



TOWN OF VIEW ROYAL

BYLAW NO. 652, 2007

Amended by Bylaw 958

A BYLAW TO REGULATE, PROHIBIT OR IMPOSE REQUIREMENTS RESPECTING HEALTH AND SAFETY ON PROPERTY

WHEREAS the Council of the Town of View Royal wishes to enact a bylaw to regulate, prohibit and impose requirements respecting health and safety matters on property;

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

Part 1 Citation

1.1 This Bylaw may be cited as Safe Premises Bylaw No. 652, 2007.

Part 2 Severability

2.1 If a portion of this bylaw is found invalid by a court, it will be severed and the remainder of the bylaw will remain in effect.

Part 3 Definitions

3.1 In this bylaw,

“amphetamines” include dextroamphetamines and methamphetamines;

“building” means any structure or construction for any use or occupancy;

“Building Bylaw” means the Town of View Royal Building Bylaw;

“Building Code” means the British Columbia Building Code;

“Building Inspector” means the chief building official for the Town, and every building inspector appointed by the Town to inspect *buildings* or structures;

“Electrical Code” means the British Columbia Electrical Code Regulation;

“*Fire Chief*” means the person who is appointed to be head of the Town’s fire and rescue services and every person designated by Council by name of office or otherwise to act in the place of the Fire Chief;

“*Fire Code*” means the British Columbia Fire Code;

“*Fire Services Act*” means the Fire Services Act of British Columbia;

“*grow operation*” means the cultivation of marijuana plants or production of *amphetamines* on a parcel;

“*hazardous condition*” means a contravention of any regulation in Part 4 of this bylaw;

“*hazardous conditions requirement list*” means a list of *hazardous conditions* present on a parcel, and any work required to address or remove those *hazardous conditions*, prepared or compiled by the *Building Inspector* following an inspection or *special safety inspection*, and which may be in the form of Schedule B;

“*hazardous substance*” means a substance listed in Schedule “E;”

“*IICRC*” means the Institute of Inspection Cleaning and Restoration Certification;

“*inspector*” means:

- (a) the *Fire Chief*, and every person appointed by Council or the *Fire Chief*, as applicable, to be an officer or employee of the Town’s fire and rescue service,
- (b) the *Building Inspector*,
- (c) a peace officer,
- (d) an Electrical Safety Officer,
- (e) a bylaw enforcement officer,
- (f) a representative from Vancouver Island Health Authority,
- (g) the deputy or designated alternate of a person, officer or employee referred in paragraphs (a) to (f),
- (h) other persons designated by Council by name of office or otherwise to act in the place of the persons, officers or employees referred to in paragraphs (a) to (f);

“*owner*” includes, in addition to the definition in the *Community Charter*, the lessee, licensee, tenant, caretaker, user or occupier of a building or a part of a building, or the agent of the owner;

“*professional cleaner*” means an individual or corporation experienced and qualified in removing contaminants, including pesticides, fertilizers or chemicals used to manufacture *amphetamines* or to grow controlled substances;

“*registered owner*” means a person who is registered in the Land Title Office as the title holder of a parcel;

“*residential premises*” means a building on a parcel that is used or may be used as a residence, including any buildings that may be accessory to a residential use, including a garage or garden shed;

“*special safety inspection*” means an inspection coordinated by the Building Inspector for the purpose of determining the presence of any *hazardous conditions*, and may be conducted or coordinated with the Royal Canadian Mounted Police and other authorities;

“*Town*” means the Corporation of the Town of View Royal;

“*unauthorized alteration*” means any change made to the structural, mechanical natural gas system, or electrical components of a building that requires a building permit, but for which no building permit has been issued pursuant to the *Building Bylaw*, and which results in an increased risk to health or safety on a parcel;

“*utility*” means a lawful provider of an electrical, water or natural gas service from a distribution system to consumers.

- 3.2 All references to an enactment in this bylaw refer to that enactment as it is in force from time to time.

Part 4 Hazardous Conditions

- 4.1 No *owner* may occupy or permit the occupancy of a building where a meter installed for the purpose of ascertaining consumption of electricity, water or natural gas from an electrical, water or natural gas distribution system has been disconnected or bypassed, except where such disconnection has been specifically permitted or required by the *Town*, a *utility*, or a government authority.
- 4.2 No *owner* may occupy or permit the occupancy of a building where exhaust vents for hot water tanks or furnaces exhaust into or within a *building*.

