COUNCIL AGENDA
Date: July 1, 2014
Item # 13

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

COUNCIL REPORT

Date: June 3, 2014
File: 1610-20-4798

From: Manjit S. Sohi, Manager of Permits and Inspections

Subject: Amendments to Building Bylaw No. 4400, 2004 Regarding Demolition Permits and Security Deposits

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RECOMMENDED THAT:


Purpose

The purpose of this report is to make amendments to Building Bylaw No. 4400, 2004, which will enable staff to issue demolition permits for existing structures where a replacement building permit has not been applied for or issued. A separate report will make an amendment to Fees and Charges Bylaw No. 4414, 2005, to accommodate these amendments.

These proposed amendments will enable staff to collect a damage deposit for demolition permits, and provide the authority to use the damage deposit where the owner fails to satisfy the conditions of the demolition permits.

1.0 Background

1.1 Prior Resolutions

On December 15, 2004, Council adopted Building Bylaw No. 4400, 2004. The Bylaw has been amended several times since its adoption.

1.2 History

Various construction-related Bylaws were amended and adopted on May 13, 2013, clarifying the regulations related to mechanical permits, pools, and occupancy permits.
2.0 Policy

2.1 Bylaw

*Building Bylaw No. 4400, 2004,* provides for the health, safety, and protection of persons and property related to construction.

3.0 Analysis

3.1 Discussion

In 2013, staff commissioned a report from Stantec Consulting Inc. (Appendix A) to review the permitting and inspections process in order to determine ways to streamline the process and make it more efficient. Stantec consulted with various stakeholders including architects, surveyors, builders, designers, current and past permit applicants, and staff. In December, 2013, Stantec submitted their report, “Review of West Vancouver Building Permitting Process”, with 17 recommendations to streamline the permitting process. A separate progress report on the implementation of these recommendations will be provided to Council at a later date. Recommendations #7 and #10 are as follows:

"**Recommendation 7:** The District of West Vancouver should not require building permits before demolition is allowed. If subsequent issues arise, other remedies (nuisance bylaws, etc.) should be used."

"**Recommendation 10:** West Vancouver should establish an ongoing forum (for example, a committee supplemented by bulletins, etc.) to promote better dialogue and agreement about issues, standards, processes, and implementation, etc."

Staff has established a ‘Builders Forum’ comprised of more than 50 members of the development community consisting builders, developers, architects, surveyors, and designers. Staff conducted the inaugural meeting on April 15, 2014, and will be conducting regular meetings with the Builders Forum on an ongoing basis.

Current District policy does not permit issuance of a demolition permit without first obtaining a building permit for a new building. The District had several instances where the property owner demolished an existing structure, removed foundations, excavated the site, and left an excavation hole for a prolonged time, causing health and safety issues and nuisance to the neighbourhood. Recommendation # 7 of the Stantec Report is based on a concern of the building community that this policy prevents architects from having a clear understanding of the site conditions prior to designing a home. In some instances, this has required major redesign of a project after building permit issuance and demolition of the existing home.
The proposed amendments were provided to the Builders Forum, and three comments were received and were integrated into the Bylaw Amendments, as appropriate.

Amendment to Building Bylaw

The proposed changes to the Building Bylaw are necessary in order to accommodate the independent demolition permit issuance. Some of these changes are as follows:

1. The Part 20.0 – "Demolition Permits" section of the bylaw has been added to regulate demolition permit application requirements, duties of permit holder, conditions of approval of demolition permits, and, in case the applicant fails to fulfill the conditions of demolition permit, authorizing the District to use performance and damage deposit funds to satisfy the permit conditions.

2. The Part 21.0 – "Performance of the Works and Security for Damage to District Works and Property" section has been added to clarify the purpose of all performance and security deposits both for demolition permits and other permit types, and authorizing the District to use these funds under certain conditions.

Amendment to the Fees and Charges Bylaw

The proposed changes to the Fees and Charges Bylaw (which will be addressed in a separate report) will align the requirements for demolition permits in the Building Bylaw, and associated performance deposits in the Fees and Charges Bylaw. Some of these changes are as follows:

1. Clarification for each new single family residential dwelling authorized by the Permit; the fee remains the same.

2. For additions, renovations, alterations in a single family dwelling, a minimum new deposit in the amount of $500 dollars and a maximum new deposit in the amount of $5,000 have been added.

