



BYLAW 2001, 2026

**BUILDING REGULATION BYLAW**

A BYLAW TO PROVIDE FOR THE ADMINISTRATION OF THE BRITISH COLUMBIA BUILDING CODE AND REGULATION OF CONSTRUCTION

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**WHEREAS** the Council of the District of Ucluelet 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 WHEREAS** the Council of the District of Ucluelet is enacting this bylaw to regulate *construction* and administer the British Columbia Building Code in Ucluelet in accordance with the *Community Charter* and the *Building Act*;

**AND WHEREAS** the District of Ucluelet has employed trained building officials for the purposes of this bylaw;

**AND WHEREAS** section 137 of the *Community Charter* provides that the power to adopt a bylaw includes the power to amend or repeal it;

**NOW THEREFORE** the Council of the District of Ucluelet, in open meeting, enacts as follows:

1. **TITLE:**  
This bylaw may be cited for all purposes as "*Building Regulation Bylaw No. 2001, 2026*".

2. **DEFINITIONS:**

"Accepted"	means reviewed by the <i>building official</i> under the applicable provisions of the <i>building code</i> and this bylaw.
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<b>“Addition”</b>	means an <i>alteration</i> to any building which will increase the total aggregate floor area or the <i>building height</i> (in storeys) and includes the provision of two or more separate <i>buildings</i> with openings between each other for intercommunication.
<b>“Administration Document”</b>	means a document described in the <i>“Building and Development Procedures”</i> as amended from time to time.
<b>“Agent”</b>	includes a firm, corporation or other person representing the <i>owner</i> , by written designation or contract, and includes a hired tradesperson or <i>constructor</i> who may be granted a <i>permit</i> for work within the limitations of his or her licence.
<b>“Alternative Solution”</b>	means an alternative solution authorized under the <i>“building code”</i> .
<b>Alteration”</b>	means a change, repair or modification of the <i>“construction”</i> or arrangement of or use of any <i>building</i> or <i>structure</i> , or to an <i>occupancy</i> regulation by this bylaw.
<b>“Architect”</b>	means an architect within the meaning of the <i>Professional Governance Act, SBC 2018, c47</i> .
<b>“Building Code”</b>	means the <i>British Columbia Building Code</i> as adopted by the Minister responsible under provincial legislation, as amended or re-enacted from time to time.
<b>“Building Official”</b>	means the person designated in or appointed to that position by the District, and includes a building inspector, plan checker, plumbing inspector, gas inspector, or electrical inspector designated or appointed by the District, and for certainty the <i>building official</i> is the “building official” referred to in the <i>Community Charter and Local Government Act</i> .
<b>“Complex Building”</b>	means: <ul style="list-style-type: none"> <li>(a) A <i>building</i> used for a <i>major occupancy</i> classified as: <ul style="list-style-type: none"> <li>(i) <i>Assembly occupancy</i></li> <li>(ii) <i>Care occupancy</i></li> <li>(iii) <i>Detention occupancy</i></li> <li>(iv) <i>High hazard industrial occupancy</i>;</li> <li>(v) <i>Treatment occupancy</i>; or</li> <li>(vi) <i>Post-disaster building</i>,</li> </ul> </li> <li>(b) A <i>building</i> exceeding 600 square metres in <i>building area</i> or exceeding three storeys in <i>building height</i> used for a <i>major occupancy</i> classified as:</li> </ul>

	<ul style="list-style-type: none"> <li>(i) Residential occupancy</li> <li>(ii) <i>Business and personal services occupancy;</i></li> <li>(iii) <i>Mercantile occupancy; or</i></li> <li>(iv) <i>Medium and low hazard industrial occupancy.</i></li> </ul>
<b>“Coordinating Registered Professional”</b>	means a <i>registered professional</i> retained pursuant to the <i>building code</i> to coordinate all design work and field reviews of the <i>registered professionals</i> required for a development.
<b>“Construct”</b>	includes build, erect, install, repair, alter, add, enlarge, move, locate, relocate, reconstruct, demolish, remove, <i>excavate</i> or shore.
<b>“Constructor”</b>	means a person who <i>constructs</i> .
<b>“Existing, in respect of a building”</b>	means that portion of a <i>building constructed</i> prior to the submission of a <i>permit</i> application required under this bylaw.
<b>“Fees and Charges Bylaw”</b>	means “ <i>District of Ucluelet Fees and Charges Bylaw No. 1186</i> ” as amended or replaced.
<b>“Foundation”</b>	means a system or arrangement of <i>foundation</i> units through which the loads from a <i>building</i> 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.
<b>GHG</b>	means greenhouse gas.
<b>“Health and safety aspects of the work”</b>	means design and construction regulated by Parts 3, 4, 5, 6, 7, 8, 9 and 10, Division B, of the <i>building code</i> ; and subject to Parts 1 and 2 in relation to Parts 3 through 10, Division B.
<b>“Owner”</b>	means the registered <i>owner</i> in fee simple, or an <i>agent</i> duly authorized by the <i>owner</i> in writing in the “Letter of Authorization” <i>administration document</i> found in the “Building and Development Procedures”.
<b>“Permit”</b>	means permission or authorization in writing by the <i>building official</i> to perform work regulated by this bylaw and, in the case of a final inspection notice, to occupy a <i>building</i> or part of a <i>building</i> .
<b>“Pool”</b>	means a <i>structure</i> or <i>constructed</i> 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 <i>pool</i> and hot tub.
<b>“Professional Design”</b>	means the plans and supporting documents bearing the date, seal or stamp, and signature of a <i>registered professional</i> .

<b>“Professional Engineer”</b>	means an individual who is registered with the regulatory body as a professional engineer under the <i>Professional Governance Act, SBC 2018, c 47</i> .
<b>“Professional Geoscientist”</b>	means an individual who is registered with the regulatory body as a professional geoscientist under the <i>Professional Governance Act, SBC 2018, c 47</i> .
<b>“Project”</b>	means any construction operation.
<b>“Retaining Wall”</b>	means a <i>structure</i> that holds or retains <i>soil</i> or other material behind it.
<b>“Simple Building”</b>	means a <i>building</i> of three storeys or less in <i>building height</i> , having a <i>building area</i> not exceeding 600 square metres and used for a major occupancy classified as: <ul style="list-style-type: none"> <li>(a) <i>residential occupancy</i>;</li> <li>(b) <i>business and personal services occupancy</i>;</li> <li>(c) <i>mercantile occupancy</i>;</li> <li>(d) <i>medium hazard industrial occupancy</i>; or</li> <li>(e) <i>low hazard industrial occupancy</i>.</li> </ul>
<b>Structure”</b>	means a <i>construction</i> or portion of <i>construction</i> , of any kind, whether fixed to, supported by or sunk into land or water, except landscaping, fences, paving.
<b>“Temporary Building”</b>	includes a sales office, construction office, shipping or intermodal container, or a <i>structure</i> in which tools are stored during construction of a <i>building</i> or other <i>structure</i> .
<b>“Value of Work”</b>	means that amount that is calculated as indicated in Schedule ‘C’ of the <i>Fees and Charges Bylaw</i> .

