

BYLAW NO. 681	
Bylaw Name:	Comox Valley Regional District Building Bylaw No. 681, 2024
Applicant:	Comox Valley Regional District
Electoral Area:	All excluding Denman and Hornby Islands
Participants:	All Electoral Areas excluding Denman and Hornby Islands
Purpose:	To introduce a new Electoral Areas Building Bylaw to reflect changes to the 2024 BC Building Code and Provincial legislation, including the BC Energy Step Code.
Repeals Bylaw:	Bylaw No. 142
Staff Contact:	J. Crockford

STATUS	
EASC Approval:	Pending decision at February 26, 2024 EASC meeting.
1st and 2nd Reading:	
3rd Reading:	
Adoption:	

COMOX VALLEY REGIONAL DISTRICT

Building Bylaw No. 681, 2024

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Comox Valley Regional District
Building Bylaw No. 681, 2024

A Bylaw for the Administration of the Building Code and Regulation of Construction

WHEREAS the Comox Valley Regional District provides a service in relation to building inspection in Electoral Areas A (except Hornby and Denman Islands), B and C;

AND WHEREAS the Comox Valley Regional District Board may by bylaw regulate, prohibit and impose requirements in respect to buildings and structures for the following:

- (a) The health, safety or protection of persons or property;
- (b) The provision of access to a building or other structure, or to part of a building or other structure, for a person with disabilities;
- (c) The conservation of energy or water;
- (d) The reduction of greenhouse gas emissions;

AND WHEREAS the Comox Valley Regional District Board is enacting this bylaw to regulate construction and administer the *British Columbia Building Code* in the Comox Valley Regional District in accordance with the *Local Government Act* (RSBC, 2015, c. 1) (LGA) and the *Building Act*;

AND WHEREAS the Comox Valley Regional District has employed trained building officials for the purposes of this bylaw;

NOW THEREFORE the Board of the Comox Valley Regional District, in open meeting assembled, hereby enacts as follows;

Part 1: Title

Citation

1. This Bylaw No. 681 may be cited for all purposes as the "Comox Valley Regional District Building Bylaw No. 681, 2024".

Part 2: Interpretation

Definitions

2. (1) In this bylaw the following words and terms have the meanings
- (a) Set out in Section 1.4.1.2 in Part 1 of Division A of the *British Columbia Building Code* as of the date of the adoption of this bylaw: accessible, assembly occupancy, building, building area, building height, business and personal services occupancy, care occupancy, constructor, coordinating registered professional, designer, detention occupancy, excavation, field review, firewall, first storey, grade, high-hazard industrial occupancy, industrial occupancy, low-hazard industrial occupancy, major occupancy, medium-hazard industrial occupancy, mercantile occupancy, occupancy, post disaster building, private sewage disposal system, registered professional, residential occupancy, treatment occupancy or unsafe condition;
 - (b) Subject to this bylaw, set out in the Schedule to the *Community Charter*: assessed value, highway, land, occupier, parcel, public authority, service and soil; and
 - (c) Subject to this bylaw, set out in Section 29 of the *Interpretation Act*: may, must, obligation, person, property, writing, written and year.
- (2) Every reference to:
- (a) The *British Columbia Building Code* is a reference to the current edition as of the date of issuance of the *building permit*; and
 - (b) A section of the *British Columbia Building Code* is a reference to the applicable successor sections, as the code or section may be amended, re-enacted or replaced from time to time.
- (3) Definitions of words and phrases used in this bylaw that are not included in the definitions in this Part have the meanings commonly assigned to them in the context in which they are used in this bylaw, considering the specialized use of terms with the various trades and professions to which the terminology applies.

In this Bylaw:

Accepted means received by the *Building Official* under the applicable provisions of the *Building Code* and this bylaw.

Addition means an *alteration* to any *building* which will increase the total aggregate floor area or the *building height* (in storeys) and includes the

provision of two or more separate *buildings* with openings between each other for intercommunication.

Agent includes a firm, corporation or other person representing the *owner*, by written designation or contract, and includes a hired tradesperson or *constructor* who may be granted a *permit* for work within the limitations of his or her license.

Alternative solution means an alternative solution authorized under the *Building Code*.

Alteration means a change, repair or modification of the *construction* or arrangement of or use of any *building* or *structure*, or to an *occupancy* regulated by this bylaw.

Architects Act means the *Architects Act* RSBC 1996, c. 17.

Building Act means the *Building Act* RSBC 2015, c. 2.

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 permit means an authorization by the *Building Official* for the construction, *alteration*, renovation, or demolition of a *building* or structure, or other work, specified in the permit.

Building review means an audit check by the *Building Official* of representative elements of a *building* or *structure* prior to or under construction for the purposes of the health and safety aspect of the work.

Building Official means the person designated in or appointed to that position by the Comox Valley Regional District, and includes the Manager of Building Services, building inspector, plan checker, plumbing inspector, gas inspector, or electrical inspector designated or appointed by the Comox Valley Regional District, and for certainty the *Building Official* is the "building inspector" referred to in the *Community Charter* and *Local Government Act*, and a "qualified building official" or "exempt building official", as applicable, under the *Building Act*.

Complex building means:

- (a) A *building* used for a *major occupancy* classified as:
 - (i) Assembly occupancy
 - (ii) Care occupancy
 - (iii) Detention occupancy
 - (iv) High hazard industrial occupancy

- (v) Treatment occupancy
- (vi) Post-disaster *building*
- (b) A *building* exceeding 600 square metres in *building area* or exceeding three storeys in *building height* used for a *major occupancy* classified as:
 - (i) Residential occupancy
 - (ii) Business and personal services occupancy
 - (iii) Mercantile occupancy
 - (iv) Medium and low hazard industrial occupancy

Coordinating registered professional means a *registered professional* retained pursuant to the *Building Code* to coordinate all design work and field reviews of *the registered professionals* required for a project.

Construct or **construction** includes build, erect, install, repair, alter, add, enlarge, move, locate, relocate, reconstruct, demolish, remove, *excavate* or shore.

Constructor means a person who *constructs*.

Dwelling unit means a suite operated as a housekeeping unit, used or intended to be used by one or more persons and usually containing cooking, eating, living, sleeping and sanitary facilities.

Energy advisor means a consultant registered by Service Organizations licensed by Natural Resources Canada (NRCAN) to deliver NRCAN's EnerGuide Rating System (ERS) for new homes.

Energy Step Code means the Province of British Columbia's performance based standard for energy efficiency in new Construction requiring energy modelling and on-site testing to demonstrate minimum performance against metrics for *Building* envelope, equipment and systems, and airtightness requirements, and includes Step 1, Step 2, Step 3, Step 4, and Step 5, as defined in Sections 9.36.6 and 10.2.3 of the *Building Code*.

Engineers and Geoscientists Act means the *Engineers and Geoscientists Act* RSBC 1996, c. 116.

Existing, in respect of a *building*, means that portion of a *building* *constructed* prior to the submission of a *permit* application required under this bylaw.

Farm building means a *building* or part thereof that that does not contain a residential occupancy and that is associated with and located on land devoted to the practice of farming, and is used essentially for the housing

of equipment or livestock, or the production, storage or processing of agricultural and horticultural produce or feeds.

Foundation means a system or arrangement of *foundation* units through which the loads from a *building* are transferred directly to supporting soil or rock and includes any portion of the exterior walls of a *building* that lie below the finished grade immediately adjacent to the *building*.

Low human occupancy (as applying to *farm buildings*) means an occupancy having an occupant load of not more than one person per 40 square metres of floor area during normal use.

Manager of Building Inspection Services means a person appointed by the *Regional District* to carry out the role of the Authority Having Jurisdiction under the *Building Code*.

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

Occupancy permit refers to the inspection notice issued by the *Building Official* for authorizing the occupancy of a *building* or *structure*, or other work, specified in the permit.

Owner means the registered *owner* in fee simple, or an *agent* duly authorized by the *owner* in writing in the form prescribed by the *Regional District*, and for certainty includes any person, firm or corporation controlling the property under consideration.

Permit means permission or authorization in writing by the *Building Official* to perform work regulated by this bylaw and, in the case of an *occupancy* inspection notice, to occupy a *building* or part of a *building*.

Professional design means the plans and supporting documents bearing the date, seal or stamp, and signature of a *registered professional*.

Project means any construction operation.

Regional District means the Comox Valley Regional District.

Retaining wall means a *structure* exceeding 1.2 metres in height that holds or retains *soil* or other material.

Simple building means a *building* of three storeys or less in *building height*, having a *building area* not exceeding 600 square metres and used for a *major occupancy* classified as:

- (a) Residential occupancy;
- (b) Business and personal services occupancy;

- (c) Mercantile occupancy;
- (d) Medium hazard industrial occupancy; or
- (e) Low hazard industrial occupancy.

