

TOWN OF LADYSMITH

BUILDING & PLUMBING BYLAW 2024, NO.2174

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TOWN OF LADYSMITH

BYLAW NO.2174

A Bylaw to administer the Building Code and regulate Construction

The Council of the Town of Ladysmith in open meeting assembled enacts "Building & Plumbing Bylaw 2024, No. 2174" as follows:

PART 1: INTERPRETATION

Definitions

1.1 In this bylaw

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

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

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

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

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

BC Energy Step Code means the system of energy performance requirements

set out in subsections 9.36 and 10.2.3 of the *building code*;

BC Zero Carbon Step Code means the greenhouse gas (*GHG*) emission requirements set out in subsections 9.37 and 10.3 of the *building code*;

Building Act means the *Building Act* SBC 2015, c.2;

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 Town, and includes a building inspector, plan checker, plumbing inspector, gas inspector, or electrical inspector designated or appointed by the Town, and for certainty the *building official* is the “building inspector” referred to in the *Community Charter* and *Local Government Act*;

Certified Professional means a *registered professional* who has taken and passed the *Certified Professional Course* and has been recognized as a *Certified Professional* by either The Architectural Institute of British Columbia or Engineers and Geoscientists British Columbia;

Certified Professional Course means the program administered by the Architectural Institute of British Columbia for the sole purpose of training and certifying *Certified Professionals*;

Certified Professional Program means the alternative process for obtaining a *permit* and related occupancy *permit* under this bylaw;

complex building means:

(a) a *building* used for a *major occupancy* classified as:

- (i) *assembly occupancy*;
- (ii) *care occupancy*;
- (iii) *detention occupancy*;
- (iv) *high hazard industrial occupancy*;

- (v) *treatment occupancy*; or
 - (vi) *post-disaster building*,
- (b) a *building* exceeding 600 square metres in *building area* or exceeding three storeys in *building height* used for a *major occupancy* classified as:
- (i) *residential occupancy*;
 - (ii) *business and personal services occupancy*;
 - (iii) *mercantile occupancy*; or
 - (iv) *medium and low hazard industrial occupancy*,

coordinating registered professional means a *registered professional* retained pursuant to the *building code* to coordinate all design work and *field reviews* of the *registered professionals* required for a development;

Council means the Council of the Town of Ladysmith;

construct includes build, erect, install, repair, alter, add, enlarge, move, locate, relocate, reconstruct, demolish, remove, *excavate* or shore;

construction hoist means a machine designed for the safe and controlled vertical transport of materials or persons consisting of a guiding and supporting structure and equipment that is not a permanent part of a *building*, *structure*, or other work and that is installed and used during construction, *alteration*, or demolition;

constructor means a person who *constructs*;

CP Guide means the Certified Professional Program Practice and Procedure Manuel published jointly by The Architectural Institute of British Columbia and Engineers and Geoscientists British Columbia;

Energy Advisor means a consultant registered by a Service Organization licensed by Natural Resources Canada (NRCan) to deliver NRC's EnerGuide Rating Systems;

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

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

Fees and Charges Bylaw means the Town of Ladysmith Fees and Charges Bylaw, as amended or replaced from time to time;

Fire Chief means the person appointed by *Council* as head of the Fire Department, and includes a person:

- a) designated by *Council* to act in the place of the *Fire Chief*;
- b) who, for the purposes of a local assistant under the *Fire Services Act*, is authorized in writing by the *Fire Chief* to exercise the powers of a local assistant;
- c) appointed by *Council* as the Deputy *Fire Chief*; or
- d) for the purposes of exercising the powers of the *Fire Chief* under section 66 of the *Community Charter*, who is acting under the authority of the *Fire Chief*;

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;

hazard means any source of potential damage, harm or adverse health effects on something or someone;

hazardous material means a chemical or substance that is classified as a physical *hazard* material or a health *hazard* material, whether the chemical or substance is in usable or waste condition;

Hazardous Materials Survey Report means any and all studies, reports, analyses, information, or other written records regarding the presence or absence of *hazardous material* at, on, in, under or relating to the property;

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

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

permit means permission or authorization in writing by the *building official* to perform work regulated by this bylaw and, in the case of 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* and hot tub;

portable means easily capable of being moved from place to place;

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

Professional Governance Act means the *Professional Governance Act* SBC 2018, c. 47;

project means any construction operation;

registered professional means a person who is registered as an Architect with the Architectural Institute of British Columbia under the *Professional Governance Act*, or a person who is registered as a professional engineer or professional licensee engineering with the Association of Professional Engineers and Geoscientist of the Province of British Columbia under the *Professional Governance Act*;

retaining wall means a *structure* exceeding 1.2 metres 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

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

solar thermal technology means systems that harness and collect solar energy to generate electricity or water heating and are affixed permanently to a *building* or *structure* or are incorporated as part of the *buildings* or *structures* energy or plumbing systems;

storage rack means any combination of vertical, horizontal, and diagonal members that supports stored materials over 2.4m in height which may be affixed or *portable* and is intended to be loaded by machinery;

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

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

tower crane means a free-standing machine designed for the safe and controlled vertical and horizontal transport of materials that is erected on site from component parts or that is self-erecting and is used during construction, *alteration* or demolition;

value of the work means that amount that is calculated as follows:

- (a) for construction of a *building* containing a *residential occupancy* that is served by only one stove, or two stoves if permitted as an auxiliary and secondary *residential occupancy*, the greater of
 - (i) the declared *value of the work*; or
 - (ii) the value calculated using Appendix A; or

- (b) for all other construction, the greater of
 - (i) the declared *value of the work* based on the Architect's Estimate; or
 - (ii) the value calculated using a method stipulated in the "Marshall Valuation Service".

WorkSafeBC's Occupational Health and Safety Regulation means the Occupational Health and Safety Regulation adopted under the authority of the *Workers Compensation Act* RSBC 2019 c.1.

1.2 In this bylaw the following words and terms have the meanings

- (a) set out in section 1.4.1.2 of the building code as of the date of the adoption of this bylaw: accessible, assembly occupancy, building, building area, building height, business and personal services occupancy, care occupancy, constructor, coordinating registered professional, designer, detention occupancy, excavation, field review, firewall, first storey, grade, high hazard industrial occupancy, industrial occupancy, limiting distance, low hazard industrial occupancy, major occupancy, medium hazard industrial occupancy, mercantile occupancy, occupancy, plumbing system, post disaster occupancy, private sewage disposal system, residential occupancy, sanitary drainage system, treatment occupancy or unsafe condition;
- (b) subject to this bylaw, set out in the Schedule to the Community Charter: assessed value, highway, land, occupier, parcel, public authority, service and soil; and
- (c) subject to this bylaw, set out in section 29 of the Interpretation Act: may, must, obligation, person, property, writing, written and year.

1.3 Every reference to this bylaw in this or another bylaw of the Town is a reference to this bylaw as amended to the date of the reference.

1.4 Every reference to

- (a) the *building code* is a reference to the current edition as of the date of issuance of the *permit*; and

(b) 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.

1.5 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.

Appendices

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

Severability

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

PART 2: PURPOSE OF BYLAW

2.1 Despite any other provision in this bylaw, this bylaw must be interpreted in accordance with this Part.

2.2 Every *permit* issued under this bylaw is issued expressly subject to the provisions of this Part.

2.3 This bylaw is enacted to regulate, prohibit and impose requirements in regard to construction in the Town, in the public interest.

2.4 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 Town or any *building official* of any responsibility for ensuring the compliance by any *owner*, his or her representatives or any employees, *constructors* or *designers* retained by the *owner*, with the *building code*, the requirements of this bylaw, or other applicable enactments, codes or standards;

- (c) providing any person a warranty of design or workmanship with respect to any *building* or *structure* for which a *permit* is issued under this bylaw;
- (d) providing any person a warranty or assurance that construction undertaken under *permits* issued by the Town is free from latent, or any, defects; or
- (e) the protection of adjacent real property from incidental damage or nuisance.

