

Schedule 1

NO. 17-113

BUILDING AND PLUMBING REGULATION BYLAW**A BYLAW OF THE CITY OF VICTORIA**

The purpose of this Bylaw is to regulate the construction, alteration, and demolition of buildings and other structures within the City of Victoria by providing for a limited and interim spot-checking of health, safety, and energy and water efficiency aspects of the work and a permitting system for the purpose of keeping of records.

Under its statutory powers, including section 8(3)(l) and 63 of the *Community Charter*, the Council of The Corporation of the City of Victoria, in an open meeting assembled, enacts the following provisions:

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Fees

Building Permits

- a. Application Fee \$100.00
- b. Permit Fee 1.40% of Cost of Construction
- c. Permit Fee where work has commenced without a permit:
 2.8% of Cost of Construction up to \$20,000.00
 and 1.4% of Cost of Construction for the remainder in excess of \$20,000.00
- d. Permit Extension Fees (expired permit) \$100.00
- e. Plan Revision Fees (issued permits):
 - i. \$100; or
 - ii. the lesser of
 - 1. 10% of the original Permit Fee; or
 - 2. \$125 per hour of staff time required to review the revised plans,

whichever is greater, plus the Permit Fee on any increase in the Cost of Construction.
- f. Re-inspection Fee (Pursuant to 19(7)) \$50.00
- g. Excavation Deposit 1.2 times the estimated cost to backfill the excavation

Plumbing Permits

- h. Application Fee \$100.00
- i. Permit Fee 1.40% of Cost of Construction
- j. Permit Fee where work has commenced without a permit:
 2.8% of Cost of Construction up to \$20,000.00
 and ... 1.4% of Cost of Construction for the remainder in excess of \$20,000.00 for
- k. Permit Extension Fees (expired permit) \$100.00
- l. Plan Revision Fees (issued permits):
 - i. \$100; or
 - ii. the lesser of
 - 1. 10% of the original Permit Fee; or
 - 2. \$125 per hour of staff time required to review the revised plans,

whichever is greater, plus the Permit Fee on any increase in the Cost of Construction.
- m. Re-inspection Fee (Pursuant to 19(7)) \$50.00

Record Searches

- n. Records access fee \$25.00
- o. Fee for digitization or copying of plans under section 8(1) actual cost
- p. Fee for a written statement pursuant to section 8(2) \$50.00

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A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to regulate the construction, alteration, and demolition of buildings and other structures within the City of Victoria by providing for a limited and interim spot-checking of health, safety, and energy and water efficiency aspects of the work and a permitting system for the purpose of keeping of records.

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Schedule A - Fees

PART 1 – INTERPRETATION AND PURPOSE

Title

- 1 This bylaw may be cited as the “Building and Plumbing Regulation Bylaw, 2017”.

Definitions

- 2 (1) In this bylaw the following words and terms have the meanings set out in Division A 1.4.1 of the Building Code: assembly occupancy, building, building area, building height, business and personal services occupancy, care or detention occupancy, constructor, coordinating registered professional, designer, field review, high hazard industrial occupancy, industrial occupancy, low hazard industrial occupancy, major occupancy, mercantile occupancy, medium hazard industrial occupancy, occupancy, plumbing contractor, plumbing system, registered professional, and residential occupancy.
- (2) In this bylaw:
- “affordable housing” means any housing unit which is:
- (a) part of a development wholly owned and operated by a registered non-profit residential housing society or government agency, or operated by a registered non-profit residential housing society or government agency pursuant to a legally binding arrangement with the property owner; and
 - (b) subject of a housing agreement with the City, or a covenant in favour of the City, securing its use as below-market housing unit in perpetuity;

"applicant" means either the owner or a person authorized by the owner to apply for and obtain a building permit;

"Building Code" means the *British Columbia Building Code* as adopted by the Minister pursuant to section 692 (1) of the *Local Government Act*, as amended or re-enacted from time to time;

