

CORPORATION OF THE TOWNSHIP OF ESQUIMALT

BUILDING REGULATION BYLAW, 2017, NO. 2899

CONSOLIDATED FOR CONVENIENCE

November 6, 2023

**In case of discrepancy, the original Bylaw or
Amending Bylaw must be consulted**

Includes: Amendment Bylaw Number: 3019
Amendment Bylaw Number 3118

CORPORATION OF THE TOWNSHIP OF ESQUIMALT

BYLAW NO. 2899

A Bylaw for the Administration of the *Building Code*

The Council of the Corporation of the Township of Esquimalt, in open meeting assembled, hereby enacts as follows:

1. CITATION

This Bylaw may be cited as the “Building Regulation Bylaw, 2017, No. 2899.”

2. DEFINITIONS

2.1 Terms not defined herein shall have the meanings set out in the Building Code. *[Amendment Bylaw 3118]*

2.2 In this Bylaw, unless the context otherwise requires:

“**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. *[Amendment Bylaw 3118]*

“**Building Official**” includes Building Inspectors, Plan Checkers and Plumbing Inspectors designated by the Township, or their designate.

“**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 metres 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.

“**Compliance Report**” means a standardized report that demonstrates that the building complies with the applicable requirements of the Energy Step Code and the Zero Carbon Step Code, in a form acceptable to the Director of Community Safety Services or that person’s successor in function pursuant to Officers Bylaw, 2011, No. 2077, as amended or replaced from time to time. *[Amendment Bylaw 3118]*

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“**Energy Step Code**” means the system of energy performance requirements set out in Division B, Part 10 of the Building Code. *[Amendment Bylaw 3118]*

“**Health and safety aspects of the work**” means design and construction regulated by the *Building Code*.

“**Permit**” means a permit as required pursuant to Section 8, and may include a permit for building, plumbing, demolition, occupancy, moving a building or structure, installation or removal of a fireplace, chimney or woodstove, sewer and storm drain connections and replacements, and construction on and occupation of Township rights-of-way.

“**Secondary Suite**” means an additional Dwelling Unit that is contained entirely within a Single Family Dwelling and has a floor area not exceeding 90 m² or 40% of the total floor area of the building.

“**Standard Building**” means a building of three storeys or less in building height, having a building area not exceeding 600 square metres 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.

“**Township**” means the Corporation of the Township of Esquimalt.

“**Zero Carbon Step Code**” means the system of Greenhouse Gas (GHG) emission performance requirements set out in Division B, Parts 9 and 10 of the Building Code. *[Amendment Bylaw 3118]*

3. SCOPE AND EXEMPTIONS

- 3.1 This Bylaw applies to the design, construction and occupancy of new buildings and structures, and the alteration, reconstruction, demolition, removal, relocation and occupancy of existing buildings and structures including secondary suites.
- 3.2 This Bylaw does not apply to buildings or structures exempted by the *Building Code* except as expressly provided herein, nor to retaining structures less than 1.2 metres in height.

4. PROHIBITIONS

- 4.1 No person shall commence or continue any construction, alteration, reconstruction, demolition, removal, relocation or change of occupancy of any building and structure including excavation or other work related to construction unless a Building Official has issued a valid and subsisting Permit for the work.
- 4.2 No person shall occupy or use any building or structure:

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- 4.2.1 unless a valid and subsisting occupancy Permit has been issued by a Building Official for the building or structure; or
 - 4.2.2 contrary to the terms of any Permit issued; or
 - 4.2.3 contrary to any order or notice given by a Building Official.
- 4.3 No person shall knowingly submit false or misleading information to a Building Official in relation to any application for a Permit or construction undertaken pursuant to this Bylaw.
- 4.4 No person shall, unless authorized in writing by a Building Official, reverse, alter, deface, cover, remove or in any way tamper with any Permit, notice, order or certificate posted on a property or affixed to a building or structure pursuant to this Bylaw.
- 4.5 No person shall do any work that is substantially at variance with the approved design, plans or specifications 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.
- 4.6 No person shall obstruct the entry of a Building Official or other authorized official of the Township onto property for the purposes of the administration of this Bylaw.

5. BUILDING OFFICIALS

- 5.1 The Township may appoint one or more Building Officials who are authorized to carry out and administer the provisions of this Bylaw.
- 5.2 A Building Official:
- 5.2.1 shall keep records of applications, Permits, notices and orders issued, inspections and tests made, and all documents related to the administration of this Bylaw;
 - 5.2.2 may 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 conforms to the requirements of the *Building Code*;
 - 5.2.3 may enter any land, building, structure, or premises at any reasonable time or times, for the purpose of ascertaining that the terms of this Bylaw are being observed;
 - 5.2.4 shall, where any residence or secondary suite is occupied, obtain the consent of the occupant or provide written notice to the occupant 24 hours in advance of entry; and
 - 5.2.5 may order the correction of any work that is being or has been done in contravention of this Bylaw.

