



BYLAW NO. 158

A BYLAW TO ESTABLISH BUILDING REGULATIONS AND PROVIDE FOR THE ADMINISTRATION OF THE PROVINCIAL BUILDING CODE

WHEREAS the former Comox-Strathcona Regional District has, by Bylaw No. 1160, established the service of building inspection applicable to Electoral Area D and other areas within that regional district;

AND WHEREAS the former Comox-Strathcona Regional District was, by Order in Council 059/08, divided into the Comox Valley Regional District and the Strathcona Regional District on February 15, 2008;

AND WHEREAS the Order in Council 059/08 transferred authority for enacting building regulations within the aforesaid Electoral Area D to the Strathcona Regional District;

AND WHEREAS the Regional Board desires to enact new building regulations in accordance with Division 2 of Part 21 of the *Local Government Act* for the purposes stated therein;

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

AND WHEREAS it is deemed necessary to provide for the administration of the *Building Code* in areas for which the service of building inspection is provided;

NOW THEREFORE the Board of Directors of the Strathcona Regional District, in open meeting assembled, enacts as follows:

PART 1: INTERPRETATION

Definitions

1. (1) In this bylaw,

"agent" means a person authorized in writing by an owner to act as the legal representative of that owner.

"Building Code" means the *British Columbia Building Code 2012* as adopted by the Minister pursuant to section 692(1) of the *Local Government Act*.

"building official" includes a building inspector or other person authorized by the Regional District to administer the provisions of this bylaw.

“complex building” means a building that is

- (a) classified as a post disaster building;
- (b) used for major occupancies classified as assembly occupancies, care or detention occupancies, or high hazard industrial occupancies; or
- (c) exceeds 600 square metres in building area or three storeys in building height and is used for major occupancies classified as residential occupancies, business and personal services occupancies, mercantile occupancies, or medium and low hazard industrial occupancies.

“health and safety aspects of the work” means design and construction regulated by Part 3 and Part 4 of Division B of the *Building Code* and sections 9.4, 9.8, 9.9, 9.10, 9.12, 9.14, 9.15, 9.17, 9.18, 9.20, 9.21, 9.22, 9.23, 9.24, 9.31, 9.32, 9.34 and 9.35 in Part 9 of Division B of the *Building Code*.

“manufactured home” has the meaning set out in the *Manufactured Home Act*.

“owner” means the owner of real property as defined in the *Community Charter* and, where a property has more than one owner, owner shall mean the owner or owners who control the real property.

“permit” means a permit required by or issued under the authority of this bylaw.

“permit holder” means the property owner or other person to whom, in accordance with this bylaw, a permit has been issued or a permit has been transferred.

“setback area” means that part of a parcel for which construction or placement of a building or structure is prohibited by a bylaw, regulation, covenant or contract between an owner and the Regional District.

“standard building” means a building of three storeys or less in building height, having a building area not exceeding 600 square metres and used for major occupancies classified as residential occupancies, business and personal services occupancies, mercantile occupancies, or medium and low hazard industrial occupancies.

“structure” means a construction or portion thereof of any kind, whether fixed to, supported by or sunk into land or water, but specifically excludes landscaping, fences, paving and retaining structures not supporting a building.

“value” or **“value of construction”** means the estimated monetary value of construction of a building or structure as determined in accordance with the current versions of Marshall & Swift’s “Marshall Valuation Service” or “Residential Cost Handbook”.

- (2) All other terms used in this bylaw that are defined in the *Building Code* shall be interpreted and construed in accordance with the *Building Code* and, for those terms not defined in the *Building Code* but defined in the *Community Charter*, those terms shall be interpreted and construed in accordance with the *Community Charter*.

Headings and Schedules

- 2. (1) The headings preceding each section of this bylaw are provided for ease of reference only and do not limit or affect the interpretation of the section that they precede.
- (2) The schedules attached to this bylaw are an integral part of this bylaw and are enforceable in the same manner as any other provision of this bylaw.

