



**District of Lantzville**  
**Building Bylaw No. 182, 2020**



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# 1 ADMINISTRATION

- A. **WHEREAS** the provincial government has enacted building regulations in the British Columbia Building Code (“the Building Code”) under section 3 of the *Building Act*;
- B. **AND WHEREAS** section 8(3)(g) and Division 8 of *Community Charter* authorize the Municipality to enact a bylaw to regulate, prohibit and impose requirements in relation to buildings and other structures, including the authority to require building permits and to withhold issuance of building permits for proposed buildings and other structures that do not comply with the bylaw or the Building Code;
- C. **NOW THEREFORE** the Municipal Council of the District of Lantzville in open meeting assembled enacts as follows:

## **Citation**

- 1.1 This bylaw may be cited for all purposes as the “District of Lantzville Building Bylaw No. 182, 2020”.

## **Purpose and Interpretation**

- 1.2 The purpose of this bylaw is to regulate construction in the Municipality for the health, safety and protection of persons and property in the general public interest.
- 1.3 The purpose of this bylaw does not extend to any of the following:
  - (a) providing protection to owners, designers or builders from economic loss;
  - (b) protecting adjacent real property from incidental damage or nuisance; or
  - (c) providing any person a warranty of design or workmanship, nor an assurance that construction is free from latent, or any, defects with respect to any building or structure for which a building permit or final inspection notice is issued under this bylaw.
- 1.4 The Municipality and building official do not assume any responsibility for ensuring a person complies with the Building Code, the requirements of this bylaw, or any other applicable enactments, codes or standards.

- 1.5 The issuance of a building permit or final inspection notice under this bylaw, the acceptance or review of plans, drawings, specifications or supporting documents, or any inspections made by or on behalf of the Municipality will not, in any way, relieve the owner from full and sole responsibility to perform the work in respect of which the building permit was issued in strict compliance with this bylaw, the Building Code, and all other applicable enactments, codes and standards.
- 1.6 Words and phrases used in this bylaw that are not included in **SCHEDULE 5** (Definitions) have the same meaning and are to be interpreted consistently with the *Building Act*, Building Code, and *Community Charter*, and if not therein defined, are given the meanings commonly assigned 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. A reference to a statute, regulation or code refers to an enactment of British Columbia unless otherwise stated, and a reference to any bylaw or other enactment is to that enactment as amended or replaced from time to time.

#### **Severability**

- 1.7 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.

#### **Owner**

- 1.8 Every reference to “owner” in this bylaw includes a reference to the owner’s representative and the builder.

## **2 APPLICATION AND EXEMPTIONS**

### **Application of Bylaw**

- 2.1 This bylaw applies to the design, construction and occupancy of new buildings and structures, and the alteration, reconstruction, relocation or occupancy, and change of use or occupancy of existing buildings and structures.
- 2.2 Unless exempted, a person must apply for and obtain a building permit from the building official prior to any of the following:
- (a) constructing, repairing or altering a building or structure;
  - (b) moving a building or structure into or within the Municipality; or
  - (c) changing the use or occupancy of a building.

### **Prohibitions**

- 2.3 A person must not do any of the following:
- (a) commence or continue any construction, alteration, excavation, reconstruction, removal, relocation or change the use or occupancy of any building or structure, or part thereof, including other work related to construction, except in conformity with the requirements of this bylaw, the Building Code and a building permit issued by the building official;
  - (b) occupy or permit the occupancy of any building or structure or part of any building or structure unless a valid final inspection notice has been issued by a building official for the authorized work, or contrary to the terms of any building permit issued or any notice given by a building official;
  - (c) submit false or misleading information to the Municipality or a building official in relation to any building permit application or construction undertaken pursuant to this bylaw;
  - (d) erase, alter or modify plans and supporting documents after the plans and supporting documents have been reviewed by the building official, or erase, alter or modify plans or supporting documents which have been filed for reference with the building official after a building permit has been issued;

- (e) reverse, alter, deface, cover, remove or in any way tamper with any notice, building permit or certificate posted or affixed to a building or structure pursuant to this bylaw;
- (f) undertake any work that is at variance with the accepted design or plans of a building, structure or other works for which a building permit has been issued, unless that variance has been authorized in writing by a building official;
- (g) interfere with or obstruct the entry of a building official or other authorized official of the Municipality on property in the administration and enforcement of this bylaw;
- (h) build on a property unless the civic address is posted on the front of the premises or on a signpost so it may be easily read from the public highway from which it takes its address; or
- (i) contravene an order, direction, notice or other requirement of a building official made under this bylaw.

