



# **DISTRICT OF SOOKE**

## **BUILDING BYLAW NO. 780, 2020**

Adopted: \_\_\_\_\_, 2020

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DRAFT

## District of Sooke

### BUILDING BYLAW NO. 780, 2020

A Bylaw for the administration of the BC Building Code and regulation of construction

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GIVEN that the District Council

- A. may by bylaw regulate, prohibit and impose requirements in respect to buildings and *structures* under sections 8(3)(g) and (l) of the *Community Charter* for the following under section 53(2):
- (a) the provision of access to a *building* or other *structure*, or to part of a *building* or other *structure*, for a person with disabilities;
  - (b) the conservation of energy or water;
  - (c) the reduction of greenhouse gas emissions;
  - (d) the adherence to the British Columbia Energy Step Code
  - (e) the health, safety or protection of persons or property;
  - (f) the installation of a solid fuel burning or oil-burning appliance, chimneys, including a heating oil tank;
  - (g) solid fuel burning appliance and equipment shall be installed in compliance with the current edition of CSA-B365 “Installation code of solid-fuel-burning appliances and equipment”;
  - (h) oil burning appliance and equipment shall be installed in compliance with the current edition of CSA-B139 “Installation code for oil-burning equipment”;
  - (i) the applicable requirements in regard to basement flood protection shall be in compliance with the current edition of CSA-Z800 “Guide on Basement Flood Protection and Risk Reduction”;
  - (j) the applicable requirements in regard to flood resilient design shall be in compliance with the current edition of CSA-W204 “Flood Resilient Design of New Residential Communities”.
  - (k) the applicable requirements in regard to fire resilient design shall be in compliance with the current edition of CSA S504 – “Fire Resilient Planning for Northern Communities”.

- (l) the fire resistance design and sounds control assemblies in the current edition of GA-600 – “Fire Resistance and Sound Control Design Manual Sound Control”, can be used as a reference in designing fire resistance and sound assemblies;
  - (m) \the applicable requirements in regards to fire protection for construction camps shall be in compliance with the current edition of CAN/UL 2600 – “Standard for Safety of Relocatable Buildings”.
- B. is enacting this bylaw to regulate construction and administer the British Columbia *Building Code*, the British Columbia *Plumbing Code*, British Columbia *Fire Code* in Sooke in accordance with the *Community Charter*, *the Architect Act* and the *Building Act*;
- C. has employed trained *building* officials for the purposes of this bylaw and the *Building Act*;

The Council of the District of Sooke, in open meeting assembled, enacts the following:

## **PART 1: TITLE**

### **Citation**

- 1.1 This bylaw may be cited as “Building Bylaw No. 780, 2020”.

## **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 regarding construction of all buildings and *structures* in the 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 District of Sooke or any *building official* of any responsibility for ensuring the compliance by any *owner*, his or her representatives or any employees, *constructors* or *designers* retained by the *owner*, with the *building code*, the requirements of this bylaw, or other applicable enactments, codes or standards;
  - (c) providing any person, a warranty of design or workmanship with respect to any *building* or *structure* for which a *permit* or occupancy approval is issued under this bylaw;
  - (d) providing any person, a warranty or assurance that *construction* undertaken under *permits* issued by the District is free from latent, or any, defects; or
  - (e) the protection of adjacent real property from incidental damage or nuisance.

## PART 3 INTERPRETATION

### Definitions

3.1 In this bylaw:

*accepted* means reviewed by the *building official* under the applicable provisions of the *building code* and this bylaw;

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

*agent* means a person representing the *owner*, by written designation or contract;

*alternative solution* means an alternative solution authorized under the *building code*;

*alteration* means a change or extension to any matter or thing or to any *occupancy* regulated by this bylaw or the *building code*;

*Architects Act* means the *Architects Act* RSBC 1996, c. 17 as amended or superseded from time to time;

*authority having jurisdiction* means the governmental body responsible for the enforcement of any part of this code or the official or agency designated by that body to exercise such a function;

*building* means any structure used or intended for supporting or sheltering any use or occupancy;

*building code* means the *British Columbia Building Code* as adopted by the Minister responsible under provincial legislation, as amended or superseded from time to time;

*building official* (also refer to *authority having jurisdiction*) means the person designated in or appointed to that position by the District, and includes the chief building official, a building inspector, plan checker, plumbing inspector, gas inspector or electrical inspector designated or appointed by the District, and for certainty the *building official* is the “building inspector” referred to in the *Building Act*, *Community Charter* and *Local Government Act*;

*building safety department* means the District of Sooke *building officials* in their entirety;



*bylaw officer* means a person designated or appointed by Council as a Bylaw Enforcement Officer;

*complex building* means:

- (a) a *building* used for a *major occupancy* classified as:
  - (i) Group A - *assembly occupancy*;
  - (ii) Group B, Division 1- *detention occupancy*;
  - (iii) Group B, Division 2 – *treatment occupancy*;
  - (iv) Group B, Division 3 - *care occupancy without treatment*; or
  - (v) Group F, Division 1 – *high hazard industrial occupancy*.
- (b) a *building* classified as a *post-disaster building*,
- (c) a *building* exceeding 600 m<sup>2</sup> in *building area* or exceeding three (3) storeys in *building height* used for a *major occupancy* classified as:
  - (i) Group C – *residential occupancy* in a building containing five (5) or more dwelling units or in a building containing eleven (11) or more guest rooms in a hotel or similar occupancy;
  - (ii) Group D – *business and personal services occupancy* with a gross floor area of more than 470m<sup>2</sup>;
  - (iii) Group E – *mercantile occupancy* with a gross floor area of more than 470m<sup>2</sup>;
  - (iv) Group F, Division 2 – *medium hazard industrial occupancy* with a gross floor area of more than 470m<sup>2</sup>; or
  - (v) Group F, Division 3 – *low hazard industrial occupancy* with a gross floor area of more than 470m<sup>2</sup>;
- (d) a *building* referred to in the last paragraph if the definition of *complex building*; *complex elements*
  - (i) structural components that are not within the scope of Part 9 of Division B of the *building code*;
  - (ii) geotechnical conditions at the *building* site that are not within the scope of Part 9 of Division B of the *building code*;
  - (iii) a fire alarm system designed to CAN/ULC-S524, “Installation of Fire Alarm Systems”;

- (iv) a Residential Fire and Life Safety Warning System designed to CAN/ULC-S540, “Residential Fire and Life Safety Warning Systems: Installation, Inspection, Testing and Maintenance”;
- (v) a sprinkler systems designed to NFPA 13, NFPA 13R or NFPA 13D “Installation of Sprinkler Systems”; and
- (vi) standpipe and hose systems designed to NFPA 14, “Installation of Standpipe and Hose Systems”.

*Cooking facilities*, means food preparation area which has a sink and an appliance for the heating and cooking of food, including stoves, hood fans, microwaves, convection ovens, cook tops or hot plates.

*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, add to, enlarge, move, locate, relocate, construction, constructed, reconstruct, demolish, remove, *excavate* or shore;

*energy step code* means the British Columbia Energy Step Code as adopted by the Minister responsible under the provincial legislation, as amended or superseded from time to time;

*Engineers and Geoscientists Act* means the *Engineers and Geoscientists Act* RSBC 1996, c. 116, as amended or *superseded* from time to time;

*existing 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 District of Sooke’s *Fees and Charges Bylaw*, along with any amendments made from time to time;

*final inspection notice* means a final inspection notice issued under section 11.48 of this bylaw;

*fire code* means the *British Columbia Fire Code* as adopted by the Minister responsible under provincial legislation, as amended or superseded from time to time;

*fire inspector* means the person designated or appointed as a Fire Inspector, and includes any qualified member of the District’s fire department;

*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;

*foundation unit* means one of the structural members of the *foundation* of a *building* such as a footing, raft or pile;

*GHG* means greenhouse gas, which is defined in the Climate Change and Accountability Act, as amended or superseded from time to time;

*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;

*home based business* means an occupation, business, craft, or profession conducted for profit, which is carried on as an accessory use in a dwelling unit or accessory building to the dwelling unit in accordance with section 4.3 of the District of Sooke *Zoning Bylaw*;

