



TOWN OF VIEW ROYAL

BYLAW NO. 786

Consolidated by Bylaw No. 885 and 958

A BYLAW FOR THE ADMINISTRATION OF THE BUILDING CODE

WHEREAS Section 8 (3) of the Community Charter authorizes the Town of View Royal, for the health, safety and protection of persons and property to regulate the construction, alterations, repair or demolition of **buildings** and **structures** by bylaw;

AND WHEREAS the Province of British Columbia has adopted a **Building Code** to govern standards in respect of the construction, alteration, repair and demolition of **buildings** in municipalities and regional districts in the Province;

AND WHEREAS it is deemed necessary to provide for the administration of the **Building Code**;

NOW THEREFORE, the Council of the Town of View Royal, in open meeting assembled, enacts as follows:

1. CITATION

This Bylaw may be cited as “Town of View Royal Building Bylaw, No. 786, 2010”

2. DEFINITIONS

2.1 The following words and terms have the meanings set out in Division A Part 1 1.4.1.2 of the **British Columbia Building Code 2006**: assembly occupancy, **building**, **building** area, **building** height, business and personal services occupancy, care or detention occupancy, constructor, coordinating registered professional, designer, field review, high hazard industrial occupancy, industrial occupancy, low hazard industrial occupancy, major occupancy, mercantile occupancy, medium hazard industrial occupancy, occupancy, owner, registered professional and residential occupancy

2.2 In this Bylaw:

“**Building Code**” means the British *Columbia Building Code 2006* as adopted by the Minister pursuant to Section 692(1) of the *Local Government Act*, as amended or re-enacted from time to time.

“**Building Official**” includes Building Inspectors, Plan Checkers, and Plumbing Inspectors designated by the Town of View Royal.

“**Complex Building**” means:

- a) all **buildings** used for **major occupancies** classified as
 - i) **assembly occupancies**,
 - ii) **care or detention occupancies**,

- iii) **high hazard industrial occupancies**, and
- b) all **buildings** exceeding 600 square meters in **building area** or exceeding three storeys in **building height** used for **major occupancies** classified as
 - i) **residential occupancies**,
 - ii) **business and personal services occupancies**,
 - iii) **mercantile occupancies**,
 - iv) **medium and low hazard industrial occupancies**.

“**Health and safety aspects of the work**” means design and construction regulated by Part 3, Part 4, and Sections 9.4, 9.8, 9.9, 9.12, 9.14, 9.15, 9.17, 9.18, 9.20, 9.21, 9.22, 9.23, 9.24, 9.31, 9.32, and 9.34 of Part 9 of the **Building Code**

“**Permit**” means a permit as required in Section 8 and may include a **building** permit, a plumbing permit, a demolition permit, a siting permit, a permit for a change of occupancy, fireplace, chimney and woodstove.

“**Standard Building**” means **buildings** of three storeys or less in **building height**, having a **building area** not exceeding 600 square meters and used for **major occupancies** classified as

- a) **residential occupancies**,
- b) **business and personal services occupancies**,
- c) **mercantile occupancies**, or
- d) **medium and low hazard industrial occupancies**.

“**Structure**” means a construction or portion thereof of any kind, whether fixed to, supported by or sunk into land or water, but specifically excludes landscaping, fences, paving and retaining **structures** less than 1.5 meters in height.

3. PURPOSE OF BYLAW

- 3.1 This bylaw, shall, notwithstanding any other provision herein, be interpreted in accordance with this section.
- 3.2 This bylaw is enacted for the purpose of regulating construction within the Town of View Royal in the general public interest. The activities undertaken by or on behalf of the Town of View Royal pursuant to this bylaw are for the sole purpose of providing a limited spot check for health, safety and protection of persons and property. It is not contemplated nor intended, nor does the purpose of this bylaw extend:
 - 3.2.1 to the protection of **owners**, owner/builders, or **constructors** from economic loss;
 - 3.2.2 to the assumption by the Town of View Royal or any **Building Official** of any responsibility for ensuring the compliance by an owner, his or her representatives or any employees, **constructors** or **designers** retained by him or her, with the **Building Code**, the requirements of this bylaw or any other applicable codes or standards;

- 3.2.3 to providing any person a warranty or design or workmanship with respect to any **building** or **structure** for which a **building** permit or occupancy permit is issued under this bylaw;
- 3.2.4 to providing to any person a warranty that construction undertaken pursuant to **building** permits issued by the Town of View Royal is free from latent, or any defects.

4. PERMIT CONDITIONS

- 4.1 A permit is required whenever work regulated under this bylaw is to be undertaken.
- 4.2 Neither the issuance of a permit under this bylaw nor the acceptance or review of plans, drawings or specifications or supporting documents, not any inspections made by or on behalf of the Town of View Royal shall in any way relieve the owner or his or her representatives from full and sole responsibility to perform the work in strict accordance with the **Building Code**, this bylaw and or other applicable enactments respecting safety.
- 4.3 It shall be the full and sole responsibility of the **owner** to carry out the work in respect of which the permit was issued in compliance with the **Building Code**, this bylaw or other applicable enactments respecting safety.
- 4.4 Neither the issuance of a permit, occupancy permit or conditional occupancy permit under this bylaw nor the acceptance or review of plans, drawings or specifications or supporting documents, nor any inspections made by or on behalf of the Town of View Royal constitute in any way a representation, warranty, assurance or statement that the **Building Code**, this bylaw and other applicable enactments respecting safety have been complied with.
- 4.5 No person shall rely upon any permit as establishing compliance with this bylaw or assume or conclude that this bylaw has been administered or enforced according to its terms. The person to whom the **building** permit is issued and his or her representatives are responsible for making such determination.

