

**CAPITAL REGIONAL DISTRICT
BYLAW NO. 4713**

A BYLAW TO AMEND BUIDLING REGULATION BYLAW NO. 5, 2010 (BYLAW NO. 3741)

WHEREAS:

- A. Under Bylaw No. 3741, "Building Regulation Bylaw No, 5, 2010", the Regional Board established a Bylaw to Regulate the Construction, Alteration, Repair, or Demolition of Buildings and Structures in the Electoral Areas of the Capital Regional District; and
- B. The Regional Board wishes to amend Bylaw No. 3741 to simplify building permit processes for both CRD and applicants, to acknowledge adaptability to the public, and to improve consistency with other municipalities;

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

1. Bylaw No. 3741, "Building Regulation Bylaw No, 5, 2010" is hereby amended as follows:

- (a) By amending section 1.2.2 by replacing the definitions of "Alteration", "Building Official", "Certificate of Occupancy", "Construct", "Owner", "Permit", and "Registered Professional", with the following definitions in their place:

"Alteration" means a change or extension to any matter or thing or to any occupancy regulated by the *Building Code*, and **"alter"** or **"altering"** means to make any such change or extension.

"Building Official" means a person appointed by the Capital Regional District to carry out the functions of a Building Official under this Bylaw.

"Certificate of Occupancy" includes a Conditional Certificate of Occupancy as the context requires under this Bylaw.

"Construct" and **"construction"** includes build, erect, install, repair, alter, add, enlarge, move, locate, reconstruct, demolish, remove, excavate or shore.

"Owner" means the registered owner in fee simple, and includes a person who has been authorized in writing by the owner to act as the owner's agent.

"Permit" means permission or authorization in writing issued by the Building Official to perform work regulated by this Bylaw.

"Registered Professional" means a person who is registered or licensed to practice as an architect under the *Architects Regulation* (B.C. Reg. 33/2023), or a person who is registered or licensed to practice as a professional engineer under the *Engineers and Geoscientists Regulation* (B.C. Reg. 14/2021).

- (b) By inserting the following definitions into section 1.2.2 in alphabetical order:

“Affordable Housing Unit” means a dwelling unit which is:

- (a) part of a development that is owned and operated by a registered non-profit organization or government agency for the purpose of providing affordable housing or below-market housing, or is operated by a registered non-profit organization or government agency for the purpose of providing affordable housing or below-market housing pursuant to a legally binding agreement with the property owner; and
- (b) is the subject of a housing agreement or a covenant in favour of the Capital Regional District or another government agency restricting the use of the affordable housing units to affordable or below-market housing.

“Affordable Housing Development” means a building or buildings that are to be constructed on the same parcel of land under one or more Permits and which collectively contain a minimum of five dwelling units, at least one of which is an affordable housing unit.

“Chief Building Official” means the Building Official with overall responsibility for administration of this bylaw, whether by job description or by assignment of the responsible General Manager.

“Construction Value” means the estimated cost of constructing the work proposed to be carried out under an application for a Permit, as determined in accordance with section 2.4.3 of this Bylaw.

- (c) By deleting the words “Building Inspector” wherever they appear and substituting the words “Building Official”.
- (d) By deleting the words “his or her” wherever they appear and substituting the word “their”.
- (e) By deleting the words “he or she” wherever they appear and substituting the word “they”.
- (f) By replacing section 1.3.2 in its entirety with:

1.3.2 General

This Bylaw is enacted for the purpose of regulating construction within all parts of the Juan de Fuca, Southern Gulf Islands and Salt Spring Island electoral areas in the general public interest. The inspections and plan reviews undertaken by a Building Official pursuant to this Bylaw are for the sole purpose of providing a limited spot check for compliance with the *Building Code*. It is not contemplated nor intended, nor does the purpose of this Bylaw extend:

- (1) to the protection of owners, designers, or constructors from economic loss;

- (2) to the assumption by the Capital Regional District or any Building Official of any responsibility for ensuring the compliance by an owner, their representatives or any employees, constructors or designers retained by them, with the *Building Code*, the requirements of this Bylaw or any other applicable codes, enactments or standards;
- (3) to providing to any person a warranty of design or workmanship with respect to any building or structure for which a Permit or a Certificate of Occupancy is issued under this Bylaw;
- (4) to providing to any person a warranty or assurance that construction undertaken pursuant to a Permit issued by the Capital Regional District is free from latent, or any, defects; or
- (5) the protection of adjacent real property from incidental damage or nuisance.

