

## REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

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### Regional District of Okanagan-Similkameen Building Bylaw No. 2805, 2018

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Consolidated for convenience purposes.  
Includes all amendments to the text up to July 20, 2023

#### Summary of Amendments

<b>Bylaw No.</b>	<b>Adopted</b>	<b>Amendment</b>	<b>Purpose</b>
2805.01	July 7, 2022	Replace sections 10.64 and 10.65	To delete the requirement to obtain a "Siting Permit" for placing a storage container
2805.02	May 4, 2023	Replace section 15.1	To allow prescriptive compliance to the Energy Conservation Step Code
2805.03	July 20, 2023	Replace sections 10.46 and 18.2	To address time constraints in the construction industry and align the Building Bylaw with the Farm Building Code of Canada and the BC Building Code

**REGIONAL DISTRICT OF  
OKANAGAN-SIMILKAMEEN**

**BUILDING BYLAW**

**NO. 2805, 2018**

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

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**Regional District of Okanagan-Similkameen**

**BUILDING BYLAW NO. 2805, 2018**

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

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GIVEN that

- A. The Regional District provides a building regulation service in Electoral Areas A, C, D, E, F, H and I;
- B. The Regional Board may by bylaw regulate, prohibit and impose requirements in respect to buildings and structures for the following:
  - (a) The provision of access to a building or other structure, or to part of a building or other structure, for a person with disabilities;
  - (b) The conservation of energy or water;
  - (c) The reduction of greenhouse gas emissions;
  - (d) The health, safety or protection of persons or property;
- C. The Regional Board is enacting this bylaw to regulate construction and administer the British Columbia *Building Code* in the Regional District in accordance with the *Local Government Act* and the *Building Act*;
- D. The Regional District has employed trained building officials for the purposes of this bylaw;

NOW THEREFORE the Regional Board of the Regional District of Okanagan-Similkameen enacts as follows:

**PART 1: TITLE**

**Citation**

- 1.1 This bylaw may be cited for all purposes as the “Regional District of Okanagan-Similkameen Building Bylaw No. 2805, 2018”

**PART 2: PURPOSE OF BYLAW**

- 2.1 Despite any other provision in this bylaw, this bylaw must be interpreted in accordance with this Part.
- 2.2 Every permit issued under this bylaw is issued expressly subject to the provisions of this Part.
- 2.3 This bylaw is enacted to regulate, prohibit and impose *construction* requirements in the Regional District in the public interest.
- 2.4 The purpose of this bylaw does not extend to
  - (a) The protection of *owners, designers or constructors* from economic loss;
  - (b) The assumption by the Regional District or any *Building Official* of any responsibility for ensuring the compliance by any *owner*, his or her representatives or any employees,

- constructors or designers* retained by the *owner*, with the *Building Code*, the requirements of this bylaw, or other applicable enactments, codes or standards;
- (c) Providing any person a warranty of design or workmanship with respect to any *building* or *structure* for which a *building permit* or *occupancy permit* is issued under this bylaw;
  - (d) Providing any person a warranty or assurance that *construction* undertaken under *building permits* issued by the Regional District is free from latent, or any, defects; or
  - (e) The protection of adjacent real property from incidental damage or nuisance.

## **PART 3: SCOPE AND EXEMPTIONS**

### **Application**

- 3.1 This bylaw applies to the geographical area of Electoral Areas A, C, D, E, F, H and I of the Regional District and to land, the surface of water, air space, *buildings* or *structures* in the Electoral Areas.
- (a) This bylaw applies to the design, construction or *occupancy* of new *buildings* or *structures*, (including on site preparations, interconnection of modules, connection to services and installation of appliances for mobile homes and factory built houses) and the alteration, reconstruction, demolition, removal, relocation or occupancy or change of use or occupancy of existing buildings and structures (including on site preparations, interconnection of modules, connection to services and installation of appliances for mobile homes and factory built houses).
- 3.2 This bylaw does not apply to:
- (a) The following matters exempted by Section 1.1 of Division A – Part 1 of the *Building Code*:
    - i. Sewage, water electrical, telephone, rail or similar public infrastructure systems located in a street or a public transit right of way,
    - ii. Utility towers and poles, and television, radio and other communication aerials and towers, excepts for loads resulting for their being located on or attached to buildings,
    - iii. Mechanical or other equipment and appliances not specifically regulated in these regulations,
    - iv. Flood control and hydro electric dams and structures,
    - v. Accessory buildings less than 10m<sup>2</sup> (107 ft<sup>2</sup>) in building area that do not create a hazard,
    - vi. Factory built housing and components complying with CAN/CSA Z240 MH Series standard or A277 series, but this exemption does not extend to on site preparations (foundations, mountings), connection to services and installation of appliances, and
    - vii. Areas that are specifically exempted from provincial building regulations by provincial or federal enactments,

- (b) Non-structural alterations and repairs to single and two-family residential dwelling which alterations do not affect the building envelope, including:
  - i. Re-covering existing roofs;
  - ii. Re-cladding existing exterior walls;
  - iii. Repainting;
  - iv. The repair or replacement of a valve, faucet, fixture or sprinkler head in a *plumbing system* if no change in piping is required;
  - v. Re-covering existing floors;
  - vi. Replacing windows and doors in existing openings (as long as the size does not change);
  - vii. Installation or replacement of gas or electric powered space or water heating fixtures or appliances;
- (c) buildings or structures on a mine site, other than buildings used or intended to be used for residential occupancy and buildings accommodating cooking or sleeping facilities;
- (d) game fences of any height on land classed as farm under the Assessment Act or fences 1.83 metres or less in height except as provided in Part 14 (pools)
- (e) signs with less than 4 square metres of total sign area;
- (f) unroofed residential decks if the deck surface is 600 mm (24 inches) or less above the adjacent ground level, or the adjacent surface within 1.2 m of the walking surface of the deck has a slope of more than 1 in 2;
- (g) public utility water reservoirs, valve chambers, piping and pump-houses and underground tanks;
- (h) Except as set out in Part 11 (Retaining Walls) of this bylaw, a fence;
- (i) A trellis, an arbour, a wall supporting soil that is less than 1.2 metres in height, or other similar landscape *structures* on a parcel zoned for single-family *residential occupancy* uses under the Regional District's zoning bylaw;
- (j) Docks;
- (k) Areas outside of Electoral Areas A, C, D, E, F, H and I.

### Limited Application to Existing Buildings

- 3.3 Except as provided in the *Building Code* or to the extent an *existing building* is under *construction* or does not have an *occupancy permit*, when an *existing building* has been *constructed* before the enactment of this bylaw, the enactment of this bylaw is not to be interpreted as requiring that the *building* must be *reconstructed* and *altered*, unless it is expressly so provided by this or another bylaw, regulation or statute
- 3.4 This bylaw applies if the whole or any part of an *existing building* is moved either within or into the Regional District, including relocation relative to parcel lines created by subdivision or consolidation. Part 12 applies to *building* moves.
- 3.5 If an *alteration* is made to an *existing building* the *alteration* must comply with this bylaw and the *Building Code* and the entire building must be made to comply with this bylaw and the *Building Code*, but only to the extent necessary to address any new infractions introduced in the remainder of the building as a result of the *alteration*.
- 3.6 If an *alteration* creates an *addition* to an *existing building*, the *alteration* or *addition* must comply with this bylaw and the *Building Code* and the entire building must be made to comply

with this bylaw and the *Building Code*, but only to the extent necessary to address any new infractions introduced in the remainder of the building as a result of the *alteration* or *addition*.

## **PART 4: PROHIBITIONS**

- 4.1 A person must not commence or continue any *construction, alteration, excavation, reconstruction, demolition, removal, relocation* or change the use or *occupancy* of any *building* or *structure*, including other work related to construction
- (a) except in conformity with the requirements of the *Building Code* and this bylaw; and
  - (b) unless a *Building Official* has issued a valid and subsisting *permit* for the work under this bylaw.
- 4.2 A person must not *occupy* or *permit* the *occupancy* of any *building* or *structure* or part of any *building* or *structure*
- (a) unless a subsisting *final inspection notice* has been issued by a *Building Official* for the *building* or *structure* or the part of the *building* or *structure*; or
  - (b) contrary to the terms of any *permit* issued or any notice given by a *Building Official*.
- 4.3 A person must not knowingly submit false or misleading information to a *Building Official* in relation to any *permit* application or construction undertaken pursuant to this bylaw.
- 4.4 Except in accordance with this bylaw, including acceptance of revised plans or supporting documents, a person must not erase, alter or modify plans and supporting documents after the same have been reviewed by the *Building Official*, or plans and supporting documents which have been filed for reference with the *Building Official* after a *permit* has been issued.
- 4.5 A person must not, unless authorized in writing by a *Building Official*, reverse, alter, deface, cover, remove or in any way tamper with any notice, *permit* or certificate posted or affixed to a *building* or *structure* pursuant to this bylaw.
- 4.6 A person must not do any work that is substantially at variance with the *accepted* design or plans of a *building, structure* or other works for which a *permit* has been issued, unless that variance has been authorized in writing by a *Building Official*.
- 4.7 A person must not interfere with or obstruct the entry of a *Building Official* or other authorized official of the Regional District on property in the administration of this bylaw.
- 4.8 A person must not *construct* on a *parcel* unless the civic address is conspicuously posted on the front of the premises or on a sign post so that it may be easily read from the public highway from which it takes its address.
- 4.9 A person must not contravene an administrative requirement of a *Building Official* made under section 6.6 or any other provision of this bylaw.
- 4.10 A person must not change the use, *occupancy* or both of a *building* or *structure* or a part of a *building* or *structure* without first applying for and obtaining a *building permit* under this bylaw.

