

Town of View Royal
BUILDING BYLAW NO. 1111, 2023

A Bylaw for Administration of the Building Code and Regulation of Construction

GIVEN that the Town 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 View Royal in accordance with the *Community Charter* and the *Building Act*; and
- C. has employed **Building Officials** for the purposes of this Bylaw;

NOW THEREFORE the Council of the Town of View Royal enacts as follows:

PART 1: CITATION

1.1 This Bylaw may be cited as "Building Bylaw No. 1111, 2023".

PART 2: INTERPRETATION

2.1 In this Bylaw:

accepted means received by the **Building Official** under the applicable provisions of the **Building Code** and this Bylaw;

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

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

alternative solution means an alternative solution authorized under the **Building Code**;

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

Architects Regulation means the Architects Regulation under the *Professional Governance Act*;

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

Building Official means the person designated in or appointed to that position by the Town, and includes a building inspector, plan checker, **Plumbing Official**, designated or appointed by the Town, and for certainty the **Building Official** is a “building inspector” referred to in the *Community Charter* and *Local Government Act* and a “qualified building official” or an “exempt building professional” under the *Building Act* ;

Certified Professional means a **registered professional** practising under the Certified Professional Program as recognized by the Architect Institute of BC (AIBC) and the Engineers and Geoscientists BC (EGBC).

complex building means a **building** where Division A Section 1.3.3.2 of the **Building Code** applies;

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

cost of construction means the total hard and soft costs calculated in accordance with section 11.22;

Do Not Occupy means a notice issued by the **Building Official** where the **Building Official** has not given permission to **occupy** the premises by means of a valid **permit** or business licence;

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

Emissions level means the greenhouse gas emissions level as described in Article 9.37.1.3 of Division B for buildings regulated under Part 9 of the **Building Code** and Article 10.3.1.3 of Division B for buildings regulated under Part 3 of the **Building Code**;

Energy Step Code means the energy performance standards set out in Subsection 9.36.6 of the **Building Code** and a reference to a numbered step in the **Energy Step Code** established in that Subsection;

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

Fees and Charges Bylaw means Fees & Charges Bylaw No.958, 2016, as amended or replaced from time to time;

final inspection notice means permission or authorization in writing by the **Building Official** for an interim **occupancy** of a **building** where the **health and safety aspects of the work** have been addressed;

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

GHG means greenhouse gas;

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, of the **Building Code**;

monitoring check means an audit check by the **Building Official** of a **building** or **structure** under **construction** for the purposes of the **health and safety aspect of the work**; and for certainty, does not include design or **construction** of building envelope, mechanical systems, or structural elements where there are letters of assurance submitted by the **registered professionals**.

occupancy permit means a final authorization by the **Building Official** for the **occupancy** of a **building, structure**, or other work specified in the **permit**;

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

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

Plumbing Official means the person designated in or appointed to that position by the Town, who has the qualifications set out in the *Building Act* to carry out the duties of plumbing inspections;

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

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

project means any **construction** operation;

retaining wall means a **structure** constructed to hold back, stabilize, or support **soil**;

Sprinkler Bylaw means the Building Sprinkler Bylaw No 500, 2002;

standard building means a **building** where Division A Section 1.3.3.3 of the **Building Code** applies;

Stop Work means a notice issued by the **Building Official** to immediately suspend **construction**;

structure means a **construction** or portion thereof of any kind, whether fixed to, supported by, or sunk into **land** or water, except for **retaining wall** of 1.2 metres or less in height;

Subdivision and Development Services Bylaw means the Subdivision and Development Services Bylaw No. 985, 2017, as amended or replaced from time to time;

temporary building describe a **building** or other **structure** that is located for no more than a fixed duration as specified on the **permit**, or for the duration of the **construction**, and may include a sales office, construction office, or a **structure** in which tools are stored during **construction** of a **building** or other **structure**;

Tree Protection Bylaw means the Tree Protection Bylaw No.1069, 2022, as amended or replaced from time to time;

Unsafe to Occupy means a **building** or **construction** that has been declared to be structurally unsafe by the **Building Official** and the Chief Administration Officer of the Town;

Work Without Permit means **construction** that has been carried out without a valid **permit** or written authorization to prove otherwise;

Zoning Bylaw means the Zoning Bylaw No 900, 2014, as amended or replaced from time to time.

2.2 In this Bylaw the following words and terms have the meanings:

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

2.3 Every reference to this Bylaw in this or another bylaw of the Town, is a reference to this Bylaw as amended or replaced to the date of the reference.

2.4 Every reference to:

- a) the **Building Code** is a reference to the current edition as of the date of issuance of the building **permit**; and
- b) a section of the **Building Code** is a reference to the applicable successor sections, as the code or section may be amended or replaced from time to time.

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

PART 3: PURPOSE OF BYLAW

- 3.1 Despite any other provision in this Bylaw, this Bylaw must be interpreted in accordance with this Part.
- 3.2 Every **permit** issued under this Bylaw is issued expressly subject to the provisions of this Part.
- 3.3 This Bylaw is enacted to regulate, prohibit and impose requirements in regard to **construction** in the Town of View Royal in the public interest.
- 3.4 The purpose of this Bylaw does not extend to:
- a) the protection of **owners, designers or constructors** from economic loss;
 - b) the assumption by the Town or any **Building Official** of any responsibility for ensuring the compliance by any **owner**, their representatives or any employees, **constructors** or **designers** retained by the **owner**, with the **Building Code**, the requirements of this Bylaw, or other applicable enactments, codes or standards;
 - c) providing any person a warranty of design or workmanship with respect to any **building** or **structure** for which a **permit, final inspection notice** or **occupancy permit** is issued under this Bylaw;
 - d) providing any person a warranty or assurance that **construction** undertaken under **permits** issued by the Town is free from latent, or any, defects; or
 - e) the protection of adjacent real property from incidental damage or nuisance.

PART 4: SCOPE AND EXEMPTIONS

Application

- 4.1 This Bylaw applies to the geographical area of the Town of View Royal and to land, the surface of water, air space, **buildings** or **structures** in the Town.
- 4.2 This Bylaw, and the **Sprinkler Bylaw**, apply 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 change of occupancy of **existing buildings** and **structures**.
- 4.3 This Bylaw does not apply to **buildings** or **structures** exempted by Division A Part 1 of the **Building Code** except as expressly provided herein, nor does it apply to the following:
- a) a fence;
 - b) a tent;

- c) paving;
- d) a trellis, an arbour, or other similar landscape structures on a parcel zoned for single-family residential occupancy uses under the Town's **Zoning Bylaw**;
- e) platforms less than 0.6 metres above grade;
- f) storage racking systems of 2.6 metres or less in height;
- g) irrigation systems downstream of a backflow prevention device; or
- h) plumbing systems separately serviced for the purpose of site drainage.

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 does not have an **occupancy permit**, when an **existing building** has been constructed before the enactment of this Bylaw, the enactment of this Bylaw is not to be interpreted as requiring that the **building** must be reconstructed and altered, unless it is expressly so provided by this or another bylaw, regulation or statute.
- 4.5 This Bylaw applies if the whole or any part of an **existing building** is moved either within or into the Town, including relocation relative to parcel lines created by subdivision or consolidation.
- 4.6 If an **alteration** or **addition** is made to an **existing building**, the **alteration** or **addition** must comply with this Bylaw, the **Sprinkler Bylaw** and the **Building Code** and, where applicable, the remainder of the **building** must be made to comply with this Bylaw, the **Sprinkler Bylaw** and the **Building Code**, but only to the extent necessary to addresses any new infractions introduced in the remainder of the **building** as a result of the **alteration or addition**.
- 4.7 A **registered professional** with a structural specialty must certify the **building** is structurally sound meeting current requirements in the **Building Code** with the introduction of any new structural loads as a result of the **alteration or addition**.

PART 5: PROHIBITIONS

- 5.1 A person must not commence or continue any **construction, alteration, excavation, reconstruction, demolition, removal, relocation or change the use or occupancy** of any **building or structure**, including other work related to **construction**
 - a) except in conformity with the requirements of the **Building Code**, this Bylaw and other Town's bylaws or regulations; and
 - b) unless a **Building Official** has issued a valid and subsisting **permit** for the work under this Bylaw.
- 5.2 A person must not **occupy** or permit the **occupancy** of any **building or structure** or part of any **building or structure**
 - a) unless a subsisting **final inspection notice** or an **occupancy permit** has been issued by a **Building Official** for the **building or structure** or the part of the **building or structure**; or

- b) contrary to the terms of any **permit** issued or any notice given by a **Building Official**.
- 5.3. A person must not knowingly submit false or misleading information to a **Building Official** in relation to any permit application or **construction** undertaken pursuant to this Bylaw.
- 5.4. Except in accordance with this Bylaw, including acceptance of revised plans or supporting documents, a person must not erase, alter or modify plans and supporting documents after the same have been reviewed by the **Building Official**, or plans and supporting documents which have been filed for reference with the **Building Official** after a **permit** has been issued.
- 5.5. A person must not, unless authorized in writing by a **Building Official**, reverse, alter, deface, cover, remove or in any way tamper with any notice, **permit** or certificate posted or affixed to a **building** or **structure** pursuant to this Bylaw.
- 5.6. A person must not do any work that is substantially at variance with the accepted design or plans of a **building, structure** or other works for which a **permit** has been issued, unless that variance has been authorized in writing by a **Building Official**.
- 5.7. A person must not interfere with or obstruct the entry of a **Building Official** or other authorized official of the Town on property in the administration of this Bylaw.