"building official" means the same as that defined by the *Building Act* and includes the chief building official;

"chief building official" means the person employed by the City as the Chief Building Official and includes a person authorized to act on his or her behalf;

"City" means The Corporation of the City of Victoria;

"complex building" means:

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

"cost of construction" means costs calculated in accordance with section 19(9);

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

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

"former bylaw" means any building or plumbing bylaw of the City in force at any time prior to the adoption of this bylaw;

"health, 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 A, Parts 2 and 3 of the Building Code with any of the following Objectives: OS Safety, OH Health, or OE Energy and Water Efficiency;

"owner" includes a lessee, a person in charge, a person who has care and control and a person who holds out that the person has the powers and authority of ownership or who for the time being exercises the powers and authority of ownership;

"Plumbing Code" means the plumbing system part of the Building Code.

"standard building" means any building that is not a complex building; and

"structure" means a construction or portion thereof of any kind, whether fixed to, supported by, or sunk into land or land covered by water, but does not include landscaping, fences, paving, or retaining structures less than 1.2 meters in height.

Interpretation and Purpose

- 3 (1) This bylaw shall, notwithstanding any other provision herein, be interpreted in accordance with this section.
- (2) This bylaw has been enacted for the purpose of regulating construction within Victoria in the general public interest and the activities undertaken by or on behalf of the City pursuant to this bylaw are for the sole purpose of providing a limited and interim spot checking function of health, safety and energy and water efficiency aspects of the work.
- (3) It is not contemplated nor intended, nor does the purpose of this bylaw extend to
 - (a) the protection of owners, owner/builders, or constructors from economic loss;
 - (b) the assumption by the City 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, the requirements of this bylaw or other applicable enactments respecting safety;
 - (c) providing any person a warranty of design or workmanship with respect to any building or structure for which a building permit or occupancy permit is issued under this bylaw;
 - (d) providing a warranty or assurance that construction undertaken pursuant to building permits issued by the City is free from latent, or any defects;
 - (e) the protection of adjacent real property from incidental damage or nuisance.

PART 2 – ADMINISTRATION

Permit Required and Effect of the Permit

- 4 (1) A permit is required whenever work regulated under this bylaw is to be undertaken.
- (2) Neither the issuance of a permit under this bylaw nor the acceptance or review of plans, drawings or supporting documents, nor any inspections shall
 - (a) in any way relieve the owner or his or her representatives from full and sole responsibility to perform the work in strict accordance with this bylaw, the Building Code and or other applicable enactments respecting safety; and

- (b) constitute in any way a representation, warranty, assurance or statement that the Building Code, this bylaw or other applicable enactments respecting safety have been complied with.
- (3) It shall be the full and sole responsibility of the owner to carry out the work in respect of which the permit was issued in compliance with the Building Code and this bylaw or other applicable enactments respecting safety.
- (4) No person shall rely upon any permit as establishing compliance with this bylaw or assume or conclude that this bylaw has been administered or enforced according to its terms.

Scope and Exemptions

- 5 (1) Subject to subsection (2) and section 5A, this bylaw applies to the design, construction and occupancy of new buildings and structures, and the alteration, reconstruction, demolition, removal, relocation and occupancy of existing buildings and structures.
- (2) This bylaw does not apply to buildings or structures exempted by Division A Part 1 of the Building Code except as expressly provided herein, nor does it apply to the following:
 - (a) retaining structures less than 1.2 meters in height;
 - (b) platforms less than 0.6 meters above grade;
 - (c) plumbing systems outside of private property (municipal infrastructure);
 - (d) irrigation systems downstream of a backflow prevention device;
 - (e) plumbing systems separately serviced for the purpose of site drainage; or
 - (f) accessory buildings with a building area of less than 10 square meters.

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.

Prohibitions

- 6 (1) No person shall commence or continue any construction, alteration, reconstruction, demolition, removal, relocation or change the occupancy of any building, structure or plumbing system, including excavation or other work related

to construction unless a building official has issued a valid and subsisting permit for the work.