(g) By replacing sections 2.1.1(2) and (3) with:

- (2) The Chief Building Official shall create, modify, or adopt for usage, forms (other than those prescribed by enactment) in relation to Permit applications, Permits, and Occupancy Permits, in order to collect or make use of information or documentation necessary for the administration and enforcement of this bylaw, the Building Code, and other applicable enactments. The Building Department shall maintain a list of such forms.
- (3) In creating or modifying Permit forms, the Chief Building Official shall ensure forms contain a limitation of liability substantially similar to the clauses in Sections 2.2.2 to 2.2.4 of this Bylaw, as well as *Freedom of Information and Protection of Privacy Act* personal information collection statements. The Chief Building Official may include fee calculation materials in Permit forms, consistent with fee appendices attached to this Bylaw, for ease of administration of the Permits.

(h) By deleting section 2.1.1(4).

(i) By replacing section 2.1.2 with:

2.1.2 Permits Required

Every person shall apply for and obtain a Permit before commencing:

- (1) site excavation or blasting;
- (2) construction, repairing or altering a building or structure;
- (3) moving a building;
- (4) changing the occupancy of a building;

- (5) the installation of any plumbing;
- (6) construction of a masonry fireplace or the installation of a solid fuel burning appliance or factory/masonry chimney;
- (7) the demolition of a building or structure;
- (8) the deconstruction or removal of a building;
- (9) placement of a manufactured home on a parcel of land for residential use;
- (10) installation of solar panels on a roof;
- (11) replacement of roofing material or external siding material with dissimilar materials.

(j) By replacing section 2.1.3 with:

2.1.3 Permits Not Required

A Permit is not required in the following circumstances:

- (1) for minor repairs or alterations to non-structural components of the building;
- (2) when a valve, faucet, fixture or service water heater is repaired or replaced, a stoppage cleared, or a leak repaired if no change to the piping is required;
- (3) for accessory buildings less than 10 square meters in area that do not create a hazard;
- (4) construction of retaining structures less than 1.2 meters in height;
- (5) construction of other retaining structures more than 1.2 meters in height that are greater than 30° off vertical;
- (6) construction of a fence;
- (7) construction of a deck, the surface of which is less than 600 mm above grade.

(k) By deleting sections 2.1.4, 2.1.5, and 2.1.6.

(l) By replacing section 2.1.7 with:

2.1.4 Essential Services

No Permit shall be issued for the construction of any residential, commercial, institutional or industrial buildings unless the following essential services are available:

- (1) Water (Potable): A community water service, or another source of potable water approved by the medical health officer, health officer or the Building Official, is available to service the building or structure;
- (2) Sanitary Sewer: A community sewer system or other method of sewage disposal is available to service the building or structure, provided that, for a sewerage system, the owner has submitted to the Building Official all documents filed with the Vancouver Island Health Authority as prescribed in Section 8(2) of the *Sewerage System Regulation* (BC Reg. 326/04), and for a holding tank, the owner has submitted to the building official a holding tank permit issued by a health officer pursuant to the *Sewerage System Regulation* (BC Reg. 326/04);
- (3) Storm Drainage: An approved method of storm drainage disposal is available to service the building or structure;
- (4) Access to Property: A driveway of sufficient strength, grade and width for access and egress by fire and emergency vehicles within at least 30 meters of each principal building; and
- (5) Water Supply (Fire): An adequate supply of water for firefighting in accordance with the National Fire Protection Association (NFPA) 1142 "Standard on Water Supplies for Suburban and Rural Firefighting" or equivalent.

- (m) By inserting the following as sections 2.2.2, 2.3.3, and 2.3.4 immediately after section 2.2.1:

2.2.2 Neither the issuance of a Permit under this Bylaw nor the acceptance or review of plans or specifications or supporting documents, nor any inspections made by a Building Official, shall in any way relieve the owner or their agents or representatives from full and sole responsibility to perform the work in accordance with the *Building Code*, this Bylaw and all other applicable enactments, codes and standards.

2.2.3 Without limiting section 2.2.2, it is the full and sole responsibility of the owner, and where the owner is acting through an agent or other representative, the owner's agent or representative, 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 enactments, codes and standards.