PART 6: PERMIT CONDITIONS

- 6.1 A **permit** is required if work regulated under this Bylaw is to be undertaken, including but not limited to:
- a) a building **permit** before **constructing**, repairing or **altering** a **building** or **structure**, or portions of a **building** or **structure**;
 - b) a moving **permit** before moving a **building** or **structure**;
 - c) a demolition **permit** before demolishing a **building** or **structure**;
 - d) a fireplace **permit** prior to the construction of a masonry fireplace or the installation of a wood burning appliance or chimney;
 - e) a plumbing **permit** prior to commencing the installation of any plumbing fixtures or pipes;
 - f) a pool **permit** for installation of a **pool**; or
 - g) a retaining wall **permit** for the **construction** or structural repair a **retaining wall** over 1.2m in height measured from the lowest exposed grade to top of wall;

The application form for the above scopes may be different in format, as prescribed by the **Building Official**.

- 6.2. A **permit** is not required in the following circumstances:
- a) for minor repairs or alterations to non-structural components of the **building**, including roof retrofits or replacements for windows and doors of the same sizes in a single-family dwelling; or
 - b) for minor plumbing repair or replacement in accordance with Section 13.4 of this Bylaw.
- 6.3 Neither the issuance of a **permit** under this Bylaw, nor the acceptance or review of plans, drawings, specifications or supporting documents, nor any inspections made by or on behalf of the Town will in any way:
- a) relieve the **owner** (and if the **owner** is acting through an **agent**, the **agent** of the **owner**) from full and sole responsibility to perform the work in respect of which the **permit** was issued in strict compliance with this Bylaw, the **Building Code**, and all other applicable codes, standards and enactments;
 - b) constitute a representation, warranty, assurance or statement that the **Building Code**, this Bylaw or any other applicable enactments respecting safety, protection, land use and zoning have been complied with; or
 - c) constitute a representation or warranty that the **building** or **structure** meets any standard of materials or workmanship.
- 6.4 No person shall rely on any **permit** as establishing compliance with this Bylaw or assume or conclude that this Bylaw has been administered or enforced according to its terms.
- 6.5 Without limiting section 6.3(a), it is the full and sole responsibility of the **owner** (and if the **owner** is acting through a representative, the representative of the **owner**) to carry out and verify the work in respect of which the **permit** was issued in compliance with the **Building Code**, this Bylaw and all other applicable codes, standards and enactments.

PART 7: POWERS OF A BUILDING OFFICIAL

- 7.1 Every reference to “**owner**” in this Part includes a reference to the owner’s **agent** or **constructor**.
- 7.2 Words defining the authority of a **Building Official** are to be construed as internal administrative powers and not as creating a duty.
- 7.3 A **Building Official** may:
- a) administer this Bylaw, but owes no public or private law 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 documents, in paper or electronic format, 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**;

- 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**;
- e) subject to section 16 of the Community Charter, enter on property at any time to ascertain whether the requirements of this Bylaw are being met;
- f) order an **owner** to remove or prevent any unauthorized encroachment on a public parcel, a statutory right of way or easement, or a setback or yard required under an enactment;
- g) order 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 or any other Town's bylaw;
- h) require an **owner** to have work inspected by a **Building Official** prior to covering; or have the work inspected by a **registered professional**, at the sole cost of the **owner**, prior to covering;
- i) order an **owner** to uncover any work that has been covered without inspection contrary to this Bylaw or an order issued by a **Building Official**; and
- j) order, in writing by a notice, the correction of any work that is being done or has been done in contravention of the **Building Code** or this Bylaw in accordance with Part 24 of this Bylaw.

7.4 Without limiting section 7.3, the **Building Official** may cause any of the following notices to be posted on the affected parcel, or on a **building** or **structure**, and make orders in relation to the subject of the notice:

- a) a **Stop Work** notice, notifying the person doing such work, to require the cessation of **construction**, including plumbing installations, that is proceeding in contravention of this Bylaw, conditions on the **permit**, or the **Building Code**;
- b) a **Work Without Permit** notice notifying the **owner** or occupants where **construction** or plumbing installations has been carried out without a valid **permit** as required under this Bylaw;
- c) a **Do Not Occupy** notice if the **owner** or occupants has been notified not to occupy a **building**, and the **owner** or occupants continues the **occupancy**; and
- d) an **Unsafe to Occupy** notice to the **owner** and occupants if the **Building Official** deems the **building** to be structurally unsafe and considers that continuing use of the **building** may endanger the safety of the occupants in or around the **building**.

7.5 Every person served with a notice under this Part must comply with that notice

- a) within the time ordered, or
- b) if no time is ordered, immediately.

Refusal and Revocation of Permits

- 7.6 A **Building Official** may refuse to issue a **permit**, or may revoke an issued **permit** prior to **occupancy**, if the **Building Official** determines that a violation of any of the following has occurred or will occur:
- a) violation of any of the conditions under which the **permit** was issued;
 - b) violation of a provision of this Bylaw or any other Town's bylaw;
 - c) violation of a provision of the **Building Code** or other provincial enactment;
 - d) if any reason is found to exist which would have been cause for denial of such **permit**, if known to exist at the time of issuance of the **permit**;
 - e) if there are outstanding fees, charges, fines, or penalties that remains unpaid;
 - f) if information on the application is misleading or incorrect;
 - g) if, in their opinion, the results of tests on materials, devices, construction methods, structural assemblies or foundation conditions contravene the **Building Code** or the provisions of this Bylaw, or both;
 - h) if all **permits** required under this Bylaw have not been obtained; or
 - i) if the **permit** was issued in error.

PART 8: OWNER'S RESPONSIBILITIES

- 8.1 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 all **registered professionals** provide their necessary inspections in accordance with their professional best practices or guidelines;
 - c) ensure that all **permits**, all plans and specifications and supporting documents on which a **permit** was based, all inspection notices, and all professional field reviews are available at the site of the work for review during working hours by the **Building Official**, and that all **permits** are posted conspicuously on the site during the entire execution of the work; and
 - d) prior to the issuance of a building **permit**, execute and submit to the Town an owner's undertaking in the form prescribed by the **Building Official** and signed by the **owner**.
- 8.2 Every **owner** and every owner's **agent**, must carry out **construction** or have the **construction** carried out in accordance with the requirements of the **Building Code**, this Bylaw and other bylaws of the Town and none of the issuance of a **permit** under this Bylaw, the review of plans and supporting documents, or inspections made by a **Building Official** shall relieve the **owner**, or their **agent**, from full and sole responsibility to perform the work in strict accordance with this Bylaw, the **Building Code** and all other applicable codes, standards and enactments.

- 8.3 Every **owner** must allow a **Building Official** to enter any **building** or premises at any reasonable time to administer and enforce this Bylaw.
- 8.4 Every **owner** to whom a **permit** is issued must, during **construction**:
- a) post the civic address and a **permit** card on the property so that it may be easily read from the public **highway** from which the property takes its address;
 - b) manage any **soil**, dust, or water runoffs to adjacent properties and rights-of-way;
 - c) manage the disposal and removal of materials off the site in an acceptable and safe manner;
 - d) ensure that the construction site is kept in a manner that complies with Worksafe regulations;
 - e) ensure parking and the traffic flow related to the **construction** is managed without causing nuisance to neighbours; and
 - f) ensure all construction materials, waste, dust or debris, from demolition, excavation or construction activity are contained within the property boundaries, or have permission from the Town to store off the site.
- 8.5 Every **owner** shall pay a fee in accordance to the **Fees and Charges Bylaw**:
- a) to demolish a **building** with a **permit**;
 - b) to extend a building **permit**;
 - c) for revision of plans after submission of the building **permit** application;
 - d) for revision of plans after issuance of a building **permit**; or
 - e) to transfer a building **permit** to another person.

Damage to Municipal Works

- 8.6 Every **owner** shall repair any damages to municipal works or lands, within a timely manner once notified by the Town, back to their pre-existing conditions, or better, that occurs during, or arises directly or indirectly from the work authorized by the **permit**; and the **owner** shall be solely responsible for the cost of such repairs.
- 8.7 If the **owner** solely fails to remedy any repair or damage to the satisfaction of the Town, the damage securities collected will be used by the Town to undertake the specified repairs and the **owner** will be responsible to pay back to the Town for any additional costs incurred over the amount of the security.

Owner's Responsibilities in Demolition

- 8.8. Prior to obtaining a **permit** to demolish a **building** or **structure**, the **owner** must:
- a) provide to the Town a vacancy date;
 - b) ensure that all sewer and storm pipes are capped and terminated at the property line;

- c) obtain approvals from other utilities involved, including water, gas, and hydro, in regard to proper disconnection, at time of application; and
 - d) provide a hazardous materials report for the **building** or **structure** including methods of deposition of such materials, and a clearance letter once any required remediation is completed.
- 8.9 Every **owner** must ensure that, on completion of all demolition procedures:
- a) all debris and fill are cleared and the site is levelled or graded;
 - b) if the site remains vacant for a duration longer than 6 months, an interim landscape plan is in place; and
 - c) the site is made safe with an acceptable security fencing if levelling and grading are not possible.
- 8.10 If interim landscaping is required under Section 8.9, the **owner** must deliver to the town a landscape security in the form of a letter of credit or cash as per the **Fees and Charges Bylaw**, to ensure the interim landscaping plan takes place, and the security amount will be refunded upon the completion of the interim landscaping.