6. PERMIT REQUIRED

- 6.1 Every owner shall apply for and obtain a Permit:

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- 6.1.1 before constructing, repairing or altering a building or structure;
 - 6.1.2 before moving a building or structure into, from or within the Township;
 - 6.1.3 before demolishing a building or structure;
 - 6.1.4 prior to the construction of a masonry fireplace or the installation of a wood burning appliance or chimney;
 - 6.1.5 prior to commencing the installation, alteration, repair or replacement of any plumbing system or part of such system;
 - 6.1.6 prior to construction or replacement of a retaining structure greater than 1.2 metres in height;
 - 6.1.7 prior to construction, alteration or extension of a sanitary sewer, storm drain or subsoil drainage system;
 - 6.1.8 prior to construction of any works within a Township right-of-way; or
 - 6.1.9 prior to occupancy of any portion of a Township right-of-way.
- 6.2. A Permit is not required:
- 6.2.1 for minor repairs or alterations to non-structural components of the building or structure;
 - 6.2.2 when a valve, faucet, fixture or water heater is repaired or replaced, a stoppage cleared, or a leak repaired if no change to the piping is required.
- 6.3 Every application for a Permit shall be signed by the owner and shall be made in the form prescribed by the Township, and shall be accompanied by the owner's signed Acknowledgement in the form attached as Schedule B.
- 6.4 All plans submitted with an application for a Permit shall bear the name and address of the designer of the building or structure.
- 6.5 A separate Permit is required for each building or structure to be constructed on a site and shall be assessed a separate Permit fee based on the value of that building or structure as determined in accordance with Schedule A.

6A. APPLICATION OF THE BC ENERGY STEP CODE - JANUARY 1, 2024 *[Amendment Bylaw 3118]*

For Permit applications received on or after January 1, 2024, a building regulated by Part 3 of the Building Code that is 6 storeys or less and composed of wood-frame construction must be designed and constructed to meet the minimum performance requirements specified in Step 3 of the Energy Step Code.

6B. APPLICATION OF THE BC ZERO CARBON STEP CODE - JANUARY 1, 2024 *[Amendment Bylaw 3118]*

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6B.1 For Permit applications received on or after January 1, 2024, a building regulated by Part 9 of the Building Code must be designed and constructed to meet or exceed the performance requirements specified in GHG Emission Level 4 of the Zero Carbon Step Code.

6B.2 For Permit applications received on or after January 1, 2024, a building regulated by Part 3 of the Building Code must be designed and constructed to meet or exceed the requirements specified in GHG Emission Level 1 of the Zero Carbon Step Code.

6C. APPLICATION OF THE BC ZERO CARBON STEP CODE – JULY 1, 2024 *[Amendment Bylaw 3118]*

6C.1 For Permit applications received on or after July 1, 2024, a multi-unit residential building regulated by Part 3 of the Building Code that is six storeys or less must be designed and constructed to meet or exceed the performance requirements specified in GHG Emission Level 4 of the Zero Carbon Step Code.

6D. APPLICATION OF THE BC ZERO CARBON STEP CODE – NOVEMBER 1, 2024 *[Amendment Bylaw 3118]*

6D.1 For Permit applications received on or after November 1, 2024, a building regulated by Part 3 of the Building Code must be designed and constructed to meet the performance requirements specified in GHG Emission Level 4 of the Zero Carbon Step Code.

7. PERMITS FOR COMPLEX BUILDINGS

7.1 An application for a Permit with respect to a complex building shall:

7.1.1 be made in the form prescribed by the Township, signed by the owner and the coordinating registered professional;

7.1.2 be accompanied by the owner's acknowledgement of responsibility and undertakings made in the form attached as Schedule B;

7.1.3 include a copy of a title search made within 30 days of the date of the application complete with copies of all easements, statutory rights-of-way and covenants;

7.1.4 unless exempted in whole or in part under Section 7.3, include a site plan prepared by a registered professional or British Columbia Land Surveyor showing:

7.1.4.1 the bearings and dimensions of the parcel;

7.1.4.2 the legal description and civic address of the parcel;

7.1.4.3 the location and dimensions of all statutory rights-of-way, easements and setback requirements;

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- 7.1.4.4 the location and dimensions of all existing and proposed buildings or structures on the parcel;
- 7.1.4.5 setbacks to the natural boundary of any lake, swamp, pond or watercourse where the Township's land use regulations establish siting requirements related to flooding;
- 7.1.4.6 the existing and finished ground levels to an established datum at corners of the building or structure, the geodetic elevation of the underside of the floor system, and the geodetic elevation of the ridge of the roof of a building or structure; and
- 7.1.4.7 the location, dimension and gradient of parking and driveway access;
- 7.1.5 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;
- 7.1.6 include a drawing of the cross-section through the building or structure illustrating foundations, drainage, ceiling heights, and construction systems;
- 7.1.7 include a drawing of the elevations of all sides of the building or structure showing finish details, roof slopes, windows, doors, and finished grades;
- 7.1.8 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*;
- 7.1.9 include a letter of assurance in the form of Schedule A of the *Building Code* signed by the owner and the coordinating registered professional;
- 7.1.10 include letters of assurance, in the form of Schedule B of the *Building Code*, 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;
- 7.1.11 include 3 copies of specifications and 3 sets of drawings at a suitable scale of the design prepared by each registered professional and including the information set out in Section 7, which plans may be scaled in imperial with primary measurements in imperial but metric equivalents must be provided for all dimensions.
- 7.1.12 include detailed documentation showing how the building will be designed and constructed to meet the applicable Energy Step Code requirements [*Amendment Bylaw 3118*];

