

**CAPITAL REGIONAL DISTRICT
BYLAW NO. 4535**

**A BYLAW TO AMEND BUILDING REGULATION BYLAW NO. 5, 2010 (BYLAW NO. 3741)
A Bylaw to Regulate the Construction, Alteration, Repair or Demolition of
Buildings and Structures in the Electoral Areas of the Capital Regional District**

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;
- B. The Chief Building Official desires the ability to change forms, which are used to intake information and documentation from the public, without the need to amend this bylaw in advance of a modification of such forms, and to specifically codify the ancillary powers of the Chief Building Official to revoke or cancel Permits or Certificates of Occupancy where such permits are issued in error or based on false or incorrect information;
- C. Bylaw No. 3741 prohibits the issuance of a Building Permit where there has been a violation described in Bylaw No. 3741, including a notice on title on the property under the *Community Charter*, and this may lead to unfairness for those successors in title or those in non-traditional property ownership structures attempting to obtain permits for new buildings or structures or to revoke existing buildings or structures subject to a notice on title;
- D. The Board wishes to amend Bylaw No. 3741 to clarify authority of the Chief Building Official to develop and amend forms related to permits from time to time, to ensure appropriate discretion of a Building Official to issue Building Permits where a violation or notice on title exists in relation to a building or structure on a property; to clarify the ability of the Chief Building Official to revoke or cancel a Building Permit or Certificate of Occupancy where issued in error, based on false or incorrect information, or where a condition has been breached; and to encourage compliance with the Building Code and the intent of the Code in setting minimum construction standards in the electoral areas;

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 inserting into section 1.2.2, Definitions, the following definitions where alphabetically appropriate:

"Certificate of Occupancy" includes a Conditional Certificate of Occupancy where appropriate.

"Conditional Certificate of Occupancy" means a partial certificate of occupancy issued by a Building Inspector, of a temporary nature, in accordance with sections 2.5.9 and 2.6 of this Bylaw.

- (b) By renumbering section 2.1.1 as 2.1.1 (1);
 - (c) By inserting the following as section 2.1.1 (2):

(2) The Chief Building Official shall create, modify, or adopt for usage, forms (other than those prescribed by enactment) in relation to Permit applications, 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.

(c) By inserting the following as section 2.1.1 (3):

(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 2.1.4 to 2.1.6 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.

(d) By inserting the following as section 2.1.1 (4):

(4) The following appendices form part of this Bylaw:

Appendix A: Fees and Charges

Appendix B: Permit Fees Based on Construction Value

Appendix C: Construction Values for Buildings Other Than Single Family Dwellings, Factory-Built Homes, Mobile Homes, and Moved Buildings

Appendix D: Construction Values for Single and Two-Family Dwellings, Factory-Built Homes, Mobile Homes, and Moved Buildings

Appendix E: Conditional Certificate of Occupancy

Appendix F: Certificate of Occupancy

Appendix H: Building Permit

(b) By replacing section 2.3.1 in its entirety with:

2.3.1 An application for a Permit shall be made on the appropriate form, issued from time to time in accordance with this Bylaw.

(c) By replacing section 2.3.3 in its entirety with:

2.3.3 Each building or structure to be constructed on a site requires a separate building permit and shall be assessed a separate building permit fee based on the value of the building or structure as determined in accordance with Appendices A to D of this Bylaw.

(d) By replacing section 2.3.4 (1)(a) in its entirety with:

(a) be made on the appropriate form issued from time to time, signed by the owner, or by a signing officer with sufficient authority to bind the corporation if the owner is a corporation;

(e) By replacing section 2.3.5 (1)(a) in its entirety with:

(a) be made on the appropriate form issued from time to time, signed by the owner or by a signing officer with sufficient authority to bind the corporation if the owner is a corporation;

(f) By replacing 2.3.7 (3) in its entirety with:

(3) When a Permit is issued in accordance with Section 2.3.4 or Section 3.4.1 of this Bylaw, the Permit fee shall be reduced by 10% of the fees payable pursuant to Appendix E to this Bylaw, up to a maximum reduction of \$1000 (one thousand dollars).

(g) By replacing the words “the forms attached as appendices C, D, E, or F to this Bylaw” with the words “appendices A to D”;

(h) In section 2.4.2, by replacing the reference to Appendix K with Appendix B;

(i) In section 2.4.4(2)(a), by replacing the reference to Appendix L and M with Appendix C and D;

(j) By replacing section 2.4.5 in its entirety with:

2.4.5 A plan processing fee, as set out below, shall accompany an application made for a building permit to this Bylaw.

(1) The plan processing fee for a building or structure with a construction value as established in 2.4.4 of less than \$50,000 (fifty thousand dollars) shall be \$100 (one hundred dollars).

