Signature:

Signed this day of Witnessed
by: _____ Signature of Witness:

Occupation:

NOTE: If signed by an Agent, letter of authorization from the Owner must be provided with this application.

FOR OFFICE USE ONLY

- ☐ Proof of Ownership ☐ Planning Dept. ☐ Fire Department Permit ☐ Approval for Agent
☐ Drawings ☐ Site Plan ☐ Record of Sewerage System ☐ Sewerage Certification
☐ Potable Water ☐ Zoning ☐ ALC ☐ MELP ☐ Driveway Access
☐ Homeowner Protection ☐ Application Fee ☐ House Number Previously Assigned

Present Zoning _____

Occupancy _____

Lot Area _____

Lot Coverage _____ LCR _____ (Lot Coverage Ratio)

Building Setbacks: Front _____ Exterior Side _____ Interior Side _____ Rear _____

Building Permit Number _____

House Number Assigned _____

**Bowen Island Municipality Building Bylaw No. 489, 2019 –
Appendix B – Building Permit Form**

BUILDING PERMIT

Owner(s)

Permit #

Roll #

PID

Construct

Lot

Block

House #

Plan

Street

District Lot

Construction Value

\$0.00

Fee:

\$75.00

Plumbing Fixtures

--

0.00

Chimney Flues

--

0.00

Temporary Structures

--

0.00

Demolition, under 500 sq ft

--

0.00

Demolition, 500 sq ft or more

--

0.00

Sign Construction

--

0.00

Moving a Building

--

0.00

*Certification Discount (as per Sec.
743(3) of the Local Government Act)*

--

Permit Fee

\$75.00

Permit Deposit

0.00

*(to be refunded upon completion of
construction project)*

Certification Discount

Title Search

0.00

Stop Work Order Penalty

0.00

Sub-total

\$75.00

Application Fee Received

(75.00)

Total Due

\$0.00

Building Inspector

Note: The placement of any materials or debris on public property, or the blocking of road drainage ditches or natural water courses is PROHIBITED.

If this permit is issued in reliance upon the certification by registered professionals the Bowen Island Municipality will rely upon the liability disclaimer in Section 743 of the Local Government Act

Bowen Island Municipality BYLAW No. 489, 2019

Appendix C – Fees

BUILDING PERMIT FEES

		FEES
1.	<i>building permit</i> application fee	The greater of \$150.00 or 0.25% of the <i>value of work</i>
2.	Security Deposit required when <i>building permit</i> application is approved	1.0% of <i>value of work</i> , when the <i>value of work</i> exceeds \$15,000.
3.	Pre-inspection of <i>building</i> being moved within the Bowen Island Municipality	\$300.00 per structure
4.	Building Permit Fee payable for the construction, addition, <i>alteration</i> or repair of a <i>building</i> or <i>structure</i> or part thereof shall be as follows: For each \$1,000.00 or part thereof exceeding \$1,000.00 up to \$150,000.00 of <i>value of work</i> For each additional \$1,000.00 or part thereof exceeding \$150,000.00 of <i>value of work</i> And deducting the following	 \$10.00 \$9.00 The portion of the <i>Building Permit</i> application Fees exceeding \$150
5.	When a <i>permit</i> is surrendered and cancelled before any construction begins and the <i>owner</i> has provided written notification that the project will not be undertaken	50% of the <i>building permit</i> fee and 100% of the deposit shall be refunded to the property <i>owner</i>
6.	For the first and second extension of a building permit, if requested in writing by the <i>owner</i>	\$150.00 or 20% of the building permit fee, whichever is greater.
6.1	For each subsequent extension of a building permit, if requested in writing by the <i>owner</i>	\$300 or 50% of the building permit fee, whichever is greater.
7.	Plan review for <i>building</i> design modifications	\$100.00

8.	For the transfer of a <i>building permit</i>	\$75.00
9.	Requested after hours inspection.	\$100.00 minimum plus actual time spent and travel costs at current rate
10.	For <i>permit</i> to install Plumbing	\$20.00 per fixture with a minimum fee of \$75.00.
11.	For <i>permit</i> to install either a chimney, heating device which is connected to the chimney, or a fireplace (masonry or factory-built chimney)	\$75.00
11a.	For each additional flue or vent	\$20.00
12.	For any application for a <i>permit</i> not specifically provided herein	\$150.00
13.	Swimming <i>Pool</i> Construction	Based on construction value formula (<i>as per Section 4</i>).
14.	Where it has been determined by the <i>building official</i> that due to non-compliance with the provisions of this bylaw or the <i>building code</i> , more than two inspections are necessary for a single type of inspection, the fee for each inspection after the second inspection	\$100.00
15.	Demolition Permit Fee	\$150.00 if less than 500 square feet, \$300.00 if 500 square feet or more
16.	For providing property title search from Land Title Office (per title)	\$25.00
17.	For obtaining and/or providing a copy of an instrument registered on the property title	Actual cost
18.	For registration and review of Section 219 covenant placed according to the <i>Land Title Act</i> .	\$500.00
19.	For discharge of Section 219 covenant placed according to the <i>Land Title Act</i> .	\$350.00
20.	For registration and review of priority agreements	\$350.00
21.	For discharge of notices placed under Section 700 of the Local Government Act	\$350.00
22.	For the issuance of an interim <i>occupancy</i>	\$200.00
23.	For the renewal of an interim <i>occupancy</i>	\$300.00