Solid fuel burning appliance means an appliance, such as a woodstove, fireplace, furnace, or pellet stove, in which solid fuel is burned and which discharges combustion products.

Structure means a *construction* or portion of *construction* of any kind, whether fixed to, supported by or sunk into land or water, but excludes landscaping, fencing, paving and retaining structures less than 1.2 metres in height.

Temporary building includes a sales office, construction office, or a *structure* in which tools are stored during construction of a *building* or other *structure*.

Value of the work means the greater of the following amounts:

- (a) The declared value of work; or
- (b) The value calculated using a method stipulated in the *Marshall & Swift Residential Cost Handbook*.

Watercourse means any natural or man-made depression with well-defined banks and a bed 0.6 metres or more below the surrounding land serving to give direction to a current of water at least six months of the year or more upstream of the point of consideration.

Zero Carbon Step Code means the greenhouse gas (GHG) emission requirements set out in the building code.

Appendices

- (4) Appendix A is attached to and form part of this bylaw.

Severability

- (5) If a section, subsection, paragraph, subparagraph or phrase of this bylaw is for any reason declared invalid by a court of competent jurisdiction, the decision will not affect the validity of the remaining portions of this bylaw.

Part 3: Purpose of Bylaw

- 3. (1) Despite any other provision in this bylaw, this bylaw must be interpreted in accordance with this Part.
- (2) Every permit issued under this bylaw is issued expressly subject to the provisions of this Part.

- (3) This bylaw is enacted to regulate, prohibit and impose requirements in regard to *construction* in the *Regional District* in the public interest.
- (4) The activities undertaken by, or on behalf of, the *Regional District* pursuant to this bylaw are for the sole purpose of providing a limited and interim spot checking or monitoring function for reasons of health, safety and the protection of persons and property.
- (5) The purpose of this bylaw does not extend to:
 - (a) The protection of *owners, designers* or *constructors* from economic loss.
 - (b) The assumption by the *Regional District* or any *Building Official* of any responsibility for ensuring the compliance by any *owner*, an *owner's* representatives or any employees, *constructors* or *designers* retained by the *owner* or the Applicant, with the *Building Code*, the requirements of this bylaw, or other applicable enactments, codes or standards.
 - (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 any person a warranty or assurance that *construction* undertaken under *building permits* issued by the *Regional District* is free from latent, or any, defects.
 - (e) The protection of adjacent real property from incidental damage or nuisance.

Part 4: Scope and Exemptions

Application

4. (1) This bylaw applies to the geographical area, including land, the surface of water, air space, *buildings* or *structures* in Electoral Areas A (except Hornby and Denman Islands), B and C, of the Comox Valley Regional District.
- (2) This bylaw applies to the design, construction or *occupancy* of new *buildings* or *structures*, and the *alteration*, reconstruction, demolition, removal, relocation or *occupancy* or change of use or *occupancy* of *existing buildings* and *structures*.
- (3) This bylaw does not apply to:
 - (a) *Buildings* or *structures* exempted by Division A, Part 1 of the *Building Code* except as expressly provided herein.

- (b) *Except as set out in Part 12 [Retaining Walls and Grades], a wall supporting soil that is less than 1.5 metres in height and spaced greater than two horizontal to one vertical from any sequential wall.*
- (c) A fence, a trellis, an arbor or other similar landscape *structures* on a parcel zoned for single-family *residential occupancy* uses under the *Regional District's* zoning bylaw.
- (d) A *building* or *structure* commonly known as Canadian Standards Association Z240 MH Series, Z241 Series or A277 Series, except as regulated by the Building Code, which, for clarity, includes site preparation (such as anchorage and foundations) and any exterior additions (such as decks, steps, roofs or stairs).
- (e) Low human occupancy farm *buildings* located on land classified as Farm under the *Assessment Act* on the date on which the application for permit was made, except *buildings* and structures used for activities subject to a cultivation or processing license under the *Cannabis Act*.
- (f) Decks, platforms or patios which are less than 600 mm (24 inches) from the ground or finished grade, which are not attached to a *building* and have no walls or roofs.
- (g) *Alterations* and or repairs to, but not installation or construction of, masonry chimneys and fireplaces or solid fuel burning appliances, factory-built chimneys or fireplaces and equipment.
- (h) Replacement of windows, doors or exterior finish, provided replacement is not a result of a *building* envelope failure.
- (i) The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, or the replacement of tubs, showers, toilets, lavatories or sinks if the work does not involve or require the rearrangement of valves, pipes or fixtures or hot water tanks.
- (j) A tent, paving, storage racking systems of 2.6 metres or less in height, irrigation systems downstream of a backflow prevention device or plumbing systems separately serviced for the purpose of site drainage.
- (k) A portable or temporary tent, rigid frame structure covered with a flexible material, or a shipping container used for storage that remains unaltered from its original manufacture.

Limited Application to Existing Buildings

- (4) 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 *building* must be *reconstructed* and *altered*, unless it is expressly so provided by this or another bylaw, regulation or statute.
- (5) This bylaw applies if the whole or any part of an *existing building* is moved either within or into the *Regional District*, including relocation relative to parcel lines created by subdivision or consolidation. Part 13 of this bylaw applies to *building* moves.
- (6) If an *alteration* is made to an *existing building* the *alteration* must comply with this bylaw and the *Building Code*.
- (7) If an *alteration* creates an *addition* to an *existing building*, the *alteration* or *addition* must comply with this bylaw and the *Building Code*.
- (8) A *registered professional* with a structural specialty must certify the *building* is structurally sound meeting current requirements in the *Building Code* with the introduction of any new structural loads because of the *alteration* or *addition*.

Part 5: Prohibitions

- (2) (1) A person must not commence or continue any *construction*, *alteration*, *excavation*, reconstruction, demolition, removal, relocation or change the use or *occupancy* of any *building* or *structure*, including other work related to *construction*:
 - (a) Except in conformity with the requirements of the *Building Code* and this bylaw; and
 - (b) Unless a *Building Official* has issued a valid and subsisting *permit* for the work under this bylaw.
- (2) A person must not *occupy* or *permit* the *occupancy* of any *building* or *structure* or part of any *building* or *structure*:
 - (a) Unless a subsisting *occupancy inspection notice* has been issued by a *Building Official* for the *building* or *structure* or the part of the *building* or *structure*; or

- (b) Contrary to the terms of any *permit* issued or any notice given by a *Building Official*.
- (3) A person must not knowingly submit false or misleading information to a *Building Official* in relation to any *permit* application or construction undertaken pursuant to this bylaw.
- (4) Except in accordance with this bylaw, including acceptance of revised plans or supporting documents, a person must not erase, alter or modify plans and supporting documents after the same have been reviewed by the *Building Official*, or plans and supporting documents which have been filed for reference with the *Building Official* after a *permit* has been issued.
- (5) A person must not, 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 or affixed to a *building* or *structure* pursuant to this bylaw.
- (6) A person must not 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 authorized in writing by a *Building Official*.
- (7) A person must not interfere with or obstruct the entry of a *Building Official* or other authorized official of the *Regional District* on property in the administration of 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 so it may be easily read from the public highway from which it takes its address.
- (9) A person must not contravene an administrative requirement of a *Building Official* made under Section 7.7 or any other provision of this bylaw.
- (10) A person must not change the *use*, *occupancy* or both of a *building* or *structure* or a part of a *building* or *structure* without first applying for and obtaining a *building permit* under this bylaw.

Part 6: Permit Conditions

6. (1) A *permit* is required if work regulated under this bylaw is to be undertaken, including but not limited to:
 - (a) A *building permit* before *constructing*, repairing or *altering* a *building* or *structure*, or portions of a *building* or *structure*;
 - (b) A moving *permit* before moving a *building* or *structure*;
 - (c) A demolition *permit* before demolishing a *building* or *structure*;
 - (d) A fireplace *permit* prior to the construction of a masonry fireplace or the installation of a wood burning appliance or chimney;
 - (e) A plumbing *permit* prior to commencing the installation of any plumbing fixtures or pipes; or
 - (f) A retaining wall permit for the *construction* or structural repair a retaining *wall* over 1.2 m in height measured from the lowest exposed grade to top of wall.
- (2) A *permit* is not required in the following circumstances:
 - (a) For minor repairs or alterations to non-structural components of the building, including roof retrofits or replacements for windows and doors of the same sizes in a single-family dwelling; or
 - (b) When a valve, faucet, fixture or service water heater is repaired or replaced, a stoppage cleared, or a leak repaired if no change to the piping is required.
- (3) Neither the issuance of a *permit* under this bylaw, nor the acceptance or review of plans, drawings, specifications or supporting documents, nor any inspections made by or on behalf of the *Regional District* will in any way:
 - (a) Relieve the *owner* (and if the *owner* is acting through an *agent*, the *agent* of the *owner*) from full and sole responsibility to perform the work in respect of which the *permit* was issued in strict compliance with this bylaw, the *Building Code*, and all other applicable codes, standards and enactments.
 - (b) Constitute a representation, warranty, assurance or statement that the *Building Code*, this bylaw or any other applicable enactments respecting safety, protection, land use and zoning have been complied with.