(2) The plan processing fee for a building or structure with a construction value as established in 2.4.4 between \$50,000 (fifty thousand dollars) and \$200,000 (two hundred thousand dollars) shall be \$200 (two hundred dollars).

(3) The plan processing fee for a building or structure with a construction value as established in 2.4.4 of greater than \$200,000 (two hundred thousand dollars) shall be \$300 (three hundred dollars).

(k) By amending section 2.5.1, sections (4) and (5) and creating a section (6) as follows:

(4) the proposed construction does not contravene any covenant under Section 219 of the *Land Title Act*;

(5) no enactment authorizes the Permit to be withheld; and

(6) the owner is not disentitled to a Permit by operation of Section 2.5.5 [*Violations and Notices on Title*].

(l) By replacing section 2.5.4, Revocation of a Permit, in its entirety with the following:

The building official may revoke a Permit if one or more of the following violations occurs:

(1) there is a contravention of a condition under which the Permit was issued;

- (2) there is a contravention of a provision of the *Building Code*, this Bylaw or other applicable bylaws or enactments;
- (3) the Permit was issued in error; or
- (4) the Permit was issued on the basis of false or incorrect information.

The revocation shall be in writing and transmitted to the Permit holder by registered mail, and is deemed served at the expiration of three days after the date of mailing.

(m) By replacing section 2.5.5, Denial of Permits, in its entirety with:

- (1) Any person who has a notice placed in their property's title under section 57 of the *Community Charter*, or who has been notified in writing that work done by him or her or on his or her behalf is a violation referred to in Section 2.5.4 (collectively an "Infraction Notice"), shall have no Permit issued in respect of the same property, until the person has complied, corrected the violation, or the issue identified in any notice on title, or satisfied the building official of their ability to do so.
- (2) As an exception to Section 2.5.5(1), if the building permit application is for a building or structure other than the building or structure for which an Infraction Notice was issued, a building inspector may issue the building permit if:
 - a. the building inspector is satisfied that the construction and occupancy of the new building or structure does not adversely affect health or life safety aspects of any existing buildings or structures, and any existing buildings or structures do not adversely affect health or life safety aspects of the new structure; or
 - b. the owner undertakes to alleviate any health or life issues created by the construction or occupancy of the new building or structure. The building inspector may make alleviating the issue a condition of the permit, and may require the owner to secure its undertaking by providing a section 219 *Land Title Act* covenant. Without limiting the requirements that the building inspector can require in the section 219 covenant, the covenant may prohibit occupancy of the new building or structure until the health and life safety issues have been alleviated to the satisfaction of the building inspector.
- (3) As an exception to Section 2.5.5(1), if the building permit application is for the same building or structure for which an Infraction Notice has been issued, the building inspector may issue a permit if:
 - a. the owner satisfies the building inspector that the issue is capable of being rectified; and the owner undertakes to rectify the issue. The building inspector may make rectifying the issue a condition of the permit, and may secure the owner's undertaking by requiring the owner provide a section 219 *Land Title Act* covenant. Without limiting the requirements that the building inspector can require in the section 219 covenant, the covenant may prohibit occupancy of the building or structure until the existing health and life safety issues have been alleviated to the satisfaction of the building inspector; or
 - b. it is practically unfeasible to rectify the subject matter of the Infraction Notice, and the building inspector is satisfied that issuing a building permit for the subject matter of the building permit application would not adversely affect any existing life safety or health issues with the building or structure. The building inspector may note on an occupancy permit for the work that the

occupancy permit relates only to the work authorized by the building permit, and that the issuance of the permit does not relate to any previous construction or work. The building inspector may also require the owner to provide a section 219 *Land Title Act* covenant requiring the owner to only construct the work in accordance with the submitted plans, and releasing and indemnifying the CRD and the building official from and against any liability resulting from construction and occupancy of the building, including any past construction.

(4) Despite having discretion in Section 2.5.5(2) and (3):

- a. there is no obligation on a building official to provide an advance ruling or decision on the exercise of their discretion to an owner or potential owner in advance of receipt of a completed action plan; and
- b. there is no obligation on a building official to exercise discretion in favour of an owner.

(n) By replacing section 2.6.1 in its entirety with:

2.6.1 An owner must obtain a Certificate of Occupancy, on the form attached as Appendix F to this Bylaw, prior to occupying a building or structure. Certificates of Occupancy are not required for accessory buildings.

(o) By replacing section 2.6.3 (1) in its entirety with:

(1) A building official may issue a Conditional Certificate of Occupancy, on attached as Appendix E to this Bylaw, for part of a building or structure when that part of the building or structure is self-contained, provided with essential services and meets requirements set out in Section 2.6.2 of this Bylaw.

