

CORPORATION OF THE CITY OF NEW WESTMINSTER



BUILDING BYLAW NO. 6897, 2003

EFFECTIVE DATE: DECEMBER 8, 2003

CONSOLIDATED FOR CONVENIENCE ONLY
(March 6, 2019)

This is a consolidation of the bylaws listed below. The amendment bylaws have been combined with the original bylaw for convenience only. This consolidation is not a legal document. Certified copies of the original bylaws should be consulted for all interpretations and applications of the bylaws on this subject.

<u>AMENDMENT BYLAW</u>	<u>EFFECTIVE DATE</u>
7062	November 28, 2005
7129 (Sch A)	November 20, 2006
7190 (Sch A)	November 5, 2007
7278 (Sch A)	November 24, 2008
7354, 2009 (Sch A)	December 14, 2009
7432, 2010 (Sch A)	November 29, 2010
7496, 2011 (Sch A)	January 1, 2012
7557, 2012 (Sch A)	November 13, 2012
7591, 2013 (Sec 1/Sch A)	April 15, 2013
7639, 2013 (Sch A)	January 1, 2014
7695, 2014 (new defn for 'secured market rental housing'; change to Sch A)	June 23, 2014
7683, 2014 (delete Sch A and replace Sec. 13)	January 1, 2015
Official Consolidation made	January 2016
8018, 2018 (add Section 6.6.4)	June 11, 2018
8030, 2018 (add Section 7.1.10)	March 1, 2019
8084, 2019 (changes throughout)	February 25, 2019

The bylaw numbers highlighted in this consolidation refer to the bylaws that amended the principal Bylaw No. 6897, 2003. The number of any amending bylaw that has been repealed is not referred to in this consolidation.

Obtainable from the Legislative Services Department

CORPORATION OF THE CITY OF NEW WESTMINSTER

BYLAW NO. 6897, 2003

(A Bylaw to regulate the construction, alteration, repair and demolition of buildings and structures in New Westminster)

WHEREAS Section 694 (1) of the *Local Government Act* authorizes the City of New Westminster for the health, safety and protection of persons and property to regulate the construction, alteration, repair or demolition of buildings and structures by bylaw;

AND WHEREAS the Province of British Columbia has adopted a building code to govern standards in respect of the construction, alteration, repair and demolition of buildings in municipalities and regional districts in the Province;

AND WHEREAS it is deemed necessary to provide for the administration of the building code;

NOW THEREFORE THE COUNCIL OF the Corporation of the City of New Westminster, in open meeting assembled, enacts as follows:

SECTION 1 - GENERAL

1. This bylaw may be cited for all purposes as "Building Bylaw No. 6897, 2003."

2. Definitions

2.1 In this bylaw:

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The following words and terms have the meanings set out in Section 1.4.1.2 of the British Columbia Building Code: assembly occupancy, building, building area, building height, business and personal services occupancy, care occupancy, constructor, coordinating registered professional, designer, detention occupancy, field review, high hazard industrial occupancy, industrial occupancy, low hazard industrial occupancy, major occupancy, medium hazard industrial occupancy, mercantile occupancy, occupancy, registered professional, and residential occupancy.

2.2 In this bylaw, unless the context otherwise requires:

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“BC Energy Step Code” means the requirements set out in Section 10.2.2 and 9.36.6 of the BC Building Code.

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Building Code means the current edition of the British Columbia Building Code Regulation, as amended or re-enacted from time to time.

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Building Official” means the individual designated by the City as the Manager of Building Inspections (as that title may be changed from time to time) and such person or persons as he or she may designate from time to time as his or her assistants

City means the City of New Westminster.

complex building means:

- (a) a Part 3 Building as defined in the Building Code
- (b) all buildings used for major occupancies classified as
 - (i) assembly occupancies;
 - (ii) care or detention occupancies; and
 - (iii) high hazard industrial occupancies.
- (c) all buildings exceeding 600 square meters in building area or exceeding three stories in building height used for major occupancies classified as
 - (i) residential occupancies;
 - (ii) business and personal services occupancies,
 - (iii) mercantile occupancies,
 - (iv) medium and low hazard industrial occupancies,

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“Energy Advisor” means a person is registered as an energy advisor in good standing with Natural Resources Canada, and who conducts EnerGuide home evaluations on behalf of service organizations licensed by Natural Resources Canada.

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Health and safety aspects of the work means design and construction regulated by the Building Code.

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“Low Carbon Energy System” means the space heating, cooling and domestic hot water heating mechanical systems in a building that is supplied energy through a connection to a district energy utility, or a building-scale or site-scale thermal energy system, that is designed to meet a minimum of 70% of the building’s annual heating, cooling and domestic hot water from a renewable energy source, as approved by the City.

BYLAW NO. 7591, 2013; 8084, 2019

deleted

BYLAW NO. 7695, 2014; 8084, 2019

deleted

BYLAW NO. 8084, 2019

“occupancy certificate” means the permission or authorization in writing by the *Building Official* to occupy a building for the accepted occupancy.

BYLAW NO. 8084, 2091

“owner” includes the registered owner of an estate in fee simple of land, and also where the context or circumstances so require:

- (a) A tenant for life under a registered life estate;
- (b) a registered holder of an agreement for sale;
- (c) a holder or occupier of land held in the manner mentioned in sections 228 and 229 of the Community Charter.
- (d) a lessee with authority to build on land;
- (e) the strata corporation in the case of a lot under strata ownership;
- (f) all persons authorized to act for or on behalf of the registered owner of the lot and

(h) in respect of water includes an occupier, tenant or holder of an interest in respect of the surface of the water;

standard building means a building of three stories or less in building height, having building area not exceeding 600 square meters and used for major occupancies classified as:

- (a) a Part 9 (Nine) building as defined in the Building Code;
- (b) residential occupancies;
- (c) business and personal services occupancies;
- (d) mercantile occupancies; or
- (e) medium and low hazard industrial occupancies

structure means a construction or portion thereof of any kind, whether fixed to, supported by or sunk into land or water, but specifically excludes landscaping, fences, paving and retaining structures less than 0.9 meters in height.

