

NO. 18-107

## BUILDING AND PLUMBING REGULATION BYLAW AMENDMENT BYLAW (NO. 1) A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to amend the *Building and Plumbing Regulation Bylaw* to provide for implementation of the British Columbia Energy Step Code as well as to update the bylaw to clarify the authority of the building officials and to update the fee schedule.

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Under its statutory powers, including sections 8(3)(l) of the *Community Charter*, the Council of the Corporation of the City of Victoria, in an open meeting assembled, enacts the following provisions:

### Title

- 1 This Bylaw may be cited as the "Building and Plumbing Regulation Bylaw Amendment Bylaw (No. 1)".

### Amendments to the *Building and Plumbing Regulation Bylaw*

- 2 The *Building and Plumbing Regulation Bylaw* No. 17-113 is amended
  - (1) by deleting the preamble and the table of contents and replacing them with the text attached to this bylaw as Schedule 1;
  - (2) in section 2 by:
    - (a) deleting "2012" in the definition of the Building Code;
    - (b) adding the following definitions immediately after the definition of "cost of construction":

"Energy Step Code" means the system of energy performance requirements set out in Division B, Part 10 of the Building Code;

"existing building" means a building that has been constructed prior to the enactment of section 5A"; and

- (c) by deleting the definition of "health and safety aspects of the work" and replacing it with the following:

"health, and safety, and energy and water efficiency aspects of the work" means aspects of design and construction regulated by the Building Code and attributed in Division B Appendix A, Parts 2 and 3 of the Building Code with either any of the following Objectives: OS Safety, OH Health, or OE Energy and Water Efficiency,";

- (3) in section 3 by adding a new paragraph (e) immediately after paragraph (d) as follows:

"(e) the protection of adjacent real property from incidental damage or nuisance.";

- (4) in section 5

- (a) in subsection (1) by adding the words "and section 5A" immediately after "(2)"; and
- (b) in subsection (2) by deleting the word "or" at the end of paragraph (d), adding the word "or" at the end of paragraph (e), and by adding a new paragraph (f) immediately after paragraph (e), as follows:

"(f) accessory buildings with a building area of less than 10 square meters.";

- (5) by adding a new section 5A, immediately after section 5, as follows:

**"Limited Application to Existing Buildings**

- 5A (1) Except as provided in the Building Code or to the extent an existing building is under construction or does not have an occupancy permit, when an existing building has been constructed before the enactment of this bylaw, the enactment of this bylaw is not to be interpreted as requiring that the existing building must be reconstructed or altered, unless it is expressly provided by this or another bylaw, regulation or statute.
- (2) If an alteration or addition is made to an existing building, the alteration or addition and any elements of the existing building affected or impacted by the alteration or addition must comply with this bylaw and the Building Code.";

- (6) in section 6 by adding a new subsections (7) and (8), immediately after subsection 6, as follows:

- “(7) No person may erase, alter, or modify
- (a) plans and supporting documents after the same have been reviewed by the building official, or
  - (b) plans and supporting documents that have been filed for reference with the building official after the permit has been issued
- except in accordance with this bylaw.
- (8) A person must not construct on a parcel unless the civic address is conspicuously posted on the front of the premises or on a sign post such that it may be easily read for a street from which it takes its address.”;

- (7) in section 7(1) by:

- (a) adding the words “, but owes no public duty to enforce or administer this bylaw or the Building Code” at the end of paragraph (a);
- (b) deleting the word “shall” and replacing it with “may” and deleting the words “or microfilm copies of such documents; and” and replacing them with “on microfilm or by electronic means;” in paragraph (b);
- (c) adding the words “or require an owner to establish” immediately after the word “establish” and by deleting the period and replacing it with “; and” in paragraph (c); and
- (d) adding a new paragraph (d), immediately after paragraph (c), as follows:
 

“(d) direct that test of materials, equipment, devices, construction methods, structural assemblies, or foundations be carried out, or that sufficient evidence or proof be submitted by the owner, at the owner’s expense, where in the opinion of the building official it is necessary to determine whether the materials, equipment, devices, construction methods, structural assemblies, or foundations complies with this bylaw or the Building Code.”; and
- (e) by adding the words “or removal” immediately after the word “correction” and adding the words “or the Building Code and may prescribe the time within which the correction or removal is to be done.” in subsection (4);