## **PART 5: PERMIT CONDITIONS**

- 5.1 A *permit* is required if work regulated under this bylaw is to be undertaken.
- 5.2 Neither the issuance of a *permit* under this bylaw, nor the acceptance or review of plans, drawings, specifications or supporting documents, nor any inspections made by or on behalf of the Regional District will in any way

- (a) Relieve the *owner* (and if the *owner* is acting through an *agent*, the *agent* of the *owner*) from full and sole responsibility to perform the work in respect of which the *permit* was issued in strict compliance with this bylaw, the *Building Code*, and all other applicable codes, standards and enactments;
  - (b) Constitute a representation, warranty, assurance or statement that the *Building Code*, this bylaw or any other applicable enactments respecting safety, protection, land use and zoning have been complied with; or
  - (c) Constitute a representation or warranty that the *building* or *structure* meets any standard of materials or workmanship;
- 5.3 No person shall rely on any *permit* as establishing compliance with this bylaw, assume, or conclude that this bylaw has been administered or enforced according to its terms.
- 5.4 Without limiting section 5.2(a), it is the full and sole responsibility of the *owner* (and if the *owner* is acting through a representative, the representative of the *owner*) to carry out the work in respect of which the *permit* was issued in compliance with the *Building Code*, this bylaw and all other applicable codes, standards and enactments.

## **PART 6: POWERS OF A BUILDING OFFICAL**

### **Administration**

- 6.1 Words defining the authority of a *Building Official* are to be construed as internal administrative powers and not as creating a duty.
- 6.2 A *Building Official* may
- (a) Administer this bylaw, but owes no public duty to enforce or administer this bylaw;
  - (b) Keep records of applications received, *permits*, notices and orders issued, inspections and tests made, and may retain copies of all papers and documents connected with the administration of this bylaw;
  - (c) Establish or require an *owner* to establish whether a method or type of construction or material used in the construction of a *building* or *structure* complies with the requirements and provisions of this bylaw and the *Building Code*; and
  - (d) Direct that tests of materials, equipment, devices, construction methods, structural assemblies or *foundations* be carried out, or that sufficient evidence or proof be submitted by the *owner*, at the *owner's* sole expense, where such evidence or proof is necessary to determine whether the material, equipment, device, construction or *foundation* condition complies with this bylaw and the *Building Code*.

### **Refusal and Revocation of Permits**

- 6.3 A *Building Official* may refuse to issue a *permit* if the proposed work will contravene the requirements of the *Building Code* or the provisions of this or any other bylaw of the Regional District, and must state the reason in writing.
- 6.4 A *Building Official* may revoke a *permit* if,
- (a) There is a violation of any condition under which the permit was issued;
  - (b) There is a violation of any provision in the Building Code, this bylaw or any other bylaw of the Regional District;

- (c) The permit was issued in error or on the basis of false or incorrect information; or
- (d) In their opinion, the results of tests on materials, devices, construction methods, structural assemblies or *foundation* conditions contravene the *Building Code* or the provisions of this bylaw, or both, or if all *permits* required under this bylaw have not been obtained.

## Right of Entry

- 6.5 Subject to applicable enactments, a *Building Official* may enter on property at any time to ascertain whether the requirements of this bylaw are being met, or if the *Building Official* has any reason to believe that an unsafe condition exists.

## Powers

- 6.6 Subject to applicable enactments, a *Building Official* may by notice in writing require
- (a) A person who contravenes any provision of this bylaw to comply with that provision within the time ordered;
  - (b) An *owner* to stop work on a *building* or *structure*, or any part of a *building* or *structure*, if the work is proceeding in contravention of this bylaw, the *Building Code*, or any other enactment of the Regional District or other applicable enactments, or if there is deemed to be an *unsafe condition*, and may enter on property to affix or post a stop work order in the form prescribed by the *Building Official*;
  - (c) An *owner* to remove or prevent any unauthorized encroachment on a public parcel, a statutory right of way or easement, or a setback or yard required under an enactment;
  - (d) An *owner* to remove any *building* or *structure*, or any part of a *building* or *structure*, *constructed* in contravention of a provision of this bylaw;
  - (e) An *owner* to have work inspected by a *Building Official* prior to covering;
  - (f) An *owner* to uncover any work that has been covered without inspection contrary to this bylaw or an order issued by a *Building Official*;
  - (g) A person to cease any *occupancy* in contravention of a provision of this bylaw;
  - (h) A person to cease any *occupancy* if any *unsafe condition* exists because of work being undertaken but not complete and where the *Building Official* has not issued a final inspection notice for the work;
  - (i) An *owner* to correct any *unsafe condition*; and
  - (j) An *owner* to correct any work that contravenes this bylaw, the *Building Code*, or any other enactment.
- 6.7 Every reference to “*owner*” in section 6.6 includes a reference to the *owner’s* agent or *constructor*.
- 6.8 Every person served with a notice under this Part must comply with that notice
- i. Within the time ordered, or
  - ii. If no time is ordered, immediately.

## PART 7: OWNER'S RESPONSIBILITIES

### Permit Requirements

- 7.1 Subject to Part 10 of this bylaw, every *owner* must apply for and obtain a *permit*, prior to
- (a) *constructing, repairing or altering a building or structure, including a pool or retaining wall;*
  - (b) *moving a building or structure into or within the Regional District;*
  - (c) *demolishing a building or structure;*
  - (d) *occupying a new building or structure;*
  - (e) *constructing a masonry fireplace or installing a solid fuel-burning appliance or chimney, whether attached to, part of or detached from a building;*
  - (f) *installation of a plumbing system;*
  - (g) *changing the use or occupancy of a building,*
- unless the works are the subject of another valid and subsisting *building permit*.
- 7.2 Every *owner* must ensure that plans submitted with a *permit* application bear the name, phone number, address and email address of the *designer* of the *building or structure*.

### Owner's Obligations

- 7.3 Every *owner* must
- (a) *comply with the Building Code, the requirements of this bylaw and the conditions of a permit, and must not omit any work required by the Building Code, this bylaw or the conditions of a permit;*
  - (b) *ensure that all permits, all plans and specifications and supporting documents on which a permit was based, all municipal inspection certificates, and all professional field reviews are available at the site of the work for inspection during working hours by the Building Official, and that all permits are posted conspicuously on the site during the entire execution of the work; and*
  - (c) *prior to the issuance of a building permit, execute and submit to the Regional District an owner's undertaking in the prescribed form, where required by the Building Official.*
- 7.4 Every *owner* and every *owner's agent*, must carry out *construction* or have the *construction* carried out in accordance with the requirement of the *Building Code*, this bylaw and other bylaws of the Regional District and none of the issuance of a *permit* under this bylaw, the review of plans and supporting documents, or inspections made by a *Building Official* or a *registered professional* shall relieve the *owner*, or his or her *agent*, from full and sole responsibility to perform the work in strict accordance with this bylaw, the *Building Code* and all other applicable codes, standards and enactments.
- 7.5 Every *owner* must allow a *Building Official* to enter any *building* or premises at any reasonable time to administer and enforce this bylaw. Every *owner* to whom a *permit* is issued must, during construction,
- (a) *Post the civic address on the property so that it may be easily read from the public highway from which the property takes its address; and*

- (b) Post the *permit* card on the property so that it may be easily read from the public highway from which the property takes its address
- (c) Provide building officials with safe access to the work site and all areas requiring inspection

### Damage to Municipal Works

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

### Demolition

- 7.8 Prior to obtaining a *permit* to demolish a *building or structure*, the *owner*, must
  - (a) Provide to the Regional District a vacancy date; and
  - (b) Ensure that all Regional District services and other services are capped and terminated at the property line in a Regional District standard inspection chamber and valve arrangement, if applicable.
- 7.9 Every *owner* must ensure that, on completion of all demolition procedures, all debris and fill are cleared and the *site* is levelled or graded, or made safe if levelling and grading are not possible.
- 7.10 No owner shall permit noxious or deleterious materials to escape from any demolition site by any means.

### Notice

- 7.11 Every *owner* must, at least 48 hours prior to commencing work at a *building site*, give written or online notice to a *Building Official* of the date on which the *owner* intends to begin such work.
- 7.12 Every *owner* must give written or online notice to a *Building Official* of any change in or termination of engagement of a *registered professional*, including a *coordinating registered professional*, during construction, within 24 hours of when the change or termination occurs.
- 7.13 If an *owner* or a *registered professional* terminates the engagement of a *registered professional*, including a *coordinating registered professional*, the *owner* must terminate all work under a *building permit* until the *owner* has engaged a new *registered professional*, including a *coordinating registered professional*, and has delivered to a *Building Official* new letters of assurance.
- 7.14 Without limiting sections 10.30 to 10.44, every *owner* must give at least 48 hours' online or written notice to a *Building Official*
  - (a) Of intent to cover work that is required or ordered to be corrected during *construction*;
  - (b) Of intent to cover work that is required under this bylaw to be, or has been ordered to be, inspected prior to covering; and
  - (c) When the work has been completed so that a final inspection can be made.

- 7.15 Every *owner* must give notice in writing to a *Building Official* and pay the non-refundable fee set out in the RDOS Fees and Charges Bylaw immediately upon any change in ownership or change in the address of the *owner* which occurs prior to the issuance of an *occupancy permit*.
- 7.16 Every *owner* must give such other notice to a *Building Official* as may be required by the *Building Official* or by a provision of this bylaw.

## **PART 8: OBLIGATIONS OF OWNER'S CONSTRUCTOR**

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

## **PART 9: REGISTERED PROFESSIONAL'S RESPONSIBILITIES**

### **Professional Design and Field Review**

- 9.1 The provision by the *owner* to the Regional District of Letters of Assurance in accordance with the requirements of the *Building Code* shall occur prior to
- (a) The pre-occupancy site review coordinated by the *coordinating registered professional* or other *registered professional* for a *complex building*, or
  - (b) A final inspection for a *simple building* in circumstances where letters of assurance have been required in accordance with the requirements of the *Building Code*, in which case the *owner* must provide the Regional District with Letters of Assurance in the form of Schedules C-A or C-B, as appropriate, referred to in subsection 2.2.7., Division C, of the *Building Code*.
- 9.2 If a *registered professional* provides letters of assurance in accordance with the *Building Code*, they must also provide proof of professional liability insurance to the *Building Official*.

