

CITY OF TERRACE

BYLAW NO. 2307-2024

“A BYLAW FOR ADMINISTRATION OF THE BUILDING CODE AND REGULATION OF CONSTRUCTION WITHIN THE CITY OF TERRACE.”

- A. ***WHEREAS*** City Council may by bylaw regulate, prohibit and impose requirements in relation to buildings and structures under the Community Charter, including in relation to the following under section 53(2):
- (a) *the provision of access to a building or other structure, or to part of a building or other structure, for a person with disabilities;*
 - (b) *the conservation of energy or water;*
 - (c) *the reduction of greenhouse gas emissions;*
 - (d) *the health, safety or protection of persons or property;*
- B. ***WHEREAS*** the Province of British Columbia has enacted the Building Act and, in accordance with its provisions, has established a building code prescribing requirements in respect of the construction, reconstruction, alteration, repair, removal, relocation and demolition of buildings and structures in the Province; and
- C. ***WHEREAS*** the administration of the building code and the regulation of construction in the City of Terrace in accordance with this bylaw balances the efficient delivery of municipal services and the well-being of the community by implementing procedures to review the standards of buildings and structures;

NOW THEREFORE the Council of the City of Terrace, in open meeting assembled, enacts as follows:

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SECTION 1: DEFINITIONS

1.1 *In 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.

ADMINISTRATIVE DEPOSIT means a deposit in the amount prescribed in Table A-4 in Schedule "A", imposed in accordance with Section 13.4 to 13.8.

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 licence.

ALTER or **ALTERATION** or **ALTERING** means in the context of a building or structure, a change to one or more structural elements or a change that renders a life safety system inoperative or unusable.

APPLICANT means an owner or an agent applying for a permit under this Bylaw.

APPLICATION means an application for a permit under this Bylaw.

APPLICATION FEE means the non-refundable fee in the amount set out in Table A-1 in Schedule "A", which is due at the time of submitting an application.

BUILDING ACT means the Building Act, SBC 2015, c 2, as amended or re-enacted from time to time.

BUILDING CODE means the version of the British Columbia Building Code adopted under the Building Act and, in relation to inspection or enforcement under this Bylaw, means those portions of the British Columbia Building Code considered by the building official.

BUILDING OFFICIAL means a person who is qualified as a "building official" under section 11 of the Building Act or is an exempt building professional under section 10 of the Building Act, and who has been designated or appointed by the City to perform the function of a building official under this Bylaw, including a building inspector, plan checker, or plumbing inspector designated or appointed by the City, and for certainty the building official is

the “building inspector” referred to in the Community Charter and Local Government Act.

BUILDING OFFICIAL NOTICE means a notice issued by the building official under Section 12: (Administrative Orders) of this Bylaw, including a do not occupy notice and a stop work order notice.

CITY means the City of Terrace.

COMMUNITY CHARTER means the Community Charter, SBC 2003, c 26, as amended or re-enacted from time to time.

CONSTRUCT or **CONSTRUCTION** or **CONSTRUCTING** includes:

- (i) The creation of buildings and structures by the assembly of building materials;
- (ii) the placement on a site of buildings or structures or components of buildings or structures that have been assembled elsewhere; and
- (iii) any other activities to build, to erect, to install, to assemble, to significantly repair, to alter, to add, to enlarge, to move, to locate, to relocate, to reconstruct, to demolish, to remove, to excavate or to shore in relation to buildings and structures.

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.

DIRECTOR means the City’s Director of Development Services or the person acting as the City’s Director of Development Services, or where the position is eliminated or renamed, the employee in charge of the department with responsibility for administering this Bylaw.

ELECTRONIC SIGNATURE has the same meaning as in the Electronic Transaction Act, as amended or replaced from time to time and includes an electronic seal or stamp from a registered professional.

ENERGY STEP CODE means the system of energy performance standards set out in Division B, Parts 9 and 10 of the building code and a reference to a numbered step in the Energy Step Code is reference to a step established by the building code.

DO NOT OCCUPY NOTICE means an order issued by a building official directing that a person does not occupy a building or structure pursuant to Section 11.10 of this Bylaw.

EXISTING BUILDING means any building or structure built prior to the adoption of this Bylaw.

FAIR MARKET VALUE means the price a willing person, acting in good faith, would pay for comparable material or labour in an arm's length transaction obtained in a competitive market.

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.

GEOTECHNICAL REPORT means a report prepared by a registered professional, required by the building official pursuant to Section 7.6 of this Bylaw.

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.

ONLINE APPLICATION PORTAL means the online work flow management system used by the City, including any replacement or additional electronic systems that may be adopted by the City from time to time, for the purpose of receiving and processing applications for permits from applicants and through which a building official will communicate with applicants, agents, constructors and registered professionals in relation to an application and to administer the provisions of this Bylaw, including the scheduling of inspections and the issuance of permits.

OCCUPANCY PERMIT means a permit issued by a building official to occupy a building or a portion of a building.

OFFENCE ACT means the Offence Act, RSBC 1996, c 338, , as amended or re-enacted from time to time.

OWNER means the registered owner in fee simple of the fee simple interest, as shown on a certificate from the Land Title Survey and Authority.

PAPER APPLICATION SURCHARGE means a fee in the amount set out in Table A-1 in Schedule "A" to cover the additional work required to administer a permit application file outside of the online application portal.

PART 3 BUILDING means a class of building as defined in the building code, which require the engagement of registered professionals.

PART 9 BUILDING means a class of building as defined in the building code, which involve limited engagement of a registered professional.

PERMIT means permission or authorization given in writing by a building official to perform work regulated by this Bylaw and, in the case of a final inspection report, to occupy a building or part of a building.

PERMIT FEES mean those refundable fees set out in Table A-2 in Schedule "A".

PERMIT HOLDER means a person to whom a permit is issued under this bylaw, including an owner.

PLAN REVIEW FEES mean those non-refundable fees set out in Table A-3 in Schedule "A".

PROFESSIONAL DESIGN means the supporting documents bearing the date, seal or stamp, and signature of a registered professional.

PROFESSIONAL ENGINEER means an engineer in good standing with the Association of Professional Engineers and Geoscientists of the Province of British Columbia authorized to practice engineering in the Province of British Columbia under the Professional Governance Act, SBC 2018, c 47, as amended or re-enacted from time to time.

PROJECT means any construction operation.

RETAINING WALL means a structure exceeding 1.2 metres in height that is intended to hold or retain soil or other material.

SPECIAL INSPECTION means any inspection not specifically provided for in this Bylaw.

STOP WORK ORDER NOTICE means an order issued by a building official directing that a person stop construction pursuant to Section 11.3 of this bylaw.

STRUCTURE means a construction or portion of construction, of any kind, whether fixed to, supported by or sunk into land or water, but does not include landscaping, fences, paving, or a wall supporting soil other than a retaining wall.

SUPPORTING DOCUMENTS means any plans, drawings, reports, specifications or other similar documents that are required by this Bylaw or requested by a

building official in order to process an application, issue a permit or administer this Bylaw.

TEMPORARY BUILDING means a building or structure intended to be occupied for a period not exceeding one year and includes a sales office, construction office or a structure in which tools are stored during construction of a building or other structure.

TICKET INFORMATION UTILIZATION BYLAW means the City's Ticket Information Utilization Bylaw No. 1827-2005, as amended or re-enacted from time to time.

TRUSS means one or more rafters, joists, beams, lintels, struts, and ties designed to support loads over a span.

VALUE OF THE WORK means the fair market value of all material and labour costs from grubbing and site preparation stage up to and including finished grading and construction completion stage. Value does not include material costs only of processing machinery but includes their structural mountings and supports as well as all crane ways and hoists, and it will be the greater of:

- (i) the value declared in the application;
- (ii) the value as reasonably estimated by the building official; or
- (iii) the cumulative total of all contracts for construction to complete the project.

ZERO CARBON CODE means measures to limit excessive emission of greenhouse gases into the environment for new construction, set out in Division B, Parts 9 and 10 of the building code and a reference to a step in the Zero Carbon Code is a reference to a GHG Emission Level established by the building code.