5. SCOPE AND EXEMPTIONS

- 5.1 This bylaw applies to the design, construction and **occupancy** of new **buildings** and **structures**, and the alterations, reconstruction, demolition, removal, relocation and occupancy of existing **building** and **structures**.
- 5.2 This bylaw does not apply to **buildings** or **structures** exempted by Part 1 of the **Building Code** except as expressly provided herein, or to retaining **structures** less than 1.5 meters in height.

6. PROHIBITIONS

- 6.1 No person shall commence or continue any construction, alteration, reconstruction, demolition, **removal**, relocation or change of **occupancy** of any **building** and **structure** including excavation or other work related to construction unless a **Building Official** has issued a valid and subsisting permit for the work.
- 6.2 No person shall occupy or use any **building** or **structure** unless a valid and subsisting occupancy permit has been issued by a **Building Official** for the **building** or **structure** or contrary to the terms of any permit issued or any notice given by a **Building Official**.
- 6.3 No person shall knowingly submit false or misleading information to a **Building Official** in relation to any permit application or construction undertaken pursuant to this bylaw
- 6.4 No person shall, 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
- 6.5 No person shall do any work that is substantially at variance with the approved design, plans or specifications of a **building, structure** or other works for which a permit has been issued, unless that variance has been accepted in writing by a **Building Official**.
- 6.6 No person shall obstruct the entry of a **Building Official** or other authorized official of the Town of View Royal on property in the administration of this bylaw.

7. BUILDING OFFICIALS

- 7.1 Each **Building Official** may:
- 7.1.1 administer this bylaw;
 - 7.1.2 keep records of permit application, permit, notices and order issued, inspections and tests made, and shall retain copies of all documents related to the administration of this bylaw or microfilm copies of such documents; and
 - 7.1.3 establish, if requested to do so, whether the methods or types of construction and types of materials used in the construction of a **building** or **structure** for which a permit is sought under this bylaw substantially conform to the requirements of the **Building Code**.
- 7.2 A **Building Official**:
- 7.2.1 may enter any land, **building, structure**, or premises at any reasonable times, for the purpose of ascertaining that the terms of this bylaw are being observed

- 7.2.2 where any residence is occupied, shall obtain the consent of the occupant or provide written notice to the occupant 24 hours in advance of entry; and
- 7.2.3 shall carry proper credentials confirming his or her status as a **Building Official**.
- 7.3 A **Building Official** may order the correction of any work that is being or has been done in contravention of this bylaw.

8. APPLICATIONS

- 8.1 Every person shall apply for and obtain:
 - 8.1.1 a **building** permit before constructing, repairing or altering a **building** or **structure**;
 - 8.1.2 a moving permit before moving a **building** or **structure**;
 - 8.1.3 a demolition permit before demolishing a **building** or **structure**;
 - 8.1.4 a fireplace and chimney permit prior to the construction of a masonry fireplace or the installation of a wood burning appliance or chimney unless the works are encompassed by a valid **building** permit;
 - 8.1.5 a plumbing permit prior to commencing the installation of any plumbing
- 8.2 A Permit is not required in the following circumstances:
 - 8.2.1 for minor repairs or alterations to non-structural components of the **building**;
 - 8.2.2 when a valve, faucet, fixture or service water heater is repaired or replaced, a stoppage cleared, or a leak repaired if no change to the piping is required.
- 8.3 All plans submitted with permit applications shall bear the name and address of the designer of the **building** or **structure**.
- 8.4 Each **building** or **structure** to be constructed on a site requires a separate **building** permit and shall be assessed a separate **building** permit fee based on the value of that **building** or **structure** as determined in accordance with Schedule B of this bylaw.

9. APPLICATIONS FOR COMPLEX BUILDINGS

- 9.1 An application for a **building** permit with respect to a complex **building** shall;
- 9.1.1 be made in the form prescribed by the Director of Protective Services, signed by the owner or a signing officer if the owner is a corporation, and the coordinating registered professional;
Amendment Bylaw No. 885, 2014
 - 9.1.2 be accompanied by the owner's acknowledgement of responsibility and undertakings made in the form attached as Schedule C to this bylaw, signed by the owner, or a signing officer if the owner is a corporation;
 - 9.1.3 include a copy of a title search made within 30 days of the date of the application complete with copies of all easements, statutory rights-of-way and covenants;
 - 9.1.4 include a site plan prepared by a registered professional or British Columbia Land Surveyor showing;
 - 9.1.4.1 the bearing and dimensions of the parcel taken from the registered subdivision plan;
 - 9.1.4.2 the legal description and civic address of the parcel;
 - 9.1.4.3 the location and dimensions of all statutory rights of way, easements and setbacks requirements;
 - 9.1.4.4 the location and dimensions of all existing and proposed **buildings** or **structures** on the parcel;
 - 9.1.4.5 setbacks to the natural boundary of any lake, swamp, pond or watercourse where the Town of View Royal's land use regulations establish siting requirements related to flooding;
 - 9.1.4.6 the existing and finished ground levels to an established datum at corners of the **building** or **structure**, the geodetic elevation of the underside of the floor system, and the geodetic elevation of the ridge of the roof of a **building** or **structure**.
 - 9.1.4.7 the location, dimension and gradient or parking and driveway access;
 - 9.1.4.8 the **Building Official** may waive the requirement for the site plan in whole or in part, where the permit is sought for the repair or alteration of an existing **building** or **structure**