- (2) No person shall occupy or use any building or structure:
 - (a) unless a valid and subsisting occupancy permit has been issued by a building official for the building or structure; or
 - (b) contrary to the terms of any permit issued or any notice given by a building official.
- (3) No person shall knowingly submit false or misleading information to a building official in relation to any permit application or construction undertaken pursuant to this bylaw.
- (4) No person shall, unless authorized in writing by a building official, reverse, alter, deface, cover, remove or in any way tamper with any notice, permit or certificate posted upon or affixed to a building or structure pursuant to this bylaw.
- (5) 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.
- (6) No person shall obstruct the entry of a building official or other authorized official of the City on property in the administration of this bylaw.
- (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.

Building Officials

- 7 (1) A building official may:
 - (a) administer this bylaw, but owes no public duty to enforce or administer this bylaw or the Building Code;
 - (b) keep records of permit applications, permits, notices and orders issued, inspections and tests made, and may retain copies of all documents related to the administration of this bylaw on microfilm or by electronic means;
 - (c) establish or require an owner to establish whether the methods or types of construction and types of materials used in the construction of a building or structure for which a permit is sought under this bylaw substantially conform to the requirements of the Building Code; and

- (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.
- (2) A building official may enter any land, building, structure, or premises at any reasonable time for the purpose of ascertaining that the terms of this bylaw or the Building Code are being observed.
- (3) Before exercising the authority under subsection (2) in relation to any residence that is occupied, a building official shall
 - (a) obtain the consent of the occupant or provide written notice to the occupant 24 hours in advance of entry; and
 - (b) carry proper credentials confirming his or her status as a building official.
- (4) A building official may order the correction or removal of any work that is being or has been done in contravention of this bylaw or the Building Code and may prescribe the time within which the correction or removal is to be made.
- (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.

Record Searches

- 8 (1) A person may request a search to be conducted to locate a building, plumbing or electrical plan deposited with the City.
- (2) A person may obtain a written statement or report on the status of a building's construction or permits as determined from permit records deposited with the City.
- (3) A building official may collect a prescribed fee for services identified under this section as set out in Schedule A.

PART 3 – APPLICATIONS

General Application Requirements

- 9 (1) Every person shall apply for and obtain:
- (a) a building permit before constructing, demolishing, repairing, changing the use of, or altering a building or other structure; and
 - (b) a plumbing permit before constructing or altering a plumbing system.
- (2) An application for a building or plumbing permit shall be made using the forms prescribed by the chief building official.
- (3) All plans submitted with permit applications shall bear the name and address of the designer of the building or structure.
- (4) The application process for standard buildings applies to any applications for permits required under this bylaw in relation to any structure that is not a building.
- (5) Each building or other structure to be constructed on a site requires a building permit and shall be assessed a separate building permit fee based on the value of that building or other structure as determined in accordance with Schedule A to this bylaw.

Applications for Complex Buildings

- 10 (1) An application for a building permit with respect to a complex building shall include with the application:
- (a) information for the proposed work as required by the Building Code;
 - (b) a site plan prepared by a British Columbia Land Surveyor showing:
 - (i) the bearing and dimensions of 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 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 any lake, swamp, pond or watercourse where the City's land use regulations establish siting requirements related to flooding;
 - (vi) the existing and finished ground levels to an established datum at or adjacent to the site and the geodetic elevation of the underside of the floor system of a building or structure where the City's land use regulations establish siting requirements related to minimum floor elevation; and

- (vii) the location, dimension and gradient of parking and driveway access;
 - (c) copies of approvals required under any enactment relating to health or safety, including, without limitation, sewage disposal permits, highway access permits and Ministry of Health approval;
 - (d) any letters of assurance required by the Building Code;
 - (e) the required number of drawing sets at a suitable scale of the design prepared by each registered professional and including the information set out in this section.
- (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 complex building where, in the opinion of the building official, the complexity 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, in accordance with the City's subdivision servicing bylaw.
 - (b) a section through the site showing grades, buildings, structures, parking areas and driveways;
 - (c) any other information required by the building official or the Building Code to establish substantial compliance with this bylaw, the Building Code and other bylaws and enactments relating to the building or structure.
- (3) The building official may waive the requirements under subsection (1)(b) for a site plan, in whole or in part, where the permit is sought for the repair or alteration of an existing building or structure.