- 4.3 No *owner* may occupy or permit the occupancy of a *residential premises* where a *hazardous substance* is present inside a building in an amount that exceeds the limits set out for that *hazardous substance*, either in volumetric quantity or parts per million, in Schedule E of this Bylaw.
- 4.4 No *owner* may occupy or permit the occupancy of a building where:
- (a) an exit or access to an exit required under the *Building Code* is blocked or obstructed; or
 - (b) the number of electrical circuits or connections to an electrical service exceeds the amount permitted under the *Electrical Code* or another enactment.
- 4.5 No *owner* may occupy or permit the occupancy of a *building* where there is an *unauthorized alteration*.

Part 5 Health & Safety Requirements

- 5.1 If a *hazardous condition* exists for a *building* with a *grow operation*, no *owner* may use or occupy or permit the occupancy of the *building* until:
- (a) the *owner* has paid the *Special Safety Inspection Fee* as described in Fees and Charges Bylaw No. 958;
(Bylaw No. 958, 2016)
 - (b) a *special safety inspection* of the building coordinated by the *Building Inspector* has been carried out;
 - (c) the *Building Inspector* has issued a *hazardous conditions requirement list*;
 - (d) the *owner* has obtained all building permits, approvals or authorizations required to carry out any work identified in the *hazardous conditions requirement list*;
 - (e) the *owner* has carried out or caused to be carried out all the work stated in the *hazardous conditions requirements list* within ninety days from the date of the *hazardous conditions requirements list*;
 - (f) the *Building Inspector* has inspected the *building* and determined that the work required in the *hazardous conditions requirement list* has been completed in accordance with all requirements of this Bylaw, the *Building Bylaw*, the *Building Code*, the *Fire Code* and all other

applicable enactments and that no *hazardous condition* remains in the building; and

- (g) the *Building Inspector* has removed any notices under Part 6 and issued a new occupancy permit for the *building* pursuant to the *Building Bylaw*.

5.2 Where a *hazardous condition* exists on a parcel which affects the structural integrity of a *building* on the parcel, the *Building Inspector* may include in the *hazardous conditions requirements list* a requirement that the *owner* must obtain a report from a qualified professional engineer certifying that the *building* is safe for occupancy;

5.3 Where a *hazardous condition* involving a *hazardous substance* is found in a *building*, the *Building Inspector* may include in the *hazardous conditions requirements list* any or all of the following requirements:

- (a) that the *owner* must clean or remove and dispose of all carpets and curtains in a *building*;
- (b) if a *building* is heated by forced air heating, the *owner* must have the furnace, all air ducts, main distribution ducts, venting, and filtering cleaned by a *professional cleaner* or by a duct cleaning company;
- (c) the *owner* must have all walls, floors, ceilings and any other spaces, components, or assemblies, as required, in the *building* cleaned and disinfected by a *professional cleaner* or replaced;
- (d) the *owner* must provide a certificate report in the form prescribed in Schedule C, from a person certified by the IICRC, or another recognized Canadian certification program, certifying that the *building* or *residential premises* meet the standards of this bylaw for the removal of all *hazardous substances*.

Part 6 Powers of Building Inspector, Fire Chief and Inspectors

6.1 Subject to s. 16 of the *Community Charter*, an *inspector* may enter on real property to:

- (a) inspect and determine whether there is compliance with regulations under this bylaw;

- (b) to carry out a *special safety inspection*; or
 - (c) take action authorized under s. 17 of the *Community Charter*.
- 6.2 If the *Building Inspector* or *Fire Chief* has reasonable grounds to believe that all or part of a *building* contains a *hazardous condition*, the *Building Inspector* or *Fire Chief* may post a notice in the form of Schedule D in a conspicuous place at the entrances of the parcel or a building on the parcel and deliver to the *owner* of the parcel a notice that the *building* is unsafe and that no person may enter or occupy the *building*.
- 6.3 A person must not:
- (a) interfere with or obstruct the *Building Inspector* or the *Fire Chief* from posting a notice under this Part;
 - (b) remove, alter, cover or mutilate a notice posted under this Part; or
 - (c) occupy a building or premises until the *Building Inspector* has removed the notice posted under this Part, except with the prior written permission of the *Building Inspector*.

