

CORPORATION OF THE CITY OF NEW WESTMINSTER



BUILDING BYLAW NO. 8125, 2019

EFFECTIVE DATE: September 9, 2019

CONSOLIDATED FOR CONVENIENCE ONLY
(January 31, 2020)

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.

AMENDMENT BYLAW
8161, 2020

EFFECTIVE DATE
January 27, 2020

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 The number of any amending bylaw that has been repealed is not referred to in this consolidation.

Obtainable from the City Clerk's Office

CORPORATION OF THE CITY OF NEW WESTMINSTER

Building Bylaw No. 8125, 2019

A **BYLAW** to provide for the administration of the British Columbia Building Code and the City's building regulation service.

PART 1

This bylaw may be cited as "Building Bylaw No. 8125, 2019".

WHEREAS Section 8 of the British Columbia Community Charter authorizes the City of New Westminster, for health safety and protection of persons and property, to regulate, prohibit and impose requirements in relation to buildings and other 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 and structures in cities, municipalities and regional districts in the Province;

AND WHEREAS it is deemed necessary to provide for the administration of the Building Code;

NOW THEREFORE, pursuant to the above-referenced and other statutory authority, Council of the City of New Westminster, in open meeting assembled, enacts as follows:

PART 2 ADMINISTRATION

2.1 PURPOSE

2.1.1 This Bylaw shall, notwithstanding any other provision herein, be interpreted in accordance with this Section.

2.1.2 This Bylaw is enacted for the purpose of regulating *construction* within the City of New Westminster 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 reasons of health, safety and the *protection of persons* and property. It is not contemplated nor intended that this Bylaw provide, nor shall this Bylaw be interpreted as providing:

2.1.2.1 *protection* to owners, builders, constructors or any other *persons* from economic loss;

2.1.2.2 the assumption by the *City* or any *Building Official* of any responsibility for ensuring the compliance by any owner, *agent* of an *owner* or any employees, builders, constructors or designers retained by an owner, with the *Building Code*, the requirements of this Bylaw or any other applicable codes, standards, bylaws or enactments;

2.1.2.3 a warranty to any *person* of design or workmanship or materials with respect to any *building, structure* or part thereof for which a *permit* or *occupancy* certificate is issued under this Bylaw, nor

2.1.2.4 a warranty or assurance to any *person* that *construction* undertaken pursuant to a *permit* issued under this Bylaw is free from any defects, whether patent or latent.

2.1.2.5 a warranty or assurance that any design or *construction* undertaken pursuant to *permits* issued by the *City* complies with the *Building Code*, the requirements of this Bylaw or any other applicable enactments

2.2 REPEAL OF FORMER BYLAW

2.2.1 “Building Bylaw No. 6897, 2003”, as amended (the “former bylaw”) is hereby repealed.

2.2.2 “Fire Limits Bylaw No. 5980, 1991”, as amended, is hereby repealed.

2.3 SEVERABILITY

2.3.1 The provisions of this Bylaw are severable and the invalidity of any Section or Part of this Bylaw shall not affect the validity of the remainder of the Bylaw.

2.4 APPLICATION

2.4.1 This Bylaw applies to all land, water, air space, *buildings* and *structures* within the City of New Westminster including:

- 2.4.1.1 the design, construction and occupancy of new buildings and structures, and the alteration, renovation, reconstruction, demolition, removal, relocation and change of occupancy of existing buildings and structures;
- 2.4.1.2 all references to the BC *Building Code* and regulations under Section 692 of the Local Government Act;
- 2.4.1.3 to all that the *Building Code* applies to unless this Bylaw expressly provides otherwise;
- 2.4.1.4 the following *permits*: *building permit*; *excavation permit*; *foundation permit*; *demolition permit*; *occupancy certificate*; *sprinkler permit*; *swimming or ornamental pool*; *retaining structure permit*; *temporary structure permit*; *moving permit*;
- 2.4.1.5 where a *building* or *structure* is damaged to an extent less than 75 percent of its assessed value, the repairs or *reconstruction* shall be in compliance with this Bylaw and the current BC *Building Code* and all other applicable codes, standards, bylaws and enactments. Undamaged areas of a *building* not affected by the required repairs, must meet the requirements of the code at the time they were *constructed*;
- 2.4.1.6 if an *existing building* or *structure* is damaged by fire, decay, storm, earthquake or otherwise to an extent greater than 75 percent of its assessed value above its foundations as of the date of the damage, this Bylaw and the current BC *Building Code* and all other applicable codes, standards, bylaws and enactments apply to the work necessary to *reconstruct* damaged portions of the *building* or *structure* and to correct any contraventions of these regulations in the remainder of the *building* or *structure*;

2.4.1.7 the whole or any part of an *existing building* that is moved either within or into the City of New Westminster, including relocation relative to *parcel* lines created by subdivision or consolidation.

2.4.2 This Bylaw does not apply to *buildings* or *structures* exempted by Part 1 of the *Building Code* except as expressly provided herein:

2.4.2.1 greenhouses greater than 108 sq. ft. (10 sq. m.)

constructed with PVC hoops and poly roof cover;

2.4.2.2 fences except as required in Part 12 of this Bylaw;

2.4.2.3 the removal of underground storage tanks, which is a matter regulated through the New Westminster Fire and Rescue Services;

2.4.3 Disclosure of Information:

All applications, *permits*, plans, records or documents submitted to the *Building Official* are the property of the *City* and are subject to public disclosure pursuant to the “Freedom of Information and Protection of Privacy Act”. Public viewing shall not be available except to the extent permitted under the Act.

2.5. DEFINITIONS

2.5.1 Terms that are defined are marked in this Bylaw in italics.

2.5.2 Unless otherwise defined herein, words and terms used in this Bylaw shall have the same meanings as set out in the BC *Building Code*, BC Building Act; Community Charter, Local Government Act and Interpretation Act.

2.5.3 In this Bylaw, the following terms have the following meanings, unless the context otherwise requires:

“*accepted*”, “*acceptable*” and “*acceptance*” on a document related to a *permit*, *permit* application or a procedure under this Bylaw does not mean, signify or imply that the *City* has confirmed, sanctioned or approved the design or *construction*, and means only that the *Building Official* has *accepted* it for the purposes of this Bylaw.

“*addition*” means an *alteration* to any *building* that will increase the total aggregate floor area or the *building* height (in storeys), and includes the provision of two or more separate *buildings* with openings between each other for intercommunication.

“**agent**” includes a *person*, partnership, society or corporation representing the *owner* by designation or contract and includes a hired tradesman or contractor who may be granted a *permit* for work within the limitation of his or her license.

“**BC Energy Step Code**” means the requirements set out in Part 14 of this Bylaw and Division B, Part 9 and 10 of the *Building Code*.

“**building**” means any *structure* or portion of a *structure*, of any kind, used or intended for supporting or sheltering any use or *occupancy*, whether fixed to, supported by or sunk into land, water or airspace, but specifically excludes landscaping, fences, and paving.

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

“**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 Corporation of the *City* of New Westminster.

“**conditional occupancy certificate**” means the permission or authorization in writing by *the Building Official* to allow the occupancy of a *building*, or part thereof, subject to conditions set out by the *Building Official*.

“**construct**”, “**constructed**” or “**construction**” means to build, erect, install, repair, alter, add, enlarge, move, locate, relocate, reconstruct, renovate, demolish, remove, excavate or shore, with respect to a *building* or *structure*.

“**Energy Advisor**” means a *person* who is registered as an energy advisor with Natural Resources Canada.

“**existing**” means that portion of a *building constructed* with *permits* prior to the submission of a *permit* application required under this Bylaw. It does not include portions that have been *constructed* in contravention of *City* bylaws or the *Building Code*.

“**float home**” means a *structure* incorporating an engineered floatation system intended for use or being used or occupied for residential purposes, containing one dwelling unit only, not primarily intended for, or usable in, navigation and does not include a water craft designed or intended for navigation.

“**health and safety**” aspects of the work means design and *construction* regulated by the *Building Code*.

“**inspection**” means a limited and interim spot-checking review of the work authorized by any permit, for reasons of *health and safety* in accordance with policies as established from time to time by the Manager of Building Inspections, undertaken solely for the monitoring purposes of this Bylaw.

“**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*.

“**occupancy**” means the use or intended use of a *building* or *structure* or part thereof for the shelter or support of *persons*, animals or property.

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

“**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;
- (h) in respect of water includes an occupier, tenant or holder of an interest in respect of the surface of the water; and
- (i) all persons authorized to act for or on behalf of the registered owner of the property.

“**parcel**” means a lot, block or other area in which land is held, or into which land is legally subdivided.

“**permit**” means permission or authorization in writing by the *Building Official* under this Bylaw to perform work regulated by this Bylaw.

“**person**” includes a natural *person*, partnership, society, corporation, municipal corporation, school board, hospital board or other government or government agency.

“**phased project**” means a project or development consisting of multiple buildings on a single property, that will be built at separate times.

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

“**protection**” describes an enactment made for the health, safety and *protection* of *persons* or property.

“**Queensborough Area**” means that part of the City of New Westminster located on Lulu Island.

“**retaining structure**” means a *structure constructed* of any material and designed to hold back, stabilize or support an earthen bank resulting from differences in site grades.

“**storey**” means that portion of a *building* that is situated between the top of any floor and the top of the floor next above it, and if there is no floor above it, that portion between the top of such floor and the ceiling above it.