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- 7.1.13 include detailed documentation showing how the building will be designed and constructed to meet the applicable Zero Carbon Step Code requirements [*Amendment Bylaw 3118*].
- 7.2 In addition to the requirements of Section 7.1, the following may be required by a Building Official to be submitted with a Permit application for the construction of a complex building, where in the opinion of the Building Official the complexity of the proposed building or structure or siting circumstances warrant:
- 7.2.1 site servicing drawings, including sufficient detail of off-site services to indicate locations at the property line, prepared and sealed by the registered professional, in accordance with the Township's *Subdivision and Development Control Bylaw, 1997, No. 2175*, as may be amended or replaced from time to time;
- 7.2.2 a drawing of the cross-section through the site showing grades, buildings, structures, parking areas and driveways; and
- 7.2.3 a site plan and floor plans that show the location, number and specifications of all Energized Spaces, Energized EV Outlets and Electric Vehicle Supply equipment required under the Parking Bylaw, 1992, No. 2011;
- 7.2.4 any other information required by the Building Official or the *Building Code* to establish substantial compliance with this Bylaw, the *Building Code* and other bylaw and enactments relating to the building or structure.
- 7.3 A Building Official may waive the requirement for the site plan in whole or in part, where the Permit is sought for the repair or alteration of an existing building or structure.

8. PERMITS FOR STANDARD BUILDINGS

- 8.1 An application for a Permit with respect to a standard building shall:
- 8.1.1 be made in the form prescribed by the Township and signed by the owner;
- 8.1.2 be accompanied by the owner's acknowledgement of responsibility and undertakings made in the form attached as Schedule B;
- 8.1.3 include a copy of a title search made within 30 days of the date of the application complete with copies of all easements, statutory rights-of-way and covenants;
- 8.1.4 unless exempted pursuant to Section 8.4, include a site plan prepared by a British Columbia Land Surveyor showing:
- 8.1.4.1 the bearings and dimensions of the parcel;
- 8.1.4.2 the legal description and civic address of the parcel;
- 8.1.4.3 the location and dimensions of all statutory rights of way, easements and setbacks requirements;

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- 8.1.4.4 the location and dimensions of all existing and proposed buildings or structures on the parcel;
 - 8.1.4.5 setbacks to the natural boundary of any lake, swamp, pond or watercourse where the Township's land use regulations establish siting requirements related to flooding;
 - 8.1.4.6 the existing and finished ground levels to an established datum at corners of the building or structure, the geodetic elevation of the underside of the floor system, and the geodetic elevation of the ridge of the roof of a building or structure; and
 - 8.1.4.7 the location, dimension and gradient or parking and driveway access;
 - 8.1.5 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;
 - 8.1.6 include a drawing of the cross-section through the building or structure illustrating foundations, drainage, ceiling heights and construction systems;
 - 8.1.7 include a drawing of the elevations of all sides of the building or structure showing finish details, roof slopes, windows, doors, and grade and building height;
 - 8.1.8 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*;
 - 8.1.9 include a foundation design prepared by a registered professional in accordance with the *Building Code*, accompanied by letters of assurance in the form of Schedule B of the *Building Code*, signed by the registered professional;
 - 8.1.10 include 3 sets of drawings at a suitable scale of the design including the information set out in Section 8, which plans may be scaled in imperial with primary measurements in imperial but metric equivalents must be provided for all dimensions.
- 8.2 In addition to the requirements of Section 8.1, the following may be required by a Building Official to be submitted with a building permit application:
- 8.2.1 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 Township's *Subdivision and Development Control Bylaw, 1997, No. 2175*, as may be amended or replaced from time to time;

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- 8.2.2 a drawing of the cross-section through the site showing grades, buildings, structures, parking areas and driveways;
 - 8.2.3 a roof plan and roof height calculations;
 - 8.2.4 structural, electrical, mechanical or fire suppression drawings prepared by a registered professional;
 - 8.2.5 a site plan and floor plans that show the location, number and specifications of all Energized Spaces, Energized EV Outlets and Electric Vehicle Supply equipment required under the Parking Bylaw, 1992, No. 2011;
 - 8.2.6 a compliance report [*Amendment Bylaw 3118*];
 - 8.2.7 letters of assurance in the form of Schedule B of the *Building Code*, from a registered professional; and,
 - 8.2.8 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.
- 8.3 The requirements of Section 8.1.9 may be waived by a Building Official if documentation prepared by a registered professional is provided assuring that the foundation conditions and foundation excavation substantially comply with the *Building Code*, or when the Building Official has knowledge of local conditions based on experience.
- 8.4 A Building Official may waive the requirement for the site plan, in whole or in part, where the Permit is sought for the repair or alteration of an existing building or structure.

9. PROFESSIONAL REVIEW AND CERTIFICATION

- 9.1 The letters of assurance in the form of Schedules A, B, C-A and C-B of the *Building Code* provided pursuant to this Bylaw are relied upon by the Township as certification that the design and plans to which the letters of assurance relate comply with the *Building Code* and other applicable enactments.
- 9.2 A Permit issued for the construction of a complex building, or for a standard building for which a Building Official has required professional design and letters of assurance pursuant to this Bylaw, shall be in the form as detailed in the *Building Code*.
- 9.3 A Permit issued pursuant to Section 9.2 shall include a notice to the owner that the Permit is issued in reliance upon the certification of the registered professionals that the building complies with the *Building Code* and other applicable enactments.
- 9.4 When a Permit is issued in accordance with Section 9.2, the Permit fee shall be reduced as set out in Schedule A.