*letter of authorization form* means the District of Sooke's letter of authorization portion of the *permit application form*, as amended from time to time;

*occupancy* means the use or intended use of a building or part thereof for the shelter or support of persons, animals or property;

*owner* means the owner, as defined in the *Community Charter*, of the parcel upon which the applicable building or *structure* is located or to be located;

*permit* means permission or authorization in writing by the *building official* to perform work regulated by this bylaw;

*permit application form* means the District of Sooke's *permit application form* as amended from time to time;

*plumbing code* means the *British Columbia Plumbing Code* as adopted by the Minister responsible under provincial legislation, as amended or superseded from time to time;

*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 m, including an in-ground *pool* and hot tub;

*post-disaster building* means a building that is necessary for the provision of services to the general public in the event of a disaster, and includes:

- (a) hospitals, emergency treatment facilities and blood banks;
- (b) telephone exchanges;

- (c) power generating station and electrical substations;
- (d) control centers for air, land and marine transportation;
- (e) water treatment facilities;
- (f) water and sewage pumping stations;
- (g) sewage treatment facilities;
- (h) buildings having critical national defence functions;
- (i) buildings of the following types, except *buildings* exempted from this designation by the *authority having jurisdiction*;
- (j) emergency response facilities;
- (k) fire, rescue and police stations and housing for vehicles, aircraft or boats used for such purposes; and
- (l) communication facilities, including radio and television stations.

*professional design* means the plans and supporting documents bearing the date, seal or stamp, and signature of a *registered professional* (refer to s. 3.2 of this bylaw).

*provisional occupancy* is possible only for buildings or portions of buildings (with a time limit and an expiry date) where all fire, life safety and health requirements have been completed and such occupancy will not jeopardize life or property;

*retaining wall* or *seawall*, means a *structure* that shall be independent of a *foundation* wall, that is 1.2 metres or more in height that holds or retains *soil*, water or other material behind it;

*seawall* means a *retaining wall*, located wholly on private property, which is designed to prevent the erosion of the natural boundary.

*secondary suite* means a self-contained dwelling unit located within a building or portion of a building:

- (a) completely separated from other parts of the building by a vertical fire separation that has a fire-resistance rating of not less than 1 h and extends from the ground or lowermost assembly continuously through or adjacent to all storeys and spaces including service spaces of the separated portions;
- (b) of only residential occupancy that contains only one other dwelling unit and common spaces; and
- (c) where both dwelling units constitute a single real estate entity.

*simple building* means a *building* of three (3) storeys or less in *building height*, having a *building area* not exceeding six hundred (600) square metres and used for a *major occupancy* classified as:

- (a) Group C - *residential occupancy* and in a building containing less than five (5) dwelling units or in a *building* containing less than eleven (11) guest rooms in a hotel or similar occupancy;
- (b) Group D - *business and personal services occupancy* and with a gross area not exceeding 470m<sup>2</sup>;
- (c) Group E - *mercantile occupancy* and with a gross area not exceeding 470m<sup>2</sup>;
- (d) Group F, Division 2 - *medium hazard industrial occupancy* and with a gross area not exceeding 470m<sup>2</sup>; or
- (e) Group F, Division 3 - *low hazard industrial occupancy* and with a gross area not exceeding 470m<sup>2</sup>

except where such a building is designed with common egress systems (public corridors and/or protected exits) for the occupants or requires the use of firewalls according to Article 1.3.3.4 of Division A of the *building code*, or the installation of a fire alarm, a residential fire and life safety warning system, a sprinkler system, or a standpipe and hose system, in which case the *building* will be considered a “*complex building*” under this bylaw;

*structure* means a *structure* of any kind, including a pool, other than a building or portion of such a *structure*, whether fixed to, supported by or sunk into land or water;

*temporary building* includes a sales office, construction office or a *structure* in which tools are stored during construction of a *building*, or *structure* for which there is an active *building permit*;

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

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

*Zoning Bylaw* means the current *District Zoning Bylaw* as amended or replaced from time to time.

3.2 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*, as amended or superseded from time to time: *assessed value, highway, land, occupier, parcel, public authority, service and soil;*
- (c) subject to this bylaw, set out in section 29 of the *Interpretation Act*, as amended or superseded from time to time: *may, must, obligation, person, property, writing, written* and *year*; and
- (d) subject to this bylaw, set out in the *zoning bylaw*, as amended from time to time: *home based business*.

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

3.4 Every reference to

- (a) the *building code* is a reference to the current edition as of the date of issuance of the *permit*; and
- (b) a section of the *building code* is a reference to the applicable successor sections, as the *building code* or section may be amended or superseded from time to time.

3.5 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 and as set out in other District of Sooke bylaws.

## **Severability**

- 3.6 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 4: SCOPE AND EXEMPTIONS**

##### **Application**

- 4.1 This bylaw applies to the geographical area of the District, including all land, the surface of water, air space, *buildings* or *structures* within that geographical area.
- 4.2 This bylaw applies to the design and *construction*, followed by the *occupancy* of those *buildings* and *structures*, and any changes of *occupancy* or use of the *buildings* and *structures* or the establishment of a *home based business*.
- 4.3 This bylaw applies to a *building* or *structure* commonly known as “Canadian Standards Association CSA-Z240 MH series, or CSAS-A277 Procedure for certification or prefabricated *buildings*, modules, and panels”.
- 4.4 This bylaw does not apply to:
- (a) except as set out in Part 12 [*Retaining Walls or Seawalls and Grades*] of this bylaw, a trellis, an arbour, a wall supporting soil that is less than 1.2 metres in height, and any other similar landscape *structures* on a parcel zoned for single-family *residential occupancy* uses under the *Zoning Bylaw*;
  - (b) a fence;
  - (c) an unoccupied accessory *building* with a floor area of less than ten 10 square metres;  
or
  - (d) a *building* or *structure* commonly known as Canadian Standards Association – CAN/CSA-Z241 Series “Park Model Trailers”.

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

- 4.5 Except as provided in the *building code* or to the extent an *existing building* is under *construction* or has not yet been granted an *occupancy permit*, when an *existing building* has been *constructed* before the enactment of this bylaw, and for which there was a Building Permit issued, 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.
- 4.6 This bylaw applies if the whole or any part of an *existing building* is moved either within or into the District, including relocation relative to parcel lines created by subdivision or consolidation. Part 13 applies to *building* moves.

- 4.7 If an *alteration* is made to an *existing building* the *alteration* must comply with this bylaw and the *building code* and the entire building must be made to comply with this bylaw and the *building code*, but only to the extent necessary to address any new infractions introduced in the remainder of the *building* as a result of the *alteration*.
- 4.8 If an *alteration* creates an *addition* to an *existing building*, the *alteration* or *addition* must comply with this bylaw and the *building code* and the entire *building* must be made to comply with this bylaw and the *building code*, but only to the extent necessary to address any new infractions introduced in the remainder of the *building* as a result of the *alteration* or *addition*.

#### **PART 5: PROHIBITIONS**

- 5.1 A *person must* not commence or continue the *construction or alteration* or for change the occupancy of any *building* or *structure*, including prior to the establishment of a *home based business*:
- (a) except in conformity with the requirements of the *building code* and this bylaw; and
- 5.2 unless a *building official* has issued a valid *permit* for the *construction or alteration* or change of occupancy 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*.
- 5.3 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.
- 5.4 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.



- 5.5 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.
- 5.6 A *person must* not perform any work that is substantially at variance with the *accepted* design or plans of a *building*, *structure* or other works related to *construction* for which a *permit* has been issued, unless that variance has been authorized in writing by a *building official*.
- 5.7 A *person must* not interfere with or obstruct the entry of a *building official* or other authorized official of the District on property in the administration of this bylaw.
- 5.8 A *person must* not *construct* on a *parcel* unless the civic address is conspicuously posted on the front of the premises or on a signpost so it may be easily read from the public highway from which it takes its address.
- 5.9 A *person must* not contravene a requirement of a *building official* made under section 7.6 or any other provision of this bylaw.
- 5.10 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 *permit* under this bylaw.
- 5.11 A *person must* not install the following appliances or installations within a single-family dwelling unless a valid *permit* has been issued to construct a *secondary suite* within a single-family dwelling:
- (a) An additional 220-amp service over and above those normally required for a single-family dwelling;
  - (b) More than one kitchen with *cooking facilities*;
    - (i)
    - (ii) This also includes but is not limited to the installation of any: gas lines or electrical wiring, or duct work for the hood fan, etc., that would normally be required for the installation of a second kitchen within the single-family dwelling to create a *secondary suite*.
  - (c) Additional plumbing and the installation of a secondary laundry facility over and above those normally required for a single-family dwelling.

