

**CONSOLIDATED VERSION
THE CORPORATION OF THE CITY OF COURTENAY**

BYLAW NO. 2323

**A bylaw for the administration and
enforcement of the building code**

WHEREAS section 694 (1) of the *Local Government Act* authorizes the City of Courtenay, for the health, safety and protection of persons and property to regulate the construction, *alteration*, repair, or demolition of buildings and structures by bylaw;

AND WHEREAS the Province of British Columbia has adopted a building code to govern standards in respect of the construction, alteration, repair and demolition of buildings in municipalities and regional districts in the Province;

AND WHEREAS it is deemed necessary to provide for the administration of the building code;

NOW THEREFORE THE COUNCIL OF the *City of Courtenay*, in open meeting assembled, enacts as follows:

1. Title

This bylaw may be cited for all purposes as the “Building Bylaw No. 2323, 2003”.

2. Definitions

In this bylaw:

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

Alteration means any repair, renovation or modification of any building or structure regulated under this bylaw.

Building Code means the *British Columbia Building Code 1998* as adopted by the Minister pursuant to section 692 (1) of the *Local Government Act*, as amended or re-enacted from time to time.

Building Official includes Building Inspectors, Plan Checkers and Plumbing Inspectors designated by the *City of Courtenay*.

City or City of Courtenay means the Corporation of the City of Courtenay.

Complex Building means:

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

Construction value means the per square metre value of construction for the relevant part or the City and the relevant type of building as determined from time to time by the B.C. Assessment Authority, multiplied by the number of square metres proposed to be constructed.

Health and safety aspects of the work means design and construction regulated by the **Building code**.

Monitor or monitoring means to randomly check on or scrutinize field reviews or inspections by registered professionals.

Standard building means a **building** of three storeys or less in **building height**, having a **building area** not exceeding 600 square meters and used for **major occupancies** classified as

- (a) **residential occupancies**,
- (b) **business and personal services occupancies**,
- (c) **mercantile occupancies**, or
- (d) **medium and low hazard industrial occupancies**.

Structure means a construction or portion thereof of any kind, whether fixed to, supported by or sunk into land or water, but specifically excludes landscaping, fences, paving and retaining structures less than 1.2 meters in height.

Wood Burning Appliance means a device designed for wood combustion so usable heat is derived for the interior of a *building* or *structure* and includes but is not limited to woodstoves, fireplaces, fireplace inserts and combination fuel furnaces.

3. Purpose of Bylaw

- 3.1 The bylaw, shall, notwithstanding any other provision herein, be interpreted in accordance with this section.
- 3.2 This bylaw has been enacted for the purpose of regulating construction within the *City of Courtenay* in the general public interest. The activities undertaken by or on behalf of the *City of Courtenay* pursuant to this bylaw are for the sole purpose of providing a limited and interim **monitoring** function for reason of health, safety and the protection of persons and property. It is not contemplated nor intended, nor does the purpose of this bylaw extend:
- 3.2.1 to the protection of **owners**, owner/builders or **constructors** from economic loss;
- 3.2.2 to the assumption by the *City of Courtenay* or any **building official** of any responsibility for ensuring the compliance by any **owner**, his or her representatives or any employees, **constructors** or **designers** retained by him or her, with the **Building Code**, the requirements of this bylaw or other applicable enactments respecting safety;
- 3.2.3 to providing any person a warranty of design or workmanship with respect to any **building** or **structure** for which a building permit, plumbing permit or occupancy permit is issued under this bylaw;
- 3.2.4 to providing a warranty or assurance that construction undertaken pursuant to a building permit or a plumbing permit issued by the *City of Courtenay* is free from latent, or any defects.

4. Permit Conditions

- 4.1 A permit is required whenever work regulated under this bylaw is to be undertaken.
- 4.2 Neither the issuance of a permit under this bylaw nor the acceptance or review of plans, drawings or supporting documents, nor any inspections made by or on behalf of the *City of Courtenay* shall in any way relieve the **owner** or his or her representatives from full and sole responsibility to perform the work in strict accordance with this bylaw, the **Building Code** and or other applicable enactments respecting safety.
- 4.3 It shall be the full and sole responsibility of the **owner** (and where the **owner** is acting through a representative, the representative) to carry out the work in respect of which the permit was issued in compliance with the

Building Code and this bylaw or other applicable enactments respecting safety.

- 4.4 Neither the issuance of a permit under this bylaw nor the acceptance or review of plans, drawings or specifications or supporting documents, nor any inspections made by or on behalf of the **City of Courtenay** constitute in any way a representation, warranty, assurance or statement that the **Building Code**, this bylaw or other applicable enactments respecting safety have been complied with.
- 4.5 No person shall rely upon any permit as establishing compliance with this bylaw or assume or conclude that this bylaw has been administered or enforced according to its terms. The person to whom the building or plumbing permit is issued and his or her representatives are responsible for making such determination.

5. Scope and Exemptions

- 5.1 This bylaw applies to the design, construction and **occupancy** of new **buildings** and **structures**, and the **alteration**, reconstruction, demolition, removal, relocation and **occupancy** or change of occupancy of existing **buildings** and **structures** within the **City of Courtenay**
- 5.2 This bylaw does not apply to **buildings** or **structures** exempted by Part 1 of the **Building Code** except as expressly provided herein, nor to retaining **structures** less than 1.2 meters in height.

