CAPITAL REGIONAL DISTRICT BYLAW NO. 4403

A BYLAW TO AMEND BYLAW NO. 3741, "BUILDING REGULATION BYLAW No. 5, 2010"

WHEREAS the Capital Regional District wishes to amend Bylaw No. 3471, "Building Regulation Bylaw No. 5, 2010";

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

- 1. Building Regulation Bylaw No. 5, 2010 is amended in Paragraph A of the Recitals by deleting the reference to section 694(1) of the *Local Government Act* and substituting a reference to section 298(1) of the *Local Government Act*.
- 2. Building Regulation Bylaw No. 5, 2010 is amended in section 1.1.1 by deleting the words "not within a city, district, town or village".
- 3. Building Regulation Bylaw No. 5, 2010 is amended in section 1.1.3(2) by adding the words "use or" after the words "change in" in the first line.
- 4. Building Regulation Bylaw No. 5, 2010 is amended in section 1.2.2 by:
 - (a) deleting the words "Human habitation is not permitted in an accessory building." from the definition of "Accessory Building";
 - (b) deleting the words "as the space created by" from the definition of "Excavation";
 - (c) deleting the definitions of "Building Code", "Health and Safety Aspects of the Work", and "Structure" and substituting the following definitions in their place:
 - "Building Code" means the *British Columbia Building Code* as adopted from time to time by the Minister pursuant to Part 2 of the *Building Act*.
 - "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.
 - "Structure" means a construction or portion of construction, of any kind, whether fixed to, supported by or sunk into land or water, except landscaping, fences, paving, and retaining structures less than 1.2 meters in height.
 - (d) adding the following definitions in alphabetical order:
 - "Alteration" means a change or extension to any matter or thing or to any occupancy regulated by the Building Code.
 - "Construct" includes build, erect, install, repair, alter, add, enlarge, move, locate, reconstruct, demolish, remove, excavate or shore.

- "Construction Value" means the fair market value of the work proposed to be undertaken, including the value of all labour and materials whether contracted, volunteered or provided by the owner, together with the value of all design and professional consulting services, construction management services, and contractor's profit and overhead, as determined in accordance with section 2.4.4 of this Bylaw.
- 5. Building Regulation Bylaw No. 5, 2010 is amended in section 1.3.2 by deleting the words "within the Capital Regional District" in the first sentence and substituting the words "within all parts of the Juan de Fuca, Southern Gulf Islands and Salt Spring Island electoral areas".
- 6. Building Regulation Bylaw No. 5, 2010 is amended by deleting section 2.1.1 in its entirety and substituting:
 - **"2.1.1** A Permit is required whenever work regulated under the Building Code and this Bylaw is to be undertaken."
- 7. Building Regulation Bylaw No. 5, 2010 is amended in section 2.1.2 by:
 - (a) by deleting sub-section (4), and renumbering sub-sections (5) and (6) as sub-sections (4) and (5).
- 8. Building Regulation Bylaw No. 5, 2010 is amended by deleting section 2.1.3(3) and substituting the following:
 - "(3) for accessory buildings less than 10 square meters in area that do not create a hazard;"
- 9. Building Regulation Bylaw No. 5, 2010 is amended in section 2.1.6 by adding the following at the end of that section:
 - ", nor does it constitute a representation or warranty that the building or structure meets any standard of materials or workmanship".
- 10. Building Regulation Bylaw No. 5, 2010 is amended in section 2.3.3 by deleting the words "appendices K, L and M attached to".
- 11. Building Regulation Bylaw No. 5, 2010 is amended in section 2.3.7(1) by adding the following at the end:
 - "Any failure on the part of the building official to provide the owner with the written notice will not diminish or invalidate the reliance by the Capital Regional District or its building officials on the registered professionals."
- 12. Building Regulation Bylaw No. 5, 2010 is amended by deleting section 2.4.1, by renumbering sections 2.4.2 through 2.4.9 as sections 2.4.5, 2.4.6, 2.4.7, 2.4.8, 2.4.9, 2.4.10, 2.4.11, and 2.4.12, and by adding the following sections:
 - ***2.4.1** A Permit fee for any of the following work, calculated in accordance with the forms attached as appendices C, D, E, or F to this Bylaw, shall be paid in full prior to issuance of:
 - (1) a plumbing Permit pursuant to section 2.1.2(2) of this Bylaw;

