

DEMOLITION WASTE AND DECONSTRUCTION BYLAW

A BYLAW OF THE CITY OF VICTORIA

The purposes of this Bylaw are to regulate, prohibit, and impose requirements to ensure that waste and reusable materials resulting from demolition work are managed in a manner that enhances and protects the well-being of the community and to ensure the efficient use of waste disposal and recycling services.

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Under its statutory powers, including sections 8(3)(g), 8(4), 16, 64, 65, and 194 of the *Community Charter*, the Council of the Corporation of the City of Victoria in an open meeting assembled enacts the following provisions:

PART 1 - INTERPRETATION

Title

- 1 This Bylaw may be cited as the “Demolition Waste and Deconstruction Bylaw”.

Definitions

- 2 In this bylaw:

The following words have the same meaning ascribed to these terms in Division A, section 1.4 of the BC Building Code: basement, first storey, floor area, storey;

“above-ground floor area” means the sum of the floor area of each storey including the first storey and any upper storeys, but excluding the basement;

“Building Bylaw” means the *Building and Plumbing Regulation Bylaw* No. 08-058;

“building official” has the same meaning ascribed to this term in the Building Bylaw;

“Bylaw Notice Adjudication Bylaw” means the *Bylaw Notice Adjudication Bylaw* No. 16-017;

“Director” means the City’s Director of Engineering and Public Works or their designated representative;

“rate adjustment” means a formula to calculate the reduced salvaging rate under section 3(4), as follows: salvaging rate minus kilograms of damaged or post-1960 wood divided by above-ground floor area, using a conversion of 1.33 kilograms per board foot;

“recycling” means the process of collecting, sorting, cleaning, treating and reconstituting materials that would otherwise be waste, and converting them into material that can be used for new products, and includes storage for such purpose;

“reuse” means further or repeated use of wood originating from work, and includes storage for such purpose but does not include recycling;

“salvaging” or “salvaged” means the removal of wood originating from work such that the materials are protected from damage and kept intact for:

- i. reuse;
- ii. sale or donation to a business or organization that resells or builds products using salvaged wood; or
- iii. donation to a charitable organization that reuses or sells for reuse salvaged wood and is registered under the *Income Tax Act* (Canada) or a non-profit organization to which section 149 of the *Income Tax Act* applies;

“salvaging rate” means the amount of wood required to be salvaged, as specified in Column 1, Table 1, Schedule C, in order to be eligible for a waste management fee refund;

“single family dwelling” has the same meaning ascribed to this term in the Zoning Bylaw;

“two family dwelling” has the same meaning ascribed to this term in the Zoning Bylaw;

“waste management fee” means the fee amount specified in section 3(1)(b);

“waste management fee refund” means the partial or complete refund of a waste management fee calculated in accordance with Schedules A and C;

“wood” includes dimensional lumber from studs, joists, beams, posts, blocking, headers, sheathing, rafters and flooring with a moisture content of 20% or less and suitable for salvaging, but excludes particle board and medium-density fibreboard material;

“work” means activities that require a building permit under the Building Bylaw that includes the complete or near-complete removal of a structure through demolition, deconstruction, disassembly, or relocation of a:

- i. single family dwelling constructed prior to 1960; or
- ii. two family dwelling constructed prior to 1960;

“Ticket Bylaw” means the *Ticket Bylaw* No. 10-074; and

“Zoning Bylaw” means the *Zoning Regulation Bylaw* No. 80-0159.

PART 2 - REGULATIONS

Waste Management Fee and Fee Refund

- 3** (1) A person who carries out or causes to carry out work must submit to the City:
- (a) a non-refundable administration fee of \$500 at the time of submitting an application for a building permit for work;
 - (b) a waste management fee of \$19,500 at the time of submitting an application for a building permit for work;
 - (c) a report within 90 days of completion of the work in the form prescribed in Schedule A; and
 - (d) supporting documentation listed in Schedule B attached with the report in subsection (c).
- (2) Notwithstanding section 19(1) of the Building Bylaw, a person is not required to submit a separate building permit application fee for the work in addition to the fee under subsection (1) of this bylaw.
- (3) The holder of the building permit for work who has fulfilled the requirements under subsection (1) and met the salvaging rates to the satisfaction of the Director, is eligible for a waste management fee refund.
- (4) Where, prior to submitting a building permit application for the work, the amount of wood available for salvaging was damaged by natural disaster, fire, water, insect infestation, or other causes or was added to a structure after 1960, then:
- (a) the person may apply for a reduced salvaging rate by submitting supporting documentation listed in section iii., Schedule B, to the satisfaction of the Director; and

- (b) the Director shall reduce the salvaging rate by applying the rate adjustment where, in the opinion of the Director, the criteria in this subsection (4) have been met.
- (5) No fee refund shall be issued under this part where the building permit for the work has expired pursuant to the Building Bylaw.