PART 3: SCOPE AND EXEMPTIONS

Application

- 3.1 This bylaw applies to the geographical area of the Town and to *land*, the surface of water, air space, *buildings* or *structures* in the Town.
- 3.2 This bylaw applies to the design, construction or *occupancy* of new *buildings* or *structures*, and the *alteration*, reconstruction, demolition, removal, relocation or *occupancy* or change of use or *occupancy* of *existing buildings* and *structures*.
- 3.3 This bylaw does not apply to
 - (a) except as set out in Part 11 [*Retaining Walls*] of this bylaw, a fence;
 - (b) an accessory *building* with a floor area of less than 10 square metres that does not create an *unsafe condition*;
 - (c) a trellis, an arbour, a wall supporting *soil* that is less than 1.2 metres in height or other similar landscaping;
 - (d) an open roof pergola with no roof membrane including glass;
 - (e) a *building* or *structure* commonly known as "Canadian Standards Association Z240 MH series, Z241 series or A277 series", except as regulated by the *building code*;
 - (f) a floating *building* or *structure*, including boathouses, float homes, liveaboards, docks and marinas;
 - (g) a marine *structure*, whether floating or affixed to the seafloor, including to pilings, piers, breakwaters, docks, wharves, and mooring devices;

- (h) unenclosed, decks or patios which are less than 0.6 metres from the ground, which are not affixed to a *foundation*, or any structural member of a *structure* or *building* and do not serve as a means of egress;
- (i) children’s play equipment;
- (j) a hot tub with a locking lid that is placed on the ground or an elevated platform not more than 0.3 metres from the ground;
- (k) landscaping *structures* including boardwalks and elevated walking platforms, commonly built in addition to landscaped trails which do not serve as a means of egress and are built for the purpose of recreation;
- (l) a temporary detached tent measuring to a maximum of 25 square meters in floor area and six meters in height; and is anchored to the ground in a location approved by the *building official* and in accordance with the manufacturer’s recommendations;
- (m) temporary construction for the purposes of filming for which a valid film *permit* has been issued pursuant to Town of Ladysmith “Film Bylaw 2021, No. 2045; and
- (n) routine repair of *plumbing systems* or non-structural features of a *building* or *structure*.

Limited Application to Existing Buildings

- 3.4 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.
- 3.5 This bylaw applies if the whole or any part of an *existing building* is moved either within or into the Town, including relocation relative to *parcel* lines created by subdivision or consolidation. Part 12 applies to *building* moves.
- 3.6 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*.

- 3.7 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 4: PROHIBITIONS

- 4.1 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.
- 4.2 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*.
- 4.3 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.
- 4.4 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.

- 4.5 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.
- 4.6 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*.
- 4.7 A person must not interfere with or obstruct the entry of a *building official* or other authorized official of the Town on property in the administration of this bylaw.
- 4.8 A person must not *construct* on a *parcel* unless the civic address is conspicuously posted on the front of the premises or on a sign post so it may be easily read from the public *highway* from which it takes its address.
- 4.9 A person must not contravene an administrative requirement of a *building official* made under section 6.6 or any other provision of this bylaw.
- 4.10 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 *permit* under this bylaw.

PART 5: PERMIT CONDITIONS

- 5.1 A *permit* is required if work regulated under this bylaw is to be undertaken.
- 5.2 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 Town will in any way
 - (a) relieve the *owner* (and if the *owner* is acting through an *agent*, the *agent* of the *owner*) from full and sole responsibility to perform the work in respect of which the *permit* was issued in strict compliance with this bylaw, the *building code*, and all other applicable codes, standards and enactments;
 - (b) constitute a representation, warranty, assurance or statement that the *building code*, this bylaw or any other applicable enactments respecting safety, protection, land use and zoning have been complied with; or

- (c) constitute a representation or warranty that the *building or structure* meets any standard of materials or workmanship.
- 5.3 A person shall not rely on any *permits* establishing compliance with this bylaw or assume or conclude that this bylaw has been administered or enforced according to its terms.
- 5.4 Without limiting section 5.2(a), it is the full and sole responsibility of the *owner* (and if the *owner* is acting through a representative, the representative of the *owner*) to carry out the work in respect of which the *permit* was issued in compliance with the *building code*, this bylaw and all other applicable codes, standards and enactments.

PART 6: POWERS OF A BUILDING OFFICIAL

Administration

- 6.1 Words defining the authority of a *building official* are to be construed as internal administrative powers and not as creating a duty.
- 6.2 A *building official* may
- (a) administer this bylaw, but owes no public duty to enforce or administer this bylaw;
 - (b) keep records of applications received, *permits*, notices and orders issued, inspections and tests made, and may retain copies of all papers and documents connected with the administration of this bylaw;
 - (c) 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*.

Refusal and Revocation of Permits

- 6.3 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 Town, and must state the reason in writing.
- 6.4 A *building official* may revoke a *permit* if, in their opinion:
- (a) the results of tests on materials, devices, construction methods, structural assemblies or *foundation* condition contravene the *building code* or the provisions of this bylaw;
 - (b) the applicant has not obtained additional *permits* required under this bylaw or another enactment of the Town; or
 - (c) the applicant has not obtained additional *permits* required under an enactment of the provincial or federal government that relate to safety.

Right of Entry

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

Powers

- 6.6 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 Town or other applicable enactments, or if there is deemed to be a *unsafe condition*, and may enter on property to affix or post a stop work order in the form prescribed by the *building official*;
 - (c) an *owner* to remove or prevent any unauthorized encroachment on a public *parcel*, a statutory right of way or easement, or a setback or yard required under an enactment;

- (d) an *owner* to remove any *building* or *structure*, or any part of a *building* or *structure*, *constructed* in contravention of a provision of this bylaw;
 - (e) an *owner* to have work inspected by a *building official* prior to covering;
 - (f) an *owner* to uncover any work that has been covered without inspection contrary to this bylaw or an order issued by a *building official*;
 - (g) a person to cease any *occupancy* in contravention of a provision of this bylaw;
 - (h) a person to cease any *occupancy* if any *unsafe condition* exists because of work being undertaken but not complete and where the *building official* has not issued a final inspection notice for the work;
 - (i) an *owner* to correct any *unsafe condition*; and
 - (j) an *owner* to correct any work that contravenes this bylaw, the *building code*, or any other enactment.
- 6.7 Every reference to "*owner*" in section 6.6 includes a reference to the *owner's* agent or *constructor*.
- 6.8 Every person served with a notice under this Part must comply with that notice
- (i) within the time ordered, or
 - (ii) if no time is ordered, immediately.

PART 7: OWNER'S RESPONSIBILITIES

Permit Requirements

- 7.1 Subject to Part 10 of this bylaw, every *owner* must apply for and obtain:
- (a) a *building permit* before constructing, repairing or altering a *building* or *structure*, including a *pool*, *storage rack* or *retaining wall*, or when any change in class of *occupancy* or use occurs;
 - (b) a *building permit* before beginning any *excavation* deeper than 1.2m in connection with the construction, repair or *alteration* of a *building* or *structure*;
 - (c) a *occupancy permit* before occupying a new *building* or *structure*;

- (d) a plumbing *permit* before installing, repairing or altering any *plumbing system* including fire suppression systems;
- (e) a *building permit* before constructing a masonry fireplace, or installing a wood-burning appliance or chimney, within or attached to a *building* or *structure*;
- (f) a *building permit* before constructing and installing *solar thermal technology* on a *building* or *structure*;
- (g) a demolition *permit* before demolishing a *building* or *structure*;
- (h) a *building moving permit* before moving a *building* to any property;
- (i) a driveway access *permit* before constructing a driveway; and
unless the works are subject of another valid and subsisting *permit*.

7.2 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*.

7.3 An application for any *permit* under this bylaw shall be made in the form prescribed by the *building official*, as amended from time to time, and signed by the *owner*, or signing officer if the *owner* is a corporation.

Owner's Obligations

7.4 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 *permit*, execute and submit to the Town an

owner's undertaking in the form prescribed by the *building official*, where required by the *building official*.

- 7.5 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 Town 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.
- 7.6 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;
 - (b) post the *permit* on the property so that it may be easily read from the public *highway* from which the property takes its address;
 - (c) provide suitable access to all areas in accordance with *WorkSafeBC's Occupational Health and Safety Regulation* to allow a *building official* to conduct an inspection away from any potential *unsafe condition*; and
 - (d) when requested by a *building official* prior to any inspection, provide documentation including a Notice of Project, *Hazardous Materials Survey Report*, Clearance Letter, Post Abatement Inspection Report, Asbestos Abatement Licence registered with WorkSafeBC, Environmental Soil Sampling or a *registered professional's field review* speaking to an area or element considered to be a potential *unsafe condition* by a *building official*.
- 7.7 No inspections listed within section 10.36 will be conducted by a *building official* unless all of section 7.6 has been completed to the satisfaction of a *building official*.