3. For an additional or new building for a multifamily, commercial, industrial or institutional development, the minimum amount of the deposit has been increased from $2,500 to $5,000.

4. For tenant improvements, renovations to existing commercial, industrial or institutional buildings, a new minimum damage deposit for the amount of $500 has been added.

5. For all demolition permits, a new damage deposit in the amount of $25,000 has been added.
3.2 Sustainability

Not Applicable

3.3 Consultation

Externally, the proposed changes were circulated to the Builders Forum for review and their comments have been incorporated in the amendments. Internally, Planning, Land Development and Permits; Legislative Services; and Finance staff were consulted.

3.4 Communications Process

Information on these changes will be posted on the District website, be circulated to the Builders Forum, and be made available at the Permits and Inspection counter.

4.0 Options

4.1 Council may:

- Approve the proposed bylaw amendments; or
- Defer consideration of the proposed bylaw amendments; or
- Request further information regarding the proposed bylaw amendments.

Author: [Signature]

Manjit S. Sohi
Manager of Permits and Inspections

Review of West Vancouver Building Permitting Process

December 17, 2013
1. Introduction
Stantec Consulting was asked by the Director of Planning, Land Development and Permits to review the Permits and Inspections function and the Land Development Engineering group. The focus of looking at these two groups was to identify current issues and problems with the permitting and inspections processes in order to determine ways to streamline the process, determine an appropriate level of resourcing, and make it more effective.

2. Background
We completed a review of the District of West Vancouver’s planning and land engineering processes in 2003. That review was broad in scope and included the roles of all participants from Council and its advisory committees as well as staff, applicants and the public. It addressed the processes from OCP amendments through rezonings, development permits, subdivisions and building permits.

This is what we said then: The development approval process (for subdivision, development permits, development variance permits, rezonings, etc) in municipalities sometimes is criticized as being too slow and lacking the certainty of defined timelines, responsiveness, and coordination between process participants. Most of the recommendations of that report have been implemented, including but not limited to, adoption of a new OCP and Zoning Bylaw, delegation of some approvals to staff, streamlining the Council Committee process, and integrating the Land Development Engineering function into Planning Department. But, some key items relating to the building permits process have not yet been addressed.

In 2003, the situation with permits was described as lengthy, particularly for smaller projects and applicants have expressed complaints about slowness in processing. Reasonable time frames for approval need to be targeted and monitored. Workloads are mentioned as an issue by some staff. Staff quotes a turnaround time of 6-8 weeks, but admit that most applications sit untouched for at least two, and maybe three, weeks because of lack of time to address them. Shortening application turnaround time is a valid objective for building permits... The service needs to adjust to the demand.

However, many of the problems identified in the 2003 review remain; some of them have been described as becoming much worse. For example, plans for new homes now sit 'in a bin' for at least eight weeks before review starts.
While there is a fairly high level of dissatisfaction amongst the building community with this aspect of the District of West Vancouver, the 2013 community-wide survey showed 76% of those surveyed were satisfied with the building and permit inspection services. This was an increase of 9% from the 2010 survey. However, it remains that community satisfaction with the building permitting and inspections service is ranked third lowest of the 18 service areas surveyed.

3. Approach
The scope of the current review was fairly high level, researching the current West Vancouver documents, concentrating on discussions with staff involved with the process and in resource allocation (from counter clerks to the CAO), as well interviewing a variety of current and past applicants for building permits, primarily designers, architects and builders although some individual homeowners and other consultants were involved. As most of the professionals involved also worked in the District of North Vancouver, it became a comparative example.

Very consistent themes and messages emerged from our review and the interviews.

Based on this review, Stantec has documented our findings in this brief report, including a series of recommendations which, if implemented, should go a long way in improving the permitting process.

4. Discussion
As noted above, both permitting staff and the building community agree that the situation is considerably worse than it was ten years ago. Staff is under considerable stress due to the demands of increased work demands. This appears to be due to a variety of factors: the existing level of resources devoted to the permitting process, the additional complexities of the process that have been added over time, increasing numbers of permits, and the way the process is structured and organized.

