



## **REGIONAL DISTRICT OF CENTRAL OKANAGAN**

### **BUILDING REGULATION BYLAW NO. 1482, 2021**

A bylaw for the administration of the building code and regulation of construction.

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**REGIONAL DISTRICT OF CENTRAL OKANAGAN**  
**BYLAW NO. 1482, 2021**

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Being a bylaw for administration of the building code and regulation of construction.

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WHEREAS the Regional District provides a building regulation service in Central Okanagan West Electoral Area and Central Okanagan East Electoral Area;

AND WHEREAS the Regional Board may by bylaw regulate, prohibit and impose requirements in respect to buildings and structures for the following:

- the provision of access to a building or other structure, or to part of a building or other structure, for a person with disabilities;
- the conservation of energy or water;
- the reduction of greenhouse gas emissions; and
- the health, safety or protection of persons or property;

AND WHEREAS 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*;

NOW THEREFORE THE REGIONAL DISTRICT OF CENTRAL OKANAGAN IN OPEN MEETING ASSEMBLED ENACTS AS FOLLOWS:

**PART 1 – TITLE**

- 1.1 This bylaw may be cited as “Regional District of Central Okanagan Building Regulation Bylaw No. 1482, 2021”.

**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 requirements in regard to *construction* 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*, *building regulation*, 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 Central Okanagan West Electoral Area and Central Okanagan East Electoral Area of the Regional District and to land, the surface of water, air space, *buildings* or *structures* in the Electoral Areas.
- 3.2 This bylaw applies to the design, *construction* or *occupancy* of new *buildings* or *structures*, and the *alteration*, reconstruction, demolition, removal, relocation or occupancy or change of use or occupancy of *existing buildings* and *structures*.
- 3.3 This bylaw does not apply to
  - (a) except as set out in Part 11 [*Retaining Walls*] and Part 15 [*Swimming Pools*] of this bylaw, a fence;
  - (b) an accessory *building* with a floor area of less than 10m<sup>2</sup>;
  - (c) a trellis, an arbour, a wall supporting soil that is 1.5 metres or less in height, or other similar landscape *structures*;
  - (d) decks or patios which are less than 600mm from the ground or finished grade, which are not attached to a building and have no walls or roofs;
  - (e) a dock or wharf, except where a building is constructed on a dock or wharf;
  - (f) a *building* or *structure* commonly known as “Canadian Standards Association Z240 MH series, Z241 series or A277 series”, except as regulated by the building code;
  - (g) site services for a bare land strata under the *Strata Property Act*; and
  - (h) areas outside of Central Okanagan West Electoral Area and Central Okanagan East Electoral Area.

### **Limited Application to Existing Buildings**

- 3.4 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.
- 3.5 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 13 applies to *building* moves.
- 3.6 If an *alteration* is made to an *existing building*, the *alteration* must comply with this bylaw, *building code* and *building regulation* and the entire building must be made to comply with this bylaw, *building code* and *building regulation*, but only to the extent necessary to address any new infractions introduced in the remainder of the building as a result of the *alteration*.
- 3.7 If an *alteration* creates an *addition* to an *existing building*, the *alteration* or *addition* must comply with this bylaw, *building code* and *building regulation* and the entire building must be made to comply with this bylaw, *building code* and *building regulation* 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*, *building regulation*, 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 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*, *building regulation* and all other applicable codes, standards and enactments;
  - (b) constitute a representation, warranty, assurance or statement that the *building code*, *building regulation*, 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 or 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*, *building regulation*, this bylaw, and all other applicable codes, standards and enactments.

## **PART 6 – POWERS OF A BUILDING OFFICIAL**

### **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, the *building code*, and *building regulation*; 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, the *building code*, and *building regulation*.

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

- 6.3 A *building official* may refuse to issue a *permit* if
- (a) the proposed work will contravene the requirements of the *building code*, *building regulation* or the provisions of this or any other bylaw of the Regional District; or
  - (b) the information submitted with the application is incorrect
- and must state the reason in writing.
- 6.4 A *building official* may revoke a *permit* if
- (a) the permit was issued on the basis of incorrect information supplied by the applicant;
  - (b) the permit was issued in error;
  - (c) there is a violation of:
    - i. a condition under which the *permit* was issued; or
    - ii. a requirement of the *building code*, *building regulation* or of this or another bylaw of the Regional District,
- and such *permit* revocation must be made in writing and sent to the *permit* holder.

## 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.

## 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*, *building regulation* 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 Regional District land, including public and park land, 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*, *building regulation* 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
- (a) within the time ordered, or
  - (b) 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 wood-burning appliance or chimney, whether attached to, part of or detached from a *building*;
  - (f) 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*, *building regulation*, the requirements of this bylaw and the conditions of a *permit*, and must not omit any work required by the *building code*, *building regulation*, 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 Regional District inspection reports, 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 form attached as Appendix B, where required by the *building official*.
- 7.4 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, post the *permit* sign on the property so that it may be easily read from the public highway from which the property is accessed.

### **Damage to Regional District Works and Services**

- 7.5 Every *owner* to whom a *permit* is issued is responsible for the cost to repair any damage to Regional District works and services or land that occurs during and arises directly or indirectly from the work authorized by the *permit*.

- 7.6 In addition to payment of a security deposit referred to under sections 10.9 to 10.13 and specified in the Fees and Charges Bylaw, 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 Regional District land, including public and park land, or works located on Regional District land, including public and park land, arising directly or indirectly from work for which a *permit* was issued.

## **Demolition**

- 7.7 Prior to obtaining a *permit* to demolish a *building* or *structure*, the *owner* must
- (a) provide a vacancy date to the Regional District;
  - (b) pay applicable disconnection fees as set out in the Regional District's bylaws governing waterworks and sewer; and
  - (c) ensure that all local government works and services and other services are capped and terminated at the property line in a Regional District standard inspection chamber and valve arrangement.
- 7.8 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, and that the site of the demolition will be left in a neat condition and compatible with the form and character of the neighbouring properties to the satisfaction of the *building official*.