- (c) Constitute a representation or warranty that the *building or structure* meets any standard of materials or workmanship.
- (4) No person shall rely on any *permit* as establishing compliance with this bylaw or assume or conclude that this bylaw has been administered or enforced according to its terms.
- (5) Without limiting Section 6.2(a), it is the full and sole responsibility of the *owner* (and if the *owner* is acting through a representative, the representative of the *owner*) to carry out the work in respect of which the *permit* was issued in compliance with the *Building Code*, this bylaw and all other applicable codes, standards and enactments.
- (6) The review of plans and supporting documents and issuance of a *building permit* do not prevent the *Building Official* from subsequently requiring the correction of errors in the plans and supporting documents, or from prohibiting *building* construction or *occupancy* being carried on when in violation of this or another bylaw.

Part 7: Powers of a Building Official

Administration

- 7. (1) Words defining the authority of a *Building Official* are to be construed as internal administrative powers and not as creating a duty.
- (2) A *Building Official* may:
 - (a) Administer this bylaw, but owes no public duty to enforce or administer this bylaw;
 - (b) Keep records of applications received, *permits*, notices and orders issued, inspections and tests made, and may retain copies of all papers and documents connected with the administration of this bylaw or digital records of such documents;
 - (c) Establish or require an *owner* to establish whether a method or type of construction or material used in the construction of a *building or structure* complies with the requirements and provisions of this bylaw and the *Building Code*;
 - (d) Direct that tests 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* sole expense, where such evidence or proof is necessary to determine

whether the material, equipment, device, construction or *foundation* condition complies with this bylaw and the *Building Code*;

- (e) Order an *owner* to remove or prevent any unauthorized encroachment on a public parcel, a statutory right of way or easement, or a setback or yard required under an enactment;
- (f) Order an *owner* to remove any *building* or *structure*, or any part of a *building* or *structure*, constructed in contravention of a provision of this Bylaw or any other *Regional District* bylaw;
- (g) Require an *owner* to have work inspected by a *Building Official* prior to covering; or have the work inspected by a *registered professional*, at the sole cost of the *owner*, prior to covering;
- (h) Order an *owner* to uncover any work that has been covered without inspection contrary to this Bylaw or an order issued by a *Building Official*;
- (i) Order, in writing by a notice, the correction of any work that is being done or has been done in contravention of the *Building Code* or this Bylaw in accordance with Part 5 of this Bylaw; and
- (j) Prescribe forms for all processes as identified under this bylaw.

Refusal and Revocation of Permits

- (3) A *Building Official* may refuse to issue a *permit* if the proposed work will contravene the requirements of the *Building Code* or the provisions of this or any other bylaw of the *Regional District*, and must state the reason in writing.
- (4) A *Building Official* may revoke a *permit* if, in their opinion, the results of tests on materials, devices, construction methods, structural assemblies or *foundation* conditions contravene the *Building Code* or the provisions of this bylaw, or both, or if all *permits* required under this bylaw have not been obtained.
- (5) A *Building Official* may revoke a *permit* if there is a violation of a condition under which the permit was issued or if any matter is found to exist which would have been cause for the *Building Official* to deny such a permit if the matter had been known at the time of issuance of the permit.
- (6) A *Building Official* may revoke a *permit* if the *permit* was issued in error.

Right of Entry

- (7) Subject to applicable enactments, a *Building Official* may enter on property at any time to ascertain whether the requirements of this bylaw are being met.

Powers

- (8) Subject to applicable enactments, a *Building Official* may, by notice in writing require:
 - (a) A person who contravenes any provision of this bylaw to comply with that provision within the time ordered;
 - (b) An *owner* to stop work on a *building* or *structure*, or any part of a *building* or *structure*, if the work is proceeding in contravention of this bylaw, the *Building Code*, or any other enactment of the *Regional District* or other applicable enactments, or if there is deemed to be an *unsafe condition*, and may enter on property to affix or post a stop work order in the form prescribed by the *Building Official*;
 - (c) An *owner* to remove or prevent any unauthorized encroachment on a public parcel, a statutory right of way or easement, or a setback or yard required under an enactment;
 - (d) An *owner* to remove any *building* or *structure*, or any part of a *building* or *structure*, *constructed* in contravention of a provision of this bylaw;
 - (e) An *owner* to have work inspected by a *Building Official* prior to covering;
 - (f) An *owner* to uncover any work that has been covered without inspection contrary to this bylaw or an order issued by a *Building Official*;
 - (g) A person to cease any *occupancy* in contravention of a provision of this bylaw;
 - (h) A person to cease any *occupancy* if any *unsafe condition* exists because of work being undertaken but not complete and where the *Building Official* has not issued a final inspection notice for the work;
 - (i) An *owner* to correct any *unsafe condition*; or
 - (j) An *owner* to correct any work that contravenes this bylaw, the *Building Code*, or any other enactment.
- (9) Every reference to owner in Part 7 includes a reference to the *owner's* agent or *constructor*.

- (10) Every person served with a notice under this Part must comply with that notice:
 - (a) Within the time ordered, or
 - (b) If no time is ordered, immediately.
- (11) If an *owner* fails to comply with the directions of the *Building Official* made under Part 7 the *Regional District* may, by its employees or by other persons authorized by the *Building Official* enter the property and bring about such compliance at the cost of the owner. Such costs shall include all costs and expenses incurred by the *Regional District* to achieve compliance with this bylaw including, without limitation, administrative costs, costs to attend property by the *Regional District's* employees or contractors, and the costs of removal, clean up, and disposal.

Establishment of Forms

- (12) The Manager of Building Inspection Services may from time to time prescribe one or more forms for the administration of processes as set out in this bylaw.

Part 8: Owner's Responsibilities

Permit Requirements

8. (1) Subject to Part 11 of this bylaw, unless the works are the subject of another valid and subsisting *building* permit, every *owner* must apply for and obtain a *permit*, prior to:
 - (a) *Constructing* repairing or *altering* a *building* or *structure*, including a *retaining wall*;
 - (b) Moving a *building* or *structure* into or within an area covered by this bylaw;
 - (c) Demolishing a *building* or *structure*;
 - (d) Occupying a new *building* or *structure*;
 - (e) Installing plumbing systems or fire suppression systems;
 - (f) Changing the use or *occupancy* of a *building*; or
 - (g) Constructing a masonry chimney or installing a solid fuel burning appliance or chimney.

- (2) Before construction commences, unless the works are the subject of another valid and subsisting *building* permit, the owner must:
 - (a) Determine that the building site is safe and will not be affected by flooding water caused by surface run-off or otherwise, or by land slip or other hazards;
 - (b) Incorporate into the design and plans the ground snow load as listed in Part 17, Climatic Data;
 - (c) Determine that there will be an adequate source of potable water;
 - (d) Determine that there will be an adequate facility for storm drainage discharge; and
 - (e) Determine that there will be an adequate facility for sewage disposal.
- (3) Every *owner* must apply for and obtain a permit in the applicable form prescribed by the *Building Official*.
- (4) Every *owner* must ensure that plans submitted with a *permit* application bear the name, phone number, address and email address of the *designer* of the *building* or *structure*.

Owner's Obligations

- (5) Every *owner* must:
 - (a) Comply with the *Building Code*, the requirements of this bylaw and the conditions of a *permit*, and must not omit any work required by the *Building Code*, this bylaw or the conditions of a *permit*;
 - (b) Ensure that all *permits*, plans, specifications and supporting documents and all professional *field reviews* are available at the site of the work for inspection during working hours by the *Building Official*, and that all *permits* are available on the site during the entire execution of the work;
 - (c) Prior to the issuance of a *building permit*, execute and submit to the *Regional District* an *owner's* undertaking in the prescribed form, where required by the *Building Official*; and
 - (d) Ensure all *registered professionals* provide their necessary inspections in accordance with their professional best practices or guidelines.
- (6) Every *owner* and every *owner's agent*, must carry out *construction* or have the *construction* carried out in accordance with the requirements of the *Building Code*, this bylaw and other bylaws of the *Regional District* and

neither the issuance of a *permit* under this bylaw, the review of plans and supporting documents, or inspections made by a *Building Official* or a *registered professional* shall relieve the *owner*, or his or her *agent*, from full and sole responsibility to perform the work in strict accordance with this bylaw, the *Building Code* and all other applicable codes, standards and enactments.

- (7) Every *owner* to whom a *permit* is issued must, during construction:
- (a) Post the civic address on the property so that it may be easily read from the public highway from which the property takes its address; and
 - (b) Allow a *Building Official* to enter any *building* or premises at any reasonable time to inspect the *building* and administer the provisions of this bylaw.