2.2.4 Neither the issuance of a Permit or Certificate of Occupancy under this Bylaw, nor the acceptance or review of plans, drawings, specifications, or supporting documents, nor any inspections made by a Building Official constitute in any way a representation, warranty, assurance or statement

to an owner, designer or constructor that the *Building Code*, this Bylaw or any other applicable enactments, codes and standards have been complied with, nor does it constitute a representation or warranty to an owner, designer or constructor that the building or structure meets any standard of materials or workmanship.

- (n) By replacing the words “two copies of specifications and two sets of drawings (three of each on the Southern Gulf Islands)” with the words “drawings and specifications in digital format acceptable to the Chief Building Official” in section 2.3.4(1)(k) and section 2.3.5(i).
- (o) By replacing the text of both section 2.3.4(1)(h) and section 2.3.5(1)(h), with the following:
 - (h) include copies of approvals required under any enactment relating to health or safety, including, without limitation, permits or approvals under the *Sewerage System Regulation* (B.C. Reg 326/2004), and highway use permits issued by the Ministry of Transportation and Transit;
- (p) By replacing section 2.3.6(1) with:
 - (1) Without limiting Section 2.1.2(3) of this Bylaw, a Permit is required for the rehabilitation or reconstruction of a building or structure that is to be moved onto the property to which it is to be permanently relocated.
- (q) By replacing sections 2.3.7(2), 2.3.7(3) and 2.3.7(4) with:
 - (2) A Permit issued pursuant to Section 2.3.4 or Section 3.4.1 of this Bylaw shall include a notice to the owner that the Permit is issued in reliance upon the certification of the registered professionals that the building plans submitted with the permit application comply with the Building Code and other applicable enactments relating to safety.”
 - (3) When a Permit is issued in accordance with Section 2.3.4 of this Bylaw, the Permit fee shall be reduced by 10% of the fees payable pursuant to this Bylaw, up to a maximum reduction of \$1000 (one thousand dollars).
 - (4) When a Permit is issued for a Simple Building and a Building Official has required certification by a registered professional under section 3.4.1 of this Bylaw that the building plans submitted with the permit application comply with the Building Code and other applicable enactments relating to safety, the Permit fee shall be reduced by 5% of the fees payable pursuant to this Bylaw, up to a maximum reduction of \$500 (five hundred dollars).
- (r) By replacing section 2.3.8 with:

2.3.8 Energy Conservation

- (1) In relation to the conservation of energy, construction must meet the prescriptive requirements of Articles 9.36.2 to 9.36.4 of Division B of the Building Code.
- (s) By replacing section 2.3.9(1) with:
 - (1) Buildings and structures to which Part 3 or Part 9 of the Building Code applies, and that are within the scope of application of the BC Zero Carbon Step Code, must be designed and constructed to meet the requirements specified in EL-3 of the BC Zero Carbon Step Code.
- (t) By inserting following as section 2.3.10:

2.3.10 Removal of Section 57 (Community Charter) Notice

- (1) An owner who wishes to apply to have a notice pursuant to Section 57 of the Community Charter removed from the title to their property on the basis that the condition giving rise to the notice has been rectified must first:
 - (a) apply for and obtain a Permit under this Bylaw for the work required to rectify that condition;
 - (b) complete the work required to rectify that condition in accordance with the terms and conditions of the Permit, and any requirements imposed by the Building Official under this Bylaw;
 - (c) if required under this Bylaw, apply for and obtain a Certificate of Occupancy for the building or structure that was the subject of the Section 57 notice; and
 - (d) pay the application fee prescribed under section 2.4.10 of this Bylaw.
- (u) By replacing section 2.4 with:

2.4 FEES FOR APPLICATIONS, PERMITS AND OTHER SERVICES

- 2.4.1** A Permit fee, equivalent to 1.4% of the construction value of the proposed work, as determined in accordance with section 2.4.3 of this Bylaw, shall be paid in full prior to the issuance of a Permit for any of the construction activities referred to in section 2.1.2 of this Bylaw.
- 2.4.2** An application for a Permit pursuant to section 2.1.2 of this Bylaw must be accompanied by the owner's declaration of the construction value of the proposed work.

2.4.3 For the purpose of section 2.4.2, the construction value of the proposed work shall be the greater of the following:

- (1) the construction value of the proposed work, as declared by the owner under section 2.4.2;
- (2) the construction value of the proposed work, as determined by the Building Official using 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.