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- 9.5 If 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 that a registered professional provide design and plan certification and field review and provide letters of assurance in the form of Schedules B and C-B of the *Building Code*.
- 9.6 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 this Bylaw, the owner shall provide the Township with letters of assurance in the form of Schedules C-A or C-B of the *Building Code*, as appropriate.
- 9.7 When a registered professional provides a letter of assurance in accordance with this Bylaw, he or she shall also provide proof of professional liability insurance satisfactory to the Township.

10. FIRE LIMIT AREAS

- 10.1 The Township is established as a Fire Limit Area to regulate the construction of buildings in respect of precautions against fire.
- 10.2 Subject to the exception set out in Section 10.6, fire sprinkler systems shall be installed:
 - 10.2.1. within all new buildings
 - 10.2.2. within all existing buildings where:
 - 10.2.2.1 alterations are made and the value of work exceeds 25% of the current BCAA assessment; or
 - 10.2.2.2 additions are made exceeding 25% of the existing floor area of the building being added to; or
 - 10.2.2.3 there is a significant change in the occupancy in the opinion of the Township's Fire Chief or his or her designate; or
 - 10.2.2.4 within any building to be constructed in a location that does not permit access of the fire fighting equipment as defined by the *Building Code*.
- 10.3. For the purposes of this Section, the value of alterations and additions shall include all alterations and additions completed within 24 months from the date of application for a Permit for the current alteration or addition.
- 10.4 All fire sprinkler systems shall be designed, reviewed and approved by a registered Fire Protection Engineer or a Professional Engineer with experience in fire sprinkler design and such Engineer shall provide a letter of assurance to the Township.
- 10.5 All fire sprinkler systems shall be maintained and tested in accordance with the *Building Code* and the current *BC Fire Code*, and the results shall be forwarded to the Township.

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10.6 Notwithstanding Section 10.2, unless otherwise required by this Bylaw and the *Building Code*, fire sprinklers systems shall not be required to be installed within:

10.6.1 accessory buildings with a floor area of less than 60 square metres (645 square feet);

10.6.2 single family dwellings, two family dwellings and multi-family developments of three dwelling units or less;

10.6.3 buildings being repaired as a result of a fire or acts of nature beyond the control of the owner; or

10.6.4 buildings being repaired, altered or added to if the building complies with the current standards of the *Building Code*.

11. DEMOLITION

11.1 In addition to the requirements of the *Building Code*, following the commencement of the demolition of the exterior of a building or structure, the demolition shall be completed within 3 days for a building with a total floor area of less than 185.8 m sq. (2,000 ft. sq.) and within 6 days for a building with a total floor area greater than 185.8 m sq. (2,000 ft. sq.).

12. MOVING OF BUILDING OR STRUCTURE

12.1 In addition to making the required application for a Permit, obtaining an inspection and paying the applicable fees set out in Schedule A, the owner shall provide security in the form of a certified cheque or an irrevocable letter of credit acceptable to the Township in the amount of \$5,000.00 when moving a building or structure from or within the Township and security in the amount of \$20,000 when moving a building or structure into the Township, to guarantee the completion of the work to the satisfaction of the Township.

12.2 The building or structure shall comply in all aspects with the requirements of this Bylaw, the *Building Code* and the BC Plumbing Code and all other applicable bylaws and enactments.

12.3 If the building to be moved into or within the Township is a dwelling, the assessed value thereof shall not be less than the average assessed value of the closest 10 dwellings to the property to which it is to be moved.

13. PLUMBING PERMITS

13.1 A Building Official shall issue a plumbing Permit for any installation, alteration, repair or replacement of a plumbing system or any part of such system upon receiving the specified fee as provided for in Schedule A and upon satisfactory compliance with the Bylaw.

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- 13.2 When a Permit is issued in respect of a plumbing installation, the installation shall not be put into service until it has been inspected and tested to the satisfaction of a Building Official and written approval has been issued by a Building Official.
- 13.3 The Permit holder shall notify a Building Official when the work is ready for inspection and the notification shall conform to 18.4.
- 13.4 No part of any plumbing system, including a perimeter drain, shall be covered until it is inspected and approved by the Township, and if any part of a plumbing system is covered before inspection and approval, upon direction of a Building Official it shall be uncovered to the satisfaction of the Building Official in order for the inspection to be completed.
- 13.5 If any part of a plumbing installation is not approved after it is inspected and tested, any alteration or replacement thereto that is necessary shall be made and the work shall be subject to further inspection and testing.
- 13.6 Where a plumbing installation is not approved, a Building Official shall give notice in writing of the deficiencies and corrections required to be made, by posting such notice at the site of the work, or mailing or delivering the notice to the owner, and the owner shall comply with such notice within 10 working days of the posting or delivery of such notice.
- 13.7 A Building Official may direct the immediate suspension or correction of all or any portion of a plumbing installation by attaching a notice to that effect on the building, structure or premises where the work is being carried out, whenever in the opinion of the Building Officer such work has not been performed in accordance with the BC Plumbing Code or the provisions of this Bylaw.
- 13.8 A Building Official may require that underground work shall be retested after the completion of all backfilling and grading, if it appears to the Building Official that the system was damaged during the backfilling or grading.
- 13.9 Where approval is required and has been issued in respect of various stages of a plumbing installation, a final inspection and approval in writing from a Building Official shall be required before the whole of the installation may be placed into service.