Notice

- (8) Every *owner* must give written notice to a *Building Official* of any change in or termination of engagement of a *registered professional*, including a *coordinating registered professional*, during construction, within 24 hours of when the change or termination occurs.
- (9) If an *owner* or a *registered professional* terminates the engagement of a *registered professional*, including a *coordinating registered professional*, the *owner* must terminate all work under a *building permit* until the *owner* has engaged a new *registered professional*, including a *coordinating registered professional*, and has delivered to a *Building Official* new letters of assurance.
- (10) Without limiting Sections 11(21) to 11(36) of this bylaw, every *owner* must give at least 24 hours' notice to a *Building Official*:
- (a) Of intent to cover work that is required under this bylaw to be, or has been ordered to be, inspected prior to covering;
 - (b) Of intent to cover work that is required under this bylaw to be, or has been ordered to be, corrected during construction; and
 - (c) When work has been completed so that a final inspection can be made.
- (11) Every *owner* must give notice in writing to a *Building Official* and pay the non-refundable fee set out in Appendix A immediately upon any change in ownership or change in the address of the *owner* which occurs prior to the issuance of an *occupancy permit*.

- (12) Every *owner* must give such other notice to a *Building Official* as may be required by the *Building Official* or by a provision of this bylaw.

Damage to *Regional District* Works

- (13) Every *owner* to whom a *permit* is issued is responsible for the cost to repair any damage to *Regional District* or other public works or land that occurs during work authorized by the *permit*. Every *owner* must pay to the *Regional District*, within 30 days of receiving an invoice for same from the *Regional District*, the cost to repair any damage to public property or works located on public property arising directly or indirectly from work for which a *permit* was issued.

Part 9: Obligations of Owner's Constructor

9. (1) Every *constructor* must ensure that all *construction* is done in compliance with all requirements of the *Building Code*, this bylaw and all other applicable, codes, standards and enactments.
- (2) Every *constructor* must ensure that no *excavation* or other work is undertaken on public property, and that no public property is disturbed, no *building* or *structure* erected, and no materials stored thereon, in whole or in part, without first having obtained approval in writing from the appropriate authority over such public property.
- (3) For the purposes of the administration and enforcement of this bylaw, every *constructor* is responsible jointly and severally with the *owner* for all work undertaken.

Part 10: Registered Professional's Responsibilities

Professional Design and Field Review

10. (1) The provision by the *owner* to the *Regional District* of Letters of Assurance in accordance with the requirements of the *Building Code* or this bylaw shall occur:
- (a) In the forms of Schedule A or B, as appropriate, prior to the issuance of the *building permit*, or if later determined to be required, prior to commencement of construction activities.
- (b) In the forms of Schedule C-A or C-B, as appropriate, prior to the pre-occupancy site review coordinated by the *coordinating registered professional*, or other *registered professional* for a *complex building*, or prior to an occupancy inspection for a *simple building* in circumstances

where Letters of Assurance have been required in accordance with the requirements of the *Building Code*.

- (2) If a *registered professional* provides letters of assurance in accordance with the *Building Code*, they must also provide proof of professional liability insurance to the *Building Official*.

Requirement for a Registered Professional

- (3) The *owner* must retain a *registered professional* to provide a *professional design* and plan certification and Letters of Assurance in the form of Schedules A, B, C-A and C-B as referred to in Subsection 2.2.7, Division C, of the *Building Code*, in respect of a *permit* application:
 - (a) As required by Article 2.2.7.1 Division C of the *Building Code*;
 - (b) For a *building* in respect of which the *Building Official* determines that site conditions, size or complexity so warrant in the interests of safety of persons or protection of property under the *Building Code*;
 - (c) For foundation and excavation components of new simple buildings and additions greater than 55 square metres, except garages, carports and garden structures, provided that the requirements of Part 10(3)(c) may be waived by a *Building Official* if in circumstances where at the discretion of the *Building Official* the foundation design substantially complies with Subsection 9.4.4 in Part 9 of Division B of the *Building Code* and the foundation excavation substantially complies with Section 9.12 in Part 9 of Division B of the *Building Code*;
 - (d) If the *building* envelope components of the *building* fall under Part 3 of Division B of the *Building Code* or if the *building* envelopes do not comply with the prescriptive requirements of Part 9 of Division B of the *Building Code*;
 - (e) Despite any other provision of this Bylaw for a *dwelling unit* comprising a floor area exceeding 90 square metres; and
 - (f) For a parcel of land on which a *building* or *structure* is proposed if the *Building Official* believes the parcel is or is likely to be subject to flooding, mud flows, debris flows, debris torrents, erosion, land slip, rock falls, subsidence or avalanche, and the requirement for a *professional design* is in addition to a requirement under Division 8 of Part 3 of the *Community Charter*:
 - (i) For a report certified by a professional engineer with experience in geotechnical engineering that the parcel may be used safely for the use intended, and

- (ii) That the plans submitted with the application comply with the relevant provisions of the *Building Code* and applicable bylaws of the *Regional District*.

- (4) The *Building Official* may require any *registered professional* carrying out the professional design and field review required under Section 10(3) to provide evidence that they have experience and expertise in respect of the professional design and field review of the context and scope required.

Professional Plan Certification

- (5) The Letters of Assurance in the form of Schedules A and B as referred to in subsection 2.2.7, Division C of the *Building Code* referred to in Sections 10(1) and 10(3) are relied upon by the *Regional District* and its *Building Officials* as certification that the design and plans to which the Letters of Assurance refer comply with the *Building Code*, this bylaw and other applicable enactment.
- (6) Letters of Assurance must be in the form of Schedules A and B referred to in subsection 2.2.7 Division C of the *Building Code*.
- (7) For a *building permit* issued for the construction of a *complex building*, the *Building Official* shall provide the *owner* with a notice that the *building permit* is issued in reliance on the certification of the *registered professional* that the *professional design* and plans submitted in support of the application for the *building permit* comply with the *Building Code* and other applicable enactments. Any failure on the part of the *Building Official* to provide the *owner* with the notice will not diminish or invalidate the reliance by the *Regional District* or its *Building Officials* on the *registered professionals*.
- (8) If a *building permit* is issued for a construction of a *complex building*, the *permit* fee is reduced by five per cent of the fees payable under Appendix A to this bylaw, up to a maximum reduction of \$500.00 (five hundred dollars).

Part 11: Building Application Requirements

Requirements before applying for a *Building Permit*:

- 11. (1) Prior to application for or receiving a *building permit*, the *owner* must satisfy the following requirements or conditions:
 - (a) The *owner* must apply for and obtain a development permit if the *building* or *structure* is in an area designated by the *Regional District's* Official Community Plan as a Development Permit Area;

- (b) The *owner* must ensure that the proposed *building* or *structure* complies with all land use and other bylaws of the *Regional District*, except to the extent a variance of a bylaw is authorized by a Development Permit, Development Variance Permit or order of the Board of Variance, and that all land use bylaws and amendments, permits, and other approvals have been adopted or issued, as applicable, by the Regional Board or its lawful delegate, and that any restrictive or statutory covenant or statutory right of way required by the *Regional District* on the subject parcel has been registered on title to the parcel; and
- (c) If the parcel that is the subject of the *building permit* application is not intended to be connected to a *Regional District* sewage disposal system, the *owner* must apply for and obtain approval from the Island Health for an alternate private sewage disposal system.

Building Permit Applications for Complex Buildings

- (2) An application for a *building permit* with respect to a *complex building* must:
 - (a) Be made in the form prescribed by the *Regional District*, signed by the *owner*, or a signing officer if the *owner* is a corporation, and include the non-refundable application fee prescribed in Appendix A;
 - (b) Be accompanied by the *owner's* acknowledgement of responsibility and undertaking made in the form provided by the *Regional District*, signed by the *owner*, or a signing officer if the *owner* is a corporation;
 - (c) Include a copy of a title search for the relevant property made within 30 days of the date of the *permit* application;
 - (d) Include a BC *Building Code* analysis summary including the applicable edition of the *Building Code*, such as without limitation whether the building is designed under Part 3 or Part 9 of the Building Code, *major occupancy* classification(s) of the *building*, *building area* and *building height*, number of streets the *building* faces, and *accessible* entrances, work areas, washrooms, firewalls and facilities;
 - (e) Include a copy of a survey plan prepared by a British Columbia land surveyor except that the Building Official may waive the requirement for a survey plan, in whole or in part;
 - (f) Include a site plan prepared by a *registered professional* 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 *existing* and proposed statutory rights of way, easements and setback requirements, adjacent street and lane names;
- (iv) The location and dimensions of *existing* and proposed *buildings* or *structures* on the parcel;
- (v) Setbacks to the natural boundary of any *watercourse*;
- (vi) North arrow;
- (vii) If applicable, location of an approved *existing* or proposed private or other alternative sewage disposal system, water supply system or storm water drainage system;
- (viii) Zoning compliance summary;
- (ix) The location, dimensions and gradient of parking and parking access;
- (x) Proposed and *existing* setbacks to property lines;
- (xi) Natural and finished grade at *building* corners and significant breaks in the building plan and proposed grade around the *building* faces in order to ascertain *foundation* height;
- (xii) First storey floor elevation;
- (xiii) Location, setbacks and elevations of all *retaining walls*, steps, stairs and decks;
- (xiv) Line of upper floors;
- (xv) Location and elevation of curbs, sidewalks, manholes, and service poles;
- (xvi) Location of *existing* and proposed service connections;
- (xvii) Access routes for firefighting;
- (xviii) *Accessible* paths of travel from the street to the *building*; and
- (xix) Geodetic elevation of the underside of a wood floor system or the top of a finished concrete slab of a *building* or *structure* where the *Regional District's* land use or floodplain regulations or provincial flood hazard area guidelines or regulations establish siting requirements related to minimum floor elevation.