### 3. PURPOSE OF BYLAW:

- 3.1 Despite any other provision in this bylaw, this bylaw must be interpreted in accordance with this Part.
- 3.2 Every *permit* issued under this bylaw is issued expressly subject to the provisions of this Part.
- 3.3 This bylaw is enacted to regulate, prohibit and impose requirements regarding *construction* in the District in the public interest.
- 3.4 The purpose of this bylaw does not extend to:

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

#### 4. SCOPE AND EXEMPTIONS:

##### 4.1 Application

- 4.1.1 This bylaw applies to the geographical area of the District and to land, the surface or water, air space, *buildings* or *structures* in the District.
- 4.1.2 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*.
- 4.1.3 This bylaw does not apply to
  - (a) a fence;
  - (b) an accessory *building* with a floor area of less than 10 square metres;
  - (c) retaining walls 1.2 metres or less in height that do not support a structure;
  - (d) a trellis, an arbour, or other similar landscape *structures* on a *parcel* zoned for single-family *residential occupancy* uses under the District's Zoning Bylaw; or
  - (e) 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.

## 4.2 Limited Application to Existing Buildings

- 4.2.1 Except as provided in the *building code* or to the extent an *existing building* is under *construction* or does not have an *occupancy permit*, when an *existing building* has been *constructed* before the enactment of this bylaw, the enactment of this bylaw is not to be interpreted as requiring that the *building* must be *reconstructed* and *altered*, unless it is expressly so provided by this or another bylaw, regulation or statute.
- 4.2.2 This bylaw applies if the whole or any part of an *existing building* is moved either within or into the District, including relocation relative to *parcel* lines created by subdivision or consolidation. Part 14 applies to *building* moves.
- 4.2.3 If an *alteration* is made to an *existing building* the *alteration* must comply with this bylaw and the *building code* and the entire *building* must be made to comply with this bylaw and the *building code*, but only to the extent necessary to address any new infractions introduced in the remainder of the *building* because of the *alteration*.
- 4.2.4 If an *alteration* creates an *addition* to an *existing building*, the *alteration* or *addition* must comply with this bylaw and the *building code* and the entire *building* must be made to comply with this bylaw and the *building code*, but only to the extent necessary to address any new infractions introduced in the remainder of the *building* because of the *alteration* or *addition*.

## 5. PROHIBITIONS

- 5.1 A person must not commence or continue any *construction*, *alteration*, *excavation*, *reconstruction*, *demolition*, *removal*, *relocation* or change the use or *occupancy* of any *building* or *structure*, including other work related to *construction*
- (a) except in conformity with the requirements of the *building code* and this bylaw; and
- (b) unless a *building official* has issued a valid and subsisting *permit* for the work under this bylaw.
- 5.2 A person must not occupy or *permit* the *occupancy* of any *building* or *structure* or part of any *building* or *structure*
- (a) unless a subsisting *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*.
- 5.3 A person must not knowingly submit false or misleading information to a *building official* in relation to any *permit* application or *construction* undertaken pursuant to this bylaw.

- 5.4 Except in accordance with this bylaw, including acceptance of revised plans or supporting documents, a person must not erase, alter or modify plans and supporting documents after the same have been reviewed by the *building official*, or plans and supporting documents which have been filed for reference with the *building official* after a *permit* has been issued.
- 5.5 A person must not, unless authorized in writing by a *building official*, reverse, alter, deface, cover, remove or in any way tamper with any notice, *permit* or certificate posted or affixed to a *building* or *structure* pursuant to this bylaw.
- 5.6 A person must not do any work that is substantially at variance with the *accepted* design or plans of a *building*, *structure* or other works for which a *permit* has been issued, unless such a modification has been authorized in writing by a *building official*.
- 5.7 A person must not interfere with or obstruct the entry of a *building official* or other authorized official of the District on property in the administration of this bylaw.
- 5.8 A person must not construct on a *parcel* unless the civic address is conspicuously posted on the front of the premises or on a signpost so it may be easily read from the public highway from which it takes its address.
- 5.9 A person must not contravene an administrative requirement of a *building official* made under section 7.4.1 or any other provision of this bylaw.
- 5.10 A person must not change the use, occupancy or both of a building or structure or a part of a building or structure without first applying for and obtaining a building permit under this bylaw.

## 6. PERMIT CONDITIONS:

- 6.1 A *permit* is required if work regulated under this bylaw is to be undertaken.
- 6.2 Neither the issuance of a *permit* under this bylaw, nor the acceptance or review of plans, drawings, specifications or supporting documents, nor any inspections made by or on behalf of the District will in any way
  - (a) relieve the *owner* (and if the *owner* is acting through an *agent*, the *agent* of the *owner*) from full and sole responsibility to perform the work in respect of which the *permit* was issued in strict compliance with this bylaw, the *building code*, and all other applicable codes, standards and enactments;
  - (b) constitute a representation, warranty, assurance or statement that the *building code*, this bylaw or any other applicable enactments respecting safety, protection, land use and zoning have been complied with; or

- (c) constitute a representation or warranty that the *building* or *structure* meets any standard of materials or workmanship.
- 6.3 No person shall rely on any *permit* as establishing compliance with this bylaw or assume or conclude that this bylaw has been administered or enforced according to its terms.
- 6.4 Without limiting section 6.2(a), it is the full and sole responsibility of the *owner* (and if the *owner* is acting through a representative, the representative of the *owner*) to carry out the work in respect of which the *permit* was issued in compliance with the *building code*, this bylaw and all other applicable codes, standards and enactments.

## 7. POWERS OF A BUILDING OFFICIAL:

### 7.1 Administration

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

7.1.2 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) create, amend, public and prescribe any forms, notices, policies or other documents to administer this bylaw;
- (d) 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
- (e) direct that tests of materials, equipment, devices, *construction* methods, structural assemblies or *foundations* be carried out, or that sufficient evidence or proof be submitted by the *owner*, at the *owner's* sole expense, where such evidence or proof is necessary to determine whether the material, equipment, device, *construction* or *foundation* condition complies with this bylaw and the *building code*.

### 7.2 Refusal and Revocation of Permits

7.2.1 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 District and must state the reason in writing.