6. Prohibitions

- 6.1 No person shall commence or continue any construction, **alteration**, reconstruction, demolition, removal, relocation or change the **occupancy** of any **building** or **structure**, including excavation or other work related to construction unless a **building official** has issued a valid and subsisting permit for the work.
- 6.2 No person shall occupy or use any **building** or **structure** unless a valid and subsisting occupancy permit has been issued by a **building official** for the **building** or **structure**, or contrary to the terms of any permit issued or any notice given by a **building official**.
- 6.3 No person shall knowingly submit false or misleading information to a **building official** in relation to any permit application or construction undertaken pursuant to this bylaw.
- 6.4 No person shall, unless authorized in writing by a **building official**, reverse, alter, deface, cover, remove or in any way tamper with any notice, permit or certificate posted upon or affixed to a **building** or **structure** pursuant to this bylaw.
- 6.5 No person shall do any work that is substantially at variance with the accepted design or plans of a **building**, **structure** or other works for which

a permit has been issued, unless that variance has been accepted in writing by a *building official*.

- 6.6 No person shall obstruct the entry to a property by a *building official* or other authorized official of the *City of Courtenay* acting in the conduct of administration and enforcement of this bylaw

7. Building Officials

- 7.1 Each *building official* may:

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

- 7.2 A *building official*:

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

- 7.3 A *building official* may order the cessation, removal or correction of any work that is being or has been done in contravention of this bylaw.

- 7.4 A *building official* may revoke or refuse to issue a permit where the results of tests or materials, devices, construction methods, structural assemblies or foundation conditions are not satisfactory, in his/her opinion.

8. Applications

- 8.1 Every person shall apply for and obtain:

- 8.1.1 a building permit before constructing, repairing, altering or changing the use of a *building* or *structure*;

- 8.1.2 a moving permit before moving a *building* or *structure*;
- 8.1.3 a demolition permit before demolishing a *building* or *structure*;
- 8.1.4 a fireplace and chimney permit prior to the construction of a masonry fireplace or the installation of a *wood burning appliance* or chimney unless the works are encompassed by a valid building permit.
- 8.1.5** A plumbing permit before installing, adding, or altering a *plumbing system* to a new or existing *building* or *structure*.
- 8.2 An application for a moving permit shall be made in the form attached as Form “A” to this bylaw.
- 8.3 An application for a demolition permit shall be made in the form attached as Form “A” to this bylaw.
- 8.4 An application for a fireplace and chimney permit shall be made in the form attached as Form “A” to this bylaw.
- 8.5 An application for a plumbing permit shall be made in the form attached as Form “B” to this bylaw.
- 8.6 All plans submitted with permit applications shall bear the name and address of the *designer* of the *building* or *structure*.
- 8.7 Each *building* or *structure* to be constructed on a site may, in the opinion of the *Building Official*, require a separate building permit and shall be assessed a separate building permit fee based on the value of that *building* or *structure* as determined in accordance with Schedule “A” to this bylaw.

9. Applications for Complex Buildings

- 9.1 An application for a building permit with respect to a *complex building* shall;
 - 9.1.1 be made in the form attached as Form “A” to this bylaw, signed by the *owner*, or a signing officer if the *owner* is a corporation.
 - 9.1.2 include a copy of a title search made within 30 days of the date of the application;
 - 9.1.3 include a site plan or at the discretion of the *Building Official* a site plan prepared by a British Columbia Land Surveyor showing:
 - 9.1.3.1 the bearing and dimensions of the parcel taken from the registered subdivision plan;
 - 9.1.3.2 the legal description and civic address of the parcel;

- 9.1.3.3 the location and dimensions of all statutory rights of way, easements and setback requirements;
- 9.1.3.4 the location and dimensions of all existing and proposed **buildings** or **structures** on the parcel;
- 9.1.3.5 setbacks to the natural boundary of any lake, swamp, pond or watercourse where the **City of Courtenay** land use regulations establish siting requirements related to flooding;
- 9.1.3.6 the existing and finished ground levels to an established datum at or adjacent to the site and the geodetic elevation of the underside of the floor system of a **building** or **structure** where the **City of Courtenay's** land use regulations establish siting requirements related to minimum floor elevation; and
- 9.1.3.7 the location, dimension and gradient of parking and driveway access;
- 9.1.3.8 the **building official** may waive the requirements for a site plan, in whole or in part, where the permit is sought for the repair or **alteration** of an existing **building** or **structure**.
- 9.1.4 floor plans showing the dimensions and uses of all areas: the dimensions and height of crawl and roof spaces; the location, size and swing of doors; the location, size and opening of windows; floor, wall, and ceiling finishes; plumbing fixtures; structural elements; and stair dimensions.
- 9.1.5 a cross section through the **building** or **structure** illustrating foundations, drainage, ceiling heights and construction systems;
- 9.1.6 elevations of all sides of the **building** or **structure** showing finish details, roof slopes, windows, doors, and finished grade;
- 9.1.7 cross-sectional details drawn at an appropriate scale and at sufficient locations to illustrate that the **building** or **structure** substantially conforms to the **Building Code**;
- 9.1.8 copies of approvals required under any enactment relating to health or safety, including, without limitation, sewage disposal permits, highway access permits and Ministry of Health approval;
- 9.1.9 a letter of assurance in the form of Schedule A as referred to in section 2.6 of Part 2 of the **Building Code**, signed by the **owner**, or a signing officer of the **owner** if the **owner** is a corporation, and the **coordinating registered professional**.

