



## **Building**

Bylaw 1338

Effective 2020 December

Consolidated 2021 December

**CASTLEGAR**

# Building

## Bylaw 1338

### A Bylaw to regulate the construction, alteration, repair or demolition of buildings and structures in the City of Castlegar.

WHEREAS the Council of the City of Castlegar may by bylaw regulate, prohibit and impose requirements in respect to buildings and structures under the provisions of the Community Charter;

WHEREAS Council may by bylaw enact provisions for the regulation of construction in accordance with the British Columbia Building Code and the Building Act;

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

#### PART 1 TITLE

1.1. This Bylaw may be cited for all purposes as 'Building Bylaw No. 1338, 2020'.

#### PART 2 DEFINITIONS

2.1. In this Bylaw, unless context requires otherwise:

**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 inter-communication;

**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;

**BUILDING CODE** means the British Columbia Building Code as adopted by the Minister responsible under provincial legislation, as amended or re-enacted from time to time;

**BUILDING OFFICIAL** means the person designated in, or appointed to, that position by the City and includes: a building inspector, plan checker or plumbing inspector;

**COMPLEX BUILDING** means a building used for a major occupancy classified as:

- assembly occupancy;
- care occupancy;
- detention occupancy;
- high hazard industrial occupancy;
- treatment occupancy; or
- post-disaster building

or a building exceeding 600 square metres in building area or exceeding three storeys in building height used for a major occupancy classified as:

- residential occupancy;

- business and personal services occupancy;
- mercantile occupancy; or
- 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;

**EXISTING** means that portion of a building constructed prior to the submission of a permit application required under this Bylaw;

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

**GHG** means greenhouse gas;

**HEATH AND SAFETY** aspects of the work means design and construction regulated by the applicable provisions of the Building Code;

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

**HOMEOWNER PROTECTION OFFICE** is the current division of the Provincial Government of British Columbia regulating new home construction within the Province;

**OWNER** means the registered owner in fee simple, or an agent duly authorized by the owner in writing;

**PERMIT** means permission or authorization in writing by the Building Official to perform work regulated by this Bylaw and, in the case of a final inspection notice, to occupy a building or part of a building;

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

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

**PROJECT** means any construction operation;

**RETAINING WALL** means a structure exceeding 1.5 metres (Bylaw 1368) in height that holds or retains soil or other material behind it;

**SIMPLE BUILDING** means a building of three storeys or less in building height, having a building area not exceeding 600 square metres and used for a major occupancy classified as:

- residential occupancy;
- business and personal services occupancy;
- mercantile occupancy;
- medium hazard industrial occupancy; or
- low hazard industrial occupancy

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

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

**VALUE OF THE WORK** means that amount calculated as follows:

- the declared value of the work; or
- the value determined based on average market cost of materials and labour at the time of application.

When the total construction fees for a project are based on the declared value of construction:

- a 'Certificate of the Total Cost of Construction' may be required to be submitted to the City of Castlegar prior to a final inspection or occupancy of the building; and
- if after completion of the work, for which the Building Permit was issued the actual cost of construction of the work exceeds the cost that was used to calculate the Building Permit fee, the difference will be recalculated and the Building Permit holder required to pay the City of Castlegar an additional fee for the extra value of construction as determined in Schedule A of this Bylaw.

## 2.2. OTHER APPLICABLE DEFINITIONS

- (a) Words and terms not defined by this Bylaw shall have the same meanings as set out in the Building Code, Community Charter or Interpretation Act.
- (b) 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.
- (c) Every reference to the Building Code is a reference to the current edition as of the date of issuance of the Building Permit; and a Section of the Building Code is a reference to the applicable successor sections, as the code or Section may be amended or re-enacted from time to time.

- 2.3. **NON-DEFINED TERMS** mean the definitions of words and phrases used in this Bylaw that are not included in the definitions in this Part have the meanings commonly assigned to them in the context in which they are used in this Bylaw, considering the specialized use of terms with the various trades and professions to which the terminology applies.

## PART 3 PURPOSE OF BYLAW

- 3.1. Despite any other provision in this Bylaw, this Bylaw must be interpreted in accordance with this Part.
- 3.2. Every permit issued under this Bylaw is issued expressly subject to the provisions of this Part.
- 3.3. This Bylaw is enacted to regulate, prohibit and impose requirements in regard to construction in the City in the public interest.
- 3.4. The purpose of this Bylaw does not extend to:
  - (a) the protection of owners, designers or constructors from economic loss;
  - (b) the assumption by the City or any Building Official of any responsibility for ensuring the compliance by any owner, his or her representatives or any employees, constructors or designers retained by the owner, with the Building Code, the requirements of this Bylaw, or other applicable enactments, codes or standards;

- (c) provision of 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) provision of a warranty or assurance that construction undertaken under Building Permits issued by the City is free from latent, or any, defects; or
- (e) the protection of adjacent real property from incidental damage or nuisance.

#### **PART 4 SCOPE & EXEMPTIONS**

- 4.1.** This Bylaw applies to the geographical area of the City of Castlegar and to land, the surface of water, air space, buildings, or structures in the City of Castlegar.
- 4.2.** This Bylaw applies to the design, construction, or occupancy of new or temporary buildings and structures, and to 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) an accessory building less than 3 metres in height and with a floor area of less than 10 square metres;
  - (b) a trellis, an arbour, a wall supporting soil that is less than 1.2 metres in height, or other similar landscape structures;
  - (c) a building or structure commonly known as Canadian Standards Association Z240 MH series or Z241 series, except as regulated by the Building Code; or
  - (d) a temporary or seasonal plastic, vinyl, or canvas covered structures used as storage facilities or greenhouses less than 55 meters square and limited to one storey.
- Provided that these improvements meet the siting and setback requirements of the City's Zoning Bylaw.
- 4.4.** Except as provided in the Building Code, or to the extent an existing building is under construction, or does not have an occupancy permit, when an existing building has been constructed before the enactment of this Bylaw, the enactment of this Bylaw is not to be interpreted as requiring that the building must be reconstructed and altered, unless it is expressly so provided by this or another Bylaw, regulation, or statute.
- 4.5.** This Bylaw applies if the whole or any part of an existing building is moved either within or into the City, including relocation relative to parcel lines created by subdivision or consolidation.
- 4.6.** If an alteration is made to an existing building the alteration must comply with this Bylaw and the Building Code and the entire building must be made to comply with this Bylaw and the Building Code, but only to the extent necessary to address any new infractions introduced in the remainder of the building as a result of the alteration.
- 4.7.** If an alteration creates an addition to an existing building, the alteration or addition must comply with this Bylaw and the Building Code and the entire building must be made to comply with this Bylaw and the Building Code, but only to the extent necessary to address any new infractions introduced in the remainder of the building as a result of the alteration or addition.