1.2 In this Bylaw the following words and terms have the meanings as set out in section 1.4.1.2 of the building code:

- .1 Building;
- .2 building height;
- .3 constructor;
- .4 coordinating registered professional;
- .5 designer;
- .6 excavation;
- .7 field review;
- .8 firewall;

- .9 grade;
- .10 major occupancy;
- .11 occupancy;
- .12 private sewage disposal system;
- .13 registered professional;
- .14 residential occupancy;
- .15 unsafe condition.

1.3 Every reference to this Bylaw in this or another bylaw of the City is a reference to this Bylaw as amended to the date of the reference.

1.4 Every reference to:

- .1 The building code is a reference to the current edition as of the date of issuance of the permit authorizing construction; and
- .2 a section of the building code is a reference to the applicable successor sections,

as the code or section may be amended or re-enacted from time to time.

1.5 Definitions of words and phrases used in this Bylaw that are not included in the definitions in this Section 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.

Appendices

1.6 Appendix A (Fees) is attached to and form part of this Bylaw.

SECTION 2: INTERPRETATION

Citation

2.1 *This bylaw may be cited as “Building Bylaw No. XXXX-2024”.*

Purpose of Bylaw

2.2 *Despite any other provision in this bylaw, this Bylaw must be interpreted in accordance with this Section.*

2.3 *This bylaw is enacted to authorize the City to regulate, prohibit and impose requirements in the public interest on any construction within its jurisdiction.*

2.4 *Every permit issued under this Bylaw is issued expressly subject to the provisions of this Section.*

2.5 *Neither the issuance of a permit under this Bylaw, nor the acceptance or review of supporting documents, nor any inspections made by or on behalf of the City will in any way:*

.1 Guarantee that the building or structure has been constructed in compliance with this Bylaw;

.2 allow a person to rely on the City or a building official to administer or enforce this Bylaw for their benefit;

.3 relieve 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;

.4 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 followed during the construction of the building or structure; or

.5 constitute a representation, warranty, assurance or statement that the building or structure meets any standard of materials or workmanship.

2.6 *Without limiting section 2.5.1, it is the full and sole responsibility of the owner (and if the owner is acting through an agent, the agent) 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.*

2.7 *The purpose of this Bylaw does not extend to:*

- .1 The protection of owners, designers, registered professionals, or constructors from economic loss;*
- .2 the assumption of any responsibility by the City or a building official to ensure an owner, or his or her representatives or agents, including any employees, designers, registered professionals or constructors, have complied with this Bylaw, the building code, or any other codes, standards or enactments;*
- .3 providing any person with a representation, warranty, assurance or statement in relation to the quality or standard of the design or workmanship of any building or structure for which a permit authorizing construction or occupancy has been issued by a building official under this Bylaw; or*
- .4 the protection of adjacent real property from incidental damage or nuisance during construction.*

General Guidance

2.8 *The following rules apply to interpretation of this Bylaw:*

- .1 The word "including" means "including, but not limited to";*
- .2 where specific examples are provided in support of a general term, the specific examples should not be construed as limiting the generality of the general term;*
- .3 headings, titles, and preambles in this Bylaw are intended to assist in the interpretation of this Bylaw, but are not intended to limit or restrict the purposes of this Bylaw;*
- .4 references to one gender includes all genders, to the singular includes the plural, and to a particular verb tense includes all tenses of the verb, as the context requires;*
- .5 every provision of this Bylaw is independent of all other provisions, and if any provision of this Bylaw is declared invalid by a Court, all other provisions of this Bylaw remain valid and enforceable; and*
- .6 references to bylaws and enactments in this Bylaw include amendments and replacement bylaws and enactments, and regulations and orders thereunder.*

SECTION 3: SCOPE AND EXEMPTIONS

Application

- 3.1** *This Bylaw applies within the geographical area of the City and to land, the surface of water, air space, buildings or structures in the City.*
- 3.2** *This Bylaw applies to the design, construction or occupancy of buildings or structures, with those modifications and exemptions set out in this Section.*

Modified Application of the Bylaw to Buildings or Structures Assembled Elsewhere

- 3.3** *This Bylaw applies, with modification supported by the building code, to buildings or structures or components of buildings or structures that have been assembled elsewhere as follows:*
- .1 Where the assembly bears the label of an accredited certification agency, the building official may rely on the label to determine that the assembly complies with the building code;*
 - .2 where the assembly does not bear the label of an accredited certification agency, the applicant must demonstrate to a building official that the building or structure complies with the building code by submitting any information required by the building official including additional information from the designer or constructor or an opinion from a registered professional; and*
 - .3 where the existing building is moved either within or into the City, including relocation relative to parcel lines created by subdivision or consolidation, the applicant must demonstrate to a building official that building or structure complies with the building code in accordance with Section 15: (Specific Regulations).*

Exempt Buildings and Structures

- 3.4** *This Bylaw does not apply to:*
- .1 A wall supporting soil other than a retaining wall;*
 - .2 an accessory building with a floor area of less than 10 square metres; and*
 - .3 a fence, a trellis, an arbour, or other similar landscaping or decorative structures.*

Limited Application to Existing Buildings

- 3.5** *When an existing building has been constructed before the enactment of this Bylaw, the enactment of this Bylaw does not require the building be modified unless the modification is expressly required by this Bylaw or another enactment.*
- 3.6** *If construction work is done to an existing building, including the construction of an addition:*
- .1 The new construction must comply with this Bylaw and the building code; and*
 - .2 the existing building must be made to comply with this Bylaw and the building code, but only to the extent necessary to address any new contraventions of the building code introduced in the remainder of the building as a result of the new construction.*
- 3.7** *Notwithstanding anything else in this Bylaw, the building official may refuse to issue a permit for an existing building where the building official cannot verify that the health and safety aspects of the work in the existing building meet the current building code.*

SECTION 4: PROHIBITIONS

- 4.1** *A person must not commence or continue any construction or alter the use or occupancy of any building or structure that requires other work related to construction:*
- .1 Except in conformity with the requirements of the building code and this Bylaw; and*
 - .2 unless and until a building official has issued a valid and subsisting permit for the work under this Bylaw.*
- 4.2** *A person must not occupy or allow any person to occupy any building or structure or part of any building or structure:*
- .1 Except on an interim basis, where a provisional occupancy permit has been issued by a building official or where a permit for a temporary building has been issued by a building official;*
 - .2 except where a final inspection report or a final occupancy permit has been issued by a building official for the building or structure or the part of the building or structure; or*

- .3 contrary to the terms of any permit issued or building official notice given by a building official.*
- 4.3** *A person must not knowingly submit false or misleading information to a building official in relation to any application or construction regulated by this Bylaw.*
- 4.4** *A person must not, unless authorized in writing by a building official, alter or modify any supporting documents:*
- .1 After they have been reviewed by the building official; or*
- .2 filed for reference with the building official after a permit has been issued.*
- 4.5** *A person must not, unless authorized in writing by a building official, reverse, alter, deface, cover, remove or in any way tamper with any building official notice, permit or certificate posted or affixed to a building or structure pursuant to this Bylaw.*
- 4.6** *A person must not do any work that deviates from the supporting documents reviewed by a building official as part of an application, unless that deviation has been approved in writing by a building official.*
- 4.7** *A person must not interfere with or obstruct a building official or other person authorized by the City to administer this Bylaw in the performance of their functions under this Bylaw, including entering onto property to conduct inspections.*
- 4.8** *A person must not contravene a building official notice or direction of a building official issued pursuant to this Bylaw.*

SECTION 5: POWERS OF A BUILDING OFFICIAL

Delegations to Building Officials

- 5.1** *Words defining the authority of a building official are to be construed as delegating administrative powers and not as creating a private duty of care.*
- 5.2** *A building official may:*
- .1 Administer this Bylaw, but in administering this Bylaw owes no public duty to enforce or administer this Bylaw.*
- .2 Create, amend, publish and prescribe any forms, notices, policies, or other documents that may be convenient for the administration of this Bylaw, including building official notices, the online portal application, format and*

- specifications of any supporting documents, and the Energy Step Code or the Zero Carbon Step Code.*
- .3 Prescribe any of the details described in Section 16 (Step Codes).*
 - .4 Create, amend, publish and prescribe guidelines for determining the value of the work.*
 - .5 Create, amend, publish and prescribe procedures for inspections, preconstruction meetings and coordinated site reviews.*
 - .6 Determine, amend, publish and prescribe climatic data applicable to the design of buildings and structures.*
 - .7 Keep records by means of the data storage associated with the online application portal of any 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.*
 - .8 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.*
 - .9 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.*
 - .10 Retain a registered professional or designer to conduct a peer review of information supplied as part of an application, imposing any fee to the permit as prescribed by Schedule "A" without imposing any obligation on a building official to verify the qualifications of the person.*
 - .11 Require the owner to register or permit the City to register a covenant under section 219 of the Land Title Act, including an indemnity in favour of the City, where the building official determines that such a covenant will achieve the objectives of this Bylaw, including circumstances where the owner has requested the building official waive any of the requirements of this Bylaw or any other enactment in issuing a permit, where alternative solutions are proposed to achieve compliance with the building code, where the building official has accepted a prescriptive path for energy conservation and*

greenhouse gas reduction purposes, or where the building official has accepted reports by a registered professional.