Purpose

3. (1) This bylaw shall, notwithstanding any other provision herein, be interpreted in accordance with this section.
- (2) This bylaw has been enacted for the purpose of regulating construction to serve the general public interest and the activities undertaken by or on behalf of the Regional District pursuant to this bylaw are intended to provide a limited and interim spot-checking function for reason of health, safety and the protection of persons and property.
- (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 a representation or warranty that the *Building Code* or the bylaw have been complied with or that the building, structure or other work meets any specific standard of materials or workmanship, and no person shall rely on any of those acts as establishing compliance with the *Building Code*, this bylaw or any standard of construction.
- (4) It is neither contemplated nor intended that the purpose of this bylaw extends to:
 - (a) the protection of owners, owner/builders, constructors or others against economic loss;
 - (b) the assumption by the Regional District or any building official of any responsibility for ensuring compliance by an owner or any other party with the *Building Code*, this bylaw or other applicable enactments respecting safety;
 - (c) providing any person with a warranty of design or workmanship with respect to a building or structure for which a permit has been issued; or
 - (d) providing a warranty or assurance that work undertaken pursuant to a permit is free from latent or other defects.

Severability

4. The provisions of this bylaw are severable and the invalidity of any part of this bylaw shall not affect the validity of the remainder of this bylaw.

Permit Context

5. Neither the issuance of a permit under this bylaw nor the acceptance or review of plans, drawings or supporting documents, nor any inspections made by or on behalf of the Regional District shall in any way:
 - (a) relieve an owner, an agent, a permit holder or any other party from full responsibility to perform the work in strict accordance with this bylaw, the *Building Code* and other applicable enactments respecting safety;
 - (b) provide a guarantee that work undertaken or proposed to be undertaken meets the requirements of the *Building Code*, this bylaw or any other enactment; or
 - (c) constitute a representation or warranty that the *Building Code* or the bylaw have been complied with or that the building or structure meets any standard of materials or workmanship, and no person shall rely on any of those acts as establishing compliance with the *Building Code* or this bylaw.

PART 2: SCOPE AND APPLICATION**Scope**

6. This bylaw is limited to the design, construction and occupancy of new buildings and structures, and the alteration, reconstruction, demolition, removal, relocation and change of occupancy of existing buildings and structures.

Area to Which Bylaw Applies

7. This bylaw applies to that part of the Strathcona Regional District lying within the boundaries of Electoral Area D (Oyster Bay-Buttle Lake).

Exemptions

8. For clarity, this bylaw does not apply to:
- (a) buildings or structures exempted by section 1.1.1.1(2) in Part 1 of Division A of the *Building Code* except as expressly provided herein;
 - (b) breakwaters, seawalls, bulkheads, riprap, deposition of materials such as stone and concrete rubble, bluff stabilization projects, and similar measures employed to protect property from the sea or any lake, swamp, pond or watercourse;
 - (c) polyethylene film covered greenhouses;
 - (d) decks without roofs having a difference in elevation to grade not exceeding 600 millimetres;
 - (e) masonry chimneys or fireplaces and solid fuel-burning appliances, factory-built chimneys or fireplaces and equipment when installed in a detached garage or accessory building that serves only one dwelling unit;
 - (f) alterations and or repairs to masonry chimneys and fireplaces or solid fuel-burning appliances, factory-built chimneys or fireplaces and equipment;
 - (g) retaining walls that do not support a building or structure;
 - (h) minor repairs or alterations that are not considered to be health and safety aspects of the work; and
 - (i) additions to modular homes, mobile homes or park model trailers supported on longitudinal floor beams and not more than one storey in height which, in the aggregate, total not more than 15 square metres.

Prohibitions

9. No person shall:
- (a) commence or continue any construction, alteration, reconstruction, demolition, removal, relocation or change in occupancy of any building or structure, including excavation or other work related to construction, unless a building official has issued a valid and subsisting permit for the work;
 - (b) occupy or use any building or structure except in accordance with a valid and subsisting occupancy permit;
 - (c) knowingly submit false or misleading information to a building official in relation to any permit application or an activity undertaken pursuant to this bylaw;
 - (d) unless authorized in writing by a building official, reverse, alter, deface, cover, remove or in any way tamper with a notice, permit or certificate posted upon or affixed to a building, structure or other premise pursuant to this bylaw;

- (e) do any work that is substantially at variance with the accepted design or plans of a building, structure or other works for which a permit has been issued, unless that variance has been approved in writing by a building official; or
- (f) obstruct entry by a contracted building official or other contracted official authorized by the Regional District to a building, structure or property in the administration of this bylaw.

PART 3: BUILDING OFFICIALS

Building Officials

10. (1) Each building official is authorized to administer this bylaw and, for that purpose:
- (a) to keep records of permit applications, permits, notices and orders issued, inspections and tests made, and to retain copies of all documents related to the administration of this bylaw;
 - (b) to establish, if requested to do so, whether the methods, types of construction and types of materials used in the construction of a building or structure for which a permit is sought substantially conform to the requirements of the *Building Code*;
 - (c) to enter upon and into any land, building, structure or other premise for the purpose of administering this bylaw in accordance with the provisions of the *Local Government Act*, *Community Charter* and any other applicable enactment; and
 - (d) to order the correction of any work that is being done or has been done in contravention of this bylaw.
- (2) A building official shall carry proper credentials confirming his or her status as a building official and produce them for inspection if so requested by the owner or occupier of any premise prior to entering that premise.

