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| <i>COUNCIL AGENDA</i>     |                 |
| Date: <u>June 9, 2025</u> | Item: <u>5.</u> |



5.

DISTRICT OF WEST VANCOUVER  
750 17TH STREET, WEST VANCOUVER BC V7V 3T3

## COUNCIL REPORT

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|----------|--|
| Date:    | May 26, 2025   |
| From:    | Kevin Spooner, Senior Manager, Permits, Inspections and Land Development<br>Y-B Chan, Manager, Permits and Inspections |
| Subject: | 2025 Building Bylaw  |
| File     | 1610-20-5340   |

### RECOMMENDATION

THAT proposed Building Bylaw No. 5340, 2025, be read for a first, second, and third time.

#### 1.0 Purpose

This report presents a new proposed updated and modernized Building Bylaw for Council's consideration.

#### 2.0 Legislation/Bylaw/Policy

*Community Charter*, sections 8(3)(g) and (l), and Part 3, Division 8  
West Vancouver Building Bylaw No. 4400, 2004  
BC Building Code, 2012, 2018 and 2025  
*Building Act*, SBC 2015, c. 2

#### 3.0 Council Strategic Objectives

Environment and Climate Change: Objective 1.1  
Municipal Services: Objectives 5.5 and 5.6

#### 4.0 Financial Implications

Not applicable.

#### 5.0 Background

The District's current Building Bylaw was passed in 2004 and needs global updates.

## **6.0 Analysis**

### **6.1 Discussion**

Staff have been developing an updated and modernized Building Bylaw to increase efficacies, account for changes to Provincial legislation, and incorporate new tools for enforcement and ensuring the efficiency of building projects while minimizing negative impacts.

The BC Building Code has undergone a series of changes, and the BC Building Act was passed in 2015 to shift the primary authority to set technical building requirements from local governments to the Province.

It has also become clear that there is a need for additional tools to effectively manage situations where building projects do not proceed in a timely manner and cause negative community impacts. The new Bylaw proposed expands powers for building officials to issue orders to comply; address hazards created through non-compliance; and retain and utilize security deposits to carry out work or implement safety measures in default.

For example, an order may be issued under the new Bylaw to compel an owner to remove unauthorized construction or structures; to remove or correct construction which unlawfully encroaches on District property; to apply for a permit to regularize unpermitted work; to cease occupancy where a Bylaw violation is outstanding; in addition to the more traditional powers such as a stop work order or an order to correct an unsafe condition.

The new Bylaw also formalizes certain circumstances for which a building permit may be refused, such as owner disputes, lack of accessibility to the property, or where a particular owner or contractor has other building projects with outstanding unresolved bylaw or Code violations.

Other additions include tools to revoke permits where work is not carried out in compliance with the permit; incorrect information was submitted in the permit application; or the owner or prime contractor has violated the terms of a permit or the Bylaw. The new Bylaw fills a gap by expressly setting out the power of the Manager of Permits and Inspections to order that the owner obtain a demolition permit to demolish and remove unlawful construction. The Building Inspector may also deny a permit extension request where construction has not proceeded in a timely manner, and in such circumstances, the owner must apply for a demolition permit, and demolish and remove the structure. A separate option is available for a finishing permit, upon payment of inactive site fees and any increased security deposits. These tools can be used to encourage and require the timely completion of projects.

## 7.0 Options

### 7.1 Recommended Option


That Council give first, second and third reading to proposed Building Bylaw No. 5340, 2025.

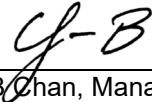
### 7.2 Considered Options

1. Council may request additional information or provide alternate direction (to be specified); or
2. Reject the Bylaw.

## 8.0 Conclusion

The proposed new Bylaw updates and modernizes the District's building regulation powers, in line with Council Strategic Objectives and provincial legislative changes.

Author:   
\_\_\_\_\_  
Kevin Spooner, Senior Manager, Permits, Inspections and Land Development

Concurrence:   
\_\_\_\_\_  
Y-B Chan, Manager, Permits and Inspections

Appendix A – Proposed Building Bylaw No. 5340, 2025

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District of West Vancouver

## **Building Bylaw No. 5340, 2025**

Effective Date:

# Building Bylaw No. 5340, 2025

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District of West Vancouver

## **Building Bylaw No. 5340, 2025**

A bylaw for administration of the British Columbia Building Code and Regulation of Construction in the District.

GIVEN that the District Council:

- A. May by Bylaw regulate, prohibit and impose requirements in respect to buildings and structures under sections 8(3)(g) and (l) of the *Community Charter* for the following under section 53(2):
  - (a) the provision of access to a building or other structure, or to part of a building or other structure, for a person with disabilities;
  - (b) the conservation of energy or water;
  - (c) the reduction of greenhouse gas emissions;
  - (d) the health, safety or protection of persons or property;
- B. Is enacting this Bylaw to regulate construction and administer the British Columbia Building Code in the District of West Vancouver in accordance with the *Community Charter*, SBC 2003, c. 26 and the *Building Act*, SBC 2015, c. 2; and
- C. Has employed trained Building Inspectors for the purposes of this Bylaw.

NOW THEREFORE the Council of the District of West Vancouver enacts as follows:

## Part 1 Administration

1.1 This Bylaw may be cited as “Building Bylaw No. 5340, 2025”.

### Repeal

1.2 Building Bylaw No. 4400, 2004 is hereby repealed.

### Severability

1.3 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 Interpretation

### Definitions

2.1 In this Bylaw:

“Accepted” means reviewed by the Building Inspector 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 may include 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 Prime Contractor who may be granted a Permit for work within the limitations of his or her licence;

“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, and includes an Addition;

“Building” means any Structure used or intended for supporting or sheltering any use or occupancy;

“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 Inspector” means a person designated in or appointed to that position by the District, and includes a Building Inspector, Plumbing Inspector, Electrical Inspector, the Manager of Permits and Inspections, Supervisor of Inspections, Supervisor/Senior Plans Examiner, Supervisor Residential Plans Examiner, Plans Examiner, Land Technician, Bylaw Officer, or other persons designated by Council to act in place of the Building Inspector;

“Certificate of Occupancy” means a certificate which authorizes occupancy of a new Building or Structure, or part of a new Building or Structure;

“Certified Professional” means a registered professional who is listed as a Certified Professional by the Engineers and Geoscientists of British Columbia or Architectural Institute of British Columbia;

“*Community Charter*” means the *Community Charter*, SBC 2003, c. 26, as amended or replaced from time to time;

“Construct” includes build, erect, install, repair, alter, add, enlarge, move, locate, relocate, reconstruct, demolish, remove, excavate or shore;

“Construction” means erection, repair, Alteration, Addition, demolition, move, remove, excavation and shoring;

“Construction Value” means the greater of (1) the declared value of the work provided by the applicant and (2) the value of the work calculated by the Manager of Permits and Inspections using accepted current costing guides. In the event the applicant does not agree with the value determined by the Manager of Permits and Inspections, the applicant may, prior to payment of the fees and issuance of the Permit, retain a professional Quantity Surveyor registered in British Columbia to provide a written estimate of the value of the work, in which event the Manager of Permits and Inspections will reconsider the determination of “Construction Value” with regard to the estimate of the Quantity Surveyor;

“Electrical Equipment” and “Electrical Work” have the meanings defined in the *Safety Standards Act* and Electrical Safety Regulation, B.C. Reg. 100/2004;

“Energy Step Code” means the British Columbia Energy Step Code established under section 10.2.3 of the Building Code;

“Fees and Charges Bylaw” means the District’s Fees and Charges Bylaw No. 5251, 2023, as amended or replaced from time to time;

“Final Inspection Approval” means written confirmation by the Building Inspector that all required inspection have been passed and the Permit for the work has been satisfactorily completed;

“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;

“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;

“Low Carbon Energy System” means a mechanical system providing all thermal conditioning and all domestic hot water heating for a Building primarily from low-carbon energy sources with the following characteristics:

- (a) system seasonal average co-efficient of performance greater than two;
- (b) modelled greenhouse gas intensity of no more than 3 kg CO<sub>2</sub>e/m<sup>2</sup>/yr; and
- (c) any natural gas fired peak demand heating equipment is appropriately sized to augment the primary low carbon system under peak demand conditions;

“Major Construction Project” means a Construction project having a Construction Value exceeding \$500,000;

“Manager of Permits and Inspections” means the individual exercising the duties of the Senior Manager of Permits, Inspections and Land Development or individual exercising the duties of the Manager of Permits and Inspections at the time of passage of this Bylaw;

“Municipal Engineer” means the person appointed by the District of West Vancouver as its Director of Engineering and Transportation, or their designate;

“Owner” means owner as defined in the *Community Charter*, or an Agent duly authorized by the Owner in writing in the form established by the Manager of Permits and Inspections;

“Part 3 Building” means a Building to which Part 3 of Building Code applies;

“Part 9 Building” means a Building to which Part 9 of Building Code applies;

“Permit” means permission or authorization in writing by the Building Official to perform work regulated by this Bylaw, and includes a Building Permit, Plumbing Permit, Drainage Permit, Sprinkler Permit, Hot Water Heating Permit, Pool Permit, or Electrical Permit;

“Prime Contractor” means a person who contracts with an Owner or the Owner’s Agent to undertake a project and includes an Owner who contracts with more than one person for the work;

“Professional Design” means the sealed plans and supporting documents for design and field review bearing the date, seal or stamp, and signature of a registered professional;

“Retaining Wall” means a Structure exceeding 1.2 metres in height that holds or retains soil or other material behind it;

“Safety Manager” means the local safety manager responsible for the delivery of electrical inspection services in the District as per the *Safety Standards Act* and associated regulations;

“Safety Officer” means the local safety officer responsible for the delivery of electrical inspection services in the District as per the *Safety Standards Act* and associated regulations;

“*Safety Standards Act*” means the *Safety Standards Act*, SBC 2003, c. 39;

“Structure” means any Construction supported on the ground or on water and includes: Buildings, Swimming Pools, Retaining Walls, garden walls;

“Swimming 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 metres, and includes an in-ground swimming pool, a spa, and a hot tub;

“Temporary Building” means a Building that is placed on the ground without a permanent Foundation and may be used as a sales office, Construction office or a Structure in which tools are stored during Construction of a Building or other Structure;

“Zero Carbon Step Code Level EL-3” has the same meaning as in the BC Zero Carbon Step Code of the BC Building Code;

“Zoning Bylaw” means the District of West Vancouver’s Zoning Bylaw No. 4662, 2010, as amended or replaced from time to time.