- (2) a Permit for the installation of a fireplace, chimney, or wood stove pursuant to section 2.1.2(3) of this Bylaw;
- (3) a Permit for the demolition or deconstruction of a building or structure, pursuant to section 2.1.2(4) or (5) of this Bylaw.
- 2.4.2 A Permit fee, calculated in accordance with Appendix K of this Bylaw, and based upon the construction value of the proposed work as determined in accordance with section 2.4.4 of this Bylaw, shall be paid in full prior to the issuance of a Permit for the construction, alteration or repair of a building or structure pursuant to section 2.1.2(1) of this Bylaw.
- **2.4.3** An application for a Permit pursuant to section 2.1.2(1) of this Bylaw must be accompanied by the owner's declaration of the value of the proposed work.
- **2.4.4** For the purpose of section 2.4.2, the construction value of the proposed work shall be the greater of the following:
 - (1) the value of the proposed work, as declared by the owner under section 2.4.3;
 - (2) the construction value of the proposed work, as determined by the building inspector using one of the following sources:
 - (a) the construction values set out in Appendix L and M to this Bylaw; or
 - (b) a construction costing manual or service that is nationally-recognized by the construction and real estate industries as authoritative, including but not limited to the Marshall & Swift Valuation Service or Residential Cost Handbook."
- 13. Building Regulation Bylaw No. 5, 2010 is amended in section 2.4.5 by deleting the words "in either Appendix L or M" where they appear in subsections (1), (2) and (3), and by substituting the words "under section 2.4.4.".
- 14. Building Regulation Bylaw No. 5, 2010 is amended by deleting section 2.5.2(4) and substituting the following:
 - "(4) there is a sale or transfer of the property in respect of which the Permit is issued, unless the owner has first notified the building inspector in writing and the building inspector has authorized the transfer or assignment of the Permit to the new owner."
- 15. Building Regulation Bylaw No. 5, 2010 is amended by deleting sections 2.5.3 and 2.5.4 and substituting the following:

2.5.3 Reapplication

- (1) Except as provided in 2.5.9, where a permit expires under section 2.5.2 the owner must apply for a new permit in order to complete the work.
- (2) An application under section 2.5.3(1) must be accompanied by any of the information referred to in sections 2.3.4 or 2.3.5 that the building inspector

considers is necessary to verify that the health and safety aspects of the work that has yet to be substantially completed will conform with the requirements of the then-current *Building Code*, this Bylaw and any other applicable enactment.

- (3) The fee for a Permit issued under section 2.5.3(1):
 - (a) will be based upon the value of the work that remains to be completed, as determined by the building inspector in accordance with section 2.4.4 of this Bylaw;
 - (b) will in no event be less than \$300.00.
- 16. Building Regulation Bylaw No. 5, 2010 is amended by renumbering sections 2.5.5 through 2.5.10 as sections 2.5.4, 2.5.5, 2.5.6, 2.5.7, 2.5.8. and 2.5.9.
- 17. Building Regulation Bylaw No. 5, 2010 is amended in section 2.5.5 by deleting "Section 2.5.5" and substituting "Section 2.5.4".
- 18. Building Regulation Bylaw No. 5, 2010 is amended by deleting section 2.5.9 and substituting the following:

2.5.9 Permit Renewal

- (1) Where the rights of an owner under a Permit terminate under section 2.5.2, the owner may apply to renew the Permit provided the renewal application is made no later than 30 days after the expiry of the Permit.
- (2) Where all of the deficiencies listed on a Conditional Certificate of Occupancy have not been addressed to the satisfaction of the building inspector within 12 months of the issuance of the Conditional Certificate of Occupancy, the owner may apply to renew the Conditional Certificate of Occupancy, provided the renewal application is made no later than 30 days after the expiry of the Conditional Certificate of Occupancy.
- (3) The fee for an application under sections 2.5.9(1) or (2) shall be \$300.00.
- (4) Upon receipt of an application under sections 2.5.9(1) or (2), a building inspector may renew the Permit or Conditional Certificate of Occupancy, as applicable, for a period not to exceed 12 months.
- (5) A Permit or Conditional Certificate of Occupancy may only be renewed once under this section 2.5.9.
- 19. Building Regulation Bylaw No. 5, 2010 is amended by deleting section 2.6.3(4) and by renumbering section 2.6.3(5) as section 2.6.3(4).
- 20. Building Regulation Bylaw No. 5, 2010 is amended in section 3.1.1 by adding ", for which a Permit is required under this Bylaw," after the word "construction" in the third line.
- 21. Building Regulation Bylaw No. 5, 2010 is amended by deleting the sub-heading to section 3.1.8 and substituting "Work Contrary to Requirements".

- 22. Building Regulation Bylaw No. 5, 2010 is amended by deleting section 3.2.1 and substituting the following:
 - "3.2.1 Each building official may:
 - (1) administer this Bylaw, but owes no public duty to do so; and
 - (2) keep records of Permit applications, Permits, notices and orders issued, inspections and tests made, and may retain copies of all documents related to the administration of this Bylaw."
- 23. Building Regulation Bylaw No. 5, 2010 is amended in section 3.2.2(1) by adding "and in accordance with section 16 of the *Community Charter*," after the words "at all reasonable times," in the first line.
- 24. Building Regulation Bylaw No. 5, 2010 is amended in section 3.5.4(1) by deleting the word "after" and substituting the word "before".
- 25. Building Regulation Bylaw No. 5, 2010 is amended in section 3.5.4(2) by adding ", roof water leader system" after the words "drain tiles".
- 26. Building Regulation Bylaw No. 5, 2010 is amended in section 3.5.4(3) by deleting the comma after "ground cover", and by adding "and insulation" after the words "ground cover".
- 27. Building Regulation Bylaw No. 5, 2010 is amended by deleting Appendices A, C, F, L and M and substituting the Appendices A, C, F, L and M that are attached as Schedule "A" to this Bylaw.
- 28. This Bylaw may be cited for all purposes as the "Building Regulation Bylaw No. 5, 2010, Amendment Bylaw No. 2, 2021".

Chairperson	Corporate Officer	
ADOPTED THIS	day of	2021
READ A THIRD TIME THIS	day of	2021
READ A SECOND TIME THIS	day of	2021
READ A FIRST TIME THIS	day of	2021