## **Notice**

- 7.9 Every *owner* must, at least 48 hours prior to commencing work at a building site, give written notice to a *building official* of the date on which the owner intends to begin such work.
- 7.10 Every *owner* must give written notice to a *building official* of any change in or termination of engagement of a *registered professional*, including a registered professional of record and a *coordinating registered professional*, during construction, within 24 hours of when the change or termination occurs.
- 7.11 If an *owner* or a *registered professional* terminates the engagement of a *registered professional*, including a registered professional of record and 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 registered professional of record and a *coordinating registered professional*, and has delivered to a *building official* new letters of assurance.
- 7.12 Without limiting sections 10.30 to 10.46, every *owner* must give at least 48 hours' written notice to a *building official*
- (a) of intent to do 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 work has been completed so that a final inspection can be made.
- 7.13 Every *owner* must give notice in writing to a *building official* and pay the non-refundable Permit Transfer Fee set out in the Fees and Charges Bylaw immediately upon any change in ownership which occurs prior to the issuance of an *occupancy permit*.
- 7.14 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 done in compliance with all requirements of the *building code*, *building regulation*, 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 issuance of a building permit for a *complex building*;
  - (b) the pre-occupancy site review coordinated by the *coordinating registered professional* or other *registered professional* for a *complex building*; or
  - (c) 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 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*;
  - (c) except for garages, carports and garden structures, *foundation* and *excavation* components of new *simple buildings* and *additions* greater than 55m<sup>2</sup> to *simple buildings* in accordance with the *building code*;
  - (d) for a *building* that is designed with common egress systems for the occupants and requires the use of *firewalls* in accordance with the *building code*;
  - (e) prior to *alterations* to a *building*, or to a structural component of a *building* described in paragraph (b);
  - (f) 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*;
  - (g) 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 of the *building code*; and
  - (h) 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 Without limiting sections 9.3(a) through (h), when a *building official* considers the size, conditions, or complexity of a development or an aspect of a development warrants it, the *building official* may require that a *qualified professional* provide to the Regional District *written assurance*.
- 9.5 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 and at the discretion of the building official, a peer review may be required prior to the acceptance of any design or field reviews conducted by a registered professional.

## Professional Plan Certification

- 9.6 The letters of assurance in the form of Schedules A and B as referred to in the *building code* and in this Part, and the *written assurance* referred to in this Part, 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, and items addressed in the written assurance, if applicable, comply with the *building code*, *building regulation*, this bylaw and other applicable enactment.
- 9.7 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*.
- 9.8 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 qualified professional's *written assurance*, if applicable, and also the certification of the *registered professional*, *registered professional of record*, and *coordinating registered professional* that the professional design and plans submitted in support of the application for the building permit comply with the *building code*, *building regulation*, 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*, *registered professional of record*, and *coordination registered professionals*.
- 9.9 If a building *permit* is issued for construction involving *registered professionals*, the *permit* fee is to be reduced as prescribed within the Fees and Charges bylaw.

## 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 Alternative Solution Fee specified in the 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 plans or rural land use bylaw 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 determine that the building site is safe and will not be affected by flood water caused by surface run-off or otherwise, or by other hazards;
- (e) the *owner* must, if applicable, obtain elevation and construction requirements relative to provincial floodplain restrictions from the Ministry of Environment and Climate Change Strategy;
- (f) 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*;
- (g) 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;
- (h) 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 alternate water supply system; and
- (i) 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 provided by the Regional District and signed by the *owner*, or a signing officer if the *owner* is a corporation or a society;
- (b) be accompanied by payment of all applicable application fees as prescribed in the Fees and Charges bylaw;
- (c) be accompanied by the *owner's* acknowledgement of responsibility and undertaking made in the form attached as Appendix B to this bylaw and signed by the *owner*, or a signing officer if the *owner* is a corporation or a society;
- (d) include a copy of a title search and any referenced covenants and statutory rights of way for the relevant property made within 30 days of the date of the *permit* application;
- (e) 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;

- (f) include a copy of a survey plan prepared by a British Columbia land surveyor;
- (g) 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 of top of bank and watercourses;
  - xviii. access routes for firefighting;
  - xix. *accessible* paths of travel from the street to the *building*;
  - xx. 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*;

- (h) 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;
- (i) include a cross-section through the *building* or *structure* in sufficient detail and locations to illustrate *foundations*, drainage, ceiling heights and constructions systems;
- (j) 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, rural land use bylaw, and any issued development permits;
- (k) include cross-sectional details drawn at an appropriate scale and at sufficient locations to illustrate that the *building* conforms to the *building code*, *building regulation*, and other enactments respecting health, safety and protection of persons and property;
- (l) 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*;
- (m) 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;
- (n) 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 or a society, and the *coordinating registered professional*;
- (o) 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*;
- (p) include two sets of drawings at a suitable scale of the design prepared by each *registered professional* containing the information set out in (h) to (l) of this section; and
- (q) include illustration of any slopes on the subject parcel that exceed 30%;
- (r) include all documentation required by Regional District policies and procedures, as amended from time to time.

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 Subdivision Servicing Bylaw;

- (b) a section through the site showing grades, *buildings*, *structures*, parking areas and driveways; and
- (c) any other information required by the *building official* or the *building code* to establish substantial compliance with this bylaw, the *building code*, *building regulation*, 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 or a society;
- (b) be accompanied by payment of all applicable application fees as prescribed in the Fees and Charges bylaw;
- (c) be accompanied by the *owner's* acknowledgment of responsibility and undertaking made in the form attached as Appendix B and signed by the *owner*, or a signing officer if the *owner* is a corporation or a society;
- (d) include a copy of a title search and any referenced covenants and statutory rights of way for the relevant property made within 30 days of the date of the *permit* application
- (e) 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;
- (f) include a site plan, drawn to scale, 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 elevation;
  - 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 of top of bank and watercourses;
- xvii. access routes for firefighting;
- xviii. *accessible* paths of travel from the street to the *building*;
- xix. zoning compliance summary; and
- xx. 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 flood 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*;

- (g) 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;
- (h) include a cross-section through the *building* illustrating *foundations*, drainage, ceiling heights and construction systems;
- (i) 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*, *building regulation* and to illustrate that the *building* or *structure* conforms with the Regional District zoning bylaw, rural land use bylaw, and any issued development permits;
- (j) 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*, *building regulation* and other enactments respecting health, safety and protection of persons and property;
- (k) 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;
- (l) 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*;
- (m) include geotechnical letters of assurance, in addition to a required geotechnical report, if the *building official* determines that the site conditions so warrant;
- (n) include two sets of drawings at a suitable scale of design including the information set out in (g) to (j) of this section;

- (o) include a *building code* and *building regulation* 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*; and
- (p) include all documentation required by Regional District policies and procedures, as amended from time to time.