Refusal and Revocation of Permits

5.3 *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 City, and, if requested by the applicant, must state the reason for the refusal in writing.*

5.4 *A building official may revoke a permit if, in the opinion of the building official:*

- .1 The results of tests on materials, devices, construction methods, structural assemblies or foundation conditions contravene the building code or a provision of this Bylaw, or both;*
- .2 all permits required under this Bylaw have not been obtained;*
- .3 the building or structure is being constructed or has been constructed in contravention of any condition under which the permit was issued;*
- .4 the application contains an error or misrepresentation that is discovered after issuance of the permit;*
- .5 an unsafe condition exists; or*
- .6 any circumstance 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.*

Right of Entry

5.5 *Subject to section 16 of the Community Charter, a building official or any other person authorized by the City to administer this Bylaw may enter on property at any time to ascertain whether the requirements of this Bylaw are being met.*

SECTION 6: ROLES AND RESPONSIBILITIES OF OWNERS

Owner's Obligations

6.1 *An owner must:*

- .1 Submit or cause to be submitted any supporting documents required by this Bylaw or by the building official;*

- .2 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 City;*
- .3 comply with the building code, the requirements of this Bylaw and the conditions of a permit;*
- .4 not omit any work required by the building code, this Bylaw or as a condition of a permit;*
- .5 perform its obligations and require its agents, designers, registered professionals and constructors to perform their obligations under this Bylaw through the online application portal unless the owner has paid the paper application surcharge;*
- .6 allow a building official to enter any building or premises at any reasonable time to administer and enforce this Bylaw; and*
- .7 have available at the construction site all permits, supporting documents, and municipal inspection certificates for inspection by the building official at any time that work is occurring.*

Termination of Registered Professional

- 6.2** *If an owner or a registered professional terminates the engagement of the registered professional, including a coordinating registered professional, the owner must stop all work authorized by a permit as if the building official had issued a stop work order notice until the owner has engaged a new registered professional, including any changes to a coordinating registered professional, and the new registered professional has registered with the City through the online application portal and has delivered to a building official through the online application portal new letters of assurance and any additional supporting documents.*

SECTION 7: ROLES AND RESPONSIBILITIES OF CONSTRUCTORS

Registered Users of Online Application Portal

- 7.1** *Each constructor engaged by an owner to perform any functions under this Bylaw is required to be registered as a user on the online application portal and associated with the application on the online application portal.*

Adherence to Building Code and Other Bylaws

- 7.2** *A 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.*
- 7.3** *A constructor proposing to do work authorized by this Bylaw must have a valid business licence from the City.*
- 7.4** *A constructor must ensure that no excavation or other work is undertaken on public property or a highway, and that no public land 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 or highway.*
- 7.5** *For the purposes of the administration and enforcement of this Bylaw, a constructor is responsible jointly and severally with the owner for all work undertaken.*

SECTION 8: ROLES AND RESPONSIBILITIES OF REGISTERED PROFESSIONALS AND OTHER PROFESSIONALS

Registered Users of Online Application Portal

- 8.1** *The City will be administering the bylaw through the online application portal. As such:*
- .1 Each registered professional engaged by an owner to perform any functions under this Bylaw is required to be registered as a user on the online application portal and associated with the application on the online application portal.*
- .2 Notwithstanding the foregoing, where there is a coordinating registered professional, only the coordinating registered professional must be a registered user of the online application portal and associated with the application on the online application portal.*

Professional Design and Field Review

8.2 *The provision of letters of assurance by a registered professional in accordance with the requirements of the building code must occur through the online application portal prior to:*

- .1 The occupancy site review coordinated by the coordinating registered professional or other registered professional for a Part 9 Building; or*
- .2 a final inspection for a Part 9 Building in circumstances where letters of assurance have been required in accordance with the requirements of the building code, in which case the applicant must submit through the online application portal letters of assurance in the form of Schedules C-A or C-B, as appropriate, referred to in subsection 2.2.7, Division C, of the building code.*

Requirement for a Registered Professional

8.3 *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 referred to in subsection 2.2.7, Division C, of the building code in respect of an application for the following:*

- .1 A Part 3 Building, in which case the applicant is responsible for submitting a request through the online application portal for occupancy site review that is coordinated by the coordinating registered professional and for ensuring the City is given written notice of the occupancy site review in accordance with Section 11.17;*
- .2 a Part 9 Building in circumstances where letters of assurance are required under the building code, in which case the applicant must submit through the online application portal letters of assurance in the form of Schedules C-A or C-B, as appropriate, referred to in subsection 2.2.7, Division C, of the building code prior to a final inspection;*
- .3 a building that is designed with common egress systems for the occupants and requires the use of firewalls in accordance with the building code;*
- .4 alterations to a Part 9 Building where the Part 9 Building is as described in paragraph 8.3(.2);*

- .5 a building in respect of which the building official determines that site conditions, size, complexity or another aspect of the development require the involvement of a registered professional; and*
- .6 where the building envelope components of the building fall under Division B Part 3 of the building code, or where the building envelope components do not comply with the prescriptive requirements of Division B Part 9 of the building code.*

8.4 *Without limiting the authority of a building official under Section 5.2.11 and at the discretion of the building official, any registered professional carrying out the professional design and field review required under Section 8.3 may be required to submit through the online application portal additional information to the building official on their experience and expertise in respect of the professional design and field review.*

Professional Engineer’s Responsibilities for Geotechnical Report

8.5 *Without imposing an obligation on the building official to ascertain the conditions present at a site or parcel, where the building official considers that construction would be on land that is subject to or is likely to be subject to flooding, mud flows, debris flows, debris torrents, erosion, land slip, rock falls, subsidence, or avalanche, the building official may require:*

- .1 An applicant to submit a geotechnical report certified by a professional engineer that the site or parcel may be used safely for its intended use;*
- .2 the professional engineer preparing the geotechnical report is qualified to give a professional opinion on the type of hazard present in the area, having regard for the professional engineer’s area of expertise, the scope of their professional practice, and any guidance offered by their regulatory body; and*
- .3 the geotechnical report must include recommendations including perimeter drainage.*

8.6 *Where such a report is prepared, the owner must comply with the determination and recommendations in the report.*

Designers & Manufacturers of Trusses

8.7 *Designers or manufacturers of trusses engaged by an owner to perform any functions under this Bylaw must be included as a registered user on the online application portal and associated with the application on the online application portal.*

Professional Plan Certification

8.8 *Without limiting the requirements related to field review and coordinated site visits, the City and its building official will rely on the letters of assurance submitted by a registered professional as certification that the design and plans of the building or structure to which the letters of assurance refer comply with the building code, this Bylaw and other applicable enactments.*

8.9 *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.*

8.10 *A registered professional must submit the required document in this part through the online application portal, unless the applicant has paid the paper application surcharge.*

Plan Review Fee Reduction

8.11 *If a permit is issued for the construction of a Part 3 Building or where letters of assurance have been submitted for the substantial portion of a Part 9 Building, the plan review fee can be reduced by 50%.*

SECTION 9: BUILDING APPLICATION REQUIREMENTS

Requirements Before Applying for a Building Permit

9.1 *An applicant must satisfy the building official of the following:*

- .1 A development permit has been obtained if the building or structure is in an area designated by the City's Official Community Plan as a development permit area;*
- .2 the proposed building or structure complies with all the City's land use bylaws, except to the extent a variance of such a bylaw is authorized by a development*