Schedule "A" Building Regulation Bylaw No. 5, 2010 Amendment Bylaw No. 2, 2021

Appendices A, C, F, L and M

Appendix A	Building Permit Application			Hol	Hold No.		
رقت	- Danielle Common Application				Pen	Permit No.	
SOUTHERN GUL WILLIS POINT & BUILDING INSPE Mail to: P.O. Box Victoria BC, V8W (250) 360-3230, Toll Free: 1-866-	MALAHAT CTION 1 1000 (625 Fisgard St.) / 256 Fax-3232	JUAN DE FUCA BUILDING INSPE Mail to: P.O. Box 2 - 6868 West Ci Sooke BC, V92 O (250) 642-1500,	x 283 past Rd. 59	SALT SPRING ISLAND BUILDING INSPECTION 206 - 118 Fulford Ganges Salt Spring Island BC, V8K (230) 337-2711, Fax-9633	Rd. Drift 254 Pen	DER ISLAND LDINS INSPECTION twood Centre, Box 46 der Island BC, VON 2MO 0) 629-3424, Fax-3502	
PLEASE PRINT		to the regulations a	pplicable to t	the CAPITAL REGIONAL DI	STRICT:		
i,	, addr	ess					
being the owner	r or representing the owner	r hereby make applicati	ion to, (check o	one in box 1 and one in box 2	below)		
1	☐ REACTIVATE ☐ CONSTRUCT ☐ ALTER ☐ REPAIR	DECONSTRUCT ADD TO MOVE DEMOUSH	2	SINGLE FAMILY DWELL TWO FAMILY DWELLI MULTI-FAMILY DWELL OTHER:	WG	GARAGE CARPORT MOBILE COMMERCIAL	
Construction V	/alue:						
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Other Pertiner	nt Information	Contact Email:					
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OWNER	FIRST & LAS	T NAME		ADDRESS (UNIT, HOUSE, ST	REET, CITY, I	POSTAL CODE)	
ARCHITECT						<u>'</u>	
CONTRACTOR	FIRST & LAS	TNAME		ADDRESS (UNIT, HOUSE, ST	REET, CITY, I	POSTAL CODE)	
	FIRST & LAS	T NAME		ADDRESS (UNIT, HOUSE, ST	REET, CITY, I	POSTAL CODE)	
documents, nor representatives: Building Regulat FREEDOM OF Personal Inform Freedom of Info Enquiries about at the top of this	ance of a permit under this to any inspections made by or from full and sole responsibi- tion bylaw of the CRD and all INFORMATION WAIVER ation contained on this form rmation and Protection of Pit the collection or use of infor- appendix.	on behalf of the Capital lifty to perform the work lifty to perform the work of the capitable enacts is collected under the rivacy Act. The personal mation on this form car	Regional Distri k in full accords ments, codes, a authority of the l information w n be directed to	Local Government Act and is ill be used for purposes of iss the appropriate building ins	owner or his Building Co subject to t uing this per pection offic	is or her xie, the he mit.	
All building in the Capital Regional District Electoral Areas is regulated by Building Regulation Bylaw No. 3741. NOTE: An Occupancy Permit will not be issued without either a holding tank permit issued by the Vancouver Island Health							
	Authority or a letter of cert	ification, as described in	n sectoin 9 of th	ne Sewerage System Regulation n appropriate sewerage system	on, B.C. Reg.	326/2004,	
	Phone Number		Date		Signatu	re of Applicant	
1. Plan Processing 2. Copy of ASSESSA	ATION MUST BE ACCO Fee. MENT NOTICE (Tax Notice). TITLE SEARCH, including copies of					Date Received	
	to scale showing: dimensions of ng, ground elevations, location o						
5. Copy of docume	nts filed with the Vancouver Isla Reg. 326/2004 and proof of pot	nd Health Authority under	section 8(2) of the				
Include specification of the buildig with the buildig with the buildig with the buildig with the building with t	tions and scale drawings (three : th respect to which the work is t th level (fully dimensioned), elev	sets for the Southern Gulf b to be carried out showing: fi	slands; two sets f oundation plan (f	ully dimensioned), floor			
rooms shown or					ı		
	plans not acceptable. as required by the Homeowner F	Protection Office.					