### **Exemptions**

2.4 A building permit is not required for any of the following:

- (a) fences, trellises, arbours, pergolas, or other similar landscape structures, retaining walls, swimming pools, decks, playground structures, and pre-manufactured plastic coverall structures and sheds;
- (b) a single storey standard building up to 100 m<sup>2</sup> gross floor area that does not contain sleeping units or dwelling units and will not be used or occupied by members of the broader public, subject to the provision of a declaration signed by the owner in accordance with **SCHEDULE 3**;
- (c) a mobile home or modular home, except as regulated by the Building Code;
- (d) farm buildings and structures on properties within the Agricultural Land Reserve, provided that the property is classified as “farm” under the *Assessment Act*, subject to the provision of a declaration signed by the owner in accordance with **SCHEDULE 3**;



- (e) demolition of a building, provided that all Municipal service connections are capped and terminated at the property line to the satisfaction of the Director of Public Works, including any applicable termination fees, and provided that all debris and fill are cleared and the site is levelled or graded, or made safe if levelling and grading are not possible;
- (f) alterations to a building or structure that are not structural alterations;
- (g) installation of a fireplace;
- (h) plumbing systems and fixtures;
- (i) municipal buildings and structures;
- (j) a stand-alone shipping container; or
- (k) a portable-type construction site office during the construction phase of an active subdivision or development application or a Municipal infrastructure project.

2.5 Despite Section 2.4 of this bylaw, an exemption from the requirement to obtain a building permit from the Municipality does not relieve any person from the requirement to comply with all provisions of the Building Code, the Zoning Bylaw and any other applicable bylaws.

### **Existing Buildings**

2.6 Except as expressly provided for in this bylaw, the Building Code, or other enactment, code or standard, or as required by the Municipal Approving Officer in the case of a parcel line being adjusted closer to an existing building, this bylaw does not require any existing building or structure or building or structure lawfully under construction to be reconstructed or altered.

2.7 If an alteration or addition is made to an existing building that requires a building permit, the alteration or addition must comply with this bylaw and the Building Code and the entire building must be made to comply with this bylaw and the Building Code, but only to the extent necessary to address any new infractions introduced in the remainder of the building as a result of the alteration or addition.

### **3 BUILDING PERMITS**

#### **Building Permit Application Requirements**

- 3.1 An application for a building permit for any building or structure must be made in a form approved by the building official and include a signed owner's undertaking in accordance with **SCHEDULE 1**.
- 3.2 If an application for a building permit for any building is submitted by an owner's representative, an owner/representative authorization must be submitted with the application in accordance with **SCHEDULE 2**.
- 3.3 A building permit application for any building or structure must be accompanied by applicable fees as established in the *Miscellaneous Fees and Charges Bylaw No. 26, 2004*, and include the information listed in **SCHEDULE 4**, unless specific information and submission requirements are exempted in writing by the Municipality or the building official.
- 3.4 A building permit application for a building that includes a residential occupancy governed by the *Homeowner Protection Act* must include evidence under section 30(1) of the *Homeowner Protection Act* that the proposed building is covered by home warranty insurance and the builder is a licensed "residential builder" as defined in that Act.
- 3.5 If works and services are required under the works and services bylaw, civil drawings and a cost estimate prepared by a Professional Engineer must be submitted with the building permit application.
- 3.6 A building permit application for a standard building that does not contain a dwelling unit or sleeping unit must be accompanied by the owner's acknowledgement and undertaking that the building does not contain a dwelling unit or sleeping unit and will not contain a dwelling unit or sleeping unit, in accordance with **SCHEDULE 3**.

#### **Building Permit Application Expiry**

- 3.7 A building permit application expires 90 days from the date a complete application received and accepted by the Municipality if the permit is not obtained by the applicant, unless the permit is not issued only due to delays caused by the District.

### **Building Permit Expiry**

- 3.8 A building permit expires and the rights of the owner under the building permit terminate if the work authorized by the building permit is not substantially commenced within 180 days from the date of issuance of the building permit, the work is discontinued for a period of 180 days, or the work is not completed within two years of the date of issuance of the building permit.

### **Building Permit Extension**

- 3.9 A building official may extend the building permit expiry period once, for up to one year, if construction has not been substantially 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, provided that the applicable building permit extension fees have been paid and if the application for extension is received at least 30 days prior to the building permit expiry.