7.2.2 A *building official* may revoke a *permit* if, in their opinion, the results of tests on materials, devices, *construction* methods, structural assemblies or *foundation* conditions contravene the *building code* or the provisions of this bylaw, or both, or if all *permits* required under this bylaw have not been obtained.

### 7.3 Right of Entry

7.3.1 Subject to section 16 of the *Community Charter*, a *building official* may enter on property at any time to ascertain whether the requirements of this bylaw are being met.

### 7.4 Powers

7.4.1 Subject to applicable enactments, a *building official* may be 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 District 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* for the work;
- (i) an *owner* to correct any *unsafe condition*; and
- (j) an *owner* to correct any work that contravenes this bylaw, the *building code*, or any other enactment.

- 7.4.2 Every reference to “owner” in section 7.4.1 includes a reference to the *owner’s agent or constructor*.
- 7.4.3 Every person served with a notice under this Part must comply with that notice
- (a) within the time ordered, or
  - (b) if no time is ordered, immediately.

## 8. OWNER’S RESPONSIBILITIES:

### 8.1 Permit Requirements

- 8.1.1 Subject to Section 11 of this bylaw, every *owner* must apply for and obtain a *permit*, prior to:
- (a) *constructing, repairing or altering a building or structure, including a pool or retaining wall;*
  - (b) *moving a building or structure into or within the District;*
  - (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; or*
  - (f) *changing the use or occupancy of a building, unless the works are the subject of another valid and subsisting building permit.*
- 8.1.2 Every *owner* must ensure that plans submitted with a *permit* application bear the name, phone number, address and email address of the *designer* of the *building or structure*.

### 8.2 Owner’s Obligations

- 8.2.1 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 District an *owner's* undertaking in the form prescribed a District of Ucluelet *building official*.

8.2.2 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 District and none of the issuance of a *permit* under this bylaw, the review of plans and supporting documents, or inspections made by a *building official* or a *registered professional* shall relieve the *owner*, or his or her *agent*, from full and sole responsibility to perform the work in strict accordance with this bylaw, the *building code* and all other applicable codes, standards and enactments.

- 8.2.3 Every *owner* to whom a *permit* is issued must, during *construction*,
- (a) allow a *building official* to enter any *building* or premises at any reasonable time to administer and enforce this bylaw;
  - (b) 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
  - (c) post the *permit* on the property so that it may be easily read from the public highway from which the property takes its address.

### 8.3 Damage to Municipal Works

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

8.3.2 In *addition* to payment of a security deposit under sections 11.7.1 to 11.7.5, every *owner* must pay to the District, within 30 days of receiving an invoice for same from the District, the cost to repair any damage to public property or works located on public property arising directly or indirectly from work for which a *permit* was issued.

### 8.4 Demolition

- 8.4.1 Prior to obtaining a *permit* to demolish a *building* or *structure*, the *owner* must:
- (a) provide to the District a vacancy date;
  - (b) pay turn-off fees as set out in District bylaws governing the water and sewer utilities; and
  - (c) ensure that all municipal services and other services are capped and terminated at the property line in a District standard inspection chamber and valve arrangement.

8.4.2 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.

## 8.5 Notice

8.5.1 Every *owner* must, at least 48 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.

8.5.2 Every *owner* must give written or online notice to a *building official* of any change in or termination of engagement of a *registered professional*, including a *coordinating registered professional*, during construction, within 24 hours of when the change or termination occurs.

8.5.3 If an *owner* or a *registered professional* terminates the engagement of a *registered professional*, including a *coordinating registered professional*, the *owner* must terminate all work under a *building permit* until the *owner* has engaged a new *registered professional*, including a *coordinating registered professional*, and has delivered to a *building official* new letters of assurance.

8.5.4 Without limiting sections 11.16 to 11.18, every *owner* must give at least 48 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.

8.5.5 Every *owner* must give notice in writing to a *building official* and pay the non-refundable fee set out in Schedule 'C' of the *Fees and Charges Bylaw*, *immediately* upon any change in *ownership* or change in the address of the *owner* which occurs prior to the issuance of an *occupancy permit*.

8.5.6 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.

## 9. OBLIGATIONS OF OWNER'S CONSTRUCTOR:

9.1 Every *constructor* must ensure that all *construction* is done in compliance with all requirements of the *building code*, this bylaw and all other applicable codes, standards and enactments.

- 9.2 Every *constructor* must ensure that no *excavation* or other work is undertaken on public property, and that such property is not 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.

## 10. REGISTERED PROFESSIONAL'S RESPONSIBILITIES:

### 10.1 Professional Design and Field Review

10.1.1 The provision by the *owner* to the District 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 District with letters of assurance in the form of Schedules C-A or C-B, as appropriate, referred to in subsection 2.2.7, Division C, of the *building code*.

10.1.2 If a *registered professional* provides letters of assurance in accordance with the *building code*, they must also provide proof of professional liability insurance to the *building official*.

### 10.2 Requirement for a Registered Professional

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

- (a) prior to the pre-occupancy site review coordinated by the *coordinating registered professional* or other *registered professional* for a *complex building*, or
- (b) prior to a final inspection for a *simple building* in circumstances where letters of assurance have been required in accordance with the requirements of the *building code*, in which case the *owner* must provide the District 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 single storey garages, carports and garden structures, *foundation* and *excavation* components of new *simple buildings* and *additions* greater than 55 square metres to *simple buildings* in accordance with the *building code*;

- (d) a *building* that is designed with common egress systems for the occupants and requires the use of *firewalls* in accordance with the *building code*;
- (e) prior to *alterations* to a *building*, or to a structural component of a *building* described in paragraph (b);
- (f) for a *building* in respect of which the *building official* determines that site conditions, size or complexity so warrant in the interests of safety of persons or protection of property under the *building code*;
- (g) if the *building* envelope components of the *building* fall under Division B Part 3 of the *building code*, the *building* contains more than two dwellings, or if the *building* envelopes do not comply with the prescriptive requirements of Division B Part 9 of the *building code*; and
- (h) for a parcel of land on which a *building* or *structure* is proposed if the *building official* believes the parcel is or is likely to be subject to flooding, mud flows, debris flows, debris torrents, erosion, land slip, rock falls, subsidence or avalanche, and the requirement for a *professional design* is in addition to a requirement under Division 8 of Part 3 of the *Community Charter*
  - i. for a report certified by *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 District.

10.2.3 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.

### 10.3 Professional Plan Certification

10.3.1 The letters of assurance in the form of Schedules A and B as referred to in subsection 2.2.7, Division C, of the *building code* referred to in sections 10.1 and 10.2.1 are relied upon by the District 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.