Notices by Owner

- 8.11 Every **owner** must give written notice to a **Building Official** of any change in or termination of engagement of a **registered professional**, including a **coordinating registered professional**, during **construction**, within 24 hours of when the change or termination occurs.
- 8.12 If an **owner** or a **registered professional** terminates the engagement of a **registered professional**, including a **coordinating registered professional**, the **owner** must stop all work under a building **permit** that is under the responsibility of the departed **registered professional** until the **owner** has engaged a new **registered professional**, including a **coordinating registered professional**, and has delivered to a **Building Official** new letters of assurance.
- 8.13 Every **owner** must give notice in writing to a **Building Official** and pay the non-refundable fee set out in the **Fees & Charges Bylaw** immediately upon any change in ownership or change in the address of the **owner** which occurs prior to the issuance of an **occupancy permit**.
- 8.14 Every **owner** must give such other notice to a **Building Official** as may be required by the **Building Official** or by a provision of this Bylaw.
- 8.15 Every **owner** shall give at least 48hours' notice to the **Building Official**
- a) of any scheduled inspections of a **registered professional** or representative;
 - b) of intent to cover work that has been ordered to be inspected prior to covering; and
 - c) prior to requesting an inspection or **monitoring check**.

PART 9: OBLIGATIONS OF OWNER'S CONSTRUCTOR

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

PART 10: REGISTERED PROFESSIONAL'S RESPONSIBILITIES

Professional Design and Field Review

- 10.1 The provision by the **owner** to the Town of letters of assurance in accordance with the requirements of the **Building Code** shall occur prior to:
- a) the pre-occupancy site review coordinated by the **coordinating registered professional** or other **registered professional** for a **complex building**, or
 - b) a final inspection for a **standard building** in circumstances where letters of assurance have been required in accordance with the requirements of the **Building Code**, in which case the **owner** must provide the Town with letters of assurance in the form of Schedules C-A or C-B, as appropriate, referred to in subsection 2.2.7, Division C, of the **Building Code**, or as amended from time to time.
- 10.2 If a **registered professional** provides letters of assurance in accordance with the **Building Code**, they must also provide proof of professional liability insurance to the **Building Official** in the form prescribed by the **Building Official**.

Requirement for a Registered Professional

- 10.3 The **owner** must retain a **registered professional** to provide a **professional design** and plan certification, and letters of assurance in the form of Schedules A, B, C-A and C-B referred to in subsection 2.2.7, Division C, of the **Building Code**, in respect of a permit application for:
- a) any **construction** of a **complex building**;
 - b) any **construction** of a **standard building** in circumstances where letters of assurance have been required in accordance with the requirement of the **Building Code**;
 - c) except for garages, carports and garden structures, **foundation** and **excavation** components of new **standard buildings** and additions greater than 55 square metres to **standard buildings** in accordance with the **Building Code**;

- d) a **building** in respect of which the **Building Official** determines that site conditions, size or complexity so warrant in the interests of safety of persons or protection of property under the **Building Code**;
 - e) any building envelope components that fall under Division B Part 5 of the **Building Code**, or if the building envelope do not comply with the prescriptive requirements of Division B Part 9 of the **Building Code**;
 - f) a parcel of land on which a **building** or **structure** is proposed if the **Building Official** believes the parcel is or is likely to be subject to flooding, mud flows, debris flows, debris torrents, erosion, land slip, rock falls, subsidence or avalanche, and the requirement for a professional design is in addition to a requirement under Division 8 of Part 3 of the Community Charter:
 - i. for a report certified by a professional engineer with experience in geotechnical engineering that the parcel may be used safely for the use intended, and
 - ii. that the plans submitted with the application comply with the relevant provisions of the **Building Code** and applicable bylaws of the Town.
 - g) any design and **construction** of **buildings** required by the **Architects Regulation** to have the services of an architect, in which case the **owner** must ensure the **registered professional** is an architect.
 - h) any structural design of a **complex building**, and must at the **owner's** or engineer's sole cost, also retain a second structural engineer to carry out a separate independent check; and
 - i) a **retaining wall** over 1.2m in height.
- 10.4 The **Building Official** may require any **registered professional** carrying out the professional design and field review required under section 10.3 to provide evidence that they have experience and expertise in respect of the professional design and field review of the context and scope required.

Professional Plan Certification

- 10.5 The letters of assurance in the form of Schedules A and B as referred to in subsection 2.2.7, Division C, of the **Building Code** referred to in sections 10.1 and 10.3 of this Bylaw, are relied upon by the Town and its **Building Officials** as certification that the design and plans to which the letters of assurance refer comply with the **Building Code**, this Bylaw and other applicable enactments.
- 10.6 Letters of assurance must be in the form of Schedules A and B referred to in subsection 2.2.7, Division C, of the **Building Code**.

- 10.7 For a building **permit** issued for the **construction** of a **building** with letters of assurance, the **Building Official** shall provide the **owner** with a notice that the building **permit** is issued in reliance on the certification of the **registered professional** that the **professional design** and plans submitted in support of the application for the building **permit** comply with the **Building Code** and other applicable enactments. Any failure on the part of the **Building Official** to provide the **owner** with the notice will not diminish or invalidate the reliance by the Town or its **Building Officials** on the **registered professionals**.
- 10.8 When a building **permit** is issued in accordance with Section 10.7, the permit fee shall be reduced by 5% up to a maximum reduction of five hundred dollars (\$500.00).

PART 11: BUILDING PERMITS

Requirements Before Applying for a Building Permit

- 11.1 When submitting an application for a building **permit**, the **owner** must verify the following requirements or conditions are in place, where applicable:
- a) an approval for the development permit associated with the site;
 - b) the proposed **building** or **structure** complies with all bylaws of the Town, except to the extent a variance of a bylaw is authorized by a development permit, development variance permit or approval from the Board of Variance;
 - c) an approving officer must have approved the subdivision plan that, once registered, would create the parcel on which the proposed **building** or **structure** will be constructed, and the subdivision plan must have been registered in the Land Title Office;
 - d) if the works and services required by a Town bylaw or other enactment have not been completed, a servicing agreement with the Town must be conditionally approved, and the security amount that is needed in the form of a letter of credit or cash in accordance with the **Subdivision and Development Services Bylaw** for completion of the works and services, must be provided; and
 - e) drawings regarding all on site works and services, and storm water management plan, that comply with applicable bylaws, design standards and the Plumbing Code, have been completed.

Intake Screening of an Application Submission

- 11.2. The **Building Official** may refuse to accept an application for building **permit** if any of the submission requirements in 11.1 are not met, and if the application package:
- a) does not substantially meet the requirements of the **Building Code**, or other Town's bylaws, on application, or
 - b) does not match the proposal under the development permit or servicing agreement for the site.

- 11.3 Upon completion of the intake screening, the **Building Official** will notify the applicant in writing if the application is refused under Section 11.2, and may charge a non-refundable fee that has incurred as a result of the intake screening process in accordance with the **Fees and Charges Bylaw**. The applicant must pick up the incomplete applicable package within 14 days upon notification, after which the application package will be disposed of without further notification.

Building Permit Applications for Complex Buildings

- 11.4 An application for a building **permit** for a **complex building** must include:
- a) a completed application form signed by the **owner**, or a signing officer if the **owner** is a corporation;
 - b) the **owner's** Letter of Authorization and **owner's** acknowledgement of responsibility and undertaking made in the form prescribed by the **Building Official** and signed by the **owner**, or a signing officer if the **owner** is a corporation;
 - c) a copy of a title search for the relevant property made within 30 days of the date of the permit application, and where applicable, any covenants, easements or rights of way listed on title;
 - d) a Building Code compliance report and code compliance drawings;
 - e) an energy compliance modelling report prepared by a Certified Energy Advisor;
 - f) a copy of a survey plan prepared by a British Columbia land surveyor;
 - g) a site plan prepared by a **registered professional** showing:
 - i. the bearing and dimensions of the parcel taken from the registered survey 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, and 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. if applicable, location of an approved existing or proposed private or other alternative sewage disposal system, water supply system or storm water drainage system;
 - vii. the location, dimensions and gradient of parking and parking access;
 - viii. proposed and existing setbacks to property lines;
 - ix. natural and finished grade at building corners and significant breaks in the building plan and proposed grade around the building faces in order to ascertain **foundation** height;
 - x. location, setbacks and elevations of all **retaining walls**, steps, stairs and decks;
 - xi. 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 Town's land use regulations or provincial flood mapping regulations establish siting requirements related to minimum floor elevation;

- xii. location and elevation of curbs, sidewalks, manholes, and service poles;
- xiii. location of existing and proposed service connections;
- xiv. location and species of all trees;
- xv. location of top bank and water courses;
- xvi. access routes for firefighting;
- xvii. accessible paths of travel from the street to the **building**;
- xviii. a north arrow; and
- xix. zoning compliance summary;

except that the **Building Official** may waive, in whole or in part, the requirements for a site plan or survey, if the **permit** is sought for the repair or **alteration** of an **existing building or structure**;