PART 4: APPLICATIONS

Applications Generally

11. (1) Unless exempted under section 8 of this bylaw, every person shall apply for and obtain from the Regional District:
- (a) a building permit before commencing any construction, alteration, reconstruction, demolition, removal, relocation or change in occupancy of any building or structure, including excavation or other work required in connection with these activities;
 - (b) a plumbing permit before constructing, extending, altering or repairing a plumbing system;
 - (c) a sprinkler permit before constructing, extending, altering or repairing an automatic sprinkler system;
 - (d) a demolition permit before demolishing a building or structure;

- (e) a fireplace and chimney permit prior to the construction of a new masonry fireplace or chimney and or the installation of an unused solid fuel-burning appliance, factory-built chimney or fireplace and equipment unless the works are encompassed by a valid building permit; and
 - (f) a moving permit before moving a building or structure.
- (2) A building official:
- (a) may refuse to accept an application that is incomplete, unsigned, contains errors or does not materially conform to the requirements of this bylaw; and
 - (b) must refuse to accept an application for which the application fee has not been paid.
- (3) Each building or structure to be constructed on a site requires a separate building permit application and shall be assessed a separate fee based on the estimated value of construction.
- (4) When an application is cancelled the plans and related documents submitted with the application may, subject to the requirements of the *Freedom of Information and Protection of Privacy Act*, be disposed of or destroyed by the Regional District.

Application Requirements

12. (1) An application for a building permit shall:
- (a) be made in the form prescribed by the Regional District and signed by the owner, agent or a signing officer if the owner is a corporation;
 - (b) be accompanied by the owner's acknowledgment of responsibility and undertakings made in the form prescribed by the Regional District, signed by the owner or a signing officer if the owner is a corporation;
 - (c) bear the name and address of the designer of the building or structure; and
 - (d) include the following:
 - (i) a copy of a land title search for the property that is the subject of the application made on the date of the application;
 - (ii) a site plan prepared by a British Columbia Land Surveyor showing:
 - A. the bearings and dimensions of the parcel boundaries;
 - B. the legal description and civic address of the parcel;
 - C. the location and dimensions of all statutory rights of way, easements and setback areas;
 - D. the location and dimensions of all existing and proposed buildings or structures on the parcel;
 - E. setback areas in relation to the natural boundary of the sea and any lake, swamp, pond or watercourse where the Regional District's land use regulations include siting requirements related to flooding;
 - F. the existing and finished ground levels to an established datum at or adjacent to the site and the geodetic elevation of the underside of the floor system of a building or structure or the top of any pad supporting a building or structure where the Regional District's land use regulations include elevation requirements related to minimum flood construction levels; and
 - G. the location and dimension of parking and driveway access.

- (iii) floor plans showing the dimensions and uses of all areas, the dimensions and height of crawl and roof spaces, the location, size and swing of doors, the location, size and opening of windows, floor, wall, and ceiling finishes, plumbing fixtures, structural elements, and stair dimensions;
- (iv) a cross section through the building or structure illustrating foundations, drainage, ceiling heights and construction systems;
- (v) elevations of all sides of the building or structure showing finish details, roof slopes, windows, doors, finished grade and building height calculations;
- (vi) cross-sectional details drawn at an appropriate scale and at sufficient locations to illustrate that the building or structure substantially conforms to the *Building Code*;
- (vii) copies of approvals, notices and submissions required under any enactment relating to health or safety including, without limitation, sewerage disposal, letters of certification, highways access permits, and Ministry of Health and Ministry of Environment approvals;
- (viii) in respect of a system to which s.8(2) of B.C. Reg. 326/2004 (*Sewerage System Regulation*) of the *Public Health Act* applies, all information required under that section; and
- (ix) in respect of a system constructed under a permit from the Ministry of Health issued before the coming into effect of B.C. Reg. 326/2004 (*Sewerage System Regulation*) of the *Public Health Act*, a report from a Registered On-Site Waste Water Practitioner including a written assurance that the system is not malfunctioning and has been appropriately constructed and installed given the size and projected demand to be placed on the system by any buildings or improvements that are served or are proposed to be served by the system.

