

# **City of Courtenay**

**“BUILDING BYLAW NO. 3001, 2020”**

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# City of Courtenay

## BUILDING BYLAW No. 3001, 2020

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

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

And Whereas the Council of the *City of Courtenay* has employed trained *building officials* for the purposes of this bylaw;

NOW THEREFORE the Council of the *City of Courtenay* enacts as follows:

#### PART 1: TITLE

##### Citation

- 1.1 This bylaw may be cited as “**Building Bylaw No. 3001, 2020**”.

#### PART 2: INTERPRETATION

- 2.1 Every reference to this bylaw in this or another bylaw of the *City* is a reference to this bylaw as amended to the date of the reference.
- 2.2 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 *building code* or section may be amended or re-enacted from time to time.

- 2.3 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.

## Definitions

2.4 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 building, 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.*

2.5 In this bylaw the following words are defined:

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

***addition*** means an *alteration* to any building which will increase the total aggregate floor area or the *building height* (in storeys), and includes the provision of two or more separate *buildings* with openings between each other for intercommunication;

***agent*** includes a firm, corporation or other person representing the *owner*, by written designation or contract, and includes a hired tradesperson or *constructor* who may be granted a *permit* for work within the limitations of his or her licence;

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

***alteration*** means a change, repair or modification of the *construction* or arrangement of or use of any *building* or *structure*, or to an *occupancy* regulated by this bylaw;

***Architects Act*** means the *Architects Act* RSBC 1996, c. 17;

***building code*** means the *British Columbia Building Code* as adopted by the Minister

responsible under provincial legislation, as amended or re-enacted from time to time;

**building official** means the person designated in or appointed to that position by the *City*, and includes a Manager of Building and Administrative Services, *building* inspector, plan checker, plumbing inspector, gas inspector, or electrical inspector designated or appointed by the *City*, and for certainty the *building official* is the “*building inspector*” referred to in the *Community Charter and Local Government Act*;

**City** means City of Courtenay;

**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*;

**Energy Advisor** means a person who is registered and in good standing as an energy advisor by Natural Resources Canada who conducts EnerGuide home evaluations on behalf of service organizations licensed by Natural Resources Canada.

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

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

**foundation** means a system or arrangement of *foundation* units through which the loads from a *building* are transferred directly to supporting soil or rock and includes any portion of the exterior walls of a *building* that lie below the finished *grade* immediately adjacent to the *building*;

**GHG** means greenhouse gas;

**health and safety aspects of the work** means design and *construction* regulated by Parts 3, 4, 5, 6, 7, 8, 9 and 10, Division B, of the *building code*; and subject to Parts 1 and 2 in relation to Parts 3 through 10, Division B;

**owner** means the registered *owner* in fee simple, or an *agent* duly authorized by the *owner* in writing in the form attached in the form prescribed by the *building official*;

**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* inspection notice, to occupy a *building* or part of a *building*;

**plumbing system** refers to section 1.4.1.2 of the *plumbing code* as of the date of the adoption of this bylaw:

**professional design** means the plans and supporting documents bearing the date, seal or stamp, and signature of a *registered professional*;

**project** means any *construction* operation;

**retaining wall** means a *structure* exceeding 1.2 metres in height that holds or retains *soil* or other material;

**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*.

***solid fuel*** means:

- (a) untreated, seasoned wood or wood products, including, without limitation, cordwood, woodchips, sawdust and wood left over from cutting lumber to length;
- (b) manufactured firelogs
- (c) pelletized fuel, and
- (d) corn kernels and seed hulls;

***solid fuel burning appliance*** means an appliance, such as but not limited to a wood stove, fireplace, furnace, or pellet stove, in which solid fuel is burned and which discharges combustion products;

***Step Code*** means the BC Energy *Step Code* as referenced in the British Columbia *Building Code* Part 9 and Part 10, as amended from time to time.

***structure*** means a *construction* or portion of *construction*, of any kind, whether fixed to, supported by or sunk into land or water, except landscaping, fences, paving and retaining *structures* less than 1.2 metres in height;

***swimming pool*** means any *constructed* or prefabricated pool, situated on or below ground level, used or intended to be used for swimming, bathing or wading, and having a depth of more than 0.6 m, which is situated on any privately-owned real property and is considered an *accessory structure*, and which does not fall within the jurisdiction of the Provincial Regulations governing Public *Swimming Pools* under the *Provincial Health Act*

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

***value of the construction*** means the amount that is calculated as the greater of:

- (a) the declared *value of the work*; including *excavation*, civil work, design documents, investigative testing, consulting services, *construction* management, and all but not limited to structural, mechanical, electrical, plumbing, drainage and gas installations necessary for the carrying out of the *construction* to its completed form; or
- (b) the value calculated using a method stipulated in the “Marshall & Swift Residential Cost Handbook”.

### **PART 3: PURPOSE OF BYLAW**

3.1 Despite any other provision in this bylaw, this bylaw must be interpreted in accordance



with this Part.

- 3.2 Every *permit* issued under this bylaw is issued expressly subject to the provisions of this Part.
- 3.3 This bylaw is enacted to regulate, prohibit and impose requirements in regard to *construction* in the *City*, in the public interest.
- 3.4 The purpose of this bylaw does not extend to
  - (a) the protection of *owners, designers* or *constructors* from economic loss;
  - (b) the assumption by the *City* or any *building official* of any responsibility for ensuring the compliance by any *owner*, his or her representatives or any employees, *constructors* or *designers* retained by the *owner*, with the *building code*, the requirements of this bylaw, or other applicable enactments, codes or standards;
  - (c) providing any person a warranty of design or workmanship with respect to any *building* or *structure* for which a *building permit* or *occupancy permit* is issued under this bylaw;
  - (d) providing any person a warranty or assurance that *construction* undertaken under *building permits* issued by the *City* is free from latent, or any, defects; or
  - (e) the protection of adjacent real property from incidental damage or nuisance.

#### **PART 4: SCOPE AND EXEMPTIONS**

##### **Application**

- 4.1 This bylaw applies to the geographical area of the *City* and to land, the surface of water, air space, *buildings* or *structures* in the *City*.
- 4.2 This bylaw applies to the design, *construction* or *occupancy* of new *buildings* or *structures*, and the *alteration, reconstruction, demolition, removal, relocation* or *occupancy* or change of use or *occupancy* of *existing buildings* and *structures*.
- 4.3 This bylaw does not apply to
  - (a) *buildings* or *structures* exempted by Division A, Part 1 of the *Building Code* except as expressly provided herein;
  - (b) a wall supporting soil that is:
    - (i) less than 1.2 metres in height or
    - (ii) a sequence of walls less than 1.2 metres in height and spaced greater than two horizontal to one vertical;
  - (c) a fence, a trellis, an arbour, or other similar landscape *structures* on a parcel zoned

for single or two family *residential occupancy* uses under the *City's Zoning Bylaw* as amended or re-enacted from time to time;

- (d) repair and maintenance of lawfully-conforming *structures* where the level of life safety and *building* performance shall not be decreased below the level that already exists, exclusive of structural and *building* envelope remediation as a result of a previous noted deficiency;
- (e) decks or patios which surface is less than 600mm at any point from the ground or finished *grade*, which are not attached to a *building* and have no walls or roof;
- (f) the replacement of plumbing fixtures (sinks, tubs, water closets, valves etc.) or the maintenance of *existing building plumbing systems*, providing the work does not involve the rearrangement of supply, waste or vent lines.