- h) floor plans showing the dimensions and uses and **occupancy** classification of all areas, including: the dimensions and height of crawl and roof spaces; the location, size and swing of doors; the location, size and opening of windows; floor, wall, and ceiling finishes; fire separations; plumbing fixtures; structural elements; stair dimensions, and accessibility requirements demonstrating compliance to the **Building Code**;
- i) a cross-section through the **building or structure** in sufficient detail and locations to illustrate foundations, drainage, ceiling heights and construction systems;
- j) elevations of all sides of the **building or structure** showing finish details, roof slopes, windows, doors, natural and finished grade, spatial separations and ridge height to comply with the **Building Code** and to illustrate that the **building or structure** conforms with the Town's **Zoning Bylaw** and the associated development permit;
- k) all other requirements of Part 2 Division C of the **Building Code**;
- l) copies of approvals required under any enactment relating to health or safety, including, without limitation, sewage disposal permits, highway access permits and ministry of health approvals;
- m) a letter of assurance in the form of Schedule A referred to in subsection 2.2.7 Division C, of the **Building Code**, signed by the **owner**, or a signing officer if the **owner** is a corporation, and the **coordinating registered professional**;
- n) letters of assurance in the form of Schedule B referred to in subsection 2.2.7 Division C, of the **Building Code**, each signed by such **registered professionals** as the **Building Official** or **Building Code** may require to prepare the design for and conduct **field reviews** of the **construction** of the **building**;
- o) two sets of drawings and an electronic copy at a suitable scale of the design prepared by each **registered professional** containing the information set out in (g) to (k) of this section;
- p) landscape drawings and a letter of commitment to do **field reviews** by the landscape architect;

- q) sprinkler design drawings prepared by a **registered professional**; and
- r) illustration of any slopes on the subject parcel that exceed 30%.

11.5 In addition to the requirements of section 11.4 of this Bylaw, a **Building Official** may require the following to be submitted with a permit application for the **construction** of a **complex building** if the complexity of the proposed **building** or **structure** or siting circumstances warrant:

- a) site servicing drawings, including sufficient detail of off-site services to indicate locations at the property line, prepared and sealed by a **registered professional**, in accordance with the Town's **Subdivision and Development Services Bylaw**;
- b) detailed stormwater management plan in accordance with the Town's **Subdivision and Development Services Bylaw**;
- c) a section through the site showing grades, **buildings**, **structures**, parking areas and driveways; and
- d) any other information required by the **Building Official** to establish substantial compliance with this Bylaw, the **Building Code** and other bylaws and enactments relating to the **building** or **structure**.

Building Permit Applications for Standard Buildings

11.6 An application for a **building permit** for a **standard building** must, where applicable include:

- a) a completed application form signed by the **owner**, or a signing officer if the **owner** is a corporation;
- b) the **owner's** Letter of Authorization and **owner's** acknowledgement of responsibility and undertaking made in the form prescribed by the **Building Official** and signed by the **owner**, or a signing officer if the **owner** is a corporation;
- c) all drawings and documents required on the application checklist provided by the **Building Official**;
- d) a copy of a title search for the relevant property made within 30 days of the date of the permit application and where applicable include any covenants, easements or rights of way listed on title;
- e) a copy of a survey plan prepared by a British Columbia land surveyor, except that the **Building Official** may waive the requirement for a survey plan, in whole or in part, where conditions warrant;
- f) 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;
- g) except for garages, carports and garden structures located on land, a **foundation** and **excavation** design prepared by a structural engineer in accordance with the **Building Code**;

- h) geotechnical letters of assurance, in addition to a required geotechnical report, if the **Building Official** determines that the site conditions so warrant;
- i) an energy compliance modelling report prepared by a Certified Energy Advisor;
- j) two sets of drawings and an electronic copy at a suitable scale of design; and
- k) a Building Code compliance summary including the applicable edition of the **Building Code**.

Site and Location Survey

11.7 Unless the **Building Official** waives the requirements for a survey, in whole or in part, the **owner** must 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, upon completion of the foundation to top of concrete, and 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 or its relationship to neighbouring grades; and
- d) in relation to **construction** of a new **building**, or addition to an **existing building**, prior to the placement of concrete for **foundations** and footings, show the elevation at proposed top of concrete on all building elevations and at all significant changes of elevation to substantiate its size, location and elevation,

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

Alternative Permit Approval for Certified Professionals

11.8 Where the **owner** chooses to engage in the **services** of a **Certified Professional**, and where any required development permit is issued and any required servicing agreement is entered for the project, a **Building Official** may, with written approval of the Chief Administrative Officer or delegate, issue a **permit** for an **excavation** or **foundation** phase ahead of a full building **permit** for a **complex building**, based on a complete set of excavation, architectural, and structural drawings.

11.9 The **owner** must pay the building permit fee and all applicable securities and charges associated with the proposed work for a **permit** for **excavation** or **foundation**, and a separate building permit fee for the remaining **building** under a separate **building permit**.

- 11.10 The separate **excavation** or **foundation** permit is deemed to be incorporated into the subsequent building permit when the **construction** exceeds the scope under the **excavation** or **foundation**.
- 11.11 The letters of assurance of the full project are deemed to cover all phases of the project, unless otherwise specified by the **registered professional**.
- 11.12 The **Building Official** may accept a **complex building** development for processing under the Certified Professional Program, provided that:
- a) the building document plans have been reviewed by the **Certified Professional** for compliance with requirements of Division A, Division B, Parts 1 and 3 and Division C of the **Building Code**, relevant Town bylaws and other applicable enactments; and
 - b) the building permit application has been prepared in accordance with the View Royal Certified Professional Program Manual and includes all required letters of assurance, schedules and checklists, and any required confirmations with respect to compliance to the **Building Code**, and code coordination.
- 11.13 A **Certified Professional** providing the **Building Official** with letters of assurance, must also provide proof of insurance in an amount and form prescribed by the **Building Official**.
- 11.14 The Chief Administrative Officer may decertify a **registered professional** from practicing as a **Certified Professional** in the Town if the **registered professional**:
- a) is no longer licensed as a **registered professional** in the Province of British Columbia;
 - b) submits any required documentation, which is in any material way inaccurate or misleading;
 - c) fails to disclose in a timely manner to the **Building Official** any significant variation or change to the design or **construction** of a **building**; or
 - d) fails to satisfactorily perform any duties or obligations required by this Bylaw or other applicable enactments.
- 11.15 A **Certified Professional** must, where a building **permit** was issued under the Certified Professional Program, and in addition to any other applicable responsibilities:
- a) review, in advance of any tenant improvement building **permit** application, and any tenant improvement work constructed prior to substantial completion of the shell of the **building**;
 - b) review for adequacy and acceptability, any report concerning testing and **field reviews** related to the **construction** and maintain a detailed record of such reports and, if requested, make these available to the **Building Official**;
 - c) advise the **Building Official** 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; and

- d) at least once every 30 days from the date of issuance of a building permit, submit to the **Building Official** a written progress report together with copies of the **field review** reports from each **registered professional** involved in the development.
- 11.16 The **Building Official** may post a **Stop Work** notice or revoke a building **permit** under the Certified Professional Program in any of the following circumstances:
- a) if the **Certified Professional** ceases to be retained by the **owner**, resigns or is otherwise unable or unwilling to carry out **field reviews** or other duties related to the development for which a building **permit** was issued under the Certified Professional Program;
 - b) pursuant to paragraph (a), under such circumstances the **Certified Professional** must promptly notify the **Building Official** in writing of the date upon which they will cease to be involved;
 - c) if the **Certified Professional** is no longer licensed as a **registered professional** in the Province of British Columbia;
 - d) if the **Certified Professional** fails to perform any of their duties or obligations under this Bylaw; or
 - e) if a document required by this Bylaw or under the Certified Professional Program is not delivered by the **Certified Professional** within the time frame specified in this Bylaw.
- 11.17 Where a **building permit** is revoked pursuant to Section 11.16, only work necessary, as authorized by the **Building Official**, to remove any hazards or to mitigate damage arising from exposure to the elements, can be undertaken on the development unless otherwise specifically authorized by the **Building Official**.
- 11.18 Under the circumstances listed under section 11.16, **construction** must not resume until the **Building Official** has received written notice from the **owner** that another **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 **building** to completion and to certify substantial compliance with the **Building Code**, this Bylaw and other applicable enactments and that **construction** will be in accordance with the previously approved plans.
- 11.19 Nothing in this Bylaw relieves the **owner**, or the **Certified Professional** of record for the development, from full responsibility for ensuring that the **building** or **structure** is in substantial compliance with the **Building Code**, this Bylaw and other applicable enactments.

- 11.20 Where the **Building Official** accepts a building permit application and letters of assurance from a **Certified Professional** for a development, the **Building Official** will rely on the certifications issued by the **Certified Professional** and other **registered professionals**, that the drawings and construction will meet the requirements of the **Building Code**.

Permit Fees

- 11.21 Every person who obtains a building **permit**, other **permits** or **services** shall pay the applicable fees and charges as per calculated in the **Fees and Charges** Bylaw, with a minimum non-refundable application fee at permit submission.
- 11.22 Building permit fees are based on the **cost of construction** which shall include in addition to the general construction costs, and without limitation:
- a) all mechanical, electrical, plumbing, drainage and gas installations necessary in the carrying out of the construction to its completed form;
 - b) all design documents, labour and fees involved in the design, investigative testing, consulting services, construction labour and management, even if provided by the **owner**, or donated voluntarily by others, sales taxes;
 - c) contractor's profit and overhead;
 - d) insurance; and
 - e) site preparation and civil works and improvements and all associated paving, landscaping and underground servicing, including excavation and the use of hoisting, pile driving, compaction or erection devices.
- 11.23 The **cost of construction** shall be the greater of:
- a) the value declared by the **owner** on the application;
 - b) the value of **construction** that would be authorized by a building **permit**, as determined by the **Building Official** utilizing an independent third-party valuation tool of construction costs; or
 - c) a cumulative total of all contracts of **construction** for the project at **occupancy**.
- 11.24 Plumbing permit fees shall be charged as per the **Fees & Charges Bylaw**, with an applicable minimum permit fee.