There are several outcomes from the way things are. The chief complaint, by far, is that things take far too long. This can be very expensive for applicants who may have significant carrying costs for properties that add up month after month. It makes it extremely difficult for builders to plan and organize their activities and hire trades far ahead, and with little certainty—often leading to temporary down time for their employers. It slows down the economic activity in West Vancouver. In addition, although there are no statistics, it is likely that many people now choose to go underground and avoid the permitting process, especially in the renovation sector—not only depriving West Vancouver of permitting revenues, but also sidestepping the inspection process which can also
create problems for future home purchasers. This creates an uneven playing field between builders who comply and those that don’t.

5. Permitting Times
Most interviewees described the permitting process in West Vancouver as being ‘the slowest of them all.’ We note that municipal staff track several indicators relative to their work such as the difference between revenues and expenditures, the numbers of permits issued, the number of inspections completed, but do not formally track the time that it takes for permits to be reviewed and issued.

For example, the District of North Vancouver tracks and reports on turnaround time for permitting. The following chart shows the median time for processing permits in the District of North Vancouver. It is measured in days (under 20), not weeks or months as in West Vancouver. In reviewing the permitting data from North Vancouver, there was a sharp drop in process time during 2009 with process changes. The District of North Vancouver reports that improved processes, cross training, and adopting a continuous improvement approach to workflow and business processes has allowed them to maintain lower processing times in spite of increased construction values. Certainty of timing is almost as critical as shortening the approval time frame.

Table 2: Building Permit Processing times in District of North Vancouver

<table>
<thead>
<tr>
<th>Median Building Permits Processing</th>
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<tr>
<td># Days</td>
</tr>
<tr>
<td>Time</td>
</tr>
<tr>
<td>Construction Value</td>
</tr>
</tbody>
</table>

![Chart showing median building permit processing times from 2008 to 2012.](chart.png)
**Recommendation 1:** West Vancouver should begin tracking permitting times (from application to issuance) for various classes of permits with a view to significantly shortening processing times. Ongoing progress should be monitored and resourcing and organizational decisions should be made to support this.

### 6. Staff Resources

It is generally accepted that not only are the numbers of building permits increasing in West Vancouver, but the complexity of them is also increasing. As well, additional requirements to minimize construction impacts on neighbourhoods, etc., (such as those for boulevard drawings, traffic management plans, stormwater management plans, sediment and erosion control, and driveway standards), require considerable additional staff time. It should be noted that the ‘culture’ of West Vancouver is often complaint driven and staff, therefore tend to be risk adverse, and spend extra time checking, for example, average grade calculations that applicants provide.

During the ten-year period from 2002 to 2012, the number of building permits issued annually has increased 17% to 718 and total permits, which includes plumbing and electrical, increased 22% to 2,813. Single detached home permits are 25% greater than in 2002. Renovations permits were down 3% from 2002.

**Table 2: Number of Annual Building Permits in West Vancouver**

<table>
<thead>
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<th>Year</th>
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<th>Reno Permits</th>
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<td>2012</td>
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</table>

Total construction value in West Vancouver, on which the District’s revenue for building permits is based, increased by 225% over the same
ten-year period. Total revenue from permits increased by 240% over this ten-year period. Although there was a dip with the 2008 recession, permits have increased dramatically in the last few years, increasing delays. Most commentators say the situation is only getting worse.

If bylaw enforcement revenue is deleted from the figures provided from the Annual Reports for 2010, 2011, and 2012 (because the bylaws function was included in those years, but not in 2013 due to reorganization), and the comparable 2013 Budget numbers, revenue from permits alone funds all the operations of the Planning, Lands and Permits Department as well as providing a surplus of over $1,000,000/year used for other non-planning functions.

Table 3: Construction Value of Building Permits in West & North Vancouver

![Graph showing construction value of building permits over years]

We believe that the single most important factor, but not the only one, in permitting delays, is the limit on staff resources and their ability to cope with demand, especially when seen with the increase in construction value of building permits in West Vancouver over the last few years. Applicants are paying fees for a service that is not being delivered. In other words, the District of West Vancouver has really placed a tax on new development, rather than establishing an equitable fee for customer service.

Objective 2.5 of the 2012 District of West Vancouver Community Strategic Plan, dealing with resource allocation, is to evaluate service demand and delivery, then realign resources. This is an obvious case where there is not an alignment of demand, resources, and service. Revenues should be redirected to the services for which they are charged. This same recommendation was made in paragraph 6.18 of our 2003 report.
Another issue with respect to staffing is the inability to fill the vacant position of land development engineer—which we understand has been vacant for the last year. This is a major cause of what is generally referred to as ‘the bottle neck’ in Land Development Engineering. This position has been posted four times and eleven different candidates have been interviewed. Three candidates has turned down job offers due to salary expectations. Filling this vacancy must be given a high priority through the consideration of alternative recruitment techniques and ensuring appropriate remuneration for the position.