#### **Limited Application to Existing Buildings**

- 4.4 Except as provided in the *building code* or to the extent an *existing building* is under *construction* or does not have an *occupancy permit*, when an *existing building* has been *constructed* before the enactment of this bylaw, the enactment of this bylaw is not to be interpreted as requiring that the *building* must be *reconstructed* and *altered*, unless it is expressly so provided by this or another bylaw, regulation or statute.
- 4.5 This bylaw applies if the whole or any part of an *existing building* is moved either within or into the *City*, including relocation relative to parcel lines created by subdivision or consolidation. Part 12 applies to *building* moves.
- 4.6 If an *alteration* is made to an *existing building* the *alteration* must comply with this bylaw and the *building code* and the entire *building* must be made to comply with this bylaw and the *building code*, but only to the extent necessary to address any new infractions introduced in the remainder of the *building* as a result of the *alteration*.
- 4.7 If an *alteration* creates an *addition* to an *existing building*, the *alteration* or *addition* must comply with this bylaw and the *building code* and the entire *building* must be made to comply with this bylaw and the *building code*, but only to the extent necessary to address any new infractions introduced in the remainder of the *building* as a result of the *alteration* or *addition*.

#### **PART 5: PROHIBITIONS**

- 5.1 A person must not commence or continue any *construction, alteration, excavation, reconstruction, demolition, removal, relocation* or change the use or *occupancy* of any *building* or *structure*, including other work related to *construction*
  - (a) except in conformity with the requirements of the *building code* and this bylaw; and

- (b) unless a *building official* has issued a valid and subsisting *permit* for the work under this bylaw.
- 5.2 A person must not *occupy* or *permit* the *occupancy* of any *building* or *structure* or part of any *building* or *structure*
- (a) unless a subsisting *occupancy inspection notice* has been issued by a *building official* for the *building* or *structure* or the part of the *building* or *structure*; or
- (b) contrary to the terms of any *permit* issued or any notice given by a *building official*.
- 5.3 A person must not knowingly submit false or misleading information to a *building official* in relation to any *permit* application or *construction* undertaken pursuant to this bylaw.
- 5.4 Except in accordance with this bylaw, including acceptance of revised plans or supporting documents, a person must not erase, alter or modify plans and supporting documents after the same have been reviewed by the *building official*, or plans and supporting documents which have been filed for reference with the *building official* after a *permit* has been issued.
- 5.5 A person must not, unless authorized in writing by a *building official*, reverse, alter, deface, cover, remove or in any way tamper with any notice, *permit* or certificate posted or affixed to a *building* or *structure* pursuant to this bylaw.
- 5.6 A person must not do any work that is substantially at variance with the *accepted* design or plans of a *building*, *structure* or other works for which a *permit* has been issued, unless that variance has been authorized in writing by a *building official*.
- 5.7 A person must not interfere with or obstruct the entry of a *building official* or other authorized official of the *City* on property in the administration of this bylaw.
- 5.8 A person must not contravene an administrative requirement of a *building official* made under section 7.7 or any other provision of this bylaw.
- 5.9 A person must not change the use, *occupancy* or both of a *building* or *structure* or a part of a *building* or *structure* without first applying for and obtaining a *building permit* under this bylaw.

## **PART 6: PERMIT CONDITIONS**

- 6.1 A *permit* is required if work regulated under this bylaw is to be undertaken.
- 6.2 Neither the issuance of a *permit* under this bylaw, nor the acceptance or review of plans, drawings, specifications or supporting documents, nor any inspections made by or on behalf of the *City* will in any way

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

## **PART 7: POWERS OF A BUILDING OFFICIAL**

### **Administration**

- 7.1 Words defining the authority of a *building official* are to be construed as internal administrative powers and not as creating a duty.
- 7.2 A *building official* may
- (a) administer this bylaw, but owes no public duty to enforce or administer this bylaw;
  - (b) keep records of applications received, *permits*, notices and orders issued, inspections and tests made, and may retain copies of all 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*.
  - (e) prescribe forms for all processes as identified under this bylaw.

### **Refusal and Revocation of Permits**

- 7.3 A *building official* may refuse to issue a *permit* if the proposed work will contravene the

requirements of the *building code* or the provisions of this or any other bylaw of the *City* and must state the reason in writing.

- 7.4 A *building official* may revoke a *permit* and state the reason in writing if, in their opinion
- (a) 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;
  - (b) all *permits* required under this bylaw have not been obtained;
  - (c) a condition under which the *permit* was issued has been contravened;
  - (d) the *permit* was issued in error;
  - (e) cancellation or termination of the Homeowner Protection Office registration occurs prior to the *permit* receiving final inspection;
  - (f) the *permit* was issued on the basis of false or incorrect information; or
  - (g) there is a violation of a requirement of the *building code* or of this or another bylaw of the *City*

Such *permit* revocation must be in writing and sent to the *owner* and if acting through an *agent*, the *agent* by registered mail to, or personal service on, the *owner* or *agent*.

- 7.5 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.

### **Right of Entry**

- 7.6 Subject to section 16 of the *Community Charter*, every *owner* must permit, and a *building official* may enter on property at any time to administer and enforce this bylaw.

### **Powers**

- 7.7 Subject to applicable enactments, a *building official* may by notice in writing require
- (a) a person who contravenes any provision of this bylaw to comply with that provision within the time ordered;
  - (b) an *owner* to stop work on a *building* or *structure*, or any part of a *building* or *structure*, if the work is proceeding in contravention of this bylaw, the *building code*, or any other enactment of the *City* or other applicable enactments, or if there is deemed to be an *unsafe condition*, and may enter on property to affix or post a stop work order 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.

7.8 Every reference to “*owner*” in section 7.7 includes a reference to the *owner’s agent* or *constructor*.

7.9 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 8: OWNER’S RESPONSIBILITIES**

### **Permit Requirements**

- 8.1 Subject to Part 11 of this bylaw, every *owner* must apply for and obtain a *permit*, prior to
- (a) constructing, repairing, altering a building or structure, including a swimming pool or retaining wall;
  - (b) moving a *building* or *structure* into or within the *City*;
  - (c) demolishing a *building* or *structure*;
  - (d) *constructing*, repairing or *altering* a *plumbing system* or fire suppression system;
  - (e) siting of *temporary buildings*;

- (f) *constructing* a masonry fireplace or installing a solid fuel burning appliance or chimney;
- (g) occupying or changing the use or *occupancy* of a *building*, including the creation or consolidation of units; or
- (h) installation or *alteration* of mechanical exhaust and fire suppression systems for commercial cooking equipment;

unless the works are the subject of another valid and subsisting *building permit*.

8.2 Every *owner* must ensure that plans submitted with a *permit* application bear the name, phone number, address and email address of the *designer* of the *building* or *structure*.

### **Owner's Obligations**

8.3 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*, *professional field reviews*, specifications and supporting documents to the *permit* or inspection are all available at the site of the work for inspection during working hours by the *building official*, and that all *permits* are posted conspicuously on the site during the entire execution of the work; and
- (c) prior to the issuance of a *building permit*, execute and submit to the *City* an *owner's* undertaking in the form attached as Appendix C and the damage to *City* infrastructure repair agreement attached as Appendix E

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

8.5 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.
- (c) allow a *building official* to enter any *building* or premises at any reasonable time to administer and enforce this bylaw and provide *building officials* with safe access to the work site and all areas requiring inspection

## Notice

- 8.6 Every *owner* must give written notice to a *building official* of any change in or termination of engagement of a *registered professional*, including a *coordinating registered professional*, during *construction*, within 24 hours of when the change or termination occurs.
- 8.7 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.
- 8.8 Without limiting sections 11.29 to 11.44, every *owner* must give at least 24 hours' 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.
- 8.9 Every *owner* must give notice in writing to a *building official* and pay the non-refundable fee set out in Appendix B, immediately upon any transfer of *permit* holder, change in ownership or change in the address of the *owner* which occurs from at the time of application for a *building permit* to until an *occupancy permit* has been issued.
- 8.10 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.

## Damage to Municipal Works

- 8.11 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*.
- 8.12 In addition to payment of a security deposits under *City* bylaws, every *owner* must pay to the *City*, within 30 days of receiving an invoice for same from the *City*, the cost to repair any damage to public property or works located on public property arising directly or indirectly from work for which a *permit* was issued.