“**structure**” means a *construction* or portion thereof of any kind, whether fixed to, supported by, sunk into or located in, land, water or airspace, and includes:

- (a) foundations or supporting framework for exterior signs, equipment and machinery,
- (b) interior storage racking greater than 2.6m in height and
- (c) *swimming pools*, but specifically excludes paving, fences, landscaping and
- (d) *retaining structures* less than 1.2 meters in height above the bottom of the foundation, except where it is located in a Flood Plain Area or supports a driveway, street or lane.

“**swimming or ornamental pool**”: In this Bylaw, the term “*swimming or ornamental pool*” means any *constructed* or prefabricated exterior private pool:

- (a) having a water surface area exceeding 5 square metres;
- (b) a depth in any area of more than 450 mm;
- (c) installed or intended to be installed on private property, owned or leased or occupied with permission of the *owner* or lessor; or
- (d) for a permanent or temporary installation.

“**temporary structure**” means a tent, portable, or other *building* or *structure* that the *owner* does not intend for permanent installation.

2.6. RESPONSIBILITIES OF THE OWNER

- 2.6.1 No *owner* shall commence or permit the commencement of *construction* of a *building* or an *alteration* or *addition* to a *building* on his property unless he has obtained a *building permit* under this Bylaw authorizing that *construction*.
- 2.6.2 Everywhere that this Bylaw prohibits or restricts an *owner* from doing an act, the *owner* must not permit another *person* to do the prohibited or restricted act.
- 2.6.3 It shall be the full and sole responsibility of the *owner*, and where the *owner* is acting through an *agent*, both the *owner* and the *agent*, to carry out the work in respect of which a *permit* is issued in compliance with the *Building Code*, this Bylaw and any other applicable codes, standards, bylaws and enactments.
- 2.6.4 Where *building* plans are required by the *Architects Act* to be prepared by a *person* who is registered or licensed to practise as an Architect under the *Architects Act*, then an *owner* may not submit plans to the *City* unless those plans have been prepared by an architect who meets those qualifications.
- 2.6.5 Every *owner* to whom or to whose *agent* a *permit* is issued shall pay for the cost of repair of any damage to *City* property or works that occurs in the course of the work authorized by the *permit*.
- 2.6.6 Every *owner* to whom or to whose *agent* a *permit* is issued shall, during *construction*:
 - 2.6.6.1 post and maintain the *building permit* within public view on the property in respect of which the *permit* was issued;
 - 2.6.6.2 keep a copy of the *accepted* designs, plans, specifications and all *building Inspection* reports and notices on the property;
 - 2.6.6.3 post the civic address on the property in a location visible from any adjoining streets;
 - 2.6.6.4 ensure no material or equipment is placed or stored on adjacent property, without permission from the adjacent property *owner*; and
 - 2.6.6.5 ensure compliance with the requirements of the BC Fire Code and the New Westminster Fire and Rescue Services with regards to Construction Site and Fire Safety.
- 2.6.7 Every *owner* shall obtain, prior to the *occupancy* of a *building* or part thereof, written permission from the *Building Official* to occupy the *building* or part thereof, pursuant to Part 7 of this Bylaw.

2.7 INSURANCE

2.7.1 When an *Energy Advisor* or registered professional is required by the *Building Code* or this Bylaw, they shall provide proof of liability insurance.

2.8 NO WARRANTY OR REPRESENTATION

2.8.1 Neither the issuance of a *permit* nor the *permit* itself shall waive the *owner's* obligation to ensure that all activities regulated by the *permit* and this Bylaw comply with all applicable Codes, laws, bylaws, enactments, covenants, licenses and other restrictions and requirements applicable to the work.

2.8.2 Neither the issuance of any *permit* under this Bylaw, nor the 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* from full and sole responsibility to undertake the work in accordance with the *Building Code*, this Bylaw and all other applicable codes, standards, bylaws and enactments.

2.8.3 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 representation or warranty that the *Building Code* or this Bylaw or other applicable codes, standards, bylaws and enactments have been complied with nor that the *building* 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 other applicable codes, standards, bylaws and enactments or any standard of *construction*.

2.8.4 The issuance of a *permit* by the *Building Official* under this Bylaw is not a guarantee or representation by the *Building Official* or the *City* to the *owner*, the applicant, or any other *person* as to *building* safety, *building* functioning, public safety, *protection* from private claims, *protection* from bylaw enforcement, or any other matter.

2.8.5 All *permit* records are maintained for the use of the *City* and are not to be relied upon as a repository for the public, nor are they guaranteed to be accurate.

PART 3 PROHIBITIONS

3.1 GENERAL PROHIBITIONS

- 3.1.1 No *building* or *structure* shall be *constructed* except in conformity with the requirements of the *Building Code* and this Bylaw.
- 3.1.2 No *person* shall fail to comply with the conditions of a *permit* issued under this Bylaw.
- 3.1.3 No *person* shall do any work, or allow any work to be done which requires a *permit* under this Bylaw;
 - 3.1.3.1 after a Stop Work Order has been posted;
 - 3.1.3.2 after a *permit* under this Bylaw has expired (unless the *permit* is extended); or
 - 3.1.3.3 after a *permit* under this Bylaw has been cancelled or revoked.
- 3.1.4 No *person* shall commence or continue *construction* or change the *occupancy* of any *building*, *structure*, including excavation or other work related to *construction*, unless the *Building Official* has issued a *permit* for the *construction* and that *permit* remains in force.
- 3.1.5 No *person* shall occupy or use any *building* or *structure* unless a valid and subsisting *occupancy certificate* has been issued by the *Building Official*, in accordance with Part 7, for the *building* or *structure*, including change of *occupancy* classification, or contrary to the terms of any *permit* issued or any notice given by the *Building Official*.
- 3.1.6 No *person* shall commence or continue any *construction* that is substantially at variance with the *accepted* design, plans or specifications of a *building*, *structure* or other works for which a *permit* has been issued, unless that variance has been *accepted* in writing by the *Building Official*.
- 3.1.7 No *person* shall obstruct the entry of the *Building Official* or other authorized employee of the *City* onto any land or into any *building* or *structure* for the purpose of administering or enforcing this Bylaw, including without limitation for the purpose of ascertaining whether the regulations and provisions of this Bylaw or the conditions of a *permit* are being, or have been met.
- 3.1.8 No *person* shall knowingly submit false or misleading information to the *Building Official* in relation to any *permit* application or

construction undertaken pursuant to this Bylaw.

- 3.1.9 No *person* shall commence or continue any *construction* on or to, or change the *occupancy* of an *existing building* or *structure* unless that *existing building* or *structure* is brought into compliance with the *Building Code* to the extent outlined in Section 2.4 of this Bylaw.
- 3.1.10 No *person* shall change, modify or alter drawings or specifications *accepted* by the *City* as a condition of a *permit* without authorization from the *Building Official* and payment of the fee specified in the Development Services Fees and Rates Bylaw No. 7683, 2014, as amended or replaced from time to time.
- 3.1.11 No *person* shall commence or continue any *construction* in respect of which a *permit* is required under any other bylaw unless a *permit* is obtained under that bylaw.
- 3.1.12 No *person* shall commence or continue any *construction* when that *construction* has been suspended by the *Building Official*, without first obtaining permission in writing from the *Building Official* to do so.
- 3.1.13 No *person* shall use diesel impact hammers over 30,000 foot pounds in the *construction* of any *building* or *structure*.

3.2 OFFENCES, NOTICES AND PENALTIES

- 3.2.1 Every *person* who contravenes any provision of 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.
- 3.2.2 Every *person* who fails to comply with any notice issued by a *Building Official*, or who allows a violation of this Bylaw to continue, contravenes this Bylaw.
- 3.2.3 Every contravention of this Bylaw that continues for more than one day constitutes a separate offence for each day that it continues.
- 3.2.4 Where costs are incurred by the *City* they shall be charged to the property taxes where they relate to:
 - 3.2.4.1 a *permit* issued by the *City*;
 - 3.2.4.2 work conducted without the appropriate *permits*; or
 - 3.2.4.3 work that has resulted in damage to *City* property.

- 3.2.5 A notice shall state the nature of the contravention and the phase of *construction* before which the contravention must be remedied.
- 3.2.6 Any notice to the *owner* given by the *Building Official* will be sufficiently given if hand-delivered to the *owner* or his *agent*, or mailed by regular Canada Post mailing to the address of the *owner* shown on the Land Title Office title to the property, or if posted on the property. Notice will be deemed received on the day hand-delivered or posted, or three days after mailing.
- 3.2.7 The *Building Official* may issue such written notices as the *Building Official* considers necessary to inform the *owner* of a contravention of this Bylaw and order the correction of any work that is being done or has been done in contravention of this Bylaw.
- 3.2.8 In order to be satisfied that a contravention has been remedied the *Building Official* may require an *owner* to provide the *Building Official* with a written report certified by a Registered Professional which provides assurances that the contravention has been remedied.
- 3.2.9 It is a violation of this Bylaw for any *person* to reverse, alter, deface, cover, remove or in any way tamper with a *construction* site identification placard, Stop Work Order Notice, certificate, card or notice posted on or affixed to a *building* or *structure* pursuant to a provision of this Bylaw unless authorized by the *Building Official*.
- 3.2.10 The *Building Official* may add a notice to a property tax certificate regarding violations of this Bylaw to notify prospective purchasers of the infractions.

3.3 DO NOT OCCUPY

- 3.3.1 The *Building Official* may post a “Do Not Occupy” notice on the occupied part of the *building* or *structure* and order an *owner* to cease *occupancy* of a *building* where:
 - 3.3.1.1 a *person* occupies a *building, structure* in contravention of this Bylaw, or
 - 3.3.1.2 a *building* is found to be dangerous, or potentially dangerous due to:
 - 3.3.1.2.(1) modifications to electrical or gas services, or to any structural components, or
 - 3.3.1.2.(2) a condition that causes a health hazard or potential health hazard.