Damage to Municipal Works

- 7.8 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*.

- 7.9 In addition to payment of a damage or security deposit under sections 10.8 to 10.12, every *owner* must pay to the Town, within 30 days of receiving an invoice for same from the Town, 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.

Demolition

- 7.10 Prior to obtaining a *permit* to demolish a *building* or *structure*, the *owner* must
- (a) provide to the Town a vacancy date;
 - (b) if requested by the *building official* prior to any inspection, provide a *building official* with a *Hazardous Materials Survey Report* that must identify all potential *hazardous materials* that may be disturbed or removed during the demolition process;
 - (c) pay capping and inspection chamber installation fees as set out in the Town’s bylaws governing waterworks and sewer; and
 - (d) ensure that all municipal services and other services are capped and terminated at the property line in a Town standard inspection chamber and valve arrangement.
- 7.11 Every *owner* must ensure that, on completion of all demolition procedures, all debris and fill are cleared, and the site is levelled or graded, or made safe if levelling and grading are not possible.

Notice

- 7.12 Every *owner* must give written notice to a *building official* of any change in or termination of engagement of a *registered professional*, including a *coordinating registered professional*, during construction, within 24 hours of when the change or termination occurs.
- 7.13 If an *owner* or a *registered professional* terminates the engagement of a *registered professional*, including a *coordinating registered professional*, the *owner* must terminate all work under a *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.

- 7.14 Without limiting sections 10.32 to 10.50, every *owner* must give at least 48 hours' telephone 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.
- 7.15 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*.
- 7.16 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 8: OBLIGATIONS OF OWNER'S CONSTRUCTOR

- 8.1 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.
- 8.2 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.
- 8.3 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 9: REGISTERED PROFESSIONAL'S RESPONSIBILITIES

Professional Design and Field Review

- 9.1 The provision by the *owner* to the Town 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 Town with letters of assurance in the form of Schedules C-A or C-B, as appropriate, referred to in subsection 2.2.7, Division C, of the *building code*.
- 9.2 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* in the form and amount set by Appendix B to this bylaw.

Requirement for a Registered Professional

- 9.3 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 subsection 2.2.7, Division C, of the *building code*, in respect of a *permit* application:
- (a) prior to the pre-occupancy site review coordinated by the *coordinating registered professional* or other *registered professional* for a *complex building*, or
 - (b) prior to a final inspection for a *simple building* in circumstances where letters of assurance have been required in accordance with the requirements of the *building code*, in which case the *owner* must provide the Town with letters of assurance in the form of Schedules C-A or C-B, as appropriate, referred to in subsection 2.2.7, Division C, of the *building code*;
 - (c) except for 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 Town.

9.4 The *building official* may require any *registered professional* carrying out the *professional design* and *field review* required under section 9.3 to provide evidence that they have experience and expertise in respect of the *professional design* and *field review* of the context and scope required.

Professional Plan Certification

9.5 The letters of assurance in the form of Schedules A and B as referred to in subsection 2.2.7, Division C, of the *building code* referred to in sections 9.1 and 9.3 are relied upon by the Town 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.

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

9.7 For a *building permit* issued for the construction of a *complex building*, the *building official* shall provide the *owner* with a notice that the *building permit* is issued in reliance on the certification of the *registered professional* that the *professional design* and plans submitted in support of the application for the *building permit* comply with the *building code* and other applicable

enactments. Any failure on the part of the *building official* to provide the *owner* with the notice will not diminish or invalidate the reliance by the Town or its *building officials* on the *registered professionals*.

- 9.8 If a *permit* is issued for a construction requiring a Schedule A or B from a *coordinating registered professional* or *registered professional*, the *permit* fee is reduced by 5% of the fees payable under the *Fees and Charges Bylaw*, up to a maximum reduction of \$500.00.
- 9.9 The reduction in fee shown in 9.8 shall not be refunded to the *owner* if the Schedule A or B is submitted to the *building official* after the *permit* is issued.

Certified Professional Program

- 9.10 If an *owner* elects to apply for a *permit* under the *Certified Professional Program* at the *owner's* expense, then 9.11 to 9.18 applies to the design and construction of the *building* or *structure*, in addition to the other provisions of this bylaw.
- 9.11 When a *building official* deems an inordinate amount of *building permits* applications have been received such that the Town does not have capacity to review all active applications in a timely manner, a *building official* may accept in its discretion an application for a *permit* under the *Certified Professional Program*, provided that:
- (a) the *building* document plans have been reviewed by the *Certified Professional* for compliance with requirements of the *building code*;
 - (b) the *permit* application has been prepared in accordance with the *CP Guide*, Town bylaws and applicable enactments, and includes all required letters of assurance, and any required confirmations requested by the *building official* with respect to the development and *building code* coordination; and
 - (c) proof of insurance for the *Certified Professional* has been provided in accordance with the requirements set out in Appendix B.
- 9.12 A *building official* may suspend a *registered professional* from practicing as a *Certified Professional* in the Town if the *registered professional*:
- (a) is no longer licensed as a *registered professional* in the Province of British Columbia;

- (b) submits any required documentation requested by the *building official*, which is in any material way inaccurate or misleading;
- (c) fails to notify the *building official* in a timely manner of any significant known unresolved contraventions of the *building code* or *permit* requirements;
- (d) fails to perform any duties or obligations required by this bylaw; or
- (e) fails to maintain the insurance as set out in the Appendix B.

9.13 A *Certified Professional* must, in respect of the development for which a *permit* was issued under the *Certified Professional Program*, and in addition to any other applicable responsibilities:

- (a) comply and carry out the duties of a *Certified Professional*, including the duties and obligations of a *Certified Professional* set out in the *CP Guide*;
- (b) advise the *building official*, in writing, if any matter of design, construction or *field review* does not meet the requirements of the *building code*;
- (c) at least once every 30 days from the date of issuance of a *permit*, submit to the *building official* a written progress report; and
- (d) advise the *building official* promptly, in writing, if the *Certified Professional* ceases to be retained by the *owner*, resigns or is otherwise unable or unwilling to carry out *field reviews* or other duties related to the development.

9.14 The *building official* may post a stop work order notice in the form prescribed by the *building official* on the premises or revoke a *permit* under the *Certified Professional Program* in any of the following circumstances:

- (a) if the *Certified Professional* ceases to be retained by the *owner*, resigns or is otherwise unable or unwilling to carry out *field reviews* or other duties related to the development for which a *permit* was issued under the *Certified Professional Program*;
- (b) if the *Certified Professional* is no longer licensed as a *registered professional* in the Province of British Columbia or is suspended from practicing as a *Certified Professional* in the Town pursuant to 9.12;
- (c) if the *Certified Professional* fails to perform any of their duties or obligations under this bylaw; or

(d) if a document required by this bylaw or under the *Certified Professional Program* is not delivered by the *Certified Professional* within the time frame specified in this bylaw or as required by the *building official*.

9.15 Where a stop work order has been posted or where a *permit* is revoked pursuant to 9.14, the *owner* shall comply with 10.42 to 10.47 of this bylaw, and work on the development must not resume until the *building official* has received written notice from a *Certified Professional* that a *Certified Professional*:

(a) has been retained by the *owner* for the continuation of construction of the *building* or *structure*;

(b) has reviewed the *building* or *structure* and confirmed that the *building* or *structure*, as *constructed* up to that point, substantially complies with the *building code*, and has been *constructed* in accordance with the approved plans; and

(c) will carry out the duties of the *Certified Professional* that are required in order to bring the *building* or *structure* to completion and to certify substantial compliance with the *building code*, this bylaw and other applicable enactments and that construction will be in accordance with the previously approved plans.

9.16 Nothing in 9.11 to 9.18 in any way relieves the *owner* from full responsibility for ensuring that a *Certified Professional* is engaged during construction of the *building* or *structure*, and that the *building* or *structure* is in substantial compliance with the *building code*, this bylaw and other applicable enactments.