24.	For the issuance of a Foundation Permit	\$300.00
25.	Excavation Permit Fee	\$250.00
26.	When work requiring a <i>building permit</i> has commenced without a <i>permit</i> and a Stop Work notice is issued.	An additional charge equal to 100% of the <i>building permit</i> fee, to a maximum of \$10,000
27.	For the review of an alternative solution proposal for Part 9 Buildings.	\$350.00
28.	For review of Fire Access Route by the Fire Chief or delegate under Section. 15.2	\$350.00

Bowen Island Municipality Building Bylaw No. 489, 2019

Appendix D – Letter of Authorization

To whom it may concern:

Property Address: _____

Legal Description: _____

I am the owner, as defined in the current "Building Bylaw", of the above referenced property
and hereby authorize:

Representative/Contact: _____

(PRINT)

Tel. No.: _____ Cell No.: _____ Fax No.: _____

E-mail: _____

Please check where applicable.

To represent me in an application for:

- Building Permit Application
(If Registered Professional is involved, also use Appendix E, Owner's Undertaking)
- Demolition Permit Application
- Subtrade Permit

To obtain copies of:

- Building Permit Plans (Archive Copies)

Owner's Information:

Name: _____

(PRINT)

Address: _____

Tel. No.: _____ Cell No.: _____ Fax No.: _____

E-mail: _____

Date: _____ Signature: _____

This form may be faxed, mailed or delivered in person.

Bowen Island Municipality Building Bylaw No. 489, 2019

Appendix E – Owner’s Undertaking

Property Address: _____

Legal Description: _____

Building Permit #: _____

1. This undertaking is given by the undersigned, as the owner of the property described above, with the intention that it be binding on the owner and that the Municipality will rely on same.
2. I confirm that I have applied for a building permit pursuant to “Bowen Island Municipality Building Bylaw No. 489, 2019, (the “Bylaw”) and that I have carefully reviewed and fully understand all of the provisions of the Bylaw and in particular, understand, acknowledge and accept the provisions describing the purpose of the Bylaw, the conditions under which permits are issued, the disclaimer of warranty or representation and the limited extent of the scope of the Bylaw and inspections thereunder.
3. Without in any way limiting the foregoing, I acknowledge fully that it is my responsibility to ensure compliance with the Building Code and the Bylaw whether any work to be performed pursuant to the permit applied for is done by me, a contractor or a registered professional.
4. I am not in any way relying on the Municipality or its building officials, as defined under the Bylaw, to protect the owner or any other persons as set out in Part 3 of the Bylaw and I will not make any claim alleging any such responsibility or liability on the part of the Municipality or its building officials.
5. I hereby agree to indemnify and save harmless the Municipality and its employees from all claims, liability, judgments, costs and expenses of every kind which may result from negligence or from the failure to comply fully with all bylaws, statutes and regulations relating to any work or undertaking in respect of which this application is made.
6. I am authorized to give these representations, warranties, assurance and indemnities to the Municipality.

Owner’s Information:

Name: _____

Address: _____

Tel. No.: _____ Cell No.: _____ Fax No.: _____

Email: _____

This undertaking is executed by the owner this _____ day of _____, _____.
(Day) (Month) (Year)

1. Where owner is an individual:

Owner's Signature

Owner's Name

2. Where owner is a corporation:

Name of Corporation

Per:

Authorized Signatory

Name

3. Where owner is a partnership:

Name of Partnership

Per:

Authorized Signatory

Name

Signed, sealed and delivered in the presence of:

Witness's Signature

Witness's Name

(PRINT)

Witness's Address

Bowen Island Municipality Building Bylaw No. 489, 2019

Appendix F – Confirmation of Professional Liability Insurance

1. *This Confirmation letter must be submitted along with each BC Building Code Schedule A and Schedule B before issuance of a building permit. A separate Confirmation Letter must be submitted for each registered professional.*
2. *This Confirmation Letter must be submitted with each BC Building Code Schedule C after completion of the building but before a final inspection is made by the building official. A separate Confirmation Letter must be submitted for each registered professional.*
3. *Only an original Confirmation Letter, printed by the Municipality or an unaltered photocopy of this document is to be completed and submitted.*

Attention: Building Inspector

Property Address: _____

Legal Description: _____

The undersigned hereby gives assurance that:

- a) I have fulfilled my obligation for insurance coverage as outlined in the Bowen Island Municipality Building Bylaw No. 489, 2019;
- b) I am insured by a policy of insurance covering liability to third parties for errors and omissions in respect to the above project, in the amount of at least One Million Dollars (\$1,000,000.00);
- c) I have enclosed a copy of my certificate of insurance coverage indicating the particulars of such coverage;
- d) I am a registered professional; and
- e) I will notify the building official in writing immediately if the undersigned's insurance coverage is reduced or terminated at any time during construction. _____

Name (PRINT)

Signature

Date

Address (PRINT)

(Affix professional seal here)

Phone

(If the registered professional is a member of a firm, complete the following)

I am a member of this firm:

Name of Firm (PRINT)

Address (PRINT)

I sign this letter on behalf of myself and the firm.