### **Building Permit Revocation**

- 3.10 The building official may revoke a building permit if there is a violation of a building permit condition, the Building Code, this bylaw, or any enactment, code or standard.
- 3.11 Revocation of a building permit will be in writing and be delivered in person or mailed to the permit holder.

### **Building Permit Cancellation**

- 3.12 A building permit or a building permit application may be cancelled by the owner on delivery of written notification of the cancellation to the Municipality and the building official.
- 3.13 If the owner submits changes to an application after a building 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 building permit was issued, the building official may cancel or amend the building permit.
- 3.14 If a building permit application or building permit is cancelled, and construction has not commenced under the building permit, the Municipality will return to the owner any fees paid, less any non-refundable portion of the fees.

### **Partial Construction**

- 3.15 If a site has been excavated under a building permit, but the building permit has expired or construction of the building or structure has not commenced, the owner must fill in the excavation to restore the original grades of the site within 60 days of being served notice by the Municipality or building official to do so.
- 3.16 If a building permit has expired and partial construction has commenced, permanent type fencing with privacy screen complying with the Zoning Bylaw, must be erected around the building site for protection of the public, and any materials and equipment related to the work removed or arranged so as to avoid unsightliness and nuisance.

## 4 REGISTERED PROFESSIONALS

- 4.1 Despite any other provision of this bylaw, if required by the building official, an 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 Division C of the Building Code.
- 4.2 The letters of assurance in the form of Schedule A and Schedule B referred to in Division C of the Building Code are relied upon by the Municipality and its building officials as certification that the design and plans to which the letters of assurance refer comply with the Building Code, this bylaw and other applicable enactments.
- 4.3 If a registered professional provides letters of assurance in accordance with this bylaw, the Municipality 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 conforms to the design, plans and specifications and that the construction complies with the Building Code, this bylaw and other applicable enactments respecting safety.
- 4.4 If required by the building official, a registered professional carrying out the professional design and field review required under this bylaw must provide evidence that they have experience and expertise in respect of the professional design and field review of the context and scope required.
- 4.5 A registered professional who provides letters of assurance under this bylaw or in accordance with the Building Code must also provide proof of professional liability insurance to the building official in the form and amount set by **SCHEDULE 5** to this bylaw.
- 4.6 If the building official considers that the land on which construction is proposed is, or is likely to be, subject to flooding, mud flow, debris flow, debris torrents, erosion, land slip, rockfalls, subsidence or avalanche, and pursuant to Section 56 of the *Community Charter* requires a report by a qualified professional certifying that land may be used safely for the use intended, the owner must retain a registered professional, qualified to conduct geotechnical studies and geohazard assessments, to provide the report to the building official.

### **Requirement for a Coordinating Registered Professional (Complex Buildings)**

- 4.7 Letters of assurance in the form of Schedules A and C-A referred to in Division C of the Building Code must be provided with a building permit application for a complex building.

- 4.8 For a building permit issued for the construction of a complex building, the building official will provide the owner with a notice that the building permit is issued in reliance on the certification of the coordinating registered professional that the professional design and plans submitted in support of the application for the building permit comply with the Building Code and other applicable enactments. Any failure on the part of the building official to provide the owner with the notice will not diminish or invalidate the reliance by the Municipality or its building officials on the registered professionals.

#### **Requirement for Registered Professionals (Standard Buildings)**

- 4.9 A building permit application for a standard building that contains a dwelling unit or sleeping unit, including an addition or structural alteration to a building that contains a dwelling unit or sleeping unit, must be accompanied by letters of assurance by a registered professional for the geotechnical and structural requirements of the Building Code, including review of the foundation and excavation.

#### **Architects Act**

- 4.10 Where Sections 27 and 60 of the *Architects Act* require the planning, design, and supervision of the erection, alteration or repair of a building to be undertaken by an architect, the coordinating registered professional must be an architect.

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

- 4.11 Letters of assurance in the form of Schedules C-A or C-B referred to in Division C of the Building Code must be provided by the owner to the building official, as follows:
- (a) prior to the final site review coordinated by the coordinating registered professional for a complex building; or
  - (b) prior to the final inspection for a standard building in circumstances where letters of assurance have been required in accordance with the requirements of the Building Code or this bylaw.