Applications for Standard Buildings

- 11 (1) An application for a building permit with respect to a standard building shall include:
- (a) information for the proposed work as required by the Building Code;
 - (b) a site plan prepared by a British Columbia Land Surveyor showing:
 - (i) the bearing and dimensions of 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 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 any lake, swamp, pond or watercourse where the City's land use regulations establish siting requirements related to flooding;
 - (vi) the existing and finished ground levels to an established datum at or adjacent to the site and the geodetic elevation of the underside of the floor system of a building or structure where the City's land use regulations establish siting requirements related to minimum floor elevation; and
 - (vii) the location, dimension and gradient of parking and driveway access;
 - (c) copies of approvals required under any enactment relating to health or safety, including, without limitation, sewage disposal permits, highway access permits and Ministry of Health approval;
 - (d) the required number of sets of drawings at a suitable scale of the design including the information set out in this section.
- (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 two or more buildings with the aggregate footprint area that totals more than 1000 square meters, or two or more buildings that will collectively contain four or more dwelling units, or otherwise where, in the opinion of the building official, the complexity 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, in accordance with the City's subdivision servicing bylaw.
 - (b) a section through the site showing grades, buildings, structures, parking areas and driveways;
 - (c) a roof plan and roof height calculations;
 - (d) structural, electrical, mechanical or fire suppression drawings prepared and sealed by a registered professional;
 - (e) letters of assurance as required by the Building Code,
 - (f) any other information required by the building official or the Building Code to establish substantial compliance with this bylaw, the Building Code and other bylaws and enactments relating to the building or structure.
- (3) The building official may waive the requirements under subsection (1)(b) for a site plan, in whole or in part, where the permit is sought for the repair or alteration of an existing building or structure.

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.

[to be replaced on January 1, 2020 by:

- 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.]

PART 4 – PERMITS AND INSPECTIONS

Building and Plumbing Permits

- 12 (1) Subject to subsection (2), a building official shall issue the permit for which the application is made if:
- (a) a completed application including all required supporting documentation has been submitted;
 - (b) the building official is satisfied that the proposed work set out in the application substantially conforms with the Building Code, this bylaw and all other applicable bylaws and enactments;
 - (c) the owner or his or her representative has paid all applicable fees under this bylaw;
 - (d) the owner or his or her representative has paid all charges and met all requirements imposed by any other enactment; and
 - (e) no enactment, covenant, agreement, or regulation in favour of, or regulation of, the City authorizes the permit to be withheld.
- (2) When the application is in respect of a building that includes, or will include, a residential occupancy, the building permit must not be issued unless the owner

provides evidence pursuant to section 30 (1) of the *Homeowner Protection Act* 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 sections 20 (1) or 30 (1) of the *Homeowner Protection Act* and the owner has provided evidence in support of this.
 - (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 is not substantially commenced within 12 months from the date of issuance of the permit; or
 - (b) work is discontinued for a period of 12 months.
 - (5) A building official may extend the period of time set out under subsections (4) where construction has not been commenced or where construction has been discontinued due to adverse weather, strikes, material or labour shortages, or similar hardship beyond the owner's control and the applicable fee as set out in Appendix A has been paid.
 - (6) A building official may issue a 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 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 for the entire cost of the building or structure has been paid.
 - (7) Notwithstanding issuance of a permit pursuant to subsection (6), 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.