Note: This Confirmation letter must be signed by a registered professional. The BC Building Code defines a registered professional as a person who is registered or licensed to practice (a) as an architect under the Architects Act, or (b) as a professional engineer under the Engineers and Geoscientists Act

Bowen Island Municipality

BYLAW No. 489, 2019

Appendix G – Confirmation of Required Documentation

Building Permit Number: _____

Note:

- 1. The Confirmation of Required Documentation and all required documentation must be submitted to the Building Inspector 24 hours prior to the Pre-Occupancy Coordinated Review.*
- 2. The Confirmation of Required Documentation and all required documentation must be submitted in a tabbed ringed binder, with tab sections as per this Appendix.*

	Provided N/A	
TAB 1	☐ ☐	CONFIRMATION OF REQUIRED DOCUMENTATION
TAB 2	☐ ☐	DIRECTORY OF PRINCIPALS (Role/Firm/Name/Telephone)
	☐ ☐	Owner
	☐ ☐	Co-ordinating Registered Professional
	☐ ☐	Registered Professionals
	☐ ☐	Warranty Provided
	☐ ☐	Licensed Builder
	☐ ☐	Sub-Contractors
TAB 3	☐ ☐	LETTERS OF ASSURANCE (A, B, C-A, C-B)
	☐ ☐	Co-ordinating Registered Professional
	☐ ☐	Architectural
	☐ ☐	Structural
	☐ ☐	Mechanical
	☐ ☐	Plumbing
	☐ ☐	Electrical
	☐ ☐	Geotechnical Temporary
	☐ ☐	Geotechnical Permanent
	☐ ☐	Fire Suppression
	☐ ☐	_____ (other)

- TAB 4 ☐ ☐ PROFESSIONAL REVIEW LETTERS
☐ ☐ Alternative Solution (Confirmation of Field Review – sealed)
☐ ☐ Site Services – Civil Engineer
☐ ☐ Building Envelope Specialist
☐ ☐ Roofing Consultant
☐ ☐ Generator Test Report / Certificate
☐ ☐ (Other - specify) _____
☐ ☐ (Other - specify) _____
- TAB 5 ☐ ☐ FIRE ALARM
☐ ☐ Fire Alarm Verification Certificate (include field work sheets)
☐ ☐ Letter of Signed Contract from ULC Listed Monitoring Agency
- TAB 6 ☐ ☐ SPRINKLER SYSTEMS
☐ ☐ Material and Test Certificate – Above ground piping
☐ ☐ Material and Test Certificate – Underground piping
☐ ☐ Fire Pump Test Report
- TAB 7 ☐ ☐ PROVINCIAL APPROVALS
☐ ☐ Certificate to Operate Elevating Device (one per each device)
☐ ☐ Health Approval (on-site sewage disposal)
☐ ☐ Health Approval (food services)
- TAB 8 ☐ ☐ MUNICIPAL APPROVALS
☐ ☐ Sprinkler Permit – Pre-occupancy Co-ordinated Review
☐ ☐ Fire Department Acceptance (Fire Safety Plan)
☐ ☐ Final Inspection (Building Inspector– pre-occupancy review)
☐ ☐ Developmental Engineering Final Inspection
☐ ☐ Planning Technicians Final Inspection
- TAB 9 ☐ ☐ DEFICIENCY LIST

Submitted by Coordinating Registered Professional

Name (PRINT)

Signature

Date

Address (PRINT)

Phone

Bowen Island Municipality Building Bylaw No. 489, 2019

Appendix H – Stop Work Order

BOWEN ISLAND MUNICIPALITY

981 Artisan Lane, Bowen Island, B.C.

Building Department – Telephone (604) 947-4255/Fax (604) 947-0193

STOP WORK ORDER

PLEASE CONTACT BUILDING INSPECTOR

DATE _____

ADDRESS: _____

REASON: _____

Building Inspector

**This card may be removed by the
Building Inspector Only.**

Bowen Island Municipality Building Bylaw No. 489, 2019

Appendix I – No Not Occupy

BOWEN ISLAND MUNICIPALITY

981 Artisan Lane,
Bowen Island, B.C. V0N 1G0

DO NOT OCCUPY

Address: _____

Reason: _____

Date

Building Inspector

THIS CARD MAY BE REMOVED BY THE BUILDING INSPECTOR ONLY.