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

10.3.3 For a *building permit* issued for the construction of a *complex building*, the building official shall provide the *owner* with a notice that the *building permit* is issued in reliance on the certification of the *registered professional* that the

*professional design* and plans submitted in support of the application for the *building permit* comply with the *building code* and other applicable enactments. Any failure on the part of the *building official* to provide the *owner* with the notice will not diminish or invalidate the reliance by the District or its *building officials* on the *registered professionals*.

- 10.3.4 If a *building permit* is issued for construction of a *complex building*, the *permit fee* is reduced by 5% of the fees payable under Schedule 'C' of the *Fees and Charges Bylaw*, up to a maximum reduction of \$500.00 (five hundred dollars).

## 11. **BUILDING APPLICATION REQUIREMENTS:**

### 11.1 **Requirements Before Applying for a Building Permit**

11.1.1 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* if in an area designated by the District'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 District, 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 cannot be connected to the District's sewage disposal system, the *owner* must apply for and obtain approval from the District and other applicable public authorities for an alternate *private sewage disposal system*;
- (f) if the parcel that is the subject of the *building permit* application cannot be connected to the District's waterworks system, the *owner* must apply for and obtain approval from the District and other applicable public authorities for an alternate water supply system;
- (g) if the parcel that is the subject of the *building permit* application is not intended to be connected to The District's storm water drainage

system, the *owner* must apply for and obtain approval from the District 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 District bylaw or other enactment have not been completed in accordance with the enactments, the *owner* must enter into a completion agreement with the District and deliver to the District letters of credit or cash security for completion of the works and service.

## 11.2 Building Permit Applications for Complex Buildings

- 11.2.1 An application for a *building permit* with respect to a *complex building* must:
- (a) be made in the form prescribed by the *building official* 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 prescribed by a District of Ucluelet *building official* and signed by the *owner*, or a signing officer if the *owner* is a corporation;
  - (c) include a copy of a title search for the relevant property made within 30 days of the date of the *permit* application;
  - (d) include a *building code* compliance summary including the applicable edition of the *building code*, such as without limitation whether the building is designed under Part 3 or Part 9 of the building code, *major occupancy* classification(s) of the *building*, *building area* and *building height*, number of streets the *building* faces, and *accessible* entrances, work areas, washrooms, firewalls and facilities;
  - (e) include a copy of a survey plan prepared by a British Columbia land surveyor;
  - (f) include a site plan prepared by a *registered professional* showing:
    - (i) the bearing and dimensions of the parcel taken from the registered subdivision plan;
    - (ii) the legal description and civic address of the parcel;
    - (iii) the location and dimensions of *existing* and proposed statutory rights of way, easements and setback requirements, adjacent street and lane names;
    - (iv) the location and dimensions of *existing* and proposed *buildings* or *structures* on the parcel;
    - (v) setbacks to the natural boundary of any lake, swamp, pond or watercourse;
    - (vi) north arrow;

- (vii) if applicable, location of an approved *existing* or proposed private or other alternative sewage disposal system, water supply system or storm water drainage system;
  - (viii) zoning compliance summary;
  - (ix) the location, dimensions and gradient of parking and parking access;
  - (x) proposed and *existing* setbacks to property lines;
  - (xi) natural and finished grade at *building* corners and significant breaks in the building plan and proposed grade around the *building* faces in order to ascertain *foundation* height;
  - (xii) first storey floor elevation;
  - (xiii) location, setbacks and elevations of all *retaining walls*, steps, stairs and decks;
  - (xiv) line of upper floors;
  - (xv) location and elevation of curbs, sidewalks, manholes, and service poles;
  - (xvi) location of *existing* and proposed service connections;
  - (xvii) location and species of all trees greater than 10 centimetres in diameter;
  - (xviii) location of top bank and water courses;
  - (xix) access routes for firefighting;
  - (xx) *accessible* paths of travel from the street to the *building*;
  - (xxi) geodetic elevation of the underside of a wood floor system or the top of a finished concrete slab of a *building* or *structure* where the District'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 District's zoning bylaw and development permit;

- (j) include cross-sectional details drawn at an appropriate scale and at sufficient locations to illustrate that the *building* conforms to the *building code*;
- (k) include all other requirements of sections 2.2.1, 2.2.3, 2.2.4, 2.2.5, 2.2.6 and 2.2.9, Division C of the *building code*;
- (l) include copies of approvals required under any enactment relating to health or safety, including, without limitation, sewage disposal *permits*, highway access *permits* and ministry of health approvals;
- (m) include a letter of assurance in the form of Schedule A referred to in subsection 2.2.7 Division C of the *building code*, signed by the *owner*, or a signing officer if the *owner* is a corporation, and the *coordinating registered professional*;
- (n) include letters of assurance in the form of Schedule B referred to in subsection 2.2.7 Division C of the *building code*, each signed by such *registered professionals* as the *building official* or *building code* may require to prepare the design for and conduct *field reviews* of the construction of the *building*;
- (o) include two sets of drawings at a suitable scale of the design prepared by each *registered professional* containing the information set out in (g) to (k) of this section;
- (p) include illustration of any slopes on the subject parcel that exceed 30%; and
- (q) define an enclosed area, attached garage, or ancillary building for the purpose of storage for garbage and/or garbage receptacles that prevent access by animals and/or dangerous wildlife. All enclosures and/or buildings used for the purpose of garbage and/or garbage receptacle storage must meet the requirements of the “*District of Ucluelet Garbage Collection & Regulation Bylaw No. 960, 2004*” and “*District of Ucluelet Zoning Bylaw No. 1160, 2013*”.

11.2.2 In addition to the requirements of section 11.2.1 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 District’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*.

### 11.3 Building Permit Applications for Simple Buildings

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

- (a) be made in the form prescribed by the *building official* and signed by the *owner*, or signing officer if the *owner* is a corporation;
- (b) be accompanied by the *owner's* acknowledgment of responsibility and undertaking made in the form prescribed by a District of Ucluelet *building official* signed by the *owner*, or a signing officer if the *owner* is a corporation;
- (c) include a copy of a title search for the relevant property made within 30 days of the date of the *permit* application;
- (d) include a copy of a survey plan prepared by a British Columbia land surveyor except that the *building official* may waive the requirement for a survey plan, in whole or in part, where conditions warrant;
- (e) include a site plan showing:
  - (i) the bearing and dimensions of the parcel taken from the registered subdivision plan;
  - (ii) the legal description and civic address of the parcel;
  - (iii) the location and dimensions of *existing* and proposed statutory rights of way, easements and setback requirements, adjacent street and lane names;
  - (iv) the location and dimensions of *existing* and proposed *buildings* or *structures* on the parcel;
  - (v) setbacks to the natural boundary of any lake, swamp, pond or watercourse;
  - (vi) north arrow;
  - (vii) if applicable, location of an approved *existing* or proposed alternative private or other sewage disposal system, water supply system or storm water drainage system;
  - (viii) the location, dimensions and gradient of parking and parking access;
  - (ix) proposed and *existing* setbacks to property lines;
  - (x) natural and finished grade at *building* corners and datum determination points;
  - (xi) *first storey* floor elevation;
  - (xii) location, setbacks and elevations of all *retaining walls*, steps, stairs and decks;