Part 7 Town Reliance

- 7.1 Neither the removal of a notice posted under this bylaw, nor the issuance of a building permit under this bylaw, nor the acceptance or review of plans, drawings or specifications or supporting documents, or any inspections made by or on behalf of the Town, will in any way relieve the *owner* from full and sole responsibility to perform work required or contemplated under this bylaw or the *Building Code* and all other applicable enactments, nor do they constitute in any way a representation, warranty, assurance or statement that the *Building Code*, this bylaw or any other applicable codes standards or enactments have been complied with.
- 7.2 When a *professional cleaner*, engineer, architect or other person provides certification or other documentation to the Town under this bylaw that the work required by or contemplated by this bylaw substantially conforms to the requirements of this bylaw, the health and safety requirements of the *Building Code*, *Electrical Code*, or any other health and safety requirements established by applicable enactments, the Town may rely solely on the documentation as evidence of conformity with these requirements and not on its receipt of plans, monitoring of the work, acknowledgement of completion, or removal of a notice.

Part 8 Duty of Registered Owner

- 8.1 Every *registered owner* of a parcel that contains a *residential premises* that is subject to a tenancy agreement and who is aware of or has attended the *residential premises* at a time when there is a contravention of this bylaw must:
- (a) within 24 hours of the discovery of the contravention, deliver written notice to the *Building Inspector* of the particulars of the contravention; and
 - (b) take such action as may be necessary to bring the premises into compliance with this bylaw.
- 8.2 Where an *owner* inspects and reports a contravention under section 8.1 of this bylaw that the *Town* or its *inspectors* were unaware of, the Special Inspection Fee arising in respect of the contravention shall be waived in respect of that *building*.
- 8.3 The *owner* must notify all prospective occupants in writing that the property was subject to remedial work required under Part 5 of this bylaw.
- 8.4 It is the full and sole responsibility of the *owner* to carry out any work required pursuant to this bylaw in compliance with this bylaw and all other applicable codes, standards and enactments, including the *Building Code*.
- 8.5 It is the full and sole responsibility of the owner to carry out any work required pursuant to this bylaw on or before ninety days from the date of the *hazardous conditions requirements list* issued under Part 5 of this bylaw.

Part 9 Fees

- 9.1 Any fees imposed under this Bylaw are due and payable within forty-five (45) days of invoice and, if not paid on December 31st of the year in which they are imposed, may be added to and form part of the taxes payable on the real property as taxes in arrears.

Part 10 Offence and Penalty

- 10.1 Every person who contravenes any provisions of this bylaw commits an offence punishable pursuant to the *Offence Act* upon summary conviction and is liable to a fine not less than \$5,000 and not exceeding \$10,000.

10.2 If an offence is a continuing offence, each day that the offence is continued constitutes a separate and distinct offence.

Part 11 Schedules

Schedule A – Fees

Schedule B – Hazardous Conditions Requirements List

Schedule C – Certification Form

Schedule D – Notice

Schedule E – Hazardous Substances

READ A FIRST TIME THIS 5TH DAY OF FEBRUARY, 2008.

READ A SECOND TIME THIS 5TH DAY OF FEBRUARY, 2008.

READ A THIRD TIME THIS 18TH DAY OF MARCH, 2008.

DEPOSITED WITH THE MINISTER OF HEALTH THIS 17TH DAY OF APRIL, 2008.

NOTICE GIVEN UNDER SECTION 59 OF THE *COMMUNITY CHARTER* THIS 23RD DAY OF JANUARY, 2008 AND THIS 5TH DAY OF MARCH, 2008.

ADOPTED BY COUNCIL, SIGNED BY THE MAYOR AND THE CLERK AND SEALED WITH THE SEAL OF THE TOWN OF VIEW ROYAL THIS 6TH DAY OF MAY, 2008.

Mayor

Clerk

SCHEDULE A

(Deleted by Bylaw No. 958, 2016)

SCHEDULE B

Hazardous Conditions Requirements List

Date: _____

Re: _____ [Property Address] (the “Property”)

Pursuant to the Town of View Royal’s “Safe Premises Bylaw No. 652, 2007” a special safety inspection has been carried out on the above Property, and the Property has been posted with a Notice that it may not be occupied due to hazardous conditions on the Property.