- 2.2 In this Bylaw, subject to section 2.1, words and phrases have the same meaning as those specified in the Building Code.
- 2.3 Where written notification is required by this Bylaw, notification by email is acceptable.
- 2.4 In this Bylaw, subject to section 2.1, the following words have the meaning set out in the *Community Charter*: assessed value, highway, land, occupier, parcel, public authority, service and soil.
- 2.5 Every reference to:
  - (a) the Building Code is a reference to the current edition as of the date of acceptance of a Permit application; and
  - (b) a section of the Building Code is a reference to the applicable successor section, as the Code or section may be amended or re-enacted from time to time.

## **Part 3 Purpose**

### **Purpose**

- 3.1 Despite any other provision in this Bylaw, this Bylaw must be interpreted in accordance with this Part.
- 3.2 Every Permit, Final Inspection Approval and Certificate of Occupancy under this Bylaw is issued expressly subject to the provisions of this Part.
- 3.3 The purpose of this Bylaw is to regulate, prohibit and impose requirements in regard to Construction in the District in the public interest. The purpose of this Bylaw does not extend to:

- (a) the protection of Owners, designers or Prime Contractors from economic loss;
- (b) the assumption by the District or any Building Inspector of any responsibility for ensuring the compliance by any Owner, his or her representatives or any employees, Prime Contractors 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, Final Inspection Approval or Certificate of Occupancy is issued under this Bylaw;
- (d) providing any person a warranty or assurance that Construction undertaken under Permits issued by the District is free from latent, or any, defects; or
- (e) the protection of adjacent real property from incidental damage or nuisance.

## Part 4 Scope and Exemptions

### Application

- 4.1 This Bylaw applies to the geographical area of the District and to land, the surface of water, air space, Buildings or Structures in the District.
- 4.2 This Bylaw applies to the design, Construction or occupancy of new Buildings or Structures, and the Alteration, reconstruction, demolition, removal, relocation or occupancy or change of use or occupancy of existing Buildings and Structures.
- 4.3 This Bylaw does not apply to:
  - (a) fences, except as set out in Part 19 [*Retaining Walls and Grades*] of this Bylaw;
  - (b) an accessory Building with a floor area of less than 10 square metres that does not create a hazard;
  - (c) a trellis, arbour or landscaping; and

- (d) a Retaining Wall supporting soil that is less than 1.2 metres in height or a sequence of Retaining Walls less than 1.2 metres in height spaced greater than two horizontal to one vertical.

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

- 4.4 Except as provided in the Building Code or to the extent an existing Building is under Construction or has not received a Final Inspection Approval or a Certificate of Occupancy, when an existing Building has been constructed before the enactment of this Bylaw, the enactment of this Bylaw is not to be interpreted as requiring that the Building must be reconstructed and altered, unless it is expressly so provided by this or another Bylaw, regulation or statute.
- 4.5 This Bylaw applies if the whole or any part of an existing Building is moved either within or into the District, including relocation relative to parcel lines created by subdivision or consolidation. Part 20 [*Building Moves*] applies to Building moves.
- 4.6 If an Alteration is made to an existing Building, the Alteration must comply with this Bylaw and the Building Code, and the entire Building must be made to comply with this Bylaw and the Building Code but only to the extent necessary to address any new infractions introduced in the remainder of the Building as a result of the Alteration.
- 4.7 If a Building or Structure is altered, damaged or destroyed to the extent of 75% or more of its value above its Foundations, as determined by the Building inspector, or where the Foundations are damaged or destroyed to any degree, the entire Building or Structure shall be demolished.

## **Part 5 General Prohibitions**

- 5.1 No person shall 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 Inspector has issued a valid and subsisting Permit for the work under this Bylaw.

- 5.2 No person shall occupy or permit the occupancy of any Building or Structure or part of any Building or Structure:
- (a) unless a valid and subsisting Certificate of Occupancy has been issued by a Building Inspector for the Building or Structure, or the part of the Building or Structure;
  - (b) unless Final Inspection Approval has been granted for Construction which does not require a Certificate of Occupancy; or
  - (c) contrary to the terms of any Permit, Final Inspection Approval or Certificate of Occupancy issued or any notice given by a Building Inspector.
- 5.3 No person shall knowingly submit false or misleading information to a Building Inspector in relation to any application or Construction undertaken pursuant to this Bylaw.
- 5.4 Except in accordance with this Bylaw, including acceptance of revised plans or supporting documents, no person shall alter plans and supporting documents after they have been reviewed by a Building Inspector, or plans and supporting documents which have been filed for reference with the Building Inspector after a Permit has been issued.
- 5.5 Unless authorized in writing by a Building Inspector, no person shall reverse, alter, deface, cover, remove or in any way tamper with any notice or Permit posted or affixed to a Building or Structure pursuant to this Bylaw.
- 5.6 No person shall do any work that is substantially at variance with the Accepted design or plans of a Building, Structure or other works for which a Permit has been issued, unless that variance has been authorized in writing by a Building Inspector.
- 5.7 No person shall interfere with or obstruct the entry of a Building Inspector or other authorized official of the District on property in the administration of this Bylaw.
- 5.8 No person shall carry out Construction work on a property 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 an adjacent public highway.

- 5.9 No person shall contravene an administrative requirement of a Building Inspector made under Part 6 [*Powers of a Building Inspector*] or any other provision of this Bylaw.
- 5.10 No person shall change the use, occupancy or both of a Building or Structure or a part of a Building or Structure without first applying for and obtaining a Building Permit, Final Inspection Approval, and/or Certificate of Occupancy under this Bylaw, or written confirmation from the Building Inspector that a Permit is not required.

## **Part 6: Powers of a Building Inspector**

### **Administration**

- 6.1 Words defining the authority of a Building Inspector are to be construed as internal administrative powers and not as creating a duty.
- 6.2 A Building Inspector 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.

### **Powers**

- 6.3 A Building Inspector 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 or Prime Contractor 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 District or other applicable enactments, or if there is deemed to be an unsafe condition, and may enter on property to affix or post a Stop Work Order;
- (c) an Owner to remove or prevent any unauthorized encroachment on public property, 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 Inspector 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 Inspector;
- (g) an Owner to submit a complete application for a Permit for work that does or may require a Permit under this Bylaw and has been commenced or completed without a Permit;
- (h) a person to cease any occupancy in contravention of a provision of this Bylaw;
- (i) a person to cease any occupancy if any unsafe condition exists because of work being undertaken but not complete and where the Building Inspector has not issued an occupancy certificate for the work;
- (j) an Owner to correct any unsafe condition; or
- (k) an Owner to correct any work that contravenes this Bylaw, the Building Code, or any other enactment.

6.4 Every reference to “Owner” in section 6.3 includes a reference to the Owner’s Agent or Prime Contractor.

- 6.5 Every person served with a notice under this Part must comply with that notice within the time ordered, or if no time is ordered, immediately.

### **Establishment of Forms**

- 6.6 The District's Manager of Permits and Inspections may from time to time establish forms for the following purposes under this Bylaw:
- (a) an application for a Permit;
  - (b) a Permit;
  - (c) a Certificate of Occupancy;
  - (d) a Final Inspection Approval;
  - (e) a Stop Work Order notice;
  - (f) a Do Not Occupy notice;
  - (g) an Owner's Acknowledgement of Responsibility and Undertaking;
  - (h) proof of liability insurance for registered professionals;
  - (i) an authorization for an Owner's Agent;
  - (j) consent for the transfer of a Permit and any Security held by the District under such Permit;
  - (k) alternative solution approval; and
  - (l) other administrative matters as required for the purposes of this Bylaw.

### **Issuance/Refusal of a Permit**

- 6.7 If:
- (a) all applicable conditions set out in section 11.1 have been fulfilled;
  - (b) an application completed in compliance with sections 11.2 and 11.3, or 11.4 and 11.5, including all required supporting documentation, has been submitted and Accepted as complete;
  - (c) the Owner has paid all applicable fees and provided the security required under Part 18 [*Security Deposits*];

- (d) the Owner or his or her representative has paid all charges and met all requirements imposed by any other statute or Bylaw;
- (e) the Owner has retained a registered professional if required under this Bylaw;
- (f) no covenant, agreement, resolution or regulation of the District requires or authorizes the Permit to be withheld;

and the Building Inspector may issue the Permit for which the application is made.

6.8 A Building Inspector may refuse to issue a Permit if:

- (a) the proposed work will contravene the requirements of the Building Code, the provisions of this Bylaw or any other Bylaw of the District;
- (b) an Owner of the property has advised the Building Inspector in writing that they do not consent to the proposed work;
- (c) the property referred to in the Permit application does not have vehicular access, or does not meet requirements of other District bylaws;
- (d) the Owner or Prime Contractor has been notified of a violation of this Bylaw in respect of the Construction of another Building or Structure by the Owner or Prime Contractor which has not been resolved to the satisfaction of the Building Inspector; or
- (e) a contractor or subcontractor identified on the Permit application has been notified of a violation of this Bylaw in respect of the same type of Permit which has not been resolved to the satisfaction of the Building Inspector.

6.9 The version of the Building Code applicable to a Permit is the version in effect on the date when all documents, drawings, and other requirements for a complete application have been submitted and accepted, and the application fee has been paid in full.

6.10 The Building Inspector may issue a Permit for a portion of a Building before the documentation for the entire Building has been Accepted, provided sufficient information has been provided to the District to demonstrate to the Building Inspector that the portion of the Building Accepted for Construction substantially complies with the Building Code, this Bylaw and other applicable enactments and the Permit fee applicable

to that portion of the Building has been paid. Notwithstanding the issuance of the said Permit, the requirements of this Bylaw apply to the remainder of the Building as if a Permit for any other portion of the Building had not been issued.