Applications for Standard Buildings

13. (1) In addition to the requirements set out in section 12 of this bylaw, an application for a building permit with respect to a standard building shall include;
- (a) a foundation design prepared by a registered professional in accordance with section 4.2 in Part 4 of Division B of the *Building Code* accompanied by a letter of assurance in the form of Schedule B as referred to in section 2.2.7.2(1)(b) in Part 2 of Division C of the *Building Code*, signed by the registered professional; and
 - (b) two sets of drawings at a suitable scale of the design including the information set out in sections 12(d)(iii) and 12(d)(vi).
- (2) Where a project involves 2 or more buildings which, in the aggregate, total more than 1,000 square metres or 2 or more buildings that will contain 4 or more dwelling units, or otherwise where the complexity of the proposed building, structure or siting circumstances warrant, the following may be required by a building official to be submitted with a building permit application:
- (a) site servicing drawings, including sufficient detail of off-site services to indicate locations at the property line, prepared and sealed by a registered professional, in accordance with the Regional District's subdivision servicing bylaw;
 - (b) a section through the site showing grades, buildings, structures, parking areas and driveways;

- (c) a roof plan;
 - (d) structural, electrical, mechanical, plumbing or fire suppression drawings prepared and sealed by a registered professional; and
 - (e) any other information required by the building official or the *Building Code* to establish substantial compliance with this bylaw, the *Building Code* or any other enactment relating to the building or structure.
- (3) Subject to section 56 of the *Community Charter*, the requirements of subsection 1(a) may be waived by a building official if the permit application is for the:
- (a) repair or alteration of an existing building or structure; or
 - (b) construction of a single story detached storage garage or carport less than 55 square meters in area serving a single family dwelling.

Applications for Complex Buildings

14. (1) In addition to the requirements set out in section 12 of this bylaw, an application for a building permit with respect to a complex building shall include;
- (a) a letter of assurance in the form of Schedule A as referred to in section 2.2.7.2(1)(b) in Part 2 of Division C of the *Building Code*, signed by the owner, or a signing officer if the owner is a corporation, and the coordinating registered professional;
 - (b) letters of assurance in the form of Schedule B as referred to in section 2.2.7.2(1)(b) in Part 2 of Division C of the *Building Code*, each signed by such registered professionals as the *Building Code* may require to prepare the design and conduct field reviews during the construction of the building or structure; and
 - (c) two sets of drawings at a suitable scale of the design prepared by each registered professional and including the information set out in sections 12(d)(iii) to 12(d)(vi) of this bylaw.
- (2) Where warranted by the complexity of the proposed building, structure or site circumstances, a building official may require the following to be submitted with a building permit application for the construction of a complex building:
- (a) site servicing drawings, including sufficient detail of off-site services to indicate locations at the property line, prepared and sealed by a registered professional, in accordance with the Regional District's subdivision servicing bylaw;
 - (b) a section through the site showing grades, buildings, structures, parking areas and driveways; and
 - (c) any other information required by the building official or the *Building Code* to establish substantial compliance with this bylaw, the *Building Code* or any other enactment relating to the building or structure.

Applications for Modular Homes and Manufactured Homes

15. (1) An application for a building permit with respect to a modular or manufactured home shall include all of the information required in section 12 with the exception of subparagraphs (d)(iii), (d)(iv) and (d)(vi).
- (2) Factory built housing and components shall be certified to meet CSA standards prior to placement on the site.

Applications for Moved or Relocated Buildings and Structures

16. (1) An application for a building permit with respect to a moved or relocated building or structure shall include all the information required in section 13 for standard buildings or section 14 for complex buildings.
- (2) When an existing building or structure is to be moved or relocated the permit application shall include certification by a registered professional that the building or structure complies with Part 4 of Division B of the *Building Code* or sections 9.4 and 9.23 in Part 9 of Division B of the *Building Code*.
- (3) The application for a permit to move or relocate a building designed for residential occupancy shall include confirmation from a registered professional that the structure complies with *Building Code* and all other enactments dealing with health and safety.

Applications for Plumbing Systems

17. (1) An application for a plumbing permit with respect to a plumbing system shall;
- (a) be made in the form prescribed by the Regional District and signed by the owner or the owner's representative; and
- (b) include the following;
- (i) two sets of drawings at a suitable scale of design which include the information set out in section 2.2.2(1) in Division C Part 2 of Book 2 (Plumbing Systems) of the *Building Code*; and
- (ii) any other information required by the building official to establish substantial compliance with this bylaw, the *Building Code* and other enactments relating to the building or structure.
- (2) A plumbing permit is not required when a valve, faucet or fixture is replaced or repaired, a stoppage cleared or a leak repaired if no change in the piping is required.