## PART 9: OBLIGATIONS OF OWNER'S CONSTRUCTOR

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



- 9.2 Every *constructor* must ensure that no *excavation* or other work is undertaken on public property, and that no public property is disturbed, no *building* or *structure* erected, and no materials stored thereon, in whole or in part, without first having obtained approval in writing from the appropriate authority over such public property.
- 9.3 For the purposes of the administration and enforcement of this bylaw, every *constructor* is responsible jointly and severally with the *owner* for all work undertaken.

## **PART 10: REGISTERED PROFESSIONAL'S RESPONSIBILITIES**

### **Professional Design and Field Review**

- 10.1 The provision by the *owner* to the *City* of letters of assurance in accordance with the requirements of the *building code* or this bylaw shall:
- (a) if a *building permit* is required, deliver to the *building official* letters of assurance set out in the forms of Schedules A or B as appropriate, prior to the issuance of the *permit*;
  - (b) If an *occupancy* inspection, or where only a final inspection is required, from the *building official* is required and before an *owner* occupies or receives permission to occupy the *building* or *structure*, the *owner* or *coordinating registered professional* shall deliver to that authority letters in the forms set out in schedules C-A or C-B, as appropriate.
- 10.2 If a *registered professional* provides letters of assurance in accordance with the *building code*, they must also provide proof of *professional* liability insurance to the *building official*.

### **Requirement for a Registered Professional**

- 10.3 The *owner* must retain a *registered professional* to provide to the *City* 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 to a *permit*
- (a) 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*, except for garages, carports and garden *structures* and *additions* less than 55 square metres;
  - (b) prior to *alterations* or *additions* to a *building*, or to a structural component that was previously designed by a *registered professional*.
  - (c) 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*;

- (d) 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
- (e) for a parcel of land on which a *building* or *structure* is proposed if the *building official* believes the parcel is or is likely to be subject to flooding, mud flows, debris flows, debris torrents, erosion, land slip, rock falls, subsidence or avalanche, and the requirement for a *professional design* is in addition to a requirement under Division 8 of Part 3 of the *Community Charter*
  - (i) for a report certified by a *professional* engineer with experience in geotechnical engineering that the parcel may be used safely for the use intended, and
  - (ii) that the plans submitted with the application comply with the relevant provisions of the *building code* and applicable bylaws of the *City*.

10.4 The *building official* may require any *registered professional* carrying out the *professional design* and *field review* required under section 10.3 to provide evidence that they have experience and expertise in respect of the *professional design* and *field review* of the context and scope required.

### **Professional Plan Certification**

10.5 The letters of assurance in the form of Schedules A and B as referred to in subsection 2.2.7, Division C, of the *building code* referred to in sections 10.1 and 10.3 are relied upon by the *City* and *its building officials* as certification that the design and plans to which the letters of assurance refer comply with the *building code*, this bylaw and other applicable enactment.

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

10.7 For a *building permit* issued for the *construction* of a *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 *City* or *its building officials* on the *registered professionals*.

10.8 If a *building permit* is issued for a *construction* of a *complex building*, the *permit* fee is reduced by 5% of the fees payable as indicated in Appendix B, up to a maximum reduction of \$500.00 (five hundred dollars).

## PART 11: BUILDING APPLICATION REQUIREMENTS

### Permit Requirements

- 11.1 Subject to this part, every *owner* must apply for and obtain a *permit*, prior to
- (a) *constructing*, repairing, *altering* a *building* or *structure*, including a *swimming pool* or *retaining wall*;
  - (b) moving a *building* or *structure* into or within the *City*;
  - (c) demolishing a *building* or *structure*;
  - (d) *constructing*, repairing or *altering* a *plumbing system* or fire suppression system;
  - (e) siting of *temporary buildings*;
  - (f) *constructing* a masonry fireplace or installing a solid fuel burning appliance or chimney;
  - (g) occupying or changing the use or *occupancy* of a *building*, including the creation or consolidation of units; or
  - (h) installation or *alteration* of mechanical exhaust and fire suppression systems for commercial cooking equipment;
- unless the works are the subject of another valid and subsisting *building permit*.

### Requirements Before Applying for a Building Permit

- 11.2 Prior to application of a *building permit*, the *owner* must satisfy the following requirements or conditions:
- (a) the *owner* must apply for and obtain a development permit if the *building* or *structure* is in an area designated by the *City'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 *City*, except to the extent a variance of a bylaw is authorized by a development permit, development variance permit, or order of the Board of Variance;
  - (c) the *owner* must apply for and receive approval for an environmental development permit, tree cutting permit, Flood Plain Exemption or other permits as required by *City* bylaws that could affect the design of the proposed *construction*; and
  - (d) 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.

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

### **Building Permit Applications for Complex Buildings**

11.3 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 payment of the applicable application fee as prescribed in Appendix B of this bylaw. The application fee is non-refundable and shall be credited against the *building permit* fee when the *permit* is issued;
- (c) be accompanied by the *owner's* acknowledgement of responsibility and undertaking made in the form prescribed by the *building official* and signed by the *owner*, or a signing officer if the *owner* is a corporation;
- (d) include a copy of a title search for the relevant property made within 30 days of the date of the *permit* application;
- (e) ensure that plans submitted with a *permit* application bear the name and contact information of the *designer* and indicate the civic address for the *project*

- (f) include a *building code* compliance summary including the applicable edition of the *building code*, such as without limitation the *building* is designed under Part 3 of the *building code*, *major occupancy* classification(s) of the *building*, *building area* and *building height*, number of streets the *building* faces, and *accessible* requirements, work areas, washrooms, *firewalls* and facilities and any other information required by the *building official* to confirm compliance with the *building code* and *City* bylaws;
- (g) 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;
- (h) include a site plan prepared by a *registered professional* showing:
  - i) the legal description and civic address of the parcel;
  - ii) the location and dimensions of *existing* and proposed statutory rights of way, easements and setback requirements, adjacent street and lane names;
  - iii) the location and dimensions of *existing* and proposed *buildings* or *structures* on the parcel;
  - iv) setbacks to the natural boundary (top of bank) of any lake, swamp, pond or watercourse;
  - v) geodetic elevation of the underside of a wood floor system or the top of a finished concrete slab of a *building* or *structure* where the *City's* land use regulations or provincial flood mapping regulations establish siting requirements related to minimum floor elevation;
  - 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 required setbacks to property lines;
  - xi) 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* geodetic 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;
  - xvi) access routes for firefighting and;
  - xvii) *accessible* paths of travel from the street to the *building*

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*;

- (i) 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 including rated assemblies and *construction*;; plumbing fixtures; structural elements; and stair dimensions;
- (j) include cross-sections and details through the *building* or *structure* in sufficient detail and locations to illustrate the *building* or *structure* conforms to the *building code*;
- (k) include elevations of all sides of the *building* showing finish details, roof slopes, windows, doors, the *grade*, the maximum *building height* line, ridge height, spatial separations and natural and finished *grade* to comply with the *building code* and to illustrate that the *building* or *structure* conforms with the *City* zoning and development permit;
- (l) site servicing drawings, including sufficient detail of off-site services to indicate locations at the property line, prepared and sealed by a *registered professional*, in accordance with the *City*'s Subdivision and Development Servicing Bylaw, as amended or re-enacted from time to time to the satisfaction of the *City*'s Development Engineer;
- (m) 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*;
- (n) 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;
- (o) 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*;
- (p) 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*;
- (q) include one digital and two hard copy sets of drawings at a suitable scale of the design prepared by each *registered professional* containing the information set out in (g) to (l) of this section; and
- (r) applications for renovations, *additions* or demolition to *existing buildings* shall include a hazardous materials survey in accordance WorkSafe BC regulations.