9.17 Where the *building official* accepts a *permit* application and letters of assurance from a *Certified Professional* for a development, the *building official* will rely on the letters of assurance issued by the *Certified Professional* and other *registered professionals*:

(a) that the drawings meet the requirements of the *building code* for the issuance of a *permit* under this bylaw; and

(b) that the construction substantially conforms to the design, plans and specifications and that the construction complies with the *building code* and this bylaw for the issuance of an *occupancy permit* under this bylaw.

9.18 Every provision of this bylaw and the *building code* that applies to a *registered professional* also applies to a *Certified Professional*.

9.19 The following notice shall be included on a *permit* that is issued in reliance of a *Certified Professional Program*:

"This *permit* is issued relying on an independent review by a *Certified Professional*, "INSERT NAME" of "INSERT NAME OF COMPANY," who has indicated in writing that the *permit* application in its entirety complies with the *building code*, this bylaw and other applicable enactments respecting safety of the *building* or *structure*."

PART 10: BUILDING APPLICATION REQUIREMENTS

Requirements Before Applying for a Building Permit

10.1 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 Town'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 Town, except to the extent a variance of a bylaw is authorized by a development *permit*, development variance *permit* or order of the Board of Variance;
- (c) an approving officer must have approved the subdivision plan that, once registered, would create the *parcel* on which the proposed *building* or *structure* will be *constructed*, and the subdivision plan must have been registered in the Land Title Office;
- (d) the *owner* must provide evidence to the *building official* showing that the person applying for the *building permit* is either the *owner* of the *parcel* that is the subject of the proposed *building permit*, or is the *agent* of the *owner*, in which case, the *agent* must provide the name and contact information of the *owner*;
- (e) the *parcel* that is the subject of the *building permit* application must be connected to the Town's sewage disposal system, or the *owner* must apply

for and obtain approval from the Town and other applicable public authorities for an alternate *private sewage disposal system*;

- (f) the *parcel* that is the subject of the *building permit* application must be connected to the Town’s waterworks system, or the *owner* must apply for and obtain approval from the Town and other applicable public authorities for an alternate water supply system;
- (g) the *parcel* that is the subject of the *building permit* must be connected to the Town’s storm water drainage system, or the *owner* must apply for and obtain approval from the Town and other applicable public authorities for the alternate storm water drainage and detention system;
- (h) if the *parcel* that is subject to a *building permit* does not have *constructed* works and services on their frontage to service the *parcel*, the *owner* must pay for or *construct* at their expense all required works and services in accordance with the Towns relevant bylaws.

Building Permit Applications for Complex Buildings

10.2 An application for a *building permit* with respect to a *complex building* must

- (a) be made in the form prescribed by the *building official* and signed by the *owner*, or a signing officer if the *owner* is a corporation;
- (b) be accompanied by the *owner’s* acknowledgement of responsibility and undertaking made in the form prescribed by the *building official* and signed by the *owner*, or a signing officer if the *owner* is a corporation;
- (c) include a copy of a title search for the relevant property made within 30 days of the date of the *permit* application;
- (d) include a *building code* compliance summary under 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, *firewalks* and facilities;
- (e) include a copy of a survey plan with information shown in Appendix D prepared by a British Columbia Land Surveyor;

- (f) include a site plan prepared by a *registered professional* in format prescribed by the *building official*;
- (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 two cross-sections through the *building* or *structure* in sufficient detail and locations to illustrate *foundations*, drainage, ceiling heights and construction systems;
- (i) include elevations plans of all sides of the *building* or *structure* showing finish details, roof slopes, windows, doors, and spatial separation calculations as set out in Appendix E to comply with the *building code* and to illustrate that the *building* or *structure* conforms with the Town zoning bylaw and development *permit*. Elevations plans shall include geodetic elevations calculated in conformance with the Town zoning bylaw that show natural and finished *grade*, building height, maximum permitted building height, height of eaves, and mid-point between eaves and peak of a sloping roof;
- (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, 2.2.8 and 2.2.9, Division C of the *building code*;
- (l) include copies of approvals required under any enactment relating to health or safety, including, without limitation, sewage disposal *permits*, *highway access permits* and ministry of health approvals;
- (m) include a letter of assurance in the form of Schedule A referred to in subsection 2.2.7 Division C, of the *building code*, signed by the *owner*, or a signing officer if the *owner* is a corporation, and the *coordinating registered professional*;

- (n) include letters of assurance in the form of Schedule B referred to in subsection 2.2.7 Division C, of the *building code*, each signed by such *registered professionals* as the *building official* or *building code* may require to prepare the design for and conduct *field reviews* of the construction of the *building*;
- (o) include a construction fire safety plan made in the form prescribed by the *building official* or a form deemed acceptable by the *Fire Chief*;
- (p) include *BC Energy Step Code* and *BC Zero Carbon Step Code* compliance documentation;
- (q) 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
- (r) include illustration of any slopes on the subject *parcel* that exceed 30%.

10.3 In addition to the requirements of section 10.2 of this Part, a *building official* may, if the complexity of the proposed *building* or *structure* or siting circumstances warrant, require the following to be submitted with a *permit* application for the construction of a *complex building*:

- (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 Town’s subdivision and development servicing bylaw;
- (b) a section through the site showing *grades, buildings, structures, parking areas and driveways*; and
- (c) any other information required by the *building official* or the *building code* to establish substantial compliance with this bylaw, the *building code* and other bylaws and enactments relating to the *building* or *structure*.

Building Permit Applications for Simple Buildings

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

- (a) be made in the form prescribed by the *building official* and signed by the *owner*, or a signing officer if the *owner* is a corporation;

- (b) be accompanied by the *owner's* acknowledgment of responsibility and undertaking made in the form prescribed by the *building official* and signed by the *owner*, or a signing officer if the *owner* is a corporation;
- (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 with information shown in Appendix D 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 in a format prescribed by the *building official* 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 two cross-sections through the *building* illustrating *foundations*, drainage, ceiling heights and construction systems;
- (h) include elevations plans of all sides of the *building* or *structure* showing finish details, roof slopes, windows, doors, and spatial separation calculations as set out in Appendix E to comply with the *building code* and to illustrate that the *building* or *structure* conforms with the Town zoning bylaw and development *permit*. Elevations plans shall include geodetic elevations calculated in conformance with the Town zoning bylaw that show natural and finished *grade*, building height, maximum permitted building height, height of eaves, and mid-point between eaves and peak of a sloping roof;
- (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 *BC Energy Step Code* and *BC Zero Carbon Step Code* compliance documentation;
- (n) include two sets of drawings and digital plans, if available, at a suitable scale of design (1/4"=1') including the information set out in (f) to (i) of this section; and
- (o) if the *building official* requires, 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*.

10.5 In addition to the requirements of section 10.4 of this Part, 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*:
 - i. a section through the site showing *grades*, *buildings*, *structures*, parking areas and driveways;
 - ii. a roof plan and roof height calculations;

- iii. structural, electrical, plumbing, mechanical or fire suppression drawings prepared and sealed by a *registered professional*;
- iv. letters of assurance in the form of Schedule B referred to in Division C of the *building code*, signed by a *registered professional*;
- v. a construction fire safety plan made in the form prescribed by the *building official* or a form deemed acceptable by the *Fire Chief*, and
- vi. any other information required by the *building official* or the *building code* to establish substantial compliance with this bylaw, the *building code* and other bylaws and enactments relating to the *building* or *structure*.

Site and Location Information

10.6 Without limiting sections 10.2(e) or 10.4(d) of this Part, the *building official* may in writing require an *owner* to submit an up-to-date plan or survey prepared by a registered British Columbia Land Surveyor which contains sufficient information respecting the site and location of any *building* to:

- (a) establish, before construction begins, that all the provisions of this bylaw in relation to this information will be complied with;
- (b) verify, on completion of the construction, that all provisions of this and other applicable bylaw have been complied with;
- (c) in relation to an *existing building*, substantiate its location, size, including appurtenances whether above, at or below ground level, relative to the site or its relationship to neighbouring *grades*; and
- (d) in relation to construction of a new *building*, or *addition* to an *existing building*, prior to and after the placement of concrete for *foundations* and footings, show the *elevation* at proposed top of concrete on all *building* elevations and at all significant changes of elevation to substantiate its size, location and elevation,

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

Permit Fee

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

Damage and Security Deposits with Permit Applications

- 10.8 An applicant for a *permit* must pay to the Town, at the time of the application, the following damage or security deposit:
- (a) for a *simple building permit (alterations only)*: \$1,500.00;
 - (b) for a *simple building permit*: \$2,500.00;
 - (c) for a *complex building permit (alterations only)*: \$2,500.00;
 - (d) for a *complex building permit*: to be determined by the Town’s Director of Infrastructure Services or designate;
 - (e) for a *building moving permit*: \$5,000.00;
 - (f) for a *demolition permit*: \$3,500.00; and
 - (g) for a *building permit* that requires the use of *tower cranes* or *construction hoists*: security in the form of a deposited irrevocable letter of credit or cash in the amount which is, in the opinion of the Town’s Director of Infrastructure Services or designate, sufficient to pay the cost of removing the *tower cranes* or *construction hoists* plus 15%.
- 10.9 The Town may use the security under subsections 10.8 to:
- (a) restore or replace any public works or public *lands* destroyed, damaged or otherwise impaired by the applicant or any person acting on behalf of the applicant; or
 - (b) make the site safe if the permit holder abandons or fails to complete the work as designated on the permit.