### **Stop Work Orders**

- 6.11 The Building Inspector may direct the immediate suspension or correction of all or a portion of the Construction of a Building or Structure by attaching a Stop Work Order notice on the premises whenever it is found that the work is not being performed in accordance with the requirements of the Building Code, the Building Permit issued in respect of the work, this Bylaw, any other applicable Bylaw of the District, or the applicable provisions of the *Homeowner Protection Act*.
- 6.12 The coordinating registered professional may request, in writing, that the Building Inspector order the immediate suspension or correction of all or a portion of the Construction on a Building or Structure by posting a stop work order notice on the premises. The Building Inspector must consider such a request and, if not acted upon, must respond, in writing, to the coordinating registered professional and give reasons.
- 6.13 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 Inspector is deemed to have issued a Stop Work Order under section 6.11.
- 6.14 The Owner must immediately, after the posting of a Stop Work Order notice, 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 District.
- 6.15 Subject to section 6.3, no person may carry out any work, other than the required remedial measures specified by the Building Inspector, on the property affected by the Stop Work Order notice until the Stop Work Order has been lifted in writing by the Building Inspector.
- 6.16 A Stop Work Order notice must remain posted on the premises until the matter in respect of which the Stop Work Order notice was issued has been remedied and the Stop Work Order has been lifted in writing by the Building Inspector.

- 6.17 The Owner of a property where a Stop Work Order is posted must pay the Stop Work Order Fee established by the Fees and Charges Bylaw, in addition to any applicable charges for commencing work prior to the issuance of a Permit.
- 6.18 Where a Stop Work Order remains outstanding for more than 30 days, a new Stop Work Order fee shall be imposed for each 30-day period that the Stop Work Order remains outstanding, as provided by the Fees and Charges Bylaw.

### **Do Not Occupy Notices**

- 6.19 A Building Inspector may post a Do Not Occupy Notice on the affected part of the Building or Structure if a person occupies a Building or Structure or part of a Building or Structure in contravention of this Bylaw or the Building Code.
- 6.20 If a notice is posted under section 6.19, the Owner of a property on which the notice was 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 Inspector.

### **Construction Before Permit Issued**

- 6.21 If Construction has commenced before a Building Inspector has issued a Permit, the Permit fee payable by the applicant shall be doubled, to a maximum of \$10,000.00.
- 6.22 If Construction or other work which requires a Permit is commenced or continued without a valid and subsisting Permit:
- (a) the Owner must submit a complete application for a Permit under the applicable Part of this Bylaw, including all fees, within 30 days of the issuance of a Stop Work Order by the Building Inspector, or other period ordered by the Building Inspector; and
  - (b) if an application for a Permit required under subsection (a) is rejected, the Owner must remove the work done without a Permit within the time ordered by the Building Inspector and on the terms and conditions ordered by the Building Inspector.

## Permit Revocation

- 6.23 The Manager of Permits and Inspections may revoke a Permit if:
- (a) in their opinion, the results of tests on materials, devices, Construction methods, structural assemblies or Foundation conditions contravene the Building Code or the provisions of this Bylaw, or both;
  - (b) all Permits required under this Bylaw have not been obtained;
  - (c) the Permit was issued based on incorrect information; or
  - (d) the Owner or Prime Contractor to whom the Permit was issued has contravened this or another Bylaw of the District regarding Construction, including by contravening a condition of the Permit, or has contravened the Building Code.
- 6.24 If a Permit is revoked after Construction has begun:
- (a) the Manager of Permits and Inspections may order the Owner to obtain a demolition Permit to remove any Construction which has taken place on the site under the previously issued Permit; and
  - (b) only work which is necessary and authorized by the Manager of Permits and Inspections for the purpose of removing any hazards or to mitigate damage arising from exposure to the elements may be undertaken on the site, unless otherwise expressly authorized in writing by the Manager of Permits and Inspections.

## Right of Entry

- 6.25 Subject to section 16 of the *Community Charter*, a Building Inspector may enter on property at any time to ascertain whether the requirements of this Bylaw are being met.

## Part 7: Owner's Responsibilities

### Permit Requirement

- 7.1 Unless otherwise exempted by this Bylaw, every Owner must apply for and obtain a Permit, prior to:
- (a) constructing, repairing or altering a Building or Structure, including a Retaining Wall;

- (b) moving a Building or Structure into or within the District;
  - (c) Construction of Foundations for, and installation of manufactured homes;
  - (d) demolishing a Building or Structure;
  - (e) constructing a masonry fireplace or installing a wood-burning appliance or chimney;
  - (f) installation or Alteration of heating and ventilation systems;
  - (g) installation of plumbing systems, or Alterations and Addition to plumbing systems including the installation of solar hot water systems;
  - (h) installation and Alteration of fire sprinkler systems;
  - (i) installation and Alteration of backflow preventers in lawn sprinkler systems;
  - (j) installation and Alteration of fire alarm systems;
  - (k) installation or Alteration of mechanical exhaust and fire suppression systems for commercial cooking equipment;
  - (l) installation or Alteration of spray booths or spray room equipment and wood dust collection systems;
  - (m) installation or Alteration of a fuel-fired appliance;
  - (n) changing the use or occupancy of a Building; or
- unless the works are the subject of another valid and subsisting Building Permit.

7.2 Every Owner must apply for and obtain a Certificate of Occupancy prior to occupying a new Building or Structure.

### **Owner's Obligations**

7.3 Every Owner must:

- (a) comply with the Building Code, the requirements of this Bylaw and the conditions of a Permit, and must not omit any work required by the Building Code, this Bylaw or the conditions of a Permit;

- (b) ensure that all Permits, all plans and specifications and supporting documents upon which a Permit was issued, all municipal inspection certificates, and all professional field reviews are available at the site of the work for inspection during working hour by the Building Inspector, and that the Building Permits is posted conspicuously on the site during the entire execution of the work; and
  - (c) prior to the issuance of a Building Permit, execute and submit to the District an Owner's Undertaking in the form established by the Manager of Permits and Inspections, where required by the Building Inspector.
- 7.4 Every Owner and every Prime Contractor 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 District and none of the issuance of a Permit under this Bylaw, the review of plans and supporting documents, or inspections made by a Building Inspector or a registered professional shall relieve the Owner, or his or her Prime Contractor, 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.
- 7.5 Every Owner must allow a Building Inspector to enter any Building or premises at any reasonable time to administer and enforce this Bylaw.
- 7.6 Every Owner must ensure that all mechanical equipment, including fans, compressors, pumps, and HVAC units, comply with all applicable noise limitations set by District Bylaws and policies.

### **Construction Site Requirements**

- 7.7 During Construction authorized by a Permit issued under this Bylaw, every Owner shall:
  - (a) post signage on the property indicating the person responsible for the project and that person's contact information;
  - (b) post all signage required under other Bylaws of the District;
  - (c) provide sanitary toilet facilities for the disposal of human waste from individuals who enter on the property 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 property

- under this Bylaw; kept locked while work is not being carried out; and must be kept in sanitary condition without leaking beyond the facility or overflowing within the facility and located so as not to create a nuisance to neighbouring properties or highways;
- (d) secure the Construction site so it does not pose a hazard to the public;
  - (e) erect a metal fence at least 1.8 metres in height around every excavation that is within 3 metres of a property line and maintain the fence until the excavation has been backfilled;
  - (f) prior to occupancy, submit to the Building Inspector a complete list of all contractors and subcontractors involved in the project;
  - (g) retain debris, Construction materials, soil and water within the boundaries of the property during demolition, excavation and Construction; and
  - (h) observe and comply with the approved traffic management plan.

### **Street Occupancy and Damage to Municipal Works**

- 7.8 Every Owner to whom a Permit is issued is responsible for the cost of repairing 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 security deposit under Part 18 [*Security Deposits*], every Owner must pay to the District, within 30 days of receiving an invoice for same from the District, 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.
- 7.10 No person may carry on Construction, including without limitation the storage of materials or placement of construction site offices, which encroaches on a District highway unless such encroachments has been approved in advance by the District's Engineering Department under a Street Occupancy Permit.
- 7.11 In order to apply for a Street Occupancy Permit, a person must submit the following at least 10 business days in advance of the proposed encroachment:

- (a) a street occupancy request application, in the form established by the District's Municipal Engineer;
- (b) a sketch showing the area of intended street occupancy;
- (c) a Traffic Control Plan, if a lane closure is requested;
- (d) a fee for the encroachments on or over the District Highway and associated signage, as required, pursuant to the District's Fees and Charges Bylaw; and
- (e) a certificate of insurance in the amount established by the Municipal Engineer.

### **Notifications to Building Inspector**

- 7.12 Every Owner and registered professional must give written notice to a Building Inspector, in the form required, of any change in or termination of engagement of that 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 the registered professional, including a coordinating registered professional, the Owner must cease all work under a Building Permit until the Owner has engaged a new registered professional, including a coordinating registered professional, and has delivered to a Building Inspector new letters of assurance.
- 7.14 Without limiting section 7.12 or Part 12 [*Inspections*], every Owner must give at least 48 hours' written notice to a Building Inspector in the form required:
- (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 such other notice to a Building Inspector as may be required by the Building Inspector or by a provision of this Bylaw.

## **Part 8: Prime Contractor's Responsibilities**

- 8.1 Every Prime Contractor 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 Prime Contractor 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 thereon, 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 Prime Contractor 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 Owner must provide the Building Inspector with all letters of assurance required by the Building Code and this Bylaw before:
  - (a) the pre-occupancy site review coordinated by the coordinating registered professional or other registered professional for a Part 3 Building; or
  - (b) a final inspection for a Part 9 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 District 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, they must also provide proof of professional liability insurance to the Building Inspector in the form and amount established by the Manager of Permits and Inspections.