## 5 INSPECTIONS

### Inspections

- 5.1 A building official may attend periodically at the site of the construction of standard buildings or structures to ascertain whether the work is being carried out in conformance with the Building Code, this bylaw and any other applicable enactments concerning safety.
- 5.2 The owner must submit a written request to the Municipality and building official for an inspection, obtain an inspection, and receive a building official's written acceptance of the following aspects of the work prior to concealing them:
- (a) **Excavation:** within 24 hours of the start of excavation.
  - (b) **Framing:** 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, but prior to the installation of insulation, interior finishes, sheathing paper or exterior finishes which would conceal such work;
  - (c) **Health and Safety:** the health, safety and accessibility aspects of the work when the building or structure is complete.
- 5.3 A building official will only carry out an inspection if the owner has requested the inspection in writing in accordance with this bylaw.

### Final Inspection

- 5.4 A final inspection notice will not be issued unless all of the following are completed:
- (a) all letters of assurance have been submitted when required in accordance with this bylaw;
  - (b) all aspects of the work requiring inspection and acceptance pursuant to this bylaw have both been inspected and accepted;
  - (c) the owner has delivered to the Municipality as-built plans of works and services, including two (2) paper copies and a digital copy, as required by the Municipality's Director of Public Works;

- (d) the owner has provided to the building official a building survey prepared by a surveyor showing the building height, size, location and elevation determined in accordance with the Zoning Bylaw; and
- (e) all other documentation required under applicable enactments has been delivered to the Municipality.



## 6 BUILDING OFFICIAL

- 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) require an owner to retain a registered professional to provide a professional design and plan certification and letters of assurance in the form of Schedule A, B, C-A and C-B referred to in Division C of the Building Code if the official determines that is warranted based on site conditions, project size or complexity, aspects of development, or in the interests of safety of persons or protection of property under the Building Code;
  - (b) require a registered professional carrying out professional design and field review to provide evidence of experience and expertise in respect of the context and scope of the design and field review;
  - (c) establish or require an owner to establish whether a method or type of construction or material used in the construction of a building or structure complies with the requirements and provisions of this bylaw and the Building Code;
  - (d) direct that tests of materials, equipment, devices, construction methods, structural assemblies or foundations be carried out, or that sufficient evidence or proof be submitted by the owner, at the owner's sole expense, where such evidence or proof is necessary to determine whether the material, equipment, device, construction or foundation condition complies with this bylaw and the Building Code.
- 6.3 Despite reliance placed on field reviews and letters of assurance provided by registered professionals, 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.
- 6.4 A building official may revoke a permit if, in their opinion, the results of tests on materials, devices, construction methods, structural assemblies or foundation conditions contravene the Building Code or the provisions of this bylaw, or both, or if all permits required under this bylaw have not been obtained.
- 6.5 A building official may refuse to issue a building permit if, in their opinion, the proposed work will contravene the requirements of the Building Code or the provisions of this bylaw or any other bylaw of the Municipality.

- 6.6 A building official may enter onto a property at any reasonable time to ascertain whether the requirements of this bylaw are being met.
- 6.7 A building official may require any of the following:
- (a) a person who contravenes any provision of this bylaw to comply with that provision within the time ordered;
  - (b) an owner to stop work on a building or structure, or any part of a building or structure, if the work is proceeding in contravention of this bylaw, the Building Code, or any other enactment of the Municipality or other applicable enactments, or if the official considers a condition to be unsafe, 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 public land, a statutory right-of-way, easement or covenant area, or a setback required under the zoning bylaw or other 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;
  - (j) an owner to correct any work that contravenes this bylaw, the Building Code, or any other applicable enactment.
- 6.8 Every person served with written notice must comply with that notice within the time ordered, or if no time is ordered, immediately.

6.9 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.

## **7 OWNER'S RESPONSIBILITIES**

- 7.1 Every owner must comply with the Building Code, the requirements of this bylaw and the conditions of a building permit and must not omit any work required by the building code, this bylaw or the conditions of a building permit.
- 7.2 Every owner must ensure that all permits, all plans and specifications and supporting documents on which a building permit was based, all Municipal inspection certificates, and all professional field reviews are available at the site of the work for inspection during working hours by the building official, and that all permits are posted conspicuously on the site during the entire execution of the work.
- 7.3 Every owner must carry out construction or have the construction carried out in accordance with the requirements of the Building Code, this bylaw and other bylaws of the Municipality.
- 7.4 The issuance of a building permit under this bylaw, the review of plans and supporting documents, or inspections made by a building official, registered professional or coordinating registered professional will not relieve the owner, or his or her representative, from full and sole responsibility to perform the work in strict accordance with this bylaw, the Building Code and all other applicable codes, standards and enactments.
- 7.5 Every owner must allow a building official to enter any building or premises at any reasonable time to administer and enforce this bylaw.