- 3.3.2 The *Building Official* may order that:
- 3.3.2.1 Where disconnected, the supply of electricity or gas not be reconnected;
 - 3.3.2.2 The *owner* must not permit the *building* to be occupied; and
 - 3.3.2.3 A *City* notice indicating that the building is not safe to occupy be affixed, and remain affixed, to the *building* in a clearly visible location, until:
 - 3.3.2.3(1) the *owner* has obtained any permits required to carry out the work necessary to bring the *building* into compliance with the requirements of this Bylaw and the *Building Code*, and has paid the applicable permit fees;
 - 3.3.2.3(2) all of the work referred to in clause 3.3.2.3(1) has been completed and the *building* has been brought into compliance with the requirements specified in clause 3.3.2.3(3); and
 - 3.3.2.3(3) the *building* has been inspected and approved by the *Building Official* for compliance with this Bylaw, other bylaws of the *City*, and any provincial statute or regulation relating to *building*, electrical, gas, health or fire safety, and the *owner* has paid any costs relating to those *inspections*, and any initial *inspections* carried out to ascertain the condition of the *building*.
- 3.3.3 Every *person* occupying a *building, structure* on which a “Do Not Occupy” notice has been posted, shall cease *occupancy* of the *building, structure* or part thereof immediately and shall refrain from further *occupancy* until the contravention has been remedied and the “Do Not Occupy” notice has been rescinded in writing by the *Building Official*.

3.4 STOP WORK ORDER

- 3.4.1 The *Building Official* may order the suspension of any *construction* or work that is proceeding by posting a stop work order on the property or building wherein such work is being undertaken, stating the reasons for the order.
- 3.4.2 A stop work order may be issued where *construction* or work is being undertaken :
- 3.4.2.1 in contravention of
- 3.4.2.1(1) a *permit* or a condition of a *permit*;
- 3.4.2.1(2) this Bylaw; or
- 3.4.2.1(3) the *Building Code* or other applicable enactment.
- 3.4.2.2 without a *permit* having been issued under this Bylaw authorizing the work;
- 3.4.2.3 where the Registered Professional is no longer retained by the *owner* in relation to the *permit*; or
- 3.4.2.4 where a Registered Professional has indicated to the *City* that there is information that affects the validity or applicability of his or her report or recommendations relied upon to issue the *permit*.
- 3.4.3. The *owner* of land on which the stop work order has been posted, and every other *person*, shall cease all *construction* immediately and shall not restart *construction* until the provisions of the *Building Code*, this Bylaw or any other applicable enactment have been complied with and the stop work order has been rescinded in writing by the *Building Official*.
- 3.4.4 The *owner* shall, within 24 hours of the posting of a stop work order under this Bylaw secure the *construction* site such that the property is in a safe condition and such work shall be done in accordance with any and all applicable safety laws, regulations and other requirements of the Province of BC.

PART 4 ROLE OF THE BUILDING OFFICIAL

4.1 ROLE OF THE BUILDING OFFICIAL

- 4.1.1 The *Building Official* without limiting the authority granted to the *Building Official* under this Bylaw, has the following authority:
 - 4.1.1.1 to prepare and prescribe forms that are to be used for the purposes of this Bylaw;
 - 4.1.1.2 to determine whether an application for a *permit* or another application under this Bylaw is complete;
 - 4.1.1.3 to request additional information from an applicant where the *Building Official* considers that the information provided in relation to an application for a *permit* or other application is incomplete;
 - 4.1.1.4 to refuse a *permit*, *permit* amendment, *permit* transfer, *permit* cancellation, or *permit* extension on the basis that the application is incomplete;
 - 4.1.1.5 to request information from an *owner* in relation to compliance with a *permit* or this Bylaw;
 - 4.1.1.6 to issue a stop work order and to impose conditions in relation to a stop work order for the purposes of achieving compliance with this Bylaw or a *permit*;
 - 4.1.1.7 to issue a *permit* where satisfied that the requirements of this Bylaw have been met;
 - 4.1.1.8 to refuse a *permit* where satisfied that the requirements of this Bylaw have not been met;
 - 4.1.1.9 to prescribe terms of reference for professional reports that reflect and are in accordance with the requirements of this Bylaw;
 - 4.1.1.10 to revoke a *permit*;
 - 4.1.1.11 to impose conditions in relation to a *permit*, *permit* amendment, *permit* extension, stop work order, or *permit* revocation for the purposes of achieving compliance with this Bylaw or other related enactments; and
 - 4.1.1.12 to administer this Bylaw.

- 4.1.2 The *Building Official* may:
 - 4.1.2.1 keep records of *permit* applications, *permits*, notices and orders issued, *inspections* and tests made, and retain copies of documents related to the administration of this Bylaw as required by the *City's* retention policy;
 - 4.1.2.2 require tests and investigations by an independent agency at the *owner's* expense to establish compliance; or provide recommended remedial measures to be taken

- prior to the issuance of a *permit* where *construction* has advanced without *inspection* to a stage where compliance with this Bylaw or other applicable bylaws or enactments cannot be readily determined;
- 4.1.2.3 establish, or direct the *owner* to establish, by tests, at the *owner's* expense, whether methods or types of *construction*, and types of materials, devices or assemblies used in the *construction* of a *building* or *structure* substantially conform to the requirements of the *Building Code*;
 - 4.1.2.4 require that tests be carried out in accordance with recognized standard test methods or in the absence of such standard test methods, may specify the test procedure to be followed. A copy of the results of such tests shall be provided to the *Building Official* and also kept available on-site during the *construction* of the *building* or *structure*;
 - 4.1.2.5 require the *owner* to uncover and replace at the *owner's* expense any *construction* that has been covered without *inspection* contrary to this Bylaw or an order issued by the *Building Official*;
 - 4.1.2.6 enter any land, *building* or *structure* at any reasonable time for the purpose of ascertaining that the requirements of this Bylaw are being observed, or if the *Building Official* has any reason to believe that an unsafe condition exists;
 - 4.1.2.7 order in writing the correction of any *construction* that is being or has been done in contravention of this Bylaw; and
 - 4.1.2.8 order all work to be stopped that is being done or is about to be done in contravention of this Bylaw.
- 4.1.3 The *Building Official* shall:
- 4.1.3.1 obtain the consent of the occupant or provide written notice to the occupant 24 hours in advance of entry, where any residence is occupied;
 - 4.1.3.2 carry proper credentials confirming his or her status as a *Building Official* for the *City*; and
 - 4.1.3.3 issue *permits* pursuant to this Bylaw.

PART 5 BUILDING PERMITS

5.1 PERMIT REQUIREMENTS

- 5.1.1 Everywhere that this Bylaw requires an *owner* to submit plans, specifications, letters, or other documentation, those shall be in a form and contain information satisfactory to the *Building Official*.
- 5.1.2 If the *Building Official* considers that a report, plan or any other information provided by an applicant for a *permit* does not comply with this Bylaw, or is inadequate for the *Building Official* to determine that the applicant and the proposed *construction* will be in compliance with this Bylaw, or if the *Building Official* considers a Registered Professional, consultant or *permit* applicant relied on inaccurate, incomplete, or inadequate information or assumptions, or wrong methodology, the *Building Official* may require the applicant, at its own cost, to provide such further reports, plans and information as may be required by the *Building Official*.
- 5.1.3 Where this Bylaw requires the *owner* to grant a covenant to the *City*, the *owner* must grant to the *City* a covenant under Section 219 of the Land Title Act (as amended or replaced from time to time), in the *City*'s then-current form of covenant, and that covenant must be registered against title to the *owner*'s property in priority to all financial charges and other charges specified by the *City*.
- 5.1.4 The applicant must include with the *permit* application confirmation satisfactory to the *Building Official* that the proposed work would be in compliance with all covenants, rights of way, easements, Development *Permits*, Development Variance *Permits*, Special Development *Permits*, Board of Variance, *building* schemes, and other agreements, whether in favour of the *City*, the Province or any other *person*.
- 5.1.5 The applicant must include copies of approvals required under any enactment relating to health or safety, including, without limitation, sewage disposal *permits*, highway access *permits* and Ministry of Health approval.
- 5.1.6 The *Building Official* may require the *owner* to provide a geotechnical hazard report, and covenant, pursuant to Section 56 of the Community Charter.