### **Requirement for a Registered Professional**

- 9.3 The *owner* must retain a *registered professional* to provide a *professional design* and plan certification and letters of assurance in the form of Schedules A, B, C-A and C-B referred to in subsection 2.2.7., Division C, of the *Building Code*, in respect of a *permit* application
- (a) Prior to the pre-occupancy site review coordinated by the *coordinating registered professional* or other *registered professional* for a *complex building*, or
  - (b) Prior to a final inspection for a *simple building* in circumstances where letters of assurance have been received in accordance with the requirements of the *Building Code*, in which case the *owner* must provide the Regional District with letters of assurance in the form of Schedules C-A or C-B as appropriate, referred to in subsection 2.2.7., Division C, of the *Building Code*;

- (c) a *building* that is designed with common egress systems for the occupants and requires the use of *firewalls* in accordance with the *Building Code*;
  - (d) prior to *alterations* to a *building*, or to a structural component of a *building* described in paragraph (b);
  - (e) for a *building* in respect of which the *Building Official* determines that site conditions, size or complexity so warrant in the interests of safety of persons or protection of property under the *Building Code*;
  - (f) if the *building* envelope components of the *building* fall under Division B Part 3 of the *Building Code*, the *building* contains more than two dwellings, or if the *building* envelopes do not comply with the prescriptive requirements of Division B Part 9 or the *Building Code*, and
  - (g) for a parcel of land on which a *building* or *structure* is proposed if the *Building Official* believes the parcel is or is likely to be subject to flooding, mud flows, debris flows, debris torrents, erosion, land slip, rock falls, subsidence or avalanche, and the requirement for a *professional design* is in addition to a requirement under Division 8 of Part 3 of the *Community Charter*
    - i. for a report certified by a professional engineer with experience in geotechnical engineering that the parcel may be used safely for the use intended, and
    - ii. that the plans submitted with the application comply with the relevant provisions of the *Building Code* and applicable bylaws of the Regional District.
- 9.4 The *Building Official* may require any *registered professional* carrying out the *professional design* and *field review* required under section 9.3 to provide evidence that they have experience and expertise in respect of the *professional design* and *field review* of the context and scope required.

### **Professional Plan Certification**

- 9.5 The letters of assurance in the form of Schedules A and B as referred to in subsection 2.2.7., Division C, of the *Building Code* referred to in sections 9.1 and 9.3 are relied upon by the Regional District and its *Building Officials* as certification that the design and plans to which the letters of assurance refer comply with the *Building Code*, this bylaw and other applicable enactments.
- 9.6 Letters of assurance must be in the form of Schedules A and B referred to in subsection 2.2.7, Division C, of the *Building Code*.
- 9.7 For a building permit issued for the construction of a *complex building*, the *Building Official* shall provide the *owner* with a notice that the *building permit* is issued in reliance on the certification of the *registered professional* that the *professional design* and plans submitted in support of the application for the *building permit* comply with the *Building Code* and other applicable enactments. Any failure on the part of the *Building Official* to provide the *owner* with the notice will not diminish or invalidate the reliance by the Regional District or its *Building Officials* on the *registered professionals*.
- 9.8 When a *building permit* is issued for a *complex building* in accordance with this bylaw, the permit fee required by the RDOS Fees and Charges Bylaw shall be reduced by 25%.
- 9.9 When a *building permit* is issued for a *simple building* in accordance with Part 9 of this bylaw, the permit fee required by the RDOS Fees and Charges Bylaw shall be reduced by 10%.

## Alternative Solutions

- 9.10 An *owner* who wishes to provide alternative solutions to satisfy one or more of the requirements of the *Building Code* or this bylaw, must submit sufficient evidence, certified by a professional engineer or architect, to demonstrate that the proposed alternative solutions will provide the level of performance required by the *Building Code* or this bylaw and pay the fee specified in the RDOS Fees and Charges bylaw.

## PART 10: BUILDING APPLICATION REQUIREMENTS

### Requirements Before Applying for a Building Permit

- 10.1 Prior to issuance of a *building permit*, the *owner* must satisfy the following requirements or conditions:
- (a) the *owner* must apply for and obtain a development permit if the *building* or *structure* is in an area designated by the Regional District's Official Community Plan as a development permit area;
  - (b) the *owner* must ensure that the proposed *building* or *structure* complies with all bylaws of the Regional District, except to the extent a variance of a bylaw is authorized by a development permit, development variance permit or order of the Board of Variance;
  - (c) an approving officer must have approved the subdivision plan that, once registered, would create the parcel on which the proposed *building* or *structure* will be *constructed*, and the subdivision plan must have been registered in the Land Title Office;
  - (d) the *owner* must provide evidence to the *Building Official* showing that the person applying for the *building permit* is either the *owner* of the parcel that is the subject of the proposed *building permit*, or is the *agent* of the *owner*, in which case, the *agent* must provide the name and contact information of the *owner*;
  - (e) if the parcel that is the subject of the *building permit* application is not intended to be connected to the Regional District's sewage disposal system, the *owner* must apply for and obtain approval from the Regional District and other applicable public authorities for an alternate *private sewage disposal system*;
  - (f) if the parcel that is the subject of the *building permit* application is not intended to be connected to the Regional District's waterworks system, the *owner* must apply for and obtain approval from the Regional District and other applicable public authorities for an alternative water supply system; and
  - (g) if all on site and off site works and services required by a Regional District bylaw or other enactment have not been completed in accordance with the enactments, the *owner* must enter into a completion agreement with the Regional District and deliver to the Regional District letters of credit or cash security for completion of the works and service.

### Building Permit Applications for Complex Buildings

- 10.2 An application for a *building permit* with respect to a *complex building* must
- (a) be made in the prescribed form and signed by the *owner*, or a signing officer if the *owner* is a corporation;

- (b) be accompanied by the *owner's* acknowledgement of responsibility and undertaking made in the prescribed form and signed by the *owner*, or a signing officer if the *owner* is a corporation;
- (c) include a copy of a title search for the relevant property made within 30 days of the date of the *permit* application;
- (d) include a *Building Code* compliance summary including the applicable edition of the *Building Code*, such as without limitation whether the building is designed under Part 3 or Part 9 of the *Building Code*, *major occupancy* classification(s) of the *building*, *building area* and *building height*, number of streets the *building* faces, and *accessible* entrances, work areas, washrooms, firewalls and facilities;
- (e) include a copy of a survey plan prepared by a British Columbia land surveyor;
- (f) include a site plan prepared by a *registered professional* showing
  - i. the bearing and dimensions of the parcel taken from the registered subdivision plan;
  - ii. the legal description and civic address of the parcel;
  - iii. the location and dimensions of *existing* and proposed statutory rights of way, easements and setback requirements, adjacent street and lane names;
  - iv. the location and dimensions of *existing* and proposed *buildings* or *structures* on the parcel;
  - v. setbacks to the natural boundary of any lake, swamp, pond or watercourse;
  - vi. north arrow;
  - vii. if applicable, location of an approved *existing* or proposed private or other alternative sewage disposal system, water supply system or storm water drainage system;
  - viii. zoning compliance summary;
  - ix. the location, dimensions and gradient of parking and parking access;
  - x. proposed and *existing* setbacks to property lines;
  - xi. natural and finished grade at *building* corners and significant breaks in the building plan and proposed grade around the *building* faces in order to ascertain *foundation* height;
  - xii. first storey floor elevation;
  - xiii. location, setbacks and elevations of all *retaining walls*, steps, stairs and decks;
  - xiv. line of upper floors;
  - xv. location and elevation of curbs, sidewalks, manholes, and service poles;
  - xvi. location of *existing* and proposed service connections;
  - xvii. location and species of all trees greater than 10 centimetres in diameter;
  - xviii. location of top bank and water courses;
  - xix. access routes for firefighting;
  - xx. *accessible* paths of travel from the street to the *building*;
  - xxi. geodetic elevation of the underside of a wood floor system or the top of a finished concrete slab of a *building* or *structure* where the Regional District's land use regulations or provincial flood mapping regulations establish siting requirements related to minimum floor elevation;

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

- (g) include floor plans showing the dimensions and uses and *occupancy* classification of all areas, including: the dimensions and height of crawl and roof spaces; the location, size and swing of doors; the location, size and opening of windows; floor, wall, and ceiling finishes; fire separations; plumbing fixtures; structural elements; and stair dimensions;
- (h) include a cross-section through the *building or structure* in sufficient detail and locations to illustrate *foundations, drainage, ceiling heights and construction systems*;
- (i) include elevations of all sides of the *building or structure* showing finish details, roof slopes, windows, doors, natural and finished *grade*, spatial separations and ridge height to comply with the *Building Code* and to illustrate that the *building or structure* conforms with the Regional District zoning bylaw and development permit;
- (j) include cross-sectional details drawn at an appropriate scale and at sufficient locations to illustrate that the *building* conforms to the *Building Code*;
- (k) include all other requirements of sections 2.2.1, 2.2.3, 2.2.4, 2.2.5, 2.2.6 and 2.2.9, Division C of the *Building Code*;
- (l) include copies of approvals required under any enactment relating to health or safety, including, without limitation, sewage disposal permits, highway access permits and ministry of health approvals;
- (m) include a letter of assurance in the form of Schedule A referred to in subsection 2.2.7. Division C, of the *Building Code*, signed by the *owner*, or a signing officer if the *owner* is a corporation, and the *coordinating registered professional*;
- (n) include letters of assurance in the form of Schedule B referred to in subsection 2.2.7 Division C, of the *Building Code*, each signed by such *registered professionals* as the *Building Official* or *Building Code* may require to prepare the design for and conduct *field reviews* of the construction of the *building*;
- (o) include two sets of drawings at a suitable scale of the design prepared by each *registered professional* containing the information set out in (g) to (k) of this section; and
- (p) include illustration of any slopes on the subject parcel that exceed 20%.