### **Civic Addressing**

- 7.6 Every owner to whom a building permit is issued must, during construction, post the civic address on the property so that it may be easily read from the public highway from which the property takes its address and post the building permit on the property so that it may be easily read from the public highway from which the property takes its address.

### **Fire Access**

- 7.7 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.

### **Damage to Municipal Works**

- 7.8 Every owner to whom a building permit is issued is responsible for the cost to repair any damage to Municipal works or land that occurs during and arises directly or indirectly from the work authorized by the building permit.

### **Notice**

- 7.9 Every owner must give written notice to a building official of any change in or termination of engagement of a registered professional, including a coordinating registered professional, during construction, within 24 hours of when the change or termination occurs.
- 7.10 If an owner or a registered professional terminates the engagement of a registered professional, including a coordinating registered professional, the owner must terminate all work under a building permit until the owner has engaged a new registered professional, including a coordinating registered professional, and has delivered to a building official new letters of assurance.
- 7.11 Every owner must give at least 48 hours' written notice to a building official of intent to do work that is required or ordered to be corrected during construction, to cover work that is required under this bylaw to be, or has been ordered to be, inspected prior to covering, and when work has been completed so that a final inspection can be made.
- 7.12 Every owner must give notice in writing to a building official immediately upon any change in ownership or change in the address of the owner which occurs prior to the issuance of a final inspection notice.
- 7.13 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.

## **8 BUILDER'S RESPONSIBILITIES**

- 8.1 Every builder must ensure that all construction is done in compliance with all requirements of the Building Code, this bylaw and all other applicable, codes, standards and enactments.
- 8.2 Every builder must ensure that no excavation or other work is undertaken on public property, and that no public land 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 builder is responsible jointly and severally with the owner for all work undertaken.

## **9 BC ENERGY STEP CODE**

- 9.1 The Municipality incorporates, by reference, Step 1 of the British Columbia Energy Step Code effective January 1, 2021.
- 9.2 Any new building or structure to which Part 3 or Part 9 of the Building Code applies and is within the scope of application of the BC Energy Step Code, as described in the Building Code, must be designed and constructed to meet the minimum performance requirements specified in Step 1 of the BC Energy Step Code.
- 9.3 When an Energy Advisor or an architect, as required, provides energy reports or field reviews in accordance with this bylaw, the Municipality will rely solely on field reviews undertaken by the Energy Advisor or architect and the reports submitted pursuant to this bylaw as assurance that the construction or applicable aspect thereof conforms to the design, and that the construction or applicable aspect thereof complies with the Building Code.
- 9.4 The owner must provide, to the satisfaction of the building official, all the materials and documentation required by the BC Energy Step Code, prepared and signed by an Energy Advisor, and such other reports and materials as required by the building official.
- 9.5 The Energy Advisor providing the required materials and documentation set out in the BC Energy Step Code must provide evidence to the building official that they are an Energy Advisor registered and in good standing with Natural Resources Canada in accordance with the EnerGuide Rating System (ERS) Administrative Procedures and adheres to the technical standards and procedures of the ERS. For certainty, where a registered professional is required under this bylaw, in respect of a building permit for a building or structure that falls within the scope of Part 3 or Part 9 of the Building Code, the professional design and field review must include the materials and documentation required by the applicable step of the BC Energy Step Code, and such other reports and materials as required by the building official.

## 10 COMPLIANCE

### Stop Work Order

- 10.1 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, any applicable bylaw of the Municipality or the applicable provisions of the *Homeowner Protection Act*.
- 10.2 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 will consider the request and notify the coordinating registered professional in writing of their decision.
- 10.3 If the services of a registered professional or coordinating registered professional 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.
- 10.4 After the posting of a stop work order, the owner must immediately 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 Municipality.
- 10.5 Work, other than remedial measures required by the building official, must not be carried out on the parcel affected by the stop work order until the stop work order has been removed by the building official.
- 10.6 The stop work order must remain posted on the premises until that which is contrary to the enactments has been remedied to the satisfaction of the building official.

### Do Not Occupy Notice

- 10.7 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.