## PART 6: PERMIT CONDITIONS

- 6.1 A *permit* is required if work regulated under this bylaw is to be undertaken.
- 6.2 Neither the issuance of a *permit* under this bylaw, nor the review of plans, drawings, specification or supporting documents, nor any inspections made by or on behalf of the District in any way:
- (a) relieve the *owner* or the *agent* from full and sole responsibility to perform the work in respect of which the *permit* was issued in strict compliance with this bylaw, the *building code*, and all other applicable codes, standards and enactments;
  - (b) constitute a representation, warranty, assurance or statement that the *building code*, this bylaw or any other applicable enactments respecting safety, protection, land use and zoning have been complied with; or
  - (c) constitute a representation or warranty that the *building or structure* meets any standard of materials or workmanship.
- 6.3 No *person shall* rely on any *permit* or the review of the plans, drawings, specifications or supporting documents as establishing compliance with this bylaw or assume or conclude that this bylaw has been administered or enforced according to its terms.
- 6.4 Without limiting section 6.2(a), it is the full and sole responsibility of the *owner* or the *agent* to carry out the work in respect of which the *permit* was issued in compliance with the *building code*, this bylaw and all other applicable codes, standards and enactments.

## PART 7: POWERS OF A BUILDING OFFICIAL

### Administration

- 7.1 Provisions of this bylaw that provide authority of to a *building official* are to be construed as internal administrative powers and not as creating a duty of any kind to any person whatsoever.
- 7.2 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*, or *agent*, to establish whether a method or type of *construction* or material used in the *construction* of a *building* or *structure* complies with the requirements and provisions of this bylaw and the *building code*; and
- (d) direct that tests of materials, equipment, devices, construction methods, structural assemblies or *foundations* be carried out, or that sufficient evidence or proof be submitted by the *owner*, at the *owner's* sole expense, where such evidence or proof is necessary to determine whether the material, equipment, device, *construction* or *foundation* condition complies with this bylaw and the *building code*.
- (b) Require an *owner*, or *agent*, to install permanent fall protection anchors in wood frame construction in compliance with WorkSafeBC Standards, Structural Engineering requirements and any applicable *building code* requirements.

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

7.3 A *building official* may refuse to issue a *permit* if the proposed work or activity will contravene the requirements of the *building code* or the provisions of this or any other bylaw of the District and must state the reason in writing.

7.4 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.

### **Right of Entry**

7.5 Subject to section 16 of the *Community Charter*, a *building official*, with the assistance of a *bylaw officer* if available, may enter on property at any time to ascertain whether the requirements of this bylaw are being met.

### **Powers**

7.6 A *building official*, with the assistance of a *bylaw officer* if available, 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 *construction* 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*, any other District Bylaw or any other enactment, or if the *building official* considers there is an *unsafe condition*, and may enter on property to affix or post a stop work order in the form prescribed by the *building official*;

- (c) an *owner* to remove or prevent any unauthorized encroachment on a public *parcel*, a statutory right of way or easement, or a setback or yard required under an enactment;
- (d) an *owner* to remove any *building* or *structure*, or any part of a *building* or *structure*, *constructed* in contravention of a provision of this bylaw;
- (e) an *owner* to have work inspected by a *building official* prior to covering;
- (f) an *owner* to uncover any work that has been covered without inspection contrary to this bylaw or an order issued by a *building official*;
- (g) a *person* to cease any *occupancy* in contravention of a provision of this bylaw;
- (h) a *person* to cease any *occupancy* if any *unsafe condition* exists because of *construction* being undertaken but not complete and where the *building official* has not issued a *final inspection notice* for the work related to *construction*;
- (i) an *owner* to correct any *unsafe condition*; and
- (j) an *owner* to correct any work that contravenes this bylaw, the *building code*, any District bylaw or any other enactment.

7.7 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 8: OWNER'S RESPONSIBILITIES**

### **Permit Requirements**

8.1 Subject to Part 11 of this bylaw, every *owner* must apply for and obtain a *permit* prior to:

- (a) *constructing* or *altering* a *building* or *structure*, including a *pool* or *retaining wall* or *seawall* that is 1.2 metres or more in height;
- (b) moving a *building* or *structure* into or within the 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) the installation of an oil-burning appliance, chimney, including a heating oil tank;
- (g) changing the use or *occupancy* of a *building*; or
- (h) prior to the establishment of a *home based business*.

8.2 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**

8.3 Every *owner must*:

- (a) comply with the *building code*, the requirements of this bylaw and the conditions of a *permit*, and *must* not omit any work related to *construction* required by the *building code*, this bylaw, any District bylaw, any other enactment or the conditions of a *permit*;
- (b) ensure that all *permits*, all plans and specifications and supporting documents on which a *permit* was based, all municipal inspection certificates, and all professional *field reviews* are available at the site of the work for inspection during working hours by the *building official*, and that all *permits* are posted conspicuously on the site during the entire execution of the work; and
- (c) prior to the issuance of a *permit*, execute and submit to the District a completed District *permit application form* where required by the *building official*.

8.4 Every *owner* and every *agent, must* carry out *construction* or have the *construction* carried out in accordance with the requirements of the *building code*, this bylaw and other District bylaws and none of the issuance of a *permit* under this bylaw, the review of plans and supporting documents, or inspections made by a *building official* or a *registered professional* shall relieve the *owner*, or the *agent*, from full and sole responsibility to perform the work in strict accordance with this bylaw, the *building code* and all other applicable codes, standards and enactments.

8.5 Every *owner must* allow a *building official* to enter any *building* or premises at any reasonable time to administer and enforce this bylaw.

8.6 Every *owner* to whom a *permit* is issued *must*, during *construction*:

- (a) post the civic address on the property so that it may be easily read from the public highway from which the property takes its address; and
- (b) post the *permit* on the property so that it may be easily read from the public highway from which the property takes its address.

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### **Damage to Municipal Works**

- 8.7 Every *owner* to whom a *permit* is issued is responsible for the cost to repair any damage to municipal works or land that occurs directly or indirectly from any work authorized by the *permit*.
- 8.8 In addition to payment of a security deposit under sections 11.8 to 11.12, every *owner must* pay to the District, within 30 days of receiving an invoice for same from the District, the cost to repair any damage to public property or works located on public property arising directly or indirectly from work for which a *permit* was issued.

### **Demolition**

- 8.9 Prior to obtaining a *permit* to demolish a *building* or *structure*, the *owner must*:
- (a) provide to the District a vacancy date;
  - (b) pay capping and inspection chamber installation fees as set out in the District's bylaws governing waterworks and sewer;
  - (c) ensure that all municipal services and other services are capped and terminated at the property line in a District standard inspection chamber and valve arrangement; and
  - (d) confirm that all applicable requirements of the Safety Measures and the Construction and Demolition Sites in Part 8 of the *building code*, and also the applicable requirements in Section 5.6 – Construction and Demolition Sites of the *fire code*.
- 8.10 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.

### **Notice**

- 8.11 Every *owner shall* provide at least two (2) business days notice prior to commencing work at a *building site*, give written or online notice to the *building safety department* of the date on which the *owner* intends to begin such work.
- 8.12 Every *owner must* give written or online notice to the *building safety department* of any change in or termination of engagement of a *registered professional*, including a *coordinating registered professional*, during *construction*, when the change or termination occurs.
- 8.13 If an *owner* or *registered professional* terminates the engagement of a *registered professional of record* or, including, a *coordinating registered professional* is terminated, the *owner* must cease all work under a *permit* until the *owner* has engaged a replacement *registered professional of record* or *coordinating registered professional*, as the case may

be, or the *owner* has delivered to the *building safety department* letters of assurance in the forms set out in Schedules A, B, C-A and C-B referred to in subsection 2.2.7, Division C, of the *building code*, as applicable.