10.3 In addition to the requirements of section 10.2 of this bylaw, a *Building Official* may require the following to be submitted with a *permit* application for the construction of a *complex building* if the complexity of the proposed *building or structure* or siting circumstances warrant

- (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 and development 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* and other bylaws and enactments relating to the *building or structure*.

## Building Permit Applications for Simple Buildings

- 10.4 An application for a *building permit* with respect to a *simple building* must
- (a) be made in the form prescribed by the *Building Official* and signed by the *owner*, or a signing officer if the *owner* is a corporation;
  - (b) be accompanied by the *owner's* acknowledgment of responsibility and undertaking made in the prescribed form and signed by the *owner*, or a signing officer if the *owner* is a corporation;
  - (c) include a copy of a title search for the relevant property made within 30 days of the date of the *permit* application;
  - (d) include a copy of a survey plan prepared by a British Columbia land surveyor except that the *Building Official* may waive the requirement for a survey plan, in whole or in part, where conditions warrant;
  - (e) include a site plan showing
    - i. the bearing and dimensions of the parcel taken from the registered subdivision plan;
    - ii. the legal description and civic address of the parcel;
    - iii. the location and dimensions of *existing* and proposed statutory rights of way, easements and setback requirements, adjacent street and lane names;
    - iv. the location and dimensions of *existing* and proposed *buildings* or *structures* on the parcel;
    - v. setbacks to the natural boundary of any lake, swamp, pond or watercourse;
    - vi. north arrow;
    - vii. if applicable, location of an approved *existing* or proposed alternative private or other sewage disposal system, water supply system or storm water drainage system;
    - viii. the location, dimensions and gradient of parking and parking access;
    - ix. proposed and *existing* setbacks to property lines;
    - x. natural and finished grade at *building* corners and datum determination points;
    - xi. *first storey* floor elevations;
    - xii. location, setbacks and elevations of all *retaining walls*, steps, stairs and decks;
    - xiii. line of upper floors;
    - xiv. location and elevation of curbs, sidewalks, manholes and service poles;
    - xv. location of *existing* and proposed service connections;
    - xvi. location and species of all trees greater than 10 centimetres in diameter;
    - xvii. location of top bank and water courses;
    - xviii. access routes for firefighting;
    - xix. *accessible* paths of travel from the street to the *building*;
    - xx. zoning compliance summary; and
    - xxi. the geodetic elevation of the underside of a wood floor system or the top of a finished concrete slab of a *building* or *structure* where the Regional District's land use regulations or provincial floor mapping regulations establish siting requirements related to minimum floor elevation,

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

- (f) include floor plans showing the dimensions and uses of all areas, including: the dimensions and height of crawl and roof spaces; the location, size and swing of doors; the location, size and opening of windows; floor, wall and ceiling finishes; plumbing fixtures; structural elements; and stair dimensions;
- (g) include a cross-section through the *building* illustrating *foundations*, drainage, ceiling heights and construction systems;
- (h) include elevations of all sides of the *building* showing finish details, roof slopes, windows, doors, the *grade*, the maximum *building height* line, ridge height, spatial separations and natural and finished *grade* to comply with the *Building Code* and to illustrate that the *building* or *structure* conforms with the Regional District zoning and development permit;
- (i) include 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*;
- (j) include copies of approvals required under any enactment relating to health or safety, including, without limitation, sewage disposal permits, highway access permits and Ministry of Health approvals;
- (k) except for garages, carports and garden structures located on land, include a *foundation* and *excavation* design prepared by a *registered professional* in accordance with the *Building Code*;
- (l) include geotechnical letters of assurance, in addition to a required geotechnical report, if the *Building Official* determines that the site conditions so warrant;
- (m) include two sets of drawings at a suitable scale of design including the information set out in (f) to (i) of this section; and
- (n) include a *Building Code* compliance summary including the applicable edition of the *Building Code*, such as, without limitation, whether the *building* is designed under Part 3 or Part 9 and compliance with article 2.2.2.1.(2), Division C of the *Building Code*.

10.5 In addition to the requirements of section 10.4 of this Part, if a *project* involves

- (a) two or more *buildings*, the gross floor areas of which in the aggregate total more than 1000 square metres;
- (b) two or more *buildings* that will contain four or more dwelling units; or
- (c) otherwise if the complexity of the proposed *buildings* or *structure* or siting circumstances warrant,

a *Building Official* may require the following be submitted with a permit application for the construction of each *simple building* in the *project*;

- (d) a section through the site showing grades, *buildings*, *structures*, parking areas and driveways;
- (e) a roof plan and roof height calculations;
- (f) structural, electrical, plumbing, mechanical or fire suppression drawings prepared and sealed by a *registered professional*;

- (g) letters of assurance in the form of Schedule B referred to in Division C of the *Building Code*, signed by a *registered professional*; and
  - (h) any other information required by the *Building Official* or the *Building Code* to establish substantial compliance with this bylaw, the *Building Code* and other bylaws and enactments relating to the *building* or *structure*.
- 10.6 The *Building Official* may waive requirements of this section in whole or in part, where the permit is sought for a project of limited scope.

### **Size and Location Information**

- 10.7 Without limiting sections 10.2(f) or 10.4(d) of this Part, the *Building Official* may in writing require an *owner* to submit an up-to-date plan or survey prepared by a registered British Columbia land surveyor which contains sufficient information respecting the site and location of any *building* to
- (a) establish, before *construction* begins, that all the provisions of this bylaw in relation to this information will be complied with;
  - (b) verify, on completion of the *construction*, that all provisions of this and other applicable bylaws have been complied with;
  - (c) in relation to an *existing building*, substantiate its location, size, including appurtenances whether above, at or below ground level, relative to the site or its relationship to neighbouring grades; and
  - (d) in relation to *construction* of a new *building*, or *addition* to an *existing building*, prior to and after the placement of concrete for *foundations* and footings, show the *elevation* at proposed top of concrete on all *building* elevations and at all significant changes of elevation to substantiate its size, location and elevation,

and every person served with a written requirement under this section must comply with the requirement.

### **Building Permit Fee**

- 10.8 Before receiving a *building permit* for a *building* or *structure*, the *owner* must first pay to the Regional District
- (a) a non-refundable plan-processing fee in accordance with the RDOS Fees and Charges Bylaw. If a permit is issued the plan processing fee shall be credited to the building permit fee;
  - (b) the *building permit* fee prescribed in the RDOS Fees and Charges Bylaw; and
  - (c) any fees, charges, levies or taxes imposed by the Regional District and payable under an enactment at the time of issuance of the *building permit*.

### **Permit Fee Refunds**

- 10.9 No fee or part of a fee paid to the Regional District may be refunded if construction of the *building* has started.
- 10.10 The building official may approve a refund of an application fee or portion thereof only if plan checking has not commenced.

- 10.11 A *building permit* or other *permit* fee may be partially refunded as set out in paragraph 10.53, only if
- (a) the *owner* has submitted a written request for a refund;
  - (b) the *Building Official* has certified a start has not been made on the construction of the *building* or *structure*; and
  - (c) the *permit* has not expired.
- 10.12 A *building permit* or other *permit* fee is not refundable after the *permit* has been extended under section 10.48 of this Part.
- 10.13 Except as otherwise provided in this bylaw, all fees and charges paid or payable under this bylaw shall be non-refundable.

### **Design Modification**

- 10.14 If an issued *building permit* or other *permit* is active and the *owner* proposes modification to the *building* design whereby the value of the work does not increase or the value of the work decreases, the *owner* must pay to the Regional District a *building permit* fee based on the plan review hourly rate set out in the RDOS Fees and Charges Bylaw.

### **Construction Before Permit Issued**

- 10.15 If any construction for which a permit is required by this by-law has commenced before a building permit is issued by the *Building Official*, the *owner* of the real property on which the *construction* is being done shall pay to the Regional District as follows:
- (a) An additional charge equal to 25% of the building permit fee as prescribed in the RDOS Fees and Charges Bylaw prior to obtaining the required building permit if a completed application is received within 30 days of notification that a building permit is required;
  - (b) If a Stop Work Order or Do Not Occupy Notice is issued and remains outstanding for 30 days, the permit fee pursuant to the RDOS Fees and Charges Bylaw shall be doubled, to a maximum of \$10,000.00;
- 10.16 If construction has advanced without inspection to a stage where compliance with this bylaw or other applicable bylaws or enactments cannot be readily determined, the building official may require tests and investigations by an independent agency at the owner's expense to establish compliance or provided recommended remedial measures to be taken, prior to the issuance of a permit.

### **Expiration of Application for a Permit**

- 10.17 A *building permit* or other *permit* application expires 180 days from the date a complete application is received under this Part if the *building permit* or other *permit* is not issued by the application expiration date, unless the *permit* is not issued only due to delays caused by the Regional District.
- 10.18 When a *building permit* or other *permit* application is cancelled:
- (a) The application fee is forfeited to the Regional District; and
  - (b) The plans and related documents submitted with the application may be destroyed.

## Issuance of a Building Permit

10.19 Each building, structure or part thereof 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.

10.20 If

- (a) a completed application in compliance with sections 10.2 and 10.3 or sections 10.4 and 10.5 of this Part, including all required supporting documentation, has been submitted;
- (b) the *owner* has paid all applicable fees set out in sections 10.8 to 10.16 of this Part and the RDOS Fees and Charges Bylaw;
- (c) the *owner* or his or her representative has paid all charges and met all requirements imposed by any other statute or bylaw;
- (d) the *owner* has retained a professional engineer or geoscientist if required under this bylaw;
- (e) the *owner* has retained an architect if required under this bylaw;
- (f) the *owner* has provided a hazardous materials assessment and remediation compliance letter or clearance letter for additions, alterations or demolitions to buildings constructed prior to 1992; and
- (g) no covenant, agreement, resolution or regulation of the Regional District requires or authorizes the *permit* to be withheld,

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

## Issuance of Partial Permits

10.21 The *Building Official* may 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 Regional District to demonstrate to the Building Official that the portion authorized to be constructed substantially complies with this and any other applicable Regional District bylaws 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.