(8) by adding new subsections (5) through (8) to section 7 as follows:

- “(5) A building official may order the owner to remove or prevent any unauthorized encroachment on a public parcel, street, statutory right of way or easement, or a setback or yard required under any City bylaw or other enactment.
- (6) A building official may enter any land, building, structure, or premises at any reasonable time to affix or post a stop work order under section 21 or any other order issued under this bylaw.
- (7) Every person who has been served with an order issued by a building official must comply with that order within the time specified in the order or, if no time is specified, immediately.
- (8) No person who has notice of an order issued by a building official must knowingly do, or allow to be done, anything that contravenes such order.”;

(9) by adding a new Part 3A immediately after section 11 as follows:

#### **“PART 3A – ENERGY CONSERVATION AND GHG EMISSION REDUCTION**

##### **Application of the British Columbia Energy Step Code**

- 11A (1) A building regulated by Part 3 of the Building Code must be designed and constructed to meet the minimum performance requirements specified in Step 1 of the Energy Step Code.
- (2) A building regulated by Part 9 of the Building Code must be designed and constructed to meet the minimum performance requirements specified in Step 1 of the Energy Step Code.”;

(10) by adding a new section 12A immediately after section 12 as follows:

##### **“Refusal and Revocation of Permits**

- 12A (1) A building official may refuse to issue a permit if the proposed work would contravene the requirements of the Building Code or the provisions of this or any other City bylaw.
- (2) A building official may revoke a permit if, in the building official's opinion, the results of tests on materials, equipment, devices, construction methods, structural assemblies, or foundations conditions fail to meets the requirements of the Building Code or this Bylaw or if all permits required under this bylaw have not been obtained.

- (3) If a building official refuses to issue a permit under subsection (1) or revokes a permit under subsection (2), the building official must provide the owner with written reasons for his or her decision.
- (4) A refusal to issue a permit or revocation of a permit is not invalid solely for the reason of inadequacy or incompleteness of the written reasons provided under subsection (3).";
- (11) in section 13, by adding new subsections (9) and (10), immediately after (8), as follows:
  - "(9) A building official may require the owner to uncover any work that has been covered or concealed in contravention of subsection (5) or any previous order of a building official.
  - (10) A building official may request the results of a mid-construction blower door test as indication that the construction is progressing in accordance with approved plans.";
- (12) in section 18 (3) by:
  - (i) striking out paragraph (b) and replacing it with the following:
    - "(b) ensure that all permits, plans and specifications, and supporting documents on which a permit was based, all municipal inspection certificates, and all professional field reviews are available at the site of the work for inspection by building officials during working hours,"
  - (ii) striking out the period and adding "; and" at the end of paragraph (c); and
- (13) by replacing Schedule "A" with the new Schedule "A" attached hereto as Schedule 2.

### **Step Code Changes on January 1, 2020**

- 3 The *Building and Plumbing Regulation Bylaw* is further amended by repealing section 11A and replacing it with the following:
  - "11A (1) Subject to subsection (2), a building regulated by Part 3 of the Building Code must be designed and constructed to meet the minimum performance requirements specified in Step 2 of the Energy Step Code.
  - (2) A building regulated by Part 3 of the Building Code that is 6 stories or less and composed of wood-frame construction must be designed and constructed to meet the minimum performance requirements specified in Step 3 of the Energy Step Code.

- (3) Subject to subsection (4), a building regulated by Part 9 of the Building Code must be designed and constructed to meet the minimum performance requirements specified in Step 3 of the Energy Step Code.
- (4) A building regulated by Part 9 of the Building Code that has a floor area of 102 square metres or less may be designed and constructed to meet the minimum performance requirements specified in Step 2 of the Energy Step Code.”

**Effective Date**

- 4 This Bylaw comes into force on November 1, 2018 except for section 3, which comes into  
force on January 1, 2020.

READ A FIRST TIME the day of 2018.

READ A SECOND TIME the \_\_\_\_\_ day of \_\_\_\_\_ 2018.

READ A THIRD TIME the \_\_\_\_\_ day of \_\_\_\_\_ 2018.

ADOPTED on the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

CITY CLERK

MAYOR