

THE CORPORATION OF THE DISTRICT OF OAK BAY

BYLAW NO. 4247

A Bylaw relating to building, building demolition and moving, plumbing and blasting, within the District of Oak Bay

Consolidated for Convenience to 27 May, 2024

*to include amendment Bylaws No. 4304, 4345, 4493, 4595, 4679, 4718, 4827, *4845, and 4865)*
(Building, Planning and Development Fees Bylaw 4845)*

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

INTERPRETATION

1 In this Bylaw:

The following words and terms have the meanings set out in the Building Code:

*Amendment Bylaw
4827, 2022*

assembly occupancy, building, building area, building height, business and personal services occupancy, care occupancy, constructor, coordinating registered professional, designer, detention occupancy, field review, floor area, high hazard industrial occupancy, industrial occupancy, low hazard industrial occupancy, major occupancy, medium hazard industrial occupancy, mercantile occupancy, occupancy, registered professional, residential occupancy, secondary suite.

*Amendment Bylaw
4827, 2022*

“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” includes the Director of Building and Planning for the Municipality and a Building Inspector employed by or contracted to the Municipality.

*Amendment Bylaw
4595, 2013*

“complex building” means a building

- (1) whose major occupancy is assembly, care occupancy or detention occupancy, or high hazard industrial; or
- (2) exceeding 600 m² in building area or 3 storeys in building height and whose major occupancy is residential, business and personal services, mercantile, or medium hazard or low hazard industrial.

*Amendment Bylaw
4345, 2007*

“deconstruction” means the taking apart and removal of a building or structure from the parcel on which it is located whereby not less than 50% by volume of the framing members of the building

or structure are removed substantially intact and in salvageable form so as to be capable of reuse as framing members.

“Director of Building and Planning” means the Director of Building and Planning for the Municipality, or his designate. “Director of Engineering Services” means the Director of Engineering Services for the Municipality, or his designate.

“fixture”, in respect of a plumbing system, means a device, including a floor drain, for discharging clear water waste or sewage, or for conveying water for domestic, fire suppression, irrigation, commercial or industrial use.

*Amendment Bylaw
4827, 2022*

“health and safety aspects of the work” means design and construction regulated by the Building Code, including Parts 3, 4, 5, 6, 7, 8, 9 and 10 of Division A and Division B and subject to Parts 1 and 2 in relation to Parts 3 through 10, Division B.

“Municipality” means The Corporation of the District of Oak Bay.

“on-site services” means all pipes, conduits, fixtures and appurtenances located below ground which carry water, sewage or storm water within the boundaries of a parcel but outside a building, to or from municipal service connections.

*Amendment Bylaw
4595, 2013*

“owner” means any person registered as the owner in fee simple of a property, or an agent authorized by the owner in writing to represent the owner.

*Amendment Bylaw
4595, 2013*

“renewal permit” means a building permit for the completion of work contemplated by a previous permit that expires 6 months from the date of its issuance, and issued pursuant to Section 13(6)(b) of this Bylaw.

*Amendment Bylaw
4595, 2013*

“standard building” means a building which is 3 or fewer storeys in building height, having a building area not exceeding 600 m², and whose major occupancy is residential, business and personal services, mercantile, or medium hazard or low hazard industrial.

*Amendment Bylaw
4493, 2010*

“structure” means a construction or portion thereof, of any kind, whether affixed to, supported by or sunk into land or water, but excludes landscaping, fences, paved surfaces and retaining walls less than 1.2 metres in height.

“value” means the fair market value of the work proposed to be undertaken, including materials whether donated or purchased, labour whether contracted, volunteered or provided by the owner, design, consulting services, construction management services, construction insurance and contractor’s profit and overhead.

PURPOSE OF BYLAW

- 2 (1) Despite any other provision it contains, this Bylaw shall be interpreted in accordance with this Section.
- (2) The purpose of this Bylaw is to regulate construction within the Municipality in the general public interest. Activities carried out by or on behalf of the Municipality pursuant to this Bylaw are for the sole purpose of providing a limited and interim spot checking and monitoring function for the health, safety and protection of persons and property. This

Bylaw neither contemplates nor intends doing any of the following, and the purpose of this Bylaw does not extend to any of the following:

- (a) to the protection of any owner, owner / builder or constructor from economic loss;
- (b) to the assumption by the Municipality or any building official of any responsibility for ensuring the compliance by any owner, his or her representatives or any employees, constructors or designers retained by him or her, with the Building Code, this Bylaw or other applicable enactments respecting safety;
- (c) to providing any person with a warranty of design or workmanship with respect to any building or structure for which a permit is issued under this Bylaw;
- (d) to providing a warranty or assurance that work done under a permit issued by the Municipality is free from defects, including but not limited to latent defects.

PERMIT CONDITIONS

- 3 (1) Except where the value of the project does not exceed \$500.00 and the work does not involve health and safety aspects, a permit is required whenever work regulated under this Bylaw is undertaken.
- (2) Neither the issuance of a 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 Municipality 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 or other applicable enactments respecting safety.
- (3) It shall be the full and sole responsibility of the owner (and where the owner is acting through a representative, the representative) to carry out the work in respect of which the permit was issued in compliance with the Building Code, this Bylaw and other applicable enactments respecting safety.
- (4) Neither the issuance of a 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 Municipality constitute in any way a representation, warranty or assurance or statement that the Building Code, this Bylaw or other applicable enactments respecting safety have been complied with.
- (5) No person shall rely upon any permit issued under this Bylaw 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 permit is issued and his or her representatives are responsible for making such determination.

SCOPE AND EXEMPTIONS

- 4 (1) This Bylaw applies to:
 - (a) the design, construction and occupancy of new buildings and structures, and the alteration, reconstruction, repair, demolition, deconstruction, removal, relocation and occupancy of existing buildings and structures or portions thereof;

- (b) the design, installation, alteration and repair of all plumbing systems and fixtures;
 - (c) the construction, installation, alteration and repair of any fireplace, chimney or solid fuel-burning stove or other such appliance; and
 - (d) blasting.
- (2) This Bylaw does not apply to:
- (a) buildings and structures exempted by Part 1 of the Building Code except as expressly provided herein;
 - (b) retaining structures less than 1.2 metres in height;
 - (c) the clearing of obstructions or the repairing of leaks in pipes, valves or fixtures, when such repairs do not involve or require the replacement or rearrangement of valves, pipes, fixtures or hot water tanks.

*Amendment Bylaw
4493, 2010*

PROHIBITIONS

- 5 (1) No person shall commence or continue any construction, alteration, repair, reconstruction, demolition, deconstruction, removal or relocation or change the occupancy of any building or structure, including excavation or other work related to construction, unless a building official has issued a permit for the work.
- (2) Except as specifically provided herein, no person shall install, alter or repair any plumbing system or fixture unless a building official has issued a permit for the work.
- (3) No person shall construct, install, alter or repair any fireplace, chimney or solid fuel burning stove or other such appliance unless a building official has issued a permit for the work.
- (4) No person shall carry out blasting unless a building official has issued a permit for the work.
- (5) No person shall continue or resume work regulated by this Bylaw while a Stop Work notice posted at the site of the work by a building official remains in effect.
- (6) No person shall occupy or use any building or structure contrary to the terms of any permit or order issued or notice given by a building official.
- (7) No person shall occupy or use a building
- (a) after a change in the building's occupancy classification, before a building official has issued an occupancy permit for it;
 - (b) while a Do Not Occupy notice posted by a building official remains in effect.
- (8) No person shall knowingly submit false or misleading information to a building official in relation to any permit application or construction regulated under this Bylaw.