- 9.1.5 include floor plans showing the dimensions and uses of all areas: the dimensions and height of crawl and roof spaces; the location, size and swing of doors; the location, size and opening of windows; floor, wall and ceiling finishes; plumbing fixtures; structural elements; and stair dimensions.
 - 9.1.6 include a cross section through the **building** or **structure** illustrating foundations, drainage, ceiling heights, and construction systems;
 - 9.1.7 include elevations of all sides of the **building** or **structure** showing finish details, roof slopes, windows, doors, and finished grades;
 - 9.1.8 include cross-sectional details drawn at an appropriate scale and at sufficient locations to illustrate that the **building** or **structure** substantially conforms to the **Building Code**;
 - 9.1.9 include copies of approvals required under any enactment relating to health or safety, including, without limitation, sewage disposal permits, highway access permit and Ministry of Health approval;
 - 9.1.10 include a letter of assurance in the form referred to in the Division C Part 2 of the **Building Code**, signed by the owner or a signed officer of the owner if the owner is a corporation, and the coordinating registered professional;
 - 9.1.11 include a letter of assurance in the form of a Schedule B referred to in Division C Part 2 of the **Building Code**, 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 a **building** or **structure**;
 - 9.1.12 include four paper copies and one electronic copy in compact disc format of specifications and four paper sets and one electronic set in compact disc format of drawings at a suitable scale of the design prepared by each registered professional and including the information set out in Section 9 of this bylaw; plans may be scaled in imperial with primary measurements in imperial but metric equivalents must be provided for all dimensions.
- 9.2 In addition to the requirements of Section 9.1, the following may be required by a **Building Official** to be submitted with a **building** permit application for the construction of a complex **building** where the complexity of the proposed **building** or **structure** or siting circumstances warrant:
- 9.2.1 site servicing drawings, including sufficient detail of off-site services to indicate locations at the property line, prepared and sealed by the registered professional, in accordance with the Town of View Royal's subdivision servicing bylaw;
 - 9.2.2 a section through the site showing grades, **buildings**, **structures**, parking areas and driveways;

- 9.2.3 any other information required by the **Building Official** or the **Building Code** to establish substantial compliance with this bylaw, the **Building Code** and other bylaw and enactments relating to the **building** or **structure**.

10. APPLICATIONS FOR STANDARD BUILDINGS

- 10.1 An application for a **building** permit with respect to a standard **building** shall;
- 10.1.1 be made in the form prescribed by the Director of Protective Services signed by the owner, or a signing official if the owner is a corporation;
Amendment Bylaw No. 885, 2014
- 10.1.2 be accompanied by the owner's acknowledgement of responsibility and undertakings made in the form attached as Schedule C to this bylaw, signed by the owner, or a signing official if the owner is a corporation;
- 10.1.3 include a copy of a title search made within 30 days of the date of the application;
- 10.1.4 include a site plan prepared by a British Columbia Land Surveyor showing:
- 10.1.4.1 the bearing and dimensions of the parcel taken from the registered subdivision plan;
- 10.1.4.2 the legal description and civic address of the parcel;
- 10.1.4.3 the location and dimensions of all statutory rights of way, easements and setbacks requirements;
- 10.1.4.4 the location and dimensions of all existing and proposed **buildings** or **structures** on the parcel;
- 10.1.4.5 setbacks to the natural boundary of any lake, swamp, pond or watercourse where the Town of View Royal's land use regulations establish siting requirements related to flooding;
- 10.1.4.6 the existing and finished ground levels to an established datum at corners of the **building** or **structure**, the geodetic elevation of the underside of the floor system, and the geodetic elevation of the ridge of the roof of a **building** or **structure**.
- 10.1.4.7 the location, dimension and gradient or parking and driveway access;

- 10.1.5 the **Building Official** may waive the requirements of a site plan, in whole or in part, where the permit is sought for the repair or alteration of an existing **building** or **structure**.
- 10.1.6 include floor plans showing the dimensions and uses of all areas: the dimensions and height of crawl and roof spaces; the location, size and swing of doors; the location, size and opening of windows; floor, wall and ceiling finishes; plumbing fixtures; structural elements; and stair dimensions.
- 10.1.7 include a cross section through the **building** or **structure** illustrating foundations, drainage, ceiling heights and construction systems;
- 10.1.8 include elevations of all sides of the **building** or **structure** showing finish details, roof slopes, windows, doors, and grade and **building** height;
- 10.1.9 include cross-sectional details drawn at an appropriate scale and at sufficient locations to illustrate that the **building** or **structure** substantially conforms to the **Building Code**;
- 10.1.10 include copies of approvals required under any enactment relating to health or safety, including, without limitation, sewage disposal permits, highway access permit and Ministry of Health Services approval;
- 10.1.11 include a foundation design prepared by a registered professional in accordance with Section 4.2 of Division B Part 4 of the **Building Code**, accompanied by the letter of assurance in the form of Schedule B as referred to in Division C Part 2 **Building Code**, signed by the registered professional, unless;
- 10.1.12 the requirements of Section 10.1.11 may be waived by a **Building Official** in circumstances where the **Building Official** has required a professional engineer's report pursuant to Section 56(1) of the *Community Charter* and the **building** permit is issued in accordance with *Section 54 (1) (2)* of the *Community Charter*
- 10.1.13 The requirements of Section 10.1.11 may be waived by a **Building Official** if documentation, prepared and sealed by a registered professional, is provided assuring that the foundation design substantially complies with Section 9.4.4. of Division B Part 9 of the **Building Code** and the foundation excavation substantially complies with Section 9.12 of Division B Part 9 of the **Building Code**
- 10.1.14 The requirement of Section 10.1.11 may be waived by a **Building Official** when the work proposed is an addition or alteration.
- 10.1.15 include three paper sets of drawings at a suitable scale of design including the information set out in Section 10.1.5., 10.1.8 and 10.1.10 of this bylaw 10.1.15. Plans may be scaled in imperial with primary measurements in imperial but metric equivalents must be provided for all dimensions.