- 5.1.7 If the proposed work would require the issuance of another *permit* or approval, the *owner* shall include with the *permit* application a copy of the other approved and issued *permits*, or confirmation that they will be issued.
- 5.1.8 Before issuance of a *permit* under this Bylaw, the *owner* must pay all applicable development cost charges levied pursuant Development Cost Charges Bylaw No. 7311, 2009, as amended or replaced from time to time.
- 5.1.9 Upon receipt of an application for a *permit*, the *Building Official* may inspect any property that is the subject of a *permit* application for the purposes of evaluating the application and its completeness.
- 5.1.10 A *permit* application form, letter or other document required by this Bylaw to be provided by the *owner* must be signed by the *owner* and if there is more than one *owner*, each *owner* must either sign the document or, to the satisfaction of the *Building Official*, consent to one *owner* signing the document on their behalf.
- 5.1.11 Whether or not all *owners* sign the application form for a *permit*, all *owners* are jointly and severally responsible for complying with the *permit*, this Bylaw, the *Building Code*, and all other applicable codes, standards, bylaws and enactments.
- 5.1.12 If a corporation or society is an *owner* of the property, a *permit* application form, letter or other document required by this Bylaw to be provided by the *owner* must be signed by at least one authorized signing officer of the corporation or society and the *Building Official* may require a copy of the resolution or other proof of authorization.
- 5.1.13 If the property to which work will be done is or includes common property of a strata corporation, the *permit* application form and all other documentation must be signed by at least one member of the strata council, and the *Building Official* may require a copy of the resolution of the strata lot members or other proof of authorization.
- 5.1.14 If a tenant wishes to apply for and be issued a *permit*, the tenant must provide to the *City*, on the form prescribed by the *Building Official*, written confirmation from the property *owner* that the *person* is a tenant of the property and is authorized to apply for and be issued the *permit*. If a *permit* is issued to a tenant under this Bylaw, the tenant is deemed to be the *owner* for the purposes of this Bylaw and must comply with all bylaw and *permit* requirements

applicable to the *owner*, and the *City* may issue *permits*, orders, notices, directives and other communication to the tenant and enforce this Bylaw against the tenant as if the tenant was the *owner*. Nothing in this Section prevents the *City* from enforcing this Bylaw solely or additionally against the *owner* of the property.

5.1.15 An *owner* may appoint an *agent* for the purposes of this Bylaw, by completing and delivering to the *Building Official* the form prescribed by the *Building Official*, authorizing the *person* to be the *owner's agent* for all purposes associated with this Bylaw, and all subsequent applications, requests and other acts of the *agent* shall be deemed to be acts of the *owner* and all *permits*, orders, approvals, *acceptances* and other notices delivered to the *agent* will be deemed to be delivered to the *owner*.

5.1.16 An *owner* may not revoke an appointment of an *agent* for the purposes of this Bylaw unless the *owner* provides the *Building Official* with a written copy of the revocation.

5.1.17 All *permit* applications made to the *City* under the former bylaw prior to the date of enactment of this Bylaw that are fully complete may be issued if the requirements of the former bylaw are met.

5.1.18 All applications for a *permit* under the former bylaw that have not been fully completed before the enactment of this Bylaw must comply with the requirements of this Bylaw, and where additional information or payment is required under this Bylaw to consider, process, or issue the *permit*, that additional information and payment must be provided.

5.2 PERMIT APPLICATION REQUIREMENTS

5.2.1 Phased Project

Where construction of a multi-building project is proposed to be phased, each phase must be applied for separately and meet all applicable *City* requirements in effect at the time of application. Application drawings shall be specific to the current phase.

5.2.2 Each *building* or *structure constructed* on a site requires a separate *permit* and shall be assessed a separate *permit* fee based on the value of that *building, structure* or part thereof.

5.2.3 An application for a *permit* shall:

5.2.3.1 be made using the application form prescribed, from time to time, by the *Building Official* and all

- 5.2.3.2 information on that form must be completed;
be accompanied by the fee for a *permit* application specified in the Development Services Fees and Rates Bylaw No. 7683, 2014, as amended or replaced from time to time, for each *building* or *structure* to be *constructed*;
- 5.2.3.3 be signed by the *owner* or *agent*, or a signing officer if the *owner* or *agent* is a corporation or society;
- 5.2.3.4 be accompanied by the *owner's* acknowledgement of responsibility and undertaking in the form prescribed by the *Building Official*, signed by the *owner*, or a signing officer if the *owner* is a corporation or society;
- 5.2.3.5 include a copy of a Land Title Office search of the land made within 48 hours of the date of the application;
- 5.2.3.6 include plans bearing the name and address of the designer of the *building* or *structure*, signed and sealed by an Architect or Engineer registered in British Columbia, if applicable; and
- 5.2.3.7 be accompanied by plans, documents and other information required by the *Building Official* or the *Building Code* to establish substantial compliance with this Bylaw, the *Building Code* and any other applicable enactments relating to the *building* or *structure*.

5.3 ALTERNATE SOLUTIONS

- 5.3.1 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 provide an alternate solution to satisfy one or more of the requirements of the *Building Code* or this Bylaw must submit to the *Building Official*, sufficient evidence to demonstrate that the proposed alternate solution will provide the level of performance required by the *Building Code* or this Bylaw and pay the fee specified in the Development Services Fees and Rates Bylaw No. 7683, 2014, as amended or replaced from time to time.
- 5.3.2 Submissions for alternate solutions shall be in the form of a report from a professional Architect or Engineer registered in British Columbia and shall provide:
 - 5.3.2.1 the *owner's* name and the name and address of the *construction* project;
 - 5.3.2.2 the background of the professional Architect or Engineer proposing the alternate solution and the

- 5.3.2.3 qualifications and experience in this field;
the Sections of the *Building Code* or this Bylaw for which the alternate solution is sought; and
- 5.3.2.4 certification in a form *acceptable* to the *Building Official*, that the alternate solution has been designed and will be field reviewed and installed in accordance with the report submitted.

5.4 PROFESSIONAL DESIGN & FIELD REVIEW

- 5.4.1 The *Building Official* may require an *owner* applying for a *building permit* to have *permit* application information prepared by a registered professional, provided to the *Building Official* by a report addressed to the *City* and signed and sealed by the registered professional, where the *Building Official* considers this is warranted by circumstances that relate to:
 - 5.4.1.1 site conditions;
 - 5.4.1.2 the size or complexity of the development; or
 - 5.4.1.3 aspects of the development.

- 5.4.2 The *owner* shall obtain the design and field review services of registered professional(s) where:
 - 5.4.2.1 required by Part 2 of Division C of the *Building Code*;
 - 5.4.2.2 for a *building* or *structure* in respect of which the *Building Official* considers that the site conditions, size or complexity of a *building* or group of *buildings* or an aspect of a *building* or *buildings* so warrant; or
 - 5.4.2.3 when the *Building Official* considers that *construction* is on land that is subject to hazardous conditions including concerns regarding slope stability, the *Building Official* may require the *owner* of the land to provide 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.

- 5.4.3 Without limiting the preceding Section, where the *Building Code* requires the use of registered professionals, the *owner* must ensure that the registered professionals undertake both plan review and field review.

- 5.4.4 Where the services of a registered professional are required under Section 5.3 of this Bylaw or by the *Building Code*, the registered

professional shall provide design and field review supported by Letters of Assurance in the form prescribed in the *Building Code*.

- 5.4.5 The Letters of Assurance provided pursuant to the *Building Code* and this Bylaw are relied upon by the *City* and its *Building Officials* as certification that the design, plans and *construction* to which the Letters of Assurance relate substantially comply with the *Building Code*, this Bylaw and other applicable codes, standards and enactments.
- 5.4.6 A *permit* issued under this Bylaw shall include a notice to the *owner* that the *permit* is issued in reliance upon the assurance of the registered professionals that the design, plans and *construction* comply with the *Building Code*, this Bylaw and other applicable codes, standards and enactments and an *owner* using a registered professional must confirm, in writing, to the *City* the *owner's* acknowledgement that the *City* is relying on the certification of the *owner's* registered professional.
- 5.4.7 When a registered professional provides Letters of Assurance under this Bylaw or otherwise provides *inspections* or field reviews, the *City* will rely solely on field reviews undertaken by the professional and the Letters of Assurance and reports submitted under this Bylaw as assurance that the *construction* conforms to the design and that the *construction* complies with the *Building Code*, this Bylaw and other applicable codes, standards and enactments.
- 5.4.8 Where registered professionals are engaged by the *owner*, the *owner* must ensure that the *owner's* coordinating registered professional delivers to the *Building Official*, each month, a report outlining substantial compliance with the plans and supporting documents and the requirements of the *Building Code*.
- 5.4.9 Notwithstanding article 5.4.7 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.

5.5. CANCELLATION OF APPLICATION

- 5.5.1 The *Building Official* may cancel an application if:
- 5.5.1.1 the application is incomplete;
 - 5.5.1.2 the application is substantially inactive for 60 days or longer; or
 - 5.5.1.3 a *permit* has not been issued within 30 days of notification by the *Building Official* that a *permit* is ready for issuance.
- 5.5.2 When an application is cancelled under this Section:
- 5.5.2.1 the Plan Processing fee is forfeited to the *City*, as prescribed in the Development Services Fees and Rates Bylaw No. 7683, 2014, as amended or replaced from time to time; and
 - 5.5.2.2 a re-application for a *permit* shall be processed as a new application and is subject to payment of all applicable fees as prescribed in the Development Services Fees and Rates Bylaw No. 7683, 2014, as amended or replaced from time to time.
- 5.5.3 If an application for a *permit* is cancelled under this Bylaw, the plans and related documents may be destroyed by the *Building Official* without any liability or compensation to the *owner*.

5.6 VALUATION FOR PERMIT

- 5.6.1. The valuation of *construction* set out in the application for a *permit* shall be the total current monetary worth of all *construction* or work related to the *building* or *structure*, and shall include:
- 5.6.1.1 site preparation and civil work including excavation and the use of hoisting, pile driving, compaction or erection devices;
 - 5.6.1.2 all design documents, labour and fees involved in the design, investigative testing, consulting services, *construction* labour and management, even if provided by the *owner*, or donated voluntarily by others, contractor's profit and overhead, sales taxes and *construction* insurance; and
 - 5.6.1.3 all mechanical, electrical, plumbing, drainage and gas installations necessary for the carrying out of the *construction* to its completed form.
- 5.6.2 The *owner* must provide the *Building Official* with signed contracts, invoices, estimates prepared by professionals, and other documentation necessary to satisfy the *Building Official* as the monetary worth of the *construction* and work.