Applications for Automatic Sprinkler Systems

18. (1) An application for a sprinkler permit with respect to an automatic sprinkler system shall:
- (a) be made in the form prescribed by the Regional District and signed by the owner or the owner's representative; and
- (b) include the following:
- (i) two sets of drawings at a suitable scale of design prepared by a registered professional which include the information set out in section 2.2.2(1) in Division C Part 2 of *Book 1 (General)* of the *Building Code*;
- (ii) letter of assurance in the form of Schedule B as referred to in section 2.2.7.2(1)(b) in Part 2 of Division C of the *Building Code*, signed by the registered professional; and
- (iii) any other information required by the building official to establish substantial compliance with this bylaw, the *Building Code* and other bylaws and enactments relating to the building or structure.
- (2) A sprinkler permit is not required when a sprinkler head or valve is replaced or repaired, a stoppage cleared or a leak repaired if no change in the piping is required.

Professional Plan Certification

19. (1) The letters of assurance in the form of Schedule B contained in Part 2 of Division C of the *Building Code* and referenced in section 2.2.7.2(1)(b) in Part 2 of Division C of the *Building Code* and provided pursuant to this bylaw shall, despite any other provision of this bylaw, constitute certification to the Regional District and its building officials that the design and plans to which the letters of assurance relate comply with the *Building Code* and other applicable enactments relating to safety.
- (2) A building permit issued pursuant to subsection (1) shall include a notice to the owner that the building permit is issued in reliance upon the certification of the registered professionals and that the design and plans submitted in support of the application for the building permit comply with the *Building Code* and other applicable enactments relating to safety.

Location Certificates for Buildings and Structures

20. (1) Every owner to whom a building permit is issued shall, following completion of the foundation, submit a certificate of location for that foundation prepared by a British Columbia Land Surveyor showing:
- (a) the bearing and dimensions of the parcel taken from the registered subdivision plan;
 - (b) the legal description and civic address of the parcel;
 - (c) the location and dimensions of all adjacent easements, statutory rights of way and setback areas;
 - (d) the location and dimensions of the foundation and any buildings or structures on the parcel;
 - (e) required setbacks to the natural boundary of the sea and any lake, swamp, pond or watercourse where the Regional District's land use regulations establish siting requirements related to flooding; and
 - (f) the existing and finished ground levels to an established datum at or adjacent to the site and the geodetic elevation of the underside of the floor system of a building or structure or the top of any pad supporting a building or structure where the Regional District's land use regulations establish minimum elevation requirements for flood construction levels.
- (2) Every permit holder shall, upon completion of the framing, submit a certificate of location prepared by a British Columbia Land Surveyor showing the height of the building or structure from the average natural grade to the highest part of the roof or structure where the Regional District's land use regulations establish height limitations for buildings or structures.

Authority to Waive Requirements

21. A building official may waive, in whole or in part, the requirements for a site plan or a certificate of location where:
- (a) the permit is sought for the repair or alteration of an existing building or structure and the repair or alteration does not change the building area of the building or structure;
 - (b) the setbacks of the building or structure in question are at least one metre more than any setbacks requirements imposed by a bylaw or regulation;
 - (c) the elevation of the underside of the floor system of a building or structure or the top of any pad supporting a building or structure, for which a permit is

issued, is more than one metre above the established elevation for minimum flood construction levels contained within a bylaw of the Regional District; or

- (d) the height of the building, or structure, for which a permit is issued, is more than 300 millimetres below than the maximum allowable height where the Regional District's land use regulations establish limitations on the height of buildings or structures.

Professional Design and Field Review

- 22. (1) When a building official considers that the site conditions, size or complexity of a development or any part of a development so warrant, he or she may require, prior to issuance of a permit, that a registered professional provide design and plan certification and field review by means of letters of assurance in the form of Schedule B referred to in paragraph 2.2.7.2(1)(b) of the *Building Code* and Schedule C-B referred to in subsection 2.2.7.2(2) in Part 2 of Division C of the *Building Code*.
- (2) Prior to the issuance of an occupancy permit for a complex building, or for a standard building in circumstances where letters of assurance have been required in accordance with this bylaw, the owner, agent or coordinating registered professional shall provide the Regional District with letters of assurance in the form of Schedules C-A or C-B, as applicable, referred to in subsection 2.2.7.2(2) in Part 2 of Division C of the *Building Code*.
- (3) Letters of assurance provided by a registered professional to a building official shall be accompanied by proof of professional liability insurance in the form prescribed by the Regional District.