14. FEES

- 14.1 In addition to applicable fees and charges required under any other applicable bylaws, a Permit fee, calculated in accordance with Schedule A, shall be paid in full prior to issuance of any Permit.
- 14.2 If in the opinion of a Building Official it is advisable for the Township to collect a plan-processing fee:
 - 14.2.1 the appropriate plan-processing fee as set out in Schedule A shall accompany an application for a Permit;
 - 14.2.2 the plan-processing fee is non-refundable and shall be credited against the Permit fee when the Permit is issued;

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- 14.2.3 an application shall be cancelled and the plan-processing fee forfeited if the Permit has not been issued and the Permit fee paid within 180 days of the date of written notification to the owner that the Permit is ready to be issued; and
- 14.2.4 the plans and related documents submitted with the application may be destroyed by the Township when an application is cancelled.
- 14.3 The owner may obtain a refund of the Permit fee set out in Schedule A upon written request, when a Permit is surrendered and cancelled within 6 months of the Permit being issued and before any construction begins, and such refund shall not include the plan-processing fee paid pursuant to Section 14.2.
- 14.4 Where, due to non-compliance with this Bylaw, more than two inspections are necessary for each type of inspection when one inspection is normally required, for each inspection after the second inspection, a re-inspection fee as set out in Schedule A shall be paid prior to additional inspections being performed.
- 14.5 Where a required inspection is requested to be done outside the normal business hours of the Township, an inspection fee shall be payable based on the time actually spent in making such inspection, including travel time, as set out in Schedule A.

15. PERMITS

- 15.1 A Building Official may issue the Permit for which the application is made when:
 - 15.1.1 a completed application including all required supporting documentation has been received;
 - 15.1.2 the proposed work set out in the application substantially conforms with the *Building Code* and all applicable bylaws and enactments;
 - 15.1.3. the owner has paid all applicable fees set out in Section 14;
 - 15.1.4 the owner has paid all charges and met all requirements imposed by any other bylaw or enactment; and
 - 15.1.5 no enactment, covenant, agreement or regulation of the Township authorizes the Permit to be withheld.
- 15.2 When the application is in respect of a building that includes, or will include, a residential occupancy, the Permit must not be issued unless the owner provides evidence pursuant to 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.

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- 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 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 authorized by the Permit is not commenced within 6 months from the date of issuance of the Permit; or
- 15.4.2 the work authorized has not received a final inspection and written approval by a Building Official within 2 years of the date of the issuance of the Permit.
- 15.5 A Building Official may extend the period of time set out under Section 15.4 where construction has not been commenced or has been discontinued due to acts of nature, strikes, material or labour shortages, or similar hardship beyond the owner's control.
- 15.6 A Building Official may issue a Permit for a portion of a building or structure, other than for a single-family dwelling or accessory building, before the design, plans and specifications for the entire building or structure have been accepted, provided sufficient information has been provided to the Township to demonstrate to the satisfaction of 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; and notwithstanding the issuance of the Permit, 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 under a Permit issued pursuant to this Bylaw and the Permit has expired in accordance with Section 15.4, but without the construction of a building or structure for which the 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 Township to do so.
- 15.8 An application shall be cancelled if the permit has not been issued and the permit fee not paid within 180 days of the date of notification to the owner/applicant that the permit is ready for issuance.
- 15.9 A Building Official may renew a Permit when a completed application has been received and the owner has paid all applicable fees set out in Section 14. The Permit shall be valid for one year from the previous expiry date.

16. DISCLAIMER OF WARRANTY OR REPRESENTATION

- 16.1 The issuance of a Permit under this Bylaw, the review or acceptance of the design, drawings, plans, specifications or supporting documents, or any inspections made by or on behalf of the Township shall not constitute in any way a representation, warranty, assurance or statement that the *Building Code*, this Bylaw or any other applicable enactments have been complied with or that the building or structure meets any standard of materials or workmanship, and no person shall rely on any

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of those acts as establishing compliance with the *Building Code*, this Bylaw or any standard of construction.

- 16.2 The issuance of a Permit under this Bylaw, the review or acceptance of the design, drawings, plans, specifications or supporting documents, or any inspections made by or on behalf of the Township shall not in any way relieve the owner from full and sole responsibility to perform the work in strict compliance with the *Building Code*, this Bylaw and or other applicable enactments.

17. RESPONSIBILITIES OF THE OWNER

- 17.1 Every owner shall ensure that all construction complies with the *Building Code*, this Bylaw and other applicable enactments.
- 17.2 Every owner shall be responsible for the cost of repair of any damage to municipal works, infrastructure or property that occurs during construction.
- 17.3 Every owner to whom a Permit is issued shall, during construction:
- 17.3.1 post and maintain the Permit in a dry and conspicuous place on the property in respect of which the Permit was issued;
 - 17.3.2 keep a copy of the accepted designs, plans and specifications on the property; and
 - 17.3.3 post the civic address on the property in a location visible from any adjoining streets.