(p) By inserting as section 2.6.3 (5):

(5) A Conditional Certificate of Occupancy may contain such conditions on occupancy of the building or structure or portion thereof as the Building Official deems necessary and desirable, and may list deficiencies required to be addressed to the satisfaction of the Building Official prior to the issuance of a Certificate of Occupancy.

(p) By inserting as section 2.6.4, Revocation of Certificate of Occupancy:

A building official may revoke a Certificate of Occupancy or Conditional Certificate of Occupancy where:

- (1) a condition of a Conditional Certificate of Occupancy is breached;
- (2) the Certificate of Occupancy was issued in error; or
- (3) the Certificate of Occupancy was issued on the basis of false or incorrect information.

The revocation shall be in writing and transmitted to the Owner by registered mail, and deemed served at the expiration of three days after the date of mailing.

(q) By replacing:

- (1) Appendix A with the Appendix A attached to this bylaw;
- (2) By replacing Appendix B with the Appendix B attached to this bylaw;
- (3) By replacing Appendix C with the Appendix C attached to this bylaw; and
- (4) By replacing Appendix D with the Appendix D attached to this bylaw.

(r) By renaming, and replacing references in the form located at the Appendix with:

- (1) Appendix I as Appendix E;
- (2) Appendix J as Appendix F; and
- (3) Appendix H as Appendix G.

2. This bylaw may be cited for all purposes as Bylaw No. 4535, "Building Regulation Bylaw No. 5, 2010, Amendment Bylaw No. 4, 2023".

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

**APPENDIX A
FIREPLACE-CHIMNEY-WOOD STOVE APPLICATION FEES**

FEE CALCULATIONS FOR PROPOSED WORK

Check the appropriate options below	Fees (\$)	Number		Totals
Construct CHIMNEY – one single flue (masonry or metal)	\$44 X		=	
Each additional flue in masonry chimney above	\$22 X		=	
Construct FIREPLACE connected to single flue	\$22 X		=	
SOLID FUEL BURNING APPLIANCE connected at time of construction	\$22 X		=	
SOLID FUEL BURNING APPLIANCE connected to existing acceptable chimney	\$44 X		=	
CHIMNEY reline, repair or alter (masonry)	\$44 X		=	
* APPLIANCES CONNECTED TO CHIMNEYS MUST COMPLY WITH AND BE INSTALLED TO ALL APPLICABLE REGULATIONS (See Building Inspector)	TOTAL PERMIT FEE			

PLUMBING PERMIT APPLICATION (RESIDENTIAL) FEES

FEE SCHEDULE	Total No. of Fixtures		VALUE (\$)	UNITS	FEE
Fee (first 10 fixtures)			\$22 Per fixture	X =	0
Fee (additional fixtures)			\$17 per fixture	X =	0
Hot Water Tank (domestic)			\$22 per tank	X =	0
Lawn Sprinkler System			\$49	X =	
Hot Water Heating Boiler Connection			\$17	X =	
Connect to Existing Rough-In			\$12 per fixture	X =	
Alter Waste Line (no additional fixtures)			\$44	X =	
Water Connection			\$22	X 1 =	
Alter Water Lines or Add Special Valve			\$22	X =	
Sanitary Sewer Connection			\$22	X 1 =	
Storm or Sewage Lift Station			\$17	X =	
Remove or Make Safe Private Sewage System			\$17	X =	
Installation of Floor Drain			\$12 each	X =	
Install or Alter Rain Water Leads or Roof Drain			\$12	X =	
Install or Replace Cistern for Potable Water			\$34	X =	
Lawn Service Stand Pipe (not part of building plumbing)			\$22	X =	
Area Drains, Sumps, Catch Basins			\$22	X =	
Fire Protection Sprinkler System			\$22	X =	
Each Group of 10 Sprinklers or Portion Over First 10			\$17	X =	
TOTAL FEES					