The City of North Vancouver compiled 2011 data and ranked 21 BC municipalities by construction value per staff member in plan checking and building inspections. This chart is included as Appendix A. What it shows is that West Vancouver plan checkers and building inspectors are ranked fifth highest in the amount of permitted construction by value. In other words, the workload per staff is significant and higher than most other comparable municipalities.

Additional staff positions need to be created. While this will take some more evaluation to determine where best to allocate them in terms of a reorganized process, it likely would require at least an additional one in the plan checking function (and some resources can be redirected from the building inspection group (see Section 7) and one at the technical level in Land Development Engineering. In addition, manpower planning should provide for training and coverage during vacations, etc.

Recommendation 2: Additional staff positions need to be created in the Permits & Inspections and Land Development Departments.

Recommendation 3: A high priority and different approaches should be pursued to hiring a suitable candidate to fill the vacant position in Land Development Engineering.

7. Dual Responsibilities
Along with the 718 building permits in 2012, there were a total of 12,438 building, plumbing, and electrical inspections.

Inspections for building permits, 4,602 in 2012, are required at several stages in the process such as on completion of basement formwork, before vapour barrier is covered, etc. These inspections are time-sensitive to allow construction to continue without delay.

Plan checkers primarily deal with permits for new homes. Presently, the Permits and Inspections Department divides the District into geographic sub-areas (adjusted periodically to balance workloads) with staff, in
general, providing both plan review and inspection services in those same areas, so one person manages these files from start to finish.

Building inspectors, who spend a large part of their time in the field, are also responsible for plan checking and building permits for renovations and smaller permits. Giving the urgency of on-site inspections, building permits are dropped to complete inspections on time. While there is general satisfaction with the building inspection function (only minor 'grumbling' about some issues such as a desire for smaller 'appointment windows' or better communication with on-site construction supervisors), its impact on permit timelines appears relatively significant. There is significant support from applicants for separating these functions—both in terms of timing and better working relationships with inspectors.

**Recommendation 4:** Work towards a system where the building inspection and plan checking functions are independent and balance resources around that.

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**8. An Emphasis on the 'Front End'**

Several interviewees characterized the current approach as not having any real structure—that it 'just happens when it happens.'

There is almost universal agreement from the applicant side of the permitting process that there should be an emphasis on the 'front end' of the process. The system used by the District of North Vancouver is favored by applicants as the model that West Vancouver should follow. West Vancouver needs to ensure that there are knowledgeable, well-trained people at the front end of the permitting process.

As it now happens, applicants drop off sets of plans at the counter. There is only a minor review of the plans at that time. Then, plans, such as for new homes, are 'put in a bin' where they sit for at least eight weeks or more.

The District of North Vancouver's system is to have a review meeting (at a scheduled appointment time) between the applicant and plan checker. This entails a zoning review and identification of any missing documentation, problems, etc. Incomplete applications are not accepted—this overcomes the ongoing practice of applicants in West Vancouver who have learned to put in incomplete applications just in order to get in the queue. The emphasis on the front end streamlines the process. While the appointment process has the disadvantage of not being able to just drop in at the counter (and this is defined by some staff as reducing customer service), it actually promotes efficiency overall as applicants and staff can schedule and focus on their work. It has also
been suggested by the building community that this process allows better ‘team building’ between the applicant and plan checkers.

The emphasis on the front end assumes that applications shall be complete at the beginning.

**Recommendation 5:** The District of West Vancouver should develop a system, like that of the District of North Vancouver, where there is more emphasis on the front end review of applications and more certainty of timing.

### 9. Separate Streams
There have traditionally been two primary review steps in building permit applications. First, permits are reviewed by the plan checkers and then reviewed by the Technician in Land Development Engineering to determine any servicing and utility type issues. Land development engineering also looks at how the submissions address the other requirements (traffic management, sedimentation and erosion control, streamside regulations, etc.).