- (9) Unless authorized in writing by a building official, no person shall reverse, alter, deface, cover, remove or in any way tamper with any notice, permit or certificate posted upon or affixed to a building or structure pursuant to this Bylaw.
- (10) No person shall 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 accepted in writing by a building official.
- (11) No person shall obstruct the entry of a building official or other authorized official of the Municipality on property in the administration of this Bylaw.

BUILDING OFFICIALS

6 A building official may:

- (1) administer this Bylaw;
- (2) keep records of permit applications, permits, notices and orders issued, inspections and tests made, and keep copies of documents connected with administering this Bylaw;
- (3) establish, if requested to do so, whether the methods or types of construction and types of materials used in the construction of the building or structure for which a permit is sought under this Bylaw substantially conform to the requirements of the Building Code;
- (4) enter lands, buildings, and premises, at any reasonable time, to administer this Bylaw, but must, if a residence is occupied, either obtain the occupant's consent to enter the residence or give written notice to the occupant at least 24 hours before entering it;
- (5) order the correction of any work that is being done or that has been done in contravention of this Bylaw or another applicable bylaw of the Municipality relating to construction, land use or development;
- (6) if the cessation of work has been ordered under Paragraph (10)(b), authorize the work to continue when the contravention has been corrected;
- (7) refuse to issue any permit:
 - (a) whenever information submitted is inadequate to determine compliance with the provisions of this Bylaw, the Building Code, or any other bylaw of the Municipality; or
 - (b) that would allow any building, structure, occupancy, siting or use that would not be permitted under the provisions of this Bylaw, the Building Code, or any other bylaw of the Municipality;
- (8) revoke a permit if:
 - (a) there is a contravention of any condition under which the permit was issued;

- (b) the permit was issued in error; or
- (c) the application for the permit contained false or misleading information;
- (9) place a value on the cost of the work covered by a permit for the purpose of determining the permit fee;
- (10) order:
 - (a) a person who contravenes this Bylaw to comply with the Bylaw within a time specified by the building official;
 - (b) work to stop if such work is proceeding in contravention of this Bylaw, the Building Code or any other bylaw of the Municipality, by posting at the site of the work a Stop Work notice;
 - (c) occupancy to cease where a person occupies a building in contravention of this Bylaw, by posting a Do Not Occupy notice on the affected part of the building;
 - (d) the removal of any unauthorized encroachment or occupancy of public property that has occurred in conjunction with work regulated by this Bylaw or any other bylaw of the Municipality.

PERMIT FORMS

- 7 The Director of Building and Planning may prescribe the form of applications, permits, orders, notices and other forms the use of which is contemplated by this Bylaw.

PERMIT APPLICATIONS, GENERAL

- 8 (1) Every person shall apply for and obtain
- (a) a building permit before constructing, erecting, placing, relocating, reconstructing, repairing or altering a building or structure;
 - (b) a plumbing permit before installing, repairing or altering any plumbing, fixture, on-site servicing, irrigation system and similar works except as set out in Section 4(2)(c);
 - (c) a fireplace and chimney permit before constructing a masonry fireplace or installing a solid fuel burning appliance or chimney unless the works are encompassed by a valid and subsisting building permit.
- (2) An application for a permit shall be made in a form prescribed by the Director of Building and Planning.
- (3) All plans submitted with permit applications shall bear the name, telephone number and address of the designer of the building or structure.

- (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 calculated as prescribed in Schedule “A” to this Bylaw.

*Amendment Bylaw
4595, 2013*

- (5) An application for a building permit shall expire four (4) months from the date the application is received by the Municipality, if the building permit has not been issued.

*Amendment Bylaw
4595, 2013*

- (6) Despite Subsection (5) the Director of Building and Planning may extend a building permit application by not more than four (4) months where:

- (a) written application for extension is made to the Director of Building and Planning prior to the expiry of the building permit application;
- (b) the building permit application was not previously extended;
- (c) failure to comply with the time limit set out in Subsection (5) is attributable to adverse weather, strikes, material or labour shortages, or other hardship reasonably beyond the control of the owner; and
- (d) the enactments governing or regulating the use, construction, reconstruction, alteration, relocation, removal, demolition or occupancy of the building or structure have not been amended in a way that would have precluded the issuance of a building permit had such amendments been in effect at the time of the building permit application was first received by the Municipality.

*Amendment Bylaw
4718, 2018*

- (7) (a) Effective May 1, 2023, any Part 9 building, as set out in the *Building Code*, must be designed and constructed to meet the performance requirements specified in Step 3 of the *BC Energy Step Code*.

*Amendment Bylaw
4865, 2024*

(i) Effective September 1, 2024, any Part 9 building, as set out in the *Building Code*, must be designed and constructed in conformance with Emission Level 4 of the *Zero Carbon Step Code*.

- (b) Effective September 1, 2024, a Part 3 building, as set out in the *Building Code*, that is six storeys or less with major occupancy classified as residential must be designed and constructed to meet the performance requirements specified in Step 3 of the *BC Energy Step Code*.

(i) Effective September 1, 2024, a Part 3 building, as set out in the *Building Code*, that is six storeys or less with major occupancy classified as residential must be designed and constructed in conformance with Emission Level 4 of the *Zero Carbon Step Code*.

- (c) Effective May 1, 2023, a Part 3 building, as set out in the *Building Code*, with major occupancy classified as residential occupancy, business and personal services occupancy, or mercantile occupancy must be designed and constructed to meet the performance requirements specified in Step 2 of the *BC Energy Step Code*.

(i) Effective November 1, 2024, a Part 3 building, as set out in 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 Emission Level 4 of the *Zero Carbon Step Code*.

APPLICATIONS FOR COMPLEX BUILDINGS

- 9 An application for a permit with respect to a complex building shall:
- (1) be made in the form prescribed by the Director of Building and Planning, signed by the owner, or an authorized signing officer if the owner is a corporation, and the coordinating registered professional;
 - (2) be accompanied by the owner's acknowledgement in Form "1" appended to this Bylaw, signed by the owner, or an authorized signing officer if the owner is a corporation;
 - (3) include a copy of a title search print made within 30 days of the date of the application;
 - (4) unless exempted in whole or in part by a building official where the permit is sought for the repair or alteration of an existing building or structure, include a site plan prepared by a British Columbia Land Surveyor showing:
 - (a) the bearings and dimensions defining the parcel taken from the registered subdivision plan;
 - (b) the legal description and civic address of the parcel;
 - (c) the location and dimensions of all statutory rights of way, easements, covenanted areas and setback requirements;
 - (d) the location and dimensions of all existing and proposed buildings or structures on the parcel;
 - (e) setbacks to the natural boundary of the foreshore or any watercourse;
 - (f) the natural, existing and finished ground levels to an established datum at or adjacent to the site;
 - (g) the location, dimensions and gradient of parking areas, aisles and stalls, and driveway accesses;
 - (h) the location and diameter at a height of 1.3 metres above natural grade, of all trees of the Garry oak species;
 - (5) include scaled and dimensioned drawings prepared and sealed by the registered professionals including floor plans, uses of all areas, elevations, cross-sections and details showing that the building design substantially complies with the Building Code, all bylaws of the Municipality and other applicable enactments respecting safety; such plans to show without limitation the dimensions and heights 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, drains, traps, waste pipes, vent pipes and inspection pieces; structural elements; stair dimensions; a cross section through the building or structure showing foundations, drainage, ceiling heights and construction systems; and elevations of

all sides of the building or structure showing finish details, roof slopes, windows, doors and finished and natural grade;