- 9.1.10 letters of assurance in the form of Schedules B-1 and B-2 as referred to in section 2.6 of Part 2 of the **Building Code**, 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** or **structure**;
- 9.1.11 three sets of drawings at a suitable scale of the design prepared by each **registered professional** and including the information set out in sections 9.1.4 – 9.1.7 of this bylaw;
- 9.2 In addition to the requirements of section 9.1, the following may be required by a **building official** to be submitted with a building permit application for the construction of a **complex building** where the complexity of the proposed **building** or **structure** or siting circumstances warrant:
- 9.2.1 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 of Courtenay**'s subdivision servicing bylaw.
- 9.2.2 a section through the site showing grades, **buildings**, **structures**, parking areas and driveways;
- 9.2.3 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**.

10. Applications for *standard buildings*

- 10.1 An application for a building permit with respect to a **standard building** shall;
- 10.1.1 be made in the form attached as Form "A" to this bylaw, signed by the **owner**, or a signing officer if the **owner** is a corporation;
- 10.1.2 include a copy of a title search made within 30 days of the date of the application;
- 10.1.3 Include a site plan or at the discretion of the **Building Official** a site plan prepared by a British Columbia Land Surveyor showing:
- 10.1.3.1 the bearing and dimensions of the parcel taken from the registered subdivision plan;
- 10.1.3.2 the legal description and civic address of the parcel;
- 10.1.3.3 the location and dimensions of all statutory rights of way, easements and setback requirements;

- 10.1.3.4 the location and dimensions of all existing and proposed **buildings** or **structures** on the parcel;
 - 10.1.3.5 setbacks to the natural boundary of any lake, swamp, pond or watercourse where the **City of Courtenay**'s land use regulations establish siting requirements related to flooding;
 - 10.1.3.6 the existing and finished ground levels to an established datum at or adjacent to the site and the geodetic elevation of the underside of the floor system of a **building** or **structure** where the **City of Courtenay**'s land use regulations establish siting requirements related to minimum floor elevation; and
 - 10.1.3.7 the location, dimension and gradient of parking and driveway access;
 - 10.1.3.8 the **building official** may waive the requirements for a site plan, in whole or in part, where the permit is sought for the repair or **alteration** of an existing **building** or **structure**.
- 10.1.4 a foundation plan showing all required bearing locations of the structure being transferred to the foundation.
- 10.1.5 floor plans showing the dimensions and uses of all areas: the dimensions and height of crawl and roof spaces; the location, size and swing of doors; the location, size and opening of windows; floor, wall, and ceiling finishes; plumbing fixtures; structural elements; and stair dimensions.
- 10.1.6 a cross section through the **building** or **structure** illustrating foundations, drainage, ceiling heights and construction systems;
- 10.1.7 elevations of all sides of the **building** or **structure** showing finish details, roof slopes, windows, doors, and finished grade;
- 10.1.8 cross-sectional details drawn at an appropriate scale and at sufficient locations to illustrate that the **building** or **structure** substantially conforms to the **Building Code**;
- 10.1.9 copies of approvals required under any enactment relating to health or safety, including, without limitation, sewage disposal permits, highway access permits and Ministry of Health approval;
- 10.1.10 two sets of drawings at a suitable scale of the design including the information set out in sections 10.1.4 – 10.1.8 of this bylaw.

- 10.2 In addition to the requirements of section 10.1, the following may be required by a **building official** to be submitted with a building or plumbing permit application where the complexity of the proposed **building** or **structure** or siting circumstances warrant:
- 10.2.1 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 of Courtenay**'s subdivision servicing bylaw.
 - 10.2.2 a section through the site showing grades, **buildings**, **structures**, parking areas and driveways;
 - 10.2.3 a roof plan and roof height calculations;
 - 10.2.4 architectural, structural, mechanical, plumbing, fire suppression, electrical, geotechnical drawings prepared and sealed by a **registered professional**;
 - 10.2.5 letters of assurance in the form of Schedules B-1 and B-2 as referred to in section 2.6 of Part 2 of the **Building Code**, signed by the **registered professional**;
 - 10.2.6 any other information required by the **building official** or the **Building Code** to establish substantial compliance with this bylaw, the **Building Code** and other bylaws and enactments relating to the **building** or **structure**.