5.6.3 If the *Building Official* is unsatisfied with the value of *construction* proposed by the *owner* and/or the documentation provided, the *Building Official* may place a value on the *construction* or work for the purpose of determining applicable *permit* fees by using an appropriate method from a source of calculating valuation as the *Building Official* deems reasonable, practical and expedient.

5.7. FEES & CHARGES

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5.7.1 Every person making an application for a *building permit* or obtaining a service from the *City* shall pay the applicable fee and charges imposed in the Development Services Fees and Rates Bylaw No. 7683, and the Engineering Fees and Rates Bylaw No. 7553, 2013, as amended or replaced from time to time.

5.8. ISSUANCE OF PERMIT

5.8.1 The *Building Official* shall issue the *permit* for which the application is made when:

- 5.8.1.1 a completed application in compliance with this Bylaw, including all required supporting documentation, has been submitted, reviewed and *accepted*;
- 5.8.1.2 the *owner* or the *owner's agent* has paid all of the required fees and charges prescribed by this Bylaw;
- 5.8.1.3 the *owner* or the *owner's agent* has paid all charges and met all applicable requirements imposed by any other applicable bylaws;
- 5.8.1.4 the proposed work set out in the application conforms with the *Building Code*, this Bylaw and all other applicable bylaws and enactments;
- 5.8.1.5 no enactment or covenant or agreement in favour of the *City* authorizes or requires the *permit* to be withheld; and
- 5.8.1.6 The *owner*, *owner's agent* or signing officer if the *owner* is a corporation, have signed the *permit*.

5.8.2 It is a term of every *permit* issued under this Bylaw that, for so long as the *permit* is in effect:

- 5.8.2.1 the *owner* must comply with this Bylaw and all other bylaws of the *City*, the Local Government Act, the Community Charter and all other codes, standards and enactments applicable to the proposed *construction*, including the *Building Code*;

- 5.8.2.2 the *owner* must obtain and keep in force all other *permits*, approvals, consents and permissions required under any statute, regulation, order, enactment or covenant related to the *construction*; and
- 5.8.2.3 the *owner* must undertake work in strict compliance with the plans and other information submitted with the application for the *permit*, as *accepted* by the *Building Official*.
- 5.8.2.4 the *Building Official* may issue a *permit* on other conditions that he considers advisable, including conditions arising from the information provided to or otherwise available to the *Building Official* in relation to the application that is related to compliance with this Bylaw.
- 5.8.2.5 if the *Building Official* becomes aware that a condition ought to have been imposed within a *permit*, the *Building Official* may add that condition to the *permit* by giving written notice to the *owner*.

5.9. PARTIAL PERMITS

5.9.1 The *Building Official* may, at the risk of the applicant, issue a *permit* for a portion of a *building* or *structure* before the design, plans and supporting documents for the entire *building* or *structure* have been reviewed provided sufficient information has been provided to the *City* to demonstrate to the *Building Official* that the portion authorized to be *constructed* substantially complies with the *Building Code*, this Bylaw, or other applicable codes, standards, bylaws and enactments and the *permit* fee applicable to that portion of the *building* or *structure* has been paid. Notwithstanding the issuance of the *permit*, the requirements of this Bylaw shall 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.

5.9.2 Excavation and Piling Permits

- 5.9.2.1 Prior to the issuance of a *building permit* the *Building Official* may, at the risk of the applicant, issue an excavation and/or piling *permit* in preparation for the construction of a building or structure.
- 5.9.2.2 When a site has been excavated under a permit to excavate issued pursuant to Section 5.11.1 of this Bylaw and a further permit is not subsequently issued or a subsisting *permit* has expired, but without the *construction* of the *building* or *structure* having commenced, the *owner* shall fill in the excavation to restore the original gradients of

the site within 60 days of being given notice to do so by the *City*.

5.10. REFUSAL TO ISSUE A PERMIT

- 5.10.1 If requested by the applicant, the *Building Official* must give written reasons for refusing to issue a *permit* under this Bylaw.
- 5.10.2 The *Building Official* may refuse to issue a *permit* where:
 - 5.10.2.1 any of the requirements of this Bylaw have not been satisfied.
 - 5.10.2.2 the proposed *construction* will contravene the requirements of the *Building Code*, this Bylaw, or other applicable bylaws or enactments that require the *City* to withhold the *permit*.
 - 5.10.2.3 the results of the tests referred to in Section 4.1.2 of this Bylaw are not satisfactory to the *Building Official*.
 - 5.10.2.4 the *parcel* referred to in the *permit* application does not have:
 - 5.10.2.4(1) vehicular and/or fire-fighting access;
 - 5.10.2.4(2) service to the *parcel* boundary from a *City* water distribution system of sufficient size and capacity to supply the water required under enactments for potable domestic use and fire *protection* services;
 - 5.10.2.4(3) service to the *parcel* boundary by *City* sanitary and storm sewers or combined sewer system or approval for the installation of an alternative disposal system; or
 - 5.10.2.4(4) service to the *parcel* boundary by electrical supply and/or other utilities proposed for use in the project.
 - 5.10.2.5 the descriptions, plans, specifications and other information submitted by the applicant with the *permit* application are not prepared in accordance with good engineering and architectural practices.

5.11 PERMIT CONDITIONS

- 5.11.1 A *permit* is required to undertake any work regulated under this Bylaw.
- 5.11.2 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.

- 5.11.3 A *permit* or an application for a *permit* that is in process may not be transferred or assigned until the *owner* has notified the *Building Official* in writing, and paid the fee specified in the Development Services Fees and Rates Bylaw No. 7683, 2014, as amended or replaced from time to time. The transfer or assignment of a permit is not an extension of a permit.
- 5.11.4 The review of plans and supporting documents and issuance of a permit do not prevent the Building Official from thereafter requiring the correction of errors in those plans and supporting documents, or from prohibiting building construction or occupancy being carried on when in violation of the Building Code, this Bylaw, or other applicable codes, standards, bylaws and enactments
- 5.11.5 A building permit under this Bylaw will include the building address assigned to the building by the City and the owner must visibly affix that building address to the building in a conspicuous spot, while under construction and afterwards.

5.12. TERMS OF PERMIT

- 5.12.1 A *permit* issued under this Bylaw shall have a term of two years or such longer time, requested by the *owner* and agreed to by the *Building Official* considering the scope and complexity of the *construction*, unless a shorter term is expressly provided for under this Bylaw.
- 5.12.2 Subject to extension of a *permit* under article 5.13.4, a *permit* issued under this Bylaw is issued on the condition that it shall expire and the rights of the *owner* under the *permit* shall completely terminate if:
- 5.12.2.1 no work authorized by the *permit* is commenced within 6 months of the date the *permit* is issued;
 - 5.12.2.2 work authorized by the *permit* is discontinued or suspended for more than 6 months from the date of the last *inspection* by the *Building Official* or Registered Professional, as applicable;
 - 5.12.2.3 the *owner* does not call for an *inspection* by the *Building Official* or Registered Professional, as applicable, for more than 6 months;
 - 5.12.2.4 the work authorized by the *permit* is not completed within term of the *permit* as indicated on the *permit*; or
 - 5.12.2.5 the title of the *parcel* on which the *permit* authorizes work to be done is transferred to a different *owner* without a

transfer of the *permit* under this Bylaw, or the tenancy of the *parcel* is transferred to a different tenant without a transfer of the *permit* under this Bylaw.

5.12.3 Where a *permit* has expired under article 5.12.2, work shall not recommence until a new *permit* is issued and all *construction* shall comply with this Bylaw, the current *Building Code*, this Bylaw, or other applicable codes, standards, bylaws and enactments in force at the time of the new application.

5.12.4. If a *permit* has not yet expired or within 30 days of the expiry of a *permit*, the *owner* may apply to the *Building Official* for an extension of the *permit* if:

- 5.12.4.1 the *permit* is in good standing and has not been revoked or cancelled;
- 5.12.4.2 all fees are paid up to date;
- 5.12.4.3 all the original *permit* information is still valid and applicable;
- 5.12.4.4 there are no violations of existing *permit* conditions;
- 5.12.4.5 all external approvals and conditions are current and valid;
- 5.12.4.6 all applicable descriptions, plans, and specifications in support of the application are compliant with this Bylaw, including any amendments to the Bylaw since the *permit* was issued; and
- 5.12.4.7 the *owner* has paid the extension fee outlined in the Development Services Fees and Rates Bylaw No. 7683, 2014, as amended or replaced from time to time.

5.12.5 Where *construction* has not commenced within 6 months from the date the *permit* was issued, the *Building Official* may extend the *permit* for a period not more than 90 days from the date of expiry of the original *permit*, but the *permit* shall then be void if *construction* has not started within 270 days from the original date of the issuance of the *permit*.

5.12.6 Where *construction* has commenced and has not been discontinued or suspended for a period of more than 6 months, the *Building Official* may extend the expiry date for the *permit* for such period of time as the *Building Official* considers reasonable, where the *Building Official* is satisfied that there exists a reasonable excuse for the delay in completing *construction*.