## Refusal to Issue Building Permit

10.22 Despite section 10.20, the *Building Official* may refuse to issue a *permit* when

- (a) the *owner* has been notified of a violation of this bylaw about the construction, occupancy or use of any other *building* or *structure* or part thereof, by the *owner* on the property, and such violation has not been remedied;
- (b) the results of the tests referred to in Section 6.2(d) are not satisfactory to the *Building Official*; or
- (c) the parcel referred to in the permit application does not have vehicular access

## Compliance with the Homeowner Protection Act

- 10.23 If the application is in respect of a *building* that includes, or will include, a *residential occupancy* governed by the *Homeowner Protection Act*, the *building permit* must not be issued unless the *owner* provides evidence under section 30(1) of the *Homeowner Protection Act*, that the proposed *building*
- (a) is covered by home warranty insurance; and
  - (b) the *constructor* is a licensed “residential builder” as defined in that Act.
- 10.24 Section 10.23 of this Part does not apply if the *owner* is not required to be licensed and to obtain home warranty insurance in accordance with sections 20(1) or 30(1) of the *Homeowner Protection Act*.
- 10.25 Every *permit* is issued subject to the *owner* and *constructor* maintaining compliance with the *Homeowner Protection Act* and negotiations under it during the term of the *permit*.

## Partial Construction

- 10.26 If a site has been *excavated* under a *building permit* issued under this bylaw and a *building permit* is not subsequently issued or a subsisting *building permit* has expired under section 10.46, but without the construction of the *building* or *structure* for which the *building permit* was issued having commenced, the *owner* must fill in the *excavation* to restore the original gradients of the site within 60 days of being served notice by the Regional District to do so.
- 10.27 If a *building permit* has expired and partial construction has progressed, with no extension requested of the *Building Official* under section 10.48, permanent type fencing with privacy screen complying with the Regional District’s Zoning Bylaw, must be erected around the *building* site for protection to the public.

## Conditions of a Building Permit

- 10.28 A *building permit* or an application for a *building permit* that is in process may not be transferred or assigned until the *owner* has notified the *Building Official* in writing, the *Building Official* has authorized the transfer or assignment in writing and the *owner* has paid the non-refundable fee required under the RDOS Fees and Charges Bylaw. The transfer or assignment of a *building permit* is not an extension of a *building permit*.
- 10.29 The review of plans and supporting documents and issuance of a *building permit* do not prevent the *Building Official* from subsequently requiring the correction of errors in the plans and supporting documents, or from prohibiting *building* construction or *occupancy* being carried on when in violation of this or another bylaw.

## Inspections

- 10.30 Despite the requirement for the *Building Official’s* acceptance of the work outlined in Section 10.33, if a *registered professional* provides letters of assurance the Regional District will rely solely on *field reviews* undertaken by the *registered professional* and the letters of assurance submitted pursuant to this bylaw and the *Building Code* as assurance that the aspects of the *construction* referenced by those letters of assurance substantially conforms to the design, plans and specifications and the construction complies with the *Building Code*, this bylaw and

- other applicable enactments respecting safety. Copies of all field reviews must be submitted to the Regional District.
- 10.31 Despite section 10.30 of this Part, a *Building Official* may attend the site from time to time during the course of construction to ascertain that the *field reviews* are taking place and to monitor the *field reviews* undertaken by the *registered professionals*.
- 10.32 A *Building Official* may attend periodically at the site of the construction of *simple buildings* or *structures* to ascertain whether the work is being carried out in substantial conformance with the *Building Code*, this bylaw and any other applicable enactments concerning safety.
- 10.33 For all work in respect of *simple buildings* the *owner* must give at least 48 hours' notice to the Regional District when requesting an inspection and must obtain an inspection and receive a *Building Officials'* written acceptance of the following aspects of the work prior to concealing them
- (a) after demolition, the grading and removal of debris from the site;
  - (b) Footings/siting, after preparation for footings or alternative methods are complete, prior to placement of concrete;
  - (c) Foundation, after forms for foundation walls are complete, prior to placement of concrete;
  - (d) After damp-proofing and foundation drainage are in place, prior to backfilling;
  - (e) Under-slab plumbing;
  - (f) Under-slab, after slab preparation for soil gas requirements, the preparation of ground, including ground cover when required, perimeter insulation on inside of concrete *foundation* walls prior to covering;
  - (g) installation of rough-in plumbing, when complete and under test, prior to covering;
  - (h) factory built chimneys and fireplaces and solid fuel burning appliances:  
**in new structures:** rough-in of factory built chimneys, fireplaces and solid fuel burning appliances, and prior to use; in the case of masonry fireplaces prior to completion of the smoke chamber and again prior to cover up of the masonry flue(s).  
The manufacturer's written instructions and specifications must be made available to the *Building Official* at the time of the inspection(s), including the make, model and specified clearance requirements.
  - (i) framing, sheathing, fire stopping (including drywall in fire separations), fire blocking, bracing, rough plumbing, exterior doors and windows, but prior to the installation of insulation, interior finishes, sheathing paper or exterior finishes which would conceal such work;
  - (j) insulation, air and vapour barrier;
  - (k) Occupancy and final, after the *health and safety aspects of the work* when the *building* or *structure* is substantially complete, ready for *occupancy* but prior to occupancy.
- 10.34 A *Building Official* will only carry out an inspection under section 10.33 if the *owner* or the *owner's agent* has requested the inspection in accordance with this bylaw.
- 10.35 No person may conceal any aspect of the work referred to in section 10.33 of this bylaw until a *Building Official* has *accepted* it in writing.
- 10.36 For work in respect of *complex buildings*, the *owner* must
- (a) give at least 48 hours' online or written notice to the Regional District when requesting a preconstruction meeting with the *Building Official* prior to the start of *construction*,

and the *owner* or his or her representative must ensure that the *coordinating registered professional*, the *constructor*, as well as representatives of major trades, are in attendance;

- (b) give at least 48 hours' online or written notice to the Regional District when requesting a pre-occupancy review coordinated by the *coordinating registered professional* or other *registered professional* to have the *owner*, the *constructor* and the *registered professionals* demonstrate to the *Building Official* and Fire Services the compliance with the *health and safety aspects of the work*, the coordination and integration of the fire and life safety system, applicable Regional District requirements and other enactments respecting safety and accessibility aspects of the work; and
- (c) cause the *coordinating registered professional*, at least 48 hours prior to the preoccupancy coordinated site review coordinated by the *coordinating registered professional*, to deliver to the *Building Official* the Confirmation of Required Documentation in the prescribed form, complete with all documentation in a hard covered three ring binder and in digital pdf format on a memory stick.

### **Stop Work Order**

- 10.37 The *Building Official* may direct the immediate suspension or correction of all or a portion of the construction on a *building* or *structure* by attaching a stop work order notice in the prescribed form on the premises when it is found that the work is not being performed in accordance with the requirements of the *Building Code*, any applicable bylaw of the Regional District or the applicable provisions of the *Homeowner Protection Act*.
- 10.38 The *coordinating registered professional* may request, in writing, that the *Building Official* order the immediate suspension or correction of all or a portion of the *construction* on a *building* or *structure* by attaching a stop work order notice on the premises. The *Building Official* must consider such a request and, if not acted upon, must respond, in writing, to the *coordinating registered professional* and give reasons.
- 10.39 If a *registered professional's* services are terminated, the *owner* must immediately stop any work that is subject to the *registered professional's design* or *field review* and the *Building Official* is deemed to have issued a stop work order under section 10.37.
- 10.40 The *owner* must immediately, after the posting of a notice under section 10.37, secure the construction and the lands and premises surrounding the construction in compliance with the safety requirements of every statute, regulation or order of the Province or of a provincial agency and of every applicable bylaw of the Regional District.
- 10.41 Subject to Section 10.37, no work other than the required remedial measures may be carried out on the parcel affected by the notice referred to in section 10.36 until the stop work order notice has been removed by the *Building Official*.
- 10.42 The notice referred to in section 10.37 and 10.43 must remain posted on the premises until that which is contrary to the enactments has been remedied.

### **Do Not Occupy Notice**

- 10.43 If a person occupies a *building* or *structure* or part of a *building* or *structure* in contravention of this bylaw, a *Building Official* may post a Do Not Occupy Notice in the prescribed form on the affected part of the *building* or *structure*.

10.44 If a notice is posted under section 10.43, the *owner* of a parcel on which a Do Not Occupy Notice has been posted, and every other person, must cease *occupancy* of the *building* or *structure* immediately and refrain from further *occupancy* until all applicable provisions of the *Building Code* and this bylaw have been substantially complied with and the Do Not Occupy Notice has been rescinded in writing by a *Building Official*.

### Inspection and Other Fees

- 10.45 In addition to the fees required under other provisions of this bylaw, the *owner* must pay the non-refundable fee set out in the RDOS Fees and Charges Bylaw for
- (a) each subsequent re-inspection where it has been determined by the *Building Official* that due to non-compliance with the provisions of this bylaw or due to non-complying work, more than two site visits are required for any required inspection;
  - (b) a special inspection during the Regional District's normal business hours to establish the condition of a *building*, or if an inspection requires special arrangements because of time, location or construction techniques; and
  - (c) An inspection that requires transportation other than by Regional District vehicles or other than during regular hours, the owner shall make arrangements in advance for such inspections and shall pay the Regional District's actual costs.

### Permit Expiration

- 10.46 Every *permit* is issued on the condition that the *permit* expires and the rights of the *owner* under the *permit* terminate if the work is not completed within two (2) years of the date of issuance of the *permit*.<sup>1</sup>
- 10.47 When a permit has expired, no *construction* or other work may continue or commence until a valid permit authorizes the work.