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 meet 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 in writing.

- (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).

Inspections

- 13 (1) When a registered professional provides letters of assurance in accordance with this bylaw, the City 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 substantially conforms to the design and that the construction substantially complies with the Building Code, this bylaw and other applicable enactments respecting safety and attendance by a building official on site, for any reason or purpose, at any time during construction shall not impose on the building official or the City any duty or obligation in relation to work covered by the letters of assurance.
- (2) A building official may attend the site from time to time during the course of construction to ascertain that the field reviews are taking place and to monitor the field reviews undertaken by the registered professionals.
- (3) A building official may attend periodically at the site of the construction of standard buildings or structures to ascertain whether the health and safety aspects of the work are being carried out in substantial conformance with the those portions of the Building Code, this bylaw and any other applicable enactment concerning safety.
- (4) The owner or his or her representative shall give at least 24 hours' notice to the City when requesting an inspection and shall obtain an inspection and receive a building official's acceptance of the following aspects of the work prior to concealing it:
 - (a) installation of potable water service, sanitary service and storm service;
 - (b) installation of perimeter drain tiles and dampproofing, prior to backfilling;
 - (c) the preparation of ground, including ground cover, when required, prior to the placing of a concrete slab;
 - (d) rough-in of factory built chimneys and fireplaces and solid fuel burning appliances;
 - (e) the framing and sheathing;
 - (f) any underground plumbing is installed and tested;
 - (g) plumbing system roughed-in and tested;
 - (h) bathtubs, showers and site constructed shower pans and tested;
 - (i) plumbing fixtures;
 - (j) insulation and vapour barrier; and

- (k) 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.
- (5) No aspect of the work referred in subsection (4) shall be concealed until a building official has accepted it in writing.
- (6) The requirements of subsection (5) do not apply to any aspect of the work that is the subject of a registered professional's letter of assurance.
- (7) Work that is the subject of a registered professional's letter of assurance shall have inspections requested according to subsection (4) solely for the purpose of monitoring progress of construction and that field reviews are being undertaken by the registered professionals and attendance by a building official on site, for any reason or purpose, at any time during construction shall not impose on the building official or the City any duty or obligation in relation to work covered by the letters of assurance.
- (8) A building official may authorize work regulated by the Plumbing Code to be covered or concealed without inspection subsequent to a request for inspection provided the request for inspection includes declaration that the work has been installed in compliance with the Plumbing Code and that the declaration is made by an individual who possesses a Canadian tradesman's qualification certification as a plumber and has overseen the work.
- (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.

Occupancy Permits

- 14 (1) No person shall occupy a building or structure or part of a building or structure until an occupancy permit has been issued.
- (2) An occupancy permit shall not be issued unless:
 - (a) all letters of assurance have been submitted when required in accordance with this bylaw and the Building Code; and
 - (b) all aspects of the work requiring inspection and acceptance pursuant to this bylaw have both been inspected and accepted unless the inspections and acceptance are not required in accordance with section 13(7) or (8) of this bylaw.
- (3) A building official may issue an occupancy permit for part of a building or structure when the part of the building or structure is self-contained, provided with essential services and the requirements set out in subsection (2) have been met with respect to it.

PART 5 - PROFESSIONAL CERTIFICATION AND RESPONSIBILITY

Professional Plan Certification

- 15 (1) The letters of assurance in the form of Schedules A, B, C-A and C-B referred to in Division C of the Building Code and provided pursuant to this bylaw are relied upon by the City 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 with reliance on letters of assurance as stated in subsection (1) may 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.
- (3) When a building permit is issued in accordance with subsection (2) the permit fee shall be reduced by 5% up to a maximum reduction of \$500.00.

Disclaimer of Warranty or Representation

- 16 Neither the issuance of a permit under this bylaw, the review and 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 have been complied with or the building or structure meets any standard of materials or workmanship, and no person shall rely on any of those acts as establishing compliance with the Building Code or this bylaw or any standard of construction.