2.3 Unless otherwise defined, all other words and phrases used in this Bylaw shall have the meanings given to them in the *Building Code* or the *Local Government Act*, as the context so requires.

3. Purpose of Bylaw

3.1 This bylaw shall, notwithstanding any other provision herein, be interpreted in accordance with this section

3.2 This bylaw has been enacted for the purpose of regulating construction within the City in the general public interest. The activities undertaken by or on behalf of the City pursuant to this bylaw are for the sole purpose of providing a limited and interim spot checking function for reason of health, safety and the protection of persons and property. It is not contemplated nor intended, nor does the purpose of this bylaw extend:

3.2.1 to the protection of owners, owner/builders or constructors from economic loss;

3.2.2 to the assumption by the City or any building official of any responsibility for ensuring the compliance by any owner, his or her representatives or any employees, constructors or designers retained by him or her, with the Building Code, the

requirements of this bylaw or other applicable codes, standards or regulations;

3.2.3 to providing any person a warranty of design or workmanship with respect to any building or structure for which a building permit is issued under this bylaw;

3.2.4 to providing a warranty or assurance that construction undertaken pursuant to a building permit issued by the City is free from latent, or any defects.

4. Special Regulations Relating to Construction

4.1 Sprinkler Installation

a) Except as provided in sections 4.3 and 4.4, the requirements of this section shall apply to the following:

i. all new buildings containing a mercantile, assembly, industrial, institutional, business and personal service or residential occupancy other than a detached single family dwelling containing no more than one authorized secondary suite;

ii. all existing buildings containing a mercantile, assembly, industrial, institutional, business and personal service or multi-family residential occupancy upon the creation of one or more additional dwelling units; and

iii. any existing building containing a mercantile, assembly, industrial, institutional, business and personal service, or residential occupancy other than a single family dwelling where the sum of the floor areas of vertical and horizontal additions made and currently applied for exceeds 20% of the building area existing two years prior to the date of the application being made.

b) Unless otherwise exempted under section 4.3, every building referred to in this section shall be sprinklered in accordance with the applicable current edition of NFPA "Standard for the Installation of Sprinkler Systems".

4.2 Where the height or floor area of a new building would require the use of more than 100 feet (30.5m) of hose to reach the most remote room in the building measured from the street fire fighting access entrance, a Class I standpipe system shall be installed and

maintained to the standard set out in the current edition of the Building Code.

- 4.3 The following categories of buildings are exempt from the requirements of Section 4.1:
- a) detached portable classrooms;
 - b) construction site offices, tool sheds and similar structures, during the period of construction on any particular site;
 - c) detached gas station canopies;
 - d) detached buildings under 50 square meters in area and 140 cubic meters in volume;
 - e) one and two storey open air storage garages (parkades); and
 - f) fabric covered structures, not exceeding 120 square meters, used for storage purposes accessory to a principal commercial or industrial use.
- 4.4 No building that is damaged or destroyed to the extent of 75% or more of its value above its foundation shall be repaired or reconstructed unless the whole of such building is made to comply with this bylaw and the Building Code.

5. Permit Conditions

- 5.1 A permit is required whenever work regulated under this bylaw is to be undertaken.
- 5.2 Neither the issuance of a permit under this bylaw nor the acceptance or review of plans, drawings or supporting documents, nor any inspections made by or on behalf of the City shall in any way relieve the owner or his or her representatives from full and sole responsibility to perform the work in strict accordance with this bylaw, the Building Code, and or other codes, standards and applicable enactments.
- 5.3 It shall be the full and sole responsibility of the owner (and where the owner is acting through a representative, the representative) to carry out the work in respect of which the permit was issued in compliance with the Building Code and this bylaw or other applicable codes, standards and enactments.

- 5.4 Neither the issuance of a permit under this bylaw nor the acceptance or review of plans, drawings or specifications or supporting documents, nor any inspections made by or on behalf of the City constitute in any way a representation, warranty, assurance or statement that the Building Code, this bylaw or any other applicable codes, standards and enactments have been complied with.
- 5.5 No person shall rely upon any permit as establishing compliance with this bylaw or assume or conclude that this bylaw has been administered or enforced according to its terms. The person to whom the building permit is issued and his or her representatives are responsible for making such determination.

6. Scope and Exemptions

- 6.1 This bylaw applies to the design, construction and occupancy of new buildings and structures, and the alteration, reconstruction, demolition, removal, relocation and occupancy of existing buildings and structures.
- 6.2 This bylaw does not apply to buildings or structures exempted by Part 1 of the Building Code except as expressly provided herein, nor to retaining structures less than 1.2 meters in height, measured from the bottom of the foundation to the top of the retaining structure.
- 6.3 This bylaw does not apply to fences.

BYLAW NO. 8018, 2018

- 6.4 This bylaw does not apply to greenhouses greater than 108 sq. ft. (10 sq. m.) constructed with PVC hoops and poly roof cover.

7. Prohibitions

- 7.1 Unless otherwise permitted in this bylaw:
 - 7.1.1 no person shall commence or continue any construction, alteration, reconstruction, demolition, removal, relocation or change the occupancy of any building or structure, including excavation or other work related to construction, unless a valid and subsisting permit for the work has been issued by the City;

- 7.1.2 no person shall occupy or use any building or structure unless a final inspection, acceptable to a building official, has been conducted for the building or structure, or contrary to the terms of any permit issued or any notice given by a building official;
- 7.1.3 no person shall knowingly submit false or misleading information to a building official in relation to any permit application or construction undertaken pursuant to this bylaw;
- 7.1.4 no person shall, unless authorized in writing by a building official, reverse, alter, deface, cover, remove or in any way tamper with any notice, permit or certificate posted upon or affixed to a building or structure pursuant to this bylaw;
- 7.1.5 no person shall commence or continue any work that is at variance with the accepted design or plans of a building, structure or other works for which a permit has been issued, unless that variance has been accepted in writing by a building official;
- 7.1.6 no person shall obstruct the entry of a building official or other authorized official of the City on property in the administration of this bylaw;
- 7.1.7 no person shall move or cause any dwelling unit to be moved into the City unless the dwelling unit is built to Canadian Standards Association Standards A277, Z240 or to BC Float Home Standards, and a valid and subsisting permit has been issued authorizing the move;
- 7.1.8 no person shall move or cause any building to be moved in the City without first obtaining a permit for the work on the site to which the building is to be moved;

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- 7.1.9 no person shall occupy a building or portion of a building after a change in class of occupancy of the building or part of it unless the requirements of Section 20 have been complied with and the building complies with the health and safety requirements of the Building Code, the bylaws of the City and any other statute regulating the new occupancy;

BYLAW 8030, 2018

7.1.10 no person shall use diesel impact hammers over 30,000 foot pounds in the construction of any building or structure.