No person is permitted to occupy the Property until the Notice has been removed. If you wish to reoccupy the Property, you are required to perform the following works, and provide the following certifications, as indicated:

- Provide evidence from the following utility providers that the Property has been properly connected to the utility:
 - Gas
 - Water
 - Electricity
- Vent all furnace/hot water tank/gas appliances in accordance with the *Building Code*
- Provide/Restore all egress points as required under the *Building Code*
- Bring all electrical panels and circuits up to standards in *Electrical Code*
- Provide a report from a qualified professional engineer certifying that the building is safe for occupancy
- Clean or remove and dispose [circle one] of all carpets and curtains
- Have the furnace, all air ducts, main distribution ducts, venting, and filtering cleaned by a *professional cleaner* or by a duct cleaning company
- Have all walls, floors, ceilings, and any other spaces, components, or assemblies, as required, in the building cleaned and disinfected by a *professional cleaner* or replaced [circle one]
- Provide a certificate report in the form prescribed in Schedule C of the Bylaw, from a person certified by the IICRC, or another recognized Canadian certification program, certifying that the property meets the standards of this bylaw for the removal of all hazardous substances

You are required to obtain the necessary permits from the Town or other agencies as applicable prior to performing any of the above works.

Until the above requirements above have been completed, and the Building Inspector has re-inspected the Property and removed the Notice, the Bylaw prohibits occupancy of the Property by any person.

You are required to complete this work on or before _____ [insert date for compliance], ninety days from the date of this notice. Failure to complete the work by this date may, in accordance with the *Community Charter*, result in Council invoking remedial action requirements; fulfilling the requirements at the registered owner's expense; or both.

We enclose a copy of the Bylaw for your reference. If you have any questions concerning the regulations in the Bylaw, please call the Town's Building Department at 479-6800.

SCHEDULE C

Certification Form

TO: The Town of View Royal

FROM: [insert name of professional cleaner]

RE: residential premises located at [insert address]

This is to certify that in accordance with “Safe Premises Bylaw No. 652, 2007”, the professional identified in this certification:

- (1) Meets the certification requirements for an inspector under the IICRC;
and
- (2) Has completed an inspection of the residential premises on _____; and
- (3) The residential premises are substantially free of any hazardous substances in accordance with “Safe Premises Bylaw No. 652, 2007”.

The undersigned professional may be contacted at : [insert business telephone number].

CERTIFIED AS OF _____[insert date]

[Insert Name of professional cleaner]

Authorized Representative

SCHEDULE D

Notice

TAKE NOTICE THAT all or part of this building contains a hazardous condition and is unsafe.

Pursuant to Town of View Royal “Safe Premises Bylaw No. 652, 2007”, no person may occupy these premises until cleaning and/or repairs have been completed in accordance with that Bylaw and the Building Inspector has confirmed that a satisfactory occupancy inspection has been completed.

It is an offence to remove or deface this notice.

Any inquiries should be directed to the Building Inspector at 479-6800.

Building Inspector [or Fire Chief]
Town of View Royal

SCHEDULE E**Hazardous Substances**

Hazardous Substance	Maximum Stored in Container designed for storage of that substance	Maximum ppm in air
Acetic Acid	0.5 Litres	10 ppm
Acetone	1.0 Litres	250 ppm
Ammonia Solution (>50% ammonia)	0.0 Litres	25 ppm
Ammonia Solution (35%-50%)	0.125 Litres	25 ppm
Ammonia Solution (10%-35%)	5.0 Litres	25 ppm
Ammonia, Anhydrous	0.0 Litres	25 ppm
Carbon Monoxide	0.0 Litres	25 ppm
Chloroform	5.0 Litres	2 ppm
Ethanol	1.0 Litres	1000 ppm
Ethyl Ether	0.0 Litres	400 ppm
Hexane	1.0 Litres	20 ppm
Hydrochloric Acid	1.0 Litres	2 ppm
Iodine Azid (Dry)	0.0 Litres/Kilograms	0 ppm
Iodine Monochloride	1.0 Kilograms	0.1 ppm
Iodine Pentafluoride	0.0 Kilograms	0.1 ppm
Isopropyl Alcohol	1.0 Litres	220 ppm
Methanol	1.0 Litres	200 ppm
Methylamine, Anhydrous	0.125 Litres	5 ppm
Methylamine, Aqueous Solution	1.0 Litres	5 ppm
Methylamine Dinitramine	0.0 Litres	0 ppm
Methylamine Perchlorate (dry)	0.0 Litres/Kilograms	0 ppm
Methyl Ethyl Ketone	1.0 Litres	50 ppm
Nitroethane	5.0 Litres	100 ppm
Phosphine	0.0 Litres	0.3 ppm
Propane	1.0 Litres	1000 ppm
Thionyl Chloride	0.0 Litres	1 ppm
Toluene	1.0 Litres	20 ppm
Xylene	1.0 Litres	100 ppm