11.4 In addition to the requirements of section 11.3 of this bylaw, a *building official* may require further information 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

11.5 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 a signing officer if the *owner* is a corporation;
- (b) be accompanied by payment of the applicable application fee as prescribed in Appendix B. The application fee is non-refundable and shall be credited against the *building permit* fee when the *permit* is issued;
- (c) be accompanied by the *owner's* acknowledgment of responsibility and undertaking made in the form prescribed by the *building official* and signed by the *owner*, or a signing officer if the *owner* is a corporation;
- (d) include a copy of a title search for the relevant property made within 30 days of the date of the *permit* application;
- (e) ensure that plans submitted with a *permit* application bear the name and contact information of the *designer* and indicate the civic address for the *project*
- (f) 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;
- (g) include a site plan showing
  - i) the 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) the geodetic elevation of the underside of a wood floor system or the top of a finished concrete slab of a *building* or *structure* where the *City's* land use regulations or provincial flood mapping regulations establish siting requirements related to minimum floor elevation;
  - vii) North arrow;
  - viii) if applicable, location of an approved *existing* or proposed alternative private or other sewage disposal system, water supply system or storm water drainage system;
  - ix) zoning compliance summary;
  - x) the location, dimensions and gradient of parking and parking access;

- proposed and *required* setbacks to property lines;
- xi) geodetic elevations of finished *grade* at *building* corners;
- 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 species of all trees greater than 10 centimetres in diameter;
- xvi) for other than single and two family dwelling access routes for
- xvii) Firefighting and;
- xviii) where required by the *building code*, *accessible* paths of travel from the street to the *building*;

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*;

- (h) include floor plans showing the dimensions *occupancy* classification 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; fire separations, including rated assemblies and *construction*; plumbing fixtures; structural elements; and stair dimensions; truss layout including loads;
- (i) include cross-sections and 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 elevations of all sides of the *building* showing finish details, roof slopes, windows, doors, the *grade*, the maximum *building height* line, ridge height, spatial separations and natural and finished *grade* to comply with the *building code* and to illustrate that the *building* or *structure* conforms with the *City's* zoning and development permit;
- (k) for other than single and two family dwellings, site servicing drawings, including sufficient detail of off-site services to indicate locations at the property line, prepared and sealed by a *registered professional*, in accordance with the *City's* Subdivision and Development Servicing Bylaw, as amended or re-enacted from time to time, to the satisfaction of the *City's* Development Engineer;
- (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 *foundation* and *excavation* design prepared by a *registered professional* in accordance with the *building code*, except for garages, carports and garden *structures* and *additions* less than 55 square metres;
- (n) include geotechnical letters of assurance, in addition to a required geotechnical report, if the *building official* determines that the site conditions so warrant;



- (o) include two sets of hard copy drawings at a suitable scale of design including the information set out in (f) to (k) and (m) of this section;
- (p) include a *building code* compliance summary including the applicable edition of the *building code*, such as, without limitation, the *building* is designed under Part 9 and compliance with article 2.2.2.1(2), Division C of the *building code*; and
- (q) applications for renovations, *additions* or demolition to *existing buildings* shall include a hazardous materials survey in accordance WorkSafe BC regulations.

11.6 In addition to the requirements of section 11.5 of this Part, if the complexity of the proposed *building* or *structure* or siting circumstances warrant, a *building official* may require the following be submitted with a *permit* application for the *construction* of each *simple building* in the *project*:

- (a) a section through the site showing *grades*, *buildings*, *structures*, parking areas and driveways;
- (b) structural, electrical, plumbing, mechanical or fire suppression drawings prepared and sealed by a *registered professional*;
- (c) letters of assurance in the form of Schedule B referred to in Division C of the *building code*, signed by a *registered professional*; and
- (d) 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*.

### **Site and Location Information**

11.7 Without limiting sections 11.3(h) or 11.5(f) 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.

### **Building Permit Fee**

- 11.8 Before receiving a *building permit* for a *building* or *structure*, the *owner* must first pay to the *City*
- a) the *permit* fee prescribed in Appendix B; and
  - b) any fees, charges, levies or taxes imposed by the *City* and payable under an enactment at the time of issuance of the *permit*;

### **Value of Construction**

- 11.9 Each *building* or *structure* to be *constructed* on a site requires a separate *building permit* and shall be assessed a separate *building permit* fee based on the greater of the declared *value of construction* or the value calculated using a method stipulated in the “Marshall & Swift Residential Cost Handbook”.

### **Security Deposit with Building Permit Application**

- 11.10 Before receiving a *building permit* for a *building* or *structure*, the *owner* must first pay to the *City* a security deposit as set out in Appendix B.
- 11.11 The security deposit sum set out in Appendix B
- (a) covers the cost borne by the *City* to maintain, restore or replace any public works or public lands which are destroyed, damaged or otherwise impaired in the carrying out of the work referred to in any *permit* held by the applicant;
  - (b) covers the cost borne by the *City* to make the site safe if the *permit* holder abandons or fails to complete the work as designated on the *permit*;
  - (c) serves as the security deposit for provisional *occupancy* when 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.
- 11.12 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 provisional certificate of *occupancy* are completed to the satisfaction of the *building official*;

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

- 11.13 Any credit greater than the amount of the security deposit used by the *City* for the purposes described in sections 11.10 to 11.12 of this Part will be returned to the *permit* holder unless otherwise so directed in writing by the *permit* holder. Any amount in excess of the security deposit required by the *City* to complete corrective work to public lands, public works, or the site is recoverable by the *City* from the *permit* holder, the *constructor* or the *owner* of the property.
- 11.14 If the proposed work includes *excavation* or *construction* on lands within 3 metres of major utilities works or services owned by the *City*, the *owner* must deliver to the *building official* a signed agreement in a form prescribed by the *City* 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 at the *owners* expense and to the satisfaction of the Development Engineer, and the *owner* must deposit with the *City* security in accordance with sections 11.10 to 11.13 of this Part.

### **Permit Fee Refunds**

- 11.15 No fee or part of a fee paid to the *City* may be refunded if *construction* of the *building* has started.
- 11.16 A *permit* fee, other than an application fee, as set out in Appendix B, may be refunded only if
  - (a) the *owner* has submitted a written request for a refund;
  - (b) the *building official* has certified a start has not been made on the *construction* of the *building* or *structure*; and
  - (c) the *permit* has not expired.
- 11.17 A *building permit* or other *permit* fee is not refundable after the *permit* has been extended under section 11.48 of this Part.

### **Design Modification**

- 11.18 If an issued *permit* is active and the *owner* proposes modification to the *building* design the *owner* must pay to the *City* a design modification fee based on the plan review hourly rate set out in Appendix B.

### **Construction Before Permit Issued**

11.19 The *permit* fee prescribed in Part 11.8(a) 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**

11.20 A *permit* application shall be cancelled and the *permit* application fee forfeited if the *building permit* has not been issued and the *permit* fee paid within 180 days of the *permit* application, unless the *permit* is not issued only due to delays caused by the *City*. When an application is cancelled the plans and related documents may be held for a maximum of two weeks and then may be destroyed.

### **Issuance of a Building Permit**

11.21 If

- (a) a completed application in compliance with sections 11.3 and 11.4 or sections 11.5 and 11.6 of this Part, including all required supporting documentation, has been submitted and reviewed by the *building official*;
- (b) the *owner* has paid all applicable fees set out in sections 11.8 to 11.19 of this Part and Appendix B;
- (c) the *owner* or his or her representative has paid all fees and met all requirements imposed by any other statute or bylaw;
- (d) the *owner* has retained a *professional* engineer or geoscientist if required under this bylaw;
- (e) the *owner* has retained an architect if required under this bylaw; and
- (f) no covenant, agreement, resolution or regulation of the *City* requires or authorizes the *permit* to be withheld,

the *building official* must issue the *permit*, in the form prescribed by the *building official*, for which the application is made, and the date of issuance is deemed to be the date all conditions of 11.21 (a) to(f) have been satisfied

11.22 Despite section 11.21, 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*.

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

11.23 If the application is in respect of a *building* that includes, or will include, a *residential occupancy* governed by the *Homeowner Protection Act*, the *building permit* must not be issued unless the *owner* provides evidence under section 30(1) of the *Homeowner Protection Act*, that the proposed *building*

(a) is covered by home warranty insurance; and

(b) the *constructor* is a licensed “residential builder” as defined in that Act.

11.24 Section 11.23 of this Part does not apply if the *owner* is not required to be licensed and to obtain home warranty insurance in accordance with sections 20(1) or 30(1) of the *Homeowner Protection Act*.