#### **PART 5 PROHIBITIONS**

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

- (b) unless a Building Official has issued a valid and subsisting permit for the work under this Bylaw.
- 5.2. A person must not occupy or permit the occupancy of any building or structure or part of any building or structure:
  - (a) unless a subsisting final inspection notice has been issued by a Building Official for the building or structure or the part of the building or structure; or
  - (b) contrary to the terms of any permit issued or any notice given by a Building Official.
- 5.3. A person must not knowingly submit false or misleading information to a Building Official in relation to any permit application or construction undertaken pursuant to this Bylaw.
- 5.4. Except in accordance with this Bylaw, including acceptance of revised plans or supporting documents, a person must not erase, alter or modify plans and supporting documents after the same have been reviewed by the Building Official, or plans and supporting documents which have been filed for reference with the Building Official after a permit has been issued.
- 5.5. A person must not, unless authorized in writing by a Building Official, reverse, alter, deface, cover, remove or in any way tamper with any notice, permit or certificate posted or affixed to a building or structure pursuant to this Bylaw.
- 5.6. A person must not do any work that is substantially at variance with the accepted design or plans of a building, structure, or other works for which a permit has been issued, unless that variance has been authorized in writing by a Building Official.
- 5.7. A person must not interfere with or obstruct the entry of a Building Official or other authorized official of the City on property in the administration of this Bylaw.
- 5.8. A person must not construct on a parcel unless the civic address is conspicuously posted on the front of the premises or on a signpost so it may be easily read from the public street or highway from which it takes its address.
- 5.9. A person must not contravene an administrative requirement of a Building Official made under Section 7.6 or any other provision of this Bylaw.
- 5.10. A person must not change the use, occupancy or both of a building or structure or a part of a building or structure without first applying for and obtaining a Building Permit under this Bylaw.

## **PART 6 PERMIT CONDITIONS**

- 6.1. A permit is required if work regulated under this Bylaw is to be undertaken.
- 6.2. Neither the issuance of a permit under this Bylaw, nor the acceptance or review of plans, drawings, specifications or supporting documents, nor any inspections made by or on behalf of the City will in any way:
  - (a) relieve the owner (or their agent or designate) 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 (or their agent

or designate) to carry out the work in respect of which the permit was issued in compliance with the Building Code, this Bylaw and all other applicable codes, standards and enactments.

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

- 7.1.** Words defining the authority of a Building Official are to be construed as internal administrative powers and not as creating a duty.
- 7.2.** A Building Official may:
- (a) administer this Bylaw, but owes no public duty to enforce or administer this Bylaw;
  - (b) keep records of applications received, permits, notices and orders issued, inspections and tests made, and may retain copies of all papers and documentation connected with the administration of this Bylaw;
  - (c) establish or require an owner to establish whether a method or type of construction or material used in the construction of a building or structure complies with the requirements and provisions of this Bylaw and the Building Code; and
  - (d) direct that tests of materials, equipment, devices, construction methods, structural assemblies or foundations be carried out, or that sufficient evidence or proof be submitted by the owner, at the owner's sole expense, where such evidence or proof is necessary to determine whether the material, equipment, device, construction or foundation condition complies with this Bylaw and the Building Code.
- 7.3.** A Building Official may refuse to issue a permit if the proposed work will contravene the requirements of the Building Code or the provisions of this or any other Bylaw of the City, and must state the reason in writing.
- 7.4.** A Building Official may revoke a permit if, in their opinion, the results of tests on materials, devices, construction methods, structural assemblies or foundation conditions contravene the Building Code or the provisions of this Bylaw, or both, or if all permits required under this Bylaw have not been obtained.
- 7.5.** Subject to the provisions of the Community Charter, a Building Official may enter on property at any time to ascertain whether the requirements of this Bylaw are being met.
- 7.6.** Subject to applicable enactments, a Building Official may by notice in writing require:
- (a) a person who contravenes any provision of this Bylaw to comply with that provision within the time ordered;
  - (b) an owner to stop work on a building or structure, or any part of a building or structure, if the work is proceeding in contravention of this Bylaw, the Building Code, or any other enactment of the City or other applicable enactments, or if there is deemed to be an unsafe condition, and may enter on property to affix or post a stop work order;
  - (c) an owner to remove or prevent any unauthorized encroachment on a public parcel, a statutory right of way or easement, or a setback or yard required under an enactment;
  - (d) an owner to remove any building or structure, or any part of a building or structure, constructed in contravention of a provision of this Bylaw;
  - (e) an owner to have work inspected by a Building Official prior to covering;
  - (f) an owner to uncover any work that has been covered without inspection contrary to this Bylaw or an order issued by a Building Official;
  - (g) a person to cease any occupancy in contravention of a provision of this Bylaw;
  - (h) a person to cease any occupancy if any unsafe condition exists because of work

- being undertaken but not complete and where the Building Official has not issued a final inspection notice for the work;
- (i) an owner to correct any unsafe condition; and
  - (j) an owner to correct any work that contravenes this Bylaw, the Building Code or any other enactment.
- 7.7.** Every reference to 'Owner' in Section 7.6 includes a reference to the owner's agent or constructor.
- 7.8.** Every person served with a notice under this Part must comply with that notice:
- (a) within the time ordered, or
  - (b) if no time is ordered, immediately.

## **PART 8 OWNER'S RESPONSIBILITIES**

- 8.1.** Subject to Section 4.2 of this Bylaw, every owner must apply for and obtain a building permit, prior to:
- (a) constructing, repairing or altering a building or structure, if it exceeds ten (10) square metres, excluding exterior finishing and roofing (Bylaw 1368);
  - (b) construction of a pool or fencing around a pool;
  - (c) construction of a deck;
  - (d) alteration or installation of a plumbing system or irrigation system;
  - (e) moving a building or structure into or within the City;
  - (f) demolishing a building or structure;
  - (g) occupying a new building or structure;
  - (h) constructing a masonry fireplace or installing a wood-burning appliance or chimney, whether attached to, part of or detached from a building;
  - (i) changing the use or occupancy of a building;
- unless the works are the subject of another valid and subsisting Building Permit.
- 8.2.** Every owner must ensure that plans submitted with a permit application bear the name, phone number, address and email address of the designer of the building or structure.
- 8.3.** Every owner shall submit the following documentation to the Building Official, prior to applying for a Permit to renovate a building or structure, as required by Worksafe BC regulations:
- (a) a Hazardous Materials Assessment;
  - (b) a Clean Air Analysis Summary; and
  - (c) a copy of the Worksafe BC Inspection Report.
- 8.4.** Every owner must:
- (a) comply with the Building Code, the requirements of this Bylaw and the conditions of a permit, and must not omit any work required by the Building Code, this Bylaw or the conditions of a permit;
  - (b) ensure that all permits, all plans and specifications and supporting documents on which a permit was based, all municipal inspection certificates, and all professional field reviews are available at the site of the work for inspection during working hours by the Building Official, and that all permits are posted conspicuously on the site



