

# THE CORPORATION OF THE DISTRICT OF OAK BAY

## BYLAW NO. 4845

### A Bylaw to Establish Planning, Building and Development Fees and Charges

The Municipal Council of the Corporation of the District of Oak Bay, in open meeting assembled, enacts as follows:

#### 1. FEES AND CHARGES

Schedule 1 and 2 attached to and forming part of this Bylaw is declared to be the fees and charges established for the purposes defined therein.

#### 2. APPLICATION FEES

All applicable fees are non-refundable and shall be paid in accordance with Schedule 1 and 2 of this Bylaw.

#### 3. CONSEQUENTIAL AMENDMENTS

The consequential amendments below are hereby enacted:

**(a) Subdivision and Development Bylaw No. 3578 is hereby amended by:**

- (i) deleting section 17 and replacing it with:  
An application for preliminary layout consideration shall be submitted to the Approving Officer and shall be accompanied by the fee prescribed in the Building, Planning and Development Fees Bylaw.
- (ii) deleting section 24.1 and replacing it with”  
An application for extension under section 24 shall be accompanied by the fee prescribed in the Planning, Building and Development Fees and Charges Bylaw.
- (iii) deleting section 25 (1) and (2) and replacing them with:
  - (1) under the *Land Title Act* shall be submitted to the Director of Building and Planning, and shall be accompanied by an examination fee of \$50.00 or such other amount as may be prescribed from time to time by regulation under the *Land Title Act*, plus the fee set out in Section 17 hereof if there has been no application for preliminary layout consideration;
  - (2) under the *Condominium Act* shall be submitted to the Director of Building and Planning, and shall be accompanied by an examination fee prescribed in the Building, Planning and Fees Bylaw, plus the fee set out in Section 17 hereof if there has been no application for preliminary layout consideration.

**(b) Board of Variance Bylaw No. 4183 is hereby amended by:**

- (i) deleting section 8 (c) and replacing it with:

be accompanied by a non-refundable application fee prescribed in the Fees and Charges Bylaw.

**(c) Sign Bylaw No. 3946 is hereby amended by:**

- (i) deleting section 2.(2) and replacing it with:

The permit fee for a sign prescribed in the Fees and Charges Bylaw.

**(d) Building and Plumbing Bylaw No. 4247 is hereby amended by:**

- (i) deleting section 12 (1) and replacing it with:

In addition to applicable fees and charges required under other bylaws of the Municipality, a permit fee, prescribed and calculated in accordance with the Fees and Charges Bylaw shall be paid in full prior to the issuance of any permit under this Bylaw.

- (ii) deleting Sections 12 (2, 3, 4, 5, 6, 7, 8,) in their entirety.

- (iii) deleting Schedule A and Schedule B in their entirety.

**4. SEVERABILITY**

If any portion of this Bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion must be severed and the remainder of the Bylaw is deemed valid.'

**5. CITATION**

This Bylaw may be cited for all purposes as the "Planning, Building and Development Fees and Charges Bylaw No. 4845, 2023,".

READ a first and second time by Municipal Council the 31st day of July, 2023.

READ a third time by Municipal Council the 31st day of July, 2023.

ADOPTED and FINALLY PASSED by the Municipal Council on the 11th day of September, 2023.

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Kevin Murdoch, Mayor

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Chris Coates, Director of Corporate Services

**SCHEDULE 1 –Development Applications**

<b>OCP and Zoning Bylaw Amendments</b>	<b>Fee</b>
Zoning Bylaw Amendment	
- Major Institutional, Commercial, proposed zones over 1,000m <sup>2</sup> floor area or Residential proposed zones with 10 or more additional residential units	\$7,000
- Minor Institutional, Commercial, proposed zones under 1,000m <sup>2</sup> floor area or Residential proposed zones with 2 to 9 additional residential units	\$5,000
- Zoning Bylaw Amendment for one additional residential lot or	\$3,000
- Zoning bylaw text amendment	\$3,000
- Marine Zone Amendments	\$5,000
Official Community Plan Bylaw Amendment	\$6,000
Concurrent Official Community Plan Amendment Bylaw and Zoning Amendment Bylaw	(Relevant Zoning Bylaw Amendment Fee + Official Community Plan Bylaw Amendment) - 25% reduction in the total fees
Additional Public Hearing Notification Fee	\$1,500
Postponement Fee	\$500

Note:  
1. All fees are exclusive of tax (unless noticed otherwise), which will be added, if applicable.

<b>Development Permits</b>	
Development Permit - Natural Environment	\$1,500
Development Permit - Built Environment	
- Major Institutional, Commercial, proposed zones over 1,000m <sup>2</sup> floor area or Residential proposed zones with 10 or more additional residential units	\$5,000
- Minor Institutional, Commercial, proposed zones under 1,000m <sup>2</sup> floor area or Residential proposed zones with 2 to 9 additional residential units	\$2,000
Development Permit with Variances	Base DP fee plus \$500
Development Permit Amendment	\$1000
Development Variance Permit	\$1,750
Heritage Alteration Permit	\$200
Heritage Alteration Permit Amendment	No fee
Heritage Revitalization Agreement or Amendment	\$750
Uplands Siting and Design Approval	\$2,000