- permit, development variance permit, heritage alteration permit, or an order of the Board of Variance;*
- .3 the parcel that is the subject of the application has been assigned a folio or roll number for assessment and taxation purposes;*
 - .4 if applicable, the building is a strata building for which no approval is required from the approving officer or the approving officer has approved the subdivision that will create the parcel that is the subject of the application;*
 - .5 a connection can be made from the proposed building to the City's sewage disposal system or the City's waterworks system, or both, or prior to occupancy the applicable public health authority will approve an alternate private sewage disposal system or an alternate private water supply system, or both;*
 - .6 an application for driveway access onto the adjacent street front has been submitted; and*
 - .7 where required, the owner has completed all on-site and off-site works and services required prior to the issuance of a permit under any bylaw or other enactment or the owner has entered into an agreement with the City to complete any such required works and services and has deposited with the City any required security for the completion of these works and services.*

General Permit Application Requirements

9.2 Every application must:

- .1 be accompanied by an application fee;*
- .2 be submitted through the online application portal, unless the applicant has paid the paper application surcharge;*
- .3 contain all the information required by this Bylaw in the format prescribed by the building official including any supporting documents; and*
- .4 include a signature or electronic signature of the applicant and where the applicant is the agent of the owner of the parcel that is the subject of the application, the application must also include:*
 - a. The name and contact information of the owner;*
 - b. the consent of the owner to the agent acting on behalf of the owner;**and*

- c. an acknowledgement of responsibility for the work authorized by the permit by the owner and an undertaking to perform the work in accordance with this Bylaw by the owner.*

9.3 *An applicant will submit the following as part of their application:*

- .1 An acknowledgement of responsibility for the work authorized by the permit and an undertaking to perform the work in accordance with this Bylaw;*
- .2 one or more site plans showing the information required by the building code and including:*
 - a. The bearing and dimensions of the parcel taken from the registered subdivision plan, including a north arrow and the names of adjacent street and lanes;*
 - b. the legal description and civic address of the parcel;*
 - c. the locations and dimensions of existing and proposed statutory rights of way and easements;*
 - d. the locations and dimensions of existing and proposed buildings or structures, including retaining walls, steps, stairs and decks, and their setbacks from the property lines and, if applicable, from the natural boundary of any watercourse;*
 - e. the locations and dimensions of off-street parking;*
 - f. if applicable, location of an approved existing or proposed alternative private or other sewage disposal system, water supply system or storm water drainage system;*
 - g. locations of curbs, sidewalks, manholes and service poles;*
 - h. any slopes on the parcel that exceed 30%;*
 - i. location of the top bank and the natural boundaries of watercourses, including a lake, pond, river, stream, creek or other body of water;*
 - j. location and species of all trees greater than 10 centimetres in diameter;*
- .3 one or more floor plans showing the information required by the building code and including:*
 - a. the dimensions and uses of all areas;*

- b. the dimensions and height of crawl and roof spaces;*
 - c. the location, size and swing of doors;*
 - d. the location, size and opening of windows;*
 - e. floor, wall, and ceiling finishes;*
 - f. the number and location of plumbing fixtures; and*
 - g. the locations and dimensions of stairs;*
- .4 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 to the City's Zoning Bylaw and development permit guidelines as required; and*
- .5 where the City's land use regulations or provincial flood mapping regulations establish siting requirements related to minimum floor elevation, the geodetic elevation of the underside of a wood floor system or the top of a finished concrete slab of a building or structure.*
- 9.4** *An applicant must ensure that all supporting documents include the address, the owner's name and the name and contact information for the author or responsible registered professional.*
- 9.5** *An application is not deemed to be complete until all supporting documents have been submitted and reviewed for completeness by the building official.*
- 9.6** *Where the applicant has paid the paper application surcharge, In addition to any required paper forms, the applicant must submit two sets of plans and drawings at a suitable scale, including all of the information required under this Section 9: (Building Application Requirements), to allow the building official to scan and upload a copy of the plans and drawings into the online application portal for the purpose of administering this Bylaw. This necessity is in absence of any City accepted digital versions or waived requirements.*
- Discretion of the Building Official**
- 9.7** *Notwithstanding any other requirements set out in this Bylaw, a building official may require an applicant to submit any other information required by the building official to establish compliance with this Bylaw, the building code and other bylaws and enactments applicable to the building or structure.*

9.8 *The building official may waive, in whole or in part, any or all of the application requirements if:*

- .1 The work is part of or incidental to construction that has been authorized by a different permit; or*
- .2 the value or type of construction, in the opinion of the building official, does not warrant all or any of the information required by this Bylaw.*

Applications for Part 3 Buildings

9.9 *In addition to the other requirements of this Section 9: (Building Application Requirements), an application for a permit with respect to a Part 3 Building will be submitted with the following:*

- .1 A building code compliance summary referencing:
 - a. The applicable edition of the building code*
 - b. under which part of the building code each building was designed; and*
 - c. major occupancy classification(s) of the building including the areas of the building occupied by each major occupancy classification(s); and*
 - d. a key plan or summary of where the information required by the building code has been included in the application;**
- .2 a copy of a survey plan prepared by a British Columbia land surveyor;*
- .3 a zoning compliance summary;*
- .4 one or more site plans prepared by a registered professional showing the information required in Section 9.3 and any other information required by the building code, including:
 - a. Existing and finished ground levels to an established datum at the building corners and at the connections to existing or proposed stormwater management facilities;*
 - b. the elevations (including gradient) of parking facilities and parking access located and to be located on the site;*
 - c. the elevations of curbs and sidewalks;**

- .5 a cross-section through the building or structure in sufficient detail, scale and locations to illustrate:
 - a. the foundations, drainage, ceiling heights and constructions systems; and*
 - b. that the building conforms to the building code;**
- .6 any other information or supporting documents required under 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;*
- .7 copies of approvals required under any enactment relating to health or safety, including sewage disposal permits, highway access permits and ministry of health approvals;*
- .8 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; and*
- .9 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.*

Applications for Part 9 Buildings

9.10 *In addition to the other requirements of this Section 9: (Building Application Requirements), an application for a permit with respect to a Part 9 Building will be submitted with the following:*

- .1 A copy of a survey plan prepared by a British Columbia land surveyor except where the building official waives this requirement, in whole or in part;*
- .2 a zoning compliance summary;*
- .3 cross-sectional details drawn at an appropriate scale and at sufficient locations to illustrate that the building or structure substantially conforms to the building code;*
- .4 geotechnical letters of assurance, in addition to a geotechnical report, if the building official determines that the site conditions so warrant under Section 8.7; and*
- .5 a building code compliance summary including the applicable edition of the building code, such as, without limitation, whether the building is designed*

under Part 3 or Part 9 and compliance with article 2.2.2.1(2), Division C of the building code.

9.11 *In addition to the other requirements of this Section 9: (Building Application Requirements), if a project involves:*

- .1 Two or more buildings, the gross floor areas of which in the aggregate total more than 1000 square metres;*
- .2 two or more buildings that will contain four or more dwelling units; or*
- .3 otherwise, if the complexity of the proposed building or structure or siting circumstances warrant,*

The building official may require the following be submitted with an application for the construction of each Part 9 Building in the project:

- .4 a section through the site showing grades, buildings, structures, parking areas and driveways;*
- .5 a roof plan and roof height calculations;*
- .6 structural, electrical, plumbing, mechanical or fire suppression drawings prepared and sealed by a registered professional; and*
- .7 letters of assurance in the form of Schedule B referred to in Division C of the building code, signed by a registered professional.*

Site and Location Information

9.12 *Without limiting any other provisions of this Section, for a new single-family dwelling, a new Part 3 Building and for any other application which the building official considers necessary, an applicant may be required 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:*

- .1 Establish, before construction begins, that all the provisions of this Bylaw in relation to this information will be complied with;*
- .2 verify, on completion of the construction, that all provisions of this and other applicable bylaws have been complied with;*
- .3 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 neighbouring grades;*

- .4 if the building or structure is in an area is located in the vicinity of a storm water drainage system, the applicant must demonstrate that the proposed building or structure has been designed to direct storm water drainage on the parcel into the system, subject to compliance with any other bylaws or enactments, or it must apply for and obtain approval for an alternative storm water drainage detention solution that is acceptable to the building official and submit confirmation of such approval through the online application portal;*
- .5 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 every person served with a written requirement under this Section must comply with the requirement.