- (6) include a site servicing drawing prepared and sealed by a registered professional, with sufficient detail of off-site services to indicate locations at the property line;
- (7) include details of the water supply and demand information from a registered professional;

all to be submitted in the form, scale and numbers of copies required by a building official, and containing complete design and calculation criteria including dimensions and ratios required to determine compliance with floor area, lot coverage, setback, height and parking regulations under the *Zoning Bylaw* and the *Parking Facilities Bylaw* of the Municipality;

- (8) include copies of approvals required under any enactment relating to health or safety, including without limitation sewage disposal permits and Ministry of Health or other health authority approval;
- (9) include copies of reports and / or approvals required under any enactment relating to energy efficiency;
- (10) include a letter of assurance in the form of Schedule “A” as referred to in Section 2.6 of Part 2 of the Building Code, signed by the owner, or an authorized signing officer of the owner if the owner is a corporation, and the coordinating registered professional;
- (11) include letters of assurance in the form of Schedules “B-1” and “B-2” referred to in Section 2.6 of Part 2 of the Building Code, each signed by such registered professionals as a building official or the Building Code may require to prepare the design for and conduct field reviews of the construction of the building or structure;
- (12) include copies of all encumbrances on title pertaining to the use of the property, including but not limited to covenants, restrictive covenants, building schemes, easements, rights of way and land use contracts;
- (13) state the intended use or uses of and the value of each building or structure;
- (14) include any other information required by a building official or the Building Code to establish substantial compliance with this Bylaw, the Building Code and other enactments relating to the building, structure or parking area.

Amendment Bylaw
4718, 2018

APPLICATIONS FOR STANDARD BUILDINGS

- 10 (1) An application for a permit with respect to a standard building shall:
 - (a) be made in the form prescribed by the Director of Building and Planning, signed by the owner, or an authorized signing officer if the owner is a corporation;
 - (b) be accompanied by the owner’s acknowledgement in Form “1” appended to this Bylaw, signed by the owner, or an authorized signing officer if the owner is a corporation;
 - (c) include a copy of a title search print made within 30 days of the date of the application;

- (d) unless exempted in whole or in part by a building official where the permit is sought for the repair or alteration of an existing building or structure, include a site plan prepared by a British Columbia Land Surveyor showing:
 - (i) the dimensions defining the parcel taken from the registered subdivision plan;
 - (ii) the legal description and civic address of the parcel;
 - (iii) the location and dimensions of all statutory rights of way, easements, covenanted areas and setback requirements;
 - (iv) the location and dimensions of all existing and proposed buildings or structures on the parcel;
 - (v) setbacks to the natural boundary of the foreshore or any watercourse;
 - (vi) the existing and finished ground levels to an established datum at or adjacent to the site;
 - (vii) the location, dimensions and gradient of parking and driveway access;
 - (viii) the location and diameter at a height of 1.3 metres above natural grade, of all trees of the Garry Oak species;
- (e) include scaled and dimensioned drawings including floor plans, uses of all areas, elevations, cross-sections and details showing that the building design substantially complies with the Building Code in respect of the health and safety aspects of the work, all bylaws of the Municipality and other applicable enactments respecting safety and health; such plans to show without limitation the dimensions and heights 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, drains, traps, waste pipes, vent pipes and inspection pieces; structural elements; stair dimensions; a cross section through the building or structure showing foundations, drainage, ceiling heights and constructions systems; and elevations of all sides of the building or structure showing finish details, roof slopes, windows, doors and finished and natural grade;

all to be submitted in the form, scale and numbers of copies required by a building official, and containing complete design and calculation criteria including dimensions and ratios required to determine compliance with floor area, lot coverage, setback, height and parking regulations under the *Zoning Bylaw* and the *Parking Facilities Bylaw* of the Municipality;
- (f) include copies of approvals required under any enactment relating to health or safety, including without limitation sewage disposal permits and Ministry of Health or other health authority approval;
- (g) include copies of reports and / or approvals required under any enactment relating to energy efficiency;
- (h) unless exempted in whole or in part by a building official where the permit is sought for the repair or alteration of an existing building or structure, include copies of all encumbrances on title pertaining to the use of the property, including but not limited to covenants, restrictive covenants, building schemes, easements, rights of way and land use contracts;

- (i) state the intended use or uses and the value of each building or structure.
- (2) In addition to the requirements of Subsection (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 2 or more buildings, which in the aggregate total more than 1000 square metres, or 2 or more buildings that will contain 4 or more dwelling units, or otherwise where, in the assessment of a building official, the complexity of all or part 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;
 - (b) a section through the site showing grades, buildings, structures, parking areas and driveways;
 - (c) a roof plan;
 - (d) structural, electrical, mechanical or fire suppression drawings prepared and sealed by a registered professional;
 - (e) certification by a professional engineer, professional geoscientist or architect that the plans submitted with the permit application, or specified aspects of those plans, comply with the Building Code and other applicable enactments respecting safety.
 - (f) any other information required by a 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.

PROFESSIONAL PLAN CERTIFICATION

- 11 (1) The letters of assurance in the form of Schedules B-1 and B-2 referred in Section 2.6 of Part 2 of the Building Code and provided pursuant to Sections 9(10) and 15(1) of this Bylaw are relied upon by the Municipality 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.
- (2) A building permit issued pursuant to Subsection (1) shall include a notice to the owner that the building permit is issued in reliance upon the certification of the registered professionals that the design and plans submitted in support of the application for the building permit comply with the Building Code and other applicable enactments relating to safety.

FEES AND CHARGES

- 12 (1) ~~In addition to applicable fees and charges required under other bylaws of the Municipality, a permit fee, prescribed and calculated in accordance with Schedules "A" and "B" to this Bylaw, shall be paid in full prior to the issuance of any permit under this Bylaw.~~

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.