Professional Design and Field Review

- 17 (1) When a building official considers that the site conditions, size or complexity of a development or an aspect of a development warrant, he or she may require a registered professional provide design and plan certification and field review by means of letters of assurance in the form of Schedules A, B, C-A and C-B referred to in Division C of the Building Code.
- (2) Prior to the issuance of an occupancy permit for a complex building, or standard building in circumstances where letters of assurance have been required in accordance with this bylaw, the owner shall provide the City with letters of assurance in the form of Schedules C-A or C-B, as is appropriate, referred to in Division C of the Building Code.

Responsibilities of the Owner

- 18 (1) Every owner shall ensure that all construction complies with the Building Code, this bylaw and other applicable enactments respecting safety.

- (2) Every owner to whom a permit is issued shall be responsible for the cost of repair of any damage to municipal works that occurs in the course of the work authorized by the permit.
- (3) Every owner to whom a permit is issued shall, during construction:
 - (a) post and maintain the permit in a conspicuous place on the property in respect of which the permit was issued;
 - (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;
 - (c) post the civic address on the property in a location visible from any adjoining streets; and
 - (d) where a building permit is issued, post and maintain a Neighbourhood Notice of Construction placard in the format provided by the City such that it is readable from each street frontage the property adjoins.

PART 6 – FEES AND CHARGES

Fees and Charges

- 19 (1) In addition to applicable fees and charges required under other bylaws, a permit fee, calculated in accordance with Schedule A to this bylaw, must be paid in full prior to issuance of any permit under this bylaw.
- (2) An application made for a building permit or plumbing permit shall be accompanied by the application fee as set out in Schedule A to this bylaw.
- (3) An application fee is non-refundable.
- (4) An application shall be cancelled and the application fee forfeited if the building permit or plumbing permit has not been issued and the permit fee paid within 12 months of the date of written notification to the owner that the permit is ready to be issued.
- (5) When an application is cancelled the plans and related documents submitted with the application may be destroyed.
- (6) The owner may obtain a refund of 50% of the permit fees set out in Schedule A to this bylaw when an issued permit is surrendered and cancelled before any construction begins, provided:
 - (a) the refund shall not include the application fee paid pursuant to subsection (2); and
 - (b) no refund shall be made where construction has begun or an inspection has been made.

- (7) Where, due to non-compliance with this bylaw, more than two inspections are necessary when one inspection is normally required, for each inspection after the second inspection, a re-inspection charge as set out in Schedule A to this bylaw shall be paid prior to additional inspections being performed.
- (8) Where work has commenced without a valid and subsisting issued permit, the Permit Fee for that work shall be assessed at the rate set out in Schedule A for work without permit.
- (9) For the purpose of calculating fees under Schedule A, the cost of construction shall be the greater of:
 - (a) the contract price including professional fees and a reasonable allowance for extras; and
 - (b) the cost as determined by the Chief Building Inspector based on fair market value of the work as determined in accordance with the Marshall & Swift "*Marshall Valuation Service*" or "*Statistics Canada's Construction Price Indexes*."
- (10) Subsection (1) does not apply in relation to a permit for a project consisting entirely of affordable housing dwelling units.
- (11) Where a permit relates to a building which will contain affordable housing dwelling units, the fee required under subsection (1) shall be reduced based on the floor area of affordable housing dwelling units as a percentage of the total floor area of the building.

PART 7 – OFFENCES AND ENFORCEMENT

Offences and Penalties

- 20 (1) A person commits an offence and is subject to the penalties imposed by this bylaw, the *Ticket Bylaw* and the *Offence Act* if that person:
 - (a) contravenes a provision of this bylaw;
 - (b) consents to, allows, or permits an act or thing to be done contrary to this bylaw; or
 - (c) neglects or refrains from doing anything required by a provision of this bylaw.
- (2) Each day that a contravention of a provision of this bylaw occurs or continues shall constitute a separate offence.
- (3) The maximum fine that may be imposed for a contravention of this bylaw is \$10,000.