11.25 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**

11.26 A *building official* may issue a *building permit* for a portion of a *building* or *structure* before the design, plans and specifications for the entire *building* or *structure* have been *accepted*, provided sufficient information has been provided to the *City* to demonstrate to the *building official* that the portion authorized to be *constructed* substantially complies with this and other applicable bylaws and the *permit* fee applicable to that portion of the *building* or *structure* has been paid. The issuance of the *permit* notwithstanding, the requirements of this bylaw apply to the remainder of the *building* or *structure* as if the *permit* for the portion of the *building* or *structure* had not been issued.

11.27 If a *building permit* has expired and partial *construction* has progressed, with no extension requested of the *building official* under section 11.48, the site shall be restored to original gradients or where *construction* has progressed beyond the *excavation* stage permanent type fencing with privacy screen complying with the *City’s Zoning Bylaw*, as amended or re-enacted from time to time, must be erected around the *building* site for protection to the public.

### **Inspections**

11.28 If a *registered professional* provides letters of assurance in accordance with this bylaw, the *City* will rely solely on *field reviews* undertaken by the *registered professional* and the letters of assurance submitted 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. Copies of all *field reviews* shall be submitted to the *City* after the *registered professionals* individual inspections are conducted.

11.29 Despite section 11.28 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*.

11.30 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.

- 11.31 For all work in respect of *simple buildings* the *owner* must give at least 24 hours' notice to the *City* when requesting an inspection and must obtain an inspection and receive a *building official's* written acceptance of the following aspects of the work prior to concealing them
- (a) the installation of completed concrete footing formwork, prior to the placement of concrete;
  - (b) prior to inspection under section 11.31(c), plumbing located below the finished slab level once completed and under test;
  - (c) the preparation of ground, including ground cover with underslab and/or *foundation* insulation;
  - (d) installation of above ground rough-in plumbing, once completed and under test;
  - (e) installation of the *building* water, sanitary and storm services from the *building* to the property line, or to any on-site water supply or sewage disposal system, after the required tests to sanitary and water supply lines have been applied;
  - (f) rough in of factory built chimneys and fireplaces and solid fuel burning appliances;
  - (g) framing, sheathing, fire stopping (including drywall in fire separations) and required bracing, after the complete installation of chimney and ductwork, rough wiring, rough plumbing, rough heating, gas venting, exterior doors and windows, and submission of a *building* location survey from a registered BCLS but prior to the installation of insulation, interior finishes, sheathing paper or exterior finishes which would conceal such work;
  - (h) air barrier, when *constructed* independently of the vapour barrier and where the *permitted construction* is not required to comply with the *Step Code* under this bylaw;
  - (i) the insulation, vapour barrier, and fan ductwork and insulation thereof, prior to the application of any interior finish and after the substantial completion of the siding or other main exterior finishes, exclusive of minor trim or details; and
  - (j) *Occupancy* and Final, the health and safety aspects, *GHG* emissions reduction and accessibility aspects of the work, when the *building* or *structure* is substantially complete but before *occupancy* takes place of the whole or part of the *building* or *structure*.
- 11.32 A *building official* will only carry out an inspection under section 11.31 if the *owner* or the *owner's agent* has requested the inspection in writing in accordance with this bylaw.
- 11.33 Despite the requirement for the *building official's* acceptance of the work outlined in section 11.31, if a *registered professional* provides letters of assurance, the *City* will rely solely on *field reviews* undertaken by the *registered professional* and the letters of assurance submitted pursuant to this bylaw as assurance that the aspects of the

*construction* referenced by those letters of assurance substantially conform to the *design*, plans and specifications and that the *construction* complies with the *building code*, this bylaw and other applicable enactments respecting safety.

11.34 No person may conceal any aspect of the work referred to in section 11.31 of this bylaw until a *building official* has *accepted* it in writing.

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

(a) provide to the *City*, or have the *coordinating registered professional* provide to the *City*, all *registered professionals field reviews* within 24 hours' of completion of the following stages of *construction*:

- (i) after the water, sanitary and storm sewer, including site servicing and street connections, are completed
- (ii) after the footings and *foundations* are complete;
- (iii) after framing of the *building* is complete, including fire stopping and separations, chimney, duct work, plumbing, gas venting, wiring, but before any insulation, or other interior or exterior finish is applied which would conceal such work;
- (iv) after insulation and vapour barrier and fire stop systems but before any interior finish is applied;

(b) submit to the *City* a *building* location survey from a registered BCLS once the *foundations* have been completed but prior to the completion of the work specified in 11.35(a)(iii);

(c) give at least 72 hours' notice to the *City* when requesting an *occupancy* but prior to occupying the *building* or *structure*, to demonstrate to the *building official* and Courtenay Fire Department, the compliance with *the health and safety aspects of the work*, the coordination and integration of the fire and life safety system, applicable *City* requirements and other enactments respecting safety and the conservation, *GHG* emission and accessibility aspects of the work; and

(d) cause the *coordinating registered professional*, at least 72 hours prior to the pre-*occupancy* coordinated site review to deliver to the *building official* all applicable documents listed in the Confirmation of Required Documentation described in Appendix A, in a hard covered three ring binder and in digital format as required by the *City*.

### **Stop Work Order**

11.36 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 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 *City* or the applicable provisions of the *Homeowner Protection Act*.

- 11.37 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. 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.
- 11.38 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 11.36.
- 11.39 The *owner* must immediately, after the posting of a notice under section 11.36, 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 *City*.
- 11.40 Subject to section 11.36, no work other than the required remedial measures may be carried out on the parcel affected by the notice referred to in section 11.36 until the stop work order notice has been removed by the *building official*.
- 11.41 The notice referred to in section 11.36 must remain posted on the premises until that which is contrary to the enactments has been remedied and the stop work order notice has been rescinded in writing by the *building official*.

### **Do Not Occupy Notice**

- 11.42 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 prescribed by the *building official* on the affected part of the *building* or *structure*.
- 11.43 If a notice is posted under section 11.42, 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*.

### **Inspection and Other Fees**

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



- (b) a special inspection during the *City's* normal business hours to establish the condition of a *building*, or if an inspection requires special arrangements because of time, location or *construction* techniques;

### **Permit Expiration**

- 11.45 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 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*.
- 11.46 Where a *permit* has expired, the work shall cease and the *construction* approved under the expired *permit* shall be removed, unless a new *permit* application is made within 180 days of the expiry of the *permit*.
- 11.47 Where a *permit* has expired and a new *permit* application is made, all remaining *construction* shall comply with this bylaw, the *building code* and any other *City* bylaws and enactments in force at the time of the new application.

### **Permit Extension**

- 11.48 A *building official* may extend the period set out under section 11.45 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) written 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 Appendix B has been paid.

### **Building Permit Cancellation**

- 11.49 A *building permit*, or a *building permit* application, may be cancelled by the *owner*, or his or her *agent*, on delivery of written notification of the cancellation to the *building official*.
- 11.50 On receipt of the written cancellation notice, the *building official* must mark on the application, and a *permit* if applicable, the date of cancellation and the word "cancelled".
- 11.51 If the *owner*, or his or her *agent*, submits changes to an application after a *permit* has been issued and the changes, in the opinion of the *building official*, substantially alter the scope of the work, design or intent of the application in respect of which the *permit* was issued, the *building official* may cancel or amend the *permit* and mark on the *permit* the date of cancellation or amendment and the word "cancelled" or "amended".

11.52 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 in association with the *permit* less,

- (a) any non-refundable portion of the fee; and
- (b) 15% of the refundable portion of the fee.

## Occupancy

11.53 No person may occupy a *building* or *structure* or part of a *building* or *structure* until an *occupancy* inspection notice has been approved by a *building official*.