- 8.14 Without limiting sections 11.28 to 11.43, every *owner must* give at least three (3) business days online or written notice to the *building safety department*;
- (a) of intent to perform work related to *construction* that is required or ordered to be corrected;
  - (b) of intent to cover work related to *construction* that is required under this bylaw to be, or has been ordered to be, inspected prior to covering; and
  - (c) when work related to *construction* has been completed so that a final inspection can be made.
- 8.15 Every *owner* to whom a *permit* has been issued must give notice in writing to the *building safety department* and pay the non-refundable fee set out in the *Fees and Charges Bylaw* immediately upon any change in ownership or change in the address of the *owner* which occurs prior to the issuance of a *final notice*.
- 8.16 Every *owner must* give such other notice to the *building safety department* as may be required by the *building safety department* or by a provision of this bylaw.

#### **PART 9: OBLIGATIONS OF OWNER'S CONSTRUCTOR**

- 9.1 Every *constructor 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.
- 9.2 Every *constructor must* ensure that no *excavation* or other work related to *construction* is undertaken on public property and that no public property is disturbed.
- 9.3 For the purposes of the administration and enforcement of this bylaw, every *constructor* is responsible jointly and severally with the *owner* for all work related to *construction* undertaken.



## PART 10: REGISTERED PROFESSIONAL'S RESPONSIBILITIES

### Requirement for a Registered Professional

- 10.1 Before a *permit* may be issued for the *construction* or *alteration* of a *building* in any of the circumstances specified in section 10.3 of this bylaw. The *owner* must retain a *coordinating registered professional* to:
- (a) coordinate all design work related to *construction* and *field reviews* of the *registered professionals* retained to undertake design work related to *construction* and field reviews as required for the project under the *building code* or this bylaw in order to ascertain that.
    - (i) the design will substantially comply with the *building code* and other applicable enactments respecting safety; and
    - (ii) the *construction* of the project will substantially comply with the *building code* and other applicable enactments respecting safety.
  - (b) deliver to the *building safety department* 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*, when required under this bylaw or the *building code*,  
and the *owner* must retain *registered professionals* to undertake design work in respect of a *permit* application.
- 10.2 Section 10.1 applies to:
- (a) a *complex building* – (refer also to the definition of *complex elements*);
  - (b) *complex elements* of a *simple building*;
  - (c) 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*;
  - (d) if the building envelope components of the building fall under Division B, Part 3 of the building code, the building within the scope of Part 9 of the building code that contains common egress systems for the occupants or requires the use of a *firewall*, or that have structural components that are not within the scope of Part 9 of the *building code*, or more than four (4) dwellings, or if the building envelopes do not comply with the prescriptive requirements of Division B Part 9 of the building code;
  - (e) in any case where the *owner* has proposed a method of *construction* or use of materials not identified as an “Acceptable Solution” under the *Building Code*, and the Chief Building Official considers that the use of the alternative solution affects the

operation and maintenance requirements of the *building*, the *owner* may be required to grant to the District of Sooke a covenant, requiring the owner to operate and maintain the *building* in perpetuity in the manner prescribed in the covenant having regard to the nature of the alternative solution.

- 10.3 The *building official* may require any *registered professional* carrying out the *professional design* and *field review* required under section 10.2 to provide evidence that they have experience and expertise in respect of the *professional design* and *field review* of the context and scope required.

### **Professional Plan Certification**

- 10.4 Where letters of assurance in the form of Schedules A and B as referred to in subsection 2.2.7, Division C of the *building code*, and of the *building safety department* are required to be provided to a *building official* under this bylaw or the *building code*, such letters of assurance are relied upon by the District and its *building officials* as certification that the design, plans and supporting documents to which the letters of assurance refer substantially comply with the *building code*, this bylaw and other applicable enactments respecting safety.
- 10.5 For a *permit* issued for the *construction* of a *complex building*, the *building official* shall provide the *owner* with a notice that the *permit* is issued in reliance on the certification of the *registered professional* that the *professional design* and plans submitted in support of the application for the *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 District or its *building officials* on the *registered professionals*.
- 10.6 If a *permit* is issued for a *construction* of a *complex building*, the *permit* fee is reduced by 5% of the fees payable under the *Fees and Charges Bylaw* up to a maximum reduction of \$500.00 (five hundred dollars).

## PART 11: BUILDING APPLICATION REQUIREMENTS

### Requirements Before Applying for a Permit

- 11.1 Prior to issuance of a *permit*, the *owner must* satisfy the following requirements or conditions:
- (a) the *owner must* apply for and obtain a development permit under Division 7, Part 14 of the *Local Government Act* if the *building* or *structure* is in an area designated by the District's *Official Community Plan* as a development permit area;
  - (b) the *owner must* ensure that the proposed *building* or *structure* complies with all bylaws of the 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 *person* applying for the *permit must* provide evidence to the *building safety department* showing that the *person* applying for the *permit* is either the *owner* of the *parcel* that is the subject of the proposed *permit*, or is the *agent* of the *owner*, in which case, the *agent must* provide the name and contact information of the *owner*;
  - (e) if the *parcel* that is the subject of the *permit* application is not within the District's sewage disposal system and therefore is not capable of being connected to the District's sewage disposal system, the *owner must* apply for and obtain approval from the District and other applicable *public authorities* for an alternate *private sewage disposal system*;
  - (f) if the *parcel* that is the subject of the *permit* application is not within the Capital Regional Districts (CRD) waterworks system and therefore is not capable of being connected to the CRD waterworks system, the *owner must* apply for and obtain approval from the District and other applicable *public authorities* for an alternate water supply system;
  - (g) if the *parcel* that is the subject of the *permit* application is not within the District's storm water drainage system and therefore is not capable of being connected to the District's storm water drainage system, the *owner must* apply for and obtain approval from the District and other applicable *public authorities* for the alternate storm water drainage and detention system; and

- (h) if all on site and off site works and services required by District bylaws or other enactment have not been completed in accordance with the enactments, the *owner must* enter into a completion agreement with the District and deliver to the District letters of credit or cash *security* for completion of the works and service as stipulated in the District's Subdivision and Development Standards Bylaw.

### **Permit Applications for Complex Buildings**

11.2 An application for a *permit* with respect to a *complex building must*:

- (a) be made in the form described in the *Fees and Charges Bylaw* and signed by the *owner*, or signing officer(s) if the *owner* is a corporation including the corporate registry information;
- (b) be accompanied by the *owner's* acknowledgement of responsibility and undertaking made on the District's *permit application form* and signed by the *owner*, or signing officer(s) if the *owner* is a corporation;
- (c) include a copy of a title search for the relevant property made within 30 days of the date of the *permit* application;
- (d) include a *building code* compliance summary ("Building Code Analysis") 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, areas of work related to construction, washrooms, *firewalls* and facilities;
- (e) include a copy of a current survey plan, that is made within 30 days of the date of the *permit* application, which is prepared by a British Columbia land surveyor;
- (f) include a detailed site plan with a scale of 1:200 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 all *existing* and proposed *buildings* or *structures* on the parcel;

- (v) setbacks to the natural boundary of any lake, swamp, pond, watercourse or the sea;
- (vi) north arrow;
- (vii) if applicable, location of and distance between an approved *existing* or proposed private or other alternative sewage disposal system, a water supply system, a well or a storm water drainage system;
- (viii) zoning compliance summary;
  - a. the location, dimensions and gradient of parking and parking access;
  - b. proposed and *existing* setbacks to property lines at a scale of 1:200;
- (ix) 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 and *building* height;
- (x) first storey floor elevation;
- (xi) location, setbacks and elevations of all *retaining walls* or *seawall*, steps, stairs and decks. [NOTE: A *retaining wall* or *seawall* shall not be part of a *foundation wall*];
- (xii) line of upper floors;
- (xiii) location and elevation of curbs, sidewalks, manholes, and service poles;
- (xiv) location of *existing* and proposed service connections;
- (xv) location and species of all trees greater than 10 centimetres in diameter;
- (xvi) location of top bank and water courses;
- (xvii) detailed fire fighting access routes, showing the clear width, overhead clearances, change of gradient, turnaround facilities, etc., in compliance with the *building code*;
- (xviii) *accessible* paths of travel from the street to the *building*;
- (xix) 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 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 part, the requirements for a site plan, if the *permit* is sought for the repair or change of use, occupancy or *alteration* of an *existing building or structure*;