Stop Work Notice

- 21 (1) A building official may order the cessation of any work that is proceeding in contravention of the Building Code or this bylaw by posting a Stop Work notice in the form prescribed by the chief building official.
- (2) Without limiting the generality of subsection (1), the chief building official may order the cessation of any work that, in the opinion of the chief building official, is unsafe or represents danger to the public or the neighbouring properties whether or not a permit for such work is required under this bylaw.
- (3) Every persons 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.
- (4) The owner of property on which a Stop Work notice has been posted, and every other person having knowledge of the Stop Work notice, shall cease all construction work immediately and shall not do any work until all applicable provisions of this bylaw have been complied with and the Stop Work notice has been rescinded by a building official.

PART 8 – MISCELLANEOUS PROVISIONS

Building Inspector under the *Community Charter*

- 22 (1) A building official is a "building inspector" for the purposes of the *Community Charter*.
- (2) In addition to building officials, the City's Manager of Bylaw and Licensing Services, is designated as the "building inspector" for the purposes of section 57(1)(b) of the *Community Charter*.

Permits under Former Bylaw

- 23 Subject to the provisions of the former bylaw, a permit issued pursuant to the former bylaw, remains valid and work authorized under the permit may be carried out in accordance with the terms of the permit, the Building Code and this bylaw as if the permit had been issued under this bylaw.

Severability

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

Schedule

25 Schedule "A" attached to this bylaw forms part of this bylaw.

Commencement and Repeal

26 (1) This bylaw comes into force upon adoption.

(2) Bylaw No. 93-111 is repealed.

(3) Bylaw No. 04-067 is repealed.

(4) Bylaw No. 88-024 is repealed.

READ A FIRST TIME the **12th** day of **October** 2017

READ A SECOND TIME the **12th** day of **October** 2017

READ A THIRD TIME the **12th** day of **October** 2017

ADOPTED on the **26th** day of **October** 2017

"CHRIS COATES"
CITY CLERK

"LISA HELPS"
MAYOR

SCHEDULE "A"**Fees****Building Permits**

- a. Application Fee \$100.00
- b. Permit Fee 1.40% of Cost of Construction
- c. Permit Fee where work has commenced without a permit:
 2.8% of Cost of Construction up to \$20,000.00
 and 1.4% of Cost of Construction for the remainder in excess of \$20,000.00
- d. Permit Extension Fees (expired permit) \$100.00
- e. Plan Revision Fees (issued permits):
 - i. \$100; or
 - ii. the lesser of
 - 1. 10% of the original Permit Fee; or
 - 2. \$125 per hour of staff time required to review the revised plans,

whichever is greater, plus the Permit Fee on any increase in the Cost of Construction.
- f. Re-inspection Fee (Pursuant to 19(7)) \$50.00
- g. Excavation Deposit 1.2 times the estimated cost to backfill the excavation

Plumbing Permits

- h. Application Fee \$100.00
- i. Permit Fee 1.40% of Cost of Construction
- j. Permit Fee where work has commenced without a permit:
 2.8% of Cost of Construction up to \$20,000.00
 and ... 1.4% of Cost of Construction for the remainder in excess of \$20,000.00 for
- k. Permit Extension Fees (expired permit) \$100.00
- l. Plan Revision Fees (issued permits):
 - i. \$100; or
 - ii. the lesser of
 - 1. 10% of the original Permit Fee; or
 - 2. \$125 per hour of staff time required to review the revised plans,

whichever is greater, plus the Permit Fee on any increase in the Cost of Construction.
- m. Re-inspection Fee (Pursuant to 19(7)) \$50.00

Record Searches

- n. Records access fee \$25.00
- o. Fee for digitization or copying of plans under section 8(1) actual cost
- p. Fee for a written statement pursuant to section 8(2) \$50.00