- 10.2 In addition to the requirements of Section 10.1, the following may be required by a **Building Official** to be submitted with a **building** permit application for the construction of a standard **building** where the project involves two or more **buildings**, which in the aggregate total more than 1000 square meters, or two or more **buildings** that will contain four or more dwelling units, or otherwise where the complexity of the proposed **building** or **structure** or siting circumstances warrant:
- 10.2.1 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 of View Royal's subdivision servicing bylaw.
 - 10.2.2 a section through the site showing grades, **buildings**, **structures**, parking areas and driveways;
 - 10.2.3 a roof plan and roof height calculations;
 - 10.2.4 structural, electrical, mechanical, plumbing or fire suppression drawings prepared and sealed by a registered professional;
 - 10.2.5 letter of assurance in the form of Schedule B as referred to Division C Part 2 in the **Building Code**, signed by the registered professional;
 - 10.2.6 any other information required by the **Building Official** or the **Building Code** to establish substantial compliance with this bylaw, the **Building Code** and other bylaws and enactments relating to the **building** or **structure**.

11. PROFESSIONAL PLAN CERTIFICATION

- 11.1 The letters of assurance in the form of Schedules A, B, C-A and C-B referred to in Division C Part 2 of the **Building Code** and provided pursuant to 9.1.11, 10.10.10, 10.2.5 and 19.1 of this bylaw are relied upon by the Town of View Royal and its **Building Officials** as certification that the design and plans to which the letters of assurance relate comply with the **Building Code** and other applicable enactments relating to safety.
- 11.2 A **building** permit issued for the construction of a complex **building**, or for a standard **building** for which a **Building Official** required professional design pursuant to Section 10.2.4 and letters of assurance pursuant to Section 10.2.5 of this bylaw shall be in the form as detailed in Division C Part 2 of the **Building Code**.
- 11.3 A **building** permit issued pursuant to Section 11.2 of this bylaw shall include a notice to the owner that the **building** permit is issued in reliance upon the

certification of the registered professionals that the **building** complies with the **Building Code** and other applicable enactments relating to safety.

- 11.4 When a **building** permit is issued in accordance with Section 11.2 of this bylaw the permit fee shall be reduced as specified within the Fees and Charges Bylaw No. 958.

(Amendment Bylaw No. 958, 2016)

12. DEMOLITION OF BUILDINGS

- 12.1 In addition to the requirements of the **Building Code**, the following regulations apply to the demolition of **buildings**.

12.1.1 Prior to a demolition permit being issued, written confirmation from all utilities involved, in regards to proper disconnection must be presented at time of application.

12.1.2 Following the commencement of the demolition of the exterior of the **building** the demolition shall be completed within three days for a **building** with a total floor area of less than 185.5 m sq. (2000 ft. sq.) and six days for **buildings** with a total floor area greater than 185.8 m sq. (2000 ft. sq.)

13. BUILDING MOVE

- 13.1. Permit Application and Fee

13.1.1 No person shall move a **Building** or **Structure** into, from, or within the Town of View Royal without first making an application on the prescribed form, obtaining an inspection and paying the appropriate inspection Fee set out in Fees and Charges Bylaw No. 958.

(Amendment Bylaw No. 958, 2016)

13.1.2 Inspection Fees for **Building** moves are not refundable.

- 13.2. Owners' Responsibility

13.2.1 The Owner shall provide security in the form of a certified cheque or an irrevocable letter of credit in the amount as specified within Fees and Charges Bylaw No. 958 to guarantee the completion of the work when moving a **Building** to or from the Town of View Royal.

(Amendment Bylaw No. 958, 2016)

- 13.3. Standards for **Building**

13.3.1 The **Building** shall comply in all aspects with the requirements of this bylaw, including the **B.C. Building** and **B.C. Plumbing Code**.

13.3.2 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.

- 13.3.3 The **Building** being moved must conform to all applicable Town of View Royal bylaws.

14. PLUMBING

14.1. Owner Responsibility

- 14.1.1 It shall be the responsibility of the Owner or his authorized Agent to have licensed plumber obtain a Plumbing Permit prior to commencement of any installation, alteration or repair of a plumbing system.

14.2. Permit Application and Fee

- 14.2.1 The Inspector shall issue a plumbing permit upon receiving the specified fee as provided for in Fees and Charges Bylaw No. 958, and compliance with the bylaw, for any installation, alteration or repair of a plumbing permit.

(Amendment Bylaw No. 958, 2016)

14.3. Inspection and Testing

- 14.3.1 When a permit is issued in respect of a plumbing installation, the installation shall not be put into service until it has been inspected and tested to the satisfaction of the Inspector and approval for it has been issued by the Inspector;
- 14.3.2 The permit holder shall notify the Inspector when the work is ready for inspection and the notification shall conform to Part 20.4.
- 14.3.3 It shall be the responsibility of the person doing the work authorized by the permit to make sure that the work will stand the prescribed tests.

14.4. Re-inspection

- 14.4.1 If more inspections are required than specified due to fault or error on the part of the permit holder, his Agent or employees, an additional fee shall be paid by the permit holder for each additional inspection as specified in Fees and Charges Bylaw No. 958.

(Amendment Bylaw No. 958, 2016)

14.5. Work Covered Before Inspection

- 14.5.1 No part of any plumbing system, including a perimeter drain, shall be covered until it is inspected and approved. If any part of a plumbing system is covered before inspection and approval, upon direction of the Inspector it shall be uncovered in order for the inspection to be completed.