Climatic and Geological Data

- 23. (1) The climatic and seismic values required for the design of buildings and structures shall conform to the values prescribed in Table C-2 in Appendix C of Division B of the *Building Code* for Campbell River.
- (2) Where the subject land is above 150 metres geodetic the owner shall submit evidence in writing from Environment Canada to establish the climatic values.
- (3) Where no seismic value is prescribed in Table C-2 in Appendix C of Division B of the *Building Code* the owner shall submit evidence in writing from Natural Resources Canada to establish the seismic values.

PART 5: PERMITS

Building Permits

- 24. (1) A building official may issue a permit when:
 - (a) a completed application including all required supporting documentation has been received;
 - (b) the proposed work set out in the application substantially conforms with the *Building Code*, this bylaw and all other applicable bylaws and enactments;
 - (c) the owner has paid all applicable fees prescribed in this bylaw;
 - (d) the owner has paid all fees and charges and met all requirements imposed by any other bylaw;

- (e) no enactment, covenant, agreement, or regulation in favour of, or regulation or resolution of the Regional District, requires the permit to be withheld;
 - (f) if required by this bylaw or the *Building Code* the owner has retained a professional engineer or geoscientist; and
 - (g) if required by this bylaw or the *Building Code* the owner has retained an architect.
- (2) When an application is made for a building that includes, or will include, a residential occupancy the building permit must not be issued until the owner provides evidence of compliance with the *Homeowner Protection Act*.
- (3) Unless otherwise provided, every permit is issued upon the condition that it shall expire and the rights of the permit holder shall terminate if:
- (a) the work authorized by the permit is not commenced within 6 months from the date of issuance;
 - (b) the work is discontinued for a period of 12 months; or
 - (c) the work is not completed within 24 months from the date of issuance of the permit.
- (4) A building official may extend the deadline for completion of work authorized by a permit for up to 24 months provided that the extension request is made prior to the date on which the permit is due to expire and the work contemplated by the permit substantially conforms to this bylaw, the *Building Code* and any other applicable enactments respecting safety that were in effect on the date of issuance of the permit.
- (5) A building official may issue a building permit for a portion of a building or structure before the design, plans and specifications for the remainder of the building or structure have been approved provided that the building official believes that sufficient information has been provided to demonstrate that the work authorized by the permit substantially complies with this bylaw, the *Building Code* and other applicable enactments, and that the permit fee applicable to that portion of the building or structure has been paid.
- (6) Where a permit has been issued in accordance with subsection (5), the requirements of this bylaw and the *Building Code* in effect at the time of application shall apply with respect to permit applications for the remainder of the building or structure.

Occupancy Permits

25. (1) No person shall occupy or change the class of occupancy of a building or structure, or any part thereof, until an occupancy permit has been issued in the form prescribed by the Regional District.
- (2) An occupancy permit shall not be issued unless:
- (a) all letters of assurance have been submitted when required in accordance with section 22 of this bylaw; or
 - (b) all aspects of the work requiring inspection and acceptance in accordance with this bylaw have been inspected and accepted.
- (3) A building official may issue an occupancy permit for a self-contained part of a building or structure when that part of the building or structure has been provided with essential services and the requirements set out in subsection (2) have been met.

PART 6: FEES AND CHARGES**Processing Fees**

26. (1) An application for a permit shall be accompanied by the appropriate processing fee prescribed in Table A26 of Schedule 'A';
- (2) The application processing fee is non-refundable and shall be credited against the permit fee when the permit is issued.
- (3) An application shall expire and the processing fee forfeited to the Regional District when:
- (a) the application does not comply with the applicable provisions of this bylaw within 180 days following the date on which the application was made; or
- (b) the permit fee has not been paid within 180 days following the date on which the application was made.
- (4) In no event will a processing fee be refunded or partially refunded.

Permit Fees

27. (1) In addition to the applicable fees and charges required under other bylaws a permit fee, calculated in accordance with the value prescribed in A27 of Schedule 'A', shall be paid in full prior to issuance of any permit under this bylaw.
- (2) An owner is entitled to a refund equal to 50% of the permit fees prescribed in Table A26 when a permit is surrendered and cancelled before any construction begins, provided that no inspection has been conducted and no construction has been commenced at the time the permit is cancelled.
- (3) When a building permit is issued in accordance with section 19 the permit fee shall be reduced by 5% or \$500.00 (Five Hundred Dollars), whichever is less.