The Building Permits group has started to separate applications into two streams: excluding the referral to Land Development Engineering on minor (by value and complexity) projects and projects where there are obviously not engineering requirements.

However, there should be a process whereby the more minor applications are further separated out and fast tracked through the system. If they only take very minor review, there would be significant impact to many applicants to get minor applications turned around faster. Of course, it remains that some renovations are every bit as complex, sometimes more, than a new house.

Related to this is the need for trained staff at the counter and on the phone that can deal with most common issues, allowing the plan checkers to do plan checking.

**Recommendation 6:** The District of West Vancouver should implement a system whereby the smaller applications can be reviewed and approved in a an expedited manner..

### 10. Withholding Demolition Permits
Many applicants have complained about West Vancouver’s procedure of withholding demolition permits until a building permit is issued. Since 2002, annual demolition permits have varied from a low of 65 to a high of 165. This is important as demolitions have been required, over the last ten years, for close to 80% of new homes.
The major complaint is that, in situations where there is or may be rock, the scope of the rock and, hence the design of the house, cannot be established until the previous house is removed. In other words, designers are forced to ‘design in the dark’ and then often have to redesign houses and get revised building permits, significantly delaying the development process. While this practice has been developed in response to complaints about unsightly and unsafe situations that have occurred in the past, there are other tools that could be used to overcome this problem, such as nuisance bylaws or performance bonds.

**Recommendation 7:** The District of West Vancouver should not require building permits before demolition is allowed. If subsequent issues arise, other remedies (nuisance bylaws, etc.) should be used.

11. New Requirements

While there has been improvement in the District’s supporting materials, applicants have been very critical about how new requirements and standards (driveways, boulevards, etc.) have been implemented. First, there are complaints they are rather arbitrary, subjective, and there is a lack of flexibility that is required particularly because of the complex topography in West Vancouver.

Second, there are complaints that requirements have not been adequately defined and explained in a timely manner—there is a need for standard details, etc., as the industry needs time to adapt. In other words, applicants feel that there is a lack of clarity, certainty and flexibility and this seriously impacts developability, and therefore, property values on some lots.

**Recommendation 8:** Land Development Engineering needs to approach standards with a reasonable degree of flexibility.

**Recommendation 9:** Supporting material, on paper and on the website, explaining processes and requirements needs to be prepared.

12. Liaison with the Development Industry

It is clear that there needs to be a better ongoing dialogue between municipal staff and the applicants. This should be on a regular and collaborative manner—especially where standards and processes can be discussed along with implementation strategies. This should be a forum for problem solving and finding future system improvements.

A good model to consider is the City of Surrey's Development Advisory Committee that has been in place since 1994. Its purpose is for effective communication between City staff and members of the development
industry. The committee involves discussion and consensus building in matters of mutual interest such as review of current and proposed policies, procedures and by-laws as they affect development proposals. The terms of Surrey’s DAC are in Appendix B.

There appears to be general satisfaction with the inspections function, although there were suggestions made that communication could be improved, particularly on site.

Recommendation 10: West Vancouver should establish an ongoing forum (for example, a committee supplemented by bulletins, etc.) to promote better dialogue and agreement about issues, standards, processes, and implementation, etc.

13. Customer Service Focus
When the process is slow, communication suffers. Another side of the relationship between the District and the development industry has shown itself in the numerous complaints made during the interview process about a lack of customer focus throughout, but particularly about the relationship between Land Development Engineering and the applicants. It is often described as difficult and frustrating.

While it is understood there needs to be standards and protection of the public interest in significant areas like blasting, applicants think there needs to be a more open and less arbitrary problem solving attitude—one more focused on customer service. As one example, there have been quite a few complaints made about how blasting requirements are administered through the process, both in terms of timing and expense with incremental checking.

Recommendation 11: Senior leadership needs to foster and support a stronger attitude of customer service and problem solving within the permitting process.

14. Zoning Calculations
While the zoning bylaw has recently been updated, there are two specific areas that receive a lot of criticism because of their complexity: 1) average grade and height calculations; and 2) highest building face. Requirements are complex and considerable review time is spent checking applicant calculations. We understand that the District has a study underway on issues of building massing, etc.