8. Building Officials

8.1 A building official may:

8.1.1 administer this bylaw;

8.1.2 keep records of permit applications, permits, notices and orders issued, inspections and tests made and retain copies of all documents related to the administration of this bylaw as required by the City's retention policy; and

8.1.3 establish, if requested to do so, whether the methods or types of construction and types of materials used in the construction of a building or structure for which a building permit is sought under this bylaw substantially conform to the requirements of the Building Code.

8.2 A building official:

8.2.1 may enter any land, building, structure or premises at any reasonable time for the purpose of ascertaining that the terms of this bylaw are being observed;

8.2.2 where any residence is occupied, shall obtain the consent of the occupant or provide written notice to the occupant 24 hours in advance of entry; and

8.2.3 shall carry proper credentials confirming his or her status as a building official.

8.3 A building official may order the correction of any work that is being or has been done in contravention of this bylaw.

8.4 A building official may order all work which is being done or is about to be done in contravention of this bylaw stopped.

9. Applications

9.1 Every person shall apply for and obtain a separate building permit before:

- 9.1.1 constructing, repairing or altering a building or structure;
 - 9.1.2 moving a building or structure; or
 - 9.1.3 demolishing a building or structure.
- 9.2 All plans submitted with building permit applications shall bear the name and address of the designer of the building or structure, signed by an Architect or Engineer, if applicable
- 9.3 Except as permitted under Section 9.4, each building or structure to be constructed, placed, altered, extended or repaired on a site requires a separate building permit and shall be assessed a separate building permit fee based on the value of that building or structure as determined in accordance with the Development Services Fees Bylaw No. 7683, 2014.
- 9.4 In the case of buildings in a phased condominium or similar development involving multiple buildings on a single site, a single building permit may be issued for one or more buildings.
- 9.5 Each application for a building permit shall state the estimated market value of the proposed construction. In calculating the market value of the proposed construction, the market value of that portion of the proposed work which is cladding repair or replacement necessitated by water penetration of an existing multi-family residential structure shall not be taken into account. The applicant must establish, by way of an opinion certified by a Registered Professional, that the cladding repair or replacement is necessitated by water penetration into an existing multi-family residential structure.
- 9.6 All applications, permits, plans, records or documents submitted to the building official are the property of the City and shall not be available for public viewing except to the extent permitted under the *Freedom of Information and Protection of Privacy Act*.

10. Applications for complex buildings

- 10.1 An application for a building permit with respect to a complex building shall include:
- 10.1.1 a completed application in the form prescribed by the City, signed by the owner or a signing officer if the owner is a corporation and the coordinating registered professional;

- 10.1.2 the owner's acknowledgement of responsibility and undertakings made in the form attached as Form I to this bylaw, signed by the owner, or a signing officer if the owner is a corporation;
- 10.1.3 a copy of a title search made within 30 days of the date of the application;
- 10.1.4 four (4) copies of a site plan prepared by a British Columbia Land Surveyor showing:
 - 10.1.4.1 the bearing and dimensions of the parcel taken from the registered subdivision plan
 - 10.1.4.2 the legal description and civic address of the parcel;
 - 10.1.4.3 the location and dimensions of all statutory rights of way, easements, covenant areas and setback requirements;
 - 10.1.4.4 the location and dimensions of all existing and proposed buildings or structures on the parcel;
 - 10.1.4.5 setbacks to the natural boundary of any lake, swamp, pond or watercourse where Provincial or City land use regulations establish siting requirements related to flooding;
 - 10.1.4.6 the existing and finished ground levels to an established datum at or adjacent to the site and the geodetic elevation of the underside of the floor system of a building or structure in accordance with all applicable City siting regulations relating to minimum floor elevation;
 - 10.1.4.7 the location, dimension and gradient of parking and driveway access; and
 - 10.1.4.8 all landscaping, grading plans and site drainage;
 - 10.1.4.9 a building official may waive the requirements for a site plan, in whole or in part, where the permit is sought for the repair or alteration of an existing building or structure;

- 10.1.5 floor plans showing the dimensions and uses of all areas: the dimensions and height of crawl and roof spaces; the location, size and swing of doors; the location, size and opening of windows; floor, wall, and ceiling finishes; plumbing fixtures; structural elements; and stair dimensions.
- 10.1.6 a cross section through the building or structure illustrating foundations, drainage, ceiling heights and construction systems;
- 10.1.7 elevations of all sides of the building or structure showing finish details, roof slopes, windows, doors, and finished grade;
- 10.1.8 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;
- 10.1.9 details illustrating how any methane gas protection systems are to be constructed and installed;
- 10.1.10 copies of approvals required under any enactment relating to health or safety, including, without limitation, sewage disposal permits, highway access permits and Ministry of Health approval;
- 10.1.11 a letter of assurance in the form of Schedule "A" as referred to in section 2.6 of Part 2 of the Building Code, signed by the owner, or a signing officer of the owner if the owner is a corporation, and the coordinating registered professional.
- 10.1.12 letters of assurance in the form of Schedules B-1 and B-2 as referred to in section 2.6 of Part 2 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 or structure.
- 10.1.13 a Building Code design information sheet in the form prescribed by the City completed by the registered professional;
- 10.1.14 the name, address and phone number of the registered professional on all plans and drawings which shall

contain all pertinent information necessary for the City's review;