				- 1950		
Appendix C Fireplace-Chimney-Wood Stove Hold						
വാ	Application				No.	
Making a Mirinary Superfice					No.	
SOUTHERN GUIF ISLANDS WILLIS POINT & MALAPAT BUILDING INSPECTION PO BOX 1000 VICTORIA BC VSW 256 (250)5642-8109 FAX (250)642-5274 PLEASE PRINT CLEARLY Pursuant to the regulations applicable to the CAPITAL REGIONAL DISTRECT:						
Pursuant to the regulation of any	AICEURE IO BIE GATTING TO		FirstRame	the th	Sun	
ADDRESS (UNITS, HOUSE &	STREET, OFFE POSTAL GOOD)		eing the owner or repre	serung un	8 OWNER HEIGH	y
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below) located at:			House Number	1	Street.	
LEGAL DESCRIPTION				FO	LIO No.	
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Owner	himney Replace Ex	xisting Unit (COMESS (UNTIR, HOUSE'S, STRE	ET OTY POSTA	E-00000	
Contractor		,	CORESE (JAITA, HOUSEA, STRE.	ET, GTY, POSTA	L 00 OK)	
FEE CALCULATIONS FOR	R PROPOSED WORK					
Check the appropriate optic				Fees	Number	Totals
Construct CHIMNEY one r	single flue (masonry or meta	al)		44. X	· ·	=
Each additional flue in mas	onry chimney above			22. X	-	=
Construct FIREPLACE conn	nected to single flue			22. X		-
SOLID FUEL BURNING APP	PLIANCE connected at time o	fconstruct	ion	22. X	_	=
	LIANCE connected to existing	ng acceptal	tile chimney	44. X		=
CHIMNEY reline, repair or a				44. X		=
APPLIANCES CONNECTED INSTALLED TO ALL APPLIA	D TO CHIMNEYS MUST COM ICABLE REGULATIONS. (See			TOTAL	PERMIT FEE	
LIMITATION OF LIABILITY Neither the issuance of a permit documents, nor any inspections representatives from full and sole Building Regulation Bylaw of the FREEDOM OF INFORMATION Personal Information contained of information and Protection of Pithe collection or use of informatio appendix. All building in the Capital Regio	made by or on behalf of the C e responsibility to perform the cCRD and all other applicable N on this form is collected under Privacy Act. The personal info on on this form can be directed	Capital Regi e work in full e enactment or the authori formation will ed to the app	onal District shall in an I a coordance with the E Is, codes, and standard by of the Local Governi II be used for purposes propriate building inspe-	y way relie British Colu is. ment Act ar of issuing ction of fice	we the owner or umbia Building and is subject to this permit. Ex- sisted at the to	or his or her Code, the
Phone Number	Date		-	Signature	ofApplicant	
	replace and or chimney may the reinforcement of the hea				nspector, An	Inspection

Арри	Appendix F Hold No							
	īSĪ	Demoliti	molition - Deconstuction Permit Application				Permit No.	
WILLIS BUILDIN Mail to: Victoria, (250) 360 Toll Free	ERN GULF ISLANDS POINT & MALAHAT (G INSPECTION P.O. Box 1000 (625 Flagard Sy.) BC, V8 W 256 3230 FAX (250)80-3232 11-868-47 5-1991 PRINT CLEARLY	JUAN DE FUCA BUILDING INSPI 3-7450 Builer Ro Sooke, BC V92 (250)842-8109 F	ECTION 1. 1.1N1	BUILDING 206 - 118 F Selt Spring	NG ISLAND INSPECTION ulford Ganges Rd Island, BC, V8K : 711 FAX (250)537	254	PENDER ISLAND BUILDING INSPECTION PO BOX 1000 VICTORIA BC V8W 2S6 (250)360-3230	
	to the regulations applicable to							
V,							ing the owner of representing the own	
hereby m	ake application to DEMOLISH	or DECONSTRUCT		single fam	y dweling, accessor	alled at: ry buildings	, atc	
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Contract		Add	-					
Contract	or	A00	(0.54)	Street		(City Postal Code	
	relating to this applicati e requirements of the Cap						a safe demolition site shall completed by	
Neither II document represent Building FREEDO Personal of Inform the collect appendo	LIMITATION OF LIABILITY Neither the issuance of a permit under this bylaw nor the acceptance or review of plans, drawings or specifications or supporting documents, nor any inspections made by or on behalf of the Capital Regional District shall in anyway relieve the owner or his or her representatives from full and sole responsibility to perform the work in full accordance with the British Columbia Building Code, the Building Regulation Bylaw of the CRD and all other applicable enactments, codes, and standards. FREEDOM OF INFORMATION WAIVER Personal Information contained on this form is collected under the authority of the Local Government Act and is subject to the Freedom of Information and Protection of Privacy Act. The personal information will be used for purposes of issuing this permit. Enquiries about the collection or use of information on this form can be directed to the appropriate building inspection office listed at the top of this appendix. All building in the Capital Regional District Electoral Areas is regulated by Building Regulation Bylaw No. 3741.							
Telephone	Number		Clade			Signat	ure of Applicant	
FEESCHE	DUE						1	
	Check one of the followi	ing	Demolition Fee	Deconstruction Fee	Totals			
Build	hgs up to 400 squarefeet in a	-	\$ 100.00	\$ 0.00			ent received by way of	
	ings over 400 square feet in as		\$ 200.00	\$0.00	-	cheque	,	
Rend	ering private sewage disposal	system safe	\$ 21.00	\$2100		cash		
Capt	ulding sewer		\$ 16.00	\$ 16.00		date_		
			Total Pe	mit Fee				