Inspection Fees

28. Where, as a result of non-compliance with this bylaw, more than two inspections are necessary when one inspection is normally required, a re-inspection charge of \$100.00 (one hundred dollars) shall be paid for each inspection after the second inspection prior to additional inspections being performed.

Extension Fees

29. (1) In this section, the term "estimated value of construction" means the value of construction necessary to complete the work authorized under the permit beyond the approved inspection stage at the time the permit is due to expire.
- (2) The extension fee prescribed in Table A29 of Schedule 'A' shall be payable in advance when a building official has been requested to extend the period of time set out under section 24.

Revision Fees

30. The revision fee prescribed in Table A30 of Schedule 'A' shall be paid in full prior to obtaining in writing the approval of the building official to deviate from the plans and specifications forming a part of any permit or to omit or fail to complete, prior to occupancy, work required by those plans and specifications.

Transfer Fees

31. A building official may, upon the written request of a permit holder and receipt of the applicable fee outlined in Table A31 of Schedule 'A', transfer a valid and subsisting permit to another party provided that the transferee submits the required application form and the signed acknowledgement of responsibility and undertaking form required by sections 12 (a), 17(1)(a) and 18(1)(a).

Other Fees

32. The applicable fees prescribed in Table A32 of Schedule 'A' shall be payable in advance for the services indicated therein.

PART 7: INSPECTIONS AND WORK SITES**Owner Responsibilities**

33. Every owner to whom a permit is issued shall, during construction:
- (a) post and maintain the permit in a conspicuous place on the property in respect of which the permit was issued;
 - (b) keep a copy of the accepted designs, plans and specifications on the property; and
 - (c) post the civic address on the property in a location visible from any adjoining streets.

Inspections

34. (1) A permit holder shall obtain an inspection and receive a building official's acceptance of the following aspects of the work prior to concealment:
- (a) siting inspection;
 - (b) form inspection prior to the placement of concrete;
 - (c) installation of perimeter drain tiles, damp proofing and roof drainage systems prior to backfilling;
 - (d) rough in of new masonry chimneys and fireplaces, unused factory-built chimneys and fireplaces, and solid fuel-burning appliances;
 - (e) rough in of plumbing systems;
 - (f) the framing and sheathing;
 - (g) insulation and vapour barrier; and
 - (h) when the building or structure is substantially complete and ready for occupancy, but before occupancy takes place for the whole or any part of the building or structure.
- (2) The permit holder shall provide at least 24 hours notice to the Regional District when requesting an inspection for a standard building or structure.

Field Reviews

35. (1) When a registered professional provides letters of assurance in accordance with the provisions of this bylaw the Regional District will rely solely on those letters of assurance as confirmation that, based on field reviews undertaken by that person, the construction substantially conforms to the design approved by the permit and with the *Building Code*, this bylaw and any other applicable enactments respecting safety.

- (2) The requirements of section 34 do not apply to any aspect of the work that is the subject of a registered professional's letter of assurance provided in accordance with subsection (1).
- (3) A building official may attend periodically at the site of the construction of standard buildings or structures to ascertain whether the health and safety aspects of the work are being carried out in substantial conformance with the those portions of the *Building Code*, this bylaw and any other applicable enactments respecting safety.

PART 8: ENFORCEMENT

Bylaw Offences

36. (1) Any person who:
- (a) contravenes, violates or fails to comply with any provision of this bylaw;
 - (b) suffers or permits any act or thing to be done in contravention or violation of this bylaw; or
 - (c) fails to do anything required by this bylaw;
- commits an offence and shall be liable, upon summary conviction, to a fine of not more than \$2,000 in addition to the costs of prosecution and any other penalty or order imposed pursuant to the *Local Government Act* or the *Offence Act* and each day that such offence continues shall be deemed to be a separate and distinct offence.
- (2) Every person who fails to comply with an order or notice issued by a building official contravenes this bylaw.
 - (3) Every person who commences work requiring a permit without first obtaining the permit shall, in addition to such other penalties as may be prescribed, pay a surcharge equal to 50% of the permit fee prescribed in this bylaw or \$100.00, whichever is greater, prior to obtaining the required permit.