(Bylaw 4845, adopted Sept 11, 2023)

(Sections (2) to (8) Repealed)

(2) ~~The fees calculated in accordance with the said Schedules shall be doubled where work regulated by this Bylaw has been commenced prior to the issuance of a permit for such work.~~

Amendment Bylaw
4493, 2010

(3) ~~Where a permit issued under this Bylaw is surrendered and cancelled before any construction begins, the owner may obtain a refund of 80% of the permit fees calculated and paid in accordance with Schedules "A" and "B" to this Bylaw.~~

Amendment Bylaw
4493, 2010

(4) ~~Twenty Percent (20%) of the permit fee calculated in accordance with Schedule "A" shall be paid at the time of application as a nonrefundable application review fee.~~

Amendment Bylaw
4493, 2010

(5) ~~If a permit is issued, the nonrefundable application review fee described in subsection (4) shall at the time of issuance be credited against the total fee calculated in accordance with Schedule "A".~~

Amendment Bylaw
4493, 2010

(6) ~~The assessment of the value of the proposed work carried out in order to calculate the amount of the nonrefundable application review fee described in subsection (4) constitutes a preliminary assessment and does not preclude a building official, having completed his 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.~~

(7) ~~Where, due to non compliance with this 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 \$50.00 shall be paid prior to additional inspections being performed.~~

(8) ~~When a building permit is issued in reliance upon the certification represented by letters of assurance provided pursuant to Section 9(10) of this Bylaw, the permit fee shall be reduced by 10% of the amount payable pursuant to Schedules "A" and "B" to this Bylaw.~~

(Bylaw 4845 adopted Sept 11, 2023)

BUILDING PERMITS

13 (1) When:

- (a) a completed application including all required supporting documentation has been submitted;
- (b) the proposed work set out in the application substantially conforms with the Building Code, this Bylaw and all other applicable enactments;
- (c) the owner or his or her representative has paid all applicable fees in accordance with Section 12 of this Bylaw;
- (d) the owner or his or her representative has paid all charges and met all requirements imposed by any other enactment or bylaw;

- (e) no contravention of any enactment, covenant, agreement, or regulation in favour of or enacted by the Municipality would be created by or could be reasonably foreseen by the issuance of the permit,

a building official shall issue the permit for which the application is made.

- (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 the *Homeowner Protection Act* that the proposed building:

- (a) is covered by home warranty insurance; and
- (b) the constructor is a licensed residential builder.

- (3) Subsection (2) does not apply if the owner is not required to be licensed and to obtain home warranty insurance in accordance with the *Homeowner Protection Act*.

*Amendment Bylaw
4595, 2013*

- (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:

- (a) the work authorized by the permit has not substantially commenced within six (6) months from the date of issuance of the permit;
- (b) the work authorized by the permit has been substantially discontinued or suspended, such that the work has not materially advanced the subject project towards completion, for a period of six (6) consecutive months; or
- (c) the work authorized by the permit is not completed, or any inspections and occupancy permits related to the permit and required pursuant to this Bylaw are not obtained:
 - (i) within twenty-four (24) months from the date of issuance of the permit where such work is in respect of the construction of a complex building;
 - (ii) within twelve (12) months from the date of issuance of a permit that is not in respect of the construction of a complex building and that is not a renewal permit;
 - (iii) prior to the date of expiry of a permit extension issued pursuant to Subsection (5); or
 - (iv) within six (6) months from the date of issuance of a renewal permit.

*Amendment Bylaw
4595, 2013*

- (5) Despite Subsections (4)(c)(i) and (ii), a building official may extend a permit that is not a renewal permit by not more than twelve (12) months where:

- (a) written application for extension has been made prior to the expiration of the permit;
- (b) the permit extension fee set out in Schedule “A” has been paid;
- (c) the permit was not previously extended; and
- (d) for work which has not been commenced, and subject to protection by law, the enactments governing the use, construction, reconstruction, alteration, relocation, removal, demolition or occupancy of the building or structure have not been amended since the issuance of the permit in a way that would have precluded the issuance of a permit had such amendments been in effect at the time of the original application.

*Amendment Bylaw
4595, 2013*

- (6) Where a permit expires pursuant to Subsection (4) and the work authorized by the permit is not completed or any inspections and occupancy permits related to the permit and required pursuant to this Bylaw are not obtained, the owner shall, prior to continuing any work contemplated by the expired permit at any time:
 - (a) in the case of work on property not zoned for One Family Residential Use in the *Zoning Bylaw*, 1986, as amended or replaced, apply for an obtain a new permit pursuant to the terms set out at Subsections (1) to (4) and pay the new permit fee based on the value of the work remaining to be carried out in accordance with Schedule “A”; or
 - (b) in the case of work on property zoned for One Family Residential Use in the *Zoning Bylaw*, 1986, as amended or replaced, apply for an obtain a renewal permit, which may be issued by a building official pursuant to the terms set out at Subsections (1) to (4) and pay the new permit fee based on the value of the work remaining to be carried out in accordance with Schedule “A”; and
 - (c) a building official may accept an application for a new permit or a renewal permit pursuant to Subsection (6)(a) or (b) that does not contain certain supporting documentation required in Subsection (1)(a), where the supporting documentation has previously been submitted to the Municipality and the building official determined that the documentation previously submitted remains current or valid.”
- (7) A building official may issue an excavation permit prior to the issuance of a building permit.
- (8) Where a site has been excavated under a permit issued pursuant to Subsection (7) and a building permit is not subsequently issued, or a subsisting building permit has expired, then the owner shall fill in the excavation to restore the original gradient of the site within 30 days of being served notice by the Municipality to do so, in default whereof, and without limiting any other remedy or recourse open to the Municipality, the Municipality may take over and complete the same, with all costs incurred by the Municipality in that regard (including without limitation all wages and benefits, equipment rentals both internal and external, contract costs, consulting costs, supplies, materials, disposal charges and engineering costs) to be paid by the owner within 30 days of invoice, with any such amount remaining unpaid on December 31 immediately following the expiration of such 30 day period to be added to and form part of the taxes payable on the land subject to the permit as taxes in arrears.
- (9) 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 Municipality 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.

DISCLAIMER OF WARRANTY OR REPRESENTATION

- 14 Neither the issuance of a permit under this Bylaw, nor the review nor acceptance of the design, drawings, plans or specifications, nor inspections made by a building official, shall constitute a representation or warranty that the Building Code or this Bylaw has been complied with or the

building, structure or work 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.

PROFESSIONAL DESIGN AND FIELD REVIEW

- 15 (1) Where one or more aspects of the design of a standard building bring it within the scope of Section 2.6 of the Building Code, a registered professional shall provide design and plan certification and field review relative to those aspects supported by letters of assurance in the form of Schedules B-1, B-2 and C-B as referred to in Section 2.6 of Part 2 of the Building Code.
- (2) Where a registered professional provides letters of assurance in accordance with Subsection (1) or Sections 9(9), 9(10) or 18(2)(a) of this Bylaw, he or she shall also provide proof of professional liability insurance to a building official in the form of Form “2” to this Bylaw.

RESPONSIBILITIES OF THE OWNER

16 Every owner to whom a permit is issued shall:

- (1) ensure that all construction complies with the Building Code, this Bylaw and other applicable enactments respecting safety;
- (2) 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 (including without limitation all wages and benefits, equipment rentals both internal and external, contract costs, consulting costs, supplies, materials, disposal charges and engineering costs) to be paid by the owner within 30 days of invoice, with any such amount remaining unpaid on December 31 immediately following the expiration of such 30 day period to be added to and form part of the taxes payable on the land subject to the permit as taxes in arrears;
- (3) post and maintain the permit in a conspicuous place on the property in respect of which the permit was issued;
- (4) keep a copy of the accepted designs, plans and specifications on the property;
- (5) post the civic address on the property in a location visible from any adjoining streets;
- (6) give notice to a building official, prior to commencing the work, setting out:
 - (a) the name, address and telephone number of:
 - (i) the constructors or other persons in charge of the work;
 - (ii) the coordinating registered professional and any other registered professionals reviewing the work; and

- (iii) any inspection or testing agency engaged to monitor the work or any aspect thereof,
 - (b) any change in or termination of employment of such persons during the course of the work forthwith when such change or termination occurs;
- (7) before commencing the work, give notice to a building official setting out the dates on which:
 - (a) he intends to begin work; and
 - (b) he intends to complete the work;
- (8) give notice to a building official where applicable:
 - (a) of intent to cover work required to be inspected prior to covering;
 - (b) when work has been completed so that a final inspection can be made;
 - (c) immediately that any change in ownership or change in the address of the owner occurs prior to the issuance of an occupancy permit;
- (9) make or have made at his own expense tests or inspections as required by a building official or registered professional to demonstrate compliance with the Building Code, this Bylaw and any other applicable enactment respecting safety, and shall promptly file a copy of any such test or inspection report with a building official;
- (10) provide a current survey of the building site when required by a building official;
- (11) when required by a building official or registered professional, uncover and replace at his own expense any work that has been covered prior to an inspection required under this Bylaw; and
- (12) when a building, structure or part thereof, or an excavation, is in an unsafe condition, forthwith take all necessary steps to put the same into a safe condition.