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 1,000m<sup>2</sup>;
- (b) two or more buildings that will contain four or more dwelling units; or
- (c) otherwise if the complexity of the proposed *building* 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, geotechnical, 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 of record and *coordinating registered professional*; and
- (h) *written assurance*, if applicable, and 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*.

### Site and Location Information

10.6 Without limiting sections 10.2(g) or 10.4(f) 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**

10.7 Before receiving a *building permit* for a *building* or *structure*, the *owner* must first pay to the Regional District

- (a) the *building permit* fee prescribed in the Regional District's Fees and Charges Bylaw, as amended from time to time; and
- (b) 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*.

10.8 The building application fee shall be credited against the building permit fee when the permit is issued.

### **Security Deposit with Building Permit Application**

10.9 An applicant for a *building permit* must pay to the Regional District, at the time of issuance of the permit, the applicable security deposit as identified in the Regional District's Fees and Charges Bylaw.

10.10 The security deposit required in section 10.9 of this Part

- (a) covers the cost borne by the Regional District to maintain, restore or replace any public works or Regional District lands, including public and park lands, which are destroyed, damaged or otherwise impaired in the carrying out of the work referred to in any *building permit* held by the applicant;
- (b) covers the cost borne by the Regional District to make the site safe if the *permit* holder abandons or fails to complete the *work* as designated on the *permit*;
- (c) serves as the security deposit for provisional occupancy when the final inspection notice makes provision for a security deposit; or
- (d) serves as a security deposit to effect compliance with any condition under which the permit was issued.

10.11 The security deposit or applicable portion must be returned to the applicant

- (a) when the *building official* is satisfied that no further damage to public works or Regional District lands, including public and park lands, will occur;
- (b) when the inspections required by this bylaw are complete and acceptable to the *building official*; and
- (c) when the conditions of the permit or provisions of a provisional certificate of *occupancy* are completed to the satisfaction of the *building official*.

only if the applicant has requested the return of the security.

- 10.12 Any credit greater than the amount of the security deposit used by the Regional District for the purposes described in sections 10.9 to 10.11 of this Part will be returned to the *permit* holder unless otherwise so directed by the *permit* holder. Any amount in excess of the security deposit required by the Regional District to complete corrective work to Regional District lands, including public and parkland, public works, or the site is recoverable by the Regional District from the *permit* holder, the *constructor* or the *owner* of the property.
- 10.13 If the proposed work includes *excavation* or construction on lands within 10 metres of works or services owned by the Regional District, the *owner* must deliver to the *building official* a signed agreement in a form prescribed by the Regional District's Public Works Superintendent under which the *owner* acknowledges and agrees that any damage to local government works or services arising from the construction associated with the *building permit* will be repaired by the *owner* at its expense and to the satisfaction of the Public Works Superintendent, and the *owner* must deposit with the Regional District security in accordance with sections 10.9 to 10.12 of this Part.

#### **Permit Fee Refunds**

- 10.14 No fee or part of a fee paid to the Regional District may be refunded if construction of the *building* has started.
- 10.15 A *building permit* or other *permit* fee may be partially refunded as set out in the Fees and Charges Bylaw, 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.
- 10.16 A *building permit* or other *permit* fee is not refundable after the *permit* has been extended under section 10.47 of this Part.

#### **Design Modification**

- 10.17 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 the plan review fee as set out in the Fees and Charges Bylaw.

#### **Construction Before Permit Issued**

- 10.18 The *building permit* or other *permit* fee is doubled for every *permit* application if construction commenced before the *building official* issued a *permit*, in accordance with the Regional District's Fees and Charges Bylaw.

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

- 10.19 A *building permit* application expires on the date indicated in the permit, and if there is no such date, 180 days from the date a complete application is received under this Part if the *building permit* is not issued by the application expiration date, unless the *permit* is not issued only due to delays caused by the Regional District.

### **Issuance of a Building Permit**

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 10.7 to 10.18 of this Part and the 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; and
- (f) 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*.

- 10.21 Despite section 10.20, the *building official* may refuse to issue a *permit* when the *owner* has been notified of a violation of this bylaw about the construction of another *building* or *structure* by the *owner*.

### **Compliance with the Homeowner Protection Act**

- 10.22 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.

- 10.23 Section 10.22 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*.

- 10.24 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

- 10.25 If a site has been *excavated* under a *building permit* issued under this bylaw and the subsisting *building permit* has expired under section 10.47, 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.
- 10.26 If a *building permit* has been cancelled, revoked or has expired with no extension requested of the building official under section 10.48, and partial construction has progressed, permanent type fencing with privacy screen complying with the Regional District zoning bylaw or rural land use bylaw, must be erected around the *building* site for protection of the public.

## Conditions of a Building Permit

- 10.27 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 set out in the Fees and Charges Bylaw. The transfer or assignment of a *building permit* is not an extension of a *building permit*.
- 10.28 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

- 10.29 If a *registered professional* provides letters of assurance in accordance with this Part, 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 construction substantially conforms to the design, plans and specifications and that the construction complies with the *building code*, *building regulation*, this bylaw and other applicable enactments respecting health and safety and the protection of persons and property.
- 10.30 Despite section 10.29 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*.
- 10.31 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 official's* written acceptance of the following aspects of the work prior to concealing them
- (a) after demolition, the grading of and removal of debris from the site;
  - (b) foundation and footing forms, before concrete is poured or the placement of permanent wooden footings;
  - (c) prior to inspection under section 10.31(g), plumbing located below the finished slab level;

- (d) After installation of foundation drains, damp-proofing and drain rock, but prior to backfilling against the foundation. Approvals for installation of perimeter drains are subject to completion of backfilling within 24 hours of inspection;
- (e) When any pipes in a plumbing system or when plumbing appurtenances are installed in a location where they could be covered at a later stage of construction;
- (f) the preparation of ground, including ground cover when required, perimeter insulation on inside of concrete foundation walls and reinforcing steel;
- (g) after inspection under section 10.31(g) hydronic heating pipes and below slab insulation;
- (h) installation of rough-in plumbing when complete and under test;
- (i) installation of building services;
- (j) rough in of factory built chimneys and fireplaces and solid fuel burning appliances;
- (k) framing, sheathing, fire stopping (including drywall in fire separations), bracing, chimney and ductwork, rough wiring, rough plumbing, rough heating, gas venting, exterior doors and windows;
- (l) insulation and vapour barrier;
- (m) construction of an exterior deck if the deck serves as a roof;
- (n) on-site constructed tubs or showers and tub or shower trap tests;
- (o) the installation of wall sheathing membrane, externally applied vapour or air barrier, stucco wire or lath, and flashings; and
- (p) the health and safety aspects of the work and the conservation, GHG emission reduction and accessibility aspects of the work when the building or structure is substantially complete, ready for occupancy but prior to occupancy.