14.6. Notice of Violation

14.6.1 If any part of a plumbing installation is not approved after it is inspected and tested, any alteration or replacement thereto that is necessary shall be made and the work shall be subject to further inspection and testing.

14.6.2 Where a plumbing installation is not approved, the Inspector shall give notice in writing of the violation and corrections required to be made. Such notices may be posted at the site of the work, mailed or delivered to the Permit holder, or the person doing the work. Refusal, failure or neglect to comply with any such notice within ten (10) working days of the posting thereof or delivery of same shall be a contravention of this bylaw.

14.6.3 The Inspector may direct the immediate suspension or correction of all or any portion of a plumbing installation by attaching a notice to that effect on the **Building, Structure** or premises where the work is being carried out, whenever it is found by him that such work has not been performed in accordance with the **B.C. Plumbing Code** or the provisions of this bylaw.

14.7 Retesting

14.7.1 The Inspector may require that underground work shall be retested after the completion of all backfilling and grading, if it appears that the system was damaged when backfilling took place.

14.8 Approval

14.8.1 Where approval is required and has been issued in respect of various stages of a plumbing installation, a final inspection and approval in writing from the Inspector shall be required before the whole of the installation may be placed in service.

15. FEES

15.1 In addition to applicable fees and charges required under other bylaws, a permit fee, calculated in accordance with Fees and Charges Bylaw No. 958, shall be paid in full prior to issuance of any permit under this bylaw.
(Amendment Bylaw No. 958, 2016)

15.2 The appropriate plan-processing fee as set out in Fees and Charges Bylaw No. 958 shall accompany an application made for a **building** permit to this bylaw.
(Amendment Bylaw No. 958, 2016)

15.2.1 The plan-processing fee is non-refundable and shall be credited against the **building** permit fee when the permit is issued.

15.2.2. An application shall be cancelled and the plan-processing fee forfeited if the **building** permit has not been issued and the permit fee paid

within 45 days of the date of written notification to the owner that the permit is ready to be issued.

15.2.3. When an application is cancelled the plans and related documents submitted with the application may be destroyed.

15.2.4. An application shall be cancelled and the plan- processing fee forfeited if required application documents are not submitted within 60 days of the date of written notification to the owner that the permit application is incomplete

15.3 The owner may obtain a refund of the permit fees set out in Fees and Charges Bylaw No. 958 by way of a written request, when a permit is surrendered and cancelled within 6 months of the permit being issued and before any construction begins. The refund shall not include the plan processing fee paid pursuant to Section 15.2.1 of this bylaw.

(Amendment Bylaw No. 958, 2016)

15.4 Where, due to non-compliance with this bylaw, more than two inspections are necessary when one inspection is normally required, for each inspection after the second inspection, a re-inspection charge as set out in Fees and Charges Bylaw No. 958 shall be paid prior to additional inspections being performed.

(Amendment Bylaw No. 958, 2016)

15.5 Where a required permit inspection is requested to be done after the hours during which the offices of the Town of View Royal are normally open, an inspection charge shall be payable based on the time actually spent in making such inspection, including travel time, as set out in Fees and Charges Bylaw No. 958.

(Amendment Bylaw No. 958, 2016)

16. BUILDING PERMITS

16.1 When:

16.1.1 a completed application including all required supporting documentation has been received.

16.1.2 the proposed work set out in the application substantially conforms with the **Building Code** and all applicable bylaws and enactments

16.1.3. the owner of his or her representative has paid all applicable fees set out in Section 15.1 of this bylaw;

16.1.4 the owner or his or her representative has paid all charges and met all requirements imposed by any other bylaw or enactment;

16.1.5 no enactment, covenant, agreement, or regulation in favour of, or regulation of The Town of View Royal authorizes the permit to be withheld.

- 16.1.6 the owner has retained a professional engineer or geoscientist if required by the provision of the *Engineers and Geoscientist Act*.
- 16.1.7 the owner has retained an architect if required by the provisions of the *Architects Act*.
- 16.1.8 A **Building Official** may issue the permit for which the application is made.
- 16.2 When the application is in respect of a **building** that includes, or will include, a residential occupancy, the **building** permit must not be issued unless the owner provides evidence pursuant to Section 30(1) of the *Homeowner Protection Act*, SBC 1998 Chapter 31, and amendments thereto, that the proposed **building**:
 - 16.2.1 is covered by home warranty insurance, and
 - 16.2.2 the constructor is a licensed residential builder.
- 16.3. Section 16.2 of this bylaw 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*.
- 16.4 Every permit is issued upon the condition that the permit shall expire and the rights of the owner under the permit shall terminate if:
 - 16.4.1 the work authorized by the permit is not commenced within 6 months from the date of issuance of the permit; or
 - 16.4.2 If the work authorized has not received a final inspection within one year of the date of the issuance of the permit.
- 16.5 A **Building Official** may extend the period of time set out under Sections 16.4.1 and 16.4.2 where construction has not been commenced or has been discontinued due to adverse weather, strikes, material or labour shortages, or similar hardship beyond the owner's control.
- 16.6 A **Building Official** may issue an excavation permit prior to the issuance of a **building** permit.
 - 16.6.1 A site remediation deposit fee as specified with Fees and Charges Bylaw No. 958 is required at time of excavation only permit issuance. All fees will be directed towards **building** permit fees upon **building** permit issuance.

(Amendment Bylaw No. 958, 2016)
 - 16.6.2 When a site has been excavated under an excavation permit issued pursuant to Section 16.6 of this bylaw and a **building** permit is not subsequently issued or a subsisting **building** permit has expired in accordance with the requirements of Section 16.4, but without the construction of a **building** or **structure** for which the **building** permit was issued having commenced, the owner shall fill in the excavation to restore

the original gradients of the site within 60 days of being served notice by the Town of View Royal to do so.