Other Charges and Securities with Building Permit Application

- 11.25 Every applicant for a building **permit** that includes new site service connections shall apply for their separate Engineering permits and pay the corresponding securities to the Town.
- 11.26 Fees for miscellaneous **services** related to the administration of this Bylaw and related enactments shall be charged at an hourly rate in accordance with the **Fee and Charges Bylaw**.

- 11.27 Every **owner** shall pay a cost recovery amount plus administrative fee for preparation, registration, and discharge of any legal documents, including but not limited to, restrictive covenants, notice on title, encroachment agreements, and statutory rights of ways, when the Town has incurred costs in the preparation or registration of these documents.
- 11.28 Where the **Building Official** issues an **excavation** or foundation **permit** under Section 11.8 of this Bylaw, the **owner** shall deposit with the Town a security in the form of cash or a letter of credit, against the cost of site restoration that is two times the amount that may be incurred by the Town, should the Town need to perform the site restoration work, in accordance with the **Fees and Charges Bylaw**.

Security Deposits

- 11.29 The Town will return securities collected under this Part, other than deposits against the servicing agreement, less any work or repair costs incurred, after:
- a) the final inspection of the related building **permit**; or
 - b) the cancellation, expiry or revocation of the building **permit**,
- upon staff's confirmation that the Town's lands and assets have not been damaged or, if damage has occurred, that it has been fully repaired, or that the work requiring the securities amount has been satisfied.

Permit Fee Refunds

- 11.30 Except for the permit fee refund under Section 11.32, all fees collected under this Bylaw are not eligible for refund once collected regardless of cancellation or withdrawal.
- 11.31 Permit fees are not eligible for refund where:
- a) **construction** under **permit** has begun;
 - b) an inspection by the **Building Official** has been made;
 - c) the **permit** has expired;
 - d) a moving **permit** where the permit is issued; or
 - e) the **permit** has been extended under section 11.47 of this Part.
- 11.32 Permit fees may be refunded 50% of the eligible permit fees if the **owner** has cancelled the **permit** and the **Building Official** has verified the **construction** of the **building** or **structure** has not started.

Compliance with the Homeowner Protection Act

- 11.33 If the application is in respect of a **building** that includes, or will include, a residential occupancy governed by the Homeowner Protection Act, the building **permit** must not be issued unless the **owner** provides evidence under section 30(1) of the Homeowner Protection Act, that the proposed **building**:
- a) is covered by home warranty insurance; and
 - b) the **constructor** is a licensed “residential builder” as defined in that Act.
- 11.34 Section 11.33 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.
- 11.35 Every **permit** is issued subject to the **owner** and **constructor** maintaining compliance with the Homeowner Protection Act and negotiations under it during the term of the **permit**.

Issuance of a Building Permit

- 11.36 If
- a) a completed application in compliance with this Part, including all required supporting documentation, has been submitted;
 - b) the **owner** has paid all applicable fees of this Part;
 - c) the **owner** or their **agent** has paid all charges and met all requirements imposed by any other statute or Town’s bylaws;
 - d) the **owner** has retained all **registered professionals** if required under this Bylaw; and
 - e) no covenant, agreement, resolution or regulation of the Town requires or authorizes the **permit** to be withheld,
- a **Building Official** must issue the **permit**, in the form prescribed by the **Building Official**, for which the application is made.
- 11.37 Where a **Building Official** authorizes the issuance of a building **permit** or plumbing **permit**, other staff can administratively facilitate the issuance of such **permits**.

Conditions of a Building Permit

- 11.38 A building **permit** or an application for a building **permit** that is in process may not be transferred or assigned until the **owner** has notified the **Building Official** in writing, the **Building Official** has authorized the transfer or assignment in writing and the **owner** has paid the non-refundable fee required. The transfer or assignment of a building **permit** is not an extension of a building **permit**.

- 11.39 The review of plans and supporting documents and issuance of a building **permit** do not prevent the **Building Official** from subsequently requiring the correction of errors in the plans and supporting documents, or from prohibiting **construction** or **occupancy** being carried on when in violation of this Bylaw or another bylaw.
- 11.40 A **permit** is deemed to have been issued as of the date it was signed by the **Building Official** or **Plumbing Official**.
- 11.41 A **Building Official** may deem **construction** up to the last accepted inspection or submitted **field review** to be valid work performed under a **permit** up to that documented stage for future considerations.
- 11.42 If a **permit** has expired or been revoked, an **owner** shall apply for and obtain a new building **permit** prior to commencing or completing any remaining work.
- 11.43 If a **Building Official** issues a new **permit** pursuant to an application under section 11.42, the **permit** shall be subject to the requirements of this Bylaw, the current **Building Code**, and all other applicable bylaws and enactments as applicable.
- 11.44 Despite section 11.8 or 11.36, a **Building Official** may withhold the **Building Official's services** pertaining to any **permit** related activities under this Bylaw if the **owner** or **constructor** has been notified in writing by the **Building Official** of a violation of this Bylaw regarding the **construction** of another **building** or **structure** by the same **owner** or **constructor**, and the **owner** or **constructor** has not ended the violation.

Tree Protection

- 11.45 The **owner** must provide verification that tree protection measures remain in place during **construction**, for trees that are identified under the **permit** that require tree protection, in accordance with the **Tree Protection Bylaw**.

Permit Expiration

- 11.46 Every **permit** is issued on the condition that the **permit** expires and the rights of the **owner** under the **permit** terminate if:
- a) the work authorized by the **permit** is not commenced within 180 days from the date of issuance of the **permit**;
 - b) work is discontinued for a period of 180 days; or
 - c) the work is not completed within two years of the date of issuance of the **permit**.

Permit Extension

- 11.47 A **Building Official** may approve an extension for a **permit** set out under this Section for no more than two extensions, not to exceed twelve months for each extension, if **construction** has not commenced or has been discontinued due to adverse weather, strikes, material or labour shortages, other similar hardship beyond the **owner's** control, or if the size and complexity of the **construction** warrants, provided that:
- a) application for the extension is made at least 30 days prior to the date of permit expiration; and
 - b) the non-refundable fee set out in the **Fees & Charges Bylaw** has been paid.

Permit Withdrawal and Cancellation

- 11.48 A building **permit** application may be withdrawn by the **owner** prior to issuance on delivery of written notification to the **Building Official**.
- 11.49 The **Building Official** may consider an application for a **permit** to have been abandoned, and may cancel the application, if:
- a) the applicant has been notified that the **permit** is ready for collection and the applicant has not collected the permit within 30 calendar days of the date of the notification; or
 - b) the applicant has been requested in writing to provide information or documentation to complete the application and the applicant has not done so or replied within 45 calendar days of the date of the request.
- 11.50 An issued building **permit** may be cancelled by the **owner**, on delivery of the surrendered **permit**, written notification of the cancellation and confirmation by the **Building Official** that **construction** has not commenced under the **permit**.

Design Modification

- 11.51 If an issued building **permit** or other **permit** is active and the **owner** proposes modification to the design, or when there are changes with any of the following:
- a) the three-dimensional shape of the **building**;
 - b) form and character of the **building**;
 - c) grading on site;
 - d) increase in residential units by layout;
 - e) parking count;
 - f) siting by a legal survey; or
 - g) service connection locations;

the **owner** must apply for a pre-approval of the changes, and pay the Town an additional review fee based on an hourly rate set out in the **Fees & Charges Bylaw**.

- 11.52 The **owner** must accept the risk if the changes proposed in Section 11.51 are not approved, and the **construction** must carry on in accordance with the approved drawings.
- 11.53 If there are any associated increased building permit fees or charges resulting from the changes proposed, the **owner** must pay the outstanding amounts prior to requesting the final inspection.

Alternative Solutions

- 11.54 An **owner** who wishes to provide alternative solutions to satisfy one or more of the requirements of the **Building Code** or this Bylaw shall:
- a) submit to the **Building Official** sufficient evidence to demonstrate that the proposed alternate solutions will provide the level of performance required by the **Building Code** and this Bylaw, and
 - b) pay the applicable fee as set out in the **Fees & Charges Bylaw**.

PART 12: ENERGY CONSERVATION AND GHG EMISSIONS REDUCTION

- 12.1 Subject to energy conservation or carbon reduction amendments to the **Building Code**:
- a) except as provided in subsection (b), a **building** regulated by Part 3 of the **Building Code** must be designed and constructed to meet the minimum performance requirements and objectives specified in Step 2 of the **Energy Step Code**;
 - b) a wood frame building consisting of six storeys or less regulated by Part 3 of the **Building Code** must be designed and constructed to meet the minimum performance requirements and objectives specified in Step 3 of the **Energy Step Code**;
 - c) a building regulated by Part 9 of the **Building Code** must be designed and constructed to meet the minimum performance requirements and objectives specified in Step 3 of the **Energy Step Code**;
 - d) a building regulated by Part 9 of the **Building Code** with major occupancy classified as residential occupancy must be designed and constructed in conformance with emissions level 4;
 - e) a building regulated by Part 3 of the **Building Code** with major occupancy classified as residential that is six storeys or less must be designed and constructed in conformance with emissions level 4; and
 - f) a building regulated by Part 3 of the **Building Code** with major occupancy classified as residential occupancy, business and personal services occupancy, or mercantile occupancy must be designed and constructed in conformance with emissions level 4.