- (xiii) line of upper floors;
  - (xiv) location and elevation of curbs, sidewalks, manholes and service poles;
  - (xv) location of *existing* and proposed service connections;
  - (xvi) location and species of all trees greater than 10 centimetres in diameter;
  - (xvii) location of top bank and water courses;
  - (xviii) access routes for firefighting;
  - (xix) *accessible* paths of travel from the street to the *building*;
  - (xx) zoning compliance summary; and
  - (xxi) the geodetic elevation of the underside of a wood floor system or the top of a finished concrete slab of a *building* or *structure* where the District's land use regulations or provincial flood mapping regulations establish siting requirements related to minimum floor elevation, except that for a *simple building* the *building official* may waive, in whole or in part, the requirements for a site plan, if the *permit* is sought for the repair or *alteration* of an *existing building*;
- (f) include floor plans showing the dimensions and uses of all areas, including: the dimensions and height of crawl and roof spaces; the location, size and swing of doors; the location, size and opening of windows; floor, wall, and ceiling finishes; plumbing fixtures; structural elements; stair dimensions; fireplaces and wood burning appliances; location of mechanical ventilation system; and location and type of heat source;
  - (g) include a cross-section through the *building* illustrating *foundations*; drainage; ceiling heights; insulation, envelope and air barrier details; 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 District zoning and development permit areas;
  - (i) include cross-sectional details drawn at an appropriate scale and at sufficient locations to illustrate that the *building* or *structure* substantially conforms to the *building code*;
  - (j) include copies of approvals required under any enactment relating to health or safety, including, without limitation, sewage disposal *permits*, highway access *permits* and Ministry of Health approvals;

- (k) include geotechnical letters of assurance, in addition to a required geotechnical report, if the *building official* determines that the site conditions so warrant;
- (l) include two sets of drawings at a suitable scale of design including the information set out in (f) to (i) of this section;
- (m) include a *building code* compliance summary including the applicable edition of the *building code*, such as, without limitation, whether the *building* is designed under Part 3 or Part 9 and compliance with article 2.2.2.1(2), Division C of the *building code*;
- (n) include, if required, one set of engineered sealed drawings; and, define an enclosed area, attached garage, or ancillary building for the purpose of storage for garbage and/or garbage receptacles that prevent access by animals and/or dangerous wildlife. All enclosures and/or buildings used for the purpose of garbage and/or garbage receptacle storage must meet the requirements of the “*District of Ucluelet Garbage Collection & Regulation Bylaw No. 960, 2004*” and “*District of Ucluelet Zoning Bylaw No. 1160, 2013*”.

11.3.2 In addition to the requirements of section 11.3.1 of this bylaw, 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, then a *building official* may require the following be submitted with a *permit* application for the construction of each *simple building* in the *project*:
  - i. a section through the site showing grades, *buildings*, *structures*, parking areas and driveways;
  - ii. a roof plan and roof height calculations;
  - iii. structural, electrical, plumbing, mechanical or fire suppression drawings prepared and sealed by a *registered professional*;
  - iv. letters of assurance in the form of Schedule B referred to in Division C of the *building code*, signed by a *registered professional*; and
  - v. any other information required by the *building official* or the *building code* to establish substantial compliance with this bylaw, the *building code* and other bylaws and enactments relating to the *building* or *structure*.

#### 11.4 Site and Location Information

- 11.4.1 Without limiting sections 11.2.1(f) or 11.3.1(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 bylaw have been complied with;
  - (c) in relation to an *existing building*, substantiate its location, size, including appurtenances whether above, at or below ground level, relative to the site or its relationship to neighbouring grades; and
  - (d) in relation to *construction* of a new *building*, or *addition* to an *existing building*, prior to and after the placement of concrete for *foundations* and footings, show the *elevation* at proposed top of concrete on all *building* elevations and at all significant changes of elevation to substantiate its size, location and elevation, and every person served with a written requirement under this section must comply with the requirement.

## 11.5 Application Fee

- 11.5.1 A non-refundable application fee shall:
- (a) accompany a building permit application in the amount as prescribed in Schedule 'C' of the *Fees and Charges Bylaw*;
  - (b) be credited against the permit fee when the permit is issued.

## 11.6 Building Permit Fee

- 11.6.1 Before receiving a building permit for a building or structure, the owner must first pay to the District
- (a) the building permit fee prescribed in Schedule 'C' of the *Fees and Charges Bylaw*; and
  - (b) any fees, charges, levies or taxes imposed by the District and payable under an enactment at the time of issuance of the building permit.

## 11.7 Security Deposit

- 11.7.1 Prior to the issuance of a *building permit*, the *owner* must pay to the District the security deposit prescribed in Schedule 'C' of the *Fees and Charges Bylaw*.
- 11.7.2 The security deposit sum set out in section 11.7.1 of this Bylaw

- (a) covers the cost borne by the District to maintain, restore or replace 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 District to make the site safe if the *permit* holder abandons or fails to complete the work as designated on the *permit*;
- (c) serves as the security deposit for provisional *occupancy* when 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.

11.7.3 The security deposit or applicable portion must be returned to the *owner* or the person identified by the *owner*, when:

- (a) the building official is satisfied that no further damage to public works or public lands will occur;
- (b) the inspections required by this bylaw are complete and acceptable to the *building official*;
- (c) the conditions or provisions of a provisional certificate of *occupancy* are completed to the satisfaction of the *building official*;
- (d) an occupancy permit has been issued;

and only if the *owner* or *agent* has requested the return of the security.

11.7.4 Any credit greater than the amount of the security deposit used by the District for the purposes described in sections 11.7.1 to 11.7.2 of this Bylaw will be returned to the *owner* unless otherwise so directed by the *owner*. Any amount in excess of the security deposit required by the District to complete corrective work to public lands, public works, or the site is recoverable by the District from the *owner*, the *agent*, or the *constructor*.

11.7.5 If the proposed work includes *excavation* or construction on lands within 3 metres of works or services owned by the District, the *owner* must deliver to the *building official* a signed agreement in a form prescribed by the District's Public Works Superintendent under which the *owner* acknowledges and agrees that any damage to municipal works or services arising from the construction associated with the *building permit* will be repaired by the *owner* at its expense and to the satisfaction of the Public Works Superintendent, and the *owner* must deposit with the District security in accordance with sections 11.7.1 to 11.7.2 of this Part.