- (g) include floor plans showing the dimensions and uses and *occupancy* classification of all areas, including: the dimensions and height of crawl and roof spaces; the location, size and swing of doors; the location, size and opening of windows; floor, wall, and ceiling finishes; fire separations; party walls; firewalls; plumbing fixtures; structural elements; and stair dimensions;
- (h) include a cross-section through the *building or structure* in sufficient detail and locations to illustrate *foundations*, drainage, ceiling heights and construction systems;
- (i) include elevations of all sides of the *building or structure* showing finish details, roof slopes, windows, doors, natural and finished *grade*, spatial separations and ridge height to comply with the *building code* and to illustrate that the *building or structure* conforms with the District zoning bylaw and if applicable the development permit;
- (j) include cross-sectional details drawn at an appropriate scale and at sufficient locations to illustrate that the *building* conforms to the *building code*;
- (k) include all other requirements of sections 2.2.1, 2.2.3, 2.2.4, 2.2.5, 2.2.6 and 2.2.9, Division C of the *building code*;
- (l) include copies of approvals required under any enactment relating to health or safety, including, without limitation, sewage disposal *permits*, highway access *permits* and ministry of health approvals;
- (m) include a letter of assurance in the form of Schedule A referred to in subsection 2.2.7 Division C, of the *building code*, signed by the *owner*, or a signing officer if the *owner* is a corporation, and the *coordinating registered professional*;
- (n) include letters of assurance in the form of Schedule B referred to in subsection 2.2.7 Division C, of the *building code*, each signed by such *registered professionals* as the *building official* or *building code* may require to prepare the design for and conduct *field reviews* of the *construction* of the *building*;
- (o) include two (2) sets of drawings at a scale 1:200 of the design prepared by each *registered professional* containing the information set out in (f) to (j) of this section; and
- (p) include illustration of any slopes on the subject parcel that exceed 30%.

- 11.3 In addition to the requirements of section 11.2 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 District's subdivision and development servicing bylaw;
  - (b) a section through the site showing grades, *buildings*, *structures*, parking areas and driveways; and
  - (c) any other information required by the *building official* or the *building code* to establish substantial compliance with this bylaw, the *building code* and other bylaws and enactments relating to the *building* or *structure*.

#### **Permit Applications for Simple Buildings**

- 11.4 An application for a *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, including the corporate registry information;
  - (b) be accompanied by the *owner's* acknowledgment of responsibility and undertaking made on the District's *permit application form* and signed by the *owner*, or a signing officer if the *owner* is a corporation;
  - (c) include a copy of a title search for the relevant property made within 30 days of the date of the *permit* application;
  - (d) include a copy of a current up-to-date survey plan, that is made within 30 days of the date of the *permit* application, which is prepared by a British Columbia land surveyor, except that the *building official* may waive the requirement for a survey plan, in part, where conditions warrant;
  - (e) include a copy of a current up-to-date survey plan prepared by a British Columbia Land Surveyor;
  - (f) include a detailed site plan with a scale of 1:200 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, watercourse or the sea;
- (vi) north arrow;
- (vii) if applicable, location and distance between an approved *existing* or proposed private or other alternative sewage disposal system, a water supply system, a well or a storm water drainage system;
- (viii) zoning compliance summary;
  - i. the location, dimensions and gradient of parking and parking access;
  - ii. proposed and *existing* setbacks to property lines at a scale of 1:200;
- (ix) 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 and *building* height;
- (x) *first storey* floor elevation;
- (xi) location, setbacks and elevations of all *retaining walls* or *seawall*, steps, stairs and decks. [NOTE: A *retaining wall* or *seawall* shall not be part of a *foundation* wall];
- (xii) line of upper floors;
- (xiii) location and elevation of curbs, sidewalks, manholes and service poles;
- (xiv) location of *existing* and proposed service connections;
- (xv) location and species of all trees greater than 10 centimetres in diameter;
- (xvi) location of top bank and water courses;
- (xvii) detailed fire fighting access routes, showing the clear width, overhead clearances, changes of gradient, turnaround facilities, etc., in compliance with the *building code*;
- (xviii) *accessible* paths of travel from the street to the *building*;



- (xix) 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 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 part, the requirements for a site plan, if the *permit* is sought for the repair, change of use, occupancy or *alteration* of an *existing building* or *structure*;

- (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; party walls; firewalls; 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* and to illustrate that the *building* or *structure* conforms with the District zoning and if applicable the development permit;
- (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*;
- (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 and in addition email an electronic copy of the drawings including the information set out in (f) to (j) of this section;
- (o) or any *complex elements*, a letter of assurance in the form of Schedule A referred to in subsection 2.2.7 Division C, of the *building code*, signed by the *owner*, or a

signing officer if the *owner* is a corporation, and the *coordinating registered professional*;

- (p) for any *complex elements*, 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*; and
- (q) include a *building code* compliance summary (“Building Code Analysis”) 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*.

11.5 In addition to the requirements of section 11.4, if a *building official* considers that a *project* involves:

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

the *building official* may require the following be submitted with a *permit* application for the *construction* of each *simple building* in the project:

- (d) a section through the site showing grades, *buildings*, *structures*, parking areas and driveways;
- (e) a roof plan and roof height calculations;
- (f) structural, electrical, plumbing, mechanical or fire suppression drawings prepared and sealed by a *registered professional*;
- (g) letters of assurance in the form of Schedule B referred to in subsection 2.2.7, Division C of the *building code*, signed by a *registered professional*; and
- (h) any other information required by the *building official* or the *building code* to establish substantial compliance with this bylaw, the *building code* and other bylaws and enactments relating to the *building* or *structure*.

### **Site and Location Information**

- 11.6 Without limiting sections 11.2(f) or 11.4(d), of this bylaw, the *building official* may require an *owner* to submit a current up-to-date plan of 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 bylaw 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 *shall* comply with the requirement.

### **Permit Fee**

- 11.7 Before receiving a *permit* for a *building* or *structure*, the *owner* *must* first pay to the District:
- (a) the *permit* fee prescribed in the *Fees and Charges Bylaw*; and
  - (b) any fees, charges, levies or taxes imposed by the District and payable under an enactment at the time of issuance of the *permit*.

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

- 11.8 The *owner*, or *agent*, *must* pay to the District, at the time of the application for a *permit*, for the following, in the form of a *security* deposit, with the dollar value identified in the *Fees and Charges Bylaw*.
- 11.9 The *security* deposit set out in section 11.8:
- (a) covers the cost borne by the District to maintain, restore or replace any public works or public lands which are destroyed, damaged or otherwise impaired in the carrying out of the work related to construction referred to in any *permit* held by the applicant;

- (b) covers the cost borne by the 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.
- 11.10 The *security* deposit or applicable portion *must* be returned to the applicant when the applicant has requested the return of the *security*, and only if the applicant has requested the return of the *security*, when:
- (a) the *building safety department* and the *building official* are satisfied that no further damage to public works or public lands will occur;
  - (b) the inspections required by this bylaw are complete and acceptable to the *building safety department* and the *building official*; and
  - (c) all conditions and provisions of a *final inspection notice* are completed to the satisfaction of the *building safety department* and the *building official*; or
  - (c) serves as a *security* deposit to effect compliance with any condition under which the *permit* was issued.
- 11.11 Any credit greater than the amount of the *security* deposit used by the District for the purposes described in section 11.9 (c) and (d) *shall* 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 District to complete construction as outlined in section 11.9 (a) and (b) is recoverable by the District from the *permit* holder, the *constructor* or the *owner* of the property.
- 11.12 If the proposed work includes *excavation* or *construction* on lands within 10 metres of works or services owned by the District, the *owner* must deliver to the *building safety department* a signed agreement in a form prescribed by the District's Director of Planning & Development under which the *owner* acknowledges and agrees that any damage to municipal works or services arising from the *construction* associated with the *building permit* *must* be repaired by the *owner* at its expense and to the satisfaction of the Director of Planning & Development, and the *owner* *must* deposit with the District *security* in accordance with sections 11.8 to 11.11.