10.32 Additional inspections may be required for the following cases:

- (a) Temporary buildings and structures in accordance with Part 11 of this bylaw;
- (b) Retaining walls and grades in accordance with Part 12 of this bylaw;
- (c) Building moves in accordance with Part 13 of this bylaw;
- (d) Swimming pools and swimming pool fences in accordance with Part 15 of this bylaw;
- (e) Manufactured home parks, campgrounds, and RV parks in accordance with Part 16 of this bylaw.

10.33 A *building official* may only carry out an inspection under sections 10.31 and 10.32 if the *owner* or the *owner's agent* has requested the inspection in writing or by phoning the designated inspection line in accordance with this bylaw.

10.34 Despite the requirement for the *building official's* acceptance of the work outlined in sections 10.31 and 10.32, if a *registered professional*, *registered professional of record* or *coordinating registered professional* provides letters of assurance, the Regional District will rely solely on *field reviews* undertaken by the *registered professional*, *registered professional of record* or *coordinating registered professional* and the letters of assurance

submitted pursuant to this bylaw as assurance that the aspects of the construction referenced by those letters of assurance substantially conform to the *design*, plans and specifications and that the construction complies with the *building code*, *building regulation*, this bylaw and other applicable enactments respecting health and safety and the protection of persons and property.

10.35 No person may conceal any aspect of the work referred to in sections 10.32 and 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' notice to the Regional District by emailing or phoning the designated inspection line 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' notice to the Regional District by emailing or phoning the designated inspection line when requesting a pre-occupancy 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 Regional District 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 the conservation, GHG emission and accessibility aspects of the work; and
- (c) cause the *coordinating registered professional*, at least 48 hours prior to the pre-occupancy coordinated site review coordinated by the *coordinating registered professional*, to deliver to the *building official* the Confirmation of Required Documentation described in Appendix C, 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 on the premises whenever it is found that the work is not being performed in accordance with the requirements of the *building code*, *building regulation*, 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 his or her *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 10.38 until the Stop Work Order notice has been removed by the *building official*.
- 10.42 The notice referred to in section 10.37 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 form prescribed by the *building official* 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*, *building regulation* 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 Fees and Charges Bylaw for
- (a) a second and 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 one site visit is required for any required inspection; and
  - (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.

### **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
- (a) the work authorized by the *permit* is not commenced within the date stated in the permit, and if not stated, 180 days from the date of issuance of the *permit*;
  - (b) work is discontinued for a period of time stated in the permit, and if not stated, a period of 180 days; or
  - (c) the work is not completed by the date stated in the permit, and if not stated, within two years of the date of issuance of the *permit*.

## Permit Extension

- 10.47 A *building official* may extend the period set out under section 10.46 for only one period, not to exceed a period of time stated in the permit, and if not stated, 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 at least 30 days prior to the date of *permit* expiration; and
  - (b) the non-refundable permit extension fee set out in the Fees and Charges Bylaw has been paid.

## Building Permit Cancellation

- 10.48 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*.
- 10.49 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".
- 10.50 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".
- 10.51 If a building permit is cancelled prior to its expiry, *building permit* fees will be refunded in accordance with the Fees and Charges Bylaw.

## Occupancy

- 10.52 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*.
- 10.53 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 sections 10.31, 10.32, and 10.36 of 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 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.
- 10.54 When a *registered professional*, *registered professional of record* and *coordinating registered professional* provides letters of assurance, or if applicable, a *qualified professional* provides *written assurance* or a *qualified professional* provides professional certification or a geotechnical report respectively under sections 55 and 56 of the *Community Charter*, as amended from time to time, RDCO will rely solely on the letters of assurance, and if applicable, *written assurance* and professional certification and geotechnical report when issuing a final report authorizing occupancy as assurance that the items identified in the *written assurance*, if applicable, and the letters of assurance, professional certification and geotechnical report substantially comply with the design, the *building code*, *building regulation*, this bylaw and other applicable enactments respecting safety.
- 10.55 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 10.54 have been met with respect to it.

## **PART 11 – TEMPORARY BUILDINGS AND STRUCTURES**

### **Temporary Buildings and Structures**

- 11.1 Subject to the bylaws and orders of the Regional District, the *building official* may issue a *building permit* for the erection or placement of a *temporary building* or *structure* if the *building* or *structure* is located in compliance with the Regional District's *zoning bylaw*, rural land use bylaw, official community plans, *Riparian Areas Protection Regulation*, and the *building* or *structure* is built in compliance with the *building code*, *building regulation*, this bylaw and other enactments respecting health, safety, and protection of property and persons, and connected, if applicable to, as required by enactments, Regional District or other applicable agency utility services.
- 11.2 An application for a *building permit* for the erection or placement of a *temporary building* or *structure* must be made in the form prescribed by the *building official*, signed by the *owner* or *agent*, and must include
- (a) a copy of a title search and any referenced covenants and statutory rights of way for the relevant property made within 30 days of the date of the *permit* application;
  - (b) a statement by the owner indicating the intended use and duration of the use;
  - (c) plans and supporting documents showing the location and building height of the building or structure on the parcel;

- (d) plans and supporting documents showing construction details of the building or structure;
  - (e) plans and supporting documents showing the proposed parking and loading space;
  - (f) a written description of the project explaining why the building is temporary;
  - (g) a copy of an issued development permit, if required;
  - (h) 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;
  - (i) a report or drawing by an professional engineer or architect registered in British Columbia confirming compliance with the *building code*, *building regulation*, this bylaw, the Regional District's zoning bylaw and other applicable enactments, standards, and bylaws;
  - (j) information to ensure *building code* compliance and
  - (k) a security deposit as set out in the Fees and Charges Bylaw.
- 11.3 Notwithstanding Section 11.2, an application for a *building permit* for the placement of a portable container on a parcel is exempt from the requirements specified under section 11.2 (d) to (j).
- 11.4 Before receiving a building permit for a temporary building or structure, the owner must pay to the Regional District the applicable building permit fee set out in the Fees and Charges Bylaw.
- 11.5 A permit fee for a temporary building or structure is non-refundable.