- 10.1.15 four (4) sets of drawings and plans at a suitable scale of the design prepared by each registered professional and including but not limited to the information set out in sections 10.1.5 - 10.1.8 of this bylaw;
 - 10.1.16 a completed site profile in the prescribed form where the applicant knows or reasonably should know that the land upon which the building or structure is to be built, erected, enlarged, altered, repaired, developed, demolished or moved was used for industrial or commercial activity as described in the Contaminated Site Regulation under the *Waste Management Act*.
- 10.2 In addition to the requirements of section 10.1, the following may be required by a building official to be submitted with a building permit application for the construction of a complex building where the complexity of the proposed building or structure or siting circumstances warrant:
- 10.2.1 site servicing drawings, including sufficient detail of off-site services to indicate locations at the property line, prepared and sealed by a registered professional, in accordance with the City's Subdivision and Development Control Bylaw;
 - 10.2.2 a section through the site showing grades, buildings, structures, parking areas and driveways;
 - 10.2.3 any other information required by the building official or the Building Code to establish substantial compliance with this bylaw, the Building Code and other bylaws and enactments relating to the building or structure.

11. Applications for standard buildings

- 11.1 An application for a building permit with respect to a standard building shall include;
 - 11.1.1 a completed application in the form prescribed by the City, signed by the owner or a signing officer if the owner is a corporation;
 - 11.1.2 the owner's acknowledgement of responsibility and undertakings made in the form attached as Form "I" to

this bylaw, signed by the owner, or a signing officer if the owner is a corporation;

11.1.3 a copy of a title search made within 30 days of the date of the application;

11.1.4 four (4) copies of a site plan prepared by a British Columbia Land Surveyor showing:

11.1.4.1 the bearing and dimensions of the parcel taken from the registered subdivision plan;

11.1.4.2 the legal description and civic address of the parcel;

11.1.4.3 the location and dimensions of all statutory rights of way, easements, covenant areas and setback requirements;

11.1.4.4. the location and dimensions of all existing and proposed buildings or structures on the parcel;

11.1.4.5 setbacks to the natural boundary of any lake, swamp, pond or watercourse where Provincial or City land use regulations establish siting requirements related to flooding;

11.1.4.6 the existing and finished ground levels to an established datum at or adjacent to the site and the geodetic elevation of the underside of the floor system of a building or structure in accordance with applicable City land use regulations which establish siting requirements related to a minimum floor elevation;

11.1.4.7 the location, dimension and gradient of parking and driveway access;

11.1.4.8 all surface drainage and how surface water will not affect neighbouring properties; and

11.1.4.9 all landscaping and grading plans if required by the building official.

- 11.1.5 floor plans showing the dimensions and uses of all areas: the dimensions and uses of all areas and height of crawl and roof spaces; the location, size and swing of doors; the location, size and opening of windows; floor, wall, and ceiling finishes; plumbing fixtures; electrical outlets; structural elements; stair dimensions and roof plan;
- 11.1.6 a cross section through the building or structure illustrating foundations, drainage, ceiling heights and construction systems;
- 11.1.7 elevations of all sides of the building or structures showing finish details, roof slopes, windows, doors, spatial separation calculations, roof height calculations and finished grade;
- 11.1.8 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; and any other applicable standards, codes and legislation;
- 11.1.9 copies of approvals required under any enactment relating to health or safety, including, without limitation, sewage disposal permits, highway access permits and Ministry of Health approval;
- 11.1.10 a foundation design prepared by a registered professional in accordance with section 4.2 of Part 4 of the Building Code, accompanied by letters of assurance in the form of Schedules B-1 and B-2 as referred to in section 2.6 of Part 2 of the Building Code, signed by the registered professional;
- 11.1.11 the requirements of section 11.1.10 may be waived by a building official in circumstances where the building official has required a professional engineer's report pursuant to section 699 (2) of the *Local Government Act* and the building permit is issued in accordance with sections 699 (5) and (6) of the *Local Government Act*;
- 11.1.12 four (4) sets of drawings at a suitable scale of the design including but not limited to the information set out in sections 11.1.5 - 11.1.8 and 11.1.10 of this bylaw.
- 11.1.13 a Building Code design information sheet in the form prescribed by the City, completed by the designer;

- 11.1.14 the name, address and phone number of the designer on all plans and drawings which shall contain all pertinent information necessary for the City's review;
- 11.1.15 a completed site profile in the prescribed form where the applicant knows or reasonably should know that the land upon which the building or structure is to be built, erected, enlarged, altered, repaired, developed, demolished or moved was used for industrial or commercial activity as described in the Contaminated Site Regulation under the *Waste Management Act*.
- 11.2. In addition to the requirements of section 11.1, the following may be required by a building official to be submitted with a building permit application for the construction of a standard building where the project involves two or more buildings which in the aggregate total more than 1000 square meters, or two or more buildings that will contain three or more dwelling units, or otherwise where the complexity of the proposed building or structure or siting circumstances warrant:
 - 11.2.1 site servicing drawings, including sufficient detail of off-site services to indicate locations at the property line, prepared and sealed by a registered professional, in accordance with the City's Subdivision and Development Control Bylaw;
 - 11.2.2 a section through the site showing grades, buildings, structures, parking areas and driveways;
 - 11.2.3 structural, electrical, mechanical or fire suppression drawings prepared and sealed by a registered professional;
 - 11.2.4 letters of assurance in the form of Schedules B-1 and B-2 as referred to in section 2.6 of part 2 of the Building Code, signed by the registered professional;
 - 11.2.5 any other information required by the building official or the Building Code to establish substantial compliance with this bylaw, the Building Code and other bylaws and enactments relating to the building or structure.