11.54 An *occupancy* inspection notice will not be issued unless

- (a) letters of assurance, in the form of schedules C-A and C-B have been submitted where letters of assurance have been required for simple *buildings*, *complex buildings* or *structures* in accordance with this bylaw;
- (b) the Confirmation of Required Documentation described in Appendix A have been submitted when required in accordance with the requirements of this bylaw;
- (c) all aspects of the work requiring inspection and acceptance pursuant to sections 11.31 and 11.35 of this bylaw have both been inspected and *accepted* or the inspections and acceptance are not required in accordance with this bylaw;
- (d) where requested in writing by the *building official* and for *complex buildings*, the *owner* has delivered to the *City*, as-built plans of works and services in digital format;
- (e) where requested in writing by the *building official* and for *complex buildings*, the *owner* has delivered to the *City*, as-built drawings of the *building* or *structure* in digital format as required by the *City*.
- (f) the *owner* has provided to the *City* a *building* survey prepared by a British Columbia Land Surveyor showing the building height, size, location and elevation determined in accordance with the *City's* land use regulations;
- (g) the *health and life 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 in compliance with the *design*, the *building code* and other applicable enactments; and
- (h) all other documentation required under applicable enactments has been delivered to the *City*.

11.55 When a *registered professional* provides letters of assurance in accordance with this

bylaw, the *City* will rely solely on the letters of assurance when issuing an *occupancy* inspection notice 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.

11.56 A *building official* may issue an *occupancy* inspection notice for partial *occupancy* of a portion of a *building* or *structure* under *construction*, when that portion of the *building* or *structure* is self-contained and the requirements set out in section 11.54, have been met with respect to it.

11.57 A final inspection notice may not be issued unless

- (a) the requirements of section 11.54 have been met;
- (b) all special conditions for which the *permit* has been issued have been met;
- (c) all aspects of the work requiring inspection and review pursuant to Part 9 and sections 11.28 through 11.35 of this bylaw have both been inspected and *accepted*;
- (d) the *owner* has executed and delivered to the *City* every agreement, instrument or form required by the *City* in relation to the work or the site; and
- (e) all required offsite works respecting safety have been completed.

### **Temporary Buildings**

11.58 Subject to the bylaws of the *City* and orders of Council, the *building official* may issue a *building permit* for the erection or placement of a *temporary building* for *occupancy* if

- (a) the *permit* is for a period not exceeding one year; and
- (b) the *building* is located in compliance with the *City's* Zoning Bylaw, as amended or re-enacted from time to time, built in compliance with the *building code* and this bylaw, and connected, as required by enactments, to *City* utility services.

11.59 An application for a *building permit* for the erection or placement of a *temporary building* 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* on the parcel;
- (b) plans and supporting documents showing *construction* details of the *building*;
- (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) in the case of a *temporary building*, information to comply with article 1.1.1.1(2)(f), Division A of the *Building Code*.
- (i) a report or drawing by an engineer, architect or *designer* confirming compliance with the *building code*, this bylaw, the *City*'s Zoning Bylaw and other applicable bylaws as amended or re-enacted from time to time;
- (j) security in the form of cash or a letter of credit for 10% of the value of the *temporary building*, which security
  - (i) may be used by the *City* to remove the *building* after 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.

11.60 Before receiving a *building permit* for a *temporary building* for *occupancy*, the *owner* must pay to the *City* the applicable *building permit* fee set out in Appendix B.

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

## PART 12: BUILDING MOVE

12.1 No Person shall move or cause to be moved any *building* into the *City* or from one parcel to another in the *City* without first obtaining a *Building Permit* to carry out such move and to site the *building* on the parcel to which it is to be moved.

12.2 An application for a *building permit* for a *building* move must be made on the form prescribed by the *building official*, signed by the *owner* or *agent*, and must include

- (i) certification from a *Registered Professional* that the *structure* is safe for its intended use including the *structure*'s new *foundation* and siting;
- (ii) detailed plans and specifications of the proposed relocation and rehabilitation of the *building*, including *additions* and renovations to the *building*;
- (iii) detailed plans and specifications of the *building* siting, driveway and other site improvements proposed on the parcel;

12.3 A security in the form of a standby irrevocable letter of credit without an expiry date, a certified cheque, or cash payment deposited with the *City* for the amount equal to five (5) percent of the *value of the construction* to a maximum of \$10,000.00.

12.4 If the *building* or part of it is not completed and an *occupancy permit* has not been issued within a twelve (12) month subsequent to the issuance of a *Building Permit*, the *Building*

*Official* may send a written notice to the *owner* stating that the *building* does not comply with this bylaw or other enactment and direct the *owner* to remedy the non-compliance within thirty (30) days from the date of service of the notice. If the non-compliance is not remedied within the thirty day period, the security in 12.3 shall be forfeited to the *City*.

- 12.5 For clarity other than 12.2(i) these provisions apply to certified factory built houses that meet or exceed CAN/CSA Z240 MH Series or CSA A-277-M1990.
- 12.6 Before receiving a *building permit* for a moved *building* or *structure*, the *owner* must pay to the *City* the applicable *building permit* fee set out in Appendix B.

### **PART 13: RETAINING WALLS AND GRADES**

- 13.1 No person may *construct*, or structurally repair, a *retaining wall* without a *building 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.
- 13.4 An application for a *building permit* with respect to a *retaining wall* must include
- (a) sealed copies of all design drawings and specifications, including schedules from a *registered professional engineer*
  - (b) a site plan with the information as applicable, described in section 11.5(g)
  - (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 *retaining wall*.
- 13.5 Before receiving a *building permit* for a *retaining wall*, the *owner* must pay to the *City* the applicable *building permit* fee set out in Appendix B.

### **PART 14: POOLS**

#### **Swimming Pool Permit and Fencing**

- 14.1 Without limiting section 6.1 of this bylaw, a person must not *construct*, or structurally repair, a *swimming pool* without a valid *building permit*.
- 14.2 A *swimming pool*, must meet all requirements as outlined in the *City's Zoning Bylaw*, as amended or re-enacted from time to time.
- 14.3 An application for a *building permit* with respect to a *swimming pool* must include

- (a) all design drawings, specifications, and if the pool is situated on a hillside, schedules from a registered geotechnical engineer;
  - (b) a site plan with the information as applicable, described in section 11.5(g); 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 a *swimming pool*.
- 14.4 Before receiving a *building permit* for a *swimming pool*, the *owner* must pay to the *City* the applicable *building permit* fee set out in Appendix B.

### **Maintenance**

- 14.5 A person may not use or *occupy* a *swimming pool*, unless the *owner* or *occupier* of property on or in which a *pool*, is located maintains every fence or cover required under sections 14.2 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.

### **Leaks or Other Failures**

- 14.6 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 15: DEMOLITION PERMITS**

- 15.1 Prior to obtaining a *permit* to demolish a *building* or *structure*, the *owner* must
- (a) provide to the *City* a vacancy date;
  - (b) provide a site plan clearly indicating the *building* to be demolished.
  - (c) shall include a hazardous materials survey in accordance with WorkSafe BC regulations;
  - (d) pay disconnection fees as set out in the *City's* bylaws governing waterworks, sanitary and storm sewer, as amended or re-enacted from time to time; and
- 15.2 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, permanent type fencing with privacy screen complying with the *City's* Zoning Bylaw, as amended or re-enacted from time to time, must be erected around the *building*

site for protection to the public.

- 15.3 Before receiving a *building permit* for the demolition of a *building* or *structure*, the *owner* must pay to the *City* the applicable *demolition permit* fee set out in Appendix B.

#### **PART 16: NUMBERING OF BUILDINGS**

- 16.1 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, constructor* or occupant must display the address number assigned to it by the *City*
- (a) at or near the entrance to the *building* or on the *building* property within sight of the adjacent highway; and
  - (b) until such time as the *building* is removed from the site or has been demolished.
- 16.2 Without limiting sections 16.1, prior to issuance of an *occupancy permit*, the *owner* or occupier of the parcel must affix the numbers permanently in accordance with the *City's* Fire Protective Services Bylaw, as amended or re-enacted from time to time.
- 16.3 Despite section 16.1, the *City* may renumber or alter the assigned numbers in respect of any *building*, on any parcel, including those already in existence or numbered.