## **PART 12 – RETAINING WALLS AND GRADES**

- 12.1 No person may construct, or structurally repair, a *retaining wall* without a *building permit* under this bylaw where:
- (a) any part of it is greater than 1.5m in height as measured from the bottom of the foundation to the top of the retaining structure;
  - (b) it is located in a riparian area or floodplain area; or
  - (c) it supports a road or lane
- 12.2 Except as certified by a professional engineer with expertise in geotechnical engineering registered in 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.
- 12.3 Without limiting section 12.2, no person may occupy a *building* unless the finished *grade* complies with all applicable enactments.

- 12.4 A *registered professional* shall undertake the design and conduct field reviews of the construction and drainage of a retaining wall greater than 1.5m in height or where a sequence of walls is located closer than 2 horizontal and 1 vertical.
- 12.5 An application for a permit for the construction of a retaining wall must be made in the form prescribed by the *building official*, signed by the *owner* or agent, and must include
- (a) payment of all applicable application fees as prescribed in the Fees and Charges Bylaw;
  - (b) a copy of a title search and any referenced covenants and statutory rights of way for the relevant property made within 30 days of the date of the *permit* application;
  - (c) a copy of a survey plan prepared by a British Columbia land surveyor showing the height and location of the wall, except that the *building official* may waive the requirement for a survey plan, in whole or in part, where conditions warrant;
  - (d) sealed construction details from a *registered professional* for the retaining wall and the proposed method of drainage and final grading; and
  - (e) a letter of assurance in the form of a Schedule B pursuant to the *building code*, signed and sealed by a registered professional.
- 12.6 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.

### **PART 13 – BUILDING MOVE**

- 13.1 No person shall relocate a manufactured home, *building*, *structure* or part thereof into or within the Regional District unless the *owner* or agent has first obtained a building permit for that purpose as provided for in this bylaw.
- 13.2 Notwithstanding section 13.1, the relocation of manufactured homes factory constructed and assembled more than 20 years prior to the date of permit application is prohibited. The year, make, model and serial numbers shall be determined by the CSA Rating Plate and/or the Province of British Columbia Manufactured Home Registry.
- 13.3 A person applying to relocate a manufactured home, building, structure or part thereof shall have the manufactured home, building, structure or part thereof evaluated by the *building official*. The evaluation shall include
- (a) the style and character of the building in relation to the location to which it is to be moved, where there is a residence on an adjacent lot within 100m of the relocated building location;
  - (b) those portions of the building which are visible without removing finishes; and
  - (c) those items listed in sections 13.7 and 13.8 of this bylaw.
- 13.4 Notwithstanding section 13.3, where a mobile home, modular home, or other building is less than five years old, the building evaluation may be waived by the building official.

- 13.5 Every application for a building move shall be in accordance with sections 10.4 and 10.5 of this bylaw, and
- (a) except where certified by a *registered professional*, the building, including its foundation, will substantially comply with the current version of the *building code*; and
  - (b) in the case of a manufactured building, be affixed with a CSA Rating Plate in respect of manufacture providing the year, make, model and serial number and/or the Province of British Columbia Manufactured Home Registry.
- 13.6 A building official may require a report from an accredited restoration company or registered professional with experience in environmental engineering stating that there are no environmental issues or hazards regarding health and safety to occupants prior to issuing a building *permit* to relocate a mobile home, modular home, or other building.
- 13.7 The owner shall upgrade the following items where applicable to meet current *building code* requirements when a mobile home, modular home, or other building is relocated:
- (a) chimneys and fireplaces;
  - (b) any portions of the building in which failure is visibly evident without removing finishes;
  - (c) smoke alarms, carbon monoxide alarms, and fire exit windows;
  - (d) plumbing;
  - (e) required stairs;
  - (f) cladding shall be required and installed in accordance with the appropriate requirements of the *building code*;
  - (g) and the building shall be placed on a permanent foundation, except for mobile homes which are not required to be placed on a permanent foundation.
- 13.8 The owner shall replace the following systems when a mobile home, modular home, or other building is relocated if they are decayed, worn out, or otherwise damaged during the relocation and moving process:
- (a) roofing; and
  - (b) exterior finish or portions of the exterior finish.
- 13.9 A person applying to relocate a building or structure into or within Regional District must pay the fees specified in the Fees and Charges Bylaw.
- 13.10 If the building, structure, or part thereof to be moved is located on a property in the Regional District, then the property must be returned to a safe, clean, and tidy condition within 180 days from the date of issuance of the permit.
- 13.11 A person shall provide a security deposit as prescribed in the Fees and Charges Bylaw, payable to the Regional District, to ensure the *building* or *structure* shall be completely re-erected within 180 days of the date of issuance of the permit and the property from which

the building or structure was removed returned to a safe, clean, and tidy condition. If the *building* or *structure* is not completed within the specified time or the property from which the building or structure was removed returned to a safe, clean, and tidy condition, the *building official* may send a written notice to the *owner* advising that the *building* or *structure* does not comply with this bylaw or other enactment and direct the *owner* to remedy the non-compliance within 30 days of the notice letter. If the non-compliance is not remedied within the period of 30 days, the security shall be forfeited to Regional District.

## **PART 14 – NUMBERING OF BUILDINGS**

- 14.1 A Regional District employee may, 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 and after occupancy, such that the number is visible from an adjacent highway that is not a lane.

## **PART 15 – SWIMMING POOLS**

- 15.1 A person must not construct, or structurally repair, a swimming *pool* without a valid building permit.
- 15.2 In addition to information otherwise required by this bylaw, an application for a permit for the construction of a swimming pool must be made in the form prescribed by the *building official*, signed by the *owner* or agent, and must include
- (a) the application fees specified in the Fees and Charges Bylaw; and
  - (b) a scaled plan showing
    - 15.2.1 the location, enclosure details, depth and dimension of the pool and its structural details; and
    - 15.2.2 all water supply piping, waste piping and appurtenances.