Appendix L

Construction Values

for

Buildings Other than Single Family Dwellings, Factory Built Homes, Mobile Homes and Moved Buildings

For the use and application of this schedule, see section 2.4.4 of the Bylaw.

		1		
TYPE OF BUILDING	TYPE OF CONSTRUCTION	VALUE		
		PER SQ. FT.	PER METER SQ.	
Hotel / Motel	Wood frame	\$ 200.00	\$ 2,152.00	
Hotel / Motel	Reinforced masonry or concrete	260.00	2797.60	
Hotel / Motel	Steel frame	Contract	Value	
Town House or Apartment	Wood frame	200.00	2152.00	
Town House or Apartment	Reinforced masonry or concrete	260.00	2797.60	
Town House or Apartment	Steel frame	Contract	Value	
Commercial Building (shell only)	Wood frame or heavy timber	150.00	1614.00	
Commercial Building (shell only)	Steel frame	150.00	1614.00	
Commercial Building (shell only)	Reinforced masonry or concrete	200.00	2152.00	
Commercial Buildings Except Offices and Restaurants	Completion of interior	80.00	860.80	
Commercial Buildings Restuarants	Completion of interior	110.00	1183.60	
Commercial Buildings Offices Interiors	Completion of interior	80.00	860.80	
Industrial Buildings (shell only)	Wood frame or heavy timber	110.00	1183.60	
Industrial Buildings (shell only)	Steel frame	110.00	1183.60	
Industrial Buildings	Reinforced masonry or concrete	150.00	1614.00	
Industrial Buildings (interiors	Completion of interior	35.00	376.60	
Temporary Buildings	Wood frame	70.00	753.20	

Appendix M

Construction Values

for

Single and Two family Dwellings, Factory Built Homes, Mobile Homes, and Moved Buildings in the Electoral Areas of Juan de Fuca, Salt Spring Island, Southern Gulf Islands

For the use and application of this schedule, see section 2.4.4 of the Bylaw.

FLOOR AREA OR TYPE OF STRUCTURE		VALUE			
		SQ. FT.	PER METER SQ.		
Finished Main* Floor Areas	\$	200.00	\$ 2,152.00		
Finished Areas other than Main* Floor		150.00	1614.00		
Finishing Previously Unfinished Basement**, Attics, or Other Floors		45.00	484.20		
Garages and/or Workshops, Barns, or Sheds (semi-detached) floor + roof + wall		90.00	968.40		
Carports (roof)		35.00	376.60		
Sundecks (floor)		35.00	376.60		
Additions Where an Existing Wall Forms Part of the Addition		200.00	2152.00		
Finished Floor Areas of Factory Built Homes, Mobile Homes or Moved Dwellings		100.00	1076.00		

^{*} Main floor shall be defined as the floor area where the main activity takes place, usually the floor where the living room, dining room and/or kitchen are located.

^{**} Basement shall be defined as in the British Columbia Building Code.