10.10 The damage and security deposit, less any amounts used under section 10.9, may only be returned to the applicant once:

- (a) the *building official* is satisfied that no further damage to public works or public *lands* will occur;
- (b) the inspections required by this bylaw are complete and acceptable to the *building official*; and
- (c) an *occupancy permit* or final inspection notice is issued.

10.11 If the proposed work includes *excavation* or construction on *lands* within 10 metres of works or services owned by the Town, the *owner* must deliver to the *building official* a signed agreement in a form prescribed by the Town's Director of Infrastructure Services or designate 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 Town's Director of Infrastructure Services or designate, and the *owner* must deposit with the Town security in accordance with sections 10.8 to 10.10 of this Part

10.12 Where the cost to repair damage to works and services or municipal property under section 10.11 exceeds the security under section 10.8, the Town may withhold inspections and *permits* until the applicant has paid the amount required to cover the cost of repairing the damaged works and services.

Permit Fee Refunds

10.13 No *building permit* fee or other *permit* fee will be refunded after the *permit* is issued by the Town.

10.14 An inspection fee may be partially refunded, only if

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

10.15 An inspection fee is not refundable after the *permit* has been extended under section 10.52 of this Part.

Design Modification

10.16 If an issued *building permit* or other *permit* is active and the *owner* proposes modification to the *building or structure* design whereby the *value of the work* does not increase or the *value of the work* decreases, the *owner* must pay to the Town a *permit* fee based on the plan review hourly rate set out in the *Fees and Charges Bylaw*.

Construction Before Permit Issued

10.17 The *building permit* or other *permit* fee is doubled for every *permit* application if construction commenced before the *building official* issued a *permit*.

Expiration of Application for a Permit

10.18 An application for any *permit* required by this Bylaw will be cancelled if *permit* fees are not paid within 180 days from the date of notification to the applicant that the Town is prepared for *permit* issuance.

10.19 An application for any *permit* required by this Bylaw will be cancelled if all submissions required by this Bylaw are not submitted to the *building official* within 90 days after the initial *permit* application is received by the *building official*.

Issuance of a Permit

10.20 If

- (a) a completed application in compliance with sections 10.2 and 10.3 or sections 10.4 and 10.5 of this Part, including all required supporting documentation, has been submitted;
- (b) the *owner* has paid all applicable fees set out in sections 10.7 to 10.17 of this Part and the *Fees and Charges 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 Town requires or authorizes the *permit* to be withheld,

the *building official* must issue the *permit*, in the form prescribed by the *building official*, for which the application is made, and the date of issuance is deemed to be the date the Town gives written notice to the *owner* that the *permit* is ready to be picked up by the *owner*.

10.21 The *building official* may issue a partial *building permit* for the *excavation* required to *permit* construction of a *building* or *structure*, which shall be superseded when the *building permit* for the *building* or *structure* is issued by the *building official* and only after the security or damage deposit listed under 10.8 and the applicable *excavation permit* fee set out in the *Fees and Charges Bylaw* is paid to the Town.

10.22 Despite section 10.20, the *building official* may refuse to issue a *permit* when the *owner* has been notified of a violation of this bylaw about the construction of another *building* or *structure* by the *owner*.

Compliance with the Homeowner Protection Act

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

- (a) is covered by home warranty insurance; and
- (b) the *constructor* is a licensed “residential builder” as defined in that Act.

10.24 Section 10.23 of this Part does not apply if the *owner* is not required to be licensed and to obtain home warranty insurance in accordance with sections 20(1) or 30(1) of the *Homeowner Protection Act*.

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

Partial Construction

- 10.26 If a site has been *excavated* under a *permit* for *excavation* issued under this bylaw and a *permit* is not subsequently issued or a subsisting *permit* has expired under section 10.51, but without the construction of the *building* or *structure* for which the *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 Town to do so.
- 10.27 If a *permit* has expired and partial construction has progressed, with no extension requested of the *building official* under section 10.52, permanent type fencing with privacy screen complying with the Town zoning bylaw, must be erected around the *building* or *structure* site for protection to the public.
- 10.28 If a *permit* for a *building* or *structure* has expired and partial construction has progressed, with no extension requested of the *building official* under section 10.52 or if the *project* has been abandoned, the *owner* of the property must immediately ensure that construction tools, equipment and materials are removed from the property and that the property is secured against unauthorized entry or occupation, vandalism, or other intentional damage or fire *hazards* by doing one or more of the following in addition to the requirements of 10.27:
- (a) affixing structural barriers to windows and other points of ingress using materials and installation that are effective in precluding easy entry;
 - (b) installing a security lighting system which does not impact neighbouring properties;
 - (c) installing a security alarm system;
 - (d) employing security or guard patrols on a frequent and periodic basis; and
 - (e) utilizing or installing other security measures or devices that are satisfactory to the *building official*.
- 10.29 The security measures listed in section 10.27 and 10.28 must remain in place until a *permit* is issued by the *building official* for the purpose of completing or demolishing the *building* or *structure*.

Conditions of a Building Permit

- 10.30 A *permit* or an application for a *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 *permit* is not an extension of a *permit*.
- 10.31 The review of plans and supporting documents and issuance of a *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.

Inspections

- 10.32 If a *registered professional* provides letters of assurance in accordance with this Part, the Town 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.
- 10.33 If a *permit* is issued under the *Certified Professional Program*, no inspections will be conducted by a *building official*.
- 10.34 Despite section 10.32 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*.
- 10.35 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.
- 10.36 For all work in respect of *simple buildings* the *owner* must give at least 48 hours' notice to the Town 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) *excavation*, within 24 hours of the start of *excavation*;
- (c) *foundation* and footing forms, and if deemed necessary by the *building official* only after having obtained a survey from a registered British Columbia Land Surveyor as to their location in relation to *parcel* boundaries, before concrete is poured;
- (d) installation of perimeter drains, underground roof leaders, drain rock, and *foundation* damp-proofing, prior to backfilling;
- (e) prior to inspection under section 10.36(f), plumbing located below the finished slab level;
- (f) the preparation of ground, including ground cover when required, radon or *soil* gas control systems, perimeter insulation on inside of concrete *foundation* walls and reinforcing steel;
- (g) after inspection under section 10.36(f) hydronic heating pipes and below slab insulation;
- (h) installation of rough-in plumbing including sprinkler systems before it is covered;
- (i) installation of *buildings* services before being covered. Testing of the entire underground *sanitary drainage system* shall be tested as required by the *building code* and when considered necessary by the *building official*, shall be retested after the completion of all backfilling and grading by heavy equipment;
- (j) rough in of factory built chimneys and fireplaces and solid fuel burning appliances;
- (k) 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;
- (l) insulation and vapour barrier;

- (m) construction of an exterior deck;
- (n) on-site *constructed* tubs or showers and tub or shower trap tests; and
- (o) 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*.

10.37 A *building official* will only carry out an inspection under section 10.36 if the *owner* or the *owner's agent* has requested the inspection by telephone or in writing in accordance with this bylaw.

10.38 Despite the requirement for the *building official's* acceptance of the work outlined in section 10.36, if a *registered professional* provides letters of assurance, the Town 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.

10.39 A person shall not conceal any aspect of the work referred to in section 10.36 of this bylaw until a *building official* has *accepted* it in writing.