11. Professional Plan Certification

- 11.1 The letters of assurance in the form of Schedules A, B-1, B-2, C-A and C-B referred in section 2.6 of Part 2 of the **Building Code** and provided pursuant to sections 9.1.10, 10.2.5, 17.1 and 17.2 of this bylaw are relied upon by the **City of Courtenay** and its **building officials** as certification that the design and plans to which the letters of assurance relate comply with the **Building Code** and other applicable enactments relating to safety.
- 11.2 When a building permit is issued and includes letters of assurance in accordance with sections 9.1.10, 17.1 and 17.2 of this bylaw the permit fee shall be reduced by 10% of the fees payable pursuant to Schedule "A" to this bylaw.

12. Fees and Charges

- 12.1 In addition to applicable fees and charges required under other bylaws, a permit fee, calculated in accordance with Schedule "A" to this bylaw, shall be paid in full prior to the issuance of any permit under this bylaw.
- 12.2 An application made for a building permit shall be accompanied by the appropriate plan-processing fee as set out in Schedule "A" to this bylaw.

- 12.2.1 The plan-processing fee is non-refundable and shall be credited against the building permit fee when the permit is issued.
- 12.2.2 An application shall be cancelled and the plan-processing fee forfeited if the building permit has not been issued and the permit fee paid within 180 days of the date of the permit application.
- 12.2.3 When an application is cancelled the plans and related documents submitted with the application may be destroyed.
- 12.3 The *owner* may obtain a refund of the permit fees set out in Schedule “A” to this bylaw when a permit is surrendered and cancelled before any construction begins, provided:
- 12.3.1 The refund shall not include the plan processing fee paid pursuant to section 12.2 of this bylaw; and
- 12.4 no refund shall be made where construction has begun or an inspection has been made.
- 12.5 Where, due to non-compliance with this bylaw, more than two inspections are necessary when one inspection is normally required, for each inspection after the second inspection, a re-inspection charge as set out in Schedule “A” to this bylaw shall be paid prior to additional inspections being performed.
- BL2631
- 12.6 An inspection charge, as set out in Schedule “A” to this bylaw, shall be payable in advance for a voluntary inspection to establish compliance of or to obtain a report on the status of an existing *building* or *structure* for which a permit is sought under this bylaw.

BL2631

13. Performance Bond

The applicant must deposit with the *City* a performance bond, acceptable to the City, as set out in Schedule “B”, attached hereto, to guarantee payment to the City for all damage on municipal streets, works or property occasioned in any way including any conditions set out by resolution or authority.

14. Moving Buildings

BL2576

- 14.1 No Person shall move or cause to be moved any building into the City of Courtenay 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.
- 14.2 The following information must be provided when applying for a Building Permit for a moved-on building:

- 14.2.1 Certification from a Registered Professional that the structure is safe for its intended use including the structure's new foundation and siting;
- 14.2.2 Detailed plans and specifications of the proposed relocation and rehabilitation of the building;
- 14.2.3 Detailed plans and specifications of the building siting, parcel landscaping, paving, and other site improvements proposed on the parcel;
- 14.2.4 A report from an accredited appraiser (A.A.C.I.) showing the appraised value of the moved-on building after relocation and completion;
- 14.3 The building must appraise at a value equal to or greater than 100 per cent of the average assessed value of the improvements (as determined by the B.C Assessment Authority) of the neighbouring developed properties within 100 metres of the parcel.
- 14.4 The security shall be drawn upon by the City in the form of a standby irrevocable letter of credit without an expiry date or a certified cheque for the amount equal to five (5) percent of the appraised value to a maximum of \$10,000.00 as identified in section 14.2.4.
- 14.5 If the building or part of it is not completed or 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 certified cheque or other security shall be forfeited to the City of Courtenay.

These provisions do not apply to a certified factory built house that meets or exceeds the CAN/CSA Z240 MH Series and the CSA A-277-M1990.

15. Permits

- 15.1 When:
 - 15.1.1 a completed application including all required supporting documentation has been submitted;
 - 15.1.2 the proposed work set out in the application substantially conforms with the *Building Code*, this bylaw and all other applicable bylaws and enactments;
 - 15.1.3 the *owner* or his or her representative has paid all applicable fees set out in section 12.1 of this bylaw;

- 15.1.4 the **owner** or his or her representative has paid all charges and met all requirements imposed by any other enactment or bylaw;
- 15.1.5 no enactment, covenant, agreement, or regulation in favour or, or regulation of, **City of Courtenay** authorizes the permit to be withheld;
- 15.1.6 the **owner** has retained a professional engineer or geoscientist if required by the **City of Courtenay** or the provisions of the *Engineers and Geoscientists Act*;
- 15.1.7 the **owner** has retained an architect if required by the **City of Courtenay** or the provisions of the *Architects Act*;
- a **building official** shall issue the permit for which the application is made.
- 15.2 When the application is in respect of a **building** that includes, or will include, a **residential occupancy**, the building permit must not be issued unless the **owner** provides evidence pursuant to section 30 (1) of the *Homeowner Protection Act* that the proposed **building**:
- 15.2.1 is covered by home warranty insurance, and
- 15.2.2 the **constructor** is a licensed residential builder.
- 15.3 Section 15.2 of this bylaw does not apply if the **owner** is not required to be licensed and to obtain home warranty insurance in accordance with sections 20 (1) or 30 (1) of the *Homeowner Protection Act*.
- 15.4 Every permit is issued upon the condition that the permit shall expire and the rights of the **owner** under the permit shall terminate if:
- 15.4.1 the work is to be started within six months from the date of issuing the permit;
- 15.4.2 the work is not to be substantially discontinued or suspended for a period of more than six months;
- 15.4.3 the permit shall lapse in the event that either condition above is not met;
- 15.4.4 an additional fee shall be paid if the permit is renewed as specified in Schedule "A" to this bylaw.
- 15.5 A **building official** may extend the period of time set out under sections 15.4.1 and 15.4.2 where construction has not been commenced or where construction has been discontinued due to adverse weather, strikes, material or labour shortages, or similar hardship beyond the **owner's** control.
- 15.6 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 of Courtenay** 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.