16.7 A **Building Official** may issue a **building** permit for a portion of a **building** or **structure** before the design, plans and specifications for the entire **building** or **structure** have been accepted, provided sufficient information has been provided to the Town of View Royal to demonstrate to the **Building Official** that the portion authorized to be constructed substantially complies with this and other applicable bylaws and the permit fee applicable to that portion of the **building** or **structure** has been paid. The issuance of the permit notwithstanding, the requirements of this bylaw apply to the remainder of the **building** or **structure** as if the permit for the portion of the **building** or **structure** had not been issued. This section does not apply to single family dwellings and accessory **buildings**.

16.9 A **Building Official** may enforce **Tree Protection Bylaw No. 193** on sites in which a building permit has been issued.

17. DISCLAIMER OF WARRANTY OR REPRESENTATION

17.1 Neither the issuance of a permit under this bylaw, the review and acceptance of the design, drawings, plans or specification nor inspections made by a **Building Official** shall constitute a representation or warranty that the **Building Code** or the bylaw have been complied with or the **building** or **structure** meets any standard of materials or workmanship, and no person shall rely on any of those acts as establishing compliance with the **Building Code** or this bylaw or any standard of construction.

18. PROFESSIONAL DESIGN AND FIELD REVIEW

18.1 When a **Building Official** considers that the site conditions, size or complexity of a development or an aspect of a development warrant, he or she may require a registered professional provide design and plan certification and field review by means of letters of assurance in the form of Schedules B and C-B referred to in Division C Part 2 of the **Building Code**.

18.2 Prior to the issuance of an occupancy permit for a complex **building**, or standard **building** in circumstances where letters of assurance have been required in accordance with Sections 10.1.11, 10.2.5, or 18.1 of this bylaw, the owner shall provide the Town of View Royal with letters of assurance in the form of Schedules C-A or C-B, as is appropriate, referred to in Division C Part 2 of the **Building Code**.

18.3 When a registered professional provides letters of assurance in accordance with Sections 9.1.11, 10.1.11, 10.2.5, 14.1 or 18.1 of this bylaw, he or she shall also provide proof of professional liability insurance to the **Building Official**

19. RESPONSIBILITIES OF THE OWNER

- 19.1 Every owner shall ensure that all construction complies with the **Building Code**, this bylaw and other applicable enactments respecting safety.
- 19.2 Every owner to whom a permit is issued shall be responsible for the cost of repair of any damage to municipal works that occurs in the course of the work authorized by the permit.
- 19.3 Every owner to whom a permit is issued shall, during construction:
 - 19.3.1 post and maintain the permit in a dry and conspicuous place on the property in respect of which the permit was issued;
 - 19.3.2 keep a copy of the accepted designs, plans and specifications on the property;
 - 19.3.3 post the civic address on the property in a location visible from any adjoining streets, and
 - 19.3.4 protect all trees required under Tree Bylaw No.193.

20. INSPECTIONS

- 20.1 When a registered professional provides letters of assurance in accordance with Sections 9.1.11, 10.1.11, 10.2.5, 14.1 or 18.1 of this bylaw, the Town of View Royal will rely solely on field reviews undertaken by the registered professional and the letters of assurance submitted pursuant to Section 14.2 of this bylaw as assurance that the construction substantially conforms to the design, and that the construction substantially complies with the **Building Code**, this bylaw and other applicable enactments respecting safety.
- 20.2 Notwithstanding Section 20.1 of this bylaw, a **Building Official** may attend the site from time to time during the course of construction to ascertain that the field reviews are taking place and to monitor the field reviews undertaken by the registered professionals.
- 20.3 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 are being carried out in substantial conformance with those portions of the **Building Code**, this bylaw and any other application enactments concerning safety.
- 20.4 An inspection will not take place if all trees protected under Bylaw No.193 have not been provided with proper protection.
- 20.5 The owner, or his or her representative, shall give at least 48 hours notice to the Town of View Royal when requesting an inspection and shall obtain an inspection and receive a **Building Official's** acceptance of the following aspect of the work prior to concealing it:
 - 20.5.1 the foundation and footing forms, before concrete is poured; and upon the owner obtaining a certificate from a licensed British Columbia

- Land Surveyor to confirm the location of the **building** or **structure** on the site other than an accessory **building** for which the required setbacks can be otherwise confirmed;
- 20.5.2 installation of perimeter drain tiles and damp-proofing, prior to backfilling;
- 20.5.3 the preparation of ground, including ground cover, when required, prior to the placing of a concrete slab;
- 20.5.4 rough-in of all chimneys and fireplaces and solid fuel burning appliances;
- 20.5.5 inspection of framing after the roof, all framing, fire blocking and bracing is in place, and all pipes, vents, chimneys, electrical wiring, roof space and crawlspace vents are complete;
- 20.5.6 the rough-in plumbing;
- 20.5.7 inspection of fireplaces after the installation of the smoke damper and prior to the installation of the first flue liner and any material that would conceal the details of the construction of the fire-box and smoke chamber;
- 20.5.8 inspection of masonry construction and/or concrete construction as detailed in the permit;
- 20.5.9 inspection of insulation and vapour barrier;
- 20.5.10 inspection of the installation of solid fuel burning appliances, furnaces or boiler installations prior to being placed in service;
- 20.5.11 inspection of all plumbing prior to occupancy;
- 20.5.12 the **health and safety aspects of the work** at final inspection after the **building** or **structure** is complete and ready for occupancy.
- 20.6 No aspect of the work referred in Section 20.4 of this bylaw shall be concealed until a **Building Official** has accepted it in writing.
- 20.7 The requirements of Section 20.4 of this bylaw do not apply to any aspect of the work that is a subject of a registered professional's letter of assurance provided in accordance with Sections 9.1.11, 10.1.11, 10.2.5, 14.1 or 14.2 of this bylaw.