Expiration of an Application

9.13 An application expires:

- .1 at the request of an applicant to cancel the application;*
- .2 180 days from the date a complete application is received under this Section if the permit has not been issued;*
- .3 90 days from the date the building official deems an application is incomplete or makes requests for any additional information or a revision from an applicant and no significant steps are taken by the applicant to complete the application; or*
- .4 90 days from the date the City confirms through the online application portal that the application for a permit is ready to be issued, but the permit is not issued because of the non-payment of any fee required under this Bylaw.*

9.14 On application, the building official may permit an extension of the application expiration date, provided that:

- .1 An application for an extension of the application is made prior to the date on which the application expires; and*
- .2 the application includes the fee for an extension of the application as prescribed by Schedule "A".*

9.15 If an application expires in accordance with this Section, an applicant must re-submit the application and pay a new application fee.

Transfer of an Application

- 9.16** *An applicant may request the transfer of an application to a new owner prior to issuance of a permit by following the procedure for transferring a permit in Section 10.9.*

SECTION 10: BUILDING PERMITS

Requirement to Obtain Permit

- 10.1** *A permit is required if work regulated under this Bylaw is to be undertaken, including:*
- .1 constructing or altering a building or structure, unless exempt from the application of this Bylaw pursuant to Section 3.4;*
 - .2 moving a building or structure into or within the City;*
 - .3 demolishing a building or structure or creating an excavation;*
 - .4 occupying a new building or structure;*
 - .5 changing the use or occupancy of an existing building; or*
 - .6 installing a plumbing system that is regulated by the building code and related to a permit issued under this Bylaw.*

Issuance of a Building Permit

- 10.2** *A building official will issue a permit after:*
- .1 A complete application, including all required supporting documents, has been submitted, reviewed and accepted by the building official as sufficient to demonstrate that the work proposed by the applicant conforms to the requirements of this Bylaw;*
 - .2 the applicant has paid all applicable fees under this Bylaw;*
 - .3 the applicant has provided the administrative deposit;*
 - .4 the applicant has paid all charges and met all requirements imposed by any other statute or bylaw;*
 - .5 the owner has retained a professional engineer or geoscientist if required under this Bylaw;*
 - .6 the owner has retained an architect if required under this Bylaw;*

- .7 no covenant, agreement, resolution or regulation of the City requires or authorizes the permit to be withheld; and*
- .8 the subdivision that will create the parcel that is subject of the application and granted approval by the Approving Officer, has been registered with Land title Office and a folio has been assigned by BC Assessment Authority and address assignment completed by the City of Terrace.*

10.3 *Despite Section 12.1, the building official may refuse to issue a permit when the owner, constructor or registered professional has active and ongoing contraventions or violations of this Bylaw.*

10.4 *The review of supporting documents and issuance of a permit do not prevent the building official from subsequently requiring an applicant to submit corrected or revised supporting documents, or from revoking any permit or issuing a stop work order notice in relation to any work authorized by a permit when it is being carried out in violation of this or another bylaw.*

Conditions of Every Building Permit

10.5 *Every permit issued under this Bylaw includes as a condition:*

- .1 The work authorized by a permit must be carried out strictly in accordance with the application and any conditions listed on the permit;*
- .2 the permit is only valid at the location identified on the permit;*
- .3 the permit is only valid while the owner listed on the permit is the registered owner of the location identified on the permit;*
- .4 the permit holder must indemnify the City in accordance with the provisions of this bylaw and as required as part of an application;*
- .5 the permit expires in accordance with the terms of this Bylaw; and*
- .6 the permit holder must comply with all conditions of a permit.*

Compliance with the Homeowner Protection Act

10.6 *If the application includes, or will include, a building with a residential occupancy governed by the Homeowner Protection Act, the permit must not be issued unless the applicant submits through the online application portal evidence under section 30(1) of the Homeowner Protection Act, that the proposed building:*

- .1 Is covered by home warranty insurance; and*

.2 the constructor is a licensed “residential builder” as defined in the Homeowner Protection Act.

10.7 *Section 10.6 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.*

10.8 *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.*

Transfer of a Permit

10.9 *An open permit may not be transferred or assigned to a new owner until:*

.1 The new owner has made an application to the building official;

.2 the new owner has submitted any revised information required under Section 9: (Building Application Requirements);

*.3 the building official has authorized the transfer or assignment of the permit;
and*

.4 the applicant has paid the fee to transfer the permit as prescribed in Schedule “A”.

The transfer or assignment of a permit is not an extension of a permit. Any application deposit held by the City will be transferred with the permit and may be refunded to the new owner in accordance with this Bylaw.

Forfeit of Administrative Deposit

10.10 *The administrative deposit may be forfeited as a fee to the City where an owner transfers their interest in land without complying with Section 10.9.*

Expiration of Permit

10.11 Every permit is issued on the condition that the permit expires and the rights of the owner under the permit terminate if:

- .1 The permit is not closed within two years of the date of issuance of the permit;
or
- .2 construction is not started within one year of the issuance of the permit.

Permit Extension

10.12 A building official may extend the periods set out under Section 10.11 for up to twelve months for any reason, provided that:

- .1 An application for an extension of the permit is made prior to the date on which the permit expires; and
- .2 the application includes the fee for an extension of the permit as prescribed by Schedule "A".

Permit Revocation

10.13 The building official may revoke a permit if there is a violation of:

- .1 A condition under which the permit was issued; or
- .2 a requirement of the building code or of this or another bylaw of the City,

such permit revocation must be in writing and sent to the permit holder through the online application portal.

Permit Cancellation

10.14 A permit may be cancelled by the applicant or the permit holder through the online application portal within 6 months of the date of issuance.

10.15 On receipt of notice from an applicant or a permit holder under Section 10.14, the building official may mark a permit as revoked on the online application portal.

10.16 If a permit is cancelled at the request of the permit holder, provided that the permit is not expired, has not been extended under Section 10.12, and the work authorized by the permit has not started, the building official may refund to the owner any fees paid under this Bylaw less:

- .1 The application fee;*
- .2 plan review fees; and*
- .3 peer Review fees.*

Permit Changes

10.17 *If the permit holder 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:*

- .1 Cancel or amend the permit and identify on the online application portal that the previous permit is inactive or that it has been amended by a subsequent permit; and*
- .2 require the payment or repayment of fees as listed in schedule "A" as determined at the discretion of the building official.*

Occupancy

10.18 *Unless provisional occupancy has been granted by the building official under Section 10.23, no person may occupy a building or structure or part of a building or structure until a final inspection report or a permit authorizing occupancy has been issued by a building official.*

10.19 *A final inspection report or a permit authorizing occupancy may be issued by the building official after submission of:*

- .1 all letters of assurance required under this Bylaw;*
- .2 documentation verifying that all aspects of the work requiring inspection and acceptance pursuant to this Bylaw have been both inspected and accepted by a building official;*
- .3 as-built plans of the building or structure and, if applicable, the works and services in the format prescribed by the building official;*
- .4 any other information required by a building official as part of the application;*
- .5 any supporting documents required to verify that the building meets the standards set out in Section 16 (Step Codes); and*
- .6 any other documentation required under applicable enactments.*

- 10.20** *When a registered professional submits letters of assurance in accordance with this Bylaw, the City will rely solely on the letters of assurance when issuing a final inspection report or permit authorizing occupancy as assurance that the items identified on the letters of assurance substantially comply with the design, the building code, this Bylaw and any other applicable enactments respecting health and safety.*
- 10.21** *A building official may issue a final inspection report for partial occupancy of a portion of a building or structure under construction provided that the portion of the building or structure is self-contained and the building official is satisfied that the portion of the building or structure includes all essential components respecting health and safety aspects of the work. Where such a partial occupancy of a portion of a building or structure is permitted, a permit holder must promptly apply for and receive a final inspection report or permit authorizing occupancy for the entire building or structure.*
- 10.22** *A building official may decline to issue a final inspection report or a permit authorizing occupancy where:*
- .1 The requirements set out in Section 10.19 have not been met with respect to the building or structure;*
 - .2 the owner has not executed and submitted through the online application portal every agreement, instrument or form required by the City in relation to the work or the site;*
 - .3 all required off-site works and services have not been completed in accordance with the owner's agreement with the City; or*
 - .4 if applicable, the alternate private sewage disposal system or the alternate private water supply system, or both, have not been approved by the public health authority.*
- 10.23** *If a building official allows for provisional occupancy in the absence of a final inspection report, the building official may grant such provisional occupancy on any terms and conditions that are necessary to satisfy the building official that the health and safety aspects of the work are suitable for the intended occupancy and to secure the timing of the final inspection report and acceptance of the work by the building official.*
- 10.24** *Where provisional occupancy has been granted by the building official under Section 10.23, the permission for provisional occupancy automatically terminates when the permit expires or on the date specified by the building official, whichever is sooner.*