### Permit Extension

- 10.48 A *Building Official* may extend the period set out under section 10.46 for only one period, not to exceed twelve months, if construction has not been commenced or has been discontinued due to adverse weather, strikes, material or labour shortages, other similar hardship beyond the *owner's* control, or if the size and complexity of the construction warrants, if
- (a) application for the extension is made prior to the date of *permit* expiration; and
  - (b) the non-refundable fee set out in the RDOS Fees and Charges Bylaw has been paid.

### Building Permit Revocation

- 10.49 The *Building Official* may revoke a *building permit* if
- (a) there is a violation of
    - i. a condition under which the *permit* was issued; or
    - ii. a requirement of the *Building Code* or of this or another bylaw of the Regional District,
  - (b) the permit was issued in error;

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<sup>1</sup> Bylaw No. 2805.03

- (c) the *Building Official* determines that an *owner*, or his or her *agent*, has provided false or misleading information on the application or otherwise obtained the permit fraudulently;

such *permit* revocation must be in writing and sent to the *permit* holder by signature mail to, or personal service on, the *permit* holder.

### **Building Permit Cancellation**

- 10.50 A *building permit*, or a *building permit* application, may be cancelled by the *owner*, or his or her *agent*, on delivery of written notification of the cancellation to the *Building Official*.
- 10.51 On receipt of the written cancellation notice, the *Building Official* must mark on the application, and a *permit* if applicable, the date of cancellation and the word “cancelled”.
- 10.52 If the *owner*, or his or her *agent*, submits changes to an application after a *permit* has been issued and the changes, in the opinion of the *Building Official*, substantially alter the scope of the work, design or intent of the application in respect of which the *permit* was issued, the *Building Official* may cancel or amend the *permit* and mark on the *permit* the date of cancellation or amendment and the word “cancelled” or “amended”.
- 10.53 If a *building permit* application or *permit* has not expired and is cancelled, and construction has not commenced under the *permit*, the *Building Official* may return to the *owner* any fees paid pursuant to the RDOS Fees and Charges Bylaw, less any non-refundable portion of the fee.

### **Occupancy**

- 10.54 No person may occupy a *building* or *structure* or part of a *building* or *structure* until a final inspection notice has been issued by a *Building Official* for
  - (a) The first occupancy of a *building* or *structure* or part thereof after completion *construction*; or
  - (b) Any change of class of occupancy of any *building* or *structure* or part thereof.
- 10.55 A final inspection notice will not be issued unless
  - (a) All letters of assurance have been submitted when required in accordance with this bylaw;
  - (b) All aspects of the work requiring inspection and acceptance pursuant to this bylaw have both been inspected and *accepted* or the inspections and acceptance are not required in accordance with this bylaw;
  - (c) The *owner* has delivered to the Regional District as-built plans of works and *services* in digital format as required by the Regional District;
  - (d) The *owner* has provided to the Regional District a *building* survey prepared by a British Columbia Land Surveyor, as required by a *Building Official*, showing the *building* height, size, location and elevation determined in accordance with the Regional District’s land use regulations;
  - (e) All other documentation required under applicable enactments has been delivered to the Regional District; and
  - (f) The *owner* has delivered to the Regional District as-built drawings of the *building* or *structure* in digital format as required by the Regional District.

- 10.56 Where any of the requirements for life and fire safety have been deemed to be satisfied by an alternate solution pursuant to the provisions of the *Building Code*, the *owner* shall submit to the *Building Official*, prior to use or occupancy of the *building* or *structure*, certification from the *registered professional* responsible for the equivalency, that the construction substantially complies with the requirements set out in the alternate solution report.
- 10.57 When a *registered professional* provides letters of assurance in accordance with this bylaw, the Regional District will rely solely on the letters of assurance when issuing a final report authorizing *occupancy* as assurance that the items identified on the letters of assurance substantially comply with the *design, the Building Code*, this bylaw and other applicable enactments respecting safety.
- 10.58 A *Building Official* may issue a final inspection notice for partial *occupancy* of a portion of a *building* or *structure* under construction when
- (a) That portion of the *building* or *structure* is self-contained and provided with essential services respecting *health and safety aspects* of the work, and if applicable, accessibility, GHG emissions and conservation; and
  - (b) The requirements set out in section 10.55 have been met with respect to it.
- 10.59 A final inspection notice may not be issued unless
- (a) All letters of assurance and the Confirmation of Required Documentation in the prescribed form have been submitted when required in accordance with the requirements of this bylaw;
  - (b) All aspects of the work requiring inspection and review pursuant to Part 9 and sections 10.30 through 10.36 of this bylaw have both been inspected and *accepted*;
  - (c) The *owner* has executed and delivered to the Regional District every agreement, instrument or form required by the Regional District in relation to the work or the site; and
  - (d) All required offsite works respecting safety have been completed.

### Temporary Buildings

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

- (f) A copy of an issued development *permit*, if required;
  - (g) In the case of a manufactured *building*, a CSA label in respect of manufacture and, without limitation, a Quonset or other steel *building* must be certified in accordance with CSA Standard A660;
  - (h) A report or drawing by an engineer, architect or designer confirming compliance with the *Building Code*, this bylaw, the Regional District’s zoning bylaw and other applicable bylaws; and
  - (i) In the case of a *temporary building*, information to comply with article 1.1.1.1(2)(f), Division C of the *Building Code*.
- 10.62 Before receiving a *building permit* for a *temporary building* or *structure for occupancy*, the *owner* must pay to the Regional District the applicable *building permit* fee set out in the RDOS Fees and Charges Bylaw.
- 10.63 A *permit fee* for a *temporary building* or *structure* is not refundable.

### **Siting Permit<sup>2</sup>**

10.64 Deleted.

### **Inspections for Temporary Buildings<sup>3</sup>**

- 10.65 Despite section 10.33, the *owner* must give at least 48 hours’ notice to the Regional District when requesting an inspection and must obtain an inspection and receive a *Building Official’s written acceptance of the following aspects of the work prior to concealing them*:
- (a) Verification of siting – before concrete is poured or construction commences;
  - (b) Verification of use when the *building* or *structure* is substantially complete.
- 10.66 A *Building Official* may attend periodically at the site of the construction to ascertain whether the work is being carried out in substantial conformance with this bylaw and the *building permit*.

## **PART 11: RETAINING WALLS AND GRADES**

- 11.1 No person may construct, or structurally repair, a *retaining wall* without a *building permit*.
- 11.2 Except as certified by a professional engineer with expertise in geotechnical engineering registered in the province of British Columbia, fill material placed on a parcel, unless restrained by permitted *retaining walls*, must not have a surface slope exceeding a ratio of one linear unit vertically to two linear units horizontally.
- 11.3 Without limiting section 11.2, no person may occupy a *building* unless the finished *grade* complies with all applicable enactments.
- 11.4 If a *Building Official* determines that an unsafe condition exists as a result of the construction of a retaining wall requiring a building permit, a guard or fence may be required.

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<sup>2</sup> Bylaw No. 2805.01

<sup>3</sup> Bylaw No. 2805.01

## PART 12: BUILDING MOVE

- 12.1 No person may move a *building* or *structure* into or within the Regional District building regulation service areas
- (a) Except where certified by a *registered professional* that the *building*, including its *foundation*, will substantially comply with the current version of the *Building Code*; and
  - (b) A *building permit* has been issued for the *building* or *structure*.

## PART 13: NUMBERING OF BUILDINGS

- 13.1 Immediately upon issuance of a *building permit* governing the *construction, alteration* or repair of a *building*, or prior to and during the *occupancy* of a *building*, the *owner* or occupant must display the address number assigned to it by the Regional District
- (a) On or over the entrance to the *building* or where landscaping or *structures* obscure the visibility of a *building* entrance from the adjacent highway, on the *building* property within sight of the adjacent highway; and
  - (b) Until such time as the *building* is removed from the site or has been demolished.
- 13.2 Despite section 13.1, the Regional District may renumber or alter the assigned numbers in respect of any *building* on any parcel, including those already in existence or numbered.
- 13.3 Without limiting sections 13.1 or 13.2, the *Building Official* must, on the issuance of a *building permit*, designate a house number or set of house numbers related to the *building* authorized by the *permit*. The *owner* or occupier must post the number or numbers on the site immediately after obtaining the *building permit* and keep the numbers posted in a conspicuous location at all times during construction.
- 13.4 Without limiting sections 13.1 through 13.3, on issuance of an *occupancy permit*, the *owner* or occupier of the parcel must affix the numbers permanently in a conspicuous place on the *building* such that the number is visible from an adjacent highway that is not a lane.

## PART 14: SWIMMING POOLS

### Swimming Pool Permit and Fencing

- 14.1 Without limiting section 5.1 of this bylaw, a person must not construct, or structurally repair, a swimming *pool* without a valid *building permit*.
- 14.2 A permit application for a pool must be accompanied by a plan showing:
- (a) The location of the proposed pool and any accessory *buildings* in relation to all existing *buildings* on the parcel and the parcel boundaries;
  - (b) The type of *construction* and the proposed method of enclosure.
- 14.3 A swimming *pool* must be enclosed within a fence constructed without footholds or grips that children may use to climb into the enclosed area, having a minimum height of 1.2 metres and no openings greater than 100 mm at their greatest dimension.

## Pool Gate

- 14.4 Access through a fence enclosing a swimming *pool* other than through a dwelling, must be through a self-closing and self-latching gate designed and constructed or installed so as to cause the gate to return to a closed position when not in use and secured by a latch located on the swimming *pool* side of the gate.
- 14.5 A swimming *pool* which is located above ground and has vertical sides of at least 1.2 metres may be protected from access by fencing the access ladder with fencing in accordance with section 14.3.

## Maintenance

- 14.6 A person may not use or *occupy* a swimming *pool* unless the *owner* or *occupier* of property on or in which a *pool* is located maintains every fence required under sections 14.3 to 14.5 in good order and without limitation maintains and repairs in good order at all times all sagging gates, loose parts, torn mesh, missing materials, worn latches, locks or broken or binding members.