- 5.12.7 An *owner* may return an issued *permit* to the *Building Official* and request cancellation of that *permit*, provided no work has commenced.
- 5.12.8 The *Building Official* may revoke a *permit* if:
- 5.12.8.1 there is a violation of any condition under which the *permit* was issued;
 - 5.12.8.2 there is a violation of any provision of the *Building Code*, this Bylaw, or other applicable codes, standards, bylaws and enactments.;
 - 5.12.8.3 the results of any tests carried out pursuant to Part 3 of this Bylaw are not satisfactory to the *Building Official*;
 - 5.12.8.4 the *owner* fails to comply with an order or notice issued under this Bylaw;
 - 5.12.8.5 the *permit* was issued in error; or
 - 5.12.8.6 the *permit* was issued on the basis of false, misleading or incorrect information.
- 5.12.9 The *Building Official* shall send a written notice of the *permit* revocation to the *permit* holder.
- 5.12.10 If a *permit* expires, is cancelled or is revoked prior to completion of the *construction* authorized by the *permit*, the *owner* shall do everything necessary to leave the property in a safe and not unsightly condition.
- 5.12.11 An *owner* may apply to revise a *permit*, including a term or condition of the *permit*, by making application to the *Building Official*, and paying the revision fee specified in the Development Services Fees and Rates Bylaw No. 7683, 2014, as amended or replaced from time to time.
- 5.12.12 The *Building Official* may require the applicant of a revision to provide any or all of the information required for a *permit*, provided that it reasonably relates to the requested revision.
- 5.12.13 The *Building Official* may:
- 5.12.13.1 issue a revision to the *permit* if satisfied that the requested revision complies with this Bylaw; or
 - 5.12.13.2 refuse the revision, with written reasons to the applicant.
- 5.12.14 If a fee simple *owner* transfers the fee simple of the property or the tenant transfers the lease or other tenancy agreement while an

application is pending, the *owner* must apply to the *Building Official* to transfer the application to the new *owner*.

5.12.14.1 Upon the new *owner* signing the form prescribed by the *Building Official* agreeing to be fully responsible for the application, and upon the new *owner* paying a transfer fee and providing replacement security to the *City* if applicable, as specified in the Development Services Fees and Rates Bylaw No. 7683, 2014, as amended or replaced from time to time, the *Building Official* may confirm the transfer of the application.

5.12.14.2 Upon transfer of a *permit* pursuant to this Bylaw, the transferee shall become the *owner* for all purposes of this Bylaw, and the *City* may enforce all the provisions of this Bylaw and conditions of the *permit* against the transferee notwithstanding that any breach of this Bylaw or *permit* arose or occurred prior to the transfer, whether known to the *City* or not.

5.12.14.3 Transfer of a *permit* pursuant to this Bylaw shall not constitute or be deemed to constitute any representation by the *City* that any actions authorized by the *permit* or undertaken on the property were undertaken or completed in compliance with this Bylaw or the *permit*.

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5.12.15 If an *owner* changes contractors before construction is completed, a valid permit may be transferred to a new contractor upon payment of a transfer fee as specified in the Development Services Fees and Rates Bylaw No. 7683, 2014, as amended or replaced from time to time.

5.12.16 The prohibitions and regulations in this Bylaw apply to all *construction* and *building* activities within the *City* that are the subject of a *permit* under the former bylaw.

5.12.17 All valid and subsisting *permits* issued by the *City* under the former bylaw are *permits* under this Bylaw and all conditions of those *permits* shall continue to apply until expiry, amendment, cancellation or other termination of those *permits*.

5.12.18 No *permit* shall be renewed, transferred or amended except in accordance with the requirements of this Bylaw.

5.13 DEMOLITION PERMITS

- 5.13.1 No *owner* may demolish a *building*, or any part of it, unless the *owner* has been issued a demolition *permit* under this Bylaw.
- 5.13.2 An application for a demolition *permit* shall:
- 5.13.2.1 be made using the application form prescribed, from time to time, by the *Building Official* and all information on that form must be completed;
 - 5.13.2.2 be accompanied by the fee for a demolition permit specified in the Development Services Fees and Rates Bylaw No. 7683, 2014, as amended or replaced from time to time, for each *building* or *structure* to be *constructed*;
 - 5.13.2.3 be signed by the *owner* or *agent*, or a signing officer if the *owner* or *agent* is a corporation;
 - 5.13.2.4 be accompanied by a Consent to Demolition form, signed by the owner, or a signing officer if the *owner* is a corporation;
 - 5.13.2.5 include a copy of a Land Title Office search of the land made within 48 hours of the date of the application;
 - 5.13.2.6 be accompanied by a Rodent Abatement and Control Declaration report, as prescribed by the *Building Official*, completed and signed by a licensed pest control company; and
 - 5.13.2.7 be accompanied by plans, documents and other information required by the *Building Official* to establish substantial compliance with this Bylaw, and any other applicable enactments relating to demolition.
- 5.13.3 Where an *owner* fails to disconnect all services and such failure results in damage to the *City's* utilities, the *owner* shall pay the actual costs incurred by the *City* in repairing the resulting damage.
- 5.13.4 In carrying out the demolition of a *building* or *structure*, the *owner* shall do everything necessary to ensure *protection* of public safety, in accordance with the *Building Code* and other applicable enactments respecting safety.
- 5.13.5 Upon completion of the demolition of a *building*, or part of it, the *owner* must remove all cellars, foundations, and other remaining *structures*, and backfill excavations to grade level with native backfill or other granular material, and leave the property in a clean, level and safe condition, to the satisfaction of the *Building*

Official.

5.13.6 The *Building Official* may issue a conditional *permit* for demolition where the *owner* requires approval from the *City* under the BC Residential Tenancy Act.

5.14 SECOND DWELLING – DELAYED DEMOLITION

5.14.1 Where only one dwelling unit is *permitted* on a *parcel*, the *owner* or *owner’s agent* may obtain a *permit* to *construct* or relocate a second dwelling unit on the *parcel* by:

5.14.1.1 providing a sworn statement of his or her 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

5.14.1.2 depositing in the form satisfactory to the *City*, a security deposit as prescribed in the Development Services Fees and Rates Bylaw No. 7683, 2014, as amended or replaced from time to time, along with a written consent and authorization for the *City* to enter upon the *parcel*, demolish the first dwelling unit and apply the security deposit towards any costs involved in such demolition where the first unit has not been either demolished or converted to a *permitted* use within 60 days of a final *Inspection*.

5.14.2 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*.

5.15 STRATA CONVERSION

5.15.1 Where a *building* or *structure* is proposed to be altered from rental or co-operative to strata-title, a report prepared by a registered professional is to be submitted to the *Building Official* outlining:

5.15.1.1 feasibility analysis of obtaining compliance to the current *Building Code*; and

5.15.1.2 description of proposed upgrades to obtain substantial compliance to the current *Building Code*.

5.16 FACTORY-BUILT BUILDINGS, BUILDING COMPONENTS & FLOAT HOMES

5.16.1 No *owner* may erect or install a factory-built *building* or *float home* on his or her property without a *permit* issued under this Bylaw.

5.16.2 In addition to the requirements in Section 5.2, for factory-built *buildings*, *building* components or *float homes*, *permit* applications shall be accompanied with:

5.16.2.1 plans and supporting documents showing the proposed location and construction of the *building*;

Factory-Built Buildings, Building Components & Float Homes

- 5.16.2.2 plans and supporting documents showing installation and servicing details of the *building*;
- 5.16.2.3 confirmation that the *building* is CSA-certified and/or a design certificate of a professional engineer registered in British Columbia; and
- 5.16.2.4 a certification that the fabrication and field assembly or erection of the *building* or components has been reviewed by a professional engineer registered in British Columbia and found to be in substantial compliance with the *Building Code* and any other applicable enactments.

5.16.3 *Float homes* shall be *constructed* and located in accordance with the current edition of the “BC Float Home Standard”.

5.17 SOLAR HOT WATER READY

- 5.17.1 Except for 5.17.2, applications for *building permits* for *construction* of new *buildings* of residential *occupancy* that contain one dwelling unit or one dwelling unit and one secondary suite must contain plans or other information satisfactory to the *Building Official* to confirm that the *construction* complies with the Solar Hot Water Ready Regulation, BC Reg. 101/2011, as it may be amended or replaced from time to time.
- 5.17.2 Where it is shown to the satisfaction of the *Building Official* that the *building* site conditions do not *permit* the effective use of solar hot water heating, 5.17.1 does not apply.
 - 5.17.2.1 an application to the *Building Official* under article 5.17.2 of this Bylaw must be made in writing, accompanied by a non-refundable application fee as set out in the Development Services Fees and Rates Bylaw No. 7683, 2014, as amended or replaced from time to time, and supported by plans, documents and other information satisfactory to the *Building Official* to enable the *Building Official* to make a decision as to the exemption.
 - 5.17.2.2 an exemption under article 5.17.2 of this Bylaw is not valid unless it is given in writing to the *owner* by the *Building Official*.

PART 6 INSPECTIONS

- 6.1 It is the sole responsibility of the *owner* to call for all required *inspections* as prescribed by the *Building Official*.
- 6.2 No aspect of the work to be inspected by the *Building Official* shall be concealed until a *Building Official* has *accepted* it in writing. If the *Building Official* is unable to undertake an *inspection* of work because the *owner* has covered the work or *permitted* the work to be covered, the *owner* shall be responsible to remove everything obscuring the work to be inspected.
- 6.3 When a registered professional provides letters of assurance under this Bylaw, the *City* will rely on field reviews undertaken by the registered professional and the letters of assurance submitted as certification that the *construction* conforms to the design, and that the *construction* complies with the *Building Code*, this Bylaw and any other applicable enactments.
- 6.4 In addition to field reviews required by Sections 5.4 and 6.3, the *owner*, or the *owner's agent*, shall give notice to the *City* when requesting an *inspection* and shall obtain an *inspection* and receive *acceptance* of the *Building Official* of the following aspects of the *construction* prior to concealing:
- 6.4.1 the foundation and footing forms when complete, but before concrete is poured therein. Prior to approval of the forms, a licensed British Columbia Land Surveyor's certificate may be required to determine the location or elevation of the forms on-site;
 - 6.4.2 the forms for the floor slab, vapour barrier, perimeter insulation on the inside of concrete foundation walls, reinforcing steel, and heating ductwork, and/ or pipes for radiant heat when complete, but prior to the placing of concrete. Plumbing located below the finished slab level must be inspected and approved by the *City* prior to this *inspection*;
 - 6.4.3 the installation of a methane *protection/control* system;
 - 6.4.4 the framing, roofing, sheathing, fire-stopping, bracing, chimney and duct work, and rough plumbing when complete, but before the insulation, or other interior finish which would conceal such work,

is applied. Prior to sheathing and/or framing *inspection* a non-encroachment certificate from a licensed British Columbia Land Surveyor is required.