2.4.4 The Permit fee for an Affordable Housing Development shall be reduced by an amount equal to fifty percent (50%) of the construction value of each Affordable Housing Unit contained within the Affordable Housing Development.

2.4.5 A non-refundable application fee of \$300.00 (three hundred dollars) shall accompany an application made for a Permit.

2.4.6 Cancellations and Refunds

- (1) An application shall be cancelled if the Permit has not been issued within six months of the date that the Permit application was received.
- (2) Provided no excavation or construction has commenced, at the written request of the Owner made within six months of the issuance of a Permit, the Building Official may cancel the Permit, and the Owner may then receive a refund of 50% of the Permit fee paid pursuant to Section 2.4.1 of this Bylaw.

2.4.7 Where, due to non-compliance with this Bylaw, more than two inspections are necessary when one inspection is normally required, for each inspection after the second inspection, a re-inspection charge of \$100 (one hundred dollars) shall be paid by the Permit holder prior to any additional inspections being performed.

2.4.8 The fee for a special inspection or consultation with the Building Official for work which is not authorized under a Permit shall be at the charge-out rate of \$100 (one hundred dollars) per hour, and prorated in the case of a partial hour to the nearest quarter hour.

2.4.9 The fee for a letter report from a Building Official concerning the status of an existing building or structure shall be \$100 (one hundred dollars).

2.4.10 The fee for an application to remove a notice that has been placed on title to land in accordance with Section 57 of the *Community Charter* shall be \$500 (five hundred dollars).

2.4.11 The fee for the review, including execution, of a covenant required as a condition of the issuance of a Permit in accordance with section 219 of the *Local Government Act* or section 56 of the *Community Charter* shall be \$500 (five hundred dollars).

- (v) By replacing the word “six” with the word “twelve” in section 2.5.2(1).
- (w) By replacing the number “12” with the word “twelve” in section 2.5.2(2).
- (x) By replacing the number “24” with the word “forty-eight” in section 2.5.2(3).
- (y) By inserting the words “provided the scope of the work is the same as under the original Permit” at the end of section 2.5.3(3)(b).
- (z) By replacing section 2.5.8 and section 2.5.9 with:

2.5.8 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 official within twelve 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 2.5.8(1) or (2) shall be \$300.00.
- (4) Upon receipt of an application under sections 2.5.8(1) or (2), a Building Official may renew the Permit or Conditional Certificate of Occupancy, as applicable, for a period not to exceed twelve months.
- (5) A Permit or Conditional Certificate of Occupancy may only be renewed once under this section 2.5.8.

2.5.9. Extension of a Permit

- (1) In addition to a renewal under section 2.5.8, a Building Official may extend the period of time set out under section 2.5.2 where construction has not commenced, or has been discontinued, due to adverse weather, strikes, or material or labour shortages. The maximum period of an extension is twelve months.”
- (aa) By replacing the words “on the form attached as Appendix F to this Bylaw” with the words “in the form authorized by the Chief Building Inspector” section 2.6.1.
- (bb) By replacing “Section 2.5.10 Renewal” with “Section 2.5.8 Renewal” in section 2.6.3(3).
- (cc) By deleting section 2.6.3(4) and by renumbering the remaining sections.
- (dd) By replacing section 3.1.2 with:

3.1.2 Demolish or Deconstruct

- (1) An application for a Permit to demolish or deconstruct a building or structure must be accompanied by the written authorization of the owner.
- (2) No person shall demolish or deconstruct a building or structure unless a Building Official has issued a valid and subsisting demolition or deconstruction Permit for the work."

(ee) By replacing section 3.3.2(2) with:

- (2) keep a full size hard copy of the accepted designs, plans and specifications on the property for the Building Official's use; and

(ff) By replacing section 3.4A in its entirety with the following as section 3.4.4:

3.4.4 Professional Design (Potable Water Systems)

- (1) In this section, "On Site Water Collection" means a system for the collection of rainwater to be used as a source of potable water.
- (2) Where an owner intends to provide potable water for a residential building that includes On Site Water Collection, the owner must provide to the building official certification by a registered professional that the plans for the On Site Water Collection system comply with the Building Code and other applicable enactments respecting the safety of a potable water supply, and will provide the dwelling with potable water.
- (3) A Building Official may require an applicant for a Permit to provide the certification referred to in section 3.4.4(2).
- (4) By issuing a Permit where the owner has provided the certification of a registered professional under section 3.4.4(2):
 - (a) the Capital Regional District does not assume any responsibility to review or inspect the installation of the On Site Water Collection system or the quality or quantity of the water from the On Site Water Collection and will rely upon the certification provided by the registered professional; and
 - (b) the portion of the Building Permit fee associated with the design of the On Site Water Collection system shall be reduced by 10%.