### **Permit Fee Refunds**

- 11.13 No *permit fee* or part of a *permit fee* paid to the District *may* be refunded if the work related to *construction* authorized by the *permit* has started.

11.14 A *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 within six (6) months of *permit* issuance;
- (b) the *building official* has certified a start has not been made on the work authorized by the *permit*; and
- (c) the *permit* has not expired and has not been extended under section 11.43.

11.15 A *permit* fee is not refundable after the *permit* has expired or been extended under section 11.44.

### **Design Modification**

11.16 If a *permit* has not expired 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 District a *permit* fee based on the plan review hourly rate set out in the *Fees and Charges Bylaw*.

### **Construction Before Permit Issued**

11.17 The *permit* fee shall be doubled for every *permit* application if work related to *construction* authorized under the *permit* commenced before the *building official* issued a *permit*.

### **Issuance of a Permit**

11.18 If:

- (a) a completed application in compliance with sections 11.2 and 11.3 or sections 11.4 and 11.5, including all required supporting documentation, has been submitted;
- (b) the *owner* has paid all applicable *fees* and deposits required under this bylaw with respect to the *permit*;
- (c) the *owner* or his or her representative has paid all charges and met all requirements imposed by any other District bylaw;
- (d) the *owner* has retained all *registered professionals* required under this bylaw; and
- (e) no covenant, agreement, resolution or regulation of the District prohibits the *construction* work in respect of which the *permit* is sought or 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 District gives written notice to the *owner* that the *permit* is ready to be picked up by the *owner*.

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

- 11.19 A *permit* will not be issued for a new home unless the *owner* provides evidence, in accordance with section 30(1) of the *Homeowner Protection Act*, that the proposed new home:
- (a) is covered by home warranty insurance, or will be built by an *owner* builder or is otherwise exempted by regulation from the requirement to be covered by home warranty insurance; and
  - (b) will be built by a licensed residential builder, or by a *person* who is otherwise exempted by regulation from the requirement to be a licensed builder.
- 11.20 Terms used in section 10.19 that are defined in the *Homeowner Protection Act* will have the meanings given to them under that *Act* when used in section 10.19.
- 11.21 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**

- 11.22 If a site has been *excavated* under a *permit* for *excavation* issued under this bylaw and a *permit* is not subsequently issued for *construction* of the *building* or *structure* to which the excavation relates within 180 days (6 months) of completion of the excavation or such a *permit* is issued but expires under section 11.45 but without the *construction* of the *building* or *structure* for which the *permit* was issued having commenced, the *owner* must fill in the *excavation* to restore the original gradients of the site within 60 days of notice from the District to do so.
- 11.23 If a *permit* expires and partial *construction* has progressed, with no extension requested of the *building official* under section 11.43, permanent type fencing with privacy screen complying with the *Zoning Bylaw*, must be erected around the *building* site for protection to the public.

### **Conditions of a Permit**

- 11.24 A *permit* or an application for a *permit* that is in process may not be transferred or assigned until the *owner* has notified the *building safety department* in writing and the *building official* has authorized the transfer or assignment in writing and the *owner* has

paid the non-refundable fee required under the District's *Fees and Charges Bylaw*. For clarity, a transfer or assignment of a *permit* is not an extension of the *permit*.

- 11.25 The review of plans and supporting documents and issuance of a *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**

- 11.26 If a *registered professional* provides letters of assurance in accordance with this Part, the 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 *building code*, this bylaw and other applicable enactments respecting safety.
- 11.27 Despite section 11.26, 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*.
- 11.28 A *building official* may attend periodically at the site of the *construction* of *simple buildings* or *structures* to ascertain whether the work related to *construction*, other than *complex elements*, substantially conforms with the *building code*, this bylaw and any other applicable enactments concerning safety.
- 11.29 For all *construction* in respect of *simple buildings*, other than *complex elements*, the *owner* must give at least 3 business days notice to the *building safety department* when requesting an inspection and *must* obtain an inspection and receive a *building official's* written acceptance of the following aspects of the work related to construction prior to concealing them:
- (a) after demolition, the *grading* of and removal of debris from the site;
  - (b) *excavation*, within 2 business days of the start of *excavation*;
  - (c) *foundation* and footing forms, before concrete is poured;
  - (d) prior to inspection under section 11.29(e), plumbing located below the finished slab level;
  - (e) the preparation of ground, including ground cover when required, perimeter insulation on inside of concrete *foundation* walls and reinforcing steel;
  - (f) after inspection under section 11.29(e) hydronic heating pipes and below slab insulation;

- (g) installation of rough-in plumbing before it is covered;
  - (h) installation of *building services* before being covered;
  - (i) rough in of factory-built chimneys and fireplaces and solid fuel and oil burning appliances;
  - (j) 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 related to *construction*;
  - (k) insulation and vapour barrier;
  - (l) *construction* of an exterior deck if the deck serves as a roof;
  - (m) on-site *constructed* tubs or showers and tub or shower trap tests;
  - (n) the installation of wall sheathing membrane, externally applied vapour or air barrier, stucco wire or lath, and flashings, but prior to the installation of exterior finishes which could conceal such work related to *construction*; and
  - (o) the *health and safety aspects of the work* and the conservation, *GHG* emission reduction and accessibility aspects of the work related to *construction* when the *building* or *structure* is substantially complete, ready for *occupancy* but prior to *occupancy*.
- 11.30 A *building official* will only carry out an inspection under section 11.29 if the *owner*, or the *agent*, has requested the inspection online or in writing in accordance with this bylaw, and the District staff must have the tenant, the landlord or another staff member present when carrying out an inspection of an occupied dwelling unit or an occupied *secondary suite*.
- 11.31 Despite the requirement for the *building official's* acceptance of the work outlined in section 11.29, if a *registered professional* provides letters of assurance, the *building safety department* may rely solely on *field reviews* undertaken by the *registered professional* and the letters of assurance submitted pursuant to this bylaw as assurance that the items identified on those letters of assurance substantially comply with the *building code*, this bylaw and other applicable enactments respecting safety and with the *professional design* and the plans and documents submitted to the *building safety department* in support of the *permit* application.
- 11.32 No *person* may conceal any aspect of the work referred to in section 11.29 of this bylaw until a *building official* has *accepted* it in writing.



- 11.33 For work related to *construction* pertaining to *complex buildings*, the *owner* must give at least 3 business days notice online or written notice to the *building safety department* or *building official*:
- (a) when requesting a preconstruction meeting with the *building official* prior to the start of *construction*, to which the *owner* or *agent* must ensure that the *coordinating registered professional*, the *constructor*, as well as representatives of major trades, are in attendance;
  - (b) when requesting pre-occupancy coordinated by the *coordinating registered professional* or other *registered professional*, to:
    - i. have the *owner*, the *constructor* and the *registered professionals* demonstrate to the *building official* and *fire inspector*, the compliance with the health and safety aspects of the work related to *construction*, the coordination and integration of the fire and life safety system, applicable District requirements and other enactments respecting safety and the conservation, *GHG* emission and accessibility aspects of the work; and
    - ii. cause the *coordinating registered professional*, at least 3 business days prior to the pre-occupancy, deliver to the *building official* the District's *permit application form*, complete with all documentation in a hard covered three ring binder and in digital pdf format on a memory stick.

### **Stop Work Order**

- 11.34 A *building official*, with the assistance of a *bylaw officer* if available, *may* direct the immediate suspension or correction of all or a portion of the *construction* or *alteration* of a *building* or *structure* by attaching a stop work order notice in the form described in the District's *permit application form* on the premises whenever it is found that the work is not being performed in accordance with the requirements of the *building code*, this bylaw, or any other applicable District of Sooke bylaws, or any applicable provincial or federal enactments, codes or standards.
- 11.35 If a *registered professional's* services are terminated, the *owner* must immediately stop any work related to *construction* that is subject to *design* or *field review* and the *building official* is deemed to have issued a stop work order under section 11.34.
- 11.36 The *owner* must immediately, after the posting of a notice under section 11.34, secure the *construction* and the *lands* and premises surrounding the *construction* in compliance with the safety requirements of the Safety Measures at the Construction and Demolition Sites in Part 8 of the *building code*, the applicable requirements in Section 5.6-Construction and Demolition Sites of the *fire code*, every statute, regulation or order of the Province or of a provincial agency and of every applicable bylaw of the District.