- during the entire execution of the work; and
- (c) prior to the issuance of a Building Permit, execute and submit to the City an owner's undertaking, in the form included in the current Building Permit application form where required by the Building Official.
- 8.5.** Every owner and every owner's agent, must carry out construction or have the construction carried out in accordance with the requirements of the Building Code, this Bylaw and other Bylaws of the City and none of the issuance of a permit under this Bylaw, the review of plans and supporting documents, or inspections made by a Building Official or a registered professional shall relieve the owner, or his or her agent, from full and sole responsibility to perform the work in strict accordance with this Bylaw, the Building Code and all other applicable codes, standards and enactments.
- 8.6.** Every owner must allow a Building Official to enter any building or premises at any reasonable time to administer and enforce this Bylaw. Every owner to whom a permit is issued must, during construction:
- (a) post the civic address on the property so that it may be easily read from the public highway from which the property takes its address; and
- (b) post the permit on the property so that it may be easily read from the public highway from which the property takes its address
- 8.7.** Every owner to whom a permit is issued is responsible for the cost to repair any damage to municipal works or land that occurs during and arises directly or indirectly from the work authorized by the permit.
- 8.8.** In addition to payment of a security deposit under Schedule A and Part 22 of this Bylaw, every owner must pay to the City, within 30 days of receiving an invoice for same from the City, the cost to repair any damage to public property or works located on public property arising directly or indirectly from work for which a permit was issued.
- 8.9.** Prior to obtaining a permit to demolish a building or structure, the owner must:
- (a) provide to the City a vacancy date;
- (b) pay capping and inspection chamber installation fees as set out in the City's Bylaws governing waterworks and sewer; and
- (c) ensure that all municipal services and other services are capped and terminated at the property line in a City standard inspection chamber and valve arrangement.
- 8.10.** Every owner shall submit the following documentation to the Building Official, prior to applying for a Demolition Permit to demolish a building or structure, as required by WorkSafe BC regulations:
- (a) a Hazardous Materials Assessment;
- (b) a Clean Air Analysis Summary; and
- (c) a copy of the WorkSafe BC Inspection Report.
- 8.11.** Every owner must ensure that, on completion of all demolition procedures, all debris and fill are cleared, and the site is leveled or graded, or made safe if leveling and grading are not possible.
- 8.12.** Every owner must, at least 2 business days' prior to commencing work at a building site, give notice to a Building Official of the date on which the owner intends to begin such work.
- 8.13.** Every owner must give written or online notice to a Building Official of any change in or termination of engagement of a registered professional, including a coordinating registered professional, during construction, within 24 hours of when the change or termination occurs.
- 8.14.** If an owner or a registered professional terminates the engagement of the registered

professional, including a coordinating registered professional, the owner must terminate all work under a Building Permit until the owner has engaged a new registered professional, including a coordinating registered professional, and has delivered to a Building Official new letters of assurance.

- 8.15.** Every owner must give at least 2 business days' online or written notice to a Building Official:
- (a) of intent to do work that is required or ordered to be corrected during construction;
  - (b) of intent to cover work that is required under this Bylaw to be, or has been ordered to be, inspected prior to covering; and
  - (c) when work has been completed so that a final inspection can be made.
- 8.16.** Every owner must give notice in writing to a Building Official immediately upon any change in ownership or change in the address of the owner which occurs prior to the issuance of an occupancy permit.
- 8.17.** Every owner must give such other notice to a Building Official as may be required by the Building Official or by a provision of this Bylaw.

#### **PART 9 OBLIGATIONS OF OWNER'S CONSTRUCTOR**

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

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

- 10.1.** The provision by the owner to the City of letters of assurance in accordance with the requirements of the Building Code shall occur prior to:
- (a) the pre-occupancy site review coordinated by the coordinating registered professional or other registered professional for a complex building; or
  - (b) a final inspection for a simple building in circumstances where letters of assurance have been required in accordance with the requirements of the Building Code, in which case the owner must provide the City with letters of assurance in the form of Schedules C-A or C-B, as appropriate, referred to in Sub-section 2.2.7, Division C, of the Building Code.
- 10.2.** If a registered professional provides letters of assurance in accordance with the Building Code, they must also provide proof of professional liability insurance to the Building Official.
- 10.3.** The owner must retain a registered professional to provide a professional design and plan certification and letters of assurance in the form of Schedules A, B, C-A and C-B referred to in Sub-section 2.2.7, Division C, of the Building Code, in respect of a permit application:
- (a) prior to the pre-occupancy site review coordinated by the coordinating registered professional or other registered professional for a complex building, or
  - (b) prior to a final inspection for a simple building in circumstances where letters of assurance have been required in accordance with the requirements of the Building Code, in which case the owner must provide the City with letters of assurance in the

- form of Schedules C-A or C-B, as appropriate, referred to in Sub-section 2.2.7, Division C, of the Building Code;
- (c) except for garages, carports and garden structures, foundation and excavation components of new simple buildings and additions greater than 55 square metres to simple buildings in accordance with the Building Code;
  - (d) a building that is designed with common egress systems for the occupants and requires the use of firewalls in accordance with the Building Code;
  - (e) prior to alterations to a building, or to a structural component of a building described in paragraph (b);
  - (f) for a building in respect of which the Building Official determines that site conditions, size or complexity so warrant in the interests of safety of persons or protection of property under the Building Code;
  - (g) if the building envelope components of the building fall under Division B Part 3 of the Building Code, the building contains more than two dwellings, or if the building envelopes do not comply with the prescriptive requirements of Division B Part 9 of the Building Code; and
  - (h) for a parcel of land on which a building or structure is proposed if the Building Official believes the parcel is or is likely to be subject to flooding, mud flows, debris flows, debris torrents, erosion, land slip, rock falls, subsidence or avalanche, and the requirement for a professional design is in addition to a requirement under Division 8 of Part 3 of the Community Charter:
    - (i) for a report certified by a professional engineer with experience in geotechnical engineering that the parcel may be used safely for the use intended, and
    - (ii) that the plans submitted with the application comply with the relevant provisions of the Building Code and applicable Bylaws of the City.
- 10.4.** The Building Official may require any registered professional carrying out the professional design and field review required under Section 10.3 to provide evidence that they have experience and expertise in respect of the professional design and field review of the context and scope required.
- 10.5.** The letters of assurance in the form of Schedules A and B as referred to in Sub-section 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 Sub-section 2.2.7, Division C, of the Building Code.
- 10.7.** For a Building Permit issued for the construction of a building, the Building Official shall provide the owner with a notice that the Building Permit is issued in reliance on the certification of the registered professional that the professional design and plans submitted in support of the application for the Building Permit comply with the Building Code and other applicable enactments. Any failure on the part of the Building Official to provide the owner with the notice will not diminish or invalidate the reliance by the City or its Building Officials on the registered professionals.
- 10.8.** If a Building Permit is issued for a construction of a building, the permit fee is reduced by 5% of the fees payable in accordance with the Fees and Charges Schedule to this Bylaw, up to a maximum reduction of \$500.00 (five hundred dollars).