21. OCCUPANCY PERMITS

- 21.1 No person shall occupy a **building** or **structure** or part of a **building** or **structure** until an occupancy permit has been issued in the form of Schedule D to this bylaw.
- 21.2 An occupancy permit shall not be issued unless:

- 21.2.1 all letters of assurance have been submitted when required in accordance with Sections 9.1.11, 10.1.11, 10.2.5, 14. 14.2 and 18.1 of this bylaw.
- 21.2.2 all aspects of the work requiring inspection and an acceptance pursuant to Section 20.4 of this bylaw have been inspected and accepted or the inspection and acceptance are not required in accordance with Section 20..6 of this bylaw
- 21.3 A **Building Official** may issue an Occupancy Permit for part of a **building** or **structure** when that part of the **building** or **structure** is self-contained, provided with essential services and the requirements set out in Section 18.2 of this bylaw have been met with respect to it .

22. RETAINING STRUCTURES

- 22.1 A registered professional shall supervise the design and construction of a retaining **structure** greater than 1.5 meters in height. Sealed copies of the design plan and field review reports prepared by the registered professional for all retaining **structures** greater than 1.5 meters in height shall be submitted to a **Building Official** prior to acceptance of the works.

23. PERMITS

- 23.1 A moving, demolition, fireplace and **building** permit shall be in a form prescribed by the Director of Protective Services.

(Amendment Bylaw No. 885, 2014)

24. PENALTIES AND ENFORCEMENT

- 24.1 Every person who contravenes any provision of this bylaw commits an offence punishable on summary conviction and shall be liable to a fine of not more than \$10,000.00 (Ten Thousand Dollars) or to imprisonment for not more than six months.
- 24.2 Every person who fails to comply with any order or notice issued by a **Building Official**, or who allows a violation of this bylaw to continue contravenes this bylaw.
- 24.3 A **Building Official** may order the cessation of any work that is proceeding in contravention of the **Building Code** or this bylaw by posting a Stop Work notice.
- 24.4 The owner of property on which a Stop Work notice has been posted, and every other person, shall cease all construction work immediately and shall not do any work until all applicable provisions of this bylaw have been substantially complied with and the Stop Work notice has been rescinded in writing by a **Building Official**.
- 24.5. Where a person occupies a **building** or **structure** or part of a **building** or **structure** in contravention of Section 6.2 of this bylaw a **Building Official** may post a Do Not Occupy notice.

- 24.6 The owner of property on which a Do Not 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 the **Building Code** and this bylaw have been substantially complied with and the Do Not Occupy notice has been rescinded in writing by a **Building Official**
- 24.7 Every person who commences work requiring a **building** permit without first obtaining such a permit pay must pay an additional charge as specified within Fees and Charges Bylaw No. 958.

(Amendment Bylaw No. 958, 2016)

25. SEVERABILITY

- 25.1 The provisions of this bylaw are severable and the invalidity of any part of this bylaw shall not affect the validity of the remainder of this bylaw.

26. FORMS AND SCHEDULES

- 26.1 Forms and Schedules attached to this bylaw form a part of this bylaw.

27. REPEAL

1. Town of View Royal, Bylaw No. 742, cited as “Town of View Royal Building Bylaw, 2009 No. 742” and all amendments thereto are hereby repealed.

- 28.** This Bylaw shall come into force and be of full effect and be binding on all persons from the date of adoption.

READ A FIRST TIME THIS 7th DAY OF DECEMBER, 2010

READ A SECOND TIME THIS 7th DAY OF DECEMBER, 2010

READ A THIRD TIME THIS 7th DAY OF DECEMBER, 2010

ADOPTED THIS DAY 4th OF JANUARY, 2011

MAYOR

CLERK

“SCHEDULE A”

PROCESSING AND FILE SEARCH FEES

(Deleted by Bylaw No. 958, 2016)

“SCHEDULE B”

PERMIT FEES

*Amendment Bylaw No. 885, 2014
Bylaw No. 958, 2016*

FEES UNDER THIS SCHEDULE ARE SUBJECT TO APPLICABLE TAXES.

1. Building Permit Fee Information

- a. The charge for Permits in accordance with this bylaw are based on Construction cost covered by this Permit and the Fee is calculated as specified within Fees and Charges Bylaw No. 958.
- b. The value of Construction for Permit Fee calculation shall be based on the Construction value as calculated by the Inspector using the Marshall & Swift construction value calculator. The valuation of construction for the purpose of determining permit fees shall reflect the total current monetary worth of all Construction and work related to the Building or Structure authorized to be constructed by the permits and without limiting the generality of the foregoing shall include the value of:
 - i. materials and equipment of whatever nature incorporated into the Building or Structure;
 - ii. labour, including labour of the owner;
 - iii. fees involved in design, investigations, testing, consulting construction, labour and management, contractors' and subcontractors' profit and overhead, social services tax, goods and services tax and insurance;
 - iv. materials and equipment rented for carrying out the Construction and;
 - v. mechanical, electrical, elevator, plumbing, drainage, heating, air conditioning and gas installation
- c. In all cases the final value of Construction shall be established by the Inspector.
- d. Where a registered professional as defined by the B.C. Building Code, reviews and certifies an application for a building permit as being in compliance with the B.C. Building Code and applicable Town of View Royal bylaws, and where the Town of View Royal relies upon that certification in issuing a building permit the building permit fee shall be reduced by an amount as specified within Fees and Charges Bylaw No. 958.
- e. A Building Permit Fee can be partially refunded provided that the Owner or his Agent has submitted a written request for a refund, the Inspector has certified that work has not been commenced, and the Permit has not expired.