Signage

- 4 A person who carries out or causes to carry out work must post signage on the site of the work in accordance with Schedule D of this bylaw within 10 days of receiving a building permit for the work and maintain such signage on site for a period of 90 days.

Prohibition

- 5 No person shall knowingly submit false or misleading information to a building official in relation to any waste management fee refund application or related documentation pursuant to this bylaw.

PART 3 – GENERAL

Inspections

- 6 (1) The Director, a City employee authorized by the Director, or bylaw officer may enter on or into property in accordance with section 16, *Community Charter*, to inspect and determine whether all regulations, prohibitions, and requirements of this bylaw are being met.

(2) A person must not prevent, obstruct, or attempt to prevent or obstruct, an entry authorized under subsection (1).

Offences

- 7 (1) A person commits an offence and is subject to the penalties imposed by this bylaw, the Ticket Bylaw, the Bylaw Notice Adjudication 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 continues is a separate offence.

Penalties

- 8** A person found guilty of an offence under this bylaw is subject to a fine of not less than \$100.00 and not more than \$50,000.00 for every instance that an offence occurs or each day that it continues.

Severability

- 9** If any provision or part of this Bylaw is declared by any court or tribunal of competent jurisdiction to be illegal or inoperative, in whole or in part, or inoperative in particular circumstances, it shall be severed from the bylaw and the balance of the bylaw, or its application in any circumstances, shall not be affected and shall continue to be in full force and effect.

Consequential Amendments to Ticket Bylaw and Bylaw Notice Adjudication Bylaw

- 10** (1) The Ticket Bylaw is amended as follows:

- (a) in the table of contents, by inserting the following immediately after “Schedule K – Dance (Club) Bylaw Offences and Fines”:

“Schedule K.1 – Demolition Waste and Deconstruction Bylaw Offences and Fines”

- (b) In Schedule A, Bylaws & Enforcement Officers, by adding the following row immediately after item number 11, and renumbering each subsequent row accordingly:

| | | |
|----|---|---------------|
| 12 | Demolition Waste and Deconstruction Bylaw | Bylaw Officer |
|----|---|---------------|

- (c) by inserting immediately after Schedule K, Schedule K.1 attached to this bylaw as Appendix 1.

- (2) The Bylaw Notice Adjudication Bylaw is amended as follows:

- (a) in section 8(2) by adding “Bylaw Officer” immediately before the words “Customer Service Ambassador”;

- (b) in section 8(3), by adding “Bylaw Officer” immediately before the words “Manager – Parking Services”;

- (c) in Schedule A, by adding the following rows immediately after the last offence listed under the Streets and Traffic Bylaw:

Demolition Waste
and Deconstruction
Bylaw No. 22-062

| | | | |
|---|-------------------------------|----------|----------|
| 4 | Fail to post sign as required | \$150.00 | \$125.00 |
|---|-------------------------------|----------|----------|

| | | | |
|------|---|----------|----------|
| 5 | Give false/misleading information | \$300.00 | \$250.00 |
| 6(2) | Prevent/obstruct inspection | \$500.00 | \$500.00 |

PART 4 - TRANSITION, REPEAL, COMMENCEMENT

Definitions in Relation to this Part

11 In this Part:

“development permit” means a permit issued under section 490 of the *Local Government Act*;

“multiple dwelling” has the same meaning ascribed to this term in the Zoning Regulation Bylaw No. 80-0159.

Transition Provision

12 Section 3(1) does not apply if the person has an approved development permit to construct a multiple dwelling on the same site as an existing single family dwelling or two family dwelling.

Repeal of Transition Provision

13 Sections 11 and 12 of this bylaw are repealed.

Commencement

14 This bylaw comes into force on September 12, 2022, except:

- (a) section 3(1)(b), which comes into force on September 12, 2023;
- (b) section 13, which comes into force on May 12, 2025.

| | | | | |
|------------------------|------------------------|--------|-------------|------|
| READ A FIRST TIME the | 16th | day of | June | 2022 |
| READ A SECOND TIME the | 16th | day of | June | 2022 |
| READ A THIRD TIME the | 16th | day of | June | 2022 |
| ADOPTED on the | | day of | | 2022 |

CITY CLERK

MAYOR

Schedule A Material Salvage and Disposal Report

Table 1: Project Information

| | |
|--|--|
| Project address | |
| Building permit number | |
| Person or contractor who carried out the salvage | |
| Demolition or deconstruction completion date | |