## **PART 11 GENERAL BUILDING APPLICATION REQUIREMENTS**

- 11.1.** Prior to issuance of a Building Permit, the owner must satisfy the following requirements or

conditions:

- (a) the owner must apply for and obtain a development permit if the building or structure is in an area designated by the City'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 that a variance of a Bylaw is authorized by a Development Permit, Development Variance Permit or Order of the Board of Variance;
- (c) an Approving Officer must have approved the subdivision plan that, once registered, would create the parcel on which the proposed building or structure will be constructed;
- (d) the owner must provide evidence to the Building Official showing that the person applying for the Building Permit is either the owner of the parcel that is the subject of the proposed Building Permit, or is the agent of the owner, in which case, the agent must provide the name and contact information of the owner;
- (e) if the parcel that is the subject of the Building Permit application is not intended to be connected to the City'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;
- (f) 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;
- (g) 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
- (h) if all on site and off site works and services required by a City Bylaw or other enactment have not been completed in accordance with the enactments, the owner must enter into a completion agreement with the City and deliver to the City letters of credit or cash security for completion of the works and services.

## **PART 12**

### **SIMPLE BUILDING APPLICATION REQUIREMENTS**

- 12.1.** An application for a Building Permit with respect to a simple building must:
- (a) signed by the owner, or a signing officer if the owner is a corporation;
  - (b) be accompanied by the owner's acknowledgment of responsibility and undertaking and signed by the owner, or a signing officer if the owner is a corporation;
  - (c) include a copy of a title search for the relevant property made within 30 days of the date of the permit application;
  - (d) include a copy of a survey plan prepared by a British Columbia land surveyor except that the Building Official may waive the requirement for a survey plan, in whole or in part, where conditions warrant;
  - (e) include a site plan showing:
    - (i) the bearing and dimensions of the parcel taken from the registered subdivision plan;
    - (ii) the legal description and civic address of the parcel;
    - (iii) the location and dimensions of existing and proposed statutory rights of

- way, easements and setback requirements, adjacent street and lane names;
- (iv) the location and dimensions of existing and proposed buildings or structures on the parcel;
  - (v) setbacks to the natural boundary of any lake, swamp, pond or watercourse;
  - (vi) north arrow;
  - (vii) if applicable, location of an approved existing or proposed alternative private or other sewage disposal system, water supply system or storm water drainage system;
  - (viii) the location, dimensions and gradient of parking and parking access;
  - (ix) proposed and existing setbacks to property lines;
  - (x) natural and finished grade at building corners and datum determination points;
  - (xi) first storey floor elevation;
  - (xii) location, setbacks and elevations of all retaining walls, steps, stairs and decks;
  - (xiii) line of upper floors;
  - (xiv) location and elevation of curbs, sidewalks, manholes and service poles;
  - (xv) location of existing and proposed service connections;
  - (xvi) location and species of all trees greater than 10 centimetres in diameter;
  - (xvii) location of top bank and water courses;
  - (xviii) access routes for firefighting;
  - (xix) accessible paths of travel from the street to the building;
  - (xx) zoning compliance summary; and
  - (xxi) the geodetic elevation of the underside of a wood floor system or the top of a finished concrete slab of a building or structure where the City's land use regulations or provincial flood mapping regulations establish siting requirements related to minimum floor elevation; except that for a simple building the Building Official may waive, in whole or in part, the requirements for a site plan, if the permit is sought for the repair or alteration of an existing building;
- (f) include floor plans showing the dimensions and uses of all areas, including: the dimensions and height of crawl and roof spaces; the location, size and swing of doors; the location, size and opening of windows; floor, wall, and ceiling finishes; plumbing fixtures; structural elements; and stair dimensions;
  - (g) include a cross-section through the building illustrating foundations, drainage, ceiling heights and construction systems;
  - (h) include elevations of all sides of the building showing finish details, roof slopes, windows, doors, the grade, the maximum building height line, ridge height, spatial separations and natural and finished grade to comply with the Building Code and to illustrate that the building or structure conforms with the City zoning and development permit;
  - (i) include cross-sectional details drawn at an appropriate scale and at sufficient locations to illustrate that the building or structure substantially conforms to the Building Code;
  - (j) include copies of approvals required under any enactment relating to health or

- safety, including, without limitation, Sewage Disposal Permits, Highway Access Permits and Ministry of Health approvals;
- (k) except for garages, carports and garden structures located on land, include a foundation and excavation design prepared by a registered professional in accordance with the Building Code;
  - (l) include geotechnical letters of assurance, in addition to a required geotechnical report, if the Building Official determines that the site conditions so warrant;
  - (m) include two sets of drawings at a suitable scale of design including the information set out in (f) to (i) of this section; and
  - (n) include a Building Code compliance summary including the applicable edition of the Building Code, such as, without limitation, whether the building is designed under Part 3 or Part 9 and compliance with article 2.2.2.1(2), Division C of the Building Code.
  - (o) the requirements of 12.1(k) may be waived by a Building Official if the foundation and excavation design is in compliance with Division B Part 9 of the BC Building Code.
- 12.2.** In addition to the requirements of Part 12 of this Bylaw, if a project involves:
- (a) two or more buildings, the gross floor areas of which in the aggregate total more than 1000 square metres;
  - (b) two or more buildings that will contain four or more dwelling units; or
  - (c) otherwise if the complexity of the proposed building or structure or siting circumstances warrant, a Building Official may require the following be submitted with a permit application for the construction of each simple building in the project:
    - (d) a section through the site showing grades, buildings, structures, parking areas and driveways;
    - (e) a roof plan and roof height calculations;
    - (f) structural, electrical, plumbing, mechanical or fire suppression drawings prepared and sealed by a registered professional;
    - (g) letters of assurance in the form of Schedule B referred to in Division C of the Building Code, signed by a registered professional; and
    - (h) 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.
- 12.3.** Without limiting Section 12.2 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 Bylaw and other applicable Bylaws have been complied with;
  - (c) in relation to an existing building, substantiate its location, size, including appurtenances whether above, at or below ground level, relative to the site or its relationship to neighbouring grades; and
  - (d) in relation to construction of a new building, or addition to an existing building, prior to and after the placement of concrete for foundations and footings, show the elevation at proposed top of concrete on all building elevations and at all significant changes of elevation to substantiate its size, location and elevation,

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

### **PART 13 COMPLEX BUILDING APPLICATION REQUIREMENTS**

- 13.1.** An application for a Building Permit with respect to a complex building must:
- (a) be made in the form as per the current Building Permit application form and signed by the owner, or a signing officer if the owner is a corporation;
  - (b) be accompanied by the owner's acknowledgement of responsibility and undertaking made in, included in the current Building Permit application form, signed by the owner or a signing officer if the owner is a corporation;
  - (c) include a copy of a Title Search for the relevant property made within 30 days of the date of the permit application;
  - (d) include a Building Code compliance summary including the applicable edition of the Building Code, such as without limitation whether the building is designed under Part 3 or Part 9 of the Building Code, major occupancy classification(s) of the building, building area and building height, number of streets the building faces, and accessible entrances, work areas, washrooms, firewalls and facilities;
  - (e) include a copy of a survey plan prepared by a British Columbia Land Surveyor;
  - (f) include a site plan prepared by a registered professional showing:
    - (i) the bearing and dimensions of the parcel taken from the registered subdivision plan;
    - (ii) the legal description and civic address of the parcel;
    - (iii) the location and dimensions of existing and proposed statutory rights of way, easements and setback requirements, adjacent street and lane names;
    - (iv) the location and dimensions of existing and proposed buildings or structures on the parcel;
    - (v) setbacks to the natural boundary of any lake, swamp, pond or watercourse;
    - (vi) north arrow;
    - (vii) if applicable, location of an approved existing or proposed private or other alternative sewage disposal system, water supply system or storm water drainage system;
    - (viii) zoning compliance summary;
    - (ix) the location, dimensions and gradient of parking and parking access;
    - (x) proposed and existing setbacks to property lines;
    - (xi) natural and finished grade at building corners and significant breaks in the building plan and proposed grade around the building faces in order to ascertain foundation height;
    - (xii) first storey floor elevation;
    - (xiii) location, setbacks and elevations of all retaining walls, steps, stairs and decks;
    - (xiv) line of upper floors;
    - (xv) location and elevation of curbs, sidewalks, manholes, and service poles;
    - (xvi) location of existing and proposed service connections;