#### **PART 17: ACCESS ROUTE FOR FIRE VEHICLE**

- 17.1 Prior to the issuance of a *building permit* for a *building* under Part 9 of the *building code*, that incorporates private roadways, other than driveways serving one and two dwellings, details shall be submitted confirming the *building* or *structure* for which the *permit* is issued, will be served by a fire access route satisfying the following:
- (a) the access route must comply with the gradient, radius, clearance, width, turnaround and public through fare connection standards as determined in Part 3.2.5.6 of the *building code*, as amended or replaced from time to time; and
  - (b) the access route must comply with the bearing load and surface material standards as required for the *City's* Local Road Standards.

#### **PART 18: ENERGY CONSERVATION AND GHG EMISSION REDUCTION**

- 18.1 In relation to the conservation of energy and the reduction of greenhouse gas emissions, the *City* incorporates by reference the British Columbia Energy *Step Code* in accordance with sections 18.2 through 18.9.
- 18.2 As applicable, *buildings* of new *construction*, regulated by Part 3 of the *building code* must be designed and *constructed* to meet the minimum performance requirements specified in Step 2 of the *Step Code*.

- 18.3 As applicable *buildings* of new *construction*, regulated by Part 9 of the *building code* must be designed and *constructed* to meet the minimum performance requirements specified in:
- (a) Step 2 of the *Step Code*; or
  - (b) for *building permit* applications received on or after of January 1<sup>st</sup> 2021, Step 3 of the *Step Code*.
- 18.4 Without limiting sections 11.3 and 11.4 *building permit* applications referenced in sections 18.2 must include confirmation the design as proposed, complies with the *Step Code*.
- 18.5 Without limiting section 11.54(g) confirmation of as built compliance with the *Step Code* shall be submitted prior to receiving an *occupancy* inspection notice.
- 18.6 For a *building* of new *construction*, regulated by Part 9 of the *building code*:
- (a) the application for a *building permit* for the *building* shall include a Pre-Construction BC Energy Compliance Report – Performance Paths for Part 9 *Buildings: Pre-Construction* Form (in the latest form from time to time published by the Province of British Columbia), prepared and signed by an *Energy Advisor*, and such other reports, documentation and materials as may be required by the *building official* with respect to *Step Code* compliance; and
  - (b) prior to cover of wall assembly, the *building* shall be tested for airtightness in accordance with the applicable requirements of the *Energy Step Code* and the *owner* shall provide the *City* with a BC Energy Compliance Report – Performance Paths for Part 9 *Buildings: Mid-Construction* Form (in the latest form from time to time published by the Province of British Columbia), prepared and signed by an *Energy Advisor*, and such other reports, documentation and materials as may be required by the *building official* with respect to such testing; and
  - (c) prior to the issuance of an *occupancy permit* for the *building*, the *owner* shall provide the *City* with a BC Energy Compliance Report - Performance Paths for Part 9 *Buildings: As-Built* Form (in the latest form from time to time published by the Province of British Columbia), prepared and signed by an *Energy Advisor*, and such other reports, documentation and materials as required by the *building official* with respect to *Step Code* compliance;
- 18.7 When an *energy advisor* or architect, as required, provides energy reports or *field reviews* in accordance with this bylaw, the *City* will rely solely on the field reviews undertaken by the *energy advisor* or architect and the reports submitted pursuant to this bylaw as assurance that the *construction* or applicable aspect thereof substantially conforms to the design, and that the *construction* of applicable aspect thereof substantially complies with the *building code*, this bylaw, and other



applicable enactments respecting energy efficiency.

- 18.8 Any *energy advisor* providing documentation as set out in the *Step code* must provide confirmation to the *City* they are an energy advisor registered and in good standing with Natural Resources Canada.
- 18.9 For a *building* or *structure* that is designed in compliance with the applicable step of the *Step code* but where the *constructed building* or *structure* does not meet the performance requirements of the step, after all reasonable mitigation measures are implemented to the satisfaction of the *building official*, the *building official* may issue an *occupancy permit*. A final inspection shall not be issued, until such time as the *building* or *structure* is brought into compliance with the applicable step.

### **PART 19: SOLID FUEL BURNING APPLIANCE**

- 19.1 No person shall design or construct a new building nor add to or renovate to an existing building where the heating system or service water heating system relies in whole or part on the use of a *solid fuel burning appliance*.
- 19.2 Despite section 19.1, a *solid fuel burning appliance* may be installed in a building that existed prior to May 31, 2020, in replacement for an existing solid fuel burning appliance provided that the replacement appliance complies with 19.4.
- 19.3 No person shall construct a masonry fireplace, install a *solid fuel burning appliance* or chimney, without first obtaining a building permit.
- 19.4 Every *solid fuel burning appliance* must display a permanent label indicating that it has been tested to and meets the EPA standards for clean burning or CSA B415.10, as amended or replaced from time to time.
- 19.5 Before receiving a building permit for a *solid fuel burning appliance*, the owner must pay to the City the applicable building permit fee set out in Appendix B.

### **PART 20: OFFENCES Violations**

- 20.1 Without limiting Part 5 of this bylaw, every person who
- (a) violates a provision of this bylaw;
  - (b) *permits*, suffers or allows any act to be done in violation of any provision of this bylaw; and
  - (c) neglects to do anything required to be done under any provision of this bylaw, commits an offence and on summary conviction by a court of competent jurisdiction, the person is subject to a fine of not more than \$10,000.00, or a term of imprisonment not exceeding three months, or both, in addition to the costs of prosecution. Each day during which a violation, contravention or breach of this bylaw continues is deemed to be a separate offence.

- 20.2 Every person who fails to comply with any administrative requirement issued by a *building official*, or who allows a violation of this bylaw to continue, contravenes this bylaw.
- 20.3 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 Appendix B of this bylaw.

### **Deemed Offence**

- 20.4 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.
- 20.5 No person is deemed liable under section 19.4 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.
- 20.6 Nothing in section 19.5 affects
- (a) the *City's* right to require and the *owner's* obligation to obtain a *permit*; and
  - (b) the obligation of the *owner* to comply with this bylaw.

### **Ticketing**

- 20.7 The offences in Appendix D are designated for enforcement under s. 264 of the *Community Charter*.
- 20.8 The following persons are designated as bylaw enforcement officers under section 264 (1) (b) of the *Community Charter* for enforcing the offences in Appendix D *building officials*, fire inspectors and persons designated by Council as bylaw enforcement officers.
- 20.9 The words or expressions set forth in Column 1 of Appendix D are authorized pursuant to s. 264(1)(c) of the *Community Charter* to designate the offence committed under the bylaw section number appearing in Column 2 opposite the respective words or expressions.
- 20.10 The amounts appearing in Column 3 of Appendix D are the fines established pursuant to s. 265(1)(a) of the *Community Charter* for the corresponding offence designated in Column 1.

## **Part 21: APPENDICIES**

- 21.1 Appendices A through E are attached to and form part of this bylaw.

**Part 22: SEVERABILITY**

22.1 If a section, subsection, paragraph, subparagraph or phrase of this bylaw is for any reason declared invalid by a court of competent jurisdiction, the decision will not affect the validity of the remaining portions of this bylaw.

**PART 23: REPEAL**

23.1 BUILDING BYLAW NO. 2323, 2003 AS AMENDED, IS REPEALED.

**PART 24: IN FORCE**

24.1 This bylaw comes into force on upon final adoption hereof.

Read a first time this 2<sup>nd</sup> day of March, 2020

Read a second time this 2<sup>nd</sup> day of March, 2020

Read a third time this 2<sup>nd</sup> day of March, 2020

Finally passed and adopted this 6<sup>th</sup> day of April, 2020

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Mayor

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Corporate Officer

**City of Courtenay**  
**BYLAW No. 3001, 2020**  
**Appendix A – Confirmation of Required Documentation**

Building Permit Number: \_\_\_\_\_

Note:

1. The Confirmation of Required Documentation and all required documentation must be submitted to the Chief Building official 72 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.