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12. BC ENERGY STEP CODE

12.1 BC Energy Step Code Requirements

- 12.1.1 Part 3 and Part 9 buildings and structures must be designed and constructed in compliance with the applicable step of the BC Energy Step Code, as set out in the schedule below:

	Building Permit applications filed on or after (with exception for in-stream applications)	
Part 9 Residential	March 31, 2019	January 1, 2020
Step Code requirements as per BC Building Code, Article 9.36.6.2 of Division B		
Single-Detached and Semi-Detached Homes	Step 1	Step 3
Laneway and Carriage Homes	Step 1	Step 2
Townhomes and apartment buildings up to three floors	Step 1	Step 3
	Building Permit applications filed on or after (with exception for in-stream applications)	
Part 3 Multi-Residential	March 31, 2019	January 1, 2020
Step Code requirements as per BC Building Code, Subsection 10.2.2 of Division B		
Group C Residential Occupancies 6 stories or less and combustible construction	N/A	Step 3 [or] Step 2 with approved Low Carbon Energy System
Group C Residential Occupancies over 6 stories or non-combustible construction		
Hotels / Motels		
Part 3 Commercial	March 31, 2019	January 1, 2020
Step Code requirements as per BC Building Code, Subsection 10.2.2 of Division B		
Offices (Business and Personal Services)	N/A	Step 2

Other Group D and E Occupancies (Mercantile)		
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12.1.2 For a Part 9 *building* or *structure* that is designed in compliance with the applicable step of the *BC Energy Step Code*, but where the constructed *building* or *structure* does not meet the performance requirements of the applicable step of the *BC Energy Step Code*, after all mitigation measures are implemented to the satisfaction of the *Building Official*, the *Building Official* may issue an inspection notice for provisional occupancy, or final, of the *building* or *structure* if it is constructed in compliance with alternative energy efficiency performance or prescriptive requirements as set out in the *Building Code* for Part 9 construction, as applicable.

12.2 Requirements for *Energy Advisor*.

12.2.1 With respect to a building permit for a *building* or *structure* that falls within the scope of Part 9 of the *Building Code*, the owner must provide, to the satisfaction of the *Building Official*, all materials and documentation required by the *BC Energy Step Code*, prepared and signed by the *Energy Advisor*, and such other reports and materials as required by the *Building Official*.

12.2.2 The *Energy Advisor* must provide evidence to the *Building Official* that he or she is an *Energy Advisor* registered and in good standing with Natural Resources Canada in accordance with the EnerGuide Rating System Administrative Procedures, and adheres to the technical standards and procedures of the EnerGuide Rating System.

- 12.2.3 Prior to the issuance of a building permit, in respect of which a *Building Official* has required the materials and documentation set out in the *BC Energy Step Code*, the *owner* must submit written confirmation of insurance coverage of the *Energy Advisor* in the form specified by the City.
- 12.2.4 Notwithstanding Section 12.2.1 above, where a registered professional is required under Section 16 of this bylaw, in respect of a building permit for a building or structure that falls within the scope of Part 3 or Part 9 of the *Building Code*, the professional design and field review shall include materials and documentation required by the applicable step of the *BC Energy Step Code*, and such other reports and materials as required by the *Building Official*.

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13. Occupancy Certificate

- 13.1 Except as expressly permitted by this Bylaw, no *person* shall occupy a building or structure or part thereof until an *occupancy certificate* has been issued to the *owner* under this Bylaw for:
- (a) the first *occupancy* of a building or structure or part thereof after completion of construction; or
- (b) any change in class of *occupancy* of any building or structure or part thereof. For the purposes of this section, classes of occupancy are assembly, institutional, residential, commercial, and industrial.
- 13.2 An *owner* must obtain an *occupancy certificate* under this Bylaw before any occupation of a *building* or *structure* after part of it has been demolished or after part of it has been altered or extended.
- 13.3 An *owner* of a single-family dwelling and a two-family dwelling is not required to obtain an *occupancy certificate* under this Bylaw.
- 13.3.1 If requested and a fee, as set out under per unit of *occupancy* in Schedule "A" of the Development Services Fees Bylaw No. 7683, 2014 or as amended is paid, an *occupancy certificate* will be issued for a single or two family dwelling.

- 13.4 An *occupancy certificate* shall only be issued when:
- 13.4.1 all letters of assurance have been submitted when required under the Building Code or this Bylaw.
 - 13.4.2 all aspects of the work requiring inspection and acceptance have been inspected and accepted.
 - 13.4.3 the *owner* must have satisfied the *Building Official* that the *building* or part of it complies with the *Building Code*, this Bylaw, any other health and safety requirements established by bylaw; and any other Federal or Provincial enactment in relation to health or safety.
- 13.5 An *occupancy certificate* shall be signed and issued by a *Building Official*.
- 13.6 Where any of the requirements for health, life and safety have been deemed to be satisfied by an alternate solution pursuant to provisions of the *Building Code*, the *owner* shall submit to the *Building Official*, prior to use or *occupancy* of the *building* or *structure*, certification from the registered professional responsible for the alternate solution, that the *construction* substantially complies with the requirements set out in the alternate solution report.
- 13.7 The *Building Official* may issue an approval for provisional *occupancy* of a building, structure or part thereof when the *building*, *structure* or part thereof is self-contained, substantially complete with respect to the health and safety requirements of the Bylaw, the *Building Code* and other applicable bylaws and enactments, the requirements of Sentence 13.4 have been satisfied and the fees set out in Schedule "A" of the Development Services Fees Bylaw No. 7683,2014, as amended, have been paid.
- 13.8 The *owner* is solely responsible for ensuring the safety of the portions of the *building* for which the provisional *occupancy* certificate has been issued and the safety of *persons* occupying those portions, during continuation of the *construction* of the remainder of the *building*, and the *owner* must ensure that further work on the building will not result in any unsafe condition to those portions or those *persons*.

- 13.9 The *Building Official* may revoke a certificate for provisional *occupancy* for failure to comply with any conditions of the approval.

14. Fees and Charges

Bylaw No. 7683, 2014

- 14.1 Every person making an application for a building permit or obtaining a service from the City shall pay the applicable fees and charges imposed in the Development Services Fees Bylaw No. 7683, 2014.
- 14.2 If the building permit has not been issued and all applicable building permit fees paid within 60 days of the date of notification to the owner that the permit is ready to be issued, the application shall be cancelled and materials related to the application returned to the owner.
- 14.3 An application for a permit shall be cancelled if the application is incomplete and substantially inactive for six (6) months or longer.