- 15.7 When a site has been excavated and a subsisting building permit has expired in accordance with the requirements of section 15.4, but without the construction of the *building* or *structure* for which the building permit was issued having commenced, the *owner* shall fill in the excavation to restore the original gradients of the site within 60 days of being served notice by the *City of Courtenay* to do so.

16. Disclaimer of Warranty or Representation

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

17. Professional Design and Field Review

- 17.1 When a *building official* considers that the site conditions, size or complexity of a development or an aspect of a development warrant, he or she may require a *registered professional* provide design and plan certification and *field review* by means of letters of assurance in the form of Schedules B-1, B-2 and C-B referred to in section 2.6 of Part 2 of the *Building Code*.
- 17.2 Prior to the issuance of an occupancy permit for a *complex building*, or *standard building* in circumstances where letters of assurance have been required in accordance with sections 10.2.5 or 17.1 of this bylaw, the *owner* shall provide the *City of Courtenay* with letters of assurance in the form of Schedules C-A or C-B, as is appropriate, referred to in section 2.6 of Part 2 of the *Building Code*.

18. Responsibilities of the Owner

- 18.1 Every *owner* shall ensure that all construction complies with the *Building Code*, this bylaw and other applicable enactments respecting safety.
- 18.2 Every *owner* to whom a permit is issued shall be responsible for the cost of repair of any damage to municipal works that occurs in the course of the work authorized by the permit.
- 18.3 Every *owner* to whom a permit is issued shall, during construction:

- 18.3.1 post and maintain the permit in a conspicuous place on the property in respect of which the permit was issued;
- 18.3.2 keep a copy of the accepted designs, plans and specifications on the property; and
- 18.3.3 post the civic address on the property in a location visible from any adjoining streets.

19. Inspections

- 19.1 When a *registered professional* provides letters of assurance in accordance with sections 9.1.10, 10.2.5, 17.1 or 17.2 of this bylaw, the *City of Courtenay* will rely solely on *field reviews* undertaken by the *registered professional* and the letters of assurance submitted pursuant to section 17.2 of this bylaw as assurance that the construction substantially conforms to the design and that the construction substantially complies with the *Building Code*, this bylaw and other applicable enactments respecting safety.
- 19.2 Notwithstanding section 19.1 of this bylaw, a *building official* may attend the site from time to time during the course of construction to ascertain that the *field reviews* are taking place and to *monitor* the *field reviews* undertaken by the *registered professionals*.
- 19.3 A *building official* may attend periodically at the site of the construction of *standard buildings* or *structures* to ascertain whether the *health and safety aspects of the work* are being carried out in substantial conformance with the those portions of the *Building Code*, this bylaw and any other applicable enactment concerning safety.
- 19.4 For *standard buildings*, the owner or his or her representative shall give at least 1 working day's notice to the *City of Courtenay* when requesting an inspection and shall obtain an inspection and receive a *building official's* acceptance of the following aspects of the work prior to concealing it:
 - 19.4.1 After the water, sanitary and storm sewer is connected at the street and under test but prior to covering;
 - 19.4.2 After the forms for footings and foundations are complete, but prior to placing of any concrete therein;
 - 19.4.3 After removal of form work from a concrete foundation, and after having submitted a survey certificate from a registered B.C. Land Surveyor, and installation of perimeter drain tiles and dampproofing, prior to backfilling;
 - 19.4.4 After rough-in underslab plumbing is completed and under test but prior to covering;
 - 19.4.5 After rough in of factory built chimneys and fireplaces and *wood burning appliances*;