- 11.37 Subject to section 11.34, no work related to *construction* other than the required remedial measures *may* be carried out on the *parcel* affected by the notice referred to in section 11.34 until the stop work order notice has been removed by the *building official*.
- 11.38 The notice referred to in section 11.34 must remain posted on the premises until that which is contrary to the *building code*, this bylaw, or any applicable District bylaw, or any applicable provincial or federal enactments, codes or standards has been remedied.

### **Do Not Occupy Notice**

- 11.39 If a *person* occupies a *building* or *structure* or part of a *building* or *structure* in contravention of this bylaw, a *building official*, with the assistance of a *bylaw officer* if available, *may* post a Do Not Occupy Notice in the form prescribed by the *building official* on the affected part of the *building* or *structure*.
- 11.40 If a notice is posted under section 11.39, 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*, this bylaw, or any other applicable, District bylaw, or any applicable provincial or federal enactments, codes or standards have been substantially complied with and the Do Not Occupy Notice has been rescinded in writing by a *building official*.

### **Inspection and Other Fees**

- 11.41 In addition to the fees required under other provisions of this bylaw, the *owner must* pay the applicable non-refundable fee set out in the *Fees and Charges Bylaw* for
- (a) a third, 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;
  - (b) a special inspection during the District's normal business hours to establish the condition of a *building*, or if an inspection requires special arrangements because of time, location or construction techniques; and
  - (c) inspection required under this bylaw which cannot be carried out during the District's normal business hours.

### **Permit Expiration**

- 11.42 Every *permit* expires and the rights of the *owner* under the *permit* terminate if:

- (a) the work authorized by the *permit* is not commenced within 180 days (6 months) from the date of issuance of the *permit*;
- (b) work is discontinued for a period of 180 days (6 months); or
- (c) the work is not completed within two years of the date of issuance of the *permit*.

### **Permit Extension**

11.43 A *building official* may extend the period set out under section 11.42 for only one period, not to exceed twelve months, if the *building official* is satisfied that *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 (1 month) prior to the date of *permit* expiration; and
- (b) the non-refundable fee set out in the *Fees and Charges Bylaw* has been paid.

### **Permit Revocation**

11.44 A *building official* may, by providing written notice to the *permit* holder revoke a *permit* if there is a violation of:

- (a) a condition under which the *permit* was issued; or
- (b) a requirement of the *building code* or of this or another bylaw of the District.

### **Permit Cancellation**

11.45 A *permit*, or a *permit* application, may be cancelled by the *owner* on delivery of written notification of the cancellation to the *building safety department*.

11.46 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".

11.47 If a *permit* application or *permit* is cancelled, and *construction* has not commenced under the *permit*, and the *owner* has submitted a written request for a refund within six (6) months of *permit* issuance; the *building official* must return to the *owner* any fees deposited under the *Fees and Charges Bylaw*, less:

- (a) any non-refundable portion of the fee; and
- (b) 15% of the refundable portion of the fee.

### **Occupancy**

- 11.48 No *person* may occupy a *building* or *structure* or part of a *building* or *structure* until an Occupancy Approval, or a *Provisional Occupancy* (with a time limit and an expiry date) or *final inspection notice* for the *building* or the part of the *building* has been issued by a *building official*.
- 11.49 The *owner* shall provide to *building safety department* before issuance of a *final inspection notice* for a *complex building* letters of assurance in the form of Schedule C-A and C-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.
- 11.50 The *owner* shall provide to the *building safety department* before issuance of a *final inspection notice* for a *simple building* that contains *complex elements*, letters of assurance for such *complex elements* in the form of Schedule C-A and C-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.
- 11.51 A *final inspection notice* for a *building* or part of a *building* 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 related to *construction* pursuant to sections 8.11 to 8.16 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 *building safety department* as-built plans of *construction* and *services* in digital format as required by the District;
  - (d) the *owner* has provided to the *building safety department* a survey prepared by a British Columbia *land surveyor* showing the *building height*, size, location and elevation determined in accordance with the District's land use regulations;
  - (e) all other documentation required under applicable enactments has been delivered to the *building safety department*;
  - (f) the *owner* has delivered to the *building safety department* as-built drawings of the *building* or *structure* in digital format as required by the District; and
  - (g) without limiting section 11.2 no *person* may occupy a *building* unless the finished *grade* complies with all applicable enactments.
- 11.52 When *registered professional* letters of assurance are required to be provided to the *building safety department* in accordance with this bylaw, the *building safety department* will rely solely on the letters of assurance when issuing a *final inspection notice* as assurance that the items identified on the letters of assurance substantially comply with

the *building code*, this bylaw and other applicable enactments respecting safety and with the *professional design* and the plans and documents submitted to the *building official* in support of the *permit* application.

11.53 A *building official* may issue a *final inspection notice* for partial *occupancy* of a portion of a *building* or *structure* under *construction*, or a *Provisional Occupancy* (with a time limit and an expiry date) 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 related to *construction*, and if applicable, accessibility, *GHG* emissions and conservation; and
- (b) the requirements set out in section 11.51 have been met with respect to it.

11.54 A *final inspection notice* may not be issued unless:

- (a) all letters of assurance required by this bylaw in relation to the work under *permit* and the Confirmation of Required Documentation described on the *permit application form* have all been submitted when required in accordance with the requirements of this bylaw;
- (b) all aspects of the work requiring inspection and review pursuant to Part 10 and sections 11.26 through 11.33 of this bylaw have both been inspected and *accepted*;
- (c) the *owner* has executed and delivered to the *building safety department* every agreement, instrument or form required by the District in relation to the work or the site; and
- (d) all required offsite works respecting safety have been completed.

### **Temporary Buildings**

11.55 Subject to the bylaws of the District and orders of Council, a *building official* may issue a *permit* for the erection or placement of a *temporary building* or *structure* for *occupancy* if

- (a) the *permit* is for a period not exceeding one year; and
- (b) the *building* or *structure* is located in compliance with the *Zoning Bylaw*, built in compliance with the *building code* and this bylaw, and connected, as required by enactments, to District utility *services*.

11.56 An application for a *permit* for the erection or placement of a *temporary building* or *structure* must be made in the form of a temporary *permit* application in the form prescribed by the *building official*, signed by the *owner*, or *agent*, and must include:

- (a) plans and supporting documents showing the location and *building height* of the *building* or *structure* on the *parcel*;
- (b) plans and supporting documents showing *construction* details of the *building* or *structure*;
- (c) a statement by the *owner* indicating the intended use and duration of the use;
- (d) plans and supporting documents showing the proposed parking and loading space;
- (e) a written description of the project explaining why the *building* is temporary;
- (f) a copy of an issued development *permit*, if required;
- (g) in the case of a manufactured *building*, a Canadian Standard Association (CSA) label in respect of manufacture and, without limitation, a Quonset or other steel *building* must be certified in accordance with CSA Standard A660;
- (h) a report or drawing by an engineer, architect or *designer* confirming compliance with the *building code*, this bylaw, the District's zoning bylaw and other applicable bylaws;
- (i) *security deposit* in the form of cash or a letter of credit for 10% of the value of the *temporary building*, which:
  - (i) *may* be used by the District to remove the *building* after one year of the date of the final inspection required under this bylaw; or
  - (ii) *must* be returned to the *owner* if the *owner* removes the *temporary building* within one year of the date of the final inspection of the *temporary building* required under this bylaw; and
- (j) in the case of a *temporary building*, information to comply with article 1.1.1.1(2)(f), Division C, of the *building code*.

11.57 Before receiving a *permit* for a *temporary building* or *structure* for *occupancy*, the *owner* must pay to the *building safety department* the applicable *permit fee* set out in the *fees and charges bylaw*.