- 6.4.5 the insulation and the vapour barrier when in place, but before the interior finish which would conceal such work, is applied;
 - 6.4.6 the *building* or *structure* when substantially complete and ready for *occupancy*, but before *occupancy* of the whole or part of the *building* or *structure* takes place.
- 6.5 Notwithstanding Sections 6.3 and 6.4, a *Building Official* may attend periodically at the site of the *construction* to ascertain whether:
- 6.5.1 the work is being carried out in conformance with the *permit*, the *Building Code*, this Bylaw, any other applicable bylaws of the *City* and any other applicable enactment, and
 - 6.5.2 the required field reviews by the registered professionals are taking place.

PART 7 OCCUPANCY CERTIFICATE

- 7.1 Except as expressly *permitted* by this Bylaw, no person shall occupy a *building* or *structure* until an *occupancy certificate* has been issued to the *owner* under this Bylaw for:
 - 7.1.1 the initial *occupancy* of a *building* or *structure* after completion of *construction*; or
 - 7.1.2 any change in class of *occupancy* of any *building* or *structure*. For the purposes of this Section, classes of *occupancy* are assembly, institutional, residential, commercial, mercantile and industrial.
- 7.2 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.
- 7.3 An *occupancy certificate* shall only be issued when:
 - 7.3.1 all documentation and letters of assurance have been submitted as required under the *Building Code* or this Bylaw.
 - 7.3.2 all aspects of the work requiring *inspection* and acceptance have been *inspected* and *accepted*.
 - 7.3.3 the *owner* has 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.
- 7.4 An *occupancy certificate* shall be signed and issued by the *Building Official*.
- 7.5 Prior to completion of construction, where portions of a new *building* are suitable for *occupancy* the *Building Official* may issue a conditional *occupancy certificate* to allow the *occupancy* of a *building*, or part thereof subject to:
 - 7.5.1 compliance with all health and safety requirements;
 - 7.5.2 the requirements of Section 7.3 have been satisfied;

- 7.5.3 such other conditions as the *Building Official* may require are completed, and
- 7.5.4 the fees set out in the Development Services Fees and Rates Bylaw No. 7683, 2014, as amended or replaced from time to time, have been paid.
- 7.6 The owner is solely responsible for ensuring the safety of the portions of the *building* for which the phased *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*.
- 7.7 The *Building Official* may revoke a certificate for conditional *occupancy* for failure to comply with any conditions of the approval.

PART 8 FIRE SPRINKLER AND STANDPIPE SYSTEMS

Special Regulations Relating to Construction

8.1 Sprinkler Installation

8.1.1 Except as provided in Sections 8.3 and 8.4, the requirements of this Section shall apply to the following:

8.1.1.1 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;

8.1.1.2 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

8.1.1.3 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.

8.1.2 Unless otherwise exempted under Section 8.3, every *building* referred to in this Section shall be sprinklered in accordance with the applicable current edition of National Fire Protection Association (NFPA) “Standard for the Installation of Sprinkler Systems”.

8.2 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 firefighting access entrance, a Class 1 standpipe system shall be installed and maintained to the standard set out in the current edition of the *Building Code*.

8.3 The following categories of *buildings* are exempt from the requirements of Section 8.1:

8.3.1 detached portable classrooms;

8.3.2 construction site offices, tool sheds and similar *structures*, during the period of *construction* on any particular site;

8.3.3 detached gas station canopies;

Fire Sprinkler and Standpipe Systems

- 8.3.4 detached *buildings* under 50 square meters in area and 140 cubic meters in volume;
 - 8.3.5 one and two storey open air storage garages (parkades); and
 - 8.3.6 fabric covered *structures*, not exceeding 120 square meters, used for storage purposes accessory to a principal commercial or industrial use.
- 8.4 An *owner* must obtain a sprinkler *permit* under this Bylaw before installing a sprinkler system unless the sprinkler system is already included within an *existing building permit* under this Bylaw.
- 8.5 As required by the *Building Code*, all sprinkler systems installed must comply with the current edition of the National Fire Protection Association's "Standard for the Installation of Sprinkler Systems".

PART 9 CONSTRUCTION IN QUEENSBOROUGH AREA

- 9.1 All *buildings* or *structures* located in *Queensborough Area* shall:
- 9.1.1 comply with the *City's Queensborough Construction Guidelines*;
and
 - 9.1.2 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 *Building Official*, 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.
- 9.2 The requirements pertaining to *retaining structures* in Part 13 of this Bylaw do not apply to the *Queensborough Area* of the City of New Westminster and the *owner* is referred to the "Guidelines for *Construction* in Queensborough" for details.

PART 10 MOVING A BUILDING

- 10.1 No *person* shall move a *building or structure* into or from one lot to another within the City of New Westminster without first making an application for a *permit* as required by Part 2 of this Bylaw and obtaining a *permit*.
- 10.2 The *building or structure* shall comply with or be altered to comply with this Bylaw and all other applicable bylaws of the *City* and the current edition of the *Building Code* for *existing buildings*.
- 10.3 The *Building Official* may issue a *permit* for *construction* involved in the moving of any *building or structure* into or from one lot to another within the City of New Westminster when the *owner* has paid all applicable fees and:
 - 10.3.1 deposited with the *City* a security deposit as prescribed in the Development Services Fees and Rates Bylaw No. 7683, 2014, as amended or replaced from time to time, in the form of cash or a letter of credit to insure that the *building or structure* or is moved onto the new *parcel* within the City of New Westminster within 180 days from the date of issuance of the *permit*;
 - 10.3.2 provided to the *City*:
 - 10.3.2.1 a certificate of insurance evidencing commercial general liability insurance on an occurrence basis of not less than \$5,000,000 against injury and property damage arising out of the moving of the *building or structure*. The insurance policy shall be endorsed to add the *City* as an additional insured and include a cross liability clause, and be endorsed to provide the *City* with advance written notice of cancellation, and
 - 10.3.2.2 written approval of the *City*, approving the date, time, and route of moving the *building or structure*.
- 10.3.3 The *City* shall return the security deposit to the *owner* or the *owner's* agent when:
 - 10.3.3.1 the building move is completed; and
 - 10.3.3.2 the original site is in compliance with Article 5.14.5.
- 10.3.4 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 then return the remainder to the *owner* or the *owner's* agent.

PART 11 TEMPORARY STRUCTURES

- 11.1 The *Building Official* may issue a *permit to construct* a temporary *building* or *structure* for *occupancy* if the *building* or *structure* is located in compliance with the *City's Zoning Bylaw*, built to compliance with the *Building Code* and this Bylaw, and connected to *City* utility services, as required by *City* bylaws.
- 11.2 The *permit* may be issued for a period not exceeding one year. A one year extension may be granted upon application and payment of an extension fee as outlined in the Development Services Fees and Rates Bylaw No. 7683, 2014, as amended or replaced from time to time. Only one such extension will be granted. If the *building* is to be retained past 2 years, then it must be brought into full compliance and will be considered a permanent *building*.
- 11.3 The application for a *permit to construct* a temporary *building* or *structure* must be made in the form described in Section 5.11 and signed by the *owner* or *agent*, including:
- 11.3.1 plans and supporting documents showing the location of the *building* or *structure*,
 - 11.3.2 plans and supporting documents showing *construction* details of the *building* or *structure*;
 - 11.3.3 a statement by the *owner* of the intended use and duration of the temporary *structure*, and an explanation of why it is to be considered a temporary *structure*;
 - 11.3.4 plans and supporting documents showing proposed parking and loading space;
 - 11.3.5 in the case of a manufactured *building*, confirmation that the *building* is CSA-certified;
 - 11.3.6 a report or drawing by an Architect or Engineer registered in British Columbia confirming compliance with the *Building Code*, this Bylaw, the *City's Zoning Bylaw* and other applicable bylaws.
- 11.4 Before receiving a *permit* for a temporary *building* or *structure* for *occupancy*, the *owner* must pay to the *City* the applicable *permit* fee set out in the Development Services Fees and Rates Bylaw No. 7683, 2014, as amended or replaced from time to time,.
- 11.5 A *permit* fee for a temporary *building* or *structure* is not refundable.

- 11.6 Except for *permits* issued to School District 40, before issuing a *temporary building* or *structure permit* the *owner* shall provide to the *City*:
 - 11.6.1 security in the amount specified in the Development Services Fees and Rates Bylaw No. 7683, 2014, as amended or replaced from time to time; and
 - 11.6.2 a covenant to remove the *building* or *structure* at the expiry of the *temporary building* or *structure permit* and if the *owner* does not do so, permitting the *City* to do so using the security provided by the *owner*.