INSPECTIONS

- 17 (1) When a registered professional provides letters of assurance in accordance with Sections 9(9), 9(10), 15(1) or 18(2)(a) of this Bylaw, the Municipality 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 construction or applicable aspect thereof substantially conforms to the design, and that the construction or applicable aspect thereof substantially complies with the Building Code, this Bylaw and other applicable enactments respecting safety.
- (2) When a registered energy advisor or building envelope consultant, as required, provides energy reports in accordance with Sections 8(7), 9(9) and 10(1)(g) of this Bylaw, the Municipality will rely solely on field reviews undertaken by the registered energy advisor

or building envelope consultant and the reports submitted pursuant to this Bylaw as assurance that the construction or applicable aspect thereof substantially conforms to the design, and that the construction or applicable aspect thereof substantially complies with the *Building Code*, this Bylaw and other applicable enactments respecting energy efficiency.

- (3) Notwithstanding Subsection (1), a building official may attend the site from time to time during the course of construction:
- (a) to ascertain that the field reviews are taking place;
 - (b) to monitor the field reviews undertaken by the registered professionals; and
 - (c) to require survey information for the purpose of determining compliance with provisions of applicable bylaws other than those respecting safety.
- (4) In addition to the inspections required to be called for in this Bylaw, 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 other applicable enactments requiring safety.
- (5) The owner or his or her representative shall give at least 24 hours notice to a building official when requesting an inspection and shall obtain an inspection and receive a building official's acceptance of the health and safety aspects of the following components of the work prior to concealing them:
- (a) following the erection of the footings and foundation walls formwork but prior to the placement of any concrete, 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;
 - (b) following the removal of the footings and foundation walls formwork and after the application of the required damp-proofing and the installation of the subsurface drainage system, but prior to the placement of any backfilling material against the foundation walls;
 - (c) following the construction of any fireplace smoke chamber, and at such subsequent time as directed by a building official, but prior to the construction of any part of the chimney;
 - (d) following the construction of any chimney to a height of one (1) metre above each thimble, and at such subsequent time as directed by a building official;
 - (e) following the installation of any factory built fireplace but prior to the enclosure of the installation;
 - (f) following the framing and exterior sheathing, with window installation, sheathing membrane and flashings complete, including fire stopping, bracing, blocking and stairways of any building, but prior to installation of insulation and exterior finishes;
 - (g) following the installation of the insulation and vapour barriers but prior to the application of interior finishes;

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- (h) following the installation, repair or replacement of any part of a plumbing system while the system is under test but prior to concealment;
- (i) following the completion of the plumbing system but prior to occupancy;
- (j) when the building or structure is substantially complete and ready for occupancy, but before occupancy takes place of the whole or part of the building or structure.
- (k) following completion of the alternate compliance methods (Division A) of Part 1 of the Building Code for alterations required to existing buildings to add a secondary suite.

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- (6) No part of the work referred to in Subsection (4) shall be concealed until a building official has accepted it in writing.
- (7) The requirements of Subsection (4) do not apply to any aspect of the work that is the subject of a registered professional's letter of assurance provided in accordance with Sections 9(10), 15(1) or 18(2)(a) of this Bylaw.

OCCUPANCY PERMITS

- 18 (1) No person shall occupy or use a building or part of a building until an occupancy permit for the building or part thereof has been issued by a building official.
- (2) An occupancy permit shall not be issued unless and until:
 - (a) where letters of assurance have been required pursuant to Sections 9(9), 9(10) or 15(1) of this Bylaw, letters of assurance in the form set out in Schedules C-A (where applicable) and C-B referred to in Section 2.6 of Part 2 of the Building Code, have been submitted to a building official; and
 - (b) except as provided in Section 17(6) of this Bylaw, all aspects of the work requiring inspection and acceptance pursuant to Section 17(4) of this Bylaw have been inspected and accepted.
- (3) A building official may issue an occupancy permit for part of a building when that part of the building is self-contained and is provided with essential services, and when the requirements set out in Subsection (2) have been fulfilled.
- (4) When an application for a building permit is made under this Bylaw which includes alterations to existing buildings to add a secondary suite, no person shall occupy or use that secondary suite until the owner is in receipt of a final inspection report.
- (5) When an application is submitted for a building permit under this Bylaw for a secondary suite within a newly constructed building or an alteration to an existing building to add a secondary suite, no person shall occupy or use that secondary suite until the owner has completed, signed and submitted to the Municipality an Owner's Declaration of Secondary Suites.

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RETAINING STRUCTURES

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- 19 A registered professional shall undertake the design and conduct field reviews of the construction of a retaining structure greater than 1.2 metres in height. Sealed copies of the design plan and field review reports prepared by the registered professional for all retaining structures greater than 1.2 metres in height, along with, where required by a building official, a survey certificate prepared by a licensed British Columbia Land Surveyor, shall be submitted to a building official prior to acceptance of the design and the works by a building official.

BONDING AGAINST DAMAGE TO PUBLIC PROPERTY

- 20 (1) Every applicant for a building permit, demolition permit or deconstruction permit shall deposit with the Municipality a sum of money to secure payment for costs incurred by the Municipality to repair and make good any injury to, destruction, defacement or disturbance of municipal services and property including but not limited to roads, driveways, accesses, curbs, gutters, sidewalks, trees, shrubs, grass, turf, ground cover, signage, lamp standards, water, sewer and irrigation systems, and installations of any nature whatsoever, and also to secure payment for street sweeping, caused or required by work done under such permit, or by any person doing the work, and to secure payment of fees required by this Bylaw.
- (2) For alterations or repairs to an existing building or structure, such deposit shall be in the amount of
- (a) One Hundred Dollars (\$100.00) where the cost of the proposed work as determined in accordance with this Bylaw does not exceed One Thousand Dollars (\$1000.00);
 - (b) Two Hundred Dollars (\$200.00) where the cost of the proposed work as determined in accordance with this Bylaw is greater than One Thousand Dollars (\$1000.00) but does not exceed Two Thousand Dollars (\$2000.00);
 - (c) Three Hundred Dollars (\$300.00) where the cost of the proposed work as determined in accordance with this Bylaw is greater than Two Thousand Dollars (\$2000.00) but does not exceed Three Thousand Dollars (\$3000.00);
 - (d) Five Hundred Dollars (\$500.00) where the cost of the proposed work as determined in accordance with this Bylaw is greater than Three Thousand Dollars (\$3000.00).
- (3) Notwithstanding Subsection (1), a deposit shall not be required where the work to be completed is a chimney or plumbing installation and where the total cost of the proposed work is less than Two Thousand Dollars (\$2000.00).
- (4) For the erection of a new building and for the demolition or deconstruction of an existing building, such deposit shall be in the amount of One Thousand Dollars (\$1000.00).
- (5) Upon final inspection by a building official or, if applicable, upon filing of letters of assurance in the form set out in Schedules C-A (where applicable) and C-B referred to in Section 2.6 of Part 2 of the Building Code, and upon certification from a building official that no injury or damage as described in Subsection (1) has occurred as a result of the work

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and that no fees remain outstanding, the Municipality shall return the deposit to the applicant.