SECTION 11: CONSTRUCTION

Information to be Posted During Construction

11.1 *Every permit holder, for the duration of construction, must post:*

- .1 The civic address on the property so that it may be easily read from the adjacent public highway; and*
- .2 a copy of any permits issued by a building official on the property so that it may be easily read from the adjacent public highway.*

11.2 *Where the construction uses a temporary shipping container or modular office, the civic address and copy of the permits must also be conspicuously posted on the outside of the temporary shipping container or the modular office, or both.*

Maintenance of Municipal Works

11.3 *Every permit holder must sweep the sidewalk and public road adjacent to the site, removing any debris from the construction, during the work authorized by the permit and after the work is complete.*

Notice of Work

11.4 *Every permit holder must submit through the online application portal, reasonably in advance, the date on which the permit holder intends to:*

- .1 Begin work authorized by the permit;*
- .2 do work that is required or ordered to be corrected during construction; or*
- .3 cover work that is required under this Bylaw to be, or has been ordered to be, inspected prior to covering.*

11.5 *Every permit holder must submit through the online application portal the date on which the work authorized by the permit has been completed so that the building official can conduct a final inspection of the work.*

11.6 *Every permit holder must promptly submit through the online application portal notice of a change in the following:*

- .1 A registered professional engaged by the owner in relation to work authorized by a permit;*
- .2 the owner of a property with an open permit; or*

.3 contact information for any registered user of the online application portal or any other person attached to a permit.

11.7 *In the case of such a change in section 11.6 (.2), the new owner must register as a user of the online application portal and submit an application to transfer the permit to the new owner in accordance with Section 10.9.*

Inspections

11.8 *If a registered professional or an agent on behalf of a registered professional submits letters of assurance in accordance with this Section, the City will rely solely on field reviews undertaken by the registered professional and the letters of assurance submitted by the registered professional as assurance that:*

.1 The construction substantially conforms to the design, plans and specifications approved by the building official; and

.2 the construction complies with the building code, this Bylaw and other applicable enactments respecting safety.

11.9 *Despite Section 11.8, 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.*

11.10 *At the request or direction of the building official, the permit holder must coordinate site visits during construction with the building official and all registered professionals to the satisfaction of the building official.*

11.11 *A building official may attend periodically at the site of the construction of Part 9 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.*

11.12 *For work related to a Part 9 Building, the permit holder must submit a request through the online application portal for an inspection by the building official of the following aspects of the work no later than time specified:*

.1 After demolition and before grading and removing debris from the site;

.2 before starting any excavation over 2.2m in depth;

.3 before pouring concrete for foundation and footing forms;

.4 after installing perimeter drainage , damp proofing and associated features;

.5 after the installation of building services and before they are covered;

- .6 after the installation of under slab rough-in piping and after tests have been conducted using water or smoke to confirm suitable water pressure and rough-in plumbing without leakage;*
 - .7 after inspection under Section 11.12 (.6) and before covering any hydronic heating pipes and below slab insulation;*
 - .8 after installation of under slab radon system including rock, piping and vapour barrier;*
 - .9 after the installation of rough-in plumbing after tests have been conducted using water, air or smoke to confirm suitable water pressure and rough-in plumbing without leakage before it is covered;*
 - .10 at the stage of rough in of factory-built chimneys and fireplaces and solid fuel burning appliances;*
 - .11 after framing, sheathing, fire stopping (including drywall in fire separations), bracing, exterior doors and windows, but before the installation of insulation;*
 - .12 after the installation of insulation and vapour barrier, including before the installation of exterior finishes which could conceal such work any wall sheathing membrane, externally applied vapour or air barrier, stucco wire or lath, and flashings;*
 - .13 after the installation of fire rated materials and fire rated assemblies and before they are covered;*
 - .14 after any testing required to confirm that the building performs as intended under Section 16 (Step Codes);*
 - .15 any other health and safety aspects of the work after the building or structure is substantially complete and ready for occupancy but prior to occupancy; and*
 - .16 After all interior and exterior finishes are completed and the permit is ready for closure with no outstanding inspections.*
- 11.13** *The inspection will be conducted when the building official is available. Prior to concealing the inspected aspects, the permit holder must obtain an inspection by a building official and receive written notice through the online application portal of a building official's acceptance of the suitability of the work.*
- 11.14** *A building official is only obligated to carry out an inspection under Section 11.12 if the permit holder has requested an inspection through the online application portal.*

- 11.15** *Despite the requirement for the building official's acceptance of the work outlined in Section 11.8, if a registered professional submits letters of assurance, the City will rely solely on field reviews undertaken by the registered professional and the letters of assurance submitted pursuant to this Bylaw as assurance that the 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.*
- 11.16** *No person may conceal any aspect of the work referred to in Section 11.12 of this Bylaw until a building official has inspected and accepted the work. Acceptance by a building official of any work inspected does not preclude the building official from re-opening the inspection as a result of later work nor does an inspection require the acceptance of the work by the building official.*
- 11.17** *For work in respect of Part 3 Buildings, the permit holder must:*
- .1 Submit a request at least two weeks in advance through the online application portal for a pre-construction meeting with the building official, prior to the start of construction, and the permit holder must ensure that the coordinating registered professional, the constructor, as well as representatives of major trades, are in attendance;*
 - .2 submit a request at least two weeks in advance through the online application portal for an occupancy coordinated site review with the building official, Fire Services and the coordinating registered professional, or other registered professionals; and*
 - .3 cause the coordinating registered professional, at least two weeks prior to the scheduled occupancy coordinated site review, to deliver to the building official through the online application portal any information required under this Bylaw, along with all supporting documents.*

Partial Construction

- 11.18** *If a site has been excavated under a permit for excavation issued under this Bylaw and a permit for a building or structure on the site is not subsequently issued or if a subsisting permit expires after construction on a site has started, a building official may direct the permit holder to take steps to secure the excavation, the site or the parcel or to protect the public and adjacent properties, including filling in the hole, installing permanent fencing, erecting shoring and supports, or any other steps that are necessary to prevent access or stabilize soils.*

Sanitary Facilities

11.19 *During construction pursuant to a permit, the building official may require the permit holder provide suitable sanitary facilities for the disposal of human waste generated by persons doing the work referred to in the permit.*

SECTION 12: ADMINISTRATIVE ORDERS

Authority to Issue Orders

12.1 *Subject to applicable enactments and using the prescribed form, a building official may order a person, including the permit holder, to do any of the following:*

- .1 Comply with one or more provisions of this Bylaw within the time ordered;*
- .2 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 City or other applicable enactments, or if there is deemed to be an unsafe condition;*
- .3 remove or prevent any unauthorized encroachment on a public parcel, a highway, a statutory right of way or easement, or a setback or yard required under an enactment;*
- .4 remove any building or structure, or any part of a building or structure, constructed in contravention of a provision of this Bylaw;*
- .5 have work inspected by a building official prior to covering;*
- .6 uncover any work that has been covered without inspection contrary to this Bylaw or an order issued by a building official;*
- .7 cease any occupancy in contravention of a provision of this Bylaw;*
- .8 cease any occupancy if any unsafe condition exists because of work being undertaken but not complete and where the building official has not issued an occupancy permit for the work;*
- .9 correct or remediate any unsafe condition;*
- .10 cease occupancy of the building or structure until such time as the unsafe condition has been corrected or remedied; or*
- .11 correct any work that contravenes this Bylaw, the building code, or any other enactment.*

12.2 *Every person served with a notice under this Article must comply with the building official notice:*

- .1 Within the time ordered, or*
- .2 if no time is ordered, immediately.*

Stop Work Order Notice

12.3 *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 on the premises whenever the building official finds that the work is not being performed in accordance with the requirements of the building code, any applicable bylaw of the City or the applicable provisions of the Homeowner Protection Act.*