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

- (a) give at least 48 hours' written or telephone notice to the Town 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' written or telephone notice to the Town 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 Town 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* the Confirmation of Required Documentation described in Appendix C, in digital pdf format.

10.41 In all cases where it is proposed to conduct any sewer or storm waste to the public sewer or storm system, the connection to each system shall be approved by the Town’s Director of Infrastructure Services or designate prior to the connection being installed.

Stop Work Order

10.42 The *building official* may direct the immediate suspension or correction of all or a portion of the construction on a *building* or *structure* by attaching a stop work order notice in the form prescribed by the *building official* on the premises whenever it is found that the work is not being performed in accordance with the requirements of the *building code*, any applicable bylaw of the Town or the applicable provisions of the *Homeowner Protection Act*.

10.43 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.

10.44 If a *registered professional’s* services are terminated, the *owner* must immediately stop any work that is subject to his or her *design* or *field review* and the *building official* is deemed to have issued a stop work order under section 10.42.

10.45 The *owner* must immediately, after the posting of a notice under section 10.42, 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 Town.

10.46 Subject to section 10.42 no work other than the required remedial measures may be carried out on the *parcel* affected by the notice referred to in section 10.42 until the stop work order notice has been removed by the *building official*.

10.47 The notice referred to in section 10.42 must remain posted on the premises until that which is contrary to the enactments has been remedied. If the notice referred to in section 10.42 remains posted after 30 days due to the remedial measures not being carried out by the *owner*, the *owner* must pay the non-refundable fee set out in the *Fees and Charges Bylaw* for each 30 day period until the notice has been removed by the *building official*.

Do Not Occupy Notice

10.48 If a person occupies a *building* or *structure* or part of a *building* or *structure* in contravention of this bylaw or where the *building* or *structure* is deemed unsafe by the *building official*, a *building official* may post a Do Not Occupy Notice in the form prescribed by the *building official* on the affected part of the *building* or *structure*.

10.49 If a notice is posted under section 10.48, the *owner* of a *parcel* on which a Do Not Occupy Notice has been posted, and every other person, must cease *occupancy* of the *building* or *structure* immediately and refrain from further *occupancy* until all applicable provisions of the *building code* and this bylaw have been substantially complied with and the Do Not Occupy Notice has been rescinded in writing by a *building official*.

Inspection and Other Fees

10.50 In addition to the fees required under other provisions of this bylaw, the *owner* must pay the non-refundable fee set out in the *Fees and Charges Bylaw* for:

- (a) a second and each subsequent re-inspection where it has been determined by the *building official* that due to non-compliance with the provisions of this bylaw or due to non-complying work, more than one site visit is required for any required inspection;
- (b) a special inspection during the Town'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 Town's normal business hours.

Permit Expiration

10.51 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*.

Permit Extension

10.52 A *building official* may extend the period set out under section 10.51 for only one period, not to exceed 365 days, 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 the *Fees and Charges Bylaw* has been paid.

Permit Revocation

10.53 The *building official* may revoke a *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 Town, such *permit* revocation must be in writing and sent to the *permit* holder by signature email to, or personal service on, the *permit* holder.

Permit Cancellation

- 10.54 A *permit*, or a *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*.
- 10.55 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". 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".
- 10.56 If a *permit* application or *permit* is cancelled, and construction has not commenced under the *permit*, the *building official* must return to the *owner* any refundable inspection fees deposited under the *Fees and Charges Bylaw*.

Occupancy

- 10.57 A person shall not occupy a *building* or *structure* or part of a *building* or *structure* until a final inspection notice and occupancy *permit* has been issued by a *building official*.
- 10.58 A final inspection notice 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 sections 7.12 to 7.16 of Part 7 of this bylaw have both been inspected and *accepted* or the inspections and acceptance are not required in accordance with this bylaw;
 - (c) the *owner* has delivered to the Town as-built plans of works and services in digital format if requested by the *building official*;
 - (d) the *owner* has provided to the Town a *building* or *structure* survey prepared by a British Columbia Land Surveyor showing the *building* or *structure* height, size, location and elevation determined in accordance

with the Town’s land use regulations;

- (e) all other documentation required under applicable enactments has been delivered to the Town; and
- (f) the *owner* has delivered to the Town as-built drawings of the *building* or *structure* in digital format if requested by the *building official*.

10.59 When a *registered professional* provides letters of assurance in accordance with this bylaw, the Town 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.

10.60 A *building official* may issue a final inspection notice and *occupancy permit* for partial *occupancy* of a portion of a *building* or *structure* under construction when

- (a) that portion of the *building* or *structure* is self-contained and provided with essential services respecting *health and safety aspects of the work*, and if applicable, accessibility, *GHG* emissions and conservation;
- (b) the *building* is not a single-detached dwelling with or without a secondary suite; and
- (c) the requirements set out in section 10.58 have been met with respect to it.

10.61 A final inspection notice and *occupancy permit* may not be issued unless:

- (a) all letters of assurance and the Confirmation of Required Documentation described in Appendix C 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 Part 9 and sections 10.32 through 10.41 of this bylaw have both been inspected and *accepted*;
- (c) the *owner* has executed and delivered to the Town every agreement, instrument or form required by the Town in relation to the work or the site; and
- (d) all required offsite works respecting safety have been completed.

Temporary Buildings

10.62 Subject to the bylaws and orders of the Town, 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 two years; and
- (b) the *building or structure* is located in compliance with the Town's zoning bylaw, built in compliance with the *building code* and this bylaw, and connected, as required by enactments, to Town utility services or other services respecting health and other required services under health enactments.

10.63 A *building official* may extend the period set out under section 10.62 for only one period, not to exceed 365 days, 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, and if the extension would facilitate,

- (a) a sales office necessary for sales of *buildings* within the same development,
- (b) operations of a related ongoing special event,
- (c) a *post-disaster occupancy* that is essential to the provision of service in the event of a disaster, or
- (d) a site office or tool storage *building or structure* necessary for the finalization of a related *building permit* within the same development.

10.64 The application for an extension set out in section 10.63 is only valid if,

- (a) the application is submitted to the *building official* at least 30 days prior to the date of *permit* expiration; and
- (b) the non-refundable fee set out in the *Fees and Charges Bylaw* has been paid.

10.65 An application for a *building permit* for the erection or placement of a *temporary building or structure* must be made in the form prescribed by the *building official*, signed by the *owner* or *agent*, and must include:

- (a) plans and supporting documents showing the location and *building height* of the *building or structure* on the *parcel*;
- (b) plans and supporting documents showing construction details of the *building or structure*;
- (c) a statement by the *owner* indicating the intended use and duration of the use;
- (d) plans and supporting documents showing the proposed parking and loading space;
- (e) a written description of the *project* explaining why the *building* is temporary;
- (f) a copy of an issued development *permit*, if required;
- (g) in the case of a manufactured *building*, a CSA label in respect of manufacture and, without limitation, a Quonset or other steel *building must* be certified in accordance with CSA Standard A660;
- (h) a report or drawing by an engineer, architect or *designer* confirming compliance with the *building code*, this bylaw, the Town’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 Town to remove the *building* after two years of the date of the final inspection required under this bylaw; or
 - (ii) must be returned to the *owner* if the *owner* removes the *temporary building* within two years of the date 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 relevant articles of the *building code* respecting *temporary buildings*.

10.66 Before receiving a *building permit* for a *temporary building or structure* for *occupancy*, the *owner* must pay to the Town the applicable *building permit fee* set out in the *Fees and Charges Bylaw*.

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

Sanitary Facilities

10.68 During the time a *building permit*, *demolition permit* or *building moving permit* has been issued and remains valid under this bylaw, the *owner* must provide on the *parcel* of *land* in respect of which the *permit* has been issued, sanitary facilities in compliance with *WorkSafeBC's Occupational Health and Safety Regulation* 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*,

by plumbing that complies with the *building code* and this bylaw, must be provided at all times the facility is required under this bylaw, with toilet paper, a locking door for privacy, and ventilation, and must be kept in sanitary condition without leaking beyond the facility and without overflowing within the facility. Such facilities must be located so as not to create a nuisance to neighbouring *parcels* or *highways*.

PART 11: RETAINING WALLS AND GRADES

11.1 A person shall not *construct*, or structurally repair, a *retaining wall* greater than 1.2 meters in height, without a *building permit*.

11.2 All *retaining walls* located within 1.2 meters of each other will be collectively considered a single *retaining wall* for the purpose of determining height.