Recommendation 12: West Vancouver should strive for simpler regulations, that still address community concerns about height and massing, for the issues noted above.
15. Technology
Building Permits has made headway with technology, such as developing the capacity for printing inspection reports on site with smart phones and automatically entering data into the District’s data base. In addition, the District has scanned previous plans, which provides a more efficient archive retrieval process. There has been progress on moving to on-line applications for electrical and plumbing permits—this should be implemented in the first quarter of 2014.

While the major, and more immediate, improvements will come through resolving manpower and reorganizing staff, a long term objective should be to develop ways to streamline the process through filing more applications (especially small ones) on line and allowing applicants to determine progress on approvals.

**Recommendation 13:** West Vancouver should focus on manpower related issues in the short term, but longer term objectives should include a greater increase on technology.

16. Responsibility
Although we always understand a municipal council’s desire to be frugal with taxpayers’ money and not wanting to increase staffing levels unnecessarily, it is long past time for Council to act to improve the permitting system. Council has to recognize, consistent with overall objectives in the Community Strategic Plan, there is a need to address the current inequity in the permitting system, realign resources, and provide for a more business-friendly and customer-oriented service.

It is always difficult to organize and implement changes where staff is already busy and Council should allocate funding to get the system on track.

The Director of Planning, Land Development and Permits (with the support of the newly hired Manager of Permits and Inspections) is responsible for implementing the new system once Council has allocated more resources.

**Recommendation 14:** The Council needs to dedicate more budget dollars to the permitting process to have a better fit between demand and resources.

**Recommendation 15:** The Chief Administrative Officer should take forward a budget to Council that provides for more resources to the building permitting function in order to provide faster processing times.
**Recommendation 16:** The Director of Planning, Land Development and Permits should work with the Manager of Development Engineering on implementing a more customer focused process without compromising overall community goals and concerns.

**Recommendation 17:** The incoming Manager of Permits and Inspections should prepare a more detailed plan for implementing improvements to the permitting process.

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**17. Conclusion**

Our 2003 report stated that this is one area, although not high profile, where significant improvements with community benefit could be attained through new systems and resources. This is truer now than it was in 2003. Improvements are long past due.
Appendix A

2011 Construction Value Per Building Permit Staff

Source: City of North Vancouver
<table>
<thead>
<tr>
<th>Rank</th>
<th>Name</th>
<th>Value</th>
<th>Construction</th>
<th>Population</th>
<th>Control</th>
<th>Date</th>
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<td>20000</td>
<td>10000</td>
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**Total:** 60,000

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**Notes:**
- The table above represents the top 10 ranked locations based on specific criteria.
- Each location is categorized under various fields such as Value, Construction, Population, and Control Date.
- The status of each location is indicated by a corresponding status symbol.
Appendix B

City of Surrey Development Advisory Committee
CITY OF SURREY

DEVELOPMENT ADVISORY COMMITTEE

Terms of Reference

1. The purpose of the Committee is to establish and maintain an effective channel of communication between City staff and members of the Development Industry in Surrey.

2. Without limiting the scope of discussion, the Committee shall focus on creating a positive and constructive climate for changes in the community that will be mutually beneficial.

3. This will involve discussion and consensus building in matters of mutual interest such as review of current and proposed policies, procedures and by-laws as they affect development proposals.

4. The Committee may meet as frequently as is considered necessary. However, to start with, at least one meeting will be held every month.

5. The General Manager, Planning & Development or his designate, will chair the meeting.

6. All logistics regarding meetings, including arranging venue, preparing agenda, sending out notices, etc. will be provided by the Planning & Development Department.

September 1, 1994

The range of topics discussed can be viewed at the following website:

District of West Vancouver

Building Bylaw
Bylaw No. 4400, 2004,
Amendment Bylaw No. 4798, 2014

Effective Date:
District of West Vancouver

Building Bylaw No. 4400, 2004,
Amendment Bylaw No. 4798, 2014

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District of West Vancouver

Building Bylaw No. 4400, 2004, Amendment Bylaw No. 4798 2014

A bylaw provide for health, safety and protection of persons and property

Previous amendments: Amendment bylaws 4521, 4542, 4663, 4685, 4698, 4704, 4720, and 4729.

WHEREAS the Council of The Corporation of the District of West Vancouver deems it expedient to provide for to amend Building Bylaw No. 4400, 2004;

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

Part 1 Citation

1.1 This bylaw may be cited as Building Bylaw No. 4400, 2004, Amendment Bylaw No. 4798, 2014.

Part 2 Severability

2.1 If a portion of this bylaw is held invalid by a Court of competent jurisdiction, then the invalid portion must be severed and the remainder of this bylaw is deemed to have been adopted without the severed section, subsection, paragraph, subparagraph, clause or phrase.