### **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) for Foundation and excavation components of new Part 9 Buildings and Additions greater than 55 square metres to Part 9 Buildings, in accordance with the Building Code, except for garages, carports, sheds and similar Structures;
- (b) for a Building that is designed with common egress systems for the occupants and requires the use of firewalls in accordance with the Building Code;
- (c) for Alterations to a structural component of a Part 9 Building in circumstances where letters of assurance have been required in accordance with the requirements of the Building Code;
- (d) for a Building in respect of which the Building Inspector determines that site conditions, size or complexity so warrant in the interests of safety of persons or protection of property under the Building Code;
- (e) for geotechnical components of all new Part 9 Buildings;
- (f) for excavations where the depth of excavation exceeds 1:1 slope to the property line;
- (g) for Retaining Walls where the wall is in excess of 1.2 metres in exposed height; the wall exceeds a slope of 2 horizontal to 1 vertical; or the wall is composed of two or more parallel walls located closer than 2 horizontal to 1 vertical;
- (h) where no roof overhangs are provided, unless waived by the Building Inspector;
- (i) in relation to the Building envelope for: a Part 3 Building; a Part 9 Building other than an Alteration or Addition involving 46 square metres or less; a Building with more than one dwelling unit; or where Building envelope components do not comply with the prescriptive requirements under Part 9 of the Building Code;
- (j) for a parcel of land on which a Building or Structure is proposed, if the Building Inspector 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 District.
- (k) For a Mechanical Permit for a fire sprinkler system, if it includes any of the following:
- (i) new sprinkler system;
  - (ii) adding, relocating, or removing 21 or more sprinkler heads in an existing system;
  - (iii) flexible sprinkler pipe;
  - (iv) sprinkler system supply pipe changes, including valves, mains, branch-lines, and similar;
  - (v) hydraulic calculations;
  - (vi) occupancy changes to a higher hazard classification;
  - (vii) warehouse storage arrangements;
  - (viii) compact mobile storage arrangements;
  - (ix) stacked parking configurations;
  - (x) alternative solution(s); or
- where otherwise required by the Building Inspector.

9.4 The Building Inspector 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.

### **Reliance on Registered Professionals**

9.5 The letters of assurance in the form of Schedules A, B, C-A and C-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 District and its Building Inspectors as certification that the design and plans to which the letters of assurance refer comply with the Building Code, this Bylaw and other applicable enactments.

- 9.6 Letters of assurance must be 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.
- 9.7 For a Building Permit issued for the Construction of a Part 3 Building, the Building Inspector 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 Inspector to provide the Owner with the notice will not diminish or invalidate the reliance by the District or its Building Inspectors on the registered professionals.
- 9.8 If a Building Permit is issued for a Construction of a Part 3 Building, 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.

## **Part 10: Certified Professional Program**

- 10.1 If an Owner elects to apply for a Building Permit under the District's Certified Professional Program, then this Part applies to the design and construction of the Building, in addition to the other provisions of this Bylaw.
- 10.2 The Building Inspector may accept an application for a Permit for a Part 3 Building or a Temporary Building under this Part, if, in addition to receiving an application that otherwise complies with this Bylaw, a Certified Professional certifies in writing that:
- (a) the work covered by the application complies with the Building Code;
  - (b) the Permit application has been prepared in accordance with the Certified Professional Program Manual and District of West Vancouver Certified Professional Program Municipal Insert (together, the "Manuals"); and

- (c) the Certified Professional has been retained by the Owner to perform all of the duties of a Certified Professional as set out in the Manuals.
- 10.3 A Certified Professional certifying an application under this Part must provide proof of insurance in an amount and form satisfactory to the Manager of Permits and Inspections.
- 10.4 The Manager of Permits and Inspections may direct the Building Inspector to refuse an application under this Part if the certification under section 10.1 is provided by a Certified Professional who has, in respect of any previous application under this Part, failed to perform the duties of a Certified Professional in accordance with the Manuals or in accordance with this Part.
- 10.5 A Certified Professional must, in respect of any Building for which a Permit is issued under this Part and in addition to any other applicable responsibilities:
  - (a) review for adequacy and acceptability, any report concerning testing and field reviews related to the Building and maintain a detailed record of such reports and, if requested, make these available to the Building Inspector;
  - (b) advise the Building Inspector promptly, in writing, if any matter of design, Construction or field review does not meet the requirements of the Building Code, this Bylaw and/or other applicable enactments;
  - (c) at least once every 30 days from the date of issuance of a Permit, submit to the Building Inspector a written progress report and any other information as reasonably required by the Building Inspector; and
  - (d) if the Certified Professional will, at any time before the completion of the work that is the subject of the Permit cease to be retained or otherwise involved as the Certified Professional, promptly notify the Building Inspector in writing of the date upon which they will cease to be involved.
- 10.6 In addition to any other grounds the Building Inspector may have for posting a Stop Work Order in respect of a Building, the Building Inspector may post a Stop Work Order, and/or the Manager of Permits and

Inspections may revoke a Permit issued under this Part, 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 Part 3 Building for which a Permit application was issued under this Part;
- (b) if the Certified Professional is no longer licensed as a registered professional in the Province of British Columbia;
- (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 is not delivered by the Certified Professional within the time frame specified in this Bylaw.

10.7 Where a Permit is revoked pursuant to section 10.6, only work deemed and specifically authorized by the Manager of Permits and Inspections as necessary to remove any hazards or to mitigate damage arising from exposure to the elements may be undertaken on the Part 3 Building unless otherwise specifically authorized by the Building Inspector.

10.8 Work on the Building must not resume until the Building Inspector has received written notice from a Certified Professional that the Certified Professional:

- (a) has been retained by the Owner for the continuation of Construction of the Building;
- (b) has reviewed the Building and certifies that the Building, as constructed up to that point, substantially complies with the Building Code, this Bylaw and other applicable enactments, 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 Part 3 Building to completion and including without limitation to certify compliance with the Building Code, this Bylaw and other applicable enactments and will be in accordance with an issued Permit.

10.9 Nothing herein contained shall in any way:

- (a) relieve the Owner, from full responsibility for ensuring that a Certified Professional is engaged at all times during Construction of

the Building and that the Building complies with the Building Code, this Bylaw and other applicable enactments; or

- (b) limit the authority or discretion of the Building Inspector to review application materials, carry out field reviews, or otherwise treat the application or any aspect of the work covered by the application as if it were an application made in respect of a Part 9 Building under this Bylaw.

10.10 In respect of any Permit application made under this Part, and despite any plan checking or field review the Building Inspector may choose to carry out, the Building Inspector will rely on the certifications provided by the registered professional and, as applicable, any other registered professionals, that the work that is the subject of the application meets the requirements of the Building Code.

## **Part 11: Building Permits**

### **Requirements Before Applying for a Building Permit**

- 11.1 Prior to issuance of a Building Permit the Owner must satisfy the following requirements:
- (a) the Owner must apply for and obtain a development permit if the Building or Structure is in a development permit area designated by the District of West Vancouver's Official Community Plan;
  - (b) the Owner must ensure that the proposed Building or Structure complies with all Bylaws of the District, except to the extent to which 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; and, the parcel must have been assigned a civic address;
  - (d) the Owner must provide evidence showing that the person applying for the Building Permit is either the Owner of the property that is the subject of the proposed Building Permit or is the Agent of the Owner, in which case the Agent must provide a completed Owner's

- authorization document in the form established by the Manager of Permits and Inspection from time to time, signed by the Owner;
- (e) if the property that is the subject of the Building Permit application is not intended to be connected to the District's sewage disposal system, the Owner must apply for and obtain approval from the District and other applicable public authorities for an alternate private sewage disposal system;
  - (f) if the property that is the subject of the Building Permit application is not intended to be connected to the District's waterworks system, the Owner must apply for and obtain approval from the District and other applicable public authorities for an alternate water supply system;
  - (g) if the property that is the subject of the Building Permit application is not intended to be connected to the District's storm water drainage system, the Owner must apply for and obtain approval from the District and other applicable public authorities for the alternate storm water drainage and detention system; and
  - (h) if all on site and off site works and services required by a District Bylaw or other enactment have not been completed in accordance with the enactments, the Owner must enter into a completion agreement with the District and deliver to the District letters of credit or cash security for completion of the works and service.

### **Building Permit Applications for Part 3 Buildings**

11.2 An application for a Building Permit with respect to a Part 3 Building must include:

- (a) a completed application form, in the form established by the Manager of Permits and Inspections, signed by the Owner;
- (b) the Owner's Acknowledgement of Responsibility and Undertaking in the form established by the Manager of Permits and Inspections and signed by the Owner;
- (c) a copy of a title search for the relevant property made within 30 days of the date of the Permit application;
- (d) a Building Code Compliance Summary including the applicable edition of the Building Code, such as, without limitation, whether the

Building is designed under Part 3 or Part 9 of the Building Code, major occupancy classification(s) of the Building, Building area and Building height, number of streets the Building faces, and accessible entrances, work areas, washrooms, firewalls and facilities;

- (e) a copy of a survey plan prepared by a British Columbia Land Surveyor showing all improvements on the lot, topographical information referenced to the geodetic datum, easements, rights of ways, creeks, adjacent roads and lane allowances, waterfront boundaries, accretions, trees, hedges and other Structures on adjoining boulevards and rights of ways;
- (f) a site plan prepared by a registered professional showing:
  - (i) the bearing and dimensions of the parcel taken from the registered subdivision plan;
  - (ii) the legal description and civic address of the parcel;
  - (iii) the location and dimensions of existing and proposed statutory rights of way, easements and setback requirements, adjacent street and lane names;
  - (iv) the location and dimensions of existing and proposed Buildings or Structures on the parcel;
  - (v) setbacks to the natural boundary of any lake, swamp, pond or watercourse;
  - (vi) north arrow;
  - (vii) if applicable, location of an approved existing or proposed alternative private or other sewage disposal system, water supply system or storm water drainage system;
  - (viii) the location, dimensions and gradient of parking and parking access;
  - (ix) proposed and existing setbacks to property lines;
  - (x) natural and finished grade at Building corners and datum determination points;
  - (xi) first storey floor elevation;
  - (xii) location, setbacks and elevations of all Retaining Walls, steps, stairs and decks;