- (xvii) location and species of all trees greater than 10 centimetres in diameter;
  - (xviii) location of top bank and water courses;
  - (xix) access routes for firefighting;
  - (xx) accessible paths of travel from the street to the building;
  - (xxi) geodetic elevation of the underside of a wood floor system or the top of a finished concrete slab of a building or structure where the City's land use regulations or provincial flood mapping regulations establish siting requirements related to minimum floor elevation; except that the Building Official may waive, in whole or in part, the requirements for a site plan, if the permit is sought for the repair or alteration of an existing building or structure;
- (g) include floor plans showing the dimensions and uses and occupancy classification of all areas, including: the dimensions and height of crawl and roof spaces; the location, size and swing of doors; the location, size and opening of windows; floor, wall, and ceiling finishes; fire separations; plumbing fixtures; structural elements; and stair dimensions;
  - (h) include a cross-Section through the building or structure in sufficient detail and locations to illustrate foundations, drainage, ceiling heights and constructions systems;
  - (i) include elevations of all sides of the building or structure showing finish details, roof slopes, windows, doors, natural and finished grade, spatial separations and ridge height to comply with the Building Code and to illustrate that the building or structure conforms with the City zoning Bylaw and development permit;
  - (j) include cross-sectional details drawn at an appropriate scale and at sufficient locations to illustrate that the building conforms to the Building Code;
  - (k) include all other requirements of sections 2.2.1, 2.2.3, 2.2.4, 2.2.5, 2.2.6 and 2.2.9, Division C of the Building Code;
  - (l) include copies of approvals required under any enactment relating to health or safety, including, without limitation, sewage disposal permits, highway access permits and ministry of health approvals;
  - (m) include a letter of assurance in the form of Schedule A referred to in Sub-section 2.2.7 Division C, of the Building Code, signed by the owner, or a signing officer if the owner is a corporation, and the coordinating registered professional;
  - (n) include letters of assurance in the form of Schedule B referred to in Sub-section 2.2.7 Division C, of the Building Code, each signed by such registered professionals as the Building Official or Building Code may require to prepare the design for and conduct field reviews of the construction of the building;
  - (o) include two sets of drawings at a suitable scale of the design prepared by each registered professional containing the information set out in (g) to (k) of this section; and
  - (p) include illustration of any slopes on the subject parcel that exceed 30%.
- 13.2.** In addition to the requirements of Section 13.1 of this Bylaw, a Building Official may require the following to be submitted with a permit application for the construction of a complex building if the complexity of the proposed building or structure or siting circumstances warrant:
- (a) site servicing drawings, including sufficient detail of off-site services to indicate locations at the property line, prepared and sealed by a registered professional, in accordance with the City's applicable Subdivision and Development Servicing Bylaw;



- (b) a section through the site showing grades, buildings, structures, parking areas and driveways; and
- (c) any other information required by the Building Official or the Building Code to establish substantial compliance with this Bylaw, the Building Code and other Bylaws and enactments relating to the building or structure.

#### **PART 14 PLUMBING AND IRRIGATION APPLICATION REQUIREMENTS**

- 14.1.** An application for a plumbing permit with respect to a building must:
- (a) signed by the owner, or a signing officer if the owner is a corporation or applicant if they are a registered plumber;
  - (b) be accompanied by the owner's acknowledgment of responsibility and undertaking and signed by the owner, or a signing officer if the owner is a corporation;
  - (c) include a description of the work, if new or to alter an existing system, number of new fixtures and include plumbing plans and a plumbing schematic if required by the Building Official and in the case of sprinkler permits include detailed specifications and calculations when required by the Building Official.
- 14.2.** Before receiving a Building Permit for a building or structure, the owner must first pay to the City:
- (a) the Building Permit fee prescribed in the Fee Schedule of this Bylaw and
  - (b) any fees, charges, levies or taxes imposed by the City and payable under an enactment at the time of issuance of the Building Permit.

#### **PART 15 GENERAL PROVISIONS**

- 15.1.** A Building Permit or a mechanical permit application expires 180 days from the date a complete application is received under this Part if the Building Permit or mechanical permit is not issued by the application expiration date, unless the permit is not issued only due to delays caused by the City.
- 15.2.** If:
- (a) a completed application in compliance with this Bylaw including all required supporting documentation, has been submitted;
  - (b) the owner has paid all applicable fees set out in Schedule A of this Bylaw.
  - (c) the owner or his or her representative has paid all charges and met all requirements imposed by any other statute or Bylaw;
  - (d) the owner has retained a professional engineer or geoscientist if required under this Bylaw;
  - (e) the owner has retained an architect if required under this Bylaw; and
  - (f) no covenant, agreement, resolution or regulation of the City requires or authorizes the permit to be withheld;
- the Building Official must issue the permit, in the form currently in use for which the application is made, and the date of issuance is deemed to be the date the City gives notice to the owner that the permit is ready to be picked up by the owner.
- 15.3.** Despite Section 15.2, 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.
- 15.4.** 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.

- 15.5.** Section 15.4 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.
- 15.6.** 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.
- 15.7.** If a site has been excavated under a Building Permit for excavation issued under this Bylaw and a Building Permit is not subsequently issued or a subsisting Building Permit has expired, but without the construction of the building or structure for which the Building Permit was issued having commenced, the owner must fill in the excavation to restore the original gradients of the site within 60 days of being served notice by the City to do so.
- 15.8.** If a Building Permit has expired and partial construction has progressed, with no extension requested of the Building Official under Section 15.7, permanent type fencing with privacy screen complying with the City's zoning Bylaw, must be erected around the building site for protection to the public.
- 15.9.** A Building Permit or an application for a Building Permit that is in process may not be transferred or assigned until the owner has notified the Building Official in writing, the Building Official has authorized the transfer or assignment in writing. The transfer or assignment of a Building Permit is not an extension of a Building Permit.
- 15.10.** 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.
- 15.11.** If a registered professional provides letters of assurance in accordance with this Part, the City will rely solely on field reviews undertaken by the registered professional and the letters of assurance submitted pursuant to this Bylaw and the Building Code as assurance that the construction substantially conforms to the design, plans and specifications and that the construction complies with the Building Code, this Bylaw and other applicable enactments respecting safety.
- 15.12.** Despite Section 15.11 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.
- 15.13.** 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.
- 15.14.** For all work in respect of simple buildings the owner must give at least 48 hours' notice to the City when requesting an inspection and must obtain an inspection and receive a Building Official's written acceptance of the following aspects of the work prior to concealing them:
- (a) after demolition, the grading of and removal of debris from the site;
  - (b) foundation and footing forms, before concrete is poured;
  - (c) when the installation of the perimeter drain tile and damp proofing is complete but prior to backfilling.;
  - (d) prior to inspection under Section 11.32(e), plumbing located below the finished slab level;