- 12.2 The **owner** of any building subject to a requirement under sections 12.1 must do the following prior to the issuance of any **occupancy permit** in respect of the **building**:
- a) submit an energy compliance report of the completed **building**; and
 - b) affix one of the following home energy labels to the **building** in a conspicuous location, upon or in close proximity to the electrical panel:
 - (i) an EnerGuide Rating System label;
 - (ii) a Passive House certification;
 - (iii) a Net zero home verified by a certified Canadian energy advisor; or
 - (iv) a comparable home energy label acceptable to the **Building Official**.

PART 13: PLUMBING PERMITS

- 13.1 Except where approved in writing by the Director of Engineering and where the works are installed in a statutory right of way in favour of the Town, no plumbing, drainage, sewer, sewage system, or portion thereof, shall be located on any parcel other than the parcel that is served by such facilities.
- 13.2 Except as provided in subsection 13.4, a person shall not construct, extend, renew, alter, or repair a plumbing system unless a plumbing **permit** to do so has been obtained.
- 13.3 A **Plumbing Official** may only issue a plumbing **permit** to:
- (a) to a licensed plumbing contractor; or
 - (b) to a homeowner who shall carry out the plumbing work themselves in a single-family dwelling owned by them, provided they have satisfied the **Plumbing Official** that they are competent to perform such work.
- 13.3 A plumbing **permit** is not transferable.
- 13.4 Notwithstanding 13.1, a plumbing permit is not required when:
- a) a stoppage in a drainage system is cleared;
 - b) a leak is repaired in a water distribution system;
 - c) a fixture is replaced without any change to the drainage system;
 - d) a replacement is made up to five (5) heads in an existing sprinkler branch; or
 - e) a replacement is made to existing faucets, service water heater, valves, pipes or fittings in a water distribution system, or perimeter drains.
- 13.5 A person shall not cover any regulated plumbing work until a **Plumbing Official** has approved the work.

- 13.6 Prior to calling for a plumbing inspection, the **owner** or licensed plumbing contractor may be required to submit to a **Plumbing Official** an isometric drawing overlaid on the floor plan showing before the inspection:
- a) the location and size of every building drain, including every trap and cleanout fitting on the drain;
 - b) the size and location of every soil-or-waste pipe, trap, and vent pipe; and
 - c) a layout of the potable water distribution system, including pipe sizes and valves.
- 13.7 Prior to the final inspection the **owner** shall ensure that:
- a) all fixtures and equipment have been installed and ready for use;
 - b) if a fixture has been roughed-in for future use, the outlet has been sealed with an approved plug or cap; and
 - c) all drains and vents have been completed and that the system has been filled with water or pressurized air up to the roof or to the highest point of connection to an existing vent.
- 13.8 If a **Plumbing Official** does not approve any part of the system after it has been inspected or tested, the **owner** shall:
- a) make any alteration or replacement that is necessary; and
 - b) request inspection of the corrected work.
- 13.9 The **owner** shall ensure that all connections to potable water systems are designed in compliance with requirements for cross connection contamination meeting the Capital Regional District's standards.
- 13.10 Every **owner** shall ensure that fixtures discharging sewage that includes fats, oils, grease, or grit located in public kitchens, restaurants or any other applicable **occupancy** are equipped with the appropriate trap or interceptor in accordance with Part 7 of the **Building Code**.
- 13.11 A **Plumbing Official** may authorize work to be covered or concealed without an inspection, subsequent to a request for inspection, provided that:
- a) the request for inspection includes certification that the work has been performed in compliance with the BC Plumbing Code and any other applicable standard; and
 - b) the certification is provided by a licensed plumbing contractor who obtained the **permit** and has overseen the work.
- 13.12 A **Plumbing Official** may request a verification of a licensed plumbing contractor's work by another licensed plumbing contractor, and the **owner** will be responsible for the cost of the additional inspection.

PART 14: INSPECTIONS

- 14.1 If a **registered professional** provides letters of assurance in accordance with this Bylaw, the Town will rely solely on **field reviews** undertaken by the **registered professional** and the letters of assurance submitted pursuant to this Bylaw and the **Building Code** as assurance that the **construction** substantially conforms to the design, plans and specifications and that the **construction** complies with the **Building Code**, this Bylaw and other applicable enactments respecting safety.
- 14.2 Despite section 14.1 and 14.4 of this Part, a **Building Official** may attend the site from time to time during the course of **construction** of a **complex building** to perform **monitoring checks** for compliance with this Bylaw.
- 14.3 A **Building Official** may attend periodically at the site of the **construction** of **standard buildings** or **structures** to ascertain whether the **health and safety aspects of the work** is being carried out in substantial conformance with the **Building Code**, this Bylaw and any other applicable enactments concerning safety.
- 14.4 The **owner** or **constructor** must schedule a **monitor check** with a **Building Official** to verify that **field reviews** are being conducted by the **registered professional** at the following stages of **construction** of a **complex building**:
- a) upon completion of footing and foundation forms before concrete is poured;
 - b) prior to backfilling of on-site services, including damp-proofing and foundation insulation, and if applicable, water line and storm sanitary sewer connections;
 - c) upon completion of below slab plumbing, above slab plumbing, waterlines, p-traps and sprinkler system;
 - d) upon completion of framing;
 - e) upon completion of fire stopping, fire blocking, and fire separations; and
 - f) upon completion of installation of insulation and vapour barrier.
- 14.5 For all work in respect of **standard buildings**, the **owner** must give at least 48 hours' notice to the Town when requesting an inspection and must obtain an inspection and receive a **Building Official's** written acceptance of the following aspects of the work prior to concealing them:
- a) after demolition, the grading of and removal of debris from the site;
 - b) excavation, within 24 hours of the start of excavation;
 - c) foundation and footing forms, before concrete is poured;
 - d) prior to inspection under section 14.5(e), plumbing located below the finished slab level;
 - e) the preparation of ground, including ground cover when required, perimeter insulation on inside of concrete foundation walls and reinforcing steel;

- f) after inspection under section 14.5(e) hydronic heating pipes and below slab insulation;
 - g) installation of rough-in plumbing before it is covered;
 - h) installation of building services before being covered;
 - i) rough in of factory-built chimneys and fireplaces and solid fuel burning appliances;
 - j) framing, sheathing, fire stopping (including drywall in fire separations), bracing, chimney and ductwork, rough wiring, rough plumbing, rough heating, gas venting, exterior doors and windows, but prior to the installation of insulation, interior finishes, sheathing paper or exterior finishes which would conceal such work;
 - k) insulation and vapour barrier;
 - l) mid-construction blower door test to verify energy step target;
 - m) construction of an exterior deck if the deck serves as a roof;
 - n) on-site constructed tubs or showers and tub or shower trap tests;
 - o) the installation of wall sheathing membrane, externally applied vapour or air barrier, stucco wire or lath, and flashings, but prior to the installation of exterior finishes which could conceal such work; and
 - p) the **health and safety aspects of the work**, energy conservation, GHG emission reduction and accessibility aspects of the work when the **building** or **structure** is substantially complete, ready for **occupancy** but prior to **occupancy**.
- 14.6 A **Building Official** will only carry out an inspection under section 14.5 if the **owner** or the **constructor** has requested the inspection in accordance with this Bylaw.
- 14.7 Despite the requirement for the **Building Official's** acceptance of the work outlined in section 14.5, if a **registered professional** provides letters of assurance, the Town will rely solely on **field reviews** undertaken by the **registered professional** and the letters of assurance submitted pursuant to this Bylaw as assurance that the aspects of the **construction** referenced by those letters of assurance substantially conform to the design, plans and specifications and that the **construction** complies with the **Building Code**, this Bylaw and other applicable enactments respecting safety.
- 14.8 No person may conceal any aspect of the work referred to in section 14.5 of this Bylaw until a **Building Official** has accepted it in writing.
- 14.9 For work in respect of **complex buildings**, the **owner** must
- a) request a pre-construction meeting at least 3 working days in advance with the **Building Official** prior to the start of **construction**, and the **owner** or their representative must ensure that the **coordinating registered professional**, the **constructor**, **registered professionals**, where applicable the **Certified Professional**, as well as representatives of major trades, are in attendance;