11.3 Notwithstanding 11.1, a single *retaining wall* may exceed 1.2 meters in height, provided that it is certified by a *registered professional* and it is stepped back from adjacent *retaining walls* 2.0 meters for every 3.0 meters in height.

11.4 Except as certified by a *registered professional*, 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.

11.5 Without limiting section 11.4, a person shall not occupy a *building* unless the finished *grade* complies with all applicable enactments.

PART 12: BUILDING MOVE

12.1 A person shall not move a *building* or *structure* into or within the Town

- (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* in its new location; and
- (b) a *building permit* has been issued for the *building* or *structure*, and
- (c) all other affected governmental agencies or regulatory bodies have been consented to the move if required under enactments.

PART 13: NUMBERING OF BUILDINGS

13.1 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 Town

- (a) on or over the entrance to the *building* or where landscaping or *structures* obscure the visibility of a *building* entrance from the adjacent *highway*, on the *building* property within sight of the adjacent *highway*; and
- (b) until such time as the *building* is removed from the site or has been demolished.

13.2 Despite section 13.1, the Town’s Director of Infrastructure Services may renumber or alter the assigned numbers in respect of any *building* on any *parcel*, including those already in existence or numbered.

13.3 Without limiting sections 13.1 or 13.2, 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.

- 13.4 Without limiting sections 13.1 through 13.3, on issuance of an *occupancy permit*, the *owner* or *occupier* of the *parcel* must affix the numbers, including those for secondary suites, permanently in a conspicuous place on the *building* such that the numbers are visible from an adjacent *highway* that is not a lane.

PART 14: POOLS

Swimming Pool Permit and Fencing

- 14.1 Except as exempt under 3.3 (j), without limiting section 5.1 of this bylaw, a person must not *construct*, or structurally repair, a swimming *pool* without a valid *building permit*.
- 14.2 A swimming *pool*, including a spa or hot tub must be enclosed within a fence no closer than 1 m away from the edge of the *pool constructed* without footholds or grips that children may use to climb into the enclosed area, having a minimum height of 1.8 metres and no openings greater than 100 mm at their greatest dimension.

Pool Gate

- 14.3 Access through a fence enclosing a swimming *pool*, spa or hot tub must be only through a self-closing and self-latching gate designed and *constructed* or installed 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*, spa or hot tub side of the gate.

Spa or Hot Tub Lid

- 14.4 In lieu of a fence, a spa or hot tub may be covered with a locking cover, which would prevent unauthorized access to the water.

Maintenance

- 14.5 A person may not use or *occupy* a swimming *pool*, including a spa or hot tub unless the *owner* or *occupier* of property on or in which a *pool*, spa or hot tub is located maintains every fence or cover required under sections 14.2 to 14.4 in good order. And without limitation maintains and repairs in good order at all times all sagging gates, loose parts, torn mesh, missing materials, worn latches, locks or broken or binding members.

Leaks or Other Failures

- 14.6 A person may not obtain a valid and subsisting *building permit* for or use or *occupy* a swimming *pool* without first delivering to the *building official* at the time of the *building permit* application an opinion of a *registered professional* that the *design* of the *pool* will not cause or result in leaks or other failures of the *pool*.

PART 15: ENERGY CONSERVATION AND GHG EMISSION REDUCTION

- 15.1 In relation to the conservation of energy and the reduction of greenhouse gas emissions, the Town incorporates by reference the *BC Energy Step Code* and the *BC Zero Carbon Step Code* in accordance with sections 15.2 through 15.7.
- 15.2 Any new *building* or *structure* to which Part 3 or Part 9 of the *building code* applies and is within the scope of the application of the *BC Zero Carbon Step Code*, as described in the *building code*, must be designed and *constructed* to meet performance requirements specified in EL-1 (measure only) of the *BC Zero Carbon Step Code*.
- 15.3 Notwithstanding 15.2, in the case of a *building permit* submitted after or on January 1st 2026, a new single-detached dwelling with or without a secondary suite to which Part 9 of the *building code* applies, and which is within the scope of the *BC Zero Carbon Step Code* as described in the *building code*, must be designed and *constructed* to meet the performance requirements specified in EL-4 of the *BC Zero Carbon Step Code*.
- 15.4 Notwithstanding 15.2, in the case of a *building permit* submitted after or on January 1st 2028, all new *buildings* or *structures* to which Part 3 or Part 9 of the *building code* applies, and which is within the scope of the *BC Zero Carbon Step Code* as described in the *building code*, must be designed and *constructed* to meet the performance requirements specified in the EL-4 of the *BC Zero Carbon Code*.
- 15.5 In the case of a *building permit* submitted after or on January 1st 2030, all new *buildings* or *structures* to which Part 3 or Part 9 of the *building code* applies, and which is within the scope of the *BC Energy Step Code* as described in the *building code*, must be designed and *constructed* to meet the performance requirements specified in the highest step of the *BC Energy Step Code*.
- 15.6 When an *Energy Advisor* or a *registered professional*, as required, provides

energy reports or *field reviews* in accordance with this bylaw, the Town will rely solely on *field reviews* undertaken by the *Energy Advisor* or *registered professional* and the reports submitted pursuant to this bylaw as assurance that the construction or applicable aspect thereof substantially conforms to the design, and that the construction or applicable aspect thereof substantially complies with the *building code*, this bylaw, and other applicable enactments respecting energy efficiency and greenhouse gas emissions.

- 15.7 If requested by the *building official*, the *Energy Advisor*, providing the required materials and documentation set out in the *BC Energy Step Code* and *BC Zero Carbon Step Code*, must provide evidence to the *building official* that they are an *Energy Advisor* registered and in good standing with Natural Resources Canada in accordance with the EnerGuide Rating System Administrative Procedures and adheres to the technical standards and procedures of the ERS.

PART 16: ACCESS ROUTES FOR FIRE VEHICLES

- 16.1 Prior to the issuance of a *building permit* for a *building* under Part 9 or Part 3 of the *building code*, the *owner* must satisfy the *building official* and *Fire Chief* that the *building* or *structure* for which the *permit* is issued will be served by a fire access route that satisfies the provisions outlined in Appendix E.

PART 17: OFFENCES

Violations

- 17.1 Without limiting Part 4 of this bylaw, every person who
- (a) violates a provision of this bylaw;
 - (b) *permits*, suffers or allows any act to be done in violation of any provision of this bylaw; and
 - (c) neglects to do anything required to be done under any provision of this bylaw,
- commits an offence and on summary conviction by a court of competent jurisdiction, the person is subject to a fine of not more than \$10,000.00, or a term of imprisonment not exceeding three months, or both, in addition to the costs of prosecution. Each day during which a violation, contravention or breach of this bylaw continues is deemed to be a separate offence.

- 17.2 Every person who fails to comply with any administrative requirement issued by a *building official*, or who allows a violation of this bylaw to continue, contravenes this bylaw.
- 17.3 Every person who commences work requiring a *building permit* without first obtaining such a *permit* must, if a Stop Work notice is issued, pay an additional charge as outlined in the *Fees and Charges Bylaw*.

Deemed Offence

- 17.4 An *owner* is deemed to have knowledge of and be liable under this bylaw in respect of any construction on the *parcel* the *owner* owns and any change in the use, *occupancy* or both of a *building* or *structure* or part of a *building* or *structure* on that *parcel*.
- 17.5 A person shall not be deemed liable under this section 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*.
- 17.6 Nothing in this section affects:
- (a) the Town's right to require and the *owner's* obligation to obtain a *permit*; and
 - (b) the obligation of the *owner* to comply with this bylaw.

Ticketing

- 17.7 The offences in Schedule 3 of the Ticket Information Utilization Bylaw 2002, No.1457 are designated for enforcement under s. 264 of the *Community Charter*.
- 17.8 The following persons are designated as bylaw enforcement officers under section 264(1) (b) of the *Community Charter* for enforcing this Bylaw, the Manager of Corporate Services and persons designated by *Council* as bylaw enforcement officers.
- 17.9 The words or expressions set forth in the Offence column of Schedule 3 of the Ticket Information Utilization Bylaw 2002, No.1457 are authorized pursuant to s. 264(1)(c) of the *Community Charter* to designate the offence committed under the bylaw section number appearing in the Section column opposite the respective words or expressions.