## 11.8 Permit Fee Refunds

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

11.8.2 A *building permit* or other *permit* fee may be partially refunded as set out in Schedule 'C' of the *Fees and Charges Bylaw* only if:

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

11.8.3 A *building permit* or other *permit* fee is not refundable after the *permit* has been extended under section 11.21 of this Part.

## 11.9 Design Modification

11.9.1 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 District a *building permit* fee as indicated in Schedule 'C' of the *Fees and Charges Bylaw*.

## 11.10 Construction Before Permit Issued

11.10.1 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.

## 11.11 Expiration of Application for a Permit

11.11.1 A *building permit* other *permit* application submittal that is not complete or does not comply with the applicable provisions of this bylaw, expires 180 days from the date an application is received under this Part, unless the *permit* is not issued only due to delays caused by the District.

## 11.12 Issuance of a Building Permit

11.12.1 If

- (a) a complete application in compliance with sections 11.2 and 11.3 of this Bylaw, including all required supporting documentation, has been submitted; and,
- (b) the *owner* has paid all applicable fees set out in sections of this Part and Schedule 'C' of the *Fees and Charges Bylaw*; and,

- (c) the *owner* or his or her representative has paid all charges and met all requirements imposed by any other statute or bylaw; and,
- (d) the *owner* has retained a *professional engineer* or geoscientist if required under this bylaw; and,
- (e) the *owner* has retained an *architect* if required under this bylaw; and
- (f) no covenant, agreement, resolution or regulation of the District requires or authorizes the *permit* to be withheld,

the *building official* must 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 District receives payment for the building permit.

11.12.2 Despite section 11.12.1, the *building official* may refuse to issue a *permit* when the *owner* has been notified of a violation of this bylaw about the construction of another *building* or *structure* by the *owner*.

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

11.13.1 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 the *Act*.

11.13.2 Section 11.13.1 of this Bylaw does not apply if the *owner* is not required to be licensed and to obtain home warranty insurance in accordance with sections 20(1) or 30(1) of the *Homeowner Protection Act*.

11.13.3 Every *permit* is issued subject to the *owner* and *constructor* maintaining compliance with the *Homeowner Protection Act* and negotiations under it during the term of the *permit*.

#### 11.14 Partial Construction

11.14.1 If a site has been *excavated* and a *building permit* is not subsequently issued or a subsisting *building permit* has expired under section 11.20.1, 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 District to do so.

11.14.2 If a *building permit* has expired and partial construction has progressed, with no extension requested of the *building official* under section 11.22, or if any excavation is left exposed without a subsequent Building Permit for a period of 60 days and is deemed to be a hazard, permanent type fencing with privacy screen complying with the District's zoning bylaw, must be erected around the *building* site for protection to the public.

#### 11.15 Conditions of a Building Permit

11.15.1 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 Schedule 'C' of the *Fees and Charges Bylaw*. The transfer or assignment of a *building permit* is not an extension of a *building permit*.

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

#### 11.16 Inspections

11.16.1 If a *registered professional* provides letters of assurance in accordance with this Part, the District will rely solely on *field reviews* undertaken by the *registered professional* and the letters of assurance submitted pursuant to this bylaw and the *building code* as assurance that the construction substantially conforms to the design, plans and specifications and that the construction complies with the *building code*, this bylaw and other applicable enactments respecting safety.

11.16.2 Despite section 11.16.1 of this Bylaw, a *building official* may attend the site from time to time during construction to ascertain that the *field reviews* are taking place and to monitor the *field reviews* undertaken by the *registered professionals*.

11.16.3 A *building official* may attend periodically at the site of the construction of *simple buildings* or *structures* to ascertain whether the work is being carried out in substantial conformance with the *building code*, this bylaw and any other applicable enactments concerning safety.

11.16.4 For all work in respect of *simple buildings* the *owner* must give at least 48 hours' notice by email to the *building official* to the District when requesting an inspection and must obtain an inspection and receive a *building official's* written acceptance of the following aspects of the work prior to concealing them;

- (a) after demolition, the grading and removal of debris from the site;
- (b) *excavation*, within 24 hours of the start of *excavation*;
- (c) siting, footing and foundation forms, before concrete is poured;
- (d) installation of perimeter drainage, damp proofing or water proofing and roof drainage system prior to backfilling
- (e) subfloor depressurization layer and subfloor radon pipe before it is covered;
- (f) prior to inspection under section 11.16.4(g), plumbing located below the finished slab level;
- (g) the preparation of ground, including ground seal and air barrier when required, subgrade and under slab insulation
- (h) after inspection under section 11.16.4(g) hydronic heating pipes and under slab insulation;
- (i) installation of rough-in plumbing and radon pipe before it is covered;
- (j) installation of *building* services before being covered;
- (k) rough in of factory-built chimneys and fireplaces and solid fuel burning appliances;
- (l) sheathing, framing, fire blocking and fire stopping (including drywall in fire separations), bracing, chimney and ductwork, exterior doors and windows, but prior to the installation of insulation, interior finishes, sheathing paper or exterior finishes which would conceal such work;
- (m) insulation and vapour barrier prior to the installation of any finishes that could conceal such work;
- (n) *construction* of an exterior deck;
- (o) on-site *constructed* tubs or showers and tub or shower trap tests;
- (p) the installation of wall sheathing membrane, externally applied vapour or air barrier, rainscreen and flashings, but prior to the installation of exterior finishes which could conceal such work; and
- (q) the *health and safety aspects of the work* and the energy 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*.

- 11.16.5 *A building official will only carry out an inspection under section 11.16.4 if the owner or the owner's agent has requested the inspection by email in accordance with this bylaw.*
- 11.16.6 *Despite the requirement for the building official's acceptance of the work outlined in section 11.16.4, if a registered professional provides letters of assurance, the District will rely solely on field reviews undertaken by the registered professional and the letters of assurance submitted pursuant to this bylaw as assurance that the aspects of the construction referenced by those letters of assurance substantially conform to the design, plans and specifications and that the construction complies with the building code, this bylaw and other applicable enactments respecting safety.*
- 11.16.7 *For work in respect of complex buildings, the owner must:*
- (a) *give at least 48 hours' notice by email to the building official when requesting a preconstruction meeting with the building official prior to the start of construction, and the owner or his or her representative must ensure that the coordinating registered professional, the constructor, as well as representatives of major trades, are in attendance;*
  - (b) *give at least 5 business days by email to the building official or written notice to the District when requesting a preoccupancy 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 District requirements and other enactments respecting safety, energy conservation, GHG emission and accessibility aspects of the work; and*
  - (c) *cause the coordinating registered professional, at least 48 hours prior to the preoccupancy coordinated site review coordinated by the coordinating registered professional, to deliver to the building official the Confirmation of Required Documentation described in this bylaw, complete with all documentation in the form as prescribed by the Building Official.*

## 11.17 **Stop Work Order**

- 11.17.1 *The building official may direct the immediate suspension or correction of all or a portion of the construction on a building or structure by the attachment of a stop work order notice in the form prescribed by the building official on the premises whenever it is found that the work is not*

being performed in accordance with the requirements of the *building code*, any applicable bylaw of the District or the applicable provisions of the *Homeowner Protection Act*.