### **Pool Fencing and Gate**

- 15.3 A swimming *pool*, including a spa or hot tub 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 least dimension.
- 15.4 Access through a fence enclosing a swimming pool, spa or hot tub must be only 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, spa, or hot tub side of the gate.
- 15.5 Notwithstanding sections 15.3 and 15.4:
- (a) in lieu of a fence, a spa or a hot tub may be covered with a locking cover, which would prevent unauthorized access to the water;

- (b) a swimming pool which is located above ground and has vertical sides of at least 1.2m may be protected from access by fencing the access ladder to limit access, with a child resistant self-closing and self-latching gate through the fence;
- 15.6 A swimming pool fence or equivalent barrier shall be in place, inspected, and approved prior to placing the water in a swimming pool.

### **Pool Plumbing & Drainage**

- 15.7 Pool plumbing shall be so arranged that pool water cannot enter any water supply line, and once having been drained from the pool, cannot be returned to the pool without filtering, and so that sewage from any sanitary sewer or sewage disposal system cannot enter the pool or the pool filtering system. Pool wastewater shall be drained to a sanitary sewer or system.

### **Leaks and Other Failures**

- 15.8 A person may not obtain a valid and subsisting building *permit* for or use or occupy a swimming pool without first delivering to the *building official* at the time of the building *permit* application an opinion of a *registered professional* that the design of the pool will not cause or result in leaks or other failures of the pool.

### **Maintenance**

- 15.9 A person may not use or occupy a swimming pool, including a spa or hot tub unless the *owner* or occupier of property on or in which a pool, spa or hot tub is located maintains every fence or cover required in Sections 15.3 to 15.5 of this bylaw 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.

## **PART 16 – MANUFACTURED HOME PARKS, CAMPGROUNDS, AND RV PARKS**

- 16.1 Manufactured home parks including modular home parks, mobile home parks, campgrounds, and recreational vehicle parks shall be designed and constructed in accordance with the requirements of all applicable Regional District bylaws.
- 16.2 Manufactured home parks including modular home parks, mobile home parks, campgrounds, and recreational vehicle parks with more than ten pads or stalls shall be designed and constructed under the supervision of a registered professional.
- 16.3 Registered professionals undertaking design and supervision for a modular home park, mobile home park, campground, or recreational vehicle park shall complete all required submissions prior to issuance of the occupancy permit.

## **PART 17 – PLUMBING**

- 17.1 Except as provided in this bylaw, no plumbing shall be installed, altered or repaired until a *permit* to do so has first been obtained under this bylaw.

- 17.2 No *permit* shall be required for the repair of leaks in water pipes or the replacing of plumbing fixtures, provided that such fixtures and the installation thereof conform with all other requirements of this bylaw and the provincial Plumbing Code, or for the removal of stoppages in sewer or drain pipes, provided that clean-outs are utilized for such purpose and it is not necessary to cut any sewer or drain pipe.
- 17.3 No person shall cover or conceal any part of a plumbing system unless it has been firstly approved by the *building official* as set out in section 10.31 of this bylaw.

#### **PART 18 – ON-SITE SERVICES**

- 18.1 On-site services shall be designed and their construction carried out under the supervision of a registered professional.
- 18.2 A registered professional conducting a site services project shall complete required forms prior to the issuance of the occupancy permit.

#### **PART 19 – ACCESS ROUTES FOR FIRE VEHICLES**

- 19.1 Prior to the issuance of a building *permit* for a building under Part 9 of the *building code*, the owner must satisfy the *building official* that the building or structure for which the *permit* is issued will be served by a fire access route that satisfies the Regional District's bylaws.

#### **PART 20 – ENERGY CONSERVATION AND GHG EMISSIONS REDUCTION**

#### **PART 21 – CLIMATIC DATA**

- 21.1 The climatic data for the design of buildings in the Regional District shall be the data listed in the current edition of the building code for Kelowna, British Columbia except
- (a)  $S_s = 1.8 \text{ kPa}$ ,  $S_R = 0.1 \text{ kPa}$
  - (b) for elevations higher than 1,200m above sea level, the ground snow load shall be based on investigations made for that specific site.
- 21.2 The depth of ground cover for frost protection referred to in the building code shall be a minimum of 600mm.

## **PART 22 – OFFENCES**

### **Violations**

- 22.1 Without limiting Part 4 of this bylaw, every person who contravenes, violates or fails to comply with any provision of this bylaw, or who suffers or permits any act or thing to be done in contravention or violation of this bylaw, or who fails or neglects to do anything required by this bylaw, commits an offence and shall be liable upon conviction of a fine of not more than \$10,000 (Ten Thousand Dollars) a term of imprisonment not exceeding three months, or both, in addition to the costs of prosecution and subject to any other penalty or order imposed or remedies available to the Regional District pursuant to the *Local Government Act*, as amended from time to time, *Community Charter*, as amended from time to time, and the *Offence Act*, as amended from time to time. Each day during which a violation, contravention or breach of this bylaw continues is deemed to be a separate offence.
- 22.2 This bylaw may be enforced pursuant to the Bylaw Notice Enforcement Bylaw No. 1326, as amended from time to time, and the Ticket Information and Utilization Bylaw No. 1161, 2006 as amended from time to time.
- 22.3 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.
- 22.4 Every person who commences work requiring a building *permit* without first obtaining such a *permit* must, if a Stop Work Order is issued and remains outstanding for 30 days, pay additional charges as outline in the Regional District's bylaws.

### **Deemed Offence**

- 22.5 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 of use, occupancy* or both of a *building* or *structure* or part of a *building* or *structure* on that parcel.
- 22.6 No person is deemed to liable under section 22.5 who establishes, on a balance of probabilities, that the *construction* or *change of use* or *occupancy* occurred before they became the *owner* the parcel.
- 22.7 Nothing in section 22.5 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.