Part 3 Amendment

3.1 Building Bylaw No. 4400 2004 is amended as follows:

3.1.1 Delete Part 20 Offence and Penalty and replace with Part 20 Demolition Permits in its entirety as follows;

20.1 Every applicant for a demolition permit will:

20.1.1 comply with section 9.1.1, 9.1.3 and 9.1.4;
20.1.2 pay the permit fee specified in the Fees and Charges bylaw;

20.1.3 submit a completed application by the Owner or Agent;

20.1.4 provide written authorization from all owner(s) to apply for and obtain a demolition permit; and

20.1.5 provide a scope of work signed by the Owner or Agent and the demolition contractor.

20.2 Every Demolition Permit is issued with the terms and condition that the Owner or Agent must:

20.2.1 immediately upon completion of demolition back fill the site and make site level based on the grades indicated on topographical survey required pursuant to section 9.1.4;

20.2.2 install erosion and sediment controls as approved by District's Director of Engineering or his or her designate (the "Municipal Engineer") within a time specified by the Municipal Engineer;

20.2.3 remove all debris from the Site and lay sod or seed grass immediately after the backfilling;

20.2.4 ensure that all municipal services are capped and terminated at the property line in a District standard inspection chamber and valve arrangement;

20.2.5 remove all gypsum board and other recyclable materials from the building, separate from other debris, dispose of it in accordance with the applicable provincial regulations;

20.2.6 provide to the Building Inspector a declaration on a form prescribed by the Building Inspector declaring that the demolition debris has been disposed of in accordance with all applicable regulations.

20.3 The Building Inspector may waive one or more of the conditions set out in sections 20.2.1 to 20.2.3 provided that a building permit to construct a new building has been issued for the same property and the Building Inspector may relax
the time for compliance with any of the conditions set out in section 20.2.

20.4 Every applicant for a demolition permit will deposit with the District cash or an irrevocable letter of credit in a form satisfactory to the District’s Director of Finance in the amount set out in section 21.1.5 as security for the repair, replacement, and clean up of any water and sewer works, roadways, curbs, gutters, sidewalks, boulevards and other public amenity areas damaged in the course of the work authorized by the permit, and for the clean-up of the land subject to the permit and or completion of the works required under section 20.2.

20.5 If the Building Inspector determines that the terms and conditions upon which a demolition permit is issued are not being complied with, the Building Inspector may deliver written notice requiring compliance within 24 hours, and if the Building Inspector determines that non-compliance continues after the 24 hour notice period, then the District, may, but is not obligated to, enter on to the property to which the demolition permit relates and do or cause to be done through its servants, contractors or other, all such things as may be required to fulfil said conditions including without limitation completion of the demolition and securing of the site, and for such purpose may without notice or limitation deduct from the Security Deposit referred to in section 20.4 all costs and expenses incurred and payments and expenditures made by the District including the administration fee authorized under the Fees and Charges Bylaw.

20.6 The District will return to the payee the Security Deposit referred to in section 20.4, less all amounts deducted there from in accordance with section 20.5 upon completion of the demolition work contemplated in the Permit and upon the Building Inspector being satisfied that all damage caused by the applicant described in section 21.2 & 21.3 has been repaired and all conditions upon which the permit was issued have been complied with and satisfied.

3.1.2 Add new Part 21 Performance of Works and Security for Damage to District Works and Property in its entirety as follows:

21.1 Prior to the issuance of a Permit, the applicant will deposit with the District, a security or damage deposit in the form of
cash or an irrevocable letter of credit in a form satisfactory to the District in the following amounts:

21.1.1 $2,500 or 0.75 percent of the Construction Value of the proposed work, whichever is greater, to a maximum of $20,000 for each new single family residential dwelling authorized by the Permit;

21.1.2 $500 or 0.75 percent of the Construction Value of the proposed work, whichever is greater, to a maximum of $5,000 for each permit for additions, renovations, alterations in a single family dwelling;

21.1.3 $5,000 or 0.75 percent of the Construction Value of the proposed work, whichever is greater, to a maximum of $20,000 for multifamily, commercial, industrial or institutional development authorized by the permit where the work being permitted is a new building or an addition to an existing building;

21.1.4 $500 or 0.75 percent of the Construction Value of the proposed work, whichever is greater to a maximum of $1000 for tenant improvements, renovations to existing commercial, industrial or institutional buildings;

21.1.5 $25,000 for all demolition permits.