PART 12 SWIMMING OR ORNAMENTAL POOL ENCLOSURE

- 12.1 All *swimming or ornamental pools* shall be enclosed within a fence or other *structure*.
- 12.2 Except for the special provisions relating to wire mesh fences in Section 12.3 of this Bylaw every fence or other *structure* enclosing a *swimming or ornamental pool* shall be:
- 12.2.1 not less than 1070 mm in height with no openings greater than 100 mm in their least dimension;
 - 12.2.2 designed and *constructed* 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;
 - 12.2.3 designed and *constructed* to provide access to the area enclosed by the required pool fence, other than through a dwelling unit, by means of a self-closing and self-latching door or gate, minimum 1070 mm in height, designed to return to the secured latched position when not in use; and
 - 12.2.4 secured by access doors and/ or gates with latches that 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.
- 12.3 Notwithstanding anything in this Bylaw, wire mesh fencing and gates may be used only where:
- 12.3.1 the mesh is installed diagonal;
 - 12.3.2 the mesh strands are no more than 25 mm apart in both directions;
 - 12.3.3 the mesh strands have been woven, welded, or otherwise *constructed* in such a manner as to be dimensionally stable;
 - 12.3.4 the fence and gate are securely braced top and bottom to prevent sagging, bulging or lifting; and
 - 12.3.5 the fence and gate are a minimum of 1219 mm in height.
- 12.4 The *owner* of any property on or in which a swimming or ornamental pool is located must maintain all fences, gates or covers required under Part 12 in good order at all times and must immediately repair or replace any sagging fences, gates, loose parts, torn mesh, missing materials, worn latches, locks or broken or binding members.
- 12.5 In lieu of a fence, a spa or hot tub may be covered with a locking cover to prevent unauthorized access to the water

PART 13 RETAINING STRUCTURES

- 13.1 No *owner* shall erect or *construct* a *retaining structure* without a *permit* under this Bylaw where:
- 13.1.1 any part of it is greater than 1.2 m in height as measured from the bottom of the foundation to the top of the *retaining structure*;
 - 13.1.2 it is located in a flood plain area; or
 - 13.1.3 it supports a road or lane.
- 13.2 *Construction* of every *retaining structure* shall include installation of a drainage connected to an approved drainage system.
- 13.3 An *owner* must apply for a *permit* as prescribed by the *Building Official*. See Article 5.1.1.
- 13.4 An *owner* applying for a *permit* must pay the permit fee specified in the Development Services Fees and Rates Bylaw No. 7683, 2014, as amended or replaced from time to time.
- 13.5 Every application for a *permit* shall include a design of the *retaining structure* prepared by, signed by and sealed by a registered professional, as well as a commitment of the registered professional to undertake field reviews of the *construction* of the *retaining structure*.

PART 14 ENERGY EFFICIENCY

14.1. *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:

	<i>Building Permit applications filed on or after (with exception for in-stream applications)</i>	
Part 9 Residential	March 31, 2019	January 1, 2020
Step Code requirements as per <i>Building Code</i> , Article 9.36.6.2 of Division B		
Single or Two Family Dwellings	Step 1	Step 3
Laneway and Carriage Dwellings	Step 1	Step 2
Townhomes and Apartment Buildings up to three floors	Step 1	Step 3

		<i>Building Permit</i> applications filed on or after (with exception for in-stream applications)	
Part 3 Multi-Family Residential		March 31, 2019	January 1, 2020
Step Code requirements as per <i>Building Code</i> , Subsection 10.2.2 of Division B			
Group C Residential Occupancies 6 stories or less and combustible <i>construction</i>	N/A		Step 3 [or] Step 2 with approved <i>Low Carbon Energy System</i>
Group C Residential Occupancies over 6 stories or non-combustible <i>construction</i>			
Hotels / Motels			

		<i>Building Permit</i> applications filed on or after (with exception for in-stream applications)	
Part 3 Commercial		March 31, 2019	January 1, 2020
Step Code requirements as per <i>Building Code</i> , Subsection 10.2.2 of Division B			
Offices (Business and Personal Services)	N/A		Step 2
Other Group D and E Occupancies (Mercantile)			

- 14.2 Where the *constructed building* does not meet the performance requirements of the applicable step of the *BC Energy Step Code* the *Building Official* may issue a *conditional occupancy certificate* for the *building* in accordance with Part 7 of this Bylaw until the *building* is brought into full compliance.

BYLAW 8161, 2020

- 14.3 Energy Efficiency Performance Bond:

To ensure compliance with the applicable step of the BC Energy Step Code is achieved in accordance with the requirements of Section 14.1, an energy efficiency performance bond, as specified in the Development Services Fees and Rates Bylaw No. 7683, 2014, as amended or replaced from time to time, shall be provided prior to issuance of a building permit. The energy efficiency performance bond will be released once it has been verified that the project has been constructed to achieve the energy efficiency performance level in accordance with Section 14.1 and the project has been granted occupancy. The bond, if forfeited, will be utilized to improve energy performance in the subject building or will be rolled into the City's Carbon Reserve Fund and utilized to meet the City's energy use and GHG emissions targets.

BYLAW NO. 8161, 2020

**PART 15 SECURITY FOR DAMAGE TO MUNICIPAL FACILITIES
AND/OR OBSTRUCTION OF ROADS BY BUILDERS**

- 15.1. In addition to any other fee payable pursuant to this bylaw, where the construction site is served by any street upon which there is a sidewalk, curb and gutter, drainage swale, street light, storm sewer, sanitary sewer, water service, or a combination of any of these, either existing or required to be completed prior to final inspection and acceptance of the property, every applicant for a building permit shall, at the time of application, deposit with the City security, in a form acceptable to the City in the amount prescribed in and the Engineering Fees and Rates Bylaw No. 7553, 2013, as amended or replaced from time to time.
- 15.2 The applicant shall make an inspection of all City properties adjacent to the construction site and shall submit a report, with photographs attached, of any existing damage to the City Engineering Department prior to commencing work. All damage to City property observed at final inspection shall be deemed to be caused by the applicant, unless reported as outlined above.
- 15.3 The Security may be applied by the City in payment of any costs or expenses which may be incurred by the City in repairing, installing or replacing City properties which are damaged during, and such damage is attributable to the carrying out or construction of the works authorized by the building permit or which are incidental to such works; or, for clearing any debris, materials, dirt, chattels or equipment which has accumulated on any street, road, avenue, alley, sidewalk, boulevard or any part of a road allowance as a result of work carried out in connection with the building permit.
- 15.4 Engineering Operations shall inspect City properties adjacent to the construction site after final inspection and acceptance by the Building Official. Any damage to City properties caused directly or indirectly by the construction related to the permit not repaired or corrected at the date of such inspection shall be recorded. The City shall, at its convenience, complete the necessary repairs and the full cost of the repairs shall be taken from the Security. Should the Security be more than the cost of the repairs, the remainder shall be returned to the applicant. Should the cost of the repairs be more than the Security, the applicant or owner of the property for which the building permit has been issued shall be required to pay those costs exceeding the Security. If the costs are not paid, they may be added to, and collected in the same manner as ordinary taxes per Article 3.2.4 of this bylaw.

- 15.5 Where during the course of construction, the City discovers that any street, road, avenue, alley, sidewalk, boulevard or any part of a road allowance is obstructed by debris, materials, dirt, chattels or equipment of the owner or his agent, the owner shall remove the obstruction immediately. Failure to comply will result in the City removing the obstruction and claiming the full cost of removal from the Security. The owner shall then deposit sufficient money to return the Security to its original amount.
- 15.6 The Security shall be returned to the applicant after:
- (a) a final inspection, acceptable to the Building Official has been conducted; and
 - (b) Engineering Operations has ascertained either that no damage has occurred or that, if any damage to City property has occurred, the damage has been repaired or corrected to the satisfaction of the City.
- 15.7 Forfeiture of the Security in no way relieves the applicant of responsibility for the total cost of repair or correction should the cost exceed the Security.

Adopted September 9, 2019

REFERENCE ONLY

THE CORPORATION OF THE CITY OF NEW WESTMINSTER
BY-LAW NO. 5095, 1978
(Adopted October 16, 1978)

A By-law to further regulate lands officially designated as flood plain

WHEREAS the *Municipalities Enabling & Validating Act R.S.B.C. 1960, c. 261* requires that any municipal by-law adopting or amending a zoning by-law relating to lands described in Schedule AA-Flood Plain Map of the official regional plan of the Lower Mainland Regional Planning Board requires the approval of the Minister of Municipal Affairs & Housing;

AND WHEREAS the Minister has approved *Zoning Amendment Bylaw No, 5088, 1978* on the understanding that a statement of the regulations contained herein be made by by-law;

AND WHEREAS the First Capital City Development Limited is aware of and consents to the passage of this By-law;

NOW THEREFORE the City Council of The Corporation of the City of New Westminister in open meeting assembled ENACTS AS FOLLOWS:

1. This By-law shall be cited for all purposes as *Flood Plain By-law No.5095, 1978*.
2. All parcels of land which are both:
 - (a) zoned by *Zoning Amendment By-law No. 5088, 1978*; and
 - (b) described in Schedule AA--Flood Plain Map of the official regional plan of the Lower Mainland Regional Planning Board;are called herein the "Lands".
3. No building or any part thereof shall be constructed, reconstructed, moved or extended anywhere on the Lands with the underside of the floor system of any area used .for habitation, business or storage of goods damageable by flood waters, lower than an elevation which would be described by an even gradient from four point one five (4.15) metres G.S.C. datum at the Queensborough Railway Bridge to four point four (4.4) metres G.S.C. datum at the Pattullo Bridge.
4. If anywhere on the Lands landfill is used to achieve the required elevation, the face of the landfill slope shall be adequately protected against erosion from flood waters.