11.17.2 The *coordinating registered professional* may request, in writing, that the *building official* order the immediate suspension or correction of all or a portion of the construction on a *building* or *structure* by attaching a stop work order notice on the premises. The *building official* must consider such a request and, if not acted upon, must respond, in writing, to the *coordinating registered professional* and give reasons.

11.17.3 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.

11.17.4 The *owner* must immediately, after the posting of a notice under section 10.36, 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 District.

11.17.5 Subject to section 11.17.1, no work other than the required remedial measures may be carried out on the parcel affected by the notice referred to in section 11.17.1 until the stop work order notice has been removed by the *building official*.

11.17.6 The notice referred to in section 11.17.1 must remain posted on the premises until that, which is contrary to the enactments, has been remedied.

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

11.18.1 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 prescribed by the *building official* on the affected part of the *building* or *structure*.

11.18.2 If a notice is posted under section 11.18.1, the *owner* of a parcel on which a Do Not Occupy Notice has been posted, and every other person, must cease *occupancy* of the *building* or *structure* immediately and refrain from further *occupancy* until all applicable provisions of the *building code* and this bylaw have been substantially complied with and the Do Not Occupy Notice has been rescinded in writing by a *building official*.

## 11.19 Inspection and Other Fees

11.19.1 In addition to the fees required under other provisions of this bylaw, the *owner* must pay the non-refundable fee set out in Schedule 'C' of the *Fees and Charges Bylaw*.

- (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 District'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 District's normal business hours.

## 11.20 Permit Expiration

11.20.1 Every *permit* is issued on the condition that the *permit* expires and the rights of the *owner* under the *permit* terminate if

- (a) the work authorized by the *permit* is not commenced within 180 days from the date of issuance of the *permit*;
- (b) work is discontinued for a period of 180 days; or
- (c) the work is not completed within two years of the date of issuance of the *permit*.

## 11.21 Permit Extension

11.21.1 A *building official* may extend the period set out under section 11.20.1 for only one period, not to exceed twelve months, if construction has not been commenced or has been discontinued due to adverse weather, strikes, material or labour shortages, other similar hardship beyond the *owner's* control, or if the size and complexity of the construction warrants, if

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

## 11.22 Building Permit Revocation

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

## 11.23 Building Permit Cancellation

- 11.23.1 A *building permit*, or a *building permit* application, may be cancelled by the *owner*, or his or her *agent*, on delivery of written notification of the cancellation to the *building official*.
- 11.23.2 On receipt of the written cancellation notice, the *building official* must mark on the application, and a *permit* if applicable, the date of cancellation and the word "cancelled".
- 11.23.3 If the *owner*, or his or her *agent*, submits changes to an application after a *permit* has been issued and the changes, in the opinion of the *building official*, substantially alter the scope of the work, design or intent of the application in respect of which the *permit* was issued, the *building official* may cancel or amend the *permit* and mark on the *permit* the date of cancellation or amendment and the word "cancelled" or "amended".
- 11.23.4 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 Schedule 'C' of the *Fees and Charges Bylaw*,
- (a) less any non-refundable portion of the fee; and
  - (b) 15% of the refundable portion of the fee.

## 11.24 Occupancy

- 11.24.1 No person may occupy a *building* or *structure* or part of a *building* or *structure* until a final occupancy permit has been issued by a *building official*.
- 11.24.2 A final occupancy permit will not be issued unless:
- (a) all letters of assurance have been submitted when required in accordance with the bylaw;
  - (b) all aspects of the work requiring inspection and acceptance pursuant to sections 10 and 11.16 of this bylaw have both been inspected and *accepted* or the inspections and acceptance are not required in accordance with this bylaw;
  - (c) the *owner* has delivered to the District as-built drawings of the *building* or *structure* in paper and digital format as required by the District;

- (d) the *owner* has delivered to the District as-built plans of works and *services* in digital format as required by the District; and
- (e) all other documentation required under applicable enactments has been delivered to the District.

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

11.24.4 A *building official* may issue a final 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 11.24.2 have been met with respect to it.

11.24.5 A final occupancy permit may not be issued unless:

- (a) all letters of assurance and the Confirmation of Required Documentation as prescribed by the *building official* have been submitted when required in accordance with the requirements of this bylaw;
- (b) all aspects of the work requiring inspection and review pursuant to sections 10 and 11.16 of this bylaw have both been inspected and *accepted*;
- (c) the *owner* has executed and delivered to the District every agreement, instrument or form required by the District in relation to the work or the site; and
- (d) all required offsite works respecting safety have been completed.

## 11.25 Temporary Buildings

11.25.1 Subject to the bylaws of the District 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 District's zoning bylaw, built in compliance with the *building code* and this

bylaw, and connected, as required by enactments, to District utility services.

11.25.2 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 District's zoning bylaw and other applicable bylaws; 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 District 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
  - (iii) in the case of a *temporary building*, information to comply with article 1.1.1.1(2)(f), Division C of the *Building Code*.

11.25.3 Before receiving a *building permit* for a *temporary building* or *structure* for *occupancy*, the *owner* must pay to the District the applicable *building permit* fee set out in Schedule 'C' of the *Fees and Charges Bylaw*.

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

## 12. TEMPORARY SHELTER DURING CONSTRUCTION

- 12.1 The *building official* may issue a *building permit* authorizing the use of a recreational vehicle, trailer or camper as a temporary shelter on a parcel of land on which a principal *building* is being constructed for a single-family dwelling unit or a duplex dwelling.
- 12.2 A temporary shelter authorized under section 12.1, is subject to the following conditions:
- (a) use shall not exceed the lesser of:
    - (i) 2 years from the date of issuance of the *building permit*; or
    - (ii) 15 days following issuance of an occupancy permit for the dwelling unitupon which time authorization to use the temporary shelter shall expire and shall not be extended or renewed unless the extension or renewal is granted in accordance with section 11.21;
  - (b) the *owner* must pay to the District the security deposit sum set out in Schedule 'C' of the *Fees and Charges Bylaw* or its successor, as security for removal of the temporary shelter when required; and
  - (c) the *owner* shall actively proceed with the construction of the principal *building* for which the permit is issued.
- 12.3 If authorization to use the temporary shelter expires and it continues to be used for a residential purpose, the District may cause the temporary shelter to be removed at the expense of the *owner* and may deduct the cost of removal from the security deposit provided by the *owner* from the deposit plus a fixed fee as set out in Schedule 'C' of the *Fees and Charges Bylaw* for District costs.
- 12.4 Without limiting section 12.3, the District must return the security deposit to the *owner* upon cessation of use of the temporary construction shelter, and the *owner* shall not re-commence or permit another person to commence use of the temporary construction shelter, unless otherwise authorized under this bylaw.