10.8 If a “do not occupy” notice is posted, the owner of a parcel on which such a notice has been posted, and every other person, must cease occupancy of the building or structure immediately and refrain from further occupancy until all applicable provisions of the Building Code and this bylaw have been substantially complied with and the “do not occupy” notice has been rescinded in writing by a building official.

## 11 OFFENCE AND PENALTY

11.1 A person who contravenes this bylaw, or who allows or permits any act in contravention of this bylaw, or who fails to do or refrains from doing any act or thing required by this bylaw, commits an offence and each day that a contravention of this bylaw exists constitutes a separate offence.

11.2 A person found guilty of an offence under this bylaw is liable to pay:

(a) a maximum fine of \$50,000 if proceedings are commenced under the *Offence Act*; or

(b) a maximum fine of \$1,000 if issued a ticket under the *District of Lantzville Municipal Ticket Information Bylaw No. 100, 2012*.

## 12 SCHEDULES

11.1 The following schedules are attached to and form part of this bylaw:

**SCHEDULE 1** Owner's Undertaking

**SCHEDULE 2** Owner / Representative Authorization

**SCHEDULE 3** Owner's Acknowledgement / Undertaking for Non-Residential Use

**SCHEDULE 4** Building Permit Application Requirements

**SCHEDULE 5** Definitions

11.2 This bylaw comes into force on October 1, 2020.

**READ A FIRST TIME** this 27<sup>th</sup> day of July, 2020.

**READ A SECOND TIME** this 27<sup>th</sup> day of July, 2020.

**READ A THIRD TIME** this 27<sup>th</sup> day of July, 2020.

**ADOPTED** this 30<sup>th</sup> day of July, 2020.

*ORIGINAL SIGNED*

\_\_\_\_\_

Mayor

*ORIGINAL SIGNED*

\_\_\_\_\_

Director of Corporate Administration

**SCHEDULE 1 – Owner’s Undertaking**

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

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

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 Municipality will rely on same.
  
2. I confirm that I am applying for a building permit pursuant to District of Lantzville Building Bylaw No. 182, 2020 (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 Municipality or its building officials, as defined under the bylaw, to protect the owner or any other persons as set out in this bylaw and I will not make any claim alleging any such responsibility or liability on the part of the Municipality or its building officials.

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

Owner’s Name: \_\_\_\_\_

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

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

E-mail & Telephone: \_\_\_\_\_

**SCHEDULE 2 – Owner/Representative Authorization**

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

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

I am the registered owner of the above referenced property and hereby authorize:

Representative: \_\_\_\_\_

E-mail: \_\_\_\_\_

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

To represent me in an application for a building permit application and to obtain copies of existing building permit plans on file with the Municipality.

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

Owner's Name: \_\_\_\_\_

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

**SCHEDULE 3 – Owner’s Acknowledgement and Undertaking for Non-Residential Use**

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

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

Description of Building Subject to Undertaken: \_\_\_\_\_

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 Municipality will rely on same.
  
2. I confirm that the building that is the subject of this undertaking does not and will not contain a dwelling unit or sleeping unit, unless a valid building permit is issued by the building official to undertake all required works to convert the building for use as a dwelling unit or sleeping unit.
  
3. I confirm that the building that is the subject of this undertaking will not be used or occupied by members of the broader public.

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

Owner’s Name: \_\_\_\_\_

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

#### SCHEDULE 4 – Building Permit Application Requirements

1. Payment of applicable fees and charges pursuant to the *Miscellaneous Fees and Charges Bylaw No. 26, 2004* and any other Municipal bylaw.
2. Letters of assurance, as required under the building bylaw and the Building Code.
3. Two sets of drawings at a suitable scale of design, together with PDF copies of all drawings.
4. A site plan that includes a zoning compliance summary.
5. Building Code compliance summary including the applicable edition of the Building Code.
6. 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.
7. A cross-section through the building illustrating foundations, drainage, ceiling heights and construction systems.
8. Elevations of all sides of the building or structure showing finish details, roof slopes, windows, doors, the grade, the maximum building height line, ridge height, spatial separations and natural and finished grade to comply with the Building Code and to illustrate that the building or structure conforms with the Municipality's zoning and development permit requirements.
9. Cross-sectional details drawn at an appropriate scale and at sufficient locations to illustrate that the building or structure substantially conforms to the Building Code.
10. Copies of approvals required under any enactment relating to health or safety.
11. 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.
12. Geotechnical report, if the building official determines that the site conditions so warrant.
13. Servicing information, including how the building will be connected to the Municipal water, sewer and storm systems.