- (6) The Municipality may apply the deposit towards making good injury or damage as described in Subsection (1), or for non-payment of fees including re-inspection fees, and shall return the unused balance, if any, to the applicant when the remedial work is complete or the fees paid, as the case may be.
- (7) At the sole option of the Director of Engineering Services, as an alternative to the procedure set out in Subsection (6), the applicant may be permitted to make good the injury or damage described in Subsection (1) within the time and in accordance with standards set by the Director of Engineering Services, and under this option the deposit shall be held by the Municipality until the Director of Engineering Services certifies that the work has been substantially completed in accordance with the applicable standards, at which time the deposit, less a holdback in the amount of 20%, shall be returned to the applicant, with the holdback to be returned upon the first anniversary of substantial completion, provided, however, that the funds have not been required for maintenance or repair during the one year period immediately following substantial completion, during which the applicant shall be responsible for maintenance and repair of the remedial work.
- (8) Nothing in this Section shall bar the Municipality from claiming, suing and recovering from injury or damage as described in Subsection (1) in excess of any deposit, and concurrent with the posting of the deposit the applicant shall in writing acknowledge liability for injury or damage in excess of that amount.
- (9) The Municipality may apply the deposit to provide security personnel in the event that the applicant fails to comply with the regulations of this Bylaw.
- (10) Any deposit unclaimed upon expiry of a permit under Section 13(4) may be transferred to general municipal revenue for the current year.

OTHER APPROVALS

21 Every person before doing any work that requires a permit shall:

- (1) obtain from the appropriate authority any and all further necessary permits relating to demolition, excavation, blasting, moving of buildings, boulevard crossings, zoning, sewers, water mains, plumbing, signs, street encroachment and electrical installations and all other permits required in connection with the proposed work; and
- (2) give notice to the appropriate authority of the progress of the work and call for such inspections as may be required.

DEMOLITION AND DECONSTRUCTION OF BUILDINGS AND STRUCTURES

22 In addition to the regulations of the *Building Code*, the following regulations apply to the demolition or deconstruction of a building:

- (1) No person may demolish or deconstruct a building or structure unless a valid permit for the demolition or deconstruction has been obtained from the Director of Building and Planning.
- (2) An applicant for a permit to demolish or deconstruct a building shall provide proof of comprehensive general liability insurance coverage for the work, with a minimum coverage of Two Million Dollars (\$2,000,000), inclusive per occurrence.
- (3) An applicant for a permit to demolish or deconstruct a building, in addition to any other requirements under this Bylaw, shall, before such permit is issued, execute a contractual Letter of Undertaking indemnifying and saving harmless the Municipality from and against any and all losses, claims, demands, suits, actions, recoveries and judgements of every kind brought against the Municipality arising out of or in any way connected with the demolition or deconstruction of the building.
- (4) The holder of a permit for the demolition or deconstruction of a building shall ensure that measures are taken to protect the safety of the public while the demolition or deconstruction is in progress, including
 - (a) the erecting of barricades or fencing to prevent unauthorized or inadvertent entry to the site; or
 - (b) the posting of security personnel at the demolition or deconstruction site.
- (5) Following the commencement of the demolition of a building or structure, the demolition, including the sealing of services and the removal of all building and foundation material, shall be completed within:
 - (a) seven (7) days for a building with a total floor area (excluding basement) less than or equal to 280 square metres, or for a structure other than a building;
 - (b) fourteen (14) days for a building with a total floor area (excluding basement) greater than 280 square metres but less than or equal to 560 square metres; or
 - (c) twenty-eight (28) days for a building with a total floor area (excluding basement) greater than 560 square metres.
- (6) Following the commencement of the deconstruction of a building or structure, the deconstruction, including the sealing of services and the removal of all building and foundation material, shall be completed within:
 - (a) fourteen (14) days for a building with a total floor area (excluding basement) less than or equal to 280 square metres, or for a structure other than a building;
 - (b) twenty-eight (28) days for a building with a total floor area (excluding basement) greater than 280 square metres but less than or equal to 560 square metres; or
 - (c) fifty-six (56) days for a building with a total floor area (excluding basement) greater than 560 square metres.
- (7) The holder of a permit to demolish or deconstruct a building or structure may, on the site of the building or structure, offer for sale hardware, building materials and other items salvaged from the building or structure during a time coinciding with or within the period of demolition or deconstruction, subject to the time limits set out in Sections 22(5) and 22(6), respectively, and in compliance with conditions which may be imposed by the

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4345, 2007*

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director of Building and Planning having regard to the impact on the streetscape and the amenities of adjacent properties.

- (8) If there is evidence that a demolition of a building or structure is being undertaken contrary to a permit issued for a deconstruction rather than a demolition, a building official may deem the permit to be a demolition permit, in which case the conditions and fees applicable to a demolition permit shall apply and the permit holder shall comply accordingly.
- (9) The holder of a permit to demolish or deconstruct a building shall ensure that concurrent with the demolition or deconstruction the services for the building are capped, sealed and clearly marked at the property line.
- (10) The permit holder shall
 - (a) notify in writing the occupiers of any property within 61 metres (200 feet) of the property referenced in the demolition or deconstruction permit; and
 - (b) give such notice not less than 24 hours prior to commencing the demolition or deconstruction.

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4345, 2007*

- 22 (1) For the purposes of the time limits set out in Sections 22(5) and 22(6), the removal of interior fixtures shall not of and by itself constitute the commencement of demolition or deconstruction as the case may be.

MOVING OF BUILDINGS

23 The following regulations apply to the moving of buildings:

- (1) No building shall be moved from a site outside to a site within the Municipality, or from a site within the Municipality to another site either within or outside of the Municipality, without a written permit from a building official.
- (2) The permit fees for the moving of a building shall be those set out in Schedule "A" attached hereto.
- (3) A permit for the moving of a building shall not be issued until:
 - (a) the Director of Engineering Services has reviewed the route proposed for the moving of the building and has determined that the moving of the building may be undertaken without undue destruction, defacement, or disturbance of publicly owned services, trees and property;
 - (b) the applicant has paid in advance to the Municipality an amount equal to the total cost of providing the municipal works and services required to accommodate the safe and orderly moving of the building, including, but not limited to, public works, boulevard or park tree preparation and protection, and traffic control, as estimated by the Director of Engineering Services in accordance with the prevailing labour, material, and equipment rates;
 - (c) the applicant has deposited with the Municipality the sum of Two Thousand Dollars (\$000.00) to secure payment for injury to, destruction of, defacement or disturbance of public services and property including, but not limited to, roads, driveways, accesses, curbs, gutters, sidewalks, trees, shrubs, grass, turf, ground cover, signage, lamp

standards, water, sewer and irrigation systems, and installations of any nature whatsoever caused by the moving of the building and for payment of any costs incurred by the Municipality in excess of the amount paid pursuant to Paragraph (b);