- (e) the preparation of ground, including ground cover when required, radon mitigation preparation, perimeter insulation on inside of concrete foundation walls and reinforcing steel and below slab insulation;
- (f) installation of rough-in plumbing before it is covered;
- (g) installation of building services before being covered;
- (h) rough in of factory-built chimneys and fireplaces and solid fuel burning appliances for new buildings only;
- (i) framing, sheathing, fire stopping (including drywall in fire separations), bracing, chimney and ductwork, rough wiring, rough plumbing, rough heating, gas venting, exterior doors and windows, but prior to the installation of insulation, interior finishes, sheathing paper or exterior finishes which would conceal such work;
- (j) insulation and vapour barrier;
- (k) construction of an exterior deck if the deck serves as a roof;
- (l) on-site constructed tubs or showers and tub or shower trap tests;
- (m) the installation of wall sheathing membrane, externally applied vapour or air barrier, stucco wire or lath, and flashings, but prior to the installation of exterior finishes which could conceal such work; and
- (n) the health and safety aspects of the work and the conservation, GHG emission reduction and accessibility aspects of the work when the building or structure is substantially complete, ready for occupancy but prior to occupancy.
- (o) reinforcing for ICF walls before concrete is installed when a structural engineer is not retained.

**15.15.** A Building Official will only carry out an inspection under Section 15.14 if the owner or the owner's agent has requested the inspection in accordance with this Bylaw.

**15.16.** Despite the requirement for the Building Official's acceptance of the work outlined in Section 15.14, 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.

**15.17.** No person may conceal any aspect of the work referred to in Section 15.14 of this Bylaw until a Building Official has accepted it in writing.

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

- (a) give at least 48 hours' notice to the City when requesting a preconstruction meeting with the Building Official prior to the start of construction, and the owner or his or her representative must ensure that the coordinating registered professional, the constructor, as well as representatives of major trades, are in attendance;
- (b) give at least 48 hours' notice to the City when requesting a pre- occupancy coordinated by the coordinating registered professional or other registered professional to have the owner, the constructor and the registered professionals demonstrate to the Building Official and Fire Services the compliance with the health and safety aspects of the work, the coordination and integration of the fire and life safety system, applicable City requirements and other enactments respecting safety and the conservation, GHG emission and accessibility aspects of the work; and
- (c) cause the coordinating registered professional, at least 48 hours prior to the pre- occupancy coordinated site review coordinated by the coordinating registered professional, to deliver to the Building Official all the required documentation.

- 15.19.** The Building Official may direct the immediate suspension or correction of all or a portion of the construction on a building or structure by attaching a stop work order notice in the form described in Appendix A on the premises or by notifying the owner in writing whenever it is found that the work is not being performed in accordance with the requirements of the Building Code, any applicable Bylaw of the City or the applicable provisions of the Homeowner Protection Act.
- 15.20.** 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.
- 15.21.** 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 15.14.
- 15.22.** The owner must immediately, after the posting of a notice under Section 15.14, 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.
- 15.23.** Subject to Section 15.14, no work other than the required remedial measures may be carried out on the parcel affected by the notice referred to in Section 15.14 until the stop work order notice has been removed by the Building Official.
- 15.24.** The notice referred to in Section 15.14 must remain posted on the premises until that which is contrary to the enactments has been remedied.
- 15.25.** 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 on the affected part of the building or structure.
- 15.26.** If a notice is posted under Section 15.25, 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.
- 15.27.** In addition to the fees required under other provisions of this Bylaw, the owner must pay the non-refundable fee set out in Schedule A of this Bylaw for:
- (a) a third and each subsequent re-inspection where it has been determined by the Building Official that due to non-compliance with the provisions of this Bylaw or due to non-complying work, more than one site visit is required for any required inspection;
  - (b) a special inspection during the City's normal business hours to establish the condition of a building, or if an inspection requires special arrangements because of time, location or construction techniques; and
  - (c) inspection required under this Bylaw which cannot be carried out during the City's normal business hours.
- 15.28.** 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.
- 15.29.** A Building Official may extend the period set out under Section 15.25 for only one period, not

to exceed twelve months, if construction has not been commenced or has been discontinued due to adverse weather, strikes, material or labour shortages, other similar hardship beyond the owner's control, or if the size and complexity of the construction warrants, if:

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

**15.30.** The Building Official may revoke a Building Permit if there is a violation of:

- (a) a condition under which the permit was issued; or
- (b) a requirement of the Building Code or of this or another Bylaw of the City

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

**15.31.** 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.

**15.32.** 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'.

**15.33.** 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'.

**15.34.** If a Building Permit application or permit is cancelled, and construction has not commenced under the permit, the Building Official must return to the owner any fees deposited under Schedule A of this Bylaw, less:

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

**15.35.** No person may occupy a building or structure or part of a building or structure until an occupancy inspection has been conducted by a Building Official and an occupancy inspection notice has been issued.

**15.36.** An occupancy permit will not be issued unless:

- (a) all letters of assurance have been submitted when required in accordance with this Bylaw;
- (b) all aspects of the work requiring inspection and acceptance pursuant to this Bylaw have both been inspected and accepted or the inspections and acceptance are not required in accordance with this Bylaw;
- (c) if required the owner has delivered to the City as-built plans of works and services in a format as required by the City;
- (d) if required the owner has provided to the City a building survey prepared by a British Columbia Land Surveyor showing the building height, size, location and elevation determined in accordance with the City's land use regulations;
- (e) all other documentation required under applicable enactments has been delivered to the City; and
- (f) if required the owner has delivered to the City as-built drawings of the building or structure in a format as required by the City.

**15.37.** When a registered professional provides letters of assurance in accordance with this Bylaw, the City will rely solely on the letters of assurance when issuing a final report authorizing

occupancy as assurance that the items identified on the letters of assurance substantially comply with the design, the Building Code, this Bylaw and other applicable enactments respecting safety.