15. Building Permits

- 15.1 A building official shall issue the permit for which the application is made, when:
- 15.1.1 a completed application including all required supporting documentation has been submitted;
 - 15.1.2 the proposed work set out in the application conforms with the Building Code, this bylaw and all other applicable bylaws and enactments;
 - 15.1.3 the owner or their representative has paid all applicable fees prescribed by this bylaw;
 - 15.1.4 the owner or their representative has paid all charges and met all requirements imposed by any other enactment or bylaw;
 - 15.1.5 no enactment, covenant, agreement, or regulation in favour of the City authorizes the permit to be withheld;
 - 15.1.6 the owner has retained a professional engineer or geoscientist if required by the provisions of the *Engineers and Geoscientists Act*;

- 15.1.7 the owner has retained an architect if required by the provisions of the *Architects Act*; and
 - 15.1.8 the owner or signing officer if the owner is a corporation and the coordinating professional, if applicable, have signed the permit.
- 15.2 Every building permit is issued upon the condition that the building permit shall expire and the rights of the owner under the permit shall terminate if:
- 15.2.1 the work authorized by the permit is not commenced within six (6) months from the date of issuance of the permit;
 - 15.2.2 work is discontinued for a period of six (6) months or longer;
 - 15.2.3 the work is not completed within two (2) years from the date of issuance of the building permit;
 - 15.2.4 a sewage disposal permit that is required under this bylaw and the Building Code for a private sewage disposal system, is revoked;
 - 15.2.5 the title of the property on which the building permit authorizes work to be done is transferred to a different owner, except that, a building permit that is valid at the time of transfer may be transferred to the new landowner when the permit holder requests such a transfer in writing to the City and the applicable transfer fee as set out in the Development Services Fees Bylaw No. 7683, 2014 is paid; or
 - 15.2.6 a building official determines that an applicant has provided false or misleading information on the application or otherwise obtained the building permit fraudulently.
- 15.3 Where a building permit has expired, no construction or other work may continue or commence until a new building permit is issued.

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- 15.4 A building official may extend the period of time set out under sections 15.3.2 and 15.3.3 where construction has not been commenced or where construction has been discontinued due to adverse weather, strikes, material or labour shortages, or similar hardship beyond the owner's control.

- 15.5 A building official may issue a permit for excavation prior to the issuance of a building permit.
- 15.6 A building official may issue a building permit for a portion of a building or structure before the design, plans and specifications for the entire building or structure have been accepted, provided sufficient information has been provided to demonstrate to the building official that the portion authorized to be constructed substantially complies with this bylaw, the Building Code and other applicable bylaws and regulations and the permit fee applicable to that portion of the building or structure has been paid. The issuance of the permit notwithstanding, the requirements of this bylaw apply to the remainder of the building or structure as if the permit for the portion of the building or structure had not been issued.

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- 15.7 When a site has been excavated under an excavation permit issued pursuant to section 15.7 of this bylaw and a building permit is not subsequently issued or a subsisting building permit has expired but without the construction of the building or structure for which the building permit was issued having commenced, the owner shall fill in the excavation to restore the original gradients of the site within 60 days of being served notice by the City to do so.

16. Disclaimer of Warranty or Representation

- 16.1 Neither the issuance of a permit under this bylaw, the review and acceptance of the design, drawings, plans or specifications nor inspections made by a building official, shall constitute a representation or warranty that the Building Code or this bylaw have been complied with or the building or structure meets any standard of materials or workmanship and no person shall rely on any of those acts as establishing compliance with the Building Code or this bylaw or any standard of construction.

17. Professional Design and Field Review

BYLAW 8084, 2019

- 17.1 The owner shall obtain the design and field review services of a registered professional in respect of a permit when required by the *Building Code* and shall submit letters of assurance in the form of Schedule B referred to in Division C, Article 2.2.7.2 of the

Building Code. These letters are relied upon by the *City* and its *building officials* as certification that the design and plans to which the letters of assurance relate comply with the *Building Code* and other applicable enactments relating to safety.

- 17.2 When a *building official* considers that the site conditions, size or complexity of a development or an aspect of a development warrant, he or she may require a registered professional provide design and plan certification and field review by means of letters of assurance in the form of Schedule B and C-B referred to in Division C, Article 2.2.7.2 of the *Building Code*.
- 17.3 Prior to the final inspection carried out by the *building official* for a complex building or standard building in circumstances where letters of assurance have been required under this bylaw or the *Building Code*, the *owner* shall provide the *City* with letters of assurance in the form of Schedules C-A or C-B, as is appropriate, referred to in Division C, Article 2.2.7.2 of the *Building Code*.
- 17.4 When a *building official* considers that construction would be on land that is subject to hazardous conditions, a *building official* may require the *owner* of the land to provide him with a report, at the owner's expense, certified by a professional engineer with experience in geotechnical engineering that the lands may be used safely for the use intended subject to the conditions contained in the professional engineer's report.
- 17.5 When a *building official* considers that the design of a component or combination of components of a project is beyond the scope of Part 9 of the *Building Code* the *building official* may require a registered professional to review the design of the component(s). The *building official* may require the submission of Schedules B and C-B forming part of the *Building Code* for the component(s).
- 17.6 When a registered professional provides letters of assurance in accordance with this sections bylaw, he or she shall also provide proof of professional liability insurance to the satisfaction of the building official.

18. Responsibilities of the Owner

- 18.1 Every owner shall obtain all necessary permits relating to construction prior to any work being commenced and shall ensure that all construction complies with the Building Code, this bylaw and other applicable enactments respecting safety and health.
- 18.2 Every owner to whom a building permit is issued shall be responsible for the cost of repair of any damage to municipal works that occurs in the course of the work authorized by the permit.
- 18.3 Every owner to whom a building permit is issued shall, during construction:
- 18.3.1 post and maintain the building permit in a conspicuous place on the property in respect of which the building permit was issued;
 - 18.3.2 keep a copy of the accepted plans and drawings and all building and plumbing service reports on the property; and
 - 18.3.3 post the civic address on the property in a location visible from any adjoining streets.