12.4 *The building official may enter on property to affix or post a stop work order notice in the prescribed form.*

12.5 *The coordinating registered professional may request, in writing through the online application portal 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.*

12.6 *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 notice.*

12.7 *The owner must immediately, after the posting of a stop work order notice, 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 City.*

12.8 *Subject to Section 12.7, no work other than the required remedial measures may be carried out on the parcel affected by the stop work order notice until the stop work order notice has been removed by the building official.*

12.9 *The stop work order notice must remain posted on the premises until that which is contrary to the enactments has been remedied.*

Do Not Occupy Notice

12.10 *If a person occupies a building or structure or part of a building or structure in contravention of this Bylaw the building code or a building official considers that an occupancy of a building is in contravention of this Bylaw or the building code or any unsafe condition is present, a building official may direct that the occupancy of the building or structure or part of a building or structure cease by posting a do not occupy notice containing a direction not to occupy all or the affected part of the building or structure.*

12.11 *If a do not occupy order notice is posted under Section 12.10, the owner of a parcel on which 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.*

Failure to Comply with Orders

12.12 *If an owner fails to comply with an order of the building official made under Sections 12.1, 12.3 or 12.10 a building official may exercise the authority in sections 16, 17, and 57 of the Community Charter to bring the property into compliance with the order. Nothing in this section prevents the building official from immediately registering a notice on title or from obtaining a court order to compel the owner to comply with this Bylaw.*

SECTION 13: PERMIT FEES AND OTHER FEES

Fees

13.1 *Before receiving a permit under this Bylaw, the applicant must first pay to the City:*

- .1 Any fees prescribed in by Schedule "A", including the plan review fees and the permit fees;*
- .2 the administrative deposit; and*
- .3 any fees, charges, levies or taxes imposed by the City and payable under an enactment at the time of issuance of the permit.*

13.2 *The application fee may be doubled for a permit application if construction commenced before the building official issued a permit.*

Design Modification

13.3 *If a permit is open and the applicant proposes modification to the building design or the building official requires modification to the building design under this Bylaw, the applicant must pay to the City a revised plan review fee based on the value of the revised design.*

Administrative Deposit

13.4 *An applicant must deposit with the City, at the time of the application, an administrative deposit in the amount prescribed in Schedule "A".*

13.5 *The administrative deposit:*

- .1 covers the cost borne by the City to maintain, restore or replace any public works or public lands which are destroyed, damaged or otherwise impaired in the carrying out of the work authorized by a permit;*
- .2 covers the cost borne by the City to make the site safe if the permit holder abandons or fails to complete the work as designated on the permit;*
- .3 covers the cost borne by the City to administer this bylaw, including any additional fees charged by the City in relation to an application such as legal and professional advice, notices on title, additional plan review fees, and fees for additional inspections;*
- .4 serves as a security deposit to effect compliance with any condition under which the permit was issued;*
- .5 incentivizes an applicant to complete the application; and*
- .6 incentivizes a permit holder to complete all steps required to close a permit.*

13.6 *The entirety of the administrative deposit will be paid to the City as a fee when a permit expires.*

13.7 *The administrative deposit will be returned to the owner at the time a permit is closed or as otherwise directed by the owner in writing to another person or entity.*

13.8 *Where a building official permits provisional occupancy of a building and unless otherwise arranged at the time of occupancy, if a final inspection report or occupancy permit is not requested by the permit holder within 60 days of approval of the start of the provisional occupancy, half of the administrative deposit will be paid to the City as a fee and the balance may be forfeited as a fee if the permit expires under Section 13.6. For certainty, the forfeit of the administrative deposit*

may be extended past 60 days by the building official in the event of newly discovered non-compliance during any inspection.

Other Fees

13.9 *In addition to the fees required under other provisions of this Bylaw, an applicant must pay the fees described in Schedule "A" in the amounts therein prescribed.*

Permit Fee Refunds

13.10 *No fee or part of a fee paid to the City may be refunded if construction of the building or structure has started except at the discretion of the Director in cases of exceptional hardship.*

13.11 *Where a permit has been cancelled at the request of the permit holder within six months of the date of issuance, a permit fee may be partially refunded to the owner, or if directed by the owner, to the agent of the owner, in the amount and subject to the limitations set out in Section 10.16, only if:*

- .1 The amount to be refunded is \$100 or more;*
- .2 the owner has submitted a request for a refund;*
- .3 the building official has confirmed that construction of the building or structure has not started; and*
- .4 the permit has not expired or been extended under Section 10.11.*

SECTION 14: ONLINE APPLICATION PORTAL

Online Administration of this Bylaw

14.1 *The City operates an online application portal for the purpose of administering this Bylaw, including applications, inspections, and works. Unless an applicant has paid the paper application surcharge, an applicant must use the online application portal for the purpose of complying with this Bylaw. The payment of the paper application surcharge does not guarantee that the application will be processed in a timely manner.*

14.2 *A building official may direct any person involved in an application, inspection or works be a registered user of the online application portal and associated with a particular application.*

- 14.3** *The building official may waive, refund or rebate the paper application surcharge if the online application portal is unavailable or in the event that an applicant has attempted to use the online application portal without success.*
- 14.4** *It is the responsibility of the applicant to ensure that the documents submitted have been properly submitted through the online application portal.*
- 14.5** *For any document submitted through the online application portal, the use of an electronic signature will satisfy any requirement in this Bylaw for a signature, stamp or seal.*
- 14.6** *The building official may use the online application portal to communicate with any registered users associated with an application. Every person directed to be a registered user of the online application portal, either under this Bylaw or pursuant to a direction of a building official under Section 14.2 must respond to any communications from a building official, failing which the application or permit may expire or the building official may issue a building official notice.*
- 14.7** *It is the responsibility of the applicant or permit holder to:*
- .1 Log into the online application portal to retrieve any communications from a building official;*
 - .2 ensure the contact information stored in the online application portal is current; and*
 - .3 verify that its agents, designers, registered professionals and constructors have retrieved any communications from a building official.*
- 14.8** *At the discretion of the building official, the building official may elect to administer this bylaw other than through the online application portal.*

SECTION 15: SPECIFIC REGULATIONS

Interpretation of this Section

- 15.1** *The obligations in this Section are in addition to and not a substitute for any more general requirements set out elsewhere in this Bylaw.*

Retaining Walls and Grades

- 15.2** *No person may construct a retaining wall without a permit.*
- 15.3** *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 exceeding a ratio of one linear unit vertically to two linear units horizontally.

15.4 *No person may occupy a building unless the finished grade complies with all applicable enactments.*

Building Move

15.5 *No person may move a building or structure into or within the City:*

.1 Except where certified by a registered professional that the building, including its foundation, will substantially comply with the current version of the building code; and

.2 a permit has been issued for the building or structure.

15.6 *A permit to authorize the relocation of a building within the City may only be approved along with a permit authorizing the placing of the building at its new location.*

Demolition Permit

15.7 *Prior to obtaining a permit to demolish a building or structure, the owner must:*

.1 Submit to the building official a vacancy date as of which the occupancy of the building or structure will end;

.2 pay disconnection fees as set out in the City's bylaws applicable to utility services;

.3 verify with the City or other utility service provider the timing and requirements for disconnecting the water, sewer, electrical, gas and other services to the building; and

.4 obtain the written approval from a building official that the building official is satisfied with the proposed timing of disconnection and, if applicable, the manner or scope of demolition while the building is connected to utilities or services.