	<b>Provided</b>	<b>N/A</b>	
TAB 1	<input type="checkbox"/>	<input type="checkbox"/>	CONFIRMATION OF REQUIRED DOCUMENTATION
TAB 2	<input type="checkbox"/>	<input type="checkbox"/>	DIRECTORY OF PRINCIPALS (Role/Firm/Name/Telephone)
	<input type="checkbox"/>	<input type="checkbox"/>	<i>Owner</i>
	<input type="checkbox"/>	<input type="checkbox"/>	<i>Co-ordinating Registered Professional</i>
	<input type="checkbox"/>	<input type="checkbox"/>	<i>Registered Professionals</i>
	<input type="checkbox"/>	<input type="checkbox"/>	Warranty Provided
	<input type="checkbox"/>	<input type="checkbox"/>	Licensed Builder
	<input type="checkbox"/>	<input type="checkbox"/>	Sub-Contractors
TAB 3	<input type="checkbox"/>	<input type="checkbox"/>	LETTERS OF ASSURANCE (A, B, C-A, C-B)
	<input type="checkbox"/>	<input type="checkbox"/>	<i>Co-ordinating Registered Professional</i>
	<input type="checkbox"/>	<input type="checkbox"/>	Architectural
	<input type="checkbox"/>	<input type="checkbox"/>	Structural
	<input type="checkbox"/>	<input type="checkbox"/>	Mechanical
	<input type="checkbox"/>	<input type="checkbox"/>	Plumbing
	<input type="checkbox"/>	<input type="checkbox"/>	Electrical
	<input type="checkbox"/>	<input type="checkbox"/>	Geotechnical Temporary
	<input type="checkbox"/>	<input type="checkbox"/>	Geotechnical Permanent
	<input type="checkbox"/>	<input type="checkbox"/>	Fire Suppression
	<input type="checkbox"/>	<input type="checkbox"/>	_____ (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         CITY APPROVALS  
     Sprinkler *Permit* – Pre-occupancy Co-ordinated Review  
     Courtenay Fire Department Acceptance (Fire Safety Plan)  
     Final Inspection (*Building Official*– pre-occupancy review)  
     Developmental Engineering Final Inspection  
     Planning Technicians Final Inspection

*Coordinating Registered Professional*

Name \_\_\_\_\_ Date \_\_\_\_\_

Signature \_\_\_\_\_

**City of Courtenay**  
**BYLAW No. 3001, 2020**  
**Appendix B – Fees**

DESCRIPTION	RATE
<b>Permit application fees:</b> (11.3 & 11.5)	
Not exceeding \$100,000 <i>value of construction</i>	\$50.00
Greater than \$100,000 and not exceeding \$500,000	\$100.00
Greater than \$500,000	\$500.00
<b>Building permit fees:</b>	
	Minimum \$50.00
<i>Buildings and other structures</i> (11.8)	\$7.50 per \$1000/ <i>value of construction</i>
CSA certified <i>buildings</i> containing 1 or 2 dwellings (11.8)	50% of the fee for <i>Buildings/structures</i>
<i>Building move</i> (12.7)	50% of the fee for <i>Buildings/structures</i>
<i>Temporary Building</i> (11.60)	\$100.00
Demolition (15.3)	\$100.00
Plumbing fixtures (per fixture)	\$8.00
Fire suppression system (per sprinkler head)	\$0.50
Each hydrant, hose cabinet, hose outlet or standpipe	\$10.00
Factory built chimneys and fireplaces and solid fuel burning appliances unless the works are the subject of another valid and subsisting <i>building permit</i>	\$100.00
<b>Inspection Fees:</b>	
Re-inspection Fee (11.44)(a)	\$100.00
Special Inspection Fee (11.44)(b)	\$100.00
<b>Other Fees:</b>	
Change of <i>owner/permit holder</i> (8.7)	\$25.00
Design Modification Fee (11.18)	\$75.00 per hour
<i>Permit Extension Fee</i> (11.48)(b)	\$25.00
Stop work order exceeding 30 days (19.3)	\$100.00
Remove Section 57 Community Charter from title	\$300.00
<b>Security Deposits:</b> (per <i>value of construction</i> ) (11.10)	
<b>\$0.00-\$50,000</b>	\$250.00
<b>\$50,001-\$100,000</b>	\$500.00
<b>\$100,001-\$500,000</b>	\$2000.00
<b>\$500,001-\$1,000,000</b>	\$2500.00
<b>\$1,000,000+</b>	\$3500.00
<b><i>Temporary Building</i></b> (11.59(j))	10% of the value of the <i>building</i>

**City of Courtenay**  
**Bylaw No. 3001, 2020**  
**Appendix C – 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 *City* will rely on same.
2. I confirm that I have applied for a *building permit* pursuant to “*Building Bylaw 2020, No. 3001, 2020*” (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 *City* 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 *City* or its *building officials*.
5. I hereby agree to indemnify and save harmless the *City* 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 *City*.

*Owner’s Information:*

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_  
*Owner’s Signature*

\_\_\_\_\_  
Date

**City of Courtenay**  
**BYLAW No. 3001, 2020**  
**Appendix D – Offences**

COLUMN 1	COLUMN 2	COLUMN 3
DESIGNATED EXPRESSION	SECTION	FINE
Interference with <i>building official's</i> right of entry	7.6	\$300.00
<i>Construction without building permit</i>	11.1	\$300.00
Demolition without <i>building permit</i>	11.1(c)	\$300.00
Moving <i>building</i> without <i>building permit</i>	11.1(b)	\$300.00
Unsafe site	8.5(c)	\$500.00
Failure to post civic address	8.5(a)	\$100.00
Failure to comply with <i>permit</i> conditions	8.3(a)	\$200.00
Failure to obtain <i>Occupancy</i> inspection notice	11.53	\$500.00
<i>Unsafe condition</i>	7.7(i)	\$500.00
Failure to obtain <i>building official's</i> written acceptance prior to concealing work	11.34	\$100.00
Failure to stop work after a <i>registered professional's</i> services are terminated	11.38	\$100.00
Violation of Stop Work Order	11.36	\$100.00
Violation of Do Not Occupy Notice	11.43	\$500.00



**City of Courtenay**  
**BYLAW No. 3001, 2020**  
**Appendix E – Damage to City Infrastructure Repair Agreement**

Home-owners and builders are responsible for ensuring that the City of Courtenay infrastructure is not damaged during construction. This includes but is not limited to damage to curbs, sidewalk, water valve risers, water metres and cleanouts and actively protecting the storm drain system from deleterious materials. Any damage found by City staff following the start of construction will be deemed to be your responsibility. You, as the home-owner or builder, are responsible for actively protecting the City of Courtenay infrastructure including but not limited to placing protective materials and barriers around City infrastructure and by strictly adhering to sediment control procedures.

It would be advisable to inspect your property, the adjacent public boulevard and the downstream catch basins for damage prior to taking control of the property or applying for a building permit. In the event that you find a problem, you should document it and inform the City of Courtenay Development Services Department immediately by contacting (250) 703-4862 or [building@courtenay.ca](mailto:building@courtenay.ca).

Damage to individual utilities such as BC Hydro, Telus, Shaw, or FortisBC should be reported immediately to the respective utility company as well as the City of Courtenay’s Development Services Department.

After reviewing the above information, please indicate one of the following by completing the following:

<input type="checkbox"/>	No damages to said City of Courtenay property was found prior to the start of construction
<input type="checkbox"/>	Damage has been found to the City of Courtenay infrastructure (see below)

Please describe damage below and submit this form along with pictures of the damage:

I, \_\_\_\_\_, the duly authorized signatory for the person, company or strata corporation applying for a building permit have inspected all visible City works and services (curb, sidewalk, street-lighting, water service caps, etc) in front of or on the property located at \_\_\_\_\_ and do acknowledge and understand that I am responsible for all costs associated with repairing all damage not note above to the standards established by the City of Courtenay.

Owner/Agent Signature		Date:	
Daytime Phone No.	Email:		
Mailing Address			