17.10 The amounts appearing in the Fine column of Schedule 3 of the Ticket Information Utilization Bylaw 2002, No.1457 are the fines established pursuant to s. 265(1)(a) of the *Community Charter* for the corresponding offence designated in Column 1.

PART 18: REPEAL

18.1 "Building and Plumbing Bylaw 1994, No. 1119", as amended, is repealed.

PART 19: TITLE

Citation

19.1 This bylaw may be cited for all purposes as "Building & Plumbing Bylaw 2024, No. 2174".

READ A FIRST TIME on the 24th day of September, 2024
READ A SECOND TIME on the 24th day of September, 2024
READ A THIRD TIME on the 24th day of September, 2024
ADOPTED on the 1st day of October, 2024





Acting Mayor (T. McKay)



Corporate Officer (Sue Bouma)

Town of Ladysmith Building & Plumbing Bylaw 2024, No. 2174

Appendix A – Value of Work

This Appendix applies to single family dwellings, row housing, semi-detached and duplex residences, factory-built homes and moved dwellings, and *buildings* accessory thereto.

The following values will be used on a dollar per square foot basis to calculate the *value of the work*.

(a)	Main floor with full basement	\$165
(b)	Main floor with crawlspace or slab on grade	\$135
(b)	Each additional storey	\$90
(c)	Attached garages	\$50
(d)	Attached carports	\$30
(e)	Sundeck	\$30
(f)	Unfinished Basement	\$60
(g)	Secondary Suite	\$90
(f)	Buildings for ancillary use greater than 10m ²	\$50

Town of Ladysmith Building & Plumbing Bylaw 2024, No. 2174

Appendix B – Confirmation of Professional Liability Insurance

1. This Confirmation letter must be submitted along with each BC Building Code Schedule A and Schedule B before issuance of a permit. A separate Confirmation Letter must be submitted for each *registered professional*.
2. This Confirmation Letter must be submitted with each BC Building Code Schedule C after completion of the building but before a final inspection is made by the Building Official. A separate Confirmation Letter must be submitted for each *registered professional*.
3. Only an original Confirmation Letter, printed by the Town or an unaltered photocopy of this document is to be completed and submitted.

Attention: Building Official

Property Address: _____

Legal Description: _____

The undersigned hereby gives assurance that:

- a) I have fulfilled my obligation for insurance coverage as outlined in the Building & Plumbing Bylaw 2024, No. 2174;
- b) I am insured by a policy of insurance covering liability to third parties for errors and omissions in respect to the above project, in the amount of at least One Million Dollars (\$1,000,000.00);
- c) I have enclosed a copy of my certificate of insurance coverage indicating the particulars of such coverage;
- d) I am a *registered professional*; and
- e) I will notify the Building Official in writing immediately if the undersigned's insurance coverage is reduced or terminated at any time during construction.

Name (PRINT)

Signature

Date

Address (PRINT)

Phone

(Affix professional seal here)

(If the *registered professional* is a member of a firm, complete the following)

I am a member of this firm:

Name of Firm (PRINT)

Address (PRINT)

I sign this letter on behalf of myself and the firm.

Note: This Confirmation letter must be signed by a registered professional. The BC Building Code defines a registered professional as a person who is registered or licensed to practice (a) as an architect under the Professional Governance Act, or (b) as a professional engineer under the Engineers and Geoscientists Act

Town of Ladysmith Building & Plumbing Bylaw 2024, No. 2174

Appendix C – Confirmation of Required Documentation

Permit Number: _____

Note:

1. The Confirmation of Required Documentation and all required documentation must be submitted to the Building Official 48 hours prior to the Pre-Occupancy Coordinated Review.
2. The Confirmation of Required Documentation and all required documentation must be submitted in digital pdf format, sections as per this Appendix.

Provided	N/A	CONFIRMATION OF REQUIRED DOCUMENTATION
DIRECTORY OF PRINCIPALS(Role/Firm/Name/Telephone)		
		Owner
		Co-ordinating Registered Professional
		Registered Professionals
		Warranty Provided
		Licensed Builder
		Sub-Contractors
LETTERS OF ASSURANCE (A, B, C-A, C-B)		
		Co-ordinating Registered Professional
		Architectural
		Structural
		Mechanical
		Plumbing
		Electrical
		Geotechnical Temporary
		Geotechnical Permanent
		Fire Suppression
		_____ (other)
PROFESSIONAL REVIEW LETTERS		
		Alternative Solution (Confirmation of Field Review – sealed)
		Site Services – Civil Engineer
		Building Envelope Specialist
		Roofing Consultant
		Survey by a British Columbia Land Surveyor
		Step Code Compliance Reports
		Back Flow Test Certificates
		_____ (other)

FIRE ALARM		
		Fire Alarm Verification Certificate (include field work sheets)
		Letter of Signed Contract from ULC Listed Monitoring Agency
		(other)
SPRINKLER SYSTEMS		
		Material and Test Certificate - Above ground piping
		Material and Test Certificate - Underground piping
		Fire Pump Test Report
		(other)
PROVINCIAL APPROVALS		
		Certificate to Operate Elevating Device (one per each device)
		Health Approval (on-site sewage disposal)
		Health Approval (food services)
		(other)
TOWN APPROVALS		
		Fire Department Acceptance (Fire Safety Plan)
		Final Inspection (Building Inspector- pre-occupancy review)
		Engineering Final Inspection
		Planning Final Inspection
DEFICIENCY LIST		

Submitted by Coordinating Registered Professional

Name (PRINT)

Signature

Date

Address (PRINT)

Phone

(Affix professional seal here)

Town of Ladysmith Building & Plumbing Bylaw 2024, No. 2174

Appendix D – Zoning Summary

The information in column one is to be illustrated on the survey plan.

Building Envelope	Show the minimum required zoning setbacks from all property lines with measurements in metres
Building Location	Show all buildings and structures (proposed and existing) with setbacks from property lines in metres
Rights of way, easements, covenant areas	Show, if applicable
Streamside Protection and Enhancement Area (SPEA)	Show, if applicable
Retaining wall heights and spacing	Show, if applicable
Driveway location, width, length, elevations, parking areas and profile	Show, if applicable

A table containing the information in column one is to be provided on the survey plan. Calculations are to be done in accordance with the Zoning Bylaw.

Land use regulations:	
Zone	
Parcel Size	
Parcel Coverage (%)	
Proposed building height (m)	
Maximum permitted building height (m)	
Proposed height of eaves (m)	
Mid-point between eaves and peak of a sloping roof (m)	
Average natural grade (m)	
Average finished grade (m)	

Town of Ladysmith Building & Plumbing Bylaw 2024, No. 2174

Appendix E – Spatial Calculations considering the Fire Department Response Time and Access Route Information for Fire Vehicle Standards

Spatial Calculations considering the Fire Department Response Time

Within the entire geographical area of the Town, proposed new *buildings* or *structures* shall be designed with spatial separation calculations using a *limiting distance* input equal to half the actual *limiting distance* where any storey in the *building* is not sprinklered as outlined in Part 3 and Part 9 of the *building code*.

Access Route Information for Fire Vehicle Standards

Notwithstanding fire department access information provided in Part 3 and Part 9 of the *building code*, prior to the issuance of a *building permit* for a *building* or *structure* under Part 3 or Part 9 of the *building code*, the *owner* must provide documentation to the *building official* and the *Fire Chief* that the *building* or *structure* for which the *permit* is issued will be served by a fire access route that satisfies the design limits that the current fire departments fire apparatus dictate.

Unless site conditions exist that would make firefighting access and capabilities reasonably difficult for the fire department in the opinion of the *building official* or the *Fire Chief*, the *building* or *structure* for which the *permit* is issued will be served by a fire access route that satisfies the following:

- a) the width of an access route must be not less than 6.0m;
- b) the centerline radius of an access route must be not less than 12.0m;
- c) the overhead clearance of an access route must be not less than 5.0m;
- d) the gradient of the access route must not change more than 1 in 12.5 over a minimum distance of 15.0m;
- e) the access route must comply with the bearing load and surface material standards of the Town's Subdivision and Development Servicing Bylaw, as amended or replaced from time to time;
- f) the length above which a dead-end portion of an access route requires turnaround facilities is 90.0m;
- g) a turnaround facility shall not have any slopes exceeding 5%; and
- h) be connected with a public thoroughfare.