- 15.38.** A Building Official may issue a final inspection notice for partial occupancy of a portion of a building or structure under construction when:
- (a) that portion of the building or structure is self-contained and provided with essential services respecting health and safety aspects of the work, and if applicable, accessibility, GHG emissions and energy conservation; and
  - (b) the requirements set out in Section 15.36 have been met with respect to it.
- 15.39.** A final inspection notice may not be issued unless:
- (a) all letters of assurance and required documentation have been submitted when required in accordance with the requirements of this Bylaw;
  - (b) all aspects of the work requiring inspection and review pursuant to this Bylaw have both been inspected and accepted;
  - (c) the owner has executed and delivered to the City every agreement, instrument or form required by the City in relation to the work or the site; and
  - (d) all required offsite works respecting safety have been completed.
- 15.40.** Subject to the Bylaws of the City and orders of Council, the Building Official may issue a Building Permit for the erection or placement of a temporary building or structure for occupancy if:
- (a) the permit is for a period not exceeding one year; and
  - (b) the building or structure is located in compliance with the City's zoning Bylaw, built in compliance with the Building Code, and this Bylaw, and connected; as required by enactments to City utility services.
- 15.41.** An application for a Building Permit for the erection or placement of a temporary building or structure must be made in the form of a Building Permit application, signed by the owner or agent, and must include:
- (a) plans and supporting documents showing the location and building height of the building or structure on the parcel;
  - (b) plans and supporting documents showing construction details of the building or structure;
  - (c) a statement by the owner indicating the intended use and duration of the use;
  - (d) plans and supporting documents showing the proposed parking and loading space;
  - (e) a written description of the project explaining why the building is temporary;
  - (f) a copy of an issued Development Permit, if required;
  - (g) in the case of a manufactured building, a CSA label in respect of manufacture and, without limitation, a Quonset or other steel building must be certified in accordance with CSA Standard A660;
  - (h) a report or drawing by an engineer, architect or designer confirming compliance with the Building Code, this Bylaw, the City's zoning Bylaw and other applicable Bylaws;
  - (i) security in the form of cash or a letter of credit for 10% of the value of the temporary building, which security:
    - (i) may be used by the City to remove the building after a time determined by the Manager of Planning, Development and Sustainability, or their designate,

- of the final inspection required under this Bylaw; or
- (ii) must be returned to the owner if the owner removes the temporary building within a time determined by the Manager of Planning, Development and Sustainability, or their designate, of the final inspection of the temporary building required under this Bylaw; and
  - (j) in the case of a temporary building, information to comply with article 1.1.1.1(2)(f), Division C of the Building Code.
- 15.42.** Before receiving a Building Permit for a temporary building or structure for occupancy, the owner must pay to the City the applicable Building Permit fee set out in the City's charges and fees Bylaw.
- 15.43.** A permit fee for a temporary building or structure is not refundable.
- 15.44.** A Building Official may issue a Building Permit for a portion of a building or structure before the design, plans and specifications for the entire building or structure have been accepted, provided sufficient information has been provided to the City to demonstrate to the Building Official that the portion authorized to be constructed substantially complies with this and other applicable Bylaws and enactments and the permit fee applicable to that portion of the building or structure has been paid. The issuance of the 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.
- 15.45.** During the time a Building Permit has been issued and remains valid under this Bylaw, the owner may be required to provide on the parcel of land in respect of which the permit has been issued, sanitary facilities for the disposal of human waste from individual persons who enter on the parcel in relation to the work referred to in the permit, which facilities must be accessible and unlocked when not occupied while work is being carried out on the parcel under this Bylaw, and every sanitary facility that is not connected to a:
- (a) sanitary sewer; or
  - (b) septic disposal system approved under the Health Act,

## **PART 16            RETAINING WALLS AND GRADES**

- 16.1.** No person may construct, or structurally repair, a retaining wall in excess of 1.5 meters (Bylaw 1368) without a Building Permit.
- 16.2.** 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.
- 16.3.** Without limiting Section 16.2, no person may occupy a building unless the finished grade complies with all applicable enactments.

## **PART 17            BUILDING MOVE**

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

## **PART 18            NUMBERING OF BUILDINGS**

- 18.1.** Immediately upon issuance of a Building Permit governing the construction, alteration or repair of a building, or prior to and during the occupancy of a building, the owner or occupant must display the address number assigned to it by the City:
- (a) on or over the entrance to the building or where landscaping or structures obscure the visibility of a building entrance from the adjacent street or highway, on the building property within sight of the adjacent street or highway; and
  - (b) until such time as the building is removed from the site or has been demolished.
- 18.2.** Despite Section 18.1, the City's Manager of Planning, Development and Sustainability, or their designate, may renumber or alter the assigned numbers in respect of any building on any parcel, including those already in existence or numbered.
- 18.3.** Without limiting Sections 18.1 or 18.2, the Building Official must, on the issuance of a Building Permit, designate a house number or set of house numbers related to the building authorized by the permit. The owner or occupier must post the number or numbers on the site immediately after obtaining the Building Permit and keep the numbers posted in a conspicuous location at all times during construction.
- 18.4.** Without limiting Sections 18.1 through 18.3, on issuance of an occupancy permit, the owner or occupier of the parcel must affix the numbers permanently in a conspicuous place on the building such that the number is visible from an adjacent street or highway that is not a lane.

#### **PART 19 POOLS**

- 19.1.** Without limiting Section 8.1 of this Bylaw, a person must not construct, or structurally repair, a swimming pool without a valid Building Permit.
- 19.2.** A swimming pool must be enclosed within a fence constructed without footholds or grips that children may use to climb into the enclosed area, having a minimum height of 1.22 metres and no openings greater than 100 mm at their greatest dimension.
- 19.3.** Access through a fence enclosing a swimming pool must be only through a self-closing and self-latching gate designed and constructed or installed so as to cause the gate to return to a closed position when not in use and secured by a latch located on the swimming pool side of the gate.
- 19.4.** A person may not use or occupy a swimming pool unless the owner or occupier of property on or in which a pool is located maintains every fence or cover required under Sections 19.2 to 19.3 in good order and without limitation maintains and repairs in good order at all times all sagging gates, loose parts, torn mesh, missing materials, worn latches, locks or broken or binding members.
- 19.5.** A person may not obtain a valid and subsisting Building Permit for or use or occupy a swimming pool without first delivering to the Building Official at the time of the Building Permit application an opinion of a registered professional that the design of the pool will not cause or result in leaks or other failures of the pool.

#### **PART 20 ENERGY CONSERVATION AND GHG EMISSION REDUCTION**

- 20.1.** 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 20.2 through 20.4.
- 20.2.** Buildings regulated by Part 3 and Part 9 of the Building Code must be designed and constructed to meet the minimum performance requirements specified in Step 1 of the Energy Step Code as of December 31, 2020.
- 20.3.** Buildings regulated by Part 9 of the Building Code must be designed and constructed to meet the minimum performance requirements specified in Step 3 of the Energy Step Code as of



December 31, 2022.

- 20.4.** A building 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 Energy Step Code as of December 31, 2022.

## **PART 21 ACCESS ROUTE FOR FIRE VEHICLE**

- 21.1.** Prior to the issuance of a Building Permit for a building under Part 9 of the Building Code, the owner must satisfy the Building Official that the building or structure for which the permit is issued will be served by a fire access route that satisfies the following, unless Castlegar Fire and Rescue Services has determined, in writing to the Building Official, on a case by case basis, that reduced requirements will remain adequate for emergency access purposes:
- (a) the width of an access route must be not less than 6 meters clear width and is connected to public thoroughfare;
  - (b) the centerline radius of an access route must be 12 meters;
  - (c) the overhead clearance of an access route must be 5 meters;
  - (d) the gradient of the access route must not change more than the prescribed formula for Part 3 buildings in the BC Building Code and not more than 15% for Part 9 buildings as per the City's applicable subdivision and development servicing Bylaw;
  - (e) the access route must comply with the bearing load and surface material standards of the City's applicable Subdivision and Development Servicing Bylaw, as amended or replaced from time to time; and
  - (f) the length above which a dead-end portion of an access route requires turnaround facilities is 90 meters.