- (d) the applicant has executed a contractual Letter of Undertaking releasing, indemnifying and saving harmless the Municipality from and against any and all losses, claims, demands, suits, actions, recoveries and judgements of every kind brought or recovered against the Municipality arising out of or in any way connected with the moving of the building; and
 - (e) the applicant has provided proof of comprehensive general liability insurance coverage for the work, with a minimum coverage of Five Million Dollars (\$5000,000), inclusive per occurrence.
-
- (4) A building official, in consultation with the Director of Engineering Services, may attach special conditions to the issuance of a moving permit which, in his assessment, are necessary to ensure that the moving of the building may be undertaken without undue destruction, defacement, or disturbance of publicly or privately owned services and property, and which may be incorporated into the Letter of Undertaking referred to in Paragraph (3)(b).
 - (5) Upon completion of the move and upon certification from the Director of Engineering Services that no injury or damage or excess cost as described in Paragraph (3)(c) has occurred as a result of the move, the Municipality shall return the deposit to the applicant.
 - (6) The Municipality may apply the deposit towards making good injury or damage as described in Paragraph (3)(c) or recovery of excess costs for services described in Paragraph (3)(b), and shall return the unused balance, if any, to the applicant when the remedial work is complete or the excess costs recovered, as the case may be.
 - (7) At the sole option of the Director of Engineering Services, as an alternative to the procedure set out in Subsection (6), the applicant may be permitted to make good the injury or damage described in Paragraph (3)(c) within the time and in accordance with standards set by the Director of Engineering Services, and under this option the deposit shall be held by the Municipality until the Director of Engineering Services certifies that the work has been substantially completed in accordance with the applicable standard, at which time the deposit, less a holdback in the amount of 20%, shall be returned to the applicant, with the holdback to be returned upon the first anniversary of substantial completion, provided, however, that the funds have not been required for maintenance or repair during the one year period immediately following substantial completion, during which the applicant shall be responsible for maintenance and repair of the remedial work.
 - (8) Any deposit unclaimed upon expiry of a permit under Section 13(4) may be transferred to general municipal revenue for the current year.
 - (9) Nothing in this Section shall bar the Municipality from claiming, suing and recovering from injury or damage as described in Paragraph (3)(c) in excess of any deposit, and concurrent with the posting of the deposit the applicant shall in writing acknowledge liability for injury or damage in excess of that amount.

BLASTING

24 (1) No person shall blast, carry on blasting operations, or use any explosive agent without first obtaining a permit and paying the fees set out in Schedule “A” of this Bylaw.

(2) No person shall blast, carry on blasting operations, or use any explosive agent or obtain a blasting permit unless he holds a valid Blasting Certificate issued by the Workers Compensation Board of British Columbia.

*Amendment Bylaw
4679, 2017*

(3) An applicant for a blasting permit shall provide proof of comprehensive general liability insurance coverage for blasting operations with a minimum coverage of Five Million Dollars (\$5,000,000) inclusive per occurrence.

(4) An applicant for a blasting permit shall execute a contractual Letter of Undertaking releasing, indemnifying and saving harmless the Municipality from and against any and all losses, claims, demands, suits, actions, recoveries and judgements of every kind brought or recovered against the Municipality arising out of or in any way connected with the work done under the blasting permit.

*Amendment Bylaw
4679, 2017*

(5) No person shall blast, carry on blasting or operate an explosive agent:

a) in proximity to any person, building or property, or the works of any underground utility liable to suffer injury from blasting; or

b) where the blasting causes or is likely to cause a release of any dangerous gas or other substance, including, without limitation, carbon monoxide;

until such precautions have been taken to prevent injury to any person, building, property or utility.

*Amendment Bylaw
4679, 2017*

(6) Despite section 24(5) where blasting does result in:

a) injury to any person, building or property, or the works of any underground utility; or

b) the release of any dangerous gas or other substance, including, without limitation, carbon monoxide;

The holder of the blasting permit shall cease carrying out any further blasting operations or use of an explosive agent until the holder of the blasting permit has addressed the conditions that created the injury referred to in this section.

(7) The holder of a blasting permit may only blast, carry on blasting operations, use an explosive agent, or operate drills, compressors or other equipment used to prepare land for blasting from Monday to Friday, exclusive of statutory holidays, between the hours of 8:00 am and 4:00 pm.

(8) No person shall blast, carry on a blasting, or use an explosive agent within a radius of 100 metres of any building without first notifying in writing the owners or occupants of such building, with such notice to include the anticipated duration of the blasting program.

- (9) No person shall blast, carry on blasting operations, or use an explosive agent within a radius of 300 metres of any school building during school hours without first notifying in writing the School District, Principal or person in charge thereof, with such notice to include the anticipated duration of the blasting program.
- (10) No person shall blast, carry on blasting operations, use an explosive agent, or operate drills, compressors or other equipment used to prepare land for blasting unless and until steps have been taken to suppress dust which may occur as a result of the said activity.
- (11) Where a blasting permit is for an excavation required for the construction of a building, no blasting permit shall be issued unless the applicant has first obtained a building permit for the proposed building.

AWNINGS AND CANOPIES

- 25 (1) No person shall erect, attach or install any awning or canopy before first obtaining a permit under this Bylaw.
- (2) The permit fees for the installation of awnings and canopies shall be calculated in accordance with Schedule “A”.
- (3) An awning or canopy on or attached to business premises shall be constructed of non-combustible materials.

AUTOMATIC FIRE SPRINKLER SYSTEMS

- 26 (1) This section does not apply to buildings to which the Building Code does not apply.
- (2) Words and phrases in this section that are not defined in this Bylaw but are defined in the Building Code have the meaning set out in the Building Code.
- (3) Subject to Subsections (4) and (5), an owner must ensure that the following classes of buildings are equipped with an automatic fire sprinkler system that complies with the relevant standards set out in the Building Code:
 - (a) new buildings; and
 - (b) existing buildings, where all additions, repairs or structural alterations made or proposed to be made in any period of 24 consecutive months adds the lesser of 25% or 200 square metres to the pre-existing floor area of the building.
- (4) Paragraph (3)(a) does not apply to buildings serving a single family or two family occupancy except where:
 - (a) the grade of the driveway giving vehicular access to the building exceeds 12.5% at any point;

- (b) the access route for fire fighting apparatus does not comply with the Building Code or the British Columbia Fire Code;
 - (c) the location of the building with respect to the location of firefighting facilities is such that, in the reasonable judgement of the Fire Chief for the Municipality, access to the building for the purpose of fighting fires is impractical; or
 - (d) an adequate water supply for fire fighting as determined by the Building Code is not available.
- (5) Subsection (3) does not apply to a detached building having a total floor area less than or equal to 100 square metres.
 - (6) Sections 9(10), 15(1) and 18(2)(a) of this Bylaw apply to all automatic sprinkler system installations and alterations.