- (xiii) line of upper floors;
- (xiv) location and elevation of curbs, sidewalks, manholes and service poles;
- (xv) location of existing and proposed service connections;
- (xvi) location and species of all trees greater than 10 centimetres in diameter;
- (xvii) location of top bank and water courses;
- (xviii) access routes for firefighting;
- (xix) accessible paths of travel from the street to the Building;
- (xx) zoning compliance summary;
- (xxi) the geodetic elevation of the underside of a wood floor system or the top of a finished concrete slab of a Building or Structure where the District's land use regulations or provincial flood mapping regulations establish siting requirements related to minimum floor elevation; and

except that the Building Inspector 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, but only where such repair or Alteration does not add additional floor area to the Building;

- (g) 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; plumbing fixtures; structural elements; and stair dimensions;
- (h) a cross-section through the Building illustrating Foundations, drainage, ceiling heights and Construction systems;
- (i) elevations of all sides of the Building showing finish details, roof slopes, windows, doors, the grade, the maximum Building height line, ridge height, spatial separations and natural and finished grade to comply with the Building Code and to illustrate that the Building or Structure conforms with the District's Zoning Bylaw and any applicable development permit;

- (j) 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;
- (k) a subsurface investigation report;
- (l) all other requirements of sections 2.2.1, 2.2.3, 2.2.4, 2.2.5, 2.2.6 and 2.2.9, Division C of the Building Code;
- (m) 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;
- (n) 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 and the coordinating registered professional;
- (o) 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 Inspector or Building Code may require to prepare the design for and conduct field reviews of the Construction of the Building;
- (p) drawings at a suitable scale of the design prepared by each registered professional containing the information set out in (g) to (l) of this section;
- (q) illustration of any slopes on the subject parcel that exceed 30%;  
and
- (r) all fees and deposits imposed under this Bylaw and the Fees and Charges Bylaw, and all applicable fees, charges, levies or taxes imposed under other Bylaws of the District.

11.3 In addition to the requirements of section 11.2 of this Bylaw, a Building Inspector may require the following to be submitted with a Permit application for the Construction of a Part 3 Building if the complexity of the proposed Building or Structure or siting circumstances warrant:

- (a) site servicing drawings, including sufficient detail of off-site services to indicate locations at the property line, prepared and sealed by a registered professional, in accordance with the District's subdivision and development servicing regulations;

- (b) a section through the site showing grades, Buildings, Structures, parking areas and driveways;
- (c) a traffic management plan;
- (d) a storm water management plan;
- (e) a landscape and grading plan showing details of any work proposed on District right of ways or lands or on the adjoining boulevard;
- (f) a site disclosure statement when required under the *Environmental Management Act*, SBC 2003, c. 53; and
- (g) any other information required by a Building Inspector to confirm that the work is in accordance with this Bylaw, other District Bylaws and Provincial enactments.

### **Building Permit Applications for Part 9 Buildings**

11.4 An application for a Building Permit with respect to a Part 9 Building must include:

- (a) a completed application form, in the form established by the Manager of Permits and Inspections, signed by the Owner;
- (b) the Owner's Acknowledgement of Responsibility and Undertaking in the form established by the Manager of Permits and Inspections and signed by the Owner;
- (c) a copy of a title search for the relevant property, made within 30 days of the date of the Permit application;
- (d) a copy of a survey plan prepared by a British Columbia Land Surveyor except that the Building Inspector may waive the requirement for a survey plan, in whole or in part, where conditions warrant;
- (e) a site plan showing each of the items listed in section 11.2(f)(i) through (xxi), except that for a Part 9 Building the Building Inspector may waive, in whole or in part, the requirements for a site plan, if the Permit is sought for the repair or Alteration of an existing Building or if a requirement is otherwise inapplicable to a given project;

- (f) 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; plumbing fixtures; structural elements; and stair dimensions;
- (g) a cross-section through the Building illustrating Foundations, drainage, ceiling heights and Construction systems;
- (h) elevations of all sides of the Building showing finish details, roof slopes, windows, doors, the grade, the maximum Building height line, ridge height, spatial separations and natural and finished grade to comply with the Building Code and to illustrate that the Building or Structure conforms with the District's Zoning Bylaw and any applicable development permit;
- (i) 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) 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, sheds and similar Structures located on land, a Foundation and excavation design prepared by a registered professional in accordance with the Building Code;
- (l) geotechnical letters of assurance, in addition to a required geotechnical report, if the Building Inspector determines that the site conditions so warrant;
- (m) drawings at a suitable scale of design including the information set out in (f) to (i) of this section;
- (n) 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; and
- (o) all fees and deposits imposed under the Fees and Charges Bylaw and all applicable fees imposed under other Bylaws of the District.

11.5 In addition to the requirements of section 11.4 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 Inspector may require the following be submitted with a Permit application for the Construction of each Part 9 Building in the project:

- (f) structural, electrical, plumbing, mechanical or fire suppression drawings prepared and sealed by a registered professional;
- (g) additional letters of assurance in the form of Schedule A or Schedule B referred to in Division C of the Building Code, signed by a registered professional; and
- (h) any other information required by the Building Inspector or the Building Code to establish substantial compliance with this Bylaw, the Building Code and other Bylaws and enactments relating to the Building or Structure.

### **Site and Location Information**

11.6 Without limiting sections 11.2 or 11.4 of this Part, the Building Inspector 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 Bylaws have been complied with;
- (c) in relation to an existing Building, substantiate its location, size, including appurtenances whether above, at or below ground level, relative to the site's property lines or its relationship to neighbouring grades;

- (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 who is issued a written requirement under this section must comply with the requirement.

### **Alternative Solutions**

- 11.7 An Owner who wishes to provide alternative solutions to satisfy one or more of the requirements of the Building Code must submit sufficient evidence, certified by a professional engineer or architect, to demonstrate to the satisfaction of the Manager of Permits and Inspections that the proposed alternative solutions will provide the level of performance required by the Building Code or this Bylaw and pay the fee specified in Fees and Charges Bylaw.
- 11.8 If, after reviewing the evidence provided in support of a proposed alternative solution, the Building Inspector is satisfied that the alternative will provide the requisite level of performance, the Building Inspector may issue written approval of the alternative solution.

### **Design Modification**

- 11.9 If an issued Building Permit or other Permit is active and the Owner proposes modification to the Building design whereby the value of the work does not increase or the value of the work decreases, the Owner must pay to the District a Building Permit fee based on the plan review hourly rate set out in the Fees and Charges Bylaw.

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

- 11.10 If an application is in respect of a Building that includes, or will include, a residential occupancy governed by the *Homeowner Protection Act*, a 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 Prime Contractor is a licensed “residential builder” as defined in that Act.

11.11 Section 11.10 does not apply if the Owner is not required to be licensed and to obtain home warranty insurance in accordance with sections 20(1) or 30(1) of the *Homeowner Protection Act*.

11.12 Every Permit is issued subject to the Owner and Prime Contractor maintaining compliance with the *Homeowner Protection Act* and negotiations under it during the term of the Permit.

### **Temporary Buildings**

11.13 Subject to the Bylaws of the District and orders of Council, the Building Inspector may issue a Permit for the erection or placement of a Temporary Building or Structure if:

- (a) the Permit is for a period not exceeding 9 months; and
- (b) the Building or Structure is located in compliance with the Zoning Bylaw, built in compliance with the Building Code and this Bylaw, and connected, as required by enactments, to District utility services.

11.14 An application for a Permit for the erection or placement of a Temporary Building or Structure must include:

- (a) plans and supporting documents showing the location and 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) 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 District to remove the Building after one year of the date of the final inspection required under this Bylaw; or
  - (ii) must be returned to the Owner if the Owner removes the Temporary Building within one year of the date of the final inspection of the Temporary Building required under this Bylaw;
- (h) a report or drawing by an engineer, architect or designer confirming compliance with the Building Code, this Bylaw, the Zoning Bylaw and other applicable Bylaws; and
- (i) the applicable fee set out in the Fees and Charges Bylaw.

11.15 A Permit fee for a Temporary Building or Structure is not refundable.

## **Part 12: Inspections**

12.1 Every Owner must obtain an inspection and receive a Building Inspector's written acceptance of the following aspects of work prior to concealing them:

- (a) Foundation and footing forms, before concrete is poured;
- (b) plumbing located below the finished slab level, perimeter drain tiles, rainwater leaders, damp proofing, hydronic heating pipes and below slab insulation;
- (c) installation of rough-in radon, rough-in plumbing, rough-in electrical and rough-in fire sprinklers before they are covered;
- (d) concrete slab preparation prior to pour;
- (e) installation of Building services before being covered;
- (f) rough in of factory-built chimneys and fireplaces and solid fuel burning appliances;
- (g) framing, sheathing, fire stopping (including drywall in fire separations), chimney and ductwork;
- (h) insulation, air and vapour barriers;
- (i) on-site constructed tubs or showers and tub or shower trap tests;

- (j) building envelope;
  - (k) Final inspection of all Permits issued for the Construction of the Building or portion thereof, once complete and ready for occupancy;
- and

as may otherwise be required by the Building Inspector.

- 12.2 A Building Inspector will only carry out an inspection under section 12.1 if the Owner has requested the inspection at least 24 hours in advance and otherwise in accordance with this Bylaw.
- 12.3 A Building Inspector may attend periodically at the site of the Construction of Part 9 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.
- 12.4 No person may conceal any aspect of the work referred to in section 12.1 of this Bylaw in respect of a Part 9 Building until a Building Inspector has Accepted it in writing.
- 12.5 If work has proceeded past one or more of the stages referred to in section 12.1 of this Bylaw without approval from the Building Inspector, the Owner must:
- (a) remove the unapproved work and return the project to the stage following the last approved inspection;
  - (b) call for inspection;
  - (c) pay all re-inspection applicable fees;
- and before proceeding with any further work.
- 12.6 For Part 3 Buildings, the District 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.
- 12.7 Despite section 12.6 of this Part, a Building Inspector may attend the site from time to time during the course of Construction to conduct compliance monitoring, including whether field reviews are taking place and to monitor the field reviews undertaken by the registered professionals.