- 19.4.6 After framing and sheathing of the building are complete, including firestopping, chimney, duct work, plumbing, gas venting, wiring, but before any insulation, or other interior or exterior finish is applied which would conceal such work;
- 19.4.7 After insulation and vapour barrier but before any interior finish is applied; and
- 19.4.8 when the *building* or *structure* is substantially complete and ready for *occupancy*, but before *occupancy* takes place of the whole or part of the *building* or *structure*.
- 19.5 No aspect of the work referred in section 19.4 of this bylaw shall be concealed until a *building official* has accepted it in writing.
- 19.6 The requirements of section 19.4 of this bylaw do not apply to any aspect of the work that is the subject of a *registered professional's* letter of assurance provided in accordance with sections 10.2.5, 17.1 or 17.2 of this bylaw.
- 19.7 For *complex buildings*, the *coordinating registered professional*, or owner or his or her representative shall give at least 1 working day's notice, and receive from the *City of Courtenay* a monitoring confirmation number, prior to proceeding beyond the following stages of construction:
- 19.7.1 After the water, sanitary and storm sewer, including site servicing and street connections, are completed and under test but prior to covering;
- 19.7.2 After the forms for footings and foundations are complete, but prior to placing of any concrete therein;
- 19.7.3 After removal of form work from a concrete foundation, and after having submitted a survey certificate from a registered B.C. Land Surveyor, and installation of perimeter drain tiles and dampproofing, prior to backfilling;
- 19.7.4 After rough-in underslab plumbing is completed and under test but prior to covering;
- 19.7.5 After framing of the building are complete, including fire stopping, chimney, duct work, plumbing, gas venting, wiring, but before any insulation, or other interior or exterior finish is applied which would conceal such work;
- 19.7.6 After insulation and vapour barrier and fire stop systems but before any interior finish is applied; and
- 19.7.7 when the *building* or *structure* is substantially complete and ready for *occupancy*, but before *occupancy* takes place of the whole or part of the *building* or *structure*.

- 19.8 No aspect of the work referred in section 19.1 of this bylaw shall be concealed until approval has been granted by the applicable **registered professional** and the requirements of section 19.1 have been met.

20. Occupancy Permits

- 20.1 No person shall occupy a **building** or **structure** or part of a **building** or **structure** until an occupancy permit has been issued in the form of Form “C” to this bylaw.
- 20.2 An occupancy permit shall not be issued unless:
- 20.2.1 all letters of assurance have been submitted when required in accordance with sections 9.1.10, 10.2.5, 17.1 and 17.2 of this bylaw.
- 20.2.2 all aspects of the work requiring inspection and acceptance pursuant to section 19.5 of this bylaw have both been inspected and accepted.
- 20.2.3 all aspects of the work requiring approval pursuant to section 19.8 of this bylaw has been provided.
- 20.3 A **building official** may issue an occupancy permit for part of a **building** or **structure** when the part of the **building** or **structure** is self-contained, provided with essential services and the requirements set out in section 20.2 of this bylaw have been met with respect to it.

21. Retaining Structures

- 21.1 A **registered professional** shall undertake the design and conduct **field reviews** of the construction of a retaining structure greater than 1.2 meters in height. Sealed copies of the design plan and **field review** reports prepared by the **registered professional** for all retaining structures greater than 1.2 meters in height shall be submitted to a **building official** prior to acceptance of the works.

22. Permits

- 22.1 A building, moving, demolition, fireplace and chimney permit shall be in the form of Form “D” to this bylaw.
- 22.2 A plumbing permit shall be in the form of an approved Form “B” to this bylaw.

23. Penalties and Enforcement

- 23.1 Every person who contravenes any provision of this bylaw commits an offense punishable on summary conviction and shall be liable to a fine of not more than \$10,000.00 (Ten Thousand Dollars) or to imprisonment for not more than six months.

- 23.2 Every person who fails to comply with any order or notice issued by a **building official**, or who allows a violation of this bylaw to continue, contravenes this bylaw.
- 23.3 A **building official** may order the cessation of any work that is proceeding in contravention of the **Building Code** or this bylaw by posting a Stop Work notice in the form of Form “E” to this bylaw.
- 23.4 The **owner** of property on which a Stop Work notice has been posted, and every other person, shall cease all construction work immediately and shall not do any work until all applicable provisions of this bylaw have been substantially complied with and the Stop Work notice has been rescinded in writing by a **building official**.
- 23.5 Where a person occupies a **building** or **structure** or part of a **building** or **structure** in contravention of section 6.2 of this bylaw or Controlled Substance Property Bylaw No. 2285, 2003, a **building official** may post a Do Not Occupy notice in the form of Form “F” to this bylaw on the affected part of the **building** or **structure**.
- 23.6 The **owner** of property on which a Do Not Occupy notice has been posted, and every person, shall cease **occupancy** of the **building** or **structure** immediately and shall refrain from further **occupancy** until all applicable provisions of the **Building Code**, this bylaw or Controlled Substance Property Bylaw No. 2285, 2003 have been substantially complied with and the Do Not Occupy notice has been rescinded in writing by a **building official**.
- 23.7 Every person who commences work requiring a building permit without first obtaining such a permit shall, if a Stop Work notice is issued and remains outstanding for 30 days, pay an additional charge equal to 25% of the building permit fee prior to obtaining the required building permit.
- 24. Severability**
- 24.1 The provisions of this bylaw are severable and the invalidity of any part of this bylaw shall not affect the validity of the remainder of this bylaw.
- 25. Forms and Schedules**
- 25.1 Forms “A” through “F” and Schedules “A” and “B” attached to this Bylaw form a part of this bylaw.
- 26.** This bylaw shall come into effect upon final adoption hereof.
- 27.** City of Courtenay Building Bylaw No. 1823, 1996, and City of Courtenay Building Amendment Bylaws No. 2026, 2134 and 2278 are hereby repealed.