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19. Alternative Solutions

- 19.1 The provisions of this bylaw are not intended to limit the appropriate use of materials, equipment or methods of construction. An *owner* who wishes to use an equivalent material, equipment or method of construction not specifically described in this bylaw or the *Building Code* shall submit to the *building official* sufficient evidence to demonstrate that the proposed alternative solution will provide the level of performance required by this bylaw and the *Building Code*.

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- 19.2 Evidence for an alternative solution required by Section 19.1 shall be in the form of a report from a professional engineering firm and shall, in addition to the information and arguments presented to support the equivalency proposal, provide:
- a) the owner's name and the name and address of the construction project;
 - b) the background of the professional engineering firm proposing the equivalency and its qualifications and experience in this field;

- c) the sections of the *Building Code* or this bylaw for which the equivalency is sought; and
- d) certification that the author of the report is a registered professional in British Columbia and is providing letters of assurance in the form of Schedule B as referred to in Division C, Article 2.2.7.2 for the equivalency design, and will provide the Schedule C-B Letter of Assurance on completion of the equivalency work.

19.3 Alternative Solution reports shall be accompanied by the applicable fee prescribed in the Development Services Fees Bylaw No. 7683, 2014.

20. Inspections

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20.1 When a registered professional provides letters of assurance in accordance with sections 10.1.12, 10.2.1, 11.2.1, 17.1, 17.2 and 17.4 of this bylaw, the City will rely solely on field reviews undertaken by the registered professional and the letters of assurance submitted pursuant to section 17.1 and 17.3 of this bylaw as assurance that the construction substantially conforms to the design, plans and specifications and that the construction substantially complies with the Building Code, this bylaw and other applicable enactments respecting safety and health.

BYLAW 8084, 2019

20.2 Notwithstanding section 20.1 of this bylaw, 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.

20.3 A building official may attend periodically at the site of the construction of standard buildings or structures to ascertain whether the health and safety aspects of the work are being carried out in substantial conformance with those portions of the Building Code, this bylaw and any other applicable enactment concerning safety.

20.4 The owner or his or her representative shall give at least 24 hours notice to the City when requesting an inspection and shall

obtain an inspection and receive a building official's acceptance of the following aspects of the work prior to concealing it:

- 19.4.1 after forms for footings or foundations are complete, but prior to placing any concrete therein;
- 19.4.2 the preparation of ground, including ground cover, when required, prior to the placing of a concrete slab;
- 19.4.3 installation of a methane protection/control system;
- 19.4.4 the framing and sheathing;
- 19.4.5 insulation and vapour barrier; and
- 19.4.6 when the building or structure is substantially complete and ready for occupancy, but before occupancy takes place of the whole or part of the building or structure.

BYLAW 8084, 2019

- 20.5 No aspect of the work referred in section 20.4 of this bylaw shall be concealed until a building official has accepted it in writing.

BYLAW 8084, 2019

- 20.6 The requirements of section 20.4 of this bylaw do not apply to any aspect of the work that is the subject of a registered professional's letter of assurance provided in accordance with the requirements of sections 10.1.12, 10.2.1, 17.1, and 17.3 of this bylaw.

21. Climatic Data

- 21.1 Climatic Data for the design of buildings in this City shall be that criteria contained in the Appendix to the current edition of the Building Code.

22. Moving of Buildings

- 22.1 No person shall move any building or structure from one parcel of land to another parcel of land unless:
 - 22.1.1 a building permit if first obtained from the City;
 - 22.1.2 a permit and route approval are first obtained from the Chief of Police and the City Engineer;

- 22.1.3 the building complies with or will be altered to comply with the bylaws of the City and the current edition of the Building Code; and
 - 22.1.4 the building conforms to, or is altered to conform to, the structural and architectural standards of the majority of the buildings situated in the immediate vicinity of the site or parcel to which it is to be moved;
 - 22.1.5 proof acceptable to the building official has been provided that the person moving the building has previously moved buildings and carries public liability and property insurance in the amount of not less than three million dollars (\$3,000,000.00), per occurrence, naming the City as an additional insured and including a cross liability clause and provision for notice to the City of cancellation of the policy; and
 - 22.1.6 all applicable fees have been paid and the required security deposited with the City in accordance with the requirements of the Development Services Fees Bylaw No. 7683, 2014.
- 22.2 If the required work on the building is not completed and a final inspection acceptable to the building official obtained within the six (6) month period from the date of issue, and the owner or applicant fails to remedy such non-compliance within thirty (30) days following written notice to do so by the City, the City may either draw on the security deposit and complete the necessary work at the cost of the owner or applicant, or the building official may give the owner or applicant 60 days notice to remove the building from the site and the City may draw on the security deposit to pay all costs and expenses incurred by the City in enforcing the requirements of this section and then return the remainder to the applicant or owner.
- 22.3 Upon application and payment of the applicable fee prescribed in the Development Services Fees Bylaw No. 7683, 2014, an inspection of a building proposed to be moved will be made by a building official.
- 22.4 The building official's approval of a building for moving shall be valid for six (6) months from the date of inspection.
- 22.5 Where the proposed move meets the requirements of this bylaw and the applicable fees have been paid and the required securities deposited, a building permit may be issued.

23. Second Dwelling

23.1 Where one dwelling unit only is permitted on a lot, the owner may obtain a building permit to construct a second dwelling unit on the lot by:

- a) providing a sworn statement of his intention to demolish the first dwelling unit or to complete the conversion of it to a permitted use, within 60 days of occupying the second dwelling unit; and
- b) depositing in form satisfactory to the City a security deposit in the amount of \$10,000.00 along with a written consent and authorization for the City to enter upon the lot, demolish the first dwelling unit and apply the security deposit towards any costs involved in such demolition where the first dwelling unit has not been either demolished or converted to a permitted use within 60 days of a final inspection, acceptable to the building official, being obtained for the second dwelling unit.