- b) request a pre-occupancy meeting at least 3 working days in advance coordinated by the **coordinating registered professional** or **Certified Professional**, with the **owner**, the **constructor** and the **registered professionals** for a demonstration to the **Building Official** and other Town's staff of compliance with the **health and safety aspects of the work**, the coordination and integration of the fire and life safety system, applicable Town requirements and other enactments respecting safety, energy conservation, GHG emission and accessibility aspects of the work; and
 - c) engage the **coordinating registered professional** or **Certified Professional**, at least 48 hours prior to the pre-occupancy coordinated site review, to deliver to the **Building Official** the Confirmation of Required Documentation in a form prescribed by the Building Official, complete with all documentation in hard copies and in digital format, and the record drawings in digital format.
- 14.10 Prior to scheduling one of the following inspections of a **standard building**, the **owner** shall submit to the **Building Official** the following documents, as applicable, for review by the **Building Official** pursuant to the inspection:
- a) Forms/Foundation:
 - i. Building Location Certificate provided by a British Columbia Land Surveyor with elevation for top of concrete for Flood Construction Level (FCL) calculation;
 - ii. Geotechnical Engineer's **field review** for **soil** bearing;
 - iii. Structural Engineer's **field review** for footings;
 - iv. Structural Engineer's **field review** for foundation walls.
 - b) Prior to backfilling:
 - i. Geotechnical Engineer's **field review** for rock pit;
 - ii. Geotechnical Engineer's **field review** for site drainage.
 - c) Framing/Sheathing:
 - i. Structural Engineer's **field reviews**;
 - ii. Sealed joist and beam layout;
 - iii. Sealed roof truss layout and sealed truss specifications;
 - iv. Fire Suppression Engineer's **field review**;
 - v. Gas and electrical rough-in certificates;
 - vi. **Field reviews** and Schedule S by engineer for i-joist and roof truss where required.
 - d) Final Inspection:
 - i. Coordinating Registered Professional Schedule C-A;
 - ii. All registered professional's Schedule C-B;
 - iii. Third-party field report with Schedule B and Schedule C-B for unvented roof spaces;
 - iv. Spray foam certification;
 - v. Sealed drawings with Schedule B and Schedule C-B for manufactured guards;
 - vi. Third-party verification report for energy modelling;
 - vii. Mechanical ventilation checklist for all dwellings;
 - viii. Decking membrane certification;
 - ix. Copy of electrical and gas permits and notice of completion from Technical Safety BC;

- x Field reviews and assurance statement for **retaining walls**
 - xi A drawing showing the location of sewer and water services from the Town service connection to the point of entry at the **building**, triangulated against landmarks or permanent **structures**; and
- e) any other documents as required by the **Building Official**.

Re-Inspection and Other Fees

- 14.11 In addition to the fees required under other provisions of this Bylaw, the **owner** must pay the non-refundable fee set out in the **Fee and charges Bylaw** for:
- a) a third and each subsequent re-inspection where it has been determined by the **Building Official** that due to non-compliance with the provisions of this Bylaw or due to non-complying work, more than two site visits are required for any required inspection;
 - b) inspection required under this Bylaw which cannot be carried out during the Town's normal business hours; and
 - c) any other inspections or **services** not specifically covered under this Bylaw.

PART 15: PARTIAL CONSTRUCTION

- 15.1 If a site has been only excavated under a building **permit** for **excavation** issued under this Bylaw, and a building **permit** is not subsequently issued for the next phase, or a building **permit** has expired under section 11.46 and without the construction of a **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 Town to do so.
- 15.2 If a building **permit** has expired and partial construction has progressed, with no extension requested of the **Building Official** under section 11.47, permanent type fencing with privacy screen complying with the Town's **Zoning Bylaw**, must be erected around the building site for protection to the public.
- 15.3 Any **construction** that has accepted **field reviews**, or if the **Building Official** has accepted the work upon an inspection, is deemed to be valid up to that stage of **construction**, for consideration of subsequent building **permits** to finish the project.
- 15.4 The **building official** may request a re-verification of installation soundness of the completed work under Section 15.3 upon the re-start of the project under new **permits**.

PART 16: SANITARY FACILITIES DURING CONSTRUCTION

- 16.1 The **owner** must provide on the **parcel** of **land** in respect of which the **permit** has been issued, sanitary facilities for the disposal of human waste, which facilities must be accessible and unlocked when not occupied while work is being carried out on the **parcel** under this Bylaw.

- 16.2 Every sanitary facility referred to in Section 16.1 that is not connected to a sanitary sewer; or by plumbing that complies with the **Building Code** and this Bylaw, must:
- a) be provided at all times with toilet paper, a locking door for privacy, and ventilation; and
 - b) be kept in sanitary condition without leaking beyond the facility and without overflowing within the facility.
- 16.3 Such facilities must be located so as not to create a nuisance to neighbouring **parcels** or **highways**.

PART 17: SITE GRADING AND DRAINAGE

- 17.1 The **owner** of a lot on which a **building** or **structure** is being constructed shall control the site drainage such that other lots are not impacted and shall ensure that:
- a) each lot is graded to drain into a municipal drainage system or a natural watercourse without draining onto adjacent lots;
 - b) areas adjacent to **buildings** are graded away from the foundations to prevent flooding;
 - c) A lot lower than adjacent roadways is provided with storm water management facilities to direct storm runoff to a drainage system approved by the **Building Official** or by the person designated by the Director of Engineering; and
 - d) in the case of storm runoff not directed to a municipal drainage system, storm runoff occurs to a natural watercourse by means of sheet flow only, and not by means of swales or pipes or other artificial means.

PART 18: OCCUPANCY

- 18.1 A **Building Official** may authorize the **occupancy** of a **building** or **structure** or part of a **building** or **structure** by issuing a **final inspection notice**.
- 18.2 For a **complex building**, a **Building Official** will require the **owner** and their **coordinating registered professional** to attend a pre-occupancy meeting prior to arranging the occupancy demonstration.
- 18.3 A **Building Official** may request the **owner** to re-verify the **cost of construction** prior to requesting the pre-occupancy meeting.
- 18.4 For all **buildings**, a **final inspection notice** will not be issued unless:
- a) all letters of assurance have been submitted when required in accordance with this Bylaw;
 - b) all aspects of the work requiring inspection and acceptance pursuant to Part 14 of this Bylaw have both been inspected and accepted or the inspections and acceptance are not required in accordance with this Bylaw;

- c) the **owner** has provided a building survey prepared by a British Columbia Land Surveyor showing the building height, size, location and elevation determined in accordance with the Town's land use regulations;
 - d) the **owner** has executed and delivered to the Town every agreement, instrument or form, including landscape schedules, required by the Town in relation to the work or the site;
 - e) all outstanding fees, penalties and charges are paid in full;
 - f) all required offsite works respecting safety have been completed; and
 - g) record drawings from all disciplines of the **building** or **structure** in digital format has been received by staff, including a record drawing showing the installation of potable water service, sanitary sewer service and storm drain service installations and indicating backfill and bedding materials for service trench, sizes and types of material and all fittings and references for cleanouts triangulated to substantially permanent landmarks such as **building** foundations and hydro kiosks.
- 18.5 When a **registered professional** provides letters of assurance in accordance with this Bylaw, the Town will rely solely on the letters of assurance when issuing a **final inspection notice** authorizing **occupancy** as assurance that the items identified on the letters of assurance substantially comply with the design, the **Building Code**, this Bylaw and other applicable enactments respecting safety.
- 18.6 A **Building Official** may issue a **final inspection notice** 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, GHG emissions and energy conservation; and
 - b) the requirements set out in section 18.4 have been met.
- 18.7 A **Building Official** may issue an approval for a building shell upon completion of the **construction** on condition that a person shall not occupy the **building** or portions of the **building** until:
- a) a subsequent building **permit** has been obtained; and
 - b) a separate **final inspection notice** has been issued for the occupancy of the finished space.
- 18.8 A **Building Official** may issue an approval for the occupancy of a residential **complex building** where the interior finishing of some units is not completed, subject to:
- a) the scope of the partial occupancy is clearly presented in the **final inspection notice**;
 - b) the **building** meets requirements set out in Section 18.4;
 - c) subsequent building permits are obtained for the unfinished units; and
 - d) the unfinished units are less than 10% of the total number of units in the **building**.

- 18.9 Without limiting requirements in this Part, an **occupancy permit** is not issued in full unless:
- a) the finished grade complies with all applicable enactments;
 - b) all landscaping and paving work are completed and accepted; and
 - c) all floor areas have been issued their **final inspection notices**.
- 18.10 The **owner** will not obtain any refunds of securities or deposits until an **occupancy permit** is issued.

PART 19: TEMPORARY BUILDING

- 19.1 Subject to the bylaws of the Town and orders of Council, a **Building Official** may issue a building **permit** for the erection or placement of a **temporary building** for **occupancy** if:
- a) the **permit** is for a period as specified on the **permit**; and
 - b) the **temporary building** is located in compliance with the Town's **Zoning Bylaw**, built in compliance with the **Building Code** and this Bylaw, and connected, as required by enactments, to Town utility services.
- 19.2 An application for a building **permit** for the erection or placement of a **temporary building** must include, in addition to plans and documents required in other Parts of this Bylaw:
- a) a statement by the **owner** indicating the intended use and duration of the use;
 - b) plans and supporting documents showing the proposed parking and loading space, if required;
 - c) a written description of the project explaining why the **building** is temporary;
 - d) a copy of an issued development permit, if required;
 - e) in the case of a manufactured building, a CSA label in respect of manufacture and, without limitation, a Quonset or other steel building must be certified in accordance with CSA Standard A660;
 - f) security in the form of cash or a letter of credit for 100% of the value of the removal of **temporary building**, which security:
 - i. may be used by the Town to remove the **building** after the expiry of the **permit** for the **temporary building**; or
 - ii. must be returned to the **owner** if the **owner** removes the **temporary building** upon expiry of the **permit** for the **temporary building**.
- 19.3 Before receiving a **permit** for a **temporary building** for **occupancy**, the **owner** must pay to the Town the applicable fees and charges set out in **Fees & Charges Bylaw**.
- 19.4 A permit fee for a **temporary building** is not refundable.