## **PART 23 – INTERPRETATION**

### **Definitions**

23.1 In this bylaw

**accepted** means reviewed by the *building official* under the applicable provisions of the *building code*, *building regulation* 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;

**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, gas inspector, or electrical 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*;

**building regulation** has the same meaning as defined under the *Building Act*, SBC 2015, c. 2, as amended and re-enacted from time to time, which as of the date of enactment of this building regulation bylaw includes the *Building Code*, BC Reg. 264/2012, as amended and re-enacted from time to time;

**complex building** means:

(a) a *building* used for a *major occupancy* classified as:

- 23.1.1 assembly occupancy;
- 23.1.2 care occupancy;
- 23.1.3 detention occupancy;
- 23.1.4 high hazard industrial occupancy,
- 23.1.5 treatment occupancy; or
- 23.1.6 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:

- 23.1.6.1.1 residential occupancy;
- 23.1.6.1.2 business and personal services occupancy;
- 23.1.6.1.3 mercantile occupancy; or
- 23.1.6.1.4 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;

**Fees and Charges Bylaw** means the Regional District of Central Okanagan Development Application Fees and Charges Bylaw No. 1483, 2021.

**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;

**owner** means the registered *owner* in fee simple, or an *agent* duly authorized by the *owner* in writing in the form attached as Appendix A;

**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 a *structure* or *constructed* depression used or intended to be used for swimming, bathing, wading or diving which is designed to contain water and has a depth at any point, exceeding 0.6 metres, including an in-ground *pool* and hot tub;

**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;

**qualified professional** means:

- (a) an architect,
- (b) an architect certified under section 24 (2) (q.2) of the Architects Act as a specialist in an area of architecture,
- (c) a professional engineer, or
- (d) a professional engineer certified under section 10 (1) (k.2) of the Engineers and Geoscientists Act as a specialist in an area of professional engineering;

**referenced documents** means the documents referred to in section 1.5 (Division A) and section 1.3 (Division B) of the *building code*;

**retaining wall** means a *structure* that holds or retains *soil* or other material behind it;

**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* 1.5m or less in height;

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

**written assurance** means a letter from a *qualified professional* in the form as is appropriate in the circumstances and the *building official* considers warranted other than letters of assurance, which are in the form of Schedules A, B, C-A and C-B referred to in section 2.2.7 (Division C) of the *building code*, that the plans submitted with a permit application, or specified aspects of those plans, with respect to the site conditions, complexity of developments, or aspects of development comply with the *building code*, including design according to good engineering practices as such practices are provided and described in *referenced documents*, including documents referenced within those *referenced documents*, the then current *building regulation* and other applicable enactments respecting health, safety and protection of persons and property.

23.2 In this bylaw the following words and terms have 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, post disaster occupancy, private sewage disposal system, registered professional, registered professional of record, 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*.

23.3 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.

23.4 A reference in this bylaw to any bylaw, policy, or form of the Regional District is a reference to the bylaw, policy, or form as amended, revised, consolidated or replaced from time to time.

- 23.5 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.
- 23.6 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.

### **Appendices**

- 23.7 Appendices A through C are attached to and form part of this bylaw.

### **Severability**

- 23.8 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 24 – REPEAL**

- 24.1 Regional District of Central Okanagan Building Regulation Bylaw No. 835, 1999, and all amendments thereto, are repealed.

READ A FIRST TIME THIS	13 <sup>th</sup>	DAY OF	May	2021
READ A SECOND TIME THIS	13 <sup>th</sup>	DAY OF	May	2021
READ A THIRD TIME THIS		DAY OF		2021
ADOPTED THIS		DAY OF		2021

\_\_\_\_\_  
CHAIRPERSON

\_\_\_\_\_  
DIRECTOR OF CORPORATE SERVICES

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 1482 cited as the “Regional District of Central Okanagan Building Regulation Bylaw No.1482” as adopted by the Regional Board on the \_\_\_\_ day of \_\_\_\_\_, 2021.

Dated at Kelowna this  
day of 2021

\_\_\_\_\_  
DIRECTOR OF CORPORATE SERVICES

## **APPENDIX A – LETTER OF AUTHORIZATION**

To whom it may concern:

Property Address: \_\_\_\_\_

Legal Description: \_\_\_\_\_

I am the owner, as defined in the current “Building Regulation Bylaw”, of the above referenced property and hereby authorize

Representative/Contact: \_\_\_\_\_  
(PRINT)

Telephone: \_\_\_\_\_ Mobile: \_\_\_\_\_

Email: \_\_\_\_\_

to represent me in an application for:

- ☐ Building Permit Application (If Registered Professional is involved, use Appendix B, Owner’s Undertaking)
- ☐ Demolition Permit Application
- ☐ Subtrade Permit

To obtain copies of:

- ☐ Building Permit Plans (Archive Copies)

### **Owner’s Information:**

Name: \_\_\_\_\_  
(PRINT)

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Mobile: \_\_\_\_\_

Email: \_\_\_\_\_

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

This form may be mailed, emailed or delivered in person.

## **APPENDIX B – OWNER’S UNDERTAKING**

Property Address: \_\_\_\_\_

Legal Description: \_\_\_\_\_

Building Permit #: \_\_\_\_\_

1. This undertaking is given by the undersigned, as the owner of the property described above, with the intention that it be binding on the owner and that the Regional District will rely on same.
2. I confirm that I have applied for a building permit pursuant to “Regional District Building Regulation Bylaw No. 1482, 2021” (the “Bylaw”) and that I have carefully reviewed and fully understand all of the provisions of the Bylaw and in particular, understand, acknowledge and accept the provisions describing the purpose of the Bylaw, the conditions under which permits are issued, the disclaimer of warranty or representation and the limited extent of the scope of the Bylaw and inspections thereunder.
3. Without in any way limiting the foregoing, I acknowledge fully that it is my responsibility to ensure compliance with the Building Code and the Bylaw whether any work to be performed pursuant to the permit applied for is done by me, a contractor or a registered professional.
4. I am not in any way relying on the Regional District or its building officials, as defined under the Bylaw, to protect the owner or any other persons as set out in Part 2 of the Bylaw and I will not make any claim alleging any such responsibility or liability on the part of the Regional District or its building officials.
5. I hereby agree to indemnify and save harmless the Regional District and its employees from all claims, liability, judgments, costs and expenses of every kind which may result from negligence or from the failure to comply fully with all bylaws, statutes and regulations relating to any work or undertaking in respect of which this application is made.
6. I am authorized to give these representations, warranties, assurance and indemnities to the Regional District.