12.8 For work in respect of Part 3 Buildings, the Owner must:

- (a) give at least 48 hours' online or written notice to the District when requesting a preconstruction meeting with the Building Inspector prior to the start of Construction, and the Owner or his or her representative must ensure that the coordinating registered professional, the Prime Contractor, as well as representatives of major trades, are in attendance;
- (b) give at least 48 hours' online or written notice to the District when requesting a pre- occupancy meeting coordinated by the coordinating registered professional or other registered professional to have the Owner, the Prime Contractor and the registered professionals demonstrate to the Building Inspector 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 District 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 Inspector the Confirmation of Required Documentation in the form prescribed by the Building Inspector.

12.9 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 Inspector 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; and
- (b) inspection required under this Bylaw which cannot be carried out during the District's normal business hours.

## **Part 13: Certificates of Occupancy**

13.1 No person may occupy a Building or Structure or part of a Building or Structure until a Certificate of Occupancy has been issued by a Building

- Inspector for the first occupancy of a Building or Structure or part thereof after completion of Construction.
- 13.2 No person may occupy a Building or Structure or part of a Building or Structure until a Final Inspection Approval has been issued by a Building Inspector in circumstances where a Certificate of Occupancy is not required.
- 13.3 A Certificate of Occupancy or a Final Inspection Approval will not be issued unless:
- (a) all letters of assurance and any Confirmation of Required Documentation have been submitted when required in accordance with this Bylaw;
  - (b) all aspects of the work requiring inspection and acceptance pursuant to this Bylaw have both been inspected and Accepted;
  - (c) the Owner has provided to the District an as-built Building survey prepared by a British Columbia Land Surveyor showing the height, size, location and elevation of the Building determined in accordance with the District's land use regulations;
  - (d) the Owner has executed and delivered to the District every agreement, instrument or form required by the District in relation to the work or the site;
  - (e) all other documentation required under applicable enactments has been delivered to the District;
  - (f) all required offsite works have been completed; and
  - (g) the Owner has delivered to the District as-built drawings of the Building or Structure and works and services, where deemed necessary by the Building Inspector as a result of changes during Construction, in a format required by the District.
- 13.4 When a registered professional provides letters of assurance in accordance with this Bylaw, the District will rely solely on the letters of assurance when issuing a Final Inspection Approval or Certificate of 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.

- 13.5 A Building Inspector may issue a partial Certificate of Occupancy for 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, greenhouse gas emissions and conservation;
  - (b) the requirements set out in section 13.2 have been met with respect to the portion of the Building or Structure; and
  - (c) any required security deposit for the completion of outstanding requirements has been paid.
- 13.6 The Owner and Prime Contractor must ensure that no unsafe condition exists or will exist resulting from the work being undertaken or not completed.
- 13.7 A partial Certificate of Occupancy is valid for a maximum of 4 months.
- 13.8 A Building Inspector may grant an extension to a partial Certificate of Occupancy for a maximum period of 4 months, upon payment of the applicable fee under the Fees and Charges Bylaw.
- 13.9 Where a partial Certificate of Occupancy expires without the outstanding requirements having been completed and has not been renewed, any security held for the completion of the requirements is forfeit to the District and no person may occupy the building or Structure for which the partial Certificate of Occupancy was issued until the Owner calls for a re-inspection, obtains a new partial, provisional or final Certificate of Occupancy, and pays all applicable fees and security deposits under this Bylaw and the Fees and Charges Bylaw.

### **Provisional Occupancy**

- 13.10 The Building Inspector may issue a provisional Certificate of Occupancy where one or more minor items not critical to life safety remain outstanding.
- 13.11 A provisional Certificate of Occupancy is valid for a maximum of 30 days.

- 13.12 A Building Inspector may grant an extension to a provisional Certificate of Occupancy for a maximum period of 30 days, upon payment of the applicable fee under the Fees and Charges Bylaw.
- 13.13 Where a provisional Certificate of Occupancy expires without the outstanding conditions having been completed and has not been renewed, any security held for the completion of the conditions is forfeit to the District and no person may occupy the building or Structure for which the provisional Certificate of Occupancy was issued until the Owner calls for a re-inspection, obtains a new provisional or final Certificate of Occupancy, and pays all applicable fees and security deposits under this Bylaw and the Fees and Charges Bylaw.
- 13.14 The Building Inspector may revoke a partial or provisional Certificate of Occupancy for failure to comply with any conditions of the approval.

## **Part 14: Mechanical Permits**

- 14.1 Mechanical Permits include Plumbing, Fire Sprinkler, Drainage and Hot Water Heating Permits.
- 14.2 An application for a Mechanical Permit must include:
- (a) the number and type of fixtures, heating capacity and/or the number of fire sprinkler heads;
  - (b) plans for commercial or multi-family installations;
  - (c) a Letter of Assurance for Part 3 Buildings unless exempted by the Building Inspector;
  - (d) a Letter of Assurance for fire sprinkler installations where required under section 9.3(k);
  - (e) calculations and a Certificate of Design for all hot water heating installations. Design and installation to be in accordance with the current Thermal Environmental Comfort Association [TECA] standards;
  - (f) all fees as required by the Fees and Charges Bylaw; and
  - (g) evidence of trade qualification where required by Provincial legislation.

- 14.3 Infiltration systems, including but not limited to rock pits, infiltration tanks and trenches, for storm water management must be designed and certified by a professional engineer. A Geotechnical Report is to be submitted to the Building Inspector prior to issuance and shall include an impact assessment on neighbouring properties. A Geotechnical Report, which must include an impact assessment on neighbouring properties and estimated infiltration rate based on in-situ testing using double ring infiltrometer, must be submitted to the Building Inspector as part of the application for the Permit where an infiltration system is proposed.
- 14.4 All utility services are to be connected to Municipal services where available unless exempted by the Municipal Engineer.
- 14.5 All roof and paved areas are to drain to a storm water connection or where unavailable to an approved storm water disposal location.
- 14.6 All storm drains shall discharge into the municipal storm sewer or where unavailable to a storm water disposal location approved by the Municipal Engineer. No person shall connect a storm drain to the municipal sanitary sewer system.
- 14.7 Private sanitary sewage disposal systems must be approved by the local health board before a Permit is issued and may only be permitted where connection to the municipal sanitary sewer system is unavailable.
- 14.8 Swimming Pool drains are to be connected to the municipal sanitary sewer system.
- 14.9 A plumbing Permit may be issued to an Owner for work on their own home provided proof of competency is demonstrated.
- 14.10 Every person must obtain a Drainage Permit for the installation and inspection of drain tile, Foundation dampproofing, Building sanitary and storm sewers and on-site Building water service lines.
- 14.11 Without limiting section 12.1, every Owner must obtain an inspection and receive a Building Inspector's written acceptance of the following aspects of work under a Mechanical Permit prior to concealing them:
- (a) after the installation of Foundation drains, drain rock, rainwater leaders, sanitary sewer lines, storm sewer lines, water lines, sumps and storm water infiltration systems is complete, but prior to the backfilling of Foundations;

- (b) after all underground Plumbing Construction is complete, but prior to the placing of any concrete or backfill;
- (c) after the installation of in slab radiant heat piping where required, but prior to the pouring of concrete slabs or topping;
- (d) after plumbing hot water heating, and fire sprinkler rough-in, but prior to framing;
- (e) after installation of backflow preventers in lawn sprinkler systems;
- (f) after waterpipe and fire sprinkler freeze protection, but prior to vapour barrier/insulation inspection; and
- (g) final inspection must be performed prior to final Building inspection.

14.12 No person may:

- (a) use plumbing, sprinkler, drainage and hot water heating equipment or systems installed without a Mechanical Permit or otherwise contrary to the requirements of this Bylaw or the conditions of the Mechanical Permit; or
- (b) occupy a Building or Structure, or portion thereof, where plumbing, sprinkler, drainage and hot water heating equipment or systems have been installed without a Mechanical Permit, or prior to a final inspection being passed under the Mechanical Permit.

## **Part 15: Electrical Permits**

15.1 No person may carry out Electrical Work without first obtaining an Electrical Permit from the District.

15.2 Every application for an Electrical Permit shall include:

- (a) a completed application form in the form established by the Manager of Permits and Inspections;
- (b) the fees established by the Fees and Charges Bylaw;
- (c) proof that the contractor holds a valid business licence in the District, except in the case of a homeowner installation permit under section 17 of the Electrical Safety Regulation; and

- (d) an electrical contractor authorization and declaration of compliance in the form established by the Building Inspector.
- 15.3 An Electrical Permit may only be issued to qualified persons in accordance with the *Safety Standards Act* and associated regulations.
- 15.4 An Electrical Permit may be issued to an Owner for work on their own home where the requirements of section 17 of the Electrical Safety Regulation are met.
- 15.5 All work under an Electrical Permit must be designed and carried out in accordance with the Canadian Electrical Code, the *Safety Standards Act* and associated regulations.
- 15.6 The Manager of Permits and Inspections is designated as the Local Safety Manager, and the Electrical Inspector is designated as the Local Safety Officer, under the *Safety Standards Act* and associated regulations.
- 15.7 Without limiting section 12.1, every Owner must obtain an inspection and receive an Electrical Inspector's written acceptance of the following aspects of work under an Electrical Permit prior to concealing them:
- (a) after all underground electrical Construction is complete, but prior to the placing of any concrete or backfill;
  - (b) after electrical rough-in wiring but prior to framing; and
  - (c) electrical final inspection must be performed prior to the final Building inspection.
- 15.8 Section 15.7 does not apply where the Electrical Inspector accepts a declaration under section 19(6) of the Electrical Safety Regulation, B.C. Reg. 100/2004.
- 15.9 No person may:
- (a) use Electrical Equipment installed without an Electrical Permit or otherwise contrary to the requirements of this Bylaw or the conditions of the Electrical Permit; or
  - (b) occupy a Building or Structure, or portion thereof, where Electrical Equipment has been installed without an Electrical Permit, or prior to a Final Inspection Approval being passed under the Electrical Permit.