Except that the *Building Official* may waive, in whole or in part, the requirements for a site plan, if the *permit* is sought for the repair or *alteration* of an *existing building* or *structure*;

- (g) Include floor plans showing the dimensions and uses and *occupancy* classification of all areas, including: the dimensions and height of crawl and roof spaces; the location, size and swing of doors; the location, size and opening of windows; floor, wall, and ceiling finishes; fire separations; plumbing fixtures; structural elements; and stair dimensions;
 - (h) Include a cross-section through the *building* or *structure* in sufficient detail and locations to illustrate that the *building* conforms to the *Building Code*;
 - (i) Include elevations of all sides of the *building* or *structure* showing finish details, roof slopes, windows, doors, natural and finished *grade*, spatial separations and ridge height to comply with the *Building Code* and to illustrate that the *building* or *structure* conforms with the *Regional District Zoning Bylaw* and development permit;
 - (j) Include all other requirements of Sections 2.2.1, 2.2.3, 2.2.4, 2.2.5, 2.2.6 and 2.2.9, Division C of the *Building Code*;
 - (k) Include 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 approvals;
 - (l) Include a letter of assurance in the form of Schedule A referred to in subsection 2.2.7 Division C, of the *Building Code*, signed by the *owner*, or a signing officer if the *owner* is a corporation, and the *coordinating registered professional*;
 - (m) Include Letters of Assurance in the form of Schedule B referred to in subsection 2.2.7 Division C, of the *Building Code*, each signed by such *registered professionals* as the *Building Official* or *Building Code* may require to prepare the design for and conduct *field reviews* of the construction of the *building*;
 - (n) Include one digital and one paper copy set of drawings at a suitable scale of the design prepared by each *registered professional* containing the information set out in (g) to (k) of this section; and
 - (o) Include illustration of any slopes on the subject parcel that exceed 30 per cent.
- (3) In addition to the requirements of Section 11.2 of this bylaw, a *Building Official* may require further information to establish substantial compliance with this bylaw, the *Building Code* and other bylaws and enactments relating to the building or structure.

Building Permit Applications for Simple Buildings

- (4) An application for a *building permit* with respect to a *simple building* must:
- (a) Be made in the form prescribed by the *Building Official* and signed by the *owner*, or a signing officer if the *owner* is a corporation and include the non-refundable application fee prescribed in Appendix A;
 - (b) Be accompanied by the *owner's* acknowledgment of responsibility and undertaking made in the prescribed form and signed by the *owner*, or a signing officer if the *owner* is a corporation;
 - (c) Include a copy of a title search for the relevant property made within 30 days of the date of the *permit* application;
 - (d) Include a copy of a survey plan prepared by a British Columbia land surveyor except that the *Building Official* may waive the requirement for a survey plan, in whole or in part, where conditions warrant;
 - (e) Include a site plan 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 *existing* and proposed statutory rights of way, easements and setback requirements, adjacent street and lane names;
 - (iv) The location and dimensions of *existing* and proposed *buildings* or *structures* on the parcel;
 - (v) Setbacks to the natural boundary of any *watercourse*;
 - (vi) North arrow;
 - (vii) If applicable, location of an approved *existing* or proposed alternative private or other sewage disposal system, water supply system or storm water drainage system;
 - (viii) Overall height of the structure from average natural grade;
 - (ix) Location, setbacks and elevations of all *retaining walls*, steps, stairs and decks;
 - (x) Line of upper floors;
 - (xi) Location of *existing* and proposed service connections;
 - (xii) Zoning Bylaw compliance summary; and

(xiii) The geodetic elevation of the underside of a wood floor system or the top of a finished concrete slab of a *building* or *structure* where the *Regional District's* land use regulations or provincial flood mapping regulations establish siting requirements related to minimum floor elevation.

Except that for a *simple building* the *Building Official* may waive, in whole or in part, the requirements for a site plan, if the *permit* is sought for the repair or *alteration* of an *existing building*;

- (f) Include floor plans showing the dimensions and uses of all areas, including: the dimensions and height 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; structural elements; and stair dimensions;
 - (g) Include a cross-section and details at sufficient locations to illustrate that the *building* or *structure* substantially conforms to the *Building Code*;
 - (h) Include elevations of all sides of the *building* showing finish details, roof slopes, windows, doors, the *grade*, the maximum *building height* line, ridge height, spatial separations and natural and finished *grade* to comply with the *Building Code* and to illustrate that the *building* or *structure* conforms with the *Regional District Zoning Bylaw* and *development permit*;
 - (i) Include 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 approvals;
 - (j) Include geotechnical Letters of Assurance, in addition to a required geotechnical report, if the *Building Official* determines that the site conditions so warrant;
 - (k) Include one digital set of drawings at a suitable scale of design including the information set out in (f) to (h) of this section; and
 - (l) Include a *Building Code* compliance summary including the applicable edition of the *Building Code*, such as, without limitation, whether the *building* or components are designed under Part 3 or Part 9 and compliance with article 2.2.2.1(2), Division C of the *Building Code*.
- (5) In addition to the requirements of Section 11(4) of this Part, if the complexity of the proposed *building* or *structure* or siting circumstances warrant a *Building Official* may require the following be submitted with a

permit application for the construction of each *simple building* in the *project*:

- (a) Structural, electrical, plumbing, mechanical or fire suppression drawings prepared and sealed by a *registered professional*;
- (b) Letters of assurance in the form of Schedule B referred to in Division C of the *Building Code*, signed by a *registered professional*; and
- (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*.

Site and Location Information

- (6) Without limiting Sections 11(2) (f) or 11(4) (d) of this Part, the *Building Official* may in writing require an *owner* to submit an up-to-date plan or survey prepared by a registered British Columbia Land Surveyor which contains sufficient information respecting the site and location of any *building* to:
 - (a) Establish, before *construction* begins, that all the provisions of this bylaw in relation to this information will be complied with;
 - (b) Verify, on completion of the *construction*, that all provisions of this and other applicable bylaws have been complied with;
 - (c) In relation to an *existing building*, substantiate its location, size, including appurtenances whether above, at or below ground level, relative to the site or its relationship to neighboring grades; and
 - (d) In relation to *construction* of a new *building*, or *addition* to an *existing building*, prior to and after the placement of concrete for *foundations* and footings, show the *elevation* at proposed top of concrete on all *building* elevations and at all significant changes of elevation to substantiate its size, location and elevation.

And without limitation every person served with a written requirement under this section 11(6) must comply with the requirement.

Building Permit Fee

- (7) Before receiving a *building permit* for a *building* or *structure*, the *owner* must first pay to the *Regional District*:
 - (a) The *building permit* fee prescribed in Appendix A;

- (b) Any fees, charges, levies or taxes imposed by the *Regional District* and payable under an enactment at the time of application or issuance of the *building permit*; and
- (c) The *Regional District's* cost of the *Regional District* conducting a title search with the Land Title and Survey Authority, such search by the *Regional District* being a mandatory requirement prior to issuance of a *building permit*.

Value of Construction

- (8) Each *building* or *structure* to be *constructed* on a site requires a separate *building permit* and shall be assessed a separate *building permit* fee based on the greater of the declared value of *construction* or the value calculated using a method stipulated in the "Marshall & Swift Residential Cost Handbook".

Permit Fee Refunds

- (9) No fee or part of a fee paid to the *Regional District* may be refunded if construction of the *building* has started.
- (10) A *building permit* fee or other permit fee, other than the *permit* processing fee may be refunded as set out in Appendix A, only if:
 - (a) The *owner* has submitted a written request for a refund;
 - (b) The *Building Official* has certified a start has not been made on the construction of the *building* or *structure*; and
 - (c) The *permit* has not expired.
- (11) A *building permit* or other *permit* fee is not refundable after the *permit* has been extended under Section 11(38) of this Part.