PENALTIES AND ENFORCEMENT

- 27 (1) Every person who contravenes, violates or fails to comply with any provision of this bylaw, or who suffers or permits any act or thing to be done in contravention or violation of this bylaw, or who fails or neglects to do anything required by this bylaw, commits an offence shall be:
- (a) liable upon conviction of a fine of not more than \$10,000 (Ten Thousand Dollars) or to do imprisonment of not more than six months; and
 - (b) subject to any other penalty or order imposed or remedies available to the Municipality pursuant to the *Local Government Bylaw Notice Enforcement Act*.
- (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.
 - (3) Each day during which a violation, contravention or breach of this bylaw continues is deemed to be a separate offence.
 - (4) 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.
 - (5) No person is deemed liable under section who establishes, on a balance of probabilities, that the construction or change of use or occupancy occurred before he or she became the owner of the parcel.

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SEVERABILITY

- 28 If any part of this Bylaw is declared invalid by a court of competent jurisdiction, the remainder shall continue in full force and effect and be construed as if the Bylaw had been adopted without the invalid portion.

REPEALS

29 Subject to Section 30, the following bylaws are hereby repealed:

Bylaw No. 3893, "*Building and Plumbing Bylaw, 1996*";

Bylaw No. 3918, "*Building and Plumbing Bylaw Amendment Bylaw No. 1, 1996*";

Bylaw No. 4071, "*Building and Plumbing Bylaw Amendment Bylaw No. 1, 2000*";

Bylaw No. 4211, "*Building and Plumbing Bylaw Amendment Bylaw, 2004*;

Bylaw No. 4242, "*Building and Plumbing Bylaw Amendment Bylaw No. 2, 2004*",

provided however that such repeal shall not affect any offence committed, or penalty or punishment incurred, under such repealed Bylaw, and any such penalty or punishment may be imposed as if this Bylaw had not been passed.

EFFECTIVE DATE; TRANSITIONAL

30 This Bylaw shall come into effect on March 1, 2005, provided however that the provisions of Bylaw No. 3893, as amended, shall continue to apply to the inspection of work for which a permit has been issued and which has commenced prior to that date.

CITATION

31 This Bylaw may be cited as the *Building and Plumbing Bylaw, 2005*.

Certified a true copy of Building and Plumbing Bylaw, 2005 consolidated as of April 29, 2021 to include amendment Bylaws No. 4304, 4345, 4493, 4595, 4679, 4718 and 4827)

Selina Williams, Corporate Officer Date

Schedule A Repealed (Bylaw 4845, adopted September 11, 2023)

~~**Schedule 'A'**~~
~~**SCALE OF FEES (BUILDING)**~~

- ~~1. Fees to construct, repair, alter, reconstruct or blast under this Bylaw shall be calculated as follows:~~

Value of Proposed Work	Permit Fee
\$100,000 or less	\$50.00, plus 1.25% of the project value
Greater than \$100,000; less than or equal to \$500,000	\$1300.00, plus 1% of the amount by which the project value exceeds \$100,000.00
Greater than \$500,000	\$5300.00, plus 0.75% of the amount by which the project value exceeds \$500,000.00

- ~~2. Permit Fees for the demolition, deconstruction and moving of buildings under this Bylaw shall be calculated as follows:~~

Fees	Moving	Demolition	Deconstruction
Unserviced buildings, or structures other than buildings	\$200.00	\$100.00	\$50.00
Serviced buildings of total floor area (excluding basement) less than or equal to 186 m²	\$200.00	\$200.00	\$100.00
Serviced buildings of total floor area (excluding basement) greater than 186 m²	\$400.00	\$400.00	\$200.00

- ~~3. Fees for extension of a permit pursuant to Section 13(5) of this Bylaw shall be calculated as follows:~~

Original Permit Fee

Less than or equal to \$500.00

Greater than \$500.00

Extension Fee

10% of original permit fee

\$50.00

Schedule B Repealed (Bylaw 4845, adopted September 11, 2023)

Schedule 'B'
SCALE OF FEES (PLUMBING)

For the purpose of issuing permits, all equipment supplied with municipal water and / or drains shall be classified as fixtures, and each application for a permit shall be accompanied by a fee in accordance with the following scale:

	Fee
Basic permit fee	\$15.00
<i>plus</i>	
For each plumbing fixture	\$10.00
For repair or alteration of plumbing, not involving the installation or alteration of any fixture	\$30.00
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	\$25.00
For sealing sanitary and / or storm sewer — each	\$20.00
For installing or alteration of internal rainwater leaders or roof drains (per leader or roof drain)	\$10.00
For each fire protection standpipe, 1 to 4 hose connections	\$20.00
Each additional hose connection	\$10.00
For each storey of a fire protection sprinkler system, 1 to 10 sprinkler heads inclusive	\$50.00
For each additional sprinkler head	\$5.00
For replacing plumbing fixtures — each	\$10.00
For each lawn sprinkler circuit	\$25.00
For each water service line or alteration or extension of same	\$20.00
For installation of special equipment not listed above	\$20.00

FORM 1

THE CORPORATION OF THE DISTRICT OF OAK BAY

BUILDING AND PLUMBING BYLAW

RE: PERMIT NO. _____

CIVIC ADDRESS OF PROJECT: _____

ACKNOWLEDGEMENTS OF OWNER

I acknowledge that the owner of the land in respect of which this permit is issued is solely responsible for carrying out the work authorized by this permit in accordance with the Building Code and other applicable laws respecting safety, including the requirements of the Building Code in relation to soil conditions for building foundations.

I acknowledge that the owner of the land is also solely responsible for determining whether the work authorized by this permit contravenes the terms of any covenant, easement, right of way, building scheme or other restriction affecting the building site, and whether the work requires the involvement of an architect under the *Architects Act* or an engineer or geoscientist under the *Engineers and Geoscientists Act*.

I acknowledge that The Corporation of the District of Oak Bay provides a limited monitoring service in relation to building construction and does not, by accepting or reviewing plans, inspecting construction, monitoring the inspection of construction by others, or issuing building or occupancy permits, warrant that the construction authorized by this permit complies in every or any respect with the Building Code or any other applicable laws respecting safety.

If a building official has so indicated on this permit, I acknowledge that The Corporation of the District of Oak Bay has issued the permit in reliance on the certification of a registered professional, engaged by me to provide such certification, that the plans for the work authorized by the permit comply with the Building Code and other applicable enactments, and that the fee for the permit has been accordingly reduced. I acknowledge that The Corporation of the District of Oak Bay, by issuing this permit or any occupancy permit, makes no representations to me or any other person as to any such compliance.

Name of Registered Owner (please print)

Signature of Registered Owner or
Authorized Signatory of Corporate Owner

Date of Acknowledgement

FORM 2

THE CORPORATION OF THE DISTRICT OF OAK BAY

BUILDING AND PLUMBING BYLAW

RE: PERMIT NO. _____

CIVIC ADDRESS OF PROJECT: _____

REGISTERED PROFESSIONAL'S PROOF OF INSURANCE

This is to confirm that the undersigned registered professional is insured by a policy of insurance covering liability to third parties for errors and omissions in the provision of professional services in respect of the captioned project, a certificate of insurance for which is attached.

The undersigned will notify both the Oak Bay Building Department and the owner who has engaged the undersigned to provide professional services in respect of the captioned project, in writing, of any termination of or change in the terms of the coverage provided by the policy, immediately upon being informed of or becoming aware of such termination or change.

Name of Registered Professional (please print)

Signature of Registered Professional

[affix seal]

Name of Firm