15.8 *Notwithstanding any other provision in this Bylaw, a permit authorizing demolition expires after 90 days.*

15.9 *Every owner must ensure that, on completion of all demolition procedures, all debris and fill are cleared, and the site is levelled or graded to the same surface grades and elevations of the adjacent properties and roadways, or made safe with suitable facilities to manage surface water if levelling and grading are not possible.*

Trusses

15.10 *Every application that includes a truss must be accompanied by a legible truss layout plan and truss design drawing that includes:*

- .1 The project address and the manufacturer of the trusses;*
- .2 the location(s) of each truss, complete with specific truss identification or design numbers;*
- .3 design drawings for each type of installed truss, including confirmation that the trusses have been designed to the current edition of the building code and bearing the seal of a professional engineer,*
- .4 identification of the truss specifications used on common or catalogue designs;*
- .5 the location and type of all mechanical connectors;*
- .6 related documentation confirming the load capacity and installation requirements of the individual type of hangars specified;*
- .7 identification of all points loads, including adjacent or combination of point loads, carrying loads greater than 3629 kilograms, which must be marked in a layout plan applicable to the foundations; and*
- .8 any other information necessary for a building official to understand the design, fabrication and permanent installation of each truss.*

15.11 *For any installation that involves special truss bearing requirements:*

- .1 These requirements are to be clearly identified on the documents submitted to the building official and relate to the size and specifics of the adjacent structural support;*
- .2 a building official may require the owner to provide additional information on the details of the trusses, including additional supporting document prepared by a qualified person, and where such additional information is required, the owner must make the person who prepared the information available to answer any additional questions from the building official, including providing clarification on the installation of such trusses.*

15.12 *Where at the discretion of the building official, the truss layout plan or truss design drawing warrant, a building official may require an owner to retain:*

- .1 A designer holding membership in British Columbia Association of Building Designers; or*
- .2 another qualified person to verify the trusses comply with the building code and they can be safely used in the manner proposed in the application.*

15.13 *In addition to the requirements of Section 8: (Roles And Responsibilities of Registered Professionals and Other Professionals), where a building includes truss design and installation, an owner may be required to retain a professional engineer to submit the design and field reviews in order to ascertain that the design, fabrication and installation of the trusses comply with the building code and other enactments respecting safety.*

Temporary Buildings

15.14 *At the sole discretion of the building official, a building official may require a permit for a temporary building. In exercising this discretion, the building official may consider:*

- .1 The characteristics of the building or structure;*
- .2 whether a person has classified, claimed, or identified that the building or structure is intended to be temporary;*
- .3 the proposed uses for the building or structure;*
- .4 the convenience of registering the temporary building in the online application portal for tracking purposes;*
- .5 the degree to which the building official can determine that the temporary building has been safely constructed and will be removed in accordance with the terms of the permit; and*
- .6 any other factor that the building official considers relevant for the purpose of determining whether a permit for the temporary building can be issued under this Bylaw.*

15.15 *Subject to the bylaws of the City and any applicable permits, where the building official has determined that a permit is required for a temporary building, the building official may issue a permit for a temporary building.*

15.16 *Every permit issued for a temporary building requires that the permit holder to:*

- .1 Pay an additional administrative deposit;*
- .2 remove the temporary building on or before the one-year anniversary of the date on which the permit has been issued for the temporary building;*
- .3 locate the temporary building in strict compliance with the application submitted in accordance with Section 15.17; and*
- .4 build the temporary building in compliance with the building code, this Bylaw and any other applicable enactments.*

15.17 *An application for the erection or placement of a temporary building must include:*

- .1 A plan showing:
 - a. the location and building height of the building or structure on the parcel;*
 - b. the construction details of the building or structure; and*
 - c. the proposed off-street parking and loading spaces;**
- .2 a statement by the owner indicating the intended use and duration of the use of the temporary building; and*
- .3 in the case of a manufactured building, a CSA label in respect of its manufacture and, without limitation, a Quonset or other steel building must be certified in accordance with CSA Standard A660.*

Climactic Data

15.18 *Buildings and structures must be designed in accordance with the climatic data provided by the building official.*

SECTION 16: STEP CODES

- 16.1** *The building official may prescribe the process for implementing the Energy Step Code and the Zero Carbon Step Code, in whole or in part, and prescribe the manner in which these requirements are incorporated into the City's existing procedures.*
- 16.2** *The provisions in this Section are to supplement and do not replace any requirements for the conservation of energy and the reduction of greenhouse gas emissions that may be incorporated into the building code. In the event that a provision of this Section conflicts with a requirement of the building code, the provisions of the building code prevail.*
- 16.3** *The building official may prescribe labels or other information to be posted in a conspicuous location for a building or structure built in accordance with the requirements of this Section.*
- 16.4** *The building official may require an applicant to submit through the online application portal confirmation in the form prescribed by the building official that the Energy Step Code and the Zero Carbon Step Code have been satisfied prior to the issuance of a permit.*
- 16.5** *Despite the requirements of this Section and without limiting the discretion of the building official, for a Part 9 Building the building official may rely on a prescriptive path to achieving the objectives of the Energy Step Code or the Zero Carbon Step Code, or both, if the building official is satisfied that there are no reasonable options to verify that the performance standards have been achieved.*

SECTION 17: OFFENCES

Violations

17.1 *Without limiting Section 4: (Prohibitions) of this Bylaw, every person who*

- .1 Violates a provision of this bylaw;*
- .2 permits, suffers or allows any act to be done in violation of any provision of this Bylaw;*
- .3 neglects to do anything required to be done under any provision of this Bylaw;*
- .4 fails to comply with a bylaw official notice or any other direction given by a building official; or*
- .5 allows a violation of this Bylaw to continue,*
commits an offence and on summary conviction by a court of competent jurisdiction is liable to the penalties provided for in this Bylaw.

17.2 *A person found guilty of an offence under this Bylaw is liable to:*

- .1 Pay a fine of no less than the amounts set out in the Ticket Information Utilization Bylaw and not more than the maximum fines set out in the Community Charter, in relation to the offence after proceedings are brought under the Offence Act; or*
- .2 Pay the fine as set out in the Ticket Information Utilization Bylaw in relation to a ticket that has been issued under the Ticket Information Utilization Bylaw.*

17.3 *Each day during which a violation, contravention or breach of this Bylaw continues is deemed to be a separate offence.*

Deemed Offence

17.4 *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.*

17.5 *No person is deemed liable under Section 17.4 who establishes, on a balance of probabilities, that the construction or change of use or occupancy occurred before becoming the owner of the parcel.*

17.6 *Nothing in Section 17.5 affects:*

- .1 The City's right to require a permit for work regulated by this Bylaw; and*
- .2 the obligation of the owner to comply with this Bylaw.*

SECTION 18: REPEAL

18.1 *Building Regulations Bylaw No. 1810-2004, as amended, is repealed.*

READ A FIRST TIME *this 9th day of September, 2024.*

READ A SECOND TIME *this 9th day of September, 2024.*

READ A THIRD TIME *this 9th day of September, 2024.*

ADOPTED *this 15th day of October, 2024.*

Mayor

Corporate Officer

Schedule A – Fees

A-1 PERMIT APPLICATION FEE	
Application Fee	\$75.00
Application Fee (for permit after construction started)	\$150.00
Paper application surcharge	\$150.00

A-2 PERMIT FEES AND CHARGES	
Building Permit Fees:	
i. for each \$1,000.00 or fraction thereof of the value of the work	\$8.00
Plumbing Permit Fees:	
i. For each plumbing fixture	\$10.00
ii. Sprinklers (up to 25 sprinkler heads)	\$10.00
iii. Each additional sprinkler heads	\$4.00
Other Permit Fees:	
i. installation of a mobile home designated as CAN/CSA Z240 MH Series on surface blocks	\$200.00
ii. a fireplace or solid fuel burning appliance unit/chimney	\$100.00
iii. a permit to demolish a building	\$100.00
iv. a permit to move a building (additional permit may be required for new foundation or any new construction or alterations)	\$100.00

A-3 PLAN REVIEW, INSPECTION AND OTHER FEES	
i. For plan review a. for each \$1,000.00 or fraction thereof of the value of the work	\$1.00
ii. For each re-inspection after 2nd failed inspection (per inspection)	\$100.00
iii. For inspections after regular hours of operation (rate per hour)	\$100.00
iv. For special inspection (per inspection)	\$100.00
v. For extension of permit or application	\$100.00
vi. For change in ownership on open permit file	\$100.00
vii. Professional review and reporting	Cost recovery basis

A-4 ADMINISTRATIVE DEPOSIT	
i. where the value of the work is \$10,000 to \$50,000	\$400
ii. where the value of the work is more than \$50,000 to \$500,000	\$1,000
iii. where the value of the work is more than \$500,000 to \$1,000,000	\$2,000
iv. where the value of the work is more than \$1,000,000	\$5,000
v. additional administrative deposit for temporary buildings	\$400

A-5 OTHER FEES AND CHARGES (ENFORCEMENT)	
i. For discharge of a Community Charter Section 57 Notice on Title	\$500.00