(gg) By inserting the words "under-slab plumbing, radon gas rough-in," after the words "roof water leader system" in section 3.5.4(2).

(hh) By inserting the words "including nailing of sheathing" after the words "all framing" in section 3.5.4(5).

- (ii) By inserting the words “and rain screen” after the words “building envelope” in section 3.5.4(9).

- (jj) By inserting the following as section 3.5.7:

3.5.7 An owner shall arrange, at the owner’s sole cost, for transportation of a Building Official to the property on which a building or structure is being constructed, where the location of the property is remote or not accessible by motor vehicle. Vessels used for the marine transportation of a building official shall comply with Transport Canada’s Small Commercial Vessel Safety Guide.

- (kk) By replacing section 4.1.3 with:

4.1.3 Penalties and Offences

- (1) Every person who contravenes any provision of this Bylaw commits an offence punishable on summary conviction and shall be liable to:
 - (a) a fine of not less than \$1,000 (one thousand dollars) and not more than \$50,000 (fifty thousand dollars); or
 - (b) imprisonment for not more than six months.
- (2) Each day that an offence under this Bylaw continues constitutes a separate offence that is subject to the penalty prescribed under section 4.1.3(1).
- (3) In addition to the prosecution of an offence under the *Offence Act*, a person who contravenes a provision of this Bylaw may be subject to:
 - (a) the issuance of a Municipal Ticket Information under Bylaw No. 1857, “Capital Regional District Ticket Information Authorization Bylaw, 1990”;
 - (b) the issuance of a Bylaw Notice under Bylaw No. 4683, “Bylaw Notice Enforcement Bylaw No. 1, 2025”.

- (ll) By inserting the following as section 4.1.4:

4.1.4 Information Requests

- (1) Pursuant to section 71 of the *Freedom of Information and Protection of Privacy Act* (“the Act”), the following categories of records in the custody or control of the Capital Regional District pursuant to the authority of this Bylaw have been designated by the head of the Capital Regional District as records that are available to the public without a request for access under the Act:
 - (a) Permits;
 - (b) Building Plans;

- (c) Inspection Card
 - (d) Land Survey;
 - (e) Certificate of Occupancy;
 - (f) Record of Building Square Footage;
 - (g) Septic Information Records;
 - (h) Sewerage Information Records;
 - (i) Site Plan;
 - (j) Well Report.
- (2) The Capital Regional District may sever from a record made available under section 4.1.4(1) any information that the Capital Regional District would be entitled to refuse to disclose to an applicant under Part 2 of the *Freedom of Information and Protection of Privacy Act*, including but not limited to any personal information the disclosure of which would be an unreasonable invasion of an individual's personal privacy.
- (3) Pursuant to section 57(4) of the *Community Charter*, information concerning the filing of a notice on title pursuant to section 57 of the *Community Charter* may be inspected during regular office hours at the offices of the Capital Regional District, 625 Fisgard Street, Victoria, BC.
- (4) A person requesting a copy of a record under section 4.1.4(1) or section 4.1.4(3), whether in paper or digital form, must pay a fee as follows:
- (a) \$300.00 for each copy as a minimum charge;
 - (b) where the number of pages requested exceeds two hundred (200) in total, an additional fee of one hundred dollars (\$100.00) per hour or part thereof for searching and retrieving records, prior to copying;
 - (c) for large scale paper building plans, an additional fee equal to the cost incurred by the Capital Regional District in having the plans sent by courier to and from an external service provider, for copying at the expense of the person making the request.
- (mm) By deleting section 5.1 and all Schedules to the Bylaw (Appendices A through G inclusive), and renumbering the remaining sections.
2. This Bylaw may be cited for all purposes as the "Building Regulation Bylaw No. 5, 2010 Amendment Bylaw No. 7, 2025".

READ A FIRST TIME THIS th day of 20__

READ A SECOND TIME THIS th day of 20__

READ A THIRD TIME THIS th day of 20__

ADOPTED THIS th day of 20__

CHAIR

CORPORATE OFFICER