## Part 16: Demolition Permits

- 16.1 No person shall demolish a Building or Structure without having obtained a demolition Permit.
- 16.2 Prior to obtaining a Permit to demolish a Building or Structure, the Owner must:
- (a) provide to the District a vacancy date;
  - (b) pay all applicable capping and inspection chamber installation fees as set out in the District's Bylaws governing waterworks and sewer; and
  - (c) ensure that all municipal services and other services are capped and terminated at the property line in a District standard inspection chamber and valve arrangement.
- 16.3 Every application for a demolition Permit shall include:
- (a) a completed application form, signed by all registered Owners of the property, that contains the location, description, Construction Value, Owner name(s), Prime Contractor name, and all contractors for the demolition;
  - (b) a current title search;
  - (c) a legal survey showing all improvements on the lot, topographical information referenced to the geodetic datum, easements, rights of ways, creeks, adjacent roads and lane allowances, waterfront boundaries, accretions, trees, hedges and other Structures on adjoining boulevards and rights of ways;
  - (d) the Demolition Permit fee specified in the Fees and Charges Bylaw; and
  - (e) a scope of work signed by the Owner and the Demolition Prime Contractor.
- 16.4 Every Demolition Permit is issued subject to the following conditions, that the Owner or Prime Contractor must:
- (a) immediately upon completion of demolition, backfill the site and make the site level based on the grades indicated on topographical survey provide by the applicant;

- (b) call for inspection upon completion of backfilling and levelling;
  - (c) install erosion and sediment controls as approved by the Municipal Engineer within a time specified by the Municipal Engineer;
  - (d) remove all debris from the site and lay sod or seed grass immediately after the backfilling;
  - (e) ensure that all municipal services are capped and terminated at the property line in a District standard inspection chamber and valve arrangement;
  - (f) comply with any regulations established by the District and/or the Province regarding the removal and recycling of building components separate from other debris; and
  - (g) submit a declaration, in the form prescribed by the Building Inspector, that the demolition debris has been disposed of in accordance with all applicable regulations.
- 16.5 The Building Inspector may waive one or more of the conditions set out in sections 16.4 if a Building Permit to construct a new Building has been issued for the same property.
- 16.6 Where a Stop Work Order is posted for a breach of the conditions of a demolition Permit, and the non-compliance continues more than 24 hours after the Owner or Prime Contractor is notified of the Stop Work Order, then the District may, but is not obligated to:
- (a) enter on to the property to which the demolition Permit relates, through its staff, contractors, or agents;
  - (b) carry out any work that may be necessary to fulfil the terms of the Demolition Permit or Stop Work Order, both on and off the subject property, including without limitation completion of the demolition and securing of the site;
  - (c) Deduct all costs and expenses of such work, including any applicable administration fees, from the security deposit held by the District for the Demolition Permit and any related Building Permit.
- 16.7 The Building Inspector shall not issue a Demolition Permit for a property listed on the District of West Vancouver Heritage Register until a Building Permit and any other necessary approvals have been issued with respect to the proposed Alteration or redevelopment of the property.

- 16.8 During demolition, every Owner and Prime Contractor shall implement dust control measures to control the emission of dust.

## **Part 17: Permit Conditions**

### **Permit Conditions**

- 17.1 A Permit is required if work regulated under this Bylaw is to be undertaken.
- 17.2 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 District will in any way:
- (a) relieve 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.
- 17.3 No person shall rely on any Permit as establishing compliance with this Bylaw or assume or conclude that this Bylaw has been administered or enforced according to its terms.
- 17.4 The review of plans and supporting documents and issuance of a Building Permit do not prevent the Building Inspector 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.
- 17.5 Without limiting section 17.2(a), it is the full and sole responsibility 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.
- 17.6 Plans and any supporting documentation submitted in support of a Permit shall become the property of the District.

- 17.7 It is a term and condition of every Permit that all Construction-related Bylaws of the District must be complied with, including but not limited to this Bylaw, the Blasting Bylaw, the Noise Control Bylaw, the Soil Removal and Deposit Regulation Bylaw, and the Traffic and Parking Bylaw.

### **Permit and Application Expiration**

- 17.8 An application for a Permit expires 180 days from the date the complete application is received, if the Permit is not issued by the application expiration date.
- 17.9 Every Permit other than a demolition Permit, unless otherwise set out in the Permit, is valid for a maximum period of 18 months following the date of issuance.
- 17.10 Every demolition Permit is valid for a maximum period of 6 months following the date of issuance.

### **Permit Extension**

- 17.11 A Building Inspector may authorize a 6-month extension to a Permit:
- (a) in the case of a Major Construction Project, once without charge where, in the opinion of a Building Inspector work has proceeded in a timely manner and all other terms of this Bylaw and the Permit have been observed; and
  - (b) in all other cases, upon the written request of the Owner and the payment of the applicable fees under the Fees and Charges Bylaw.
- 17.12 Without limiting Part 6 [*Powers of a Building Inspector*], where, in the opinion of the Building Inspector, Construction has not proceeded in a timely manner for any reason, the Building Inspector may deny an extension to a Permit.

### **Permit Transfer**

- 17.13 Every Owner must give notice in writing to a Building Inspector immediately upon any change in ownership of a property for which a Permit has been issued or applied for, where such change occurs prior to the issuance of a Final Inspection Approval or a Certificate of Occupancy.
- 17.14 To apply for the transfer of a Permit application, the Owner must submit:

- (a) An application transfer form and all required supporting materials; and
- (b) Any remaining fees and deposits, once the permit is approved for issuance.

17.15 To apply for the transfer of a Permit, the new Owner must submit:

- (a) a complete Building Permit transfer application in the form established by the Manger of Permits and Inspections, including any required supporting documents;
- (b) a title search showing transfer of ownership to the applicant Owner;
- (c) written confirmation from each registered professional or Certified Professional who has provided letters of assurance in respect of the Permit, that such registered or Certified Professional continues to be engaged on the project;
- (d) new professional schedules and confirmation of insurance forms from any new professionals engaged for the project, including any documents required for the transfer of responsibility of a registered professional or Certified Professional under this Bylaw;
- (e) written confirmation from the original Owner to whom the Permit was issued, and the designer or architect, if any, who prepared the plans for the Permit, confirming that ownership of and right to use the plans, including traffic management plans and stormwater management plans, is being transferred to the applicant Owner;
- (f) any required documentation to confirm continued compliance with the *Homeowner Protection Act*;
- (g) replacement security and damage deposits in the amounts set by the Fees and Charges Bylaw; and
- (h) the non-refundable fee required under the Fees and Charges Bylaw.

17.16 Upon receiving a complete application for the transfer of a Permit under section 17.15, the Building Inspector may authorize such transfer in writing.

17.17 Security and damage deposits may be refunded to the previous Owner, where applicable, only after the District has received replacement deposits from the new Owner.

17.18 The transfer of a Permit is not an extension of the Permit.

### **Permit Cancellation**

17.19 A Permit, or Permit application, may be cancelled by the Owner on delivery of written notification of the cancellation to the Building Inspector.

17.20 If the Owner submits changes to an application after a Permit has been issued and the changes, in the opinion of the Building Inspector, substantially alter the scope of the work, design or intent of the application in respect of which the Permit was issued, the Building Inspector may either cancel or amend the Permit, and apply all relevant fees.

### **Permit Fee Refunds**

17.21 Upon written request from the Owner, 50 percent of Permit fees may be refunded where the Permit is cancelled by the Owner prior to the commencement of work.

17.22 No refund of any fees shall be made:

- (a) where work authorized under the Permit has commenced;
- (b) where the Permit has expired; or
- (c) where the Permit has been extended.

### **Partial Construction**

17.23 If a site has been excavated under a demolition Permit and a Building Permit is not subsequently issued, or a subsisting Building Permit has expired without the Construction of the Building or Structure for which the Building Permit was issued having commenced, the Owner must fill in the excavation to restore the original gradients of the site within 60 days of being served notice by the District to do so.

17.24 If a Permit has expired after Construction has commenced, with no extension having been applied for:

- (a) permanent type fencing with privacy screen complying with the Zoning Bylaw must be erected around the site for the protection of the public;
- (b) no work related to the Permit may be done, and no Building or Structure related to the Permit may be occupied, until the Owner has applied for and received an extension to the Permit, a new Permit to complete the outstanding work, or a demolition Permit to remove the partial Construction; and
- (c) the Owner must pay to the District the monthly fee for an inactive Construction site under the Fees and Charges Bylaw.

17.25 If a Permit has expired after Construction has commenced, where an extension is refused by the Building Inspector or no extension is available under this Bylaw, the Owner must:

- (a) apply for, obtain and carry out a Demolition Permit for the removal of the partial construction within the time ordered by the Building Inspector; and
- (b) until demolition and removal is completed:
  - (i) maintain permanent type fencing with a privacy screen complying with the Zoning Bylaw around the site for the protection of the public;
  - (ii) not occupy any Building or Structure related to the Permit;
  - (iii) Not do any work on the site except as authorized under the demolition permit; and
  - (iv) Continue to pay to the District the monthly fee for an inactive Construction site under the Fees and Charges Bylaw.

### **Finishing Permits**

17.26 Where a Permit has expired after Construction has commenced, with no extension having been applied for, and the Owner wishes to obtain a permit to complete the outstanding work, they may apply for such a permit by submitting a finishing permit application in the form established by the Manager of Permits and Inspections, along with any required supporting

materials, and a building permit application fee in the amount established by the Fees and Charges Bylaw based on the value of the work remaining to be completed.

- 17.27 A finishing permit will not be issued unless the Owner has paid to the District all amounts owing in respect of inactive Construction site fees, and has replenished or increased any security and damage deposits up to the full amounts required by the Fees and Charges Bylaw then in effect.
- 17.28 A finishing permit may not include any changes to the work or Structures approved under the original building permit.
- 17.29 A finishing permit is valid for a maximum period of 18 months.