21.2 The Security and Damage Deposit 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 to:

21.2.1 maintain, repair, restore or replace any District property or any other public property or public land which is destroyed, damaged or otherwise impaired in carry out the work referred to in the Permit;

21.2.2 clear 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 work carried out in connection with a Permit;
21.2.3 back fill the site and make site level based on the grades indicated on topographical survey required pursuant to section 9.1.4;

21.2.4 install erosion & sediment controls and install sod or sow seed;

21.2.5 make a site which is subject to a Permit safe if the Permit holder abandons the site; and

21.2.6 administrative costs including but not limited to those incurred in investigating expired building permits and other permits, to renew existing building permits, re-inspection fees, legal costs or Land Title Office registration costs for notices filed against the title.

21.3 If the Municipal Engineer determines that any repairs, replacement or clean up referred to in section 21.2 is required, the Municipal Engineer may deliver written notice requiring the repairs, replacement and clean up to be completed within a time specified by the Municipal Engineer, and if the Municipal Engineer determines that the said repairs, replacement or clean-up is not completed within the specified time, then the District may, but is not obligated to, do or cause to be done through its servants, contractors or other, all such things as may be required to undertake and complete the repairs, replacement or clean up, and for such purpose may without notice or limitation deduct from the Security and Damage Deposit all costs and expenses incurred and payments and expenditures made by the District including the administration fee authorized under the Fees and Charges Bylaw.

21.4 If the Building Inspector determines that any of the matters referred to in section 21.2.2 to 21.2.5 are not being complied with, the Building Inspector may deliver written notice requiring compliance within 24 hours and if the Building Inspector determines that non-compliance continues after the 24 hour notice period, then the District may, but is not obligated to, enter on to the property to which the Permit relates and do or cause to be done through its servants, contractors or other, all such things as may be required to effect compliance, and for such purpose may without notice or limitation deduct from the Security and Damage Deposit all costs and expenses incurred and payments and
expenditures made by the District including the administration fee authorized under the Fees and Charges Bylaw.

21.5 Where, during the course of construction, the Municipal Engineer Building Inspector determines that any street, road, avenue, alley, sidewalk, boulevard, or any part of a road allowance or other public place is being obstructed or fouled by debris, material, dirt, chattels, equipment or other thing associated with work under a Permit, the Municipal Engineer or the Building Inspector may deliver written notice to the Permit holder requiring removal of the debris, material, dirt, chattels, equipment or other thing and the cleaning up of the affected land within a time specified by the Municipal Engineer, and if the Municipal Engineer determines that the required work is not completed within the time specified, then the District may, but is not obligated to, do or cause to be done through its servants, contractors or other, all such things as may be required to complete the required work, and for such purpose may without notice or limitation deduct from the Security and Damage Deposit all costs and expenses incurred and payments and expenditures made by the District including the administration fee authorized under the Fees and Charges Bylaw.

21.6 The Security and Damage Deposit less all amounts deducted under sections 21.3, 21.4 and 21.5 will be returned to the payee upon the Municipal Engineer being satisfied;

21.6.1 that all required repairs, replacement and clean-up has been completed; and

21.6.2 that no further damage to public works or public lands will occur.

21.7 No interest shall be paid to the applicant on the Security and Damage Deposit held by the District.

21.8 No Security and Damage Deposit shall be refunded for a building permit that expired before final inspection or occupancy permit issuance.

21.9 If corrective work required under this Bylaw exceeds the amount of the Security and Damage Deposit, the excess must be paid by Permit holder or the Owner.
3.1.3 Add new Part 22 Offence and Penalty

22.1 Every person who violates a provision of this Bylaw, or who consents, allows or permits an act or thing to be done in violation of a provision of this Bylaw, or who neglects or refrains from doing anything required by a provision of this Bylaw, is guilty of an offence and is liable, upon summary conviction, to a fine not exceeding $10,000 and not less than $5,000, and is guilty of a separate offence each day that a violation continues or exists.

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

__________________________
Municipal Clerk
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