2. Penalty

- a. The Building Permit Fee is doubled for every Permit application where Construction is commenced before the Inspector issues a Permit.

3. Re-Inspection Fee

- a. Where it has been determined by the Inspector that due to non-compliance with the provisions of this bylaw or more than two inspections are necessary for each type of inspection, the Fee for each inspection after the second inspection shall be in accordance with Fees and Charges Bylaw No. 958.

4. Special Inspection Fees

- a. For a special inspection during normal working hours to establish the condition of a Building, or where an inspection requires special arrangements because of time, locations, or Construction techniques, the additional Fee for each such inspection shall be in accordance with Fees and Charges Bylaw No. 958.
- b. Where there is a request for a required Permit inspection for Building Bylaw compliance which cannot be carried out during normal working hour, a Fee as per Fees and Charges Bylaw No. 958, including travelling time, shall be charged. The minimum inspection Fee is 4 hours.

5. Permit Transfer or Assignment Fee

- a. For the transfer or assignment of a Building Permit or an application for a Building Permit, when requested in writing by the applicant pursuant to Section 4.1 an additional Fee shall be paid in accordance with Fees and Charges Bylaw No. 958.

6. Security Deposits

- a. Where construction or demolition activity may damage Town property, a security deposit shall be paid at the time the building permit is issued. The Security deposit shall be refunded if:
 - i. there is no damage to Town of View Royal property;
 - ii. no invoice is issued to cover the cost of repair to the Town of View Royal property; and
 - iii. an occupancy permit is issued.
- b. For the construction of a single family or two family dwelling the damage deposit is in accordance with Fees and Charges Bylaw No. 958.
- c. All multiple family residential, commercial and mixed use project damage deposits are determined within a servicing agreement.

7. Plumbing Permits

- a. Fees for plumbing permits are set out within Fees and Charges Bylaw No. 958.
- b. A Permit for plumbing work expires at the end of one (1) year unless renewed.

8. Sewer and Storm Drain Permits

- a. Fees for sewer and storm drain permits are set out within Fees and Charges Bylaw No. 958.
- b. A Permit to Construct or alter or extend a Building sanitary sewer, Building storm drain or a subsoil drainage system is valid for a period of one (1) year after issue and the work authorized must be carried out within such period. In the event that such work is not completed within such period, then it is necessary to renew the Permit.

“SCHEDULE C”

APPLICANT’S ACKNOWLEDGEMENT

APPLICANT’S ACKNOWLEDGEMENT:

- (1) I acknowledge that if I am granted a building permit pursuant to this application that I am responsible for the compliance with the current edition of the British Columbia Building Code, this bylaw and any other applicable enactment, Code, regulation or standard relating to the work in respect of which the permit is issued whether or not the said work is undertaken by me or by those whom I may retain or employ to provide design and / or construction services

- (2) I acknowledge that neither the issuance of a permit under this bylaw the acceptance nor review of a plans, specification drawing or supporting documents , nor inspections made by or on the behalf of the Town of View Royal constitute a representation , warranty, assurance or statement that the current edition of the British Columbia Building Code , the Building Bylaw of the Town of View Royal or any other applicable enactment, code, regulation or standard has been complied with;

- (3) Where the Town of View Royal requires that Letters of Assurance be provided by a Registered Professional pursuant to the British Columbia Building Code, the Town of View Royal Building Bylaw and the *Community Charter*, I confirm that I have been advised in writing by the Town of View Royal that it relied exclusively on the letters of assurance of Professional Design and Commitment for Field Review prepared by _____ (Insert name) in reviewing the plans, drawings, specification and supporting documents submitted with this application for a building permit , further I confirm that I have relied only on the said Registered Professional for the adequacy of plans, drawing specification and supporting documents submitted with this application.

- (4) I understand that I should seek independent legal advise in respect of the responsibilities I am assuming upon the granting of a building permit by the Town of View Royal pursuant to this application and in respect of the execution of this acknowledgement

- (5) I confirm that the information submitted with this application is accurate and may be relied upon by the Town of View Royal and that I am the registered owner(s) of the property referred to in this application.

I ACKNOWLEDGE THAT I HAVE READ AND UNDERSTOOD THE APPLICATION FORM

Signature: Owner _____ Date _____

“SCHEDULE D”

TOWN OF VIEW ROYAL



45 View Royal Avenue
Victoria, B.C. V9B 1A6
(250) 479-6800

OCCUPANCY PERMIT

DATE: _____

Roll No: _____

This is a permit to occupy the premises at:

LOT(S)___ BLOCK___ SECTION ___ ESQUIMALT DISTRICT, PLAN _____

STREET ADDRESS: _____

or more particularly the Part or Parts of the Building_____

as Alterations as Defined by Building Permit No. _____

Issued to: _____

for the occupancy of the premises, herein defined by Building Permit No. _____

This Occupancy Permit is issued pursuant to the *Community Charter*. This permit confirms the inspections pursuant to the Building Bylaw have been completed and no substantive violations of health and safety requirements have been observed. Issuance of this permit in no way relieves the owner from full responsibility for compliance with all health and safety requirements established by Statutes, Regulations or Bylaw.

This permit is not a warranty that the subject building complies with all Town of View Royal and Provincial regulations governing zoning and building construction, nor that it is without defect.

This permit does not confirm final approval from the Electrical and Gas Branches of the Provincial Government.

Building Official