Design Modification

- (12) If an issued *permit* is active and the *owner* proposes modification to the *building* design the *owner* must pay to the *Regional District* a *revision* fee as set out in Appendix A.

Construction Before Permit Issued

- (13) The *building permit* or other *permit* fee is doubled for every *permit* application if construction commenced before the *Building Official* issued a *permit*, to a maximum of \$50,000.00.

Expiration of Application for a Permit

- (14) A *building permit* application shall be cancelled, and the permit application fee forfeited if the building permit has not been issued and the permit fee paid within 180 days from the date an application is received under this Part, unless the *permit* is not issued only due to delays caused by the *Regional District*.

Issuance of a Building Permit

(15) If:

- (a) A completed application in compliance with Sections 11(2) and 11(3) or Sections 11(4) and 11(5) of this Part, including all required supporting documentation, has been submitted;
- (b) The *owner* has paid all applicable fees set out in Sections 11(7) to 11(14) of this Part and Appendix A;
- (c) The *owner* or his or her representative has paid all charges and met all requirements imposed by any other statute or bylaw;
- (d) The *owner* has retained a professional engineer or geoscientist if required under this bylaw;
- (e) The *owner* has retained an architect if required under this bylaw; and
- (f) No covenant, agreement, resolution or regulation of the *Regional District* requires or authorizes the *permit* to be withheld.

The *Building Official* must issue the *permit*, in the form prescribed by the *Building Official*, for which the application is made, and the date of issuance is deemed to be the date the *Regional District* gives written notice to the *owner* that the *permit* is ready to be picked up by the *owner*.

- (16) Despite Section 11(15), the *Building Official* may refuse to issue a *permit* when the *owner* has been notified of a violation of this bylaw about the construction of another *building* or *structure* by the *owner*.

Compliance with the *Homeowner Protection Act*

- (17) If the application is in respect of a *building* that includes, or will include, a *residential occupancy* governed by the *Homeowner Protection Act* (ACT), the *building permit* must not be issued unless the *owner* provides evidence under 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" as defined in that Act.
- (18) Section 11(17) of this Part 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*.
- (19) Every *permit* is issued subject to the *owner* and *constructor* maintaining compliance with the *Homeowner Protection Act* and negotiations under it during the term of the *permit*.

Inspections

- (20) If a *registered professional* provides Letters of Assurance in accordance with this Part, the *Regional District* may rely solely on *field reviews* undertaken by the *registered professional* and the Letters of Assurance submitted pursuant to this bylaw and the *Building Code* as assurance that the construction substantially conforms to the design, plans and specifications and that the construction complies with the *Building Code*, this bylaw and other applicable enactments respecting safety.
- (21) Despite Section 11(20) of this Part, 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*.
- (22) A *Building Official* may attend periodically at the site of the construction of *simple buildings* or *structures* to ascertain whether the work is being carried out in substantial conformance with the *Building Code*, this bylaw and any other applicable enactments concerning safety.
- (23) For all work in respect of *simple buildings* the *owner* must give at least 24 hours' notice to the *Regional District* when requesting an inspection and must obtain an inspection and receive a *Building Official's* written acceptance of the following aspects of the work prior to concealing them:
- (a) Excavation, ground conditions prior to the placement of structural fill;
 - (b) When the forms for footings are complete, prior to placing any concrete therein;
 - (c) Installation of *building* services prior to cover;
 - (d) Dampproofing, perimeter draitile, drainrock and roof drainage pipe, prior to backfill;
 - (e) The preparation of ground, including ground cover with below slab insulation and perimeter insulation on inside of concrete foundation walls;

- (f) Underslab plumbing including hydronic heating pipes under test, prior to cover;
 - (g) Framing, sheathing, fire stopping (including drywall in fire separations), bracing, chimney and ductwork, rough wiring, rough heating, gas venting, exterior doors and windows, but prior to the installation of insulation, interior finishes, sheathing paper or exterior finishes which would conceal such work;
 - (h) Installation of rough-in plumbing, on-site constructed tubs or showers, under test;
 - (i) Rough in of factory built chimneys and fireplaces and/or any solid fuel burning appliances;
 - (j) Insulation and vapour barrier; or
 - (k) The health and safety aspects of the work when the *building* or *structure* is substantially complete, ready for *occupancy* but prior to issuance of an occupancy permit prior to *occupancy*.
- (24) A *Building Official* will only carry out an inspection under Section 11(23) if the *owner* or the *owner's agent* has requested the inspection in accordance with this bylaw.
- (25) Despite the requirement for the *Building Official's* acceptance of the work outlined in Section 11(23), if a *registered professional* provides Letters of Assurance, the *Regional District* may rely solely on *field reviews* undertaken by the *registered professional* and the letters of assurance submitted pursuant to this bylaw as assurance that the aspects of the construction referenced by those Letters of Assurance substantially conform to the *design*, plans and specifications and that the construction complies with the *Building Code*, this bylaw and other applicable enactments respecting safety.
- (26) No person may conceal any aspect of the work referred to in Section 11(23) of this bylaw until a *Building Official* has *accepted* it in writing.
- (27) For work in respect of *complex buildings*, the *owner* or the *coordinating registered professional* must:
- (a) Provide to the *Regional District*, or have the coordinating registered professional provide to the *Regional District*, all registered professionals field reviews within 24 hours' of completion and prior to the following aspects of the work or portions of work being concealed:
 - (i) Site and foundation works;

- (ii) Perimeter drainage;
 - (iii) Services, underslab and rough in plumbing;
 - (iv) *Building* frame, fire stopping, fire separations, ductwork, rough wiring, rough plumbing, rough heating, gas venting, exterior doors and windows, but prior to the installation of insulation, interior finishes, sheathing paper or exterior finishes which would conceal such work; and
 - (v) Insulation vapour barrier and Fire Stop Systems.
- (b) Give at least 24 hours' notice to the *Regional District* when requesting an Occupancy coordinated by the *coordinating registered professional* or other *registered professional* to have the *owner*, the *constructor* and the *registered professionals* demonstrate to the *Building Official* compliance with *the health and safety aspects of the work*, the coordination and integration of the fire and life safety system, applicable *Regional District* requirements and other enactments respecting safety and the conservation, Greenhouse Gas emission and accessibility aspects of the work, and
- (c) Cause the coordinating registered professional, at least 24 hours prior to the occupancy coordinated site review coordinated by the *coordinating registered professional*, to deliver to the *Building Official* the Confirmation of Required Documentation.

Stop Work Order

- (28) The *Building Official* may direct the immediate suspension or correction of all or a portion of the construction on a *building* or *structure* by attaching a stop work order notice in the form prescribed by the *Building Official* on the premises whenever it is found that the work is not being performed in accordance with the requirements of the *Building Code*, any applicable bylaw of the *Regional District* or the applicable provisions of the *Homeowner Protection Act*.
- (29) The *coordinating registered professional* may request, in writing, that the *Building Official* order the immediate suspension or correction of all or a portion of the construction on a building or structure by attaching a Stop Work Order notice on the premises. The *Building Official* must consider such a request and, if not acted upon, must respond, in writing, to the *coordinating registered professional* and give reasons.
- (30) If a *registered professional's* services are terminated, the *owner* must immediately stop any work that is subject to his or her *design* or *field review*

and the *Building Official* is deemed to have issued a Stop Work Order under Section 11(29).

- (31) The *owner* must immediately, after the posting of a notice under Section 11(29), secure the construction and the lands and premises surrounding the construction in compliance with the safety requirements of every statute, regulation or order of the Province or of a provincial agency and of every applicable bylaw of the *Regional District*.
- (32) Subject to Section 11(29), no work other than the required remedial measures may be carried out on the parcel affected by the notice referred to in Section 11(29) until the stop work order notice has been removed by the *Building Official*.
- (33) The notice referred to in Section 11(29) must remain posted on the premises until that which is contrary to the enactments has been remedied and the Stop Work Order has been rescinded in writing by the Building Official.

Do Not Occupy Notice

- (34) If a person occupies a *building* or *structure* or part of a *building* or *structure* in contravention of this bylaw, a *Building Official* may post a Do Not Occupy notice in the form prescribed by the *Building Official* on the affected part of the *building* or *structure*.
- (35) If a notice is posted under Section 11(34), the *owner* of a parcel on which a Do Not Occupy notice has been posted, and every other person, must cease *occupancy* of the *building* or *structure* immediately and refrain from further *occupancy* until all applicable provisions of the *building code* and this bylaw have been substantially complied with and the Do Not Occupy notice has been rescinded in writing by a *Building Official*.

Inspection and Other Fees

- (36) In addition to the fees required under other provisions of this bylaw, the *owner* must pay the non-refundable fee set out in Appendix A for:
 - (a) A third and each subsequent re-inspection where it has been determined by the *Building Official* that due to non-compliance with the provisions of this bylaw or due to non-complying work, more than two site visits are required for any required inspection;
 - (b) A special inspection during the *Regional District's* normal business hours to establish the condition of a *building*, or if an inspection

requires special arrangements because of time, location or construction techniques; and

- (c) An inspection required under this bylaw which cannot be carried out during the *Regional District's* normal business hours.