Read a first time this 8th day of December, 2003

Read a second time this 8th day of December, 2003

Read a third time this 8th day of December, 2003

Finally passed and adopted this 15th day of December, 2003

Mayor

Clerk



City of Courtenay
BUILDING PERMIT APPLICATION
To erect, alter, add, move or demolish a building

MAILING ADDRESS
 830 Cliffe Avenue
 Courtenay BC V9N 2J7
 Phone: (250) 334-4441
 Fax: (250) 334-4241

TO BE COMPLETED BY APPLICANT:				
Property Address:				
Legal Description:				
Name & Address of Owner(s):		Name & Address of Contractor/Agent:		
_____		_____		
_____		_____		
_____		_____		
_____		_____		
Phone: _____		Phone: _____		
		24hr Contact Phone: _____		
Use of Building:	Number of Storeys:	Size of Building (sq.ft.):		
Actual Building Setbacks:	FRONT:	LEFT SIDE:	RIGHT SIDE:	REAR:
Class of Work:	<input type="checkbox"/> NEW	<input type="checkbox"/> ADDITION	<input type="checkbox"/> ALTERATION	<input type="checkbox"/> SECONDARY SUITE
	<input type="checkbox"/> MOVE	<input type="checkbox"/> DEMOLISH		
Description of Work to be Performed:				
Value of Construction (the value of the completed work not the materials cost) \$				
<p>I, the undersigned, being the owner/agent for the owner of the property described, apply for a permit to do the work detailed in this application. This permit and/or the approval of plans or specifications supporting the application does not:</p> <p>(a) relieve the applicant, owner or occupant from conforming to all acts, bylaws and regulations;</p> <p>(b) relieve the owner's responsibility to search the title and check for restrictions against the property; and</p> <p>(c) make the municipality responsible for providing roads, lanes, water or any service for the property concerned, or impose upon the municipality or its employees any obligation to inspect or approve any construction carried on under this permit.</p> <p>I understand, agree and will abide with the attached instructions regarding building permit applications and inspection.</p>				
_____ <i>Signature of Owner or Authorized Agent</i>			_____ <i>Date</i>	
NOTE: All contractors and subcontractors require a business licence to operate within City limits				



City of Courtenay Application for *Plumbing Permit*

MAILING ADDRESS
830 Cliffe Avenue
Courtenay BC V9N 2J7
Phone: (250) 334-4441
Fax: (250) 334-4241

NEW:

ADDITION:

ALTERATION:

STREET ADDRESS _____

BUILDING CONTRACTOR _____

PLUMBING CONTRACTOR _____ PHONE # _____

CERTIFIED TRADESMAN? YES TQ # _____ NO *IF NO, PLEASE PROVIDE DETAILED SCHEMATIC*

USE OF BUILDING _____ WRITTEN DESCRIPTION OF WORK _____

IN CONSIDERATION OF THE CITY PROVIDING BUILDING PERMIT AND INSPECTION SERVICES UNDER BUILDING BYLAW NO 2323, 2006 IN RELATION TO THE WORK DESCRIBED IN THIS APPLICATION, ON BEHALF OF MYSELF AND MY HEIRS, EXECUTORS, ADMINISTRATORS AND ASSIGNS, I RELEASE THE CITY AND ITS ELECTED OFFICIALS, OFFICERS AND EMPLOYEES FROM, AND AGREE TO FULLY INDEMNIFY THE CITY, ITS ELECTED OFFICIALS, OFFICERS AND EMPLOYEES IN RELATION TO, ALL CLAIMS, LIABILITIES, JUDGMENTS, COSTS AND EXPENSES THAT I OR ANY OTHER PERSON MAY HAVE AGAINST THEM, ARISING FROM THE ISSUANCE OF A PERMIT OR FROM THE EXECUTION OF, THE WORK DESCRIBED IN THIS APPLICATION, WHETHER OR NOT I AM THE OWNER OF THE PROPERTY AT THE TIME THE CLAIM ARISES.

I ACKNOWLEDGE THAT THE ISSUANCE OF A PERMIT, ANY REVIEW OR APPROVAL OF PLANS OR SPECIFICATIONS SUPPORTING THIS APPLICATION AND ANY INSPECTION OF THE WORK BY THE CITY:

- (A) DO NOT RELIEVE ME FROM COMPLYING WITH ALL STATUTES, CODES, BYLAWS AND REGULATIONS APPLICABLE TO THE WORK;
- (B) DO NOT RELIEVE ME FROM MY OBLIGATION TO COMPLY WITH ANY RESTRICTIONS THAT MAY BE REGISTERED AGAINST THE TITLE TO THE PROPERTY;
- (C) DO NOT OBLIGE THE CITY TO PROVIDE ANY SERVICES TO THE PROPERTY; AND
- (D) DO NOT OBLIGE THE CITY TO INSPECT ANY CONSTRUCTION EXCEPT AS SPECIFICALLY REQUIRED UNDER THE BUILDING BYLAW, OR TO APPROVE THE OCCUPANCY OF THE BUILDING FOLLOWING EXECUTION OF THE WORK.