## Drainage

- 14.7 Drainage from pools must be contained and disposed of on the same property as the pool is located and discharged to the ground where practical to do so.

## PART 15: ENERGY CONSERVATION AND GHG EMISSION REDUCTION

- 15.1 In relation to the conservation of energy, buildings may be constructed on or after May 1, 2023 in accordance with section 9.36.2 to 9.36.4 of Division B of the Building Code.<sup>4</sup>

## PART 16: DEMOLITION PERMITS

- 16.1 Without limiting section 5.1 of this bylaw, a person must not demolish or partially demolish a building or structure without making application and receiving a valid permit.

### Application Requirements

- 16.2 An application for a building permit with respect to a demolition permit must:
- (a) Be made in the prescribed form and signed by the *owner*, or a signing officer if the owner is a corporation;
  - (b) Pay applicable fees pursuant to the RDOS Fees and Charges Bylaw;
  - (c) Provide a site plan showing all buildings and structures and servicing locations;
  - (d) Provide vacancy date;
  - (e) Provide a hazardous materials assessment and clearance letter for *buildings* or *structures* constructed prior to 1992;
  - (f) Include a Waste Disposal Plan or a Waste Disposal Application for Demolition and Renovation Waste in a form prescribed by the Regional District

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<sup>4</sup> Bylaw No. 2805.02

- 16.3 Applications for demolition permits will not be processed until the Disposal Plan or Waste Disposal Application is approved by the Regional District.

### **Demolition Sites**

- 16.4 The demolition of buildings and structures shall be in accordance with Part 8 of the *Building Code* "Safety Measures at Construction and Demolition Sites".
- 16.5 Where required for industrial and commercial demolition sites the *Environmental Management Act* shall apply.

## **PART 17: PLUMBING PERMITS**

- 17.1 Without limiting section 5.1 of this bylaw, a person must not install, replace or alter a plumbing system without making application and receiving a valid permit.
- 17.2 An application for a plumbing permit shall
- (a) Be made in the prescribed form and signed by the *owner, agent* or a signing officer if the owner is a corporation;
  - (b) Include the applicable fee as set out in the RDOS Fees and Charges Bylaw;
  - (c) Include two (2) isometric drawings
- 17.3 The design, installation and maintenance of plumbing systems shall conform to the BC Plumbing Code.

## **PART 18: FARM BUILDINGS**

- 18.1 Despite section 3.1 and 5.1, building permit fees and inspections do not apply to the following buildings:
- (a) *Low human occupancy farm buildings or structures* less than 20 m<sup>2</sup> (215 ft<sup>2</sup>);
  - (b) *Unenclosed hay storage structures* or animal shelters less than 600 m<sup>2</sup> (6,458 ft<sup>2</sup>);
  - (c) Greenhouses up to 190 m<sup>2</sup> (2045 ft<sup>2</sup>) used for the production of agricultural and horticultural produce or feeds
- located on land classed as "farm" under the *Assessment Act* for a *bona fide agricultural operation* on the date on which the application was made. *Farm buildings* must be constructed and sited in compliance with all applicable bylaws, enactments and regulations affecting the property.
- 18.2 Subject to the bylaws and orders and requirements contained herein, the *Building Official* may issue a *building permit* for the erection or placement of a *farm building* if
- (a) The *building or structure* is a *bona fide farm building* located on land classed as "farm" under the *Assessment Act* that are designed for "low human occupancy" which fall outside the parameters of section 18.1; and

- (b) The *building* or *structure* is located in compliance with the Regional District's zoning bylaw and built in compliance with the *Building Code* or the *National Farm Building Code of Canada*.<sup>5</sup>

18.3 An application with respect to a *building* or *structure* referred to in sections 18.1 and 18.2 must be made in the prescribed form and signed by the *owner* or *agent*, or a signing officer if the owner is a corporation and must include:

- (a) Plans and supporting documents showing the location and *building* height of the *building* or *structure* on the parcel;
- (b) Plans and supporting documents showing construction details of the *building* or *structure*;
- (c) A statement by the *owner* indicating the intended use;
- (d) Plans and supporting documents showing the proposed parking and loading space (if applicable);
- (e) be accompanied by the *owner's* acknowledgment of responsibility and undertaking made in the prescribed form and signed by the *owner*, or a signing officer if the *owner* is a corporation; and
- (f) include a copy of a title search for the relevant property made within 30 days of the date of the *permit* application

### **Inspections**

18.4 Despite section 10.33, the *owner* must give at least 48 hours' *notice* to the Regional District when requesting an inspection and must obtain a inspection and receive a *Building Official's* written acceptance of the following aspects of the work prior to concealing them:

- (a) Verification of siting – before concrete is poured or construction commences;
- (b) Verification of use when the *building* or *structure* is substantially complete.

18.5 A *Building Official* may attend periodically at the site of the construction to ascertain whether the work is being carried out in substantial conformance with this bylaw and the *building permit*.

### **Permit Fees**

18.6 Before receiving a *building permit* for a *farm building* or *structure*, the *owner* must first pay to the Regional District the building permit fee pursuant to the RDOS Fees and Charges Bylaw.

18.7 A *permit fee* for a *farm building* or *structure* is not refundable.

## **PART 19: CLIMATIC DATA**

19.1 The climatic data for the design of *buildings* and *structures* are set out in the attached Appendix A. The *Building Official* shall determine the applicable zone in respect of any particular *building* location.

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<sup>5</sup> Bylaw No. 2805.03

## PART 20: OFFENCES

### Violations

- 20.1 Without limiting Part 4 of this bylaw, every person who
- (a) Violates a provision of this bylaw;
  - (b) Permits, suffers or allows any act to be done in violation of any provision of this bylaw; and
  - (c) Neglects to do anything required to be done under any provision of this bylaw,
- commits an offence and on summary conviction by a court of competent jurisdiction, the person is subject to a fine of not more than \$10,000, or a term of imprisonment not exceeding three months, or both, in addition to the costs of prosecution. Each day during which a violation, contravention or breach of this bylaw continues is deemed to be a separate offence.
- 20.2 Every person who fails to comply with any order or notice issued by a *Building Official*, or who allows a violation of this bylaw to continue, contravenes this bylaw.
- 20.3 Every person who commences work requiring a *building permit* without first obtaining such a *permit* must, if a Stop Work notice is issued and remains outstanding for 30 days, pay an additional fee as outlined in Section 10.15 of this bylaw.

### Deemed Offence

- 20.4 An *owner* is deemed to have knowledge of and be liable under this bylaw in respect of any construction on the parcel the *owner* owns and any change in the use, *occupancy* or both of a *building* or *structure* or part of a *building* or *structure* on that parcel.
- 20.5 No person is deemed liable under section 20.4 who establishes, on a balance of probabilities, that the construction or change of use or *occupancy* occurred before he or she became the *owner* of the parcel.
- 20.6 Nothing in section 20.5 affects
- (a) The Regional District's right to require and the *owner's* obligation to obtain a *permit*; and
  - (b) The obligation of the *owner* to comply with this bylaw.

### Ticketing

- 20.7 The offences in Schedule A, Appendix 5(A) of the RDOS Bylaw Enforcement Bylaw No. 2507 are designated for enforcement.
- 20.8 The following persons are designated as bylaw enforcement officers for enforcing the offences in the Bylaw Enforcement Notice Bylaw:
- (a) *Building Officials*,
  - (b) and persons designated by the Regional Board as Bylaw Enforcement Officers.

### Notice on Title

- 20.9 Where the Regional District has caused a notice to be filed on the title of a property in accordance with Section 57 of the Community Charter, the notice may be removed provided:

- (a) The owners has obtained a new permit for the correction of the deficient construction;
- (b) The deficient construction has been corrected and completed so that the conditions which gave rise to the filing of the notice have been rectified; and
- (c) The owner has paid the applicable fee set out in the RDOS Fees and Charges Bylaw.

## **PART 21: INTERPETATION**

21.1 In this bylaw the italicized words and terms have the meanings set out in Section 21.2 of this bylaw.

### **Definitions**

21.2 In this bylaw:

*Accepted* means reviewed by the *Building Official* under the applicable provisions of the *Building Code* and this bylaw;

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

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

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

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

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

*Bona fide Agricultural Operation* means an operation classified as a farm by the Assessor under the *Assessment Act*;

*Building Code* means the *British Columbia Building Code* as adopted by the Minister responsible under provincial legislation, as amended or re-enacted from time to time;

*Building Official* means the person designated in or appointed to that position by the Regional District, and includes a building inspector, plan checker, plumbing inspector, designated or appointed by the Regional District, and for certainty the *Building Official* is the "building inspector" referred to in the *Community Charter* and *Local Government Act*;

*Complex building* means:

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

- v. *Treatment occupancy; or*
- vi. *Post-disaster building,*
- (b) *A building exceeding 600 square metres in building area or exceeding three storeys in building height used for a major occupancy classified as*
  - i. *residential occupancy;*
  - ii. *business and personal services occupancy;*
  - iii. *mercantile occupancy; or*
  - iv. *medium and low hazard industrial occupancy,*

*coordinating registered professional* means a *registered professional* retained pursuant to the *Building Code* to coordinate all design work and field reviews of the *registered professionals* required for a development;

*construct* includes build, erect, install, repair, alter, add, enlarge, move, locate, relocate, reconstruct, demolish, remove, *excavate* or shore;

*constructor* means a person who *constructs*;

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

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

*Farm Buildings* means a *building* or part thereof which

- (a) does not contain a residential occupancy and is
  - i. associated with and located on land dedicated to farming, and
  - ii. used exclusively for the housing of equipment or livestock, or the growing or production, storage or processing of agricultural and horticultural produce or feeds,
- (b) is a stand alone barn, agricultural storage facility, greenhouse or silo located on land dedicated to farming,
- (c) does not include
  - i. covered riding arenas;
  - ii. structures associated with cannabis production;
  - iii. structures associated with the production of manufactured derivatives from agricultural raw materials (wine, sausages, fruit leathers, jams); or
  - iv. structures which may be used for assembly occupancies.