18. INSPECTIONS

- 18.1 The owner shall give at least 48 hours notice to the Township when requesting an inspection and shall obtain an inspection and receive written acceptance from a Building Official of the following aspects of the work prior to concealing or covering such work:
- 18.1.1 the foundation and footing forms, before concrete is poured; and upon the owner obtaining a certificate from a licensed British Columbia Land Surveyor to confirm the location of the building or structure on the site other than an accessory building for which the required setbacks can be otherwise confirmed;
 - 18.1.2 installation of perimeter drain tiles and damp proofing, prior to backfilling;
 - 18.1.3 the preparation of ground, including ground cover, when required, prior to the placing of a concrete slab;
 - 18.1.4 rough-in of all chimneys and fireplaces and solid fuel burning appliances;
 - 18.1.5 framing after the roof, all framing, fire blocking and bracing is in place, and all pipes, vents, chimneys, electrical wiring, roof space and crawlspace vents are complete;

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- 18.1.6 rough-in plumbing;
 - 18.1.7 fireplaces after the installation of the smoke damper and prior to the installation of the first flue liner and any material that would conceal the details of the construction of the fire-box and smoke chamber;
 - 18.1.8 masonry construction and/or concrete construction as detailed in the Permit;
 - 18.1.9 insulation and vapour barrier;
 - 18.1.10 installation of solid fuel burning appliances, furnaces or boiler installations prior to being placed in service;
 - 18.1.11 all plumbing prior to occupancy;
 - 18.1.12 the health and safety aspects of the work when the building or structure is substantially complete and ready for the occupancy; and
 - 18.1.13 final inspection after the building has been completed and ready for occupancy.
- 18.2 No person shall conceal or cover aspect of the work referred in Section 18.1 until a Building Official has inspected and accepted such work in writing.
- 18.3 Section 18.1 does not apply to any aspect of the work that is a subject of a registered professional's letter of assurance provided in accordance with this Bylaw.
- 18.4 When a registered professional provides a letter of assurance in accordance with this Bylaw, the Township 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 construction substantially conforms to the approved design, and that the construction substantially complies with the *Building Code*, this Bylaw and any other applicable enactments.
- 18.5 Notwithstanding Section 18.4, 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 professional.
- 18.6 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 compliance with those portions of the *Building Code*, this Bylaw and any other application enactments concerning health and safety.

19. OCCUPANCY PERMITS

- 19.1 No person shall occupy a building or structure or part of a building or structure until an occupancy Permit has been issued.

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- 19.2 An occupancy Permit shall not be issued unless:
- 19.2.1 all letters of assurance have been submitted when required in accordance with this Bylaw; and
 - 19.2.2 all aspects of the work requiring inspection and acceptance pursuant to this Bylaw have been inspected and accepted in writing.
- 19.3 A Building Official may issue an occupancy Permit for part of a building or structure when that part of the building or structure is self-contained, provided with essential services, and the requirements set out in Section 9.6 have been met with respect to it.

20. RETAINING STRUCTURES

- 20.1 A registered professional shall supervise the design and construction of a retaining structure greater than 1.2 metres in height.
- 20.2 Copies of the design plan and field review reports prepared by the registered professional for all retaining structures greater than 1.2 metres in height shall be submitted to a Building Official prior to acceptance of the works.

21. ENFORCEMENT AND PENALTIES

- 21.1 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 Order in a conspicuous place on the property to which the Order applies.
- 21.2 The owner of property on which a Stop Work Order has been posted, and every other person, shall cease all construction work immediately and shall not do any further work until all applicable provisions of this Bylaw have been substantially complied with and the Stop Work Order has been rescinded in writing by a Building Official.
- 21.3. Where any person occupies a building or structure or part of a building or structure in contravention of Section 4.2, a Building Official may post a Do Not Occupy Order in a conspicuous place on the property to which the Order applies.
- 21.4 The owner of property on which a Do Not Occupy Order has been posted, and every other person, shall cease occupancy of the building or structure immediately and shall 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 Order has been rescinded in writing by a Building Official.
- 21.5 Every person who contravenes any provision of this Bylaw commits an offence and shall be liable to a fine of not more than \$10,000, or to imprisonment for not more than 6 months, or to both.
- 21.6 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.
- 21.7 In addition to any other penalty that may be imposed:

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21.7.1 Every person who commences work requiring a Permit without first obtaining such Permit shall pay an additional fee equal to 100% of the fee;

21.7.2 Every person who commences work requiring a Permit without first obtaining such Permit, and a Stop Work Order has been issued by a Building Official relating to such work, shall pay an additional fee equal to 150% of the fee.

21.8 Each day that an offence continues or exists shall be deemed to be a separate and distinct offence.

22. SEVERABILITY

22.1 If any section, subsection, or clause of this Bylaw is for any reason held to be invalid by any court of competent jurisdiction, the invalid portion shall be severed and the validity of the remaining portions of this Bylaw shall not be affected.

23. SCHEDULES

23.1 The Schedules attached to this Bylaw form part of this Bylaw.

24. HEADINGS

24.1 Section headings do not form part of this Bylaw, and are included for convenience only and are not to be used in interpreting this Bylaw.

25. REPEAL

25.1 "The Building Code Bylaw No. 2002, 2538", and all amendments thereto, are hereby repealed.

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READ a first time by the Municipal Council on the 17th day of July, 2017.

READ a second time by the Municipal Council on the 17th day of July, 2017.

READ a third time by Municipal Council on the 17th day of July, 2017.

ADOPTED by the Municipal Council on the 21st day of August, 2017.