Permit Expiration

- (37) Every *permit* is issued on the condition that the *permit* expires and the rights of the *owner* under the *permit* terminate if:
 - (a) The work authorized by the *permit* is not commenced within 180 days from the date of issuance of the *permit*;
 - (b) Work is discontinued for a period of 180 days; or
 - (c) The work is not completed within two years of the date of issuance of the *permit*.

Permit Extension

- (38) A *Building Official* may extend the period set out under Section 11(37) for only one period, not to exceed twelve months, if construction has not been commenced or has been discontinued due to adverse weather, strikes, material or labour shortages, other similar hardship beyond the *owner's* control, or if the size and complexity of the construction warrants, if:
 - (a) Application for the extension is made at least 30 days prior to the date of *permit* expiration; and
 - (b) The non-refundable fee set out in Appendix A has been paid.

Building Permit Cancellation

- (39) A *building permit*, or a *building permit* application, may be cancelled by the *owner*, or their *agent*, on delivery of written notification of the cancellation to the *Building Official*.
- (40) On receipt of the written cancellation notice, the *Building Official* must mark on the application, and a *permit* if applicable, the date of cancellation and the word "cancelled".
- (41) If the *owner*, or their *agent*, submits changes to an application after a *permit* has been issued and the changes, in the opinion of the *Building Official*, substantially alter the scope of the work, design or intent of the application in respect of which the *permit* was issued, the *Building Official* may cancel or amend the *permit* and mark on the *permit* the date of cancellation or amendment and the word "cancelled" or "amended".

- (42) If a *building permit* application or *permit* is cancelled, and construction has not commenced under the *permit*, the *Building Official* must return to the *owner* any fees deposited under Appendix A, less:
- (a) Any non-refundable portion of the fee; and
 - (b) 15 per cent of the refundable portion of the fee.

Occupancy

- (43) No person may occupy a *building* or *structure* or part of a *building* or *structure* until an inspection notice authorizing *occupancy* has been issued by a *Building Official*.
- (44) An *occupancy* inspection notice will not be issued unless:
- (a) All letters of assurance have been submitted when required in accordance with this bylaw;
 - (b) All aspects of the work requiring inspection and acceptance pursuant to sections 11(24) to 11(28) of this bylaw have both been inspected and *accepted* or the inspections and acceptance are not required in accordance with this bylaw;
 - (c) The *owner* has delivered to the *Regional District* when required by the *Building Official* and for *complex buildings*, as-built drawings of the building or building components in digital format as required by the *Regional District*;
 - (d) The *owner* has provided to the *Regional District* when required by a *Building Official*, a *building survey* prepared by a British Columbia Land Surveyor showing the *building* location, height, size, and elevation as required in accordance with the *Regional District's* land use regulations; and
 - (e) All other documentation required under applicable enactments has been delivered to the *Regional District*.
- (45) When a *registered professional* provides letters of assurance in accordance with this bylaw, the *Regional District* will rely solely on the letters of assurance when issuing an inspection notice authorizing *occupancy* as assurance that the items identified on the letters of assurance substantially comply with the *design*, the *Building Code*, this bylaw and other applicable enactments respecting safety.
- (46) A *Building Official* may issue an occupancy inspection notice for partial *occupancy* of a portion of a *building* or *structure* under construction when

that portion of the *building* or *structure* is self-contained and the requirements set out in Section 11(44) have been met with respect to it.

- (47) A final inspection notice may not be issued unless:
- (a) All the requirements of Section 11(44) have been met;
 - (b) All conditions as required by the Building Official for which the permit was issued have been met;
 - (c) All aspects of the work requiring inspection and review pursuant to Part 9 and Sections 11(20) through 11(27) of this bylaw have both been inspected and *accepted*;
 - (d) The *owner* has executed and delivered to the *Regional District* every agreement, instrument or form required by the *Regional District* in relation to the work or the site, and
 - (e) All required offsite works respecting safety have been completed.

Temporary Buildings

- (48) Subject to the bylaws and orders of the *Regional District*, the *Building Official* may issue a *building permit* for the erection or placement of a *temporary building occupancy* if:
- (a) The *permit* is for a period not exceeding one year; or
 - (b) The *building* is located in compliance with the *Regional District's* Zoning and Floodplain Bylaws, built in compliance with the *Building Code* and this bylaw, and connected, as required by enactments, to services.
- (49) An application for a *building permit* for the erection or placement of a *temporary building* must be made in the form prescribed by the *Building Official*, signed by the *owner* or *agent*, and must include:
- (a) Plans and supporting documents showing the location and *building height* of the *building* on the parcel;
 - (b) Plans and supporting documents showing construction details of the *building*;
 - (c) A statement by the *owner* indicating the intended use and duration of the use;
 - (d) A written description of the *project* explaining why the *building* is temporary;
 - (e) A copy of an issued development *permit*, if required;

- (f) In the case of a manufactured *building*, a CSA label in respect of manufacture and, without limitation, a Quonset or other steel *building* must be certified in accordance with CSA Standard A660;
 - (g) A report or drawing by an engineer, architect or designer confirming compliance with the *Building Code*, this bylaw, the *Regional District's* Zoning Bylaw and other applicable bylaws;
 - (h) Security in the form of cash or a letter of credit as set out in Appendix A, which:
 - (i) May be used by the *Regional District* to remove the *building* after one year of the date of the final inspection required under this bylaw, or
 - (ii) Must be returned to the *owner* if the *owner* removes the *temporary building* within one year of the date of the final inspection of the *temporary building* required under this bylaw; and
 - (i) In the case of a *temporary building*, information to comply with Article 1.1.1.1(2)(f), Division A of the *Building Code*.
- (50) Before receiving a *building permit* for a *temporary building for occupancy*, the *owner* must pay to the *Regional District* the applicable *building permit* fee set out in Appendix A.
- (51) A *permit fee* for a *temporary building* is not refundable.
- (52) An *owner* who wishes to provide alternative solutions to satisfy one or more of the requirements of the *Building Code* or this Bylaw shall
- (a) Submit to the *Building Official* sufficient evidence to demonstrate that the proposed alternate solutions will provide the level of performance required by the *Building Code* and this Bylaw; and
 - (b) Pay the applicable fee under Schedule A.

Part 12: Retaining Walls and Grades

12. (1) No person may construct, or structurally repair, a *retaining wall* without a *building permit*.
- (2) Except as certified by a professional engineer with expertise in geotechnical engineering registered in the Province of British Columbia, fill material placed on a parcel, unless restrained by permitted *retaining walls*, must not have a surface slope steeper than one linear unit vertically to two linear units horizontally.

- (3) Without limiting Section 12(2), no person may occupy a *building* unless the finished *grade* complies with all applicable enactments.

Part 13: Building Move

13. (1) No person may move a *building* or *structure* into or within an area covered by this bylaw building regulation service areas without first obtaining a *building permit* to carry out such move and to site the *building* on the parcel to which it is to be moved.
- (2) An application for a *building permit* for a *building* move must be made on the form prescribed by the *Building Official*, signed by the *owner* or *agent*, and must include:
 - (a) A certified structural assessment report from a *Registered Professional* that the *building* is suitable for relocation and may be used safely for the use intended;
 - (b) Detailed plans and specifications of the proposed rehabilitation of the *building*, including foundation plans certified by a professional engineer; and
 - (c) Any other information required by the *Building Official* or *Building Code* to establish substantial compliance with this bylaw, the *Building Code* and other bylaws and enactments relating to the *building* or *structure*.

Part 14: Demolition

14. Prior to obtaining a *permit* to demolish a *building* or *structure*, the *owner* must:
 - (a) Pay any capping and inspection chamber installation fees and ensure that all services are capped and terminated at the property line in accordance with the service provider instructions and regulations;
 - (b) Ensure that, on completion of all demolition procedures, all debris and fill are cleared and the *site* is levelled or graded, or made safe if levelling and grading are not possible; and
 - (c) Any other information required by the *Building Official* or *Building Code* to establish substantial compliance with this bylaw, the *Building Code* and other bylaws and enactments relating to the *building* or *structure*.

Part 15: Numbering of Buildings

15. (1) Immediately upon issuance of a *building permit* governing the *construction, alteration* or repair of a *building*, or prior to and during the *occupancy* of a *building*, the *owner* or occupant must display the address number assigned to it by the *Regional District* at or near the entrance to the *building* on the *building* property within sight of the adjacent highway.
- (2) Despite Section 15(1), the *Regional District* may renumber or alter the assigned numbers in respect of any *building* on any parcel, including those already in existence or numbered.