*Farm Building Code* means the National Farm Building Code of Canada as referenced by the *Building Code*.

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

*GHG* means greenhouse gas;

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

*Low Human Occupancy* (as applying to *farm buildings*) means a *occupancy* having an *occupant load* of not more than one person per 40 m<sup>2</sup> (430 ft<sup>2</sup>) of *floor area* during normal use.

*Owner* means the registered *owner* in fee simple, or an *agent* duly authorized by the *owner* in writing in the prescribed form, 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 lessee with authority to build on land;

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

*Pool* means any artificial body of water intended for recreational use and having a surface area exceeding 12 square metres in which the depth of water could attain at least 60 centimetres.

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

*Project* means any construction operation;

*Retaining wall* means a *structure*, or series of structurally interdependent *structures*, exceeding 1.2 metres in height, measured between the elevation of the ground at the lowest and highest points adjacent to the *structure* or any portion of the *structure*, that holds or retains *soil* or other material behind it. Multiple terraced retaining structures at a ratio of less than 2 horizontal to 1 vertical shall be considered a single structure for calculating height;

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

- (a) *residential occupancy*;
- (b) *business and personal services occupancy*;
- (c) *mercantile occupancy*;
- (d) *medium hazard industrial occupancy*; or
- (e) *low hazard industrial occupancy*,

*structure* means a *construction* or portion of *construction*, of any kind, whether fixed to, supported by or sunk into land or water, except landscaping, fences, paving and retaining *structures* less than 1.22 meters in height;

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

*unenclosed* (as applying to *farm buildings*) means less than 40% of the total perimeter is enclosed by walls, doors or windows;

*value of the work* means that amount that is calculated as follows:

- (a) for construction of a *building* containing a *residential occupancy* that is served by only one stove, or two stoves if permitted as an auxiliary and secondary *residential occupancy*, the greater of
  - i. the declared *value of the work*; or
  - ii. the value calculated pursuant to the RDOS Fees and Charges Bylaw; or
- (b) for all other construction, the greater of
  - i. the declared *value of the work*; or
  - v. the value calculated using a method stipulated in the “Marshall Valuation Service” or “RS Means”.

21.3 In this bylaw the following words and terms having the meanings:

- (a) set out in section 1.4.1.2. of the *Building Code* as of the date of the adoption of this bylaw: *accessible, assembly occupancy, building, building area, building height, business and personal services occupancy, care occupancy, constructor, coordinating registered professional, designer, detention occupancy, excavation, field review, firewall, first storey, grade, high hazard industrial occupancy, industrial occupancy, low hazard industrial occupancy, major occupancy, medium hazard industrial occupancy, mercantile occupancy, occupancy, plumbing system, post disaster occupancy, private sewage disposal system, registered professional, residential occupancy, treatment occupancy, or unsafe condition*;
- (b) subject to this bylaw, set out in the Schedule to the *Community Charter*: *assessed value, highway, land, occupier, parcel, public authority, service and soil*; and
- (c) subject to this bylaw, set out in section 29 of the *Interpretation Act*: *may, must, obligation, person, property, writing, written* and *year*.

21.4 Every reference to this bylaw in this or another bylaw of the Regional District is a reference to this bylaw as amended to the date of the reference.

21.5 Every reference to

- (a) the *Building Code* is a reference to the current edition as of the date of issuance of the *building permit*; and
- (b) a section of the *Building Code* is a reference to the applicable successor sections,

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

21.6 Definitions of words and phrases used in this bylaw that are not included in the definitions in this Part have the meanings commonly assigned to them in the context in which they are used in this bylaw, considering the specialized use of terms with the various trades and professions to which the terminology applies.

## **Appendix**

21.7 Appendix A is attached to and forms part of this bylaw.

## Severability

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

## PART 22: REPEAL

22.1 Building Regulation Bylaw No. 2333, 2005, as amended, is repealed effective July 1, 2019.

22.2 Despite Section 22.1, with respect to a *building permit* issued on or before July 1, 2019, provisions of Bylaw No. 2333, 2005 shall apply as if the bylaw remained in force.

## PART 23: IN FORCE

23.1 This bylaw comes into force on July 1, 2019.

READ A FIRST TIME this 18<sup>th</sup> day of October, 2018.

READ A SECOND TIME this 23<sup>rd</sup> day of May, 2019.

READ A THIRD TIME this 23<sup>rd</sup> day of May, 2019.

ADOPTED by two-third vote this 23<sup>rd</sup> day of May, 2019.

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Chair

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Chief Administrative Officer

### Appendix A – Climatic Data

Location	Elevation	Design Temperature				Degree Days Below 18°C	15 min rain, mm	One day rain, 1/50, mm	Annual Rain, mm	Moist. Index	Annual Total Prec.	Driving Rain Wind Pressure, Pa, 1/5	Ground Snow Load, kPa, 1/50		Hourly wind pressure		Frost Depth
		January		July 2.5%									Ss	Sr	1/10	1/50	
		2.5%	1%	Dry	Wet												
Town of Osoyoos	285 m	-14	-17	35	21	3100	10	48	275	0.28	310	60	1.1	0.1	0.31	0.4	600 mm
Vaseux, Oliver , Osoyoos, Anarchist Richter Pass	Up to 500 m	-16	-18	33	20	3250	10	48	275	0.28	310	60	1.1	0.1	0.31	0.5	600 mm
Vaseux, Oliver, Osoyoos, Anarchist Richter Pass	500-750 m	-16	-18	33	20	3900	10	48	275	0.28	310	60	2.0	0.1	0.3	0.5	600 mm
Vaseux, Oliver, Osoyoos, Anarchist Richter Pass	750-1000 m	-19	-22	30	20	4400	10	50	320	0.36	500	70	2.9	0.3	0.31	0.4	600 mm
Vaseux, Oliver, Osoyoos, Anarchist Richter Pass	Over 1000 m	-20	-22	29	18	4900	10	50	320	0.36	510	70	4.1	0.3	0.31	0.4	600 mm*
City of Penticton	350	-15	-17	33	20	3350	10	48	275	0.28	300	60	1.3	0.1	0.35	0.45	600 mm
OK Falls, Kaleden & Skaha Lake	Up to 600 m	-16	-18	33	20	3500	10	48	275	0.28	300	60	1.3	0.1	0.4	0.59	600 mm
OK Falls, Kaleden & Skaha Lake	Over 600 m	-16	-18	33	20	3800	10	48	275	0.28	300	60	2.0	0.1	0.4	0.59	600 mm
West Bench/Sage Mesa/Husula	Up to 600 m	-16	-18	33	20	3500	10	48	275	0.28	300	60	1.3	0.1	0.4	0.59	600 mm
Carmi, Falconridge & Twin Lakes	Up to 800 m	-20	-22	31	19	4000	10	50	280	.28	390	60	2.4	0.2	0.35	0.45	600 mm
Carmi, Falconridge & Twin Lakes	Over 800 m	-24	-26	30	19	4350	10	50	280	0.28	430	60	3.1	0.2	0.35	0.45	600 mm
Apex	1840 m	-25	-28	25	19	5850	10	49	200	0.24	580	60	5.5	0.3	0.31	0.40	1200 mm
Naramata, Summerland North & Faulder	Up to 600 m	-18	-20	31	19	3700	10	48	275	0.28	300	60	2.0	0.2	0.34	0.45	600 mm
Naramata, Summerland North & Faulder	600-800 m	-20	-22	31	19	3800	10	50	280	0.28	360	60	2.2	0.2	0.35	0.45	600 mm

Location	Elevation	Design Temperature				Degree Days Below 18°C	15 min rain, mm	One day rain, 1/50, mm	Annual Rain, mm	Moist. Index	Annual Total Prec.	Driving Rain Wind Pressure, Pa, 1/5	Ground Snow Load, kPa, 1/50		Hourly wind pressure		Frost Depth
		January		July 2.5%									Ss	Sr	1/10	1/50	
		2.5%	1%	Dry	Wet												
Naramata, Summerland North & Faulder	Over 800 m	-24	-26	30	19	4200	10	50	280	0.28	410	60	2.8	0.2	0.35	0.45	600 mm
Town of Princeton	655	-24	-29	33	19	4250	10	43	235	0.35	350	80	2.9	0.6	0.28	0.36	600 mm
Princeton area	Up to 850 m	-24	-29	33	19	4250	10	43	235	0.35	350	80	2.9	0.6	0.28	0.36	600 mm
Allison Lake, Tulameen, Coalmont, Chain Lakes, Osprey Lake, Missezula	850-950 m	-24	-29	29	19	4500	10	43	235	0.35	350	80	3.6	0.6	0.28	0.36	600 mm
Allison Lake, Tulameen, Coalmont, Chain Lakes, Osprey Lake, Missezula	950-1100 m	-24	-29	29	19	4700	10	45	260	0.37	500	80	4.4	0.6	0.29	0.37	600 mm
Eastgate, Pasayten Valley, Kennedy Lake	1100 m	-24	-29	29	19	4600	10	45	290	0.39	500	80	4.4	0.6	0.29	0.37	600 mm*
Headwaters/ Elkhart	1300 m	-24	-29	28	19	5000	10	45	220	0.25	490	60	4.2	0.3	0.31	0.41	1200 mm
Manning Park*	Up to 1200 m	-23	-26	29	19	5000	9	90	500	0.63	1200	120	6.8	0.7	0.39	0.50	1200 mm

**NOTE:** For areas and/or elevations not specifically mentioned in Schedule A, the Ground Snow load shall be determined by the **Building Official**.

**Climate zones:**

**Zone 5 – 3000 to 3999 HDD**

**Zone 6 - 4000 to 4999 HDD**

**Zone 7A – 5000 to 5999 HD**