### **Owner’s Information:**

Name: (print) \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Mobile: \_\_\_\_\_ Fax: \_\_\_\_\_

Email: \_\_\_\_\_

This undertaking is executed by the owner this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

<b>1. Where owner is an <u>individual</u></b>	<b>Signed, sealed and delivered in the presence of:</b>
Owner's Signature:	Witness Signature
Owner's Name:	Witness Name
	Witness Address

<b>2. Where owner is a <u>corporation</u></b>	<b>Signed, sealed and delivered in the presence of:</b>
Name of Corporation	Witness Signature
Authorized Signature	Witness Name
Name	Witness Address

<b>3. Where owner is a <u>partnership</u></b>	<b>Signed, sealed and delivered in the presence of:</b>
Name of Partnership	Witness Signature
Authorized Signature	Witness Name
Name	Witness Address

<b>3. Where owner is a <u>society</u></b>	<b>Signed, sealed and delivered in the presence of:</b>
Name of Society	Witness Signature
Per:  Authorized Signatory	Witness Name
Print Name	Witness Address

## **APPENDIX C – CONFIRMATION OF REQUIRED DOCUMENTATION**

Building Permit Number: \_\_\_\_\_

*Note:*

1. *The Confirmation of Required Documentation and all required documentation must be submitted to the Chief Building Inspector 48 hours prior to the Pre-Occupancy Coordinated Review.*
2. *The Confirmation of Required Documentation and all required documentation must be submitted in a tabbed ringed binder, with tab sections as per this Appendix.*

	<div style="writing-mode: vertical-rl; transform: rotate(180deg);">Provided</div>	<div style="writing-mode: vertical-rl; transform: rotate(180deg);">N/A</div>	
TAB 1	<input type="checkbox"/>	<input type="checkbox"/>	CONFIRMATION OF REQUIRED DOCUMENTATION
TAB 2	<input type="checkbox"/>	<input type="checkbox"/>	DIRECTORY OF PRINCIPALS (Role /Firm /Name /Telephone)
	<input type="checkbox"/>	<input type="checkbox"/>	Owner
	<input type="checkbox"/>	<input type="checkbox"/>	Co-ordinating Registered Professional
	<input type="checkbox"/>	<input type="checkbox"/>	Registered Professionals
	<input type="checkbox"/>	<input type="checkbox"/>	Warranty Provided
	<input type="checkbox"/>	<input type="checkbox"/>	Licensed Builder
	<input type="checkbox"/>	<input type="checkbox"/>	Sub-Contractors
TAB 3	<input type="checkbox"/>	<input type="checkbox"/>	LETTERS OF ASSURANCE (A, B, C-A, C-B)
	<input type="checkbox"/>	<input type="checkbox"/>	Co-ordinating Registered Professional
	<input type="checkbox"/>	<input type="checkbox"/>	Architectural
	<input type="checkbox"/>	<input type="checkbox"/>	Structural
	<input type="checkbox"/>	<input type="checkbox"/>	Mechanical
	<input type="checkbox"/>	<input type="checkbox"/>	Plumbing
	<input type="checkbox"/>	<input type="checkbox"/>	Electrical
	<input type="checkbox"/>	<input type="checkbox"/>	Geotechnical Temporary
	<input type="checkbox"/>	<input type="checkbox"/>	Geotechnical Permanent
	<input type="checkbox"/>	<input type="checkbox"/>	Fire Suppression
	<input type="checkbox"/>	<input type="checkbox"/>	_____ (other)

TAB 4	<input type="checkbox"/>	<input type="checkbox"/>	PROFESSIONAL REVIEW LETTERS
	<input type="checkbox"/>	<input type="checkbox"/>	Alternative Solution (Confirmation of Field Review – sealed)
	<input type="checkbox"/>	<input type="checkbox"/>	Site Services – Civil Engineer
	<input type="checkbox"/>	<input type="checkbox"/>	Building Envelope Specialist
	<input type="checkbox"/>	<input type="checkbox"/>	Roofing Consultant
	<input type="checkbox"/>	<input type="checkbox"/>	Generator Test Report / Certificate
	<input type="checkbox"/>	<input type="checkbox"/>	(Other - specify) _____
	<input type="checkbox"/>	<input type="checkbox"/>	(Other - specify) _____
TAB 5	<input type="checkbox"/>	<input type="checkbox"/>	FIRE ALARM
	<input type="checkbox"/>	<input type="checkbox"/>	Fire Alarm Verification Certificate (include field work sheets)
	<input type="checkbox"/>	<input type="checkbox"/>	Letter of Signed Contract from ULC Listed Monitoring Agency
TAB 6	<input type="checkbox"/>	<input type="checkbox"/>	SPRINKLER SYSTEMS
	<input type="checkbox"/>	<input type="checkbox"/>	Material and Test Certificate – Above ground piping
	<input type="checkbox"/>	<input type="checkbox"/>	Material and Test Certificate – Underground piping
	<input type="checkbox"/>	<input type="checkbox"/>	Fire Pump Test Report
TAB 7	<input type="checkbox"/>	<input type="checkbox"/>	PROVINCIAL APPROVALS
	<input type="checkbox"/>	<input type="checkbox"/>	Certificate to Operate Elevating Device (one per each device)
	<input type="checkbox"/>	<input type="checkbox"/>	Health Approval (on-site sewage disposal)
	<input type="checkbox"/>	<input type="checkbox"/>	Health Approval (food services)
TAB 8	<input type="checkbox"/>	<input type="checkbox"/>	REGIONAL DISTRICT APPROVALS
	<input type="checkbox"/>	<input type="checkbox"/>	Sprinkler Permit – Pre-occupancy Co-ordinated Review
	<input type="checkbox"/>	<input type="checkbox"/>	Fire Department Acceptance (Fire Safety Plan)
	<input type="checkbox"/>	<input type="checkbox"/>	Final Inspection (Building Inspector– pre-occupancy review)
	<input type="checkbox"/>	<input type="checkbox"/>	Developmental Engineering Final Inspection
	<input type="checkbox"/>	<input type="checkbox"/>	Planning Technicians Final Inspection
TAB 9	<input type="checkbox"/>	<input type="checkbox"/>	DEFICIENCY LIST

Submitted by Coordinating Registered Professional

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Name (PRINT)

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Address (PRINT)

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Phone

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Signature

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Date