11.58 A *permit fee* for a *temporary building* or *structure* is not refundable.

### **Sanitary Facilities**

11.59 During the time a *permit* has been issued and remains valid under this bylaw, the *owner* must provide on the *parcel* of *land* in respect of which the *permit* has been issued, sanitary facilities for the disposal of human waste for individual persons who enter on the

*parcel* in relation to the work referred to in the *permit*, which facilities *must* be accessible and unlocked when not occupied while work related to *construction* is being carried out on the *parcel* under this bylaw, and every sanitary facility that is not connected to a:

- (a) sanitary sewer; or
- (b) septic disposal system approved under the *Health Act*,

by plumbing that complies with the *building* and *plumbing code* requirements and this bylaw, must be provided, at all times the facility is required under this bylaw, with toilet paper, a locking door for privacy, and ventilation, and must be kept in sanitary condition without leaking beyond the facility and without overflowing within the facility. Such facilities must be located so as not to create a nuisance to neighbouring *parcels* or *highways*.

## **PART 12: RETAINING WALL, SEAWALLS AND GRADES**

- 12.1 No *person* may *construct*, or structurally alter, a *retaining wall* or *seawall* that is 1.2 meters or more in height, without a *building permit*. [NOTE: A *retaining wall* or *seawall* shall be independent of a *foundation* wall].
- 12.2 Except as certified by a BC *registered professional* engineer with expertise in geotechnical engineering, fill material placed on a *parcel*, unless restrained by permitted *retaining walls* or *seawalls*, *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.

## **PART 13: BUILDING MOVE**

- 13.1 No *person* may move a *building* or *structure* into or within the District:
  - (a) except where certified by a *registered professional* that the *building*, including its *foundation*, will substantially comply with the current version of the *building code*; and
  - (b) a *permit* has been issued for the *building* or *structure*.

## **PART 14: NUMBERING OF BUILDINGS**

- 14.1 Immediately upon issuance of a *permit* for the *construction* or *alteration* of a *building*, or prior to and during the *occupancy* of a *building*, the *owner* or occupant must display the address number assigned to it by the District:
- (a) on or over the entrance to the *building* or where landscaping or *structures* obscure the visibility of a *building* entrance from the adjacent *highway*, on the *building* property within sight of the adjacent *highway*; and
  - (b) until such time as the *building* is removed from the site or has been demolished.
- 14.2 Despite section 14.1, the District's Director of Planning & Development *may* renumber or alter the assigned numbers in respect of any *building* on any *parcel*, including those already in existence or numbered.
- 14.3 Without limiting sections 14.1 or 14.2, the *building safety department must*, on the issuance of a *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 *permit* and *must* keep the numbers posted in a conspicuous location at all times during *construction*.
- 14.4 Without limiting sections 14.1 through 14.3, on issuance of a *final inspection notice*, the *owner* or occupier of the *parcel must* affix the numbers permanently in a conspicuous place on the *building* such that the number is visible from an adjacent *highway* that is not a lane.

## **PART 15: POOLS**

### **Swimming Pool Permit and Fencing**

- 15.1 Without limiting section 6.1 of this bylaw, a *person must* not *construct* a swimming *pool* without a valid and subsisting *building permit*.
- 15.2 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 2 metres and no openings greater than 100 mm at their greatest dimension.

### **Pool Gate**

- 15.3 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 at the highest practical point.



**Spa or Hot Tub Lid**

- 15.4 In lieu of a fence, a spa or hot tub *may* be covered with a locking cover that prevents unauthorized access to the water.

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## **Maintenance**

15.5 A *person* may not use 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 under sections 15.2 to 15.4 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.

## **Leaks or Other Failures**

15.6 A *person* may not obtain a valid and subsisting *building permit* for, or use a swimming *pool*, without first delivering to the *building safety department* at the time of the *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*.

## **PART 16: ENERGY CONSERVATION AND GHG EMISSION REDUCTION**

16.1 In relation to the conservation of energy and the reduction of *GHG* emissions, the District incorporates by reference the *energy step code* in accordance with sections 16.2 through 16.4.

16.2 For the years 2020 – 2025:

- (a) A *building*, which is a wood framed residential building six (6) stories or less in *building height*, or regulated by Part 9 of the *building code*, *must* be designed and *constructed* to meet the minimum performance requirements specified in step three (3) of the *energy step code*; or
- (b) All other *buildings* regulated by Part 3 of the *building code*, *must* be designed and *constructed* to meet the minimum performance requirements specified in step two (2) of the *energy step code*.

16.3 For the years 2025 – 2027:

- (a) A *building* which is a wood framed residential building six (6) stories or less in *building height*, or regulated by Part 9 of the *building code*, *must* be designed and *constructed* to meet the minimum performance requirements specified in step four (4) of the *energy step code*; or
- (b) All other *buildings* regulated by Part 3 of the *building code*, *must* be designed and *constructed* to meet the minimum performance requirements specified in step three (3) of the *energy step code*.

16.4 For the year years 2027 onward:

- (a) A *building* which is a wood framed residential building six (6) stories or less in *building height*, or regulated by Part 9 of the *building code*, *must* be designed and *constructed* to meet the minimum performance requirements specified in step five (5) of the *energy step code*; or
- (b) All other *buildings* regulated by Part 3 of the *building code*, *must* be designed and *constructed* to meet the minimum performance requirements specified in step four (4) of the *energy step code*.

## PART 17: OFFENCES

### Violations

17.1 Without limiting Part 5 of this bylaw, every person who:

- (a) violates a provision of this bylaw;
- (b) *permits*, suffers or allows any act to be done in violation of any provision of this bylaw; and
- (c) neglects to do anything required to be done under any provision of this bylaw,

commits an offence and on summary conviction by a court of competent jurisdiction, the person is subject to a fine of not more than \$10,000.00, or a term of imprisonment not exceeding three months, or both, in addition to the costs of prosecution. Each day during which a violation, contravention or breach of this bylaw continues is deemed to be a separate offence.

17.2 Every person who fails to comply with any administrative issued by a *building official*, or who allows a violation of this bylaw to continue, contravenes this bylaw.

17.3 Every person who commences work requiring a *permit* without first obtaining such a *permit* must, if a Stop Work notice is issued and remains outstanding for 30 days, pay an additional charge as outlined in the *Fees and Charges Bylaw*.

### Deemed Offence

17.4 An *owner* is deemed to have knowledge of and be liable under this bylaw in respect of any *construction* on the *parcel* the *owner* owns and any change in the use, *occupancy* or both of a *building* or *structure* or part of a *building* or *structure* on that *parcel*.

- 17.5 No *person* is deemed liable under section 17.4 who establishes, on a balance of probabilities, that the *construction* or change of use or *occupancy* occurred before becoming the *owner* of the *parcel*.
- 17.6 Nothing in section 17.5 affects:
- (a) the District's right to require and the *owner's* obligation to obtain a *permit*; and
  - (b) the obligation of the *owner* to comply with this bylaw.

### **Ticketing**

- 17.7 The offences in Schedule 1 of this bylaw are designated for enforcement under s. 264 of the *Community Charter*.
- 17.8 The following persons are designated as bylaw enforcement officers under section 264(1)(b) of the *Community Charter* for enforcing the offences in Schedule 1 of this bylaw: *building officials, fire inspectors* and persons designated by Council as bylaw enforcement officers.
- 17.9 The words or expressions set forth in Schedule 1 of this bylaw are authorized pursuant to s. 264(1)(c) of the *Community Charter* to designate the offence committed under the bylaw section number appearing in Column 2 opposite the respective words or expressions.
- 17.10 The amounts appearing in Schedule 1 of this bylaw are the fines established pursuant to s. 265(1)(a) of the *Community Charter* for the corresponding offence designated in Column 1.

### **PART 18: REPEAL**

*BUILDING REGULATION BYLAW NO. 70, 2001, AS AMENDED, IS REPEALED.*

*SOOKE HOUSE NUMBERING BYLAW NO. 1, 1993, IS REPEALED.*

### **PART 19: IN FORCE**

This bylaw comes into force on April 1, 2020.

Read a FIRST, SECOND time the \_\_\_ day of \_\_\_\_\_, 2020.

Read a THIRD time the \_\_\_ day of \_\_\_\_\_, 2020.

ADOPTED the \_\_\_ day of \_\_\_\_\_, 2020.

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Mayor

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Corporate Officer

DRAFT