14. If the proposed building will not be connected to the Municipal sanitary sewer system, the applicant must provide an approved Notice of Filing from Island Health for a private onsite sewage disposal system with the building permit application.
15. If the proposed building will not be connected to the Municipal water system, the applicant must provide written confirmation from qualified professionals that the onsite well meets the minimum water quality and water quantity standards in the Municipality's Subdivision and Development Works and Services Bylaw.
16. A rainwater management plan in accordance with the Municipality's Subdivision and Development Works and Services Bylaw.
17. Unless exempted by the building official, a survey plan prepared by a British Columbia land surveyor that includes the following information:
  - (a) the bearing and dimensions of the parcel taken from the registered subdivision plan;
  - (b) the legal description and civic address of the parcel;
  - (c) the location and dimensions of existing and proposed statutory rights of way, easements and setback requirements, adjacent street and lane names;
  - (d) the location and dimensions of existing and proposed buildings or structures on the parcel;
  - (e) setbacks to the natural boundary of any lake, swamp, pond or watercourse;
  - (f) north arrow;
  - (g) building height calculation in accordance with the zoning bylaw;
  - (h) if applicable, location of an approved existing or proposed private or other alternative sewage disposal system, water supply system or storm water drainage system;
  - (i) the location, dimensions and gradient of parking and parking access;
  - (j) proposed and existing setbacks to property lines;
  - (k) 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;
  - (l) first storey floor elevation;
  - (m) location, setbacks and elevations of all retaining walls, steps, stairs and decks;
  - (n) line of upper floors;
  - (o) location and elevation of curbs, sidewalks, manholes, and service poles;
  - (p) location of existing and proposed service connections;
  - (q) location and species of all trees greater than 10 centimetres in diameter;
  - (r) location of top bank and water courses;
  - (s) access routes for firefighting;
  - (t) accessible paths of travel from the street to the building;



- (u) 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 Municipality's land use regulations or provincial flood mapping regulations establish siting requirements related to minimum floor elevation,
  - (v) 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.
18. 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.
19. The building official may, in writing, require an applicant to submit an up-to-date survey prepared by a surveyor at any point in the application and inspection process in order to determine the following:
- (a) Establish, before construction begins, that the work will comply with all the provisions of this bylaw in relation to this information;
  - (b) Verify, on completion of the construction, that the work complies with all provisions of this and other applicable bylaw;
  - (c) In relation to an existing building, substantiate its location and 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.

## SCHEDULE 5 – Definitions

In this bylaw:

### A

- accepted** means reviewed and accepted by the building official under the applicable provisions of the Building Code and this bylaw.
- addition** means an alteration to any building which will increase the total aggregate floor area or the building height (in storeys) and includes the provision of two or more separate buildings with openings between each other for intercommunication.
- alteration** means a change or extension to any matter or thing or to any occupancy regulated by this bylaw or the Building Code.

### B

- builder** means a person who contracts with an owner or the owner's representative to undertake a project and includes an owner who contracts with more than one person for the work on a project or undertakes the work on a project or any part thereof.
- building** means any structure used or intended for supporting or sheltering any use or occupancy.
- building area** means the greatest horizontal area of a building above grade within the outside surface of exterior walls or within the outside surface of exterior walls and the centre line of firewalls.
- 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 height** means the vertical distance measured from average natural grade or average finished grade, whichever is lower, or from the finished grade established on a grading plan approved by the Municipality at the time of subdivision or issuance of a Development Permit, recorded at the outermost corners of the building or structure, to the highest point of a building or structure.

**building official** means a person retained by the Municipality to administer this bylaw and the Building Code who is a qualified building official pursuant to Section 11 of the *Building Act* and, for certainty, the building official is the “building inspector” referred to in the *Community Charter* and *Local Government Act*.

**building permit** means a permit issued by the building official authorizing the owner or builder to commence construction of the building or structure the is the subject of the permit.

## C

**complex building** means any building other than a standard building.

**coordinating registered professional** means a registered professional retained under Clause 2.2.7.2.(1)(a) of Division C of the Building Code to coordinate all design work and field reviews of the registered professionals who are required for a project.