Part 16: Energy Conservation and Greenhouse Gas (GHG) Emission Reduction

16. (1) In relation to the conservation of energy and the reduction of GHG emissions in accordance with Sections 16(2) through 16(4), the *Regional District* incorporates by reference the "British Columbia Energy Step Code" under Division B, subsections 9.36.6, 9.37, and 10.23 of the British Columbia *Building Code*, pursuant to Ministerial Orders respecting a Step Code for British Columbia, as those enactments are amended or replaced from time to time.
- (2) Every *owner* must design and *construct* a new *building* regulated by Part 3 of the *Building Code* to comply with the minimum performance requirements specified in Step 2 of the Energy Step Code. The *owner* may not establish compliance with this Part 16 by way of a prescriptive path.
- (3) Every *owner* must design and *construct* a new Group C residential *building* regulated by Part 9 of the *Building Code* to comply with the minimum performance requirements specified in Step 3 of the Energy Code.
- (4) In respect to energy efficiency, if an Energy Advisor or an architect provides energy reports or *field reviews* in accordance with this Bylaw, the *Regional District* will rely solely on *field reviews* undertaken by the Energy Advisor or architect and the reports submitted pursuant to this Bylaw as assurance that the *construction* or applicable aspect of it:
 - (a) Substantially conforms to the *design*, and
 - (b) Substantially complies with the *Building Code*, this Bylaw, and other applicable enactments.
- (5) With respect to a *building permit* for a *building* or *structure* that falls within the scope of Part 9 of the *Building Code*, the *owner* must provide, to the

satisfaction of the *building official*, all the materials and documentation required by the Energy Step Code, prepared and signed by an Energy Advisor, and such other related reports and materials as required by the *building official*, the provincial *Building Code*, or the *Natural Energy Code of Canada for Buildings*.

- (6) The Energy Advisor providing the required materials and documentation set out in the Energy Step Code must provide evidence to the *building official* that they are an Energy Advisor registered and in good standing with Natural Resources Canada in accordance with the EnerGuide Rating System (ERS) Administrative Procedures and adhere to the technical standards and procedures of the ERS.
- (7) Despite paragraphs (4) through (6), if a *registered professional* is required under this Bylaw in respect of a *building permit* for a *building* or *structure* that falls within the scope of Part 3 or Part 9 of the Building Code, the professional *design* and *field review* shall include the materials and documentation required by the applicable step of the Energy Step Code and such other related reports and materials as required by the *building official*, the provincial *Building Code*, or the *Natural Energy Code of Canada for Buildings*.
- (8) For a Part 9 or Part 3 building or *structure* that is designed in compliance with the applicable step of the BC Energy *Step Code* but where the constructed building or *structure* does not meet the performance requirements of the applicable step of the energy *Step Code*, the building official may issue an inspection note for the partial occupancy, or occupancy of the building or *structure* and the regional board will consider registering a Section 57 of the *Community Charter* against the property title stating that the *building* or *structure* has not met the design requirements for the applicable step of the BC Energy *Step Code*.
- (9) The *owner* of any *building* subject to a requirement under this Part 16 of this Bylaw must, prior to the issuance of any occupancy *permit* in respect of the *building*, submit to the *Regional District* a BC Energy Compliance Report – As a built with all sections including section "F" completed.

Part 17: Climatic and Geological Data

17. (1) The climatic and seismic values required for the design of *buildings* and structures shall conform to the values prescribed in Table 17.1

Location	Ground Snow Load (kPa)		Elevation Above Sea Level (m)
	SS	SR	
North of Latitude 49°48'00"N	2.8	0.4	200
South of Latitude 49°48'00"N	2.4	0.4	200

Table 17.1

- (2) Where no climatic value is prescribed in Table 17.1 or Table C-2 in Appendix C of Division B of the *building code*, the *owner* shall submit evidence in writing from Environment Canada to establish the climatic values.
- (3) The seismic hazard values must be site specific and determined using the National Building Code of Canada Seismic Hazard Tool.

Part 18: Solid Fuel Burning Appliance

- 18. (1) A *building permit* is required to install a new solid fuel burning appliance or construct a masonry fireplace or chimney in a residential occupancy.
- (2) Every *Solid Fuel Burning Appliance* must display a permanent label indicating that it has been tested to and meet the most recent U.S. Environmental Protection Agency standard for clean burning or CSAB415.10, as amended or replaced from time to time.

Part 19: Offences

Violations

- 19. (1) Without limiting Part 5 of this bylaw, every person who contravenes a provision in this bylaw, or who suffers or permits any act or thing to be done in contravention of this bylaw, or who refuses, omits, or neglects to fulfill, observe, carry out or perform any duty or obligation imposed in this bylaw, commits an offence; and
 - (a) on summary conviction is liable to a fine of not less than \$500 and not more than \$50,000;

- (b) on conviction of a ticket offence under the ticketing bylaw, is liable for the fine imposed under that bylaw.
- (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.

Deemed 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 20(4) who establishes, on a balance of probabilities, that the construction or change of use or *occupancy* occurred before they became the *owner* of the parcel.
- (6) Nothing in Section 20(5) of this bylaw affects:
 - (a) The *Regional District's* right to require and the *owner's* obligation to obtain a *permit*, and
 - (b) The obligation of the *owner* to comply with this bylaw.

Part 20: Repeal

20. Bylaw No. 142, being the "Comox Valley Regional District Building Bylaw No. 142, 2011" and all amendments thereto are hereby repealed.

Part 21: In Force

21. This bylaw comes into force upon final adoption hereof.

Read a first time this	day of	2024
Read a second time this	day of	2024
Read a third time this	day of	2024
Adopted this	day of	2024

Chair

Deputy Corporate Legislative Officer

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 681, being the "Comox Valley Regional District Building Bylaw No. 681, 2024," as adopted by the board of the Comox Valley Regional District on the ____ day of _____ 2024.

Deputy Corporate Legislative Officer

Comox Valley Regional District
 Bylaw No. 681, 2024
 Appendix A – Fees

NON – REFUNDABLE PERMIT – PROCESSING FEES	
Description	Permit – Processing Fee
Building permits – Construction Value	
Not exceeding \$50,000.00	\$125.00
Greater than \$50,000.00 and not exceeding \$200,000.00	\$275.00
Greater than \$200,000.00 and not exceeding \$500,000.00	\$525.00
Greater than \$500,000.00	\$1000.00
Plumbing, sprinkler and demolition permits	
Complex buildings and structures	\$125.00
Simple buildings and structures	\$75.00
Solid fuel burning appliance	\$75.00

PERMIT FEES	
Description	Permit Fee
Building permits	\$75.00 + 1.00% of the estimated value of construction
Factory built building certified by Canadian Standards Association	50% of the permit fee noted above
Demolition permits	
Complex buildings and structures	\$250.00
Simple buildings and structures	\$150.00
Plumbing permits	
Complex buildings and structures	\$125.00 + \$15.00 for each fixture
Simple buildings and structures	\$75.00 + \$10.00 for each fixture
Sprinkler permits (Fire Suppression)	
Complex buildings and structures	\$125.00 + 1.00% of the estimated value of construction
Simple buildings and structures	\$75.00 + 1.00% of the estimated value of construction
Fireplace and chimney permits	\$75.00 + 1.00% of the estimated value of construction

INSPECTION FEES	
Description	Inspection Fee
Complex buildings and structures	\$275.00 + applicable taxes
Simple buildings and structures	\$125.00 + applicable taxes
Re-Inspection	\$125.00 + applicable taxes
Voluntary Inspection	\$125.00 + applicable taxes
Expired Permits	\$250.00 + applicable taxes

EXTENSION FEES	
Description	Extension Fee
Complex buildings and structures	\$275.00 + 1.00% of the estimated value of construction*
Simple buildings and structures	\$125.00 + 1.00% of the estimated value of construction*
* The "estimated value of construction" is the value of construction to complete the building or structure beyond the approved inspection stage at the time the permit expired	

REVISION FEES	
Description	Revision Fee
Complex buildings and structures	\$275.00 + 1.00% of the estimated value of construction*
Simple buildings and structures	\$125.00 + 1.00% of the estimated value of construction*
* The "estimated value of construction" is the value of construction to complete the building or structure beyond the approved inspection stage at the time the permit expired	

OTHER FEES	
Description	Application Fee
To rescind a stop work or do not occupy order	\$500.00
Title search, Land Title and Survey Authority (LTSA)	\$25.00
To obtain a copy of a land title charge (such as a covenant or an easement)	At cost + \$5.00 each
To process a covenant in favor of the Comox Valley Regional District	At cost
To remove a Notice on Title, Section 57 Community Charter	\$1000.00

To photocopy plans	\$12.50 + applicable taxes per sheet
Alternative Solution Application	\$400.00
Archives Research (per site)	
Complex buildings and structures	\$250.00
Standard buildings and structures	\$100.00
Change of ownership / address	\$100.00
Temporary building security	\$5,000.00