SIGNED _____

DATE _____

(SIGNATURE CERTIFIES THAT ALL WORK WILL BE DONE TO MEET REQUIREMENTS OF BRITISH COLUMBIA BUILDING CODE)

INCLUDE ALL ROUGH-IN FIXTURES

Water Closets	Kitchen Sinks	Clothes Washers	Water Service
Basins	Dishwashers	Floor Drains	Sanitary Service
Bath Tubs	Utility Sinks	Water Meter	Storm Sewer
Shower Stalls	Hot Water Tank	Other	TOTAL FIXTURES

(SPRINKLER/IRRIGATION SYSTEMS ONLY)

Fire Hydrants	Hose Cabinets	Hose Outlets	Stand Pipes
Sprinkler Heads	Double Check Valve (type)		TOTAL

APPROVED FOR ISSUANCE:

OFFICE USE ONLY

TOTAL FEE \$ _____



City of Courtenay

830 Cliffe Avenue, Courtenay, BC, V9N 2J7, Ph:250-334-4441, Fax:250-334-4241

Municipal Address:					Folio #:	
Lot:	Block:	Plan:	Sec/DL:	Twp:	Land Dist:	
Owner(s):				Contractor:		
Building Permit #:	Date Issued:	Classification: Residential Permits				

Building Value				Permit Types	
Description:	Area:	Rate:	Total:	Description:	
		x		New Construction (Residential)	
		x			
		x			
		x			
		x			
		x			
		x			
		x			
		x			
		0	\$0.00		

Permit Fees			
Description	Fee Amount	Tax Amount	Total Amount
Building Permit Fee	\$0.00	\$0.00	\$0.00
Performance Bond	\$0.00	\$0.00	\$0.00
Title Search	\$0.00	\$0.00	\$0.00

Total Fees	Total Tax	Total Cost
\$0.00	\$0.00	\$0.00

CITY OF COURTENAY

Building Bylaw 2323, 2003



OCCUPANCY PERMIT

Issued to: _____

Location: _____

Date: _____

Permit No.: _____

Building Official



CITY OF COURTENAY

BUILDING BYLAW NO. 2323, 2003

STOP WORK NOTICE

The following corrections must be made before proceeding with further construction:

COMMENTS:

Building Official

**This notice must not be removed
without approval of the Building Official**

CITY OF COURTENAY

BUILDING BYLAW NO. 2323, 2003

DO NOT OCCUPY NOTICE

The following corrections must be made prior to occupancy approval:

COMMENTS:

Building Official

**This notice must not be removed
without approval of the Building Official**

SCHEDULE "A"

The charge for permits issued in accordance with this Bylaw shall be based on the value of construction as determined by the Chief Building Inspector and the fee shall be calculated in accordance with the following:

Forming part of Section 12.2

DESCRIPTION	PERMIT PROCESSING FEE
Building Permits	
not exceeding \$100,000 (construction value)	\$50.00
greater than \$100,000 and not exceeding \$500,000	\$100.00
greater than \$500,000	\$500.00

Forming part of Section 12.1

DESCRIPTION	PERMIT FEE
Building Permit	(minimum fee of \$50.00) \$7.50 per \$1000 of construction value
Factory built building certified by CSA	½ of the fee above
Demolition Permit	\$50.00
Move Permit (forming part of Section 14)	\$50.00

DESCRIPTION	PERMIT FEE
Plumbing Permit	(minimum fee of \$50.00)
Per fixture	\$8.00
Fire protection	\$.50 for each sprinkler head \$10.00 for each fire hydrant, hose cabinet, hose outlet and standpipe

- (a) A fee of \$50.00 for renewal of a permit where the value of the proposed construction is \$50,000 or less, and where the value of the proposed construction is over \$50,000, an additional fee of \$1.00 for each subsequent \$1,000 or fraction thereof over \$50,000.
- (b) A fee of \$50.00 for a re-inspection as set out in Section 12.5.
- (c) A fee of \$100.00 for providing an inspection report advising of the status of a property and the improvements thereon as set out in Section 12.6.
- (d) At any time before the work has commenced in respect of which a permit has been issued, the permit holder may apply in writing for cancellation of the permit. Upon receipt of such application, the Building Official, if satisfied that the work has not commenced, shall cancel the permit and shall refund to the permit holder, 50% of the fee paid in respect of the permit, and no refund in the amount of less than \$50.00 shall be made.
- (e) To remove Sec.700 Covenant from Title, a fee of \$300.00.

(f) The permit fee is doubled if the work is commenced prior to the issuance of the permit.

SCHEDULE "B"**Performance Bond**

a) The refundable performance bond is based on the construction value as follows:

DESCRIPTION	PERFORMANCE BOND AMOUNT
Construction Value	
0 - \$30,000	\$200.00
\$30,001 - \$80,000	\$500.00
\$80,001 - \$200,000	\$700.00
\$200,001 - \$2,000,000	\$1,000.00
\$2,000,001 and over	\$1,500.00
Demolition or Move Permits	\$1,500.00

b) The performance bond shall be refunded in whole or in part if it has not been used by the City under Section 13 after:

- (i) an occupancy/final inspection has been approved; and
- (ii) municipal streets, work and property have been inspected and are in satisfactory condition as determined by the Building Official