Table 2: Wood Salvaged for Reuse, Sale or Donation

| Load of wood | Identify which entity is receiving the material or describe how material is being reused* | Date on scale receipt | Scale location | Net weight (tonnes) |
|---|---|-----------------------|----------------|---------------------|
| 1 | | | | |
| 2 | | | | |
| 3 | | | | |
| ... | | | | |
| Total | | | | |
| Salvage rate achieved | | | | |
| $\frac{\text{Total tonnes salvaged for reuse, sale or donation}}{\text{above-ground square metres}} \times \frac{1000 \text{ kg}}{1 \text{ tonne}} = \frac{\text{kg}}{\text{square metre}}$ | | | | |
| <input type="checkbox"/> House relocated for use at another location (check if applicable) | | | | |

[*See definitions of “wood”, “reuse” and “salvaging” for acceptable wood, reuse activities or sale or donation entities]

Table 3: Description of Salvaged Wood

| Species | Wood Dimension or Description | Board feet |
|---------|-----------------------------------|------------|
| | 1 x 4, 6, 8, 10, 12 | |
| | 2 x 4, 6, 8, 10, 12 | |
| | 4 x 4, 6, 8, 10, 12 | |
| | Other | |
| | Solid wood flooring | |
| | Total board feet: | |
| | Number of solid wood doors: _____ | |

Table 4: Materials Sent to Disposal

| Load of mixed waste or other material sent to disposal | Material Disposed | | |
|--|-------------------|---------------|----------------------------|
| | Date | Facility Name | Metric tonnes or kilograms |
| 1 | | | |
| 2 | | | |
| 3 | | | |
| ... | | | |
| Total: | | | |

Schedule B Supporting Documentation

i. Wood salvaged for reuse, sale, or donation:

- Receipts for sale/donation of wood salvaged for reuse indicating business or organization name, quantity of wood and date*, or
- For wood stored for future reuse: address(es) of storage location(s) and contact information for site manager(s) at storage location(s), and
- Scale receipts for each load of wood sold, donated, or stored, indicating scale location, quantity of wood in kilograms or metric tonnes, and date

OR, for quantities less than 500 kg:

- Photos of salvaged wood at location of work before reuse (location must be recognizable), and
- For each type of reuse: quantities in board feet, photo(s) of reuse, description(s) of reuse, address(es) of reuse, and contact information for site manager(s) at location(s) of reuse*

OR, if the house as constructed was relocated for reuse:

- Documentation to demonstrate the move and the site to which the house was relocated

*[*See definition of "reuse" and "salvaging" for acceptable reuse activities or sale or donation entities]*

ii. Mixed waste or other material sent to disposal:

- Disposal facility tipping receipts indicating facility name, date, material type and quantity by load

iii. Evidence of damage to salvageable wood, or additions or alterations after 1960, if applicable:

- Quantity in board feet of wood that is damaged or was added after 1960
- Written description of the cause of damage (e.g., fire, water, insect infestation), or additions or alterations made after 1960)
- Building plans with dimensions indicating impacted area(s)
- Building permits for alterations and additions made after 1960 if applicable
- Photos clearly showing damaged wood in situ and the impacted area(s) within the structure, or areas that were added or altered after 1960, prior to demolition or deconstruction;
- Other information that in the Director's opinion, is reasonably necessary for assessing the scope of damage, or additions after 1960.

Schedule C**Waste Management Fee Refund****Table 1: Fee Refund**

| Column 1 – Salvaging rate: Amount of wood salvaged per unit of above-ground floor area | Column 2 - Amount of waste management fee refund |
|---|---|
| More than or equal to 40 kg per square metre | 100% |
| 30 kg to 39 kg per square metre | 75% |
| Less than 30 kg per square metre | 0% |

Schedule D
Sign Posting Procedures

1. The owner or owner's agent shall post the sign or signs in a prominent location, clearly visible from the street, and on the site that is subject to the work.
2. The City shall determine the specifications, format and content of the sign or signs and provide the specifications to the owner or their agent.
3. The owner or owner's agent shall, at its sole expense, prepare the signs in accordance with the specifications provided by the City.

Appendix 1**Schedule K.1****Demolition Waste and Deconstruction Bylaw
Offences and Fines**

| Column 1 – Offence | Column 2 – Section | Column 3 – Set Fine | Column 4 – Fine if paid within 30 days |
|-----------------------------------|--------------------|---------------------|--|
| Fail to post sign as required | 4 | \$150.00 | \$125.00 |
| Give false/misleading information | 5 | \$300.00 | \$250.00 |
| Prevent/obstruct inspection | 6(2) | \$500.00 | \$500.00 |