<b>Subdivision</b>	
Preliminary Layout Acceptance (PLA) – Fee simple	\$1,750 + \$250 for each new lot created
Preliminary Layout Acceptance (PLA) – Bare Land Strata	\$1,750 + \$250 for each additional strata lot created
Preliminary Layout Acceptance (PLA) – Phased Building Strata	\$1,500 + \$250 for each additional strata lot created
Preliminary Layout Acceptance (PLA) – Strata Conversion	\$1,500 + \$250 for each strata unit created
Applications for lot line adjustments and/or consolidation involving not more than three original parcels and creating no extra parcels	\$1,000
Subdivision – Final Approval (all types) Note: Excludes \$50 plan examination fee established by the Local Government Act	\$1000 + \$250 for each new lot (all types)
Subdivision – Final Approval lot line adjustment Note: Excludes \$50 plan examination fee established by the Local Government Act	\$500
Preliminary Layout Acceptance (PLA) – Application Deadline Extension	\$500
Preliminary Layout Acceptance (PLA) – Application Amendment	\$500
Airspace parcel	\$At cost
Form P Approval	\$500

<b>Development Miscellaneous</b>	
Board of Variance Application	\$1,000
Letter of Comfort	\$100
Preparation and Registration of Covenants and Phased Development Agreements or other Legal Agreements	\$At cost
Removal of s.57 Community Charter Notice from Title	\$600
Property File Review	\$75
Sign Permit	\$100
LCRB Referral Application	\$750
Sidewalk Patio Initial Application fee	\$500
Sidewalk Patio Annual Licence Fee – Sidewalk café	\$4/sqft (annual licence) \$2/sqft (seasonal licence)
Sidewalk Patio Annual Licence Fee – Sidewalk and Roadside Patio	\$5.50/sqft (annual licence) \$2.75/sqft (seasonal licence)
Sidewalk Patio – Council approval application	\$1,500

<b>Development Refunds</b>	
\$500 refund if an OCP Amendment or Zoning Bylaw Amendment do not proceed to Third Reading:	
50% of the applicable fee if an application is terminated, abandoned or discontinued for any reason prior to the preparation of a staff report on the application	
If the District's actual legal costs associated with processing an application under the Development Application Procedures Bylaw are less than the amount of the fees that an applicant has paid, the excess shall be returned to the applicant.	

## SCHEDULE 2 – Building and Plumbing Fees and Charges

Note:

1. All fees are exclusive of tax (unless noticed otherwise), which will be added, if applicable.

<b>1. Fees to construct, repair, alter, reconstruct or blast shall be calculated as follows:</b>	
Construction value \$100,000 or less	\$150, plus 1.3% of the project value
Construction value greater than \$100,000; less than or equal to \$500,000	\$1500 plus 1.3% of the amount by which the project value exceeds \$100,000
Construction value greater than \$500,000	\$5,000 plus 1.3% of the amount by which the project value exceeds \$500,000

<b>2. Permit Fees for the demolition, deconstruction and moving of buildings shall be calculated as follows:</b>			
<b>Fees</b>	<b>Moving</b>	<b>Demolition</b>	<b>Deconstruction</b>
Unserviced buildings, or structures other than buildings	\$300	\$300	\$100
Serviced buildings of total floor area (excluding basement) less than or equal to 186 m <sup>2</sup>	\$300	\$600	\$200
Serviced buildings of total floor area (excluding basement) greater than 186 m <sup>2</sup>	\$500	\$1,000	\$300

<b>3. Fees for extension of a permit pursuant to the Building and Plumbing Bylaw No. 4247 shall be calculated as follows:</b>	
<b>Original Permit Fee</b>	<b>Extension Fee</b>
Less than or equal to \$500.00	10% of original permit fee
Greater than \$500.00	\$50.00

<b>4. Plumbing Fees</b>	<b>Fee</b>
Basic permit fee	\$50
<i>plus</i>	
For each plumbing fixture	\$25
For repair or alteration of plumbing, not involving the installation or alteration of any fixture	\$50
For installation of area sump, catch basin, manholes, interceptors and garage traps and for laying of a building storm sewer and / or building sanitary sewer lateral or the alteration or extension of same	\$50
For sealing sanitary and / or storm sewer – each	\$50
For installing or alteration of internal rainwater leaders or roof drains (per leader or roof drain)	\$25
For each fire protection standpipe, 1 to 4 hose connections	\$25
Each additional hose connection	\$20
For each storey of a fire protection sprinkler system, 1 to 10 sprinkler heads inclusive	\$50
For each additional sprinkler head	\$25
For replacing plumbing fixtures – each	\$20
For each lawn sprinkler circuit	\$50
For each water service line or alteration or extension of same	\$50
For each water service line or alteration or extension of same	\$50
For installation of special equipment not listed above	\$50

**Notes:**

1. If any works for which a permit is required under this bylaw shall commence before a permit has been obtained, the fee payable as determined in the above schedule shall be doubled.
2. Where a permit issued under the Building and Plumbing Bylaw is surrendered and cancelled before any construction begins, the owner may obtain a refund of 80% of the permit fees calculated and paid.
3. Twenty Percent (20%) of the permit fee calculated in accordance with Schedule "2" shall be paid at the time of application as a non-refundable application review fee.
4. If a permit is issued, the non-refundable application review fee described in subsection (3) shall at the time of issuance be credited against the total fee calculated.
5. The assessment of the value of the proposed work carried out in order to calculate the amount of the non-refundable application review fee described in subsection (6) constitutes a preliminary assessment and does not preclude a building official, having completed their review of the application, from reassessing that value for the purpose of determining the balance of the permit fee required to be paid prior to the issuance of the permit.
6. Where, due to non-compliance with the Building and Plumbing Bylaw, more than 2 inspections are necessary where one inspection would normally be required, for each inspection after the second inspection, a re-inspection fee of \$150.00 shall be paid prior to additional inspections being performed.
7. When a building permit is issued in reliance upon the certification represented by Letters of Assurance provided pursuant to the Building and Plumbing Bylaw, the permit fee shall be reduced by 10% of the amount payable.
8. A \$300 additional fee will be added to the regular permit fee for each review of alternative solutions submitted for review.