BARBARA DESJARDINS, MAYOR

ANJA NURVO, CORPORATE OFFICER

BUILDING REGULATION BYLAW, 2017, NO. 2899

SCHEDULE A

**Note: Fees under this Schedule are subject to applicable Taxes
Fees are rounded up to the nearest Dollar**

DESCRIPTION	FEE
1. <u>Plan Processing Fee</u>	
(1) Plan-processing fee for any application for Permit:	25% of Permit Fee
(2) Maximum plan-processing fee:	\$2,000
(3) Minimum plan-processing fee:	\$50
2. <u>File Search Fee</u>	
File search fee for time spent by municipal staff to respond in writing to request by owner for:	\$50/hour or any portion thereof
(1) Zoning of property	
(2) Age of property	
(3) Permit history	
(4) Outstanding orders	
(5) Locating plans on file related to Permits	
3. <u>Building Permit Fee</u>	
Permit fee shall be based on value of construction covered by Permit, calculated as following:	
(1) (a) value of construction of \$1,000.00 or less:	\$100
(b) value of construction over \$1,000.00:	
- for first \$1,000	\$100
- for next \$99,000	plus \$13 per \$1,000 or part thereof
- for next \$400,000	plus \$11 per \$1,000 or part thereof
- over \$500,000	plus \$9 per \$1,000

Table below is for illustration purposes only:

Value of Construction (\$)	Fee
100,000	- 1,387.00
150,000	1,937.00
200,000	2,487.00
300,000	3,587.00
400,000	4,687.00
500,000	5,787.00
1,000,000	10, 287.00

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- (c) Calculation of value of construction for Permit fee shall be based on:
 - (i) Construction contract cost including reasonable extra costs (a copy of contract documents may be required at time of application).
 - (ii) Where there are no contract documents, applicant shall supply estimated cost of construction based on plans and specifications that form part of application.
 - (iii) The final value of construction shall be established by a Building Official.

4. Re-inspection Fee

Where determined by a Building Official that, due to non-compliance with this Bylaw, more than two inspections are necessary for each type of inspection, the fee for each inspection after the second inspection shall be: \$50

5. Special Inspection Fee

(1) Where there is a request for a required Permit inspection to be done outside of normal business hours of the Township, a fee based on the actual time spent making such inspection, including traveling time, shall be charged at: \$90/hour

(2) The minimum inspection time shall be 1 hour.

6. Permit Renewal Fee

(1) Permit renewal fee: 20% of Permit fee
(2) Maximum renewal fee: \$500
(3) Minimum renewal fee: \$50

7. Demolition Permit Fee

Fee for Permit to demolish, deconstruct or remove building or structure: \$200

8. Other Permit Fees

Masonry or Metal Fireplace: \$50

Masonry or Metal Chimney
(issued with Permit for fireplace): \$35

Masonry or Metal Chimney
(issued without Permit for fireplace) - Single flue: \$35
- Multiple flue (each): \$20

Wood Stove: \$50

Fireplace Insert (each): \$50

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Chimney Repair - Single flue:	\$20
- Multiple flue (each):	\$20
Sign Permit:	\$50

9. **Plumbing Permit Fee**

The minimum fee for a plumbing permit shall be \$50

Plumbing fixtures:	
- 1 to 10 fixtures (each):	\$15
- additional fixtures (each):	\$10
Hot water storage tank installation:	\$15
Repairing or altering drainage or vent piping:	\$25
Installation of internal roof leader (each):	\$10
Fire protection standpipe and hose system:	
- 1 to 2 hose connections inclusive (each):	\$15
- additional hose connections (each):	\$ 7.50
Fire protection sprinkler system:	
- 1 to 5 sprinklers, inclusive (each)	\$20
- additional 20 sprinkler heads	\$20
Special inspection:	\$25
Water service pipe:	\$25
Underground irrigation system - backflow prevention:	\$25
Renewal fee for Plumbing Permit:	20% of Permit fee to maximum of \$100

10. **Sewer Sewer and Storm Drain Permit Fee**

Area sumps and catch basins (each):	\$10
Manholes (each):	\$30
Interceptors and acid neutralizers (each):	\$30
Up to 30 metres (property line to house):	
- Laying of a building storm sewer (each):	\$30
- Laying of a Building sanitary sewer (each):	\$30
- Altering or renewing a storm sewer (each):	\$30
- Altering or renewing a sanitary sewer (each):	\$30
30 metres and over:	\$20 for each additional 30 metres or part thereof

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Altering or renewing subsoil drainage system:	\$30
Renewal fee for Sewer and Storm Drain Permit:	20% of Permit fee to maximum of \$100

11. **Fee for Connection and Replacement of Sanitary Sewer and Storm Drain**

(1) Fee for sanitary sewer and storm drain connection within Township right-of-way:

100mm Sanitary sewer (separate ditch):	\$5,000
100mm Storm drain (separate ditch):	\$5,000
150mm Sanitary sewer (separate ditch):	\$6,500
150mm Storm drain (separate ditch):	\$6,500
100mm Sanitary sewer & 100mm Storm drain (combined ditch):	\$6,000
100mm Sanitary sewer & 150mm Storm drain (combined ditch):	\$7,000
150mm Sanitary sewer & 150mm Storm drain (combined ditch):	\$8,000

(2) If 2 sanitary or 2 storm sewer pipes are installed in a combined ditch, the cost shall be the same as for a sanitary and storm sewer in a combined ditch.