## **Part 18: Security Deposits**

- 18.1 Prior to the issuance of a Permit, every Owner shall deposit with the District a security deposit in the form of cash or an irrevocable letter of credit in a form satisfactory to the District in the amounts specified in the Fees and Charges Bylaw.
- 18.2 The security deposits collected under this Bylaw and the Fees and Charges Bylaw may be applied by the District as payment against any costs or expenses incurred by the District, including but not limited to, costs and expenses incurred:
- (a) maintaining, restoring or replacing any public works or public lands which are destroyed, damaged or otherwise impaired as a result of activities related to a Permit or activities which required a Permit under this Bylaw;
  - (b) clearing any debris, material, dirt, chattels, or equipment, which have accumulated on any street, road, avenue, alley, sidewalk, boulevard, or any path of a road allowance or any other public place, as a result of activities related to a Permit;
  - (c) backfilling the site and making the site level based on the grades indicated on topographical survey required pursuant to this Bylaw;
  - (d) installing erosion and sediment controls and install sod or sow seed;
  - (e) making the site safe if the Permit holder abandons the site or fails to complete the work as designated on the Permit; and

- (f) administrative costs, including costs of investigating expired Building Permits and other Permits, renewing existing Building Permits, and any costs incurred by the District related to re-inspections, legal costs or Land Title Office registration costs for notices filed against the title.
- 18.3 The security deposit may also be used by the District as follows:
- (a) to serve as the security deposit for provisional occupancy, where a Certificate of Occupancy requires a security deposit; or
  - (b) as a security deposit to effect compliance with any condition under which a Permit, Final Inspection Approval or Certificate of Occupancy was issued.
- 18.4 The District may apply a security deposit under section 18.2 or 18.3 after the Municipal Engineer delivers a notice to the Owner that the requirement must be met, and the Owner fails to meet the requirement within the time specified in the notice.
- 18.5 The security deposit or applicable portion shall be returned to the Owner, upon the Owner's request:
- (a) when the Building Inspector is satisfied that no further damage to public works or public lands will occur;
  - (b) when all required repairs, restoration, replacement and clean-up have been completed;
  - (c) when the inspections required by this Bylaw are complete and acceptable to the Building Inspector; and
  - (d) if applicable, when the conditions or provisions of a partial or provisional Certificate of Occupancy are completed to the satisfaction of the Building Inspector.
- 18.6 Where a Permit has been transferred under Part 17 [*Permit Conditions*], the security shall be returned to the Owner to whom the Permit was transferred.
- 18.7 No interest shall be paid to any Owner on the security held by the District.
- 18.8 No security deposit shall be refunded for a Permit that expired before Final Inspection Approval was passed or before the issuance of a Certificate of Occupancy.

- 18.9 Any amount required or expended by the District to complete corrective work under section 18.2, in excess of the security deposit, is recoverable by the District from the Permit holder, the Prime Contractor or the Owner.

## **Part 19: Retaining Walls and Grades**

- 19.1 No person may Construct, or structurally repair, a Retaining Wall without a Building Permit.
- 19.2 Except as certified by a professional engineer with expertise in geotechnical engineering registered in the province of British Columbia, fill material placed on a parcel, unless restrained by a permitted Retaining Wall, must not have a surface slope exceeding a ratio of one linear unit vertically to two linear units horizontally.
- 19.3 Without limiting section 19.2, no person may occupy a Building or Structure unless the finished grade of the Property complies with all applicable enactments.

## **Part 20: Building Moves**

- 20.1 No person may move a Building or Structure into, out of or within the District:
- (a) except where certified by a registered professional that the Building, including its Foundation, will substantially comply with the current version of the Building Code; and
  - (b) a Permit has been applied for and issued for the Building or Structure under this Bylaw.
- 20.2 In addition to the other requirements of Part 11 [*Building Permits*] of this Bylaw, the Building Inspector may require a report from an accredited restoration company or registered professional with experience in environmental engineering stating that there are no environmental issues or hazards regarding health and safety to occupants prior to issuing a building Permit to relocate a manufactured home, mobile home or other Building.
- 20.3 The Building Inspector may issue a Permit for Construction involved in the moving of any building, Structure or part thereof into, out of, or within the District when the Owner has, as applicable:

- (a) finalized disconnection of services;
- (b) finalized any outstanding taxes owing and utility billing accounts to the District;
- (c) approval for safe route transport in the form prescribed by the Municipal Engineer;
- (d) provided a hazardous assessment and clearance letter for the demolition of any existing on-site Construction for buildings constructed prior to 1990; and
- (e) paid all fees and deposited all securities as required under this Bylaw and the Fees and Charges Bylaw.

## **Part 21: Swimming Pools**

- 21.1 No person may Construct or structurally repair a Swimming Pool without a valid Pool Permit, applied for in the form established by the Manager of Permits and Inspections.
- 21.2 A Swimming Pool must be enclosed within a fence constructed without footholds or grips that children may use to climb into the enclosed area, having a minimum height of 1.2 metres and no openings greater than 100 mm at their greatest dimension.
- 21.3 Access through a fence enclosing a Swimming Pool must be only through a self-closing and self-latching gate designed and constructed or installed so as to cause the gate to return to a closed position when not in use and secured by a latch located on the Swimming Pool side of the gate.
- 21.4 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.
- 21.5 A person may not use or occupy a swimming pool unless the Owner or occupier of property on which the Swimming Pool is located maintains every fence or cover required under this Bylaw in good working order.
- 21.6 An application for a Permit for a Swimming Pool must include a written 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 22: Street Addressing**

- 22.1 An Owner may apply to the Building Inspector for a civic address change, subject to payment of the fees in the Fees and Charges Bylaw.
- 22.2 A Building Inspector may assign new civic addresses to new Buildings and may renumber or alter the assigned numbers in respect of any Building on any property, including those already in existence or numbered.
- 22.3 Every Owner shall post the assigned civic address in a conspicuous location on the property, so as to be clearly visible from the adjacent public highway. Letter size shall be a minimum of 100mm.

## **Part 23: Specific Regulations**

### **Awnings**

- 23.1 An awning or canopy projecting over public property shall:
- (a) not have supports which extend into the roadway;
  - (b) not be permitted over a lane;
  - (c) not interfere with fire escapes, traffic and municipal works and services; and
  - (d) be permitted only with a letter of assurance from an engineer who is a member of the Engineers and Geoscientists BC.
- 23.2 All awnings and canopies shall be properly drained.
- 23.3 All awnings and canopies shall be compliant with the Building Code.
- 23.4 No awning or canopy projecting over public property shall be permitted to be constructed or to remain in place without an encroachment agreement in a form satisfactory to the Municipal Engineer.

## **Part 24: Secondary Suites**

- 24.1 A secondary suite to be constructed in a new or existing dwelling must comply with the requirements of the Building Code and this Bylaw.
- 24.2 An existing secondary suite which has not made an application for a Business Licence must comply with the requirements of the current edition of the Building Code and this Bylaw.

## **Part 25: Climatic Data**

25.1 The climatic data for the design of buildings in the District shall be the data provided for the District by Environment and Climate Change Canada, which will be published on the District's official website.

## **Part 26: Energy Conservation and Greenhouse Gas Emission Reduction**

- 26.1 A Part 9 Building must be designed and constructed to meet the minimum performance requirements specified in Step 5 of the Energy Step Code unless that Building meets Zero Carbon Step Code Level EL-3, in which case it must be designed and constructed to meet the minimum performance requirements specified in Step 4 of the Energy Step Code.
- 26.2 A detached secondary suite, as defined in the Zoning Bylaw, must be designed and constructed to meet the minimum performance requirements specified in Step 5 of the Energy Step Code unless that Building meets Zero Carbon Step Code Level EL-3, in which case it must be designed and constructed to meet the minimum performance requirements specified in Step 3 of the Energy Step Code.
- 26.3 A Part 3 Building intended for residential occupancy must be designed and constructed to meet the minimum performance requirements specified in Step 4 of the Energy Step Code unless that Building meets Zero Carbon Step Code Level EL-3, in which case it must be designed and constructed to meet the minimum performance requirements specified in Step 2 of the Energy Step Code.
- 26.4 A Part 3 Building intended to be used for business and personal services occupancy or mercantile occupancy shall be designed and constructed to meet the minimum performance requirements specified in Step 2 of the Energy Step Code, and must meet Zero Carbon Step Code Level EL-3.
- 26.5 An energy design report must be available and provided to the Building Inspector at the rough-in framing inspection.

## **Part 27: Offences**

### **Violations**

27.1 Without limiting Part 5 [*General Prohibitions*] 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; or
- (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 \$50,000.00. Each day during which a violation, contravention or breach of this Bylaw continues is deemed to be a separate offence.

27.2 Every person who fails to comply with any order or notice issued by a Building Inspector, or who allows a violation of this Bylaw to continue, contravenes this Bylaw.

### **Deemed Offence**

27.3 An Owner is deemed to have knowledge of and be liable under this Bylaw in respect of any Construction on the property 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 property.

27.4 No person is deemed liable under section 27.3 who establishes, on a balance of probabilities, that the Construction or change of use or occupancy occurred before he or she became the Owner of the property.

27.5 Nothing in section 27.4 affects:

- (a) the District'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.

## **Part 28: Unsafe Conditions**

28.1 If the supply of electricity or natural gas has been disconnected due to a hazardous or potentially hazardous situation existing in the Building or Structure or part thereof, the supply of electricity or natural gas to the Building or Structure shall not be reconnected and the Building or Structure shall not be occupied until:

- (a) the Owner has applied to the Building Inspector for a special safety inspection pursuant to this part and has paid the required fees;
- (b) the Building, Structure or part thereof has been inspected by the Building Inspector and, if considered necessary by the Building Inspector, by the District Fire Chief for compliance with this Bylaw and any other bylaws or Provincial statutes or regulations relating to building, electrical, gas or fire safety;
- (c) the Owner has obtained all Permits required to carry out the works necessary to bring the Building, Structure or part thereof into compliance with the bylaws, statutes, and regulations; and
- (d) all of the works referred to in subsection (c) have been completed and the Building or Structure has been brought into compliance with bylaws, statutes and regulations.

**Part 29: In Force**

29.1 This Bylaw comes into force on \_\_\_\_\_.

READ A FIRST TIME on [Date]

READ A SECOND TIME on [Date]

READ A THIRD TIME on [Date]

ADOPTED by the Council on [Date].

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Corporate Officer