## 13. RETAINING WALLS AND GRADES

- 13.1 No person may construct, or structurally repair, a *retaining wall* without a *permit*.
- 13.2 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.
- 13.3 Without limiting section 13.2, no person may occupy a *building* unless the finished *grade* complies with all applicable enactments.

**14. BUILDING MOVE:**

- 14.1 No person may move a building or structure into or within the District
- 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*.

**15. NUMBERING OF BUILDINGS:**

- 15.1 Immediately upon issuance of a *building permit* governing the *construction, alteration* or repair of a *building*, or prior to and during the *occupancy* of a *building*, the *owner* or occupant must display the address number assigned to it by the District; on or over the entrance to the *building* or where landscaping or *structures* obscure the visibility of a *building* entrance from the adjacent highway, on the *building* property within sight of the adjacent highway; and until such time as the *building* is removed from the site or has been demolished.
- 15.2 Despite section 15.1, the District may renumber or alter the assigned numbers in respect of any *building* on any parcel, including those already in existence or numbered.
- 15.3 Without limiting sections 15.1 or 15.2, the *building official* must, *on the issuance of a building permit and in accordance with the "Civic Address Numbering Bylaw No. 1108, 2009"*, designate or cause to be designated a house number or set of house numbers related to the *building* authorized by the *permit*. The *owner* or occupier must post the number or numbers on the site immediately after obtaining the *building permit* and keep the numbers always posted in a conspicuous location during construction.
- 15.4 Without limiting sections 15.1 through 15.3, on issuance of an *occupancy permit*, the *owner* or occupier of the parcel must affix the numbers permanently in accordance with the *"Civic Address Numbering Bylaw No. 1108, 2009"*.

**16. POOLS:**

**16.1 Swimming Pool Permit and Fencing**

- 15.1.1 Without limiting section 6.1 of this bylaw, a person must not construct, or structurally repair, a swimming *pool* without a valid *building permit*.
- 15.1.2 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 1.22 metres and no openings greater than 100 mm at their greatest dimension.

**16.2 Pool Gate**

- 16.2.1 Access through a fence enclosing a swimming *pool*, spa or hot tub must be only through a self-closing and self-latching gate designed and constructed or installed to

cause the gate to return to a closed position when not in use and secured by a latch located on the swimming *pool*, spa or hot tub side of the gate.

**16.3 Spa or Hot Tub Lid**

16.3.1 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.

**16.4 Maintenance**

16.4.1 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 a pool, spa or hot tub is located maintains every fence or cover required under sections 15.2 to 15.4 in good order, and without limitation maintains and repairs in good order at all times all sagging gates, loose parts, torn mesh, missing materials, worn latches, locks or broken or binding members.

**16.5 Leaks or Other Failures**

16.5.1 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.

**17. ACCESS ROUTE FOR FIRE VEHICLE:**

17.1 Prior to the issuance of a *building permit* for a *building* under Part 9 of the *building code*, the *owner* must satisfy the *building official* that the *building* or *structure* for which the *permit* is issued will be served by a fire access route that complies with the minimum BC Building Code requirements and satisfies the requirements of the District of Ucluelet Fire Services Development Guidelines, as amended from time to time.

**18. DESIGNATION OF BYLAW ENFORCEMENT OFFICER**

18.1 For the purposes of this bylaw, the designated Bylaw Enforcement Officer means any of the following:

- a) Chief Administrative Officer
- b) Building Inspector
- c) Bylaw Enforcement Officer
- d) Royal Canadian Mounted Police and Auxiliary RCMP Officers.

18.2 Any person who in any way interferes or willfully obstructs a Bylaw Enforcement Officer in carrying out their duties pursuant to the provisions of this bylaw, is guilty of an offence against this bylaw.

19. **VIOLATIONS AND PENALTY:**

- 19.1 Any Person who causes, permits or allows anything to be done in contravention or violation of this Bylaw, or who neglects or fails to do anything required to be done pursuant to this Bylaw, commits an offence against this Bylaw and is liable upon summary conviction to pay a fine of not more than \$50,000, plus the costs of prosecution, and any other penalty or remedy available under the *Community Charter and Offence Act*.
- 19.2 This Bylaw may be enforced by bylaw notice pursuant to the “*Bylaw Notice Enforcement Bylaw No. 2000, 2026*”.
- 19.3 Where an offence under this Bylaw is of a continuing nature, each day that an offence continues, or is permitted to exist, constitutes a separate offence.
- 19.4 Every person who commences work requiring a *building permit* without first obtaining such a *permit* must, if a Stop Work notice is issued and remains outstanding for 30 days, pay an additional charge as outlined in the *Fees and Charges Bylaw*.
- 19.5 If action is taken pursuant to this bylaw, expenses may be recovered together with costs and interest in the same manner as municipal taxes.

19. **DEEMED OFFENCE:**

- 19.1 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.
- 19.2 No person is deemed liable under section 19.1 who establishes, on a balance of probabilities, that the construction or change of use or *occupancy* occurred before e or she became the *owner* of the parcel.
- 19.3 Nothing in section 19.2 affects
- (a) the District’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.

21. **SEVERABILITY:**

- 21.1 If any provision of this Bylaw is determined by a court of competent jurisdiction to be unlawful or unenforceable, that provision shall be severed from this Bylaw and shall not affect the validity of any remaining provision of this Bylaw.

22. **ADMINISTRATIVE PROVISIONS:**

22.1 This Bylaw hereby repeals "*District of Ucluelet Building Bylaw No. 1363, 2025*".

**READ A FIRST TIME** this 28<sup>th</sup> day of **April, 2026**.

**READ A SECOND TIME** this 28<sup>th</sup> day of **April, 2026**.

**READ A THIRD TIME** this 28<sup>th</sup> day of **April, 2026**.

**ADOPTED** this 26<sup>th</sup> day of **May, 2026**.

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Marilyn McEwen  
Mayor

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Ed Chow  
Corporate Officer

**THE CORPORATE SEAL** of the District  
of Ucluelet was hereto affixed in the  
presence of:

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Ed Chow, Corporate Officer