(3) All connections and/or extensions above 150mm diameter shall be installed at cost. An estimated cost shall be provided at the time of request for the connection.

(4) When rock is encountered in the sewer/drain trench, a fee equivalent to the cost will be imposed for drilling, blasting, re-excavation, extra surface restoration, and any other cost incurred for the removal shall be added to and form part of the fee for sewer and drain connections. Where feasible, estimated rock removal costs will be provided, and a deposit shall be paid to the Township in sufficient amount to cover these costs prior to continuation of the installation.

(5) If the connection being installed is on a collector road, major road, or arterial highway, an additional fee up to \$5,000 will be payable to the Township to cover the cost of proving traffic control.

12. **Test and Clear Fee**

(1) 100 – 150mm of line: \$750

(2) Connection to be tested must be located at property line and exposed by the Township; backfill restoration will be the responsibility of the Township.

(3) Additional fees for restoration will be charged when connection is located under hard surfaces such as asphalt, concrete or pavers.

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13. **Capping Fee**

- (1) Fee, per line: \$750
- (2) Connection to be capped must be located at property line and exposed by the Township; backfill restoration will be the responsibility of the Township.
- (3) Additional fees for restoration will be charged when connection is located under hard surfaces such as asphalt, concrete or pavers.

14. **Road Allowance Occupation Permit Fee**

To occupy any portion of Township road right-of-way, including boulevards: \$25.00 per day

15. **Road Allowance Construction Permit Fee**

- (1) Prior to issuance of a Permit to construct any works within Township right-of-way, including boulevards, a deposit of \$500 is required to be provided to the Township.
- (2) The deposit will be refunded upon completion of the works and upon the Township being satisfied that no damage has occurred to the Township's property or works located in the right-of-way.
- (3) If any damage has occurred, the Township shall apply the deposit towards the cost of repair of any damage and the applicant shall be responsible for paying any amount remaining immediately upon being invoiced therefor by the Township.

16. **Reduction of Permit Fee**

Where a registered professional as defined by the *Building Code*, reviews and certifies an application for a Permit as being in compliance with the *Building Code* and applicable Township bylaws, and where the Township relies upon that certification in issuing a Permit, the Permit fee shall be reduced by 5%.

17. **Refund of Permit Fee**

- (1) A Permit fee may be partially refunded upon written request by the owner, provided a Building Official has certified that work has not been commenced and the Permit has not expired.
- (2) Where a refund of a Permit fee is approved, it shall be calculated based on 60% of the Permit fee after deducting the plan-processing fee.
- (3) No refund of Permit fee shall be approved where an inspection has been made or any work has commenced pursuant to the Permit.

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18. **Damage Deposit**

- (1) At the time of issuance of a Permit for a building or demolition, a deposit of \$2,500.00 is required for restoration of damage to any Township property or works, as required.
- (2) The deposit shall be refunded if:
 - (i) there is no damage to Township property or works;
 - (ii) no invoice has been issued for recovery of the cost of repair to Township property or works; and
 - (iii) an occupancy permit has been issued.
- (3) The deposit shall be forfeited to the Township if a formal inspection is not called for and approved either within two years of the issuance of the Permit, or prior to the expiration date of a permit renewed in accordance with subsection 15.9, whichever is later.
- (4) The deposit may be waived by the Township, if, in the opinion of a Building Official, given the scope of the work, damage to Township property or works is unlikely to occur.

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SCHEDULE B

APPLICANT ACKNOWLEDGEMENT:

- (1) I the undersigned confirm that I am the registered owner of the property to which this application applies.
- (2) I acknowledge that if I am granted a Permit pursuant to this application, I am responsible for compliance with the *Building Code*, this Bylaw and any other applicable enactment, code, regulation or standard relating to the work in respect of which the Permit is issued whether or not the said work is undertaken by me or by those whom I may retain or employ to provide design and/or construction services.
- (3) I acknowledge that neither the issuance of a Permit under this Bylaw, nor the acceptance or review of a plans, specifications, drawing or supporting documents, nor inspections made by or on the behalf of the Township constitute any representation, warranty, assurance or statement that the *Building Code*, this Bylaw or any other applicable enactment, code, regulation or standard has been complied with.
- (4) Where the Township requires that any letter of assurance be provided by a Registered Professional pursuant to the *Building Code* or this Bylaw, I confirm that I have been advised in writing by the Township that it will rely exclusively on the letters of assurance of Professional Design and Commitment for Field Review prepared by _____ (Insert name) in reviewing the plans, drawings, specifications and supporting documents submitted with this application for a Permit; and further I confirm that I have relied only on the said Registered Professional for the adequacy of plans, drawings, specifications and supporting documents submitted with this application.
- (5) I understand that I should seek independent legal advice in respect of the responsibilities I am assuming upon the granting of a Permit by the Township pursuant to this application and in respect of the execution of this Acknowledgement
- (5) I confirm that the information submitted with this application is accurate and may be relied upon by the Township.

BY SIGNING BELOW, I HEREBY CONFIRM AND ACKNOWLEDGE THAT I HAVE READ AND UNDERSTOOD THE APPLICATION FORM AND THIS ACKNOWLEDGEMENT.

Signature: Owner _____ **Date** _____