PART 20: RETAINING WALLS

- 20.1 A professional engineer with expertise in geotechnical engineering shall provide the design and supervise the **construction** of a **retaining wall** that requires a **permit** under Section 6.1, meeting good engineering practice and applicable design guidelines, and submit sealed copies of the design plan and field review reports to a **Building Official** prior to acceptance of the work.
- 20.2 Upon completion of the work, the engineer must provide an assurance statement indicating the **retaining wall** has been constructed in compliance with the design.

PART 21: BUILDING RELOCATION

- 21.1 No person may relocate a **building** or **structure** into or within the Town:
- a) except where certified by a professional engineer that the **building** or **structure**, specifically its foundation and snow load, will comply with the current **Building Code**;
 - b) a building **permit** has been issued for the **building** or **structure** previously by the Town; and
 - c) the **building** or **structure** complies with the **Zoning Bylaw** and other applicable bylaws and enactments.
- 21.2 The **owner** shall provide security in the form of cash or a letter of credit in the amount as specified within **Fees and Charges Bylaw** to guarantee the completion of the work without damages to public works when moving a **building** to/or from the Town.
- 21.3 The **building** shall comply in all aspects with the requirements of this Bylaw, including the **Building Code** and Plumbing Code.
- 21.4 If the **building** to be moved is a dwelling, the **assessed value** thereof shall not be less than 1¼ times the average **assessed value** of the closest ten (10) dwellings to the property to which it is to be moved.

PART 22: NUMBERING OF BUILDINGS

- 22.1. The Town's Chief Administrative Officer or delegate may renumber or alter the assigned numbers in respect of any **building** on any **parcel**, including those already in existence or numbered.
- 22.2 Without limiting sections 22.1, the **Building Official** may, on the issuance of a building **permit**, provide a house number or set of house numbers related to the **building** authorized by the **permit**.
- 22.3 Without limiting sections 22.1 through 22.2, on issuance of an approval to occupy, the **owner** or **occupier** of the **parcel** must affix the numbers permanently in a conspicuous place on the **building** such that the number is visible from an adjacent **highway** that is not a lane.

PART 23: POOLS

Swimming Pool Permit and Fencing

- 23.1 Without limiting section 6.1 of this Bylaw, a person must not construct, or structurally repair, a **pool** without a valid **permit**.
- 23.2 A **pool**, including a spa or hot tub, 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 1.5 metres and no openings greater than 100 mm at their greatest dimension, or have a lockable lid conforming to Section 23.4.

Pool Gate

- 23.3 Access through a fence enclosing a swimming **pool**, spa or hot tub must be only through a self-closing and self-latching gate designed and constructed or installed so as to cause the gate to return to a closed position when not in use and secured by a latch located on the swimming **pool**, spa or hot tub side of the gate.

Spa or Hot Tub Lid

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

Maintenance

- 23.5 A person may not use or occupy a **pool**, including a spa or hot tub unless the **owner** or **occupier** of property on or in which a **pool**, spa or hot tub is located maintains every fence or cover required under sections 23.2 to 23.4 in good order, and without limitation maintains and repairs in good order at all times all sagging gates, loose parts, torn mesh, missing materials, worn latches, locks or broken or binding members.

Leaks or Other Failures

- 23.6 A person may not obtain a **permit** for or use or **occupy** a **pool** without first providing to the **Building Official** at the time of the building permit application an opinion of a **registered professional** that the design of the **pool** will not cause or result in leaks or other failures of the **pool**, or if the **pool** is over .6m deep in excavation, a **registered professional** to ensure the excavation is safe from collapse of **soil**.

PART 24: BUILDING OFFICIAL'S NOTICES

- 24.1 A **Building Official** may direct the immediate suspension or correction of all or a portion of the **construction** on a **building** or **structure** by attaching a **Stop Work** notice on the premises whenever it is found that the work is not being performed in accordance with the requirements of the **Building Code**, any applicable bylaw of the Town or the applicable provisions of the Homeowner Protection Act.

- 24.2 The **coordinating registered professional** may request, in writing, that the **Building Official** order the immediate suspension or correction of all or a portion of the **construction** on a **complex building** by attaching a **Stop Work** notice on the premises. The **Building Official** must consider such a request and, if not acted upon, must respond, in writing, to the **coordinating registered professional** and give reasons.
- 24.3 The **owner** must immediately, after the posting of a notice under section 24.1, secure the **construction** and the **lands** and premises surrounding the **construction** in compliance with the safety requirements of every statute, regulation or order of the Province, or of a provincial agency and of every applicable bylaw of the Town.
- 24.4 An **owner** may not carry out any work other than the required remedial measures on the affected by the notice referred to in section 24.1 until the **Stop Work** notice has been rescinded by the **Building Official**.
- 24.5 The **Stop Work** notice referred to in Section 24.1 must remain posted on the premises until that which is contrary to the enactments has been remedied.
- 24.6 If a person occupies a **building, structure**, or part of a **building** or **structure**, prior to the issuance of a **final inspection notice** or **occupancy permit** authorizing the **occupancy**, a **Building Official** may post a **Do Not Occupy** notice on the affected part of the **building** or **structure**.
- 24.7 If a **Building Official** deems a **building** or **structure** to be structurally unsafe, and may endanger the safety of its occupants or surrounding occupants, a **Building Official** may post an **Unsafe to Occupy** notice on the **building** or **structure**, and may order the **owner** to take steps necessary to secure the site. The **owner** shall reimburse the Town any professional fees that may be incurred for the verification of structural safety.
- 24.8 The **owner** of a property on which a **Do Not Occupy** notice or an **Unsafe to Occupy** notice has been posted, and every other person, shall cease **occupancy** of the **building** or **structure** immediately and shall refrain from further **occupancy** until all applicable provisions of this Bylaw, the **Building Code** and any other applicable bylaw have been substantially complied with, and the **Do Not Occupy** notice or **Unsafe to Occupy** notice has been rescinded in writing by a **Building Official**.
- 24.9 Where the **owner** has been issued a **Work Without Permit** notice, the **owner** shall make a **building permit** application within seven (7) days of the notice being posted and shall pay the additional penalty in accordance with this Bylaw.
- 24.10 A **Building Official** may order removal of unpermitted work where there is a **Work Without Permit** notice issued if:
- a) the **owner** fails to make a building **permit** application under Part 11; or
 - b) If the work constructed does not meet the requirements of this Bylaw, the **Building Code**, or any other applicable bylaws.

PART 25: OFFENCES

25.1 Without limiting other parts of this Bylaw, every person who:

- a) violates a provision of this Bylaw;
- b) permits, suffers or allows any act to be done in violation of any provision of this Bylaw;
and
- c) neglects to do anything required to be done under any provision of this Bylaw,

commits an offence and on summary conviction by a court of competent jurisdiction, the person is subject to a fine of not more than \$10,000.00, or a term of imprisonment not exceeding three months, or both, in addition to the costs of prosecution. Each day during which a violation, contravention or breach of this bylaw continues is deemed to be a separate offence.

25.2 Every person who fails to comply with any administrative requirement issued by a **Building Official**, or who allows a violation of this Bylaw to continue, contravenes this Bylaw.

Penalties for Violations

25.3 A person will be charged a penalty as per the **Fees and Charges Bylaw** for every permit application if **construction** commenced before the **Building Official** issued a **permit**.

25.4 If a **Stop Work** notice is issued and the **owner** or **constructor** violates the **Stop Work** notice, the **owner** or **constructor** must pay an additional charge as outlined in the **Fees & Charges Bylaw**.

Deemed Offence

25.5 An **owner** is deemed to have knowledge of and be liable under this Bylaw in respect of any **construction** on the **parcel** the **owner** owns, and any change in the use, **occupancy** or both of a **building** or **structure** or part of a **building** or **structure** on that **parcel**.

25.6 No person is deemed liable under Section 25.5 who establishes, on a balance of probabilities, that the **construction** or change of use or occupancy occurred before they became the **owner** of the **parcel**.

25.7 Nothing in section 25.5 affects:

- a) the Town's right to require and the **owner's** obligation to obtain a **permit**, including for work that was done without the benefit of a permit; and
- b) the obligation of the **owner** to make safe any construction and to comply with this Bylaw.

Ticketing

25.8 The offences in the Municipal Ticket Information (MTI) Bylaw No. 643, 2007, and as amended from time to time, are enforceable under this Bylaw.

Severability

25.9 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.

Permits under Former Bylaw

25.10 Subject to the provisions of the former bylaw, a **permit** issued pursuant to the former bylaw, remains valid and work authorized under the **permit** may be carried out in accordance with the terms of the **permit**, the **Building Code** and this Bylaw as if the **permit** had been issued under this Bylaw.

REPEAL

25.11 Building Bylaw No. 786, as amended, is repealed.

IN FORCE

This bylaw comes into force on November 1, 2023, except:

- a) section 12.1(e), which comes into force on July 1, 2024; and
- b) section 12.1(f), which comes into force on November 1, 2024.

READ A FIRST TIME THIS 5th DAY OF SEPTEMBER, 2023.

READ A SECOND TIME THIS 5th DAY OF SEPTEMBER, 2023.

READ A THIRD TIME THIS 5th DAY OF SEPTEMBER, 2023.

ADOPTED BY COUNCIL, SIGNED BY THE MAYOR AND THE CORPORATE OFFICER, AND SEALED WITH THE SEAL OF THE TOWN OF VIEW ROYAL THIS 3rd DAY OF OCTOBER, 2023.

MAYOR

CORPORATE OFFICER