## **PART 22 FEES AND SECURITY DEPOSIT**

- 22.1.** An applicant for a Building Permit must pay to the City, at the time of the application, the security deposit as determined in Schedule A of this Bylaw.
- 22.2.** The security deposit sum set out in Section 22.1 of this Part:
- (a) covers the cost borne by the City to maintain, restore or replace any public works or public lands which are destroyed, damaged or otherwise impaired in the carrying out of the work referred to in any Building Permit held by the applicant;
  - (b) covers the cost borne by the City to make the site safe if the permit holder abandons or fails to complete the work as designated on the permit;
  - (c) serves as the security deposit for provisional occupancy when such a final inspection notice makes provision for a security deposit; or
  - (d) serves as a security deposit to effect compliance with any condition under which the permit was issued.
- 22.3.** The security deposit or applicable portion must be returned to the applicant:
- (a) when the works supervisor 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 works supervisor; and
  - (c) when the conditions or provisions of a provisional certificate of occupancy are completed to the satisfaction of the works supervisor;
- only if the applicant has requested the return of the security.

- 22.4.** Any credit greater than the amount of the security deposit used by the City for the purposes described in Sections 22.1 to 22.3 of this Part will be returned to the permit holder unless otherwise so directed by the permit holder. Any amount in excess of the security deposit required by the City to complete corrective work to public lands, public works, or the site is recoverable by the City from the permit holder, the constructor or the owner of the property.
- 22.5.** If the proposed work includes excavation or construction on lands within 10 metres of works or services owned by the City, the owner must deliver to the Building Official a signed agreement in a form prescribed by the City's Manager of Engineering under which the owner acknowledges and agrees that any damage to municipal works or services arising from the construction associated with the Building Permit will be repaired by the owner at its expense and to the satisfaction of the City's Manager of Engineering, and the owner must deposit with the City security in accordance with Sections 22.1 to 22.3 of this Part.
- 22.6.** No fee or part of a fee paid to the City may be refunded if construction of the building has started.
- 22.7.** A Building Permit or other permit fee may be partially refunded as set out in Schedule A of this Bylaw, only if
- (a) the owner has submitted a written request for a refund;
  - (b) the Building Official has certified a start has not been made on the construction of the building or structure; and
  - (c) the permit has not expired.
- 22.8.** A Building Permit or other permit fee is not refundable after the permit has been extended under Section 22.7 of this Part.
- 22.9.** If an issued Building Permit or other permit is active and the owner proposes modification to the building design whereby the value of the work does not increase or the value of the work decreases, the owner must pay to the City a Building Permit fee based on the rate set out in Schedule A of this Bylaw.
- 22.10.** The Building Permit or other permit fee at the discretion of the Building Official can be doubled for every permit application if construction commenced before the Building Official issued a permit, to a maximum of \$1,000.00 additional charge.

## **PART 23 OFFENCES**

- 23.1.** Every person who: violates a provision of this Bylaw; permits, suffers or allows any act to be done in violation of any provision of this Bylaw; and 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.
- 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.** 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.
- 23.4.** No person is deemed liable under Section 23.3 who establishes, on a balance of probabilities, that the construction or change of use or occupancy occurred before he or she became the owner of the parcel.
- 23.5.** Nothing in Section 23.4 affects:

- (a) the City's right to require and the owner's obligation to obtain a permit; and
- (b) the obligation of the owner to comply with this Bylaw.

**23.6.** The offences in the City of Castlegar Municipal Ticketing Bylaw is designated for enforcement under the Local Government Act.

**23.7.** The following persons are designated as Bylaw Enforcement Officers under Section 264(1)(b) of the Community Charter for enforcing the offences in the City of Castlegar Bylaw Enforcement Officer: Building Officials, Fire Inspectors and persons designated by Council as Bylaw Enforcement Officers.

**PART 24 SEVERABILITY AND REPEAL**

**24.1.** If a section, Sub-section, 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.

**24.2.** The City of Castlegar Building Bylaw No. 950, 2003 and all amendments thereto are hereby repealed in their entirety.

READ a first time this 7<sup>th</sup> day of December, 2020.

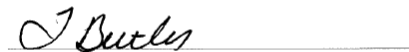
READ a second time this 7<sup>th</sup> day of December, 2020.

READ a third time this 7<sup>th</sup> day of December, 2020.

ADOPTED this 21<sup>st</sup> day of December, 2020.



Bruno Tassone  
Mayor



Tracev Butler  
Director of Corporate Services

<b>List of Amending Bylaws</b>	
December 2021	Amendment Bylaw No. 1368

**SCHEDULE A: FEES AND CHARGES**

<b>FEE</b>	<b>BUILDING PERMIT FEES</b>
\$100 for Construction Value to \$5000	Basic Fee (covers construction values up to \$5000)
\$8 for each \$1000 or part thereof of Construction Value over \$5000	Additional Fees to the Basic Fee
\$500	Application for NEW Secondary Suite
\$100 or 10% of Building Permit Fee, whichever is greater	Submission of NEW or substantially REVISED plans
\$100	Building Permit Renewal
\$60	Minimum Fee for Re-Inspections
\$200	Wood Burning Appliance
\$50	Demolition Residential
\$200	Demolition Commercial or Industrial
\$100 Basic Fee plus additional \$8 per \$1000 Construction Value	Fire Alarm System
\$100 Basic Fee plus additional \$8 per \$1000 Construction Value	Moving a Structure
\$200	Siting of Mobile Home (Single Wide)
\$300	Siting of Mobile Home (Double Wide)
\$100 Basic Fee	Change of Occupancy
\$100 Basic Fee plus additional \$8 per \$1000 Construction Value	Signs and Awnings
\$100	Voluntary or Miscellaneous Inspections
\$150	Inspections outside of normal business hours
\$100	Business License Inspection
<b>FEE</b>	<b>PLUMBING AND IRRIGATION PERMIT FEES</b>
\$100	Basic Fee (plumbing and irrigation permit)
\$8 for each additional fixture over the Basic Fee	Additional Fixtures over First Fixture
\$50	Below Grade Exterior Water or Sewer Service (when separate from fixture installation)
\$20	Below Grade Exterior Water or Sewer Service (when installed with other fixtures)

\$100	Basic Fee for Automatic Sprinkler System
\$100	Plumbing Fixture Count
<b>FEE</b>	<b>SECURITY DEPOSITS</b>
\$500	Damage Deposit for Building Permit Valued between \$50,000 to \$200,000
\$1,000	Damage Deposit for Building Permit Valued between \$201,000 to \$500,000
\$1,500	Damage Deposit for Building Permit Valued over \$500,001