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

## D

**duplex** means a building comprised of two attached dwelling units sharing a common party wall, whether subdivided from each other or not, where each dwelling unit has a separate ground-oriented entrance from the exterior of the building and where dwelling units may be either side-by-side or stacked vertically.

**dwelling unit** means a self-contained living unit with one or more sleeping units, sanitary facilities, and only one kitchen;

## E

- Energy Advisory** means a third-party consultant who has been registered by Service Organizations licensed by Natural Resources Canada (NRCan) to deliver NRCan's EnerGuide Rating System (ERS), ENERGY STAR® for New Homes and R-2000 programs, who can provide both energy modelling and airtightness testing.
- excavation** means the space created by the removal of soil, rock or fill for the purposes of construction.
- existing** in respect of a building, means that portion of a building constructed prior to the submission of a building permit application required under this bylaw.

## F

- farm building** means a building or part thereof that does not contain a residential occupancy and that is associated with and located on land devoted to the practice of farming, and used essentially for the housing of equipment or livestock, or the production, storage or processing of agricultural and horticultural produce or feeds.
- field reviews** means a review of the work at a building site and, where applicable, at locations where building components are fabricated for use at the building site that a registered professional in his or her professional discretion considers necessary to ascertain whether the work substantially complies in all material respects with the plans and supporting documents prepared by a registered professional.
- final inspection notice** means a notice issued by the building official following completion and acceptance of a final inspection by the building official.

## H

- health and safety aspects of 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.

**highway** means a public road and any other public way, including the full extent of the highway dedication, but excludes the area seaward of the present natural boundary of the sea.

**house** means a building containing only one primary dwelling unit and up to one secondary suite, if permitted in the zoning of the parcel on which the house is located.

## K

**kitchen** means any room designed or used for cooking, dishwashing, or refrigerating, or any other appliance or equipment used for preparing food, but excludes a room containing only lower cabinets and up to one single-basin sink and one small fridge.

## M

**mobile home** means a dwelling unit built in an enclosed factory environment in one or more sections, intended to be occupied in a place other than of its manufacture, and includes mobile homes constructed to the CSA-Z240 MH86 Series Mobile Home standard or park model mobile homes constructed to the CSA-Z241 Park Model standard;

**modular home** means a factory built dwelling unit that conforms to the CSA A277 standard.

**Municipality** means the District of Lantzville.

## O

**owner** means the registered owner in fee simple, or a representative duly authorized by the owner in writing in the form attached as **SCHEDULE 3**.

**owner's representative** means a firm, corporation or other person representing the owner, by written designation or contract in accordance with **SCHEDULE 2** and includes a hired tradesperson or builder who may be granted a permit for work within the limitations of his or her licence.

## P

- parcel** means any parcel, lot, block or other area in which land is held or into which it is subdivided under the *Land Title Act* or the *Strata Property Act* and includes a water parcel.
- primary building** means a building used or intended to be used to accommodate the primary permitted use of a parcel.
- 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.

## R

- registered professional** means a person who is registered or licensed to practise as an architect under the *Architects Act*, or a person who is registered or licensed to practise as a professional engineer under the *Engineers and Geoscientists Act*.
- retaining wall** means a structure intended to hold back, stabilize or support an earthen bank, regardless of the quantity of material being retained;

## S

- secondary building** means a building located on the same parcel as the primary building and used for a purpose subordinate and ancillary to the primary use.
- secondary suite** means a secondary dwelling unit located in a house.
- shipping container** means a container with an assigned gross vehicle weight and designed for transportation of cargo by ship, rail, or truck.

**sleeping unit** means one or more habitable rooms used for sleeping or living purposes but in which there is no kitchen or cooking facilities.

**standard building** means a building that meets all of the following criteria:

- (a) is three storeys or less in building height,
- (b) has a combined building area for all attached buildings of up to 600 m<sup>2</sup>,
- (c) is used for a major occupancy classified as residential occupancy or is a secondary building that does not contain dwelling units or sleeping units, and
- (d) is limited to a house with a secondary suite, a duplex, or a secondary building associated with the house or duplex.

**structural alteration** means any change to the framing, foundation or roof structure of a building, including, without limitation, creating additional windows or doors or changing the size or existing windows or doors.

**structure** means anything constructed, placed, or erected on land.

**substantially commenced** means the foundation of a building or structure has been poured or completed.

**surveyor** means a registered British Columbia Land Surveyor.

## Z

**zoning bylaw** means the District of Lantzville Zoning Bylaw No. 180, 2020.