Building Official Orders

37. (1) A building official may order the cessation of any work that is proceeding in contravention of the *Building Code* or this bylaw by posting a Stop Work order in the form prescribed by the Regional District or by other means.
- (2) The owner of property for which a Stop Work order has been posted shall immediately cease all construction work and shall not resume work until the order has been rescinded in writing by a building official.
 - (3) Where a person occupies a building or structure or part of a building or structure in contravention of section 9(b) of this bylaw a building official may post a Do Not Occupy order in the form prescribed by the Regional District on the affected part of the building or structure.
 - (4) The owner of property on which a Do Not Occupy order has been posted shall immediately cease occupancy of the building or structure and shall refrain from further occupancy until the order has been rescinded in writing by a building official.

PART 9: REPEAL AND TRANSITION**Effective Date**

38. This bylaw shall come into effect on the day after its adoption.

Transitional Provisions

39. (1) Applications that were submitted prior to the coming into force of this bylaw shall be processed according to the rules and regulations in effect at the time of their submission.
- (2) Permits that were issued prior to the coming into force of this bylaw shall be administered according to the rules and regulations in effect at the time of their issuance.

Repeal

40. Regional District of Comox-Strathcona Building Bylaw No. 2546, 2003 is repealed in its entirety.

Citation

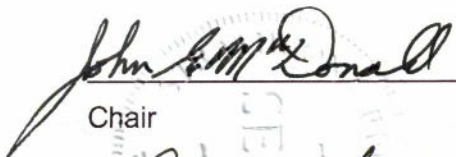
41. This bylaw may be cited for all purposes as Bylaw No. 158, being Building Regulation Bylaw 2015.

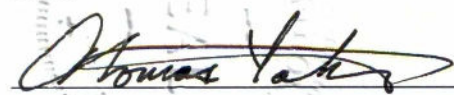
READ A FIRST TIME ON THE 13TH DAY OF JANUARY, 2016

READ A SECOND TIME ON THE 13TH DAY OF JANUARY, 2016

READ A THIRD TIME ON THE 13TH DAY OF JANUARY, 2016

RECONSIDERED, FINALLY PASSED AND ADOPTED ON THE DAY 13TH OF JANUARY, 2016


Chair


Corporate Officer

SCHEDULE 'A'
Fees and Charges

Table A26 - Processing Fees	
DESCRIPTION	FEE AMOUNT
Building Permits	
not exceeding \$50,000 value	\$50.00
value greater than \$50,000 but not exceeding \$200,000	\$100.00
value greater than \$200,000 but not exceeding \$500,000	\$250.00
value greater than \$500,000	\$500.00
Plumbing, Sprinkler and Demolition Permits	
Complex buildings and structures	\$100.00
Standard buildings and other buildings	\$50.00
Fireplaces and chimneys	\$50.00

Table A27 – Permit Fees	
DESCRIPTION	FEE AMOUNT
Building Permits	
All	\$50.00 + 0.65% of the estimated value of construction
Demolition Permits	
Complex buildings and structures	\$100.00
Standard buildings and other buildings	\$50.00
Plumbing Permits	
Complex buildings and structures	\$100.00 + \$10.00 for each fixture
Standard buildings and other buildings	\$50.00 + \$5.00 for each fixture
Sprinkler Permits	
All buildings and structures	First head \$50.00 Additional heads \$0.75 each

Table A29 – Extension Fees

DESCRIPTION	FEE AMOUNT
Complex buildings and structures	+
Where the estimated value of remaining construction is \$20,000 or less	\$100.00
For each subsequent \$1,000 of value or fraction thereof	\$3.50
Standard buildings	
Where the estimated value of remaining construction is \$20,000 or less	\$50.00
For each subsequent \$1,000 of value or fraction thereof	\$3.50
Other permits	\$50.00

Table A30 – Revision Fees

DESCRIPTION	FEE AMOUNT
Complex buildings and structures	\$250.00
Standard buildings	\$100.00
Other permits	\$50.00

Table A31 – Transfer Fees

DESCRIPTION	FEE AMOUNT
Complex buildings and structures	\$250.00
Standard buildings	\$100.00
Other permits	\$50.00

Table A32 – Other Fees

DESCRIPTION	FEE AMOUNT
To rescind a Stop Work or Do Not Occupy order	\$250.00
Site Inspection, section 56 of the Community Charter	\$100.00
Title Search	\$10.00
To obtain a copy of a Restrictive Covenant	\$50.00
To process a covenant in favour of the Regional District	\$100.00
To remove a Notice on Title, section 57 of the Community Charter	\$500.00
To photo copy plans	\$10.00 + GST per sheet
Archive Research, per site	
Complex buildings and structures	\$250.00
Standard buildings	\$100.00
Buildings containing 1 or 2 dwelling units and other buildings	\$50.00