23.2 The City shall return the security deposit to the owner upon receiving proof from the owner that the first dwelling unit has either been demolished or converted to a permitted use in accordance with the bylaws of the City.

24. Swimming Pools

24.1 For the purposes of this section, swimming pool shall mean any constructed or prefabricated pool used or intended to be used for swimming or bathing or wading, having a surface area exceeding 14 square meters or a depth of more than 450 mm.

24.2 Swimming pools shall be enclosed within a fence or other structure.

24.3 Except for the special provisions relating to wire mesh fences in 23.6, every fence or other structure enclosing a swimming pool shall be:

- a) not less than 1070 mm in height with no openings greater than 100 mm in their least dimension; and
- b) shall be designed so that no horizontal member or attachment located between 100 mm and 900 mm above ground level on the outside of the fence will facilitate climbing.

- 24.4 Access to the area enclosed by the required pool fence, other than through a dwelling unit, shall be by means of a self-closing and self-latching door or gate designed to return to the secured latched position when not in use.
- 24.5 Latches securing access doors and gates shall not be accessible from the outside of the fence, and shall be located a minimum of 220 mm from the top of the door or gate; and a minimum of 450 mm from any opening in the door, gate, or fence.
- 24.6 Wire mesh fencing and gates will only be accepted where:
- a) the mesh is diagonal;
 - b) the mesh strands are no more than 25 mm apart in both directions;
 - c) the mesh strands have been woven, welded, or otherwise constructed in such a manner as to be dimensionally stable;
 - d) the fence and gate are securely braced top and bottom to prevent sagging, bulging, or lifting; and
 - e) the fence and gate are a minimum of 1219 mm in height.

25. Building Construction in Queensborough

- 25.1 All buildings in Queensborough [District Lot 757 and District Lot 58, Group One, (1)] shall have their minimum finished floor elevation, including crawl space and basement floors, not lower than 1.52 m (5 feet) above the geodetic datum or 150 mm (6 inches) above the center of the road abutting the property, whichever elevation is greater, provided, however, that where the center of the road elevation proves to be impractical in the opinion of the Director of Engineering, the minimum elevation shall be 150 mm (6 inches) above natural grade which will be established by the Director of Engineering. The elevation of the finished grade of the yard must be at least 50 mm (2 inches) lower than the elevation of the crawl space floor, basement floor or ground floor.

26. Retaining Structures

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- 26.1 A registered professional shall undertake the design and conduct field reviews of the *construction* of a retaining *structure* greater than 1.2 meters in height, measured from the bottom of the foundation to the top of the retaining *structure*. Sealed copies of the design plan and field review reports prepared by the registered professional for all retaining *structures* greater than 1.2 meters in height shall be submitted to a building official prior to acceptance of the works.

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- 26.2 Section 26.1 does not apply to the Queensborough area of the City and the owner is referred to the Guidelines for Construction in Queensborough for details.

27. Penalties and Enforcement

- 27.1 Every person who contravenes any provision of this bylaw or any permit or order issued under this bylaw, or permits or suffers any act or thing to be done in contravention of in violation of any provision of this bylaw or any permit or order issued under this bylaw, or who neglects to do or refrains from doing anything required to be done by way of any of the provisions of this bylaw or any permit or order issued under this bylaw, commits an offense punishable on summary conviction and shall be liable to a fine of not more than \$10,000.00 (Ten Thousand Dollars) or to imprisonment for not more than six months.
- 27.2 A building official may order the cessation of any work that is proceeding in contravention of the Building Code or this bylaw by posting a "Stop Work Order" on the property or building wherein such work is being undertaken.
- 27.3 The owner of property on which a Stop Work Order has been posted, and every other person, shall cease all construction work immediately and shall not do any work until all applicable provisions of this bylaw have been substantially complied with and the Stop Work Order has been rescinded in writing by a building official.
- 27.4 It shall be a violation of this bylaw for any person other than a building official to remove or cover a posted "Stop Work Order" or any other notice.
- 27.5 The owner of property on which a Do Not Occupy notice has been posted, and every person, shall cease occupancy of the building or structure immediately and shall 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.

- 27.6 Every person who commences work requiring a building permit without first obtaining such a permit shall, if a Stop Work Order is issued, pay an additional charge equal to 100% of the building permit fee prior to obtaining the required building permit.

28. Severability

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

29. Forms and Schedules

- 29.1 Form "I" attached to this bylaw forms part of this bylaw.

NOTE: Schedule "A" deleted per Bylaw No. 7683, 2014

30. Repeal

- 30.1 City of New Westminster Building Bylaw No. 4902, 1976 and all amendments thereto are hereby repealed.

BYLAW NO. 7683, 2014

Schedule "A" DELETED

FORM I

NEW WESTMINSTER BUILDING BYLAW NO.

Owners Undertaking

Re: Property Address: _____

Legal Description: _____

Building Permit #: _____

This undertaking is given by the undersigned, as the owner of the property described above, with the intention that it be binding on the owner and that the City of New Westminster will rely on same.

I confirm that I have applied for a building permit pursuant to the City of New Westminster Building Bylaw No. _____ and that I have carefully reviewed and fully understand all of the provisions of the bylaw and in particular, understand, acknowledge and accept the provisions describing the purpose of the bylaw, the conditions under which permits are issued, the disclaimer of warranty or representation and the limited extent of the scope of the bylaw and inspections thereunder.

Without in any way limiting the foregoing, I acknowledge fully that it is my responsibility, whether or not any work to be performed pursuant to the permit applied for is done by me, a contractor or a registered professional, to ensure compliance with the Building Code and the bylaw.

I am not in any way relying on the City of New Westminster or the building officials of the City of New Westminster, as defined under the bylaw, to protect the owner or any other persons as set out in Section 3 of the bylaw and I will not make any claim alleging any such responsibility or liability on the part of the City of New Westminster or its building officials.

Owners Information:

Name: _____

Address: _____

Telephone: _____ Contact person: _____

Date: _____ Signature: _____