PLUMBING PERMIT APPLICATION (COMMERCIAL) FEES

FEE SCHEDULE	Total No. of Fixtures	VALUE (\$)	UNITS		FEE
Fee (first 10 fixtures)		\$22 per fixture	X	=	
Fee (additional fixtures)		\$17 per fixture	X	=	
Hot Water Tank (domestic)		\$22 per tank	X	=	
Lawn Sprinkler System		\$49	X	=	
Hot Water Heating Boiler Connection		\$17	X	=	
Connect to Existing Rough-In		\$12 per fixture	X	=	
Alter Sanitary/Storm Drainage System (existing)		\$44	X	=	
Water Connection		\$22	X	=	
Sanitary Sewer Connection		\$22	X	=	
Alter or Add to Water System		\$22	X	=	
Install Floor Drain or Funnel Drain		\$12 each	X	=	
Install or Alter Rain Water Leads or Roof Drain		\$12	X	=	
Install or Replace Cistern for Potable Water		\$34	X	=	
Installation of Building Sanitary Sewer		\$21 per 100'	X	=	
Installation of Building Storm Sewer		\$21 per 100'	X	=	
FIRE PROTECTION					
Fire Protection Sprinkler System		\$21 each first 10 heads	X	=	
Each Group of 10 Sprinklers or Portion over First 10		\$21	X	=	
Fire Stand Pipe		\$21	X	=	
Fire Hydrant		\$32 each	X	=	
OUTSIDE SERVICES					
Pumping Station Other Than for S.F.D.		\$32 each	X	=	
Lawn Service Stand Pipe (not part of building plumbing)		\$21	X	=	
Storm or Sanitary Lift Station		\$32 each	X	=	
Remove or Make Safe Private Sewage System		\$16	X	=	
Area Drains / Catch Basins / Sumps		\$21	X	=	
Manholes and Interceptors (all kinds)		\$21	X	=	
Acid Neutralizers or Special Control Valve or Cap Off Sanitary, Storm, Water Connections		\$21	X	=	
TOTAL FEES					

DEMOLITION – DECONSTRUCTION PERMIT APPLICATION FEES

	Demolition Fee	Deconstruction Fee	Totals
Buildings up to 400 square feet in area	\$100	\$0	
Buildings over to 400 square feet in area	\$200	\$0	
Rendering private sewage disposal system safe	\$21	\$21	
Cap building sewer	\$16	\$16	
Total Permit Fee			

APPENDIX B
PERMIT FEES BASED ON CONSTRUCTION VALUE

TOTAL CONSTRUCTION VALUE AS PRESCRIBED IN 2.4.4, APPENDIX "C" AND "D"	FEE
Less than \$100.00	\$ NIL
Over \$100 and not over \$1,000	\$50
Each additional \$1,000.00 or fraction thereof and not exceeding \$5,000.00	\$25
Each additional \$1,000.00 or fraction thereof and not exceeding \$400,000.00	\$13
Each additional \$1,000.00 or fraction thereof over \$400,000.00	\$10

APPENDIX C
CONSTRUCTION VALUES FOR BUILDINGS OTHER THAN SINGLE FAMILY DWELLINGS,
FACTORY BUILT HOMES, MOBILE HOMES, AND MOVED BUILDINGS

TYPE OF BUILDING	TYPE OF CONSTRUCTION	VALUE	
		PER SQ. FOOT	PER METER SQ.
Hotel / Motel	Wood Frame	\$200	\$2,152.00
Hotel / Motel	Reinforced masonry or concrete	\$260	\$2,797.00
Hotel / Motel	Steel frame	Contract	Value
Town House or Apartment	Wood Frame	\$200	\$2,152.00
Town House or Apartment	Reinforced masonry or concrete	\$260	\$2,797.00
Town House or Apartment	Steel frame	Contract	Value
Commercial Building (shell only)	Wood Frame or Heavy Timber	\$150	\$1,614.00
Commercial Building (shell only)	Reinforced masonry or concrete	\$200	\$2,152.00
Commercial Building (shell only)	Steel frame	\$150	\$1,614.00
Commercial Building Except Offices and Restaurant	Completion of Interior	\$80	\$860.80
Commercial Buildings Restaurants	Completion of Interior	\$110	\$1,183.60
Commercial Building Office Interiors	Completion of Interior	\$80	\$860.80
Industrial Buildings (shell only)	Wood Frame or Heavy Timber	\$110	\$1,183.60
Industrial Buildings (shell only)	Steel Frame	\$110	\$1,183.60
Industrial Buildings	Reinforced masonry or concrete	\$150	\$1,614.00
Industrial Buildings (interiors)	Completion of Interior	\$35	\$376.60
Temporary Buildings	Wood Frame	\$70	\$753.20

APPENDIX D
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

FLOOR AREA OR TYPE OF STRUCTURE	VALUE	
	PER SQ. FT.	PER METER SQ.
Finished Main* Floor Areas	\$200	\$2,152
Finished Areas Other Than Main* Floor	\$150	\$1,614
Finishing previously Unfinished Basement,** Attics, or Other Floors	\$45	\$484.20
Garages and/or Workshops, Barns, or Sheds (Semi-Detached) Floor + Roof + Wall	\$90	\$968.40
Carports (Roof)	\$35	\$376.60
Sundecks (Floor)	\$35	\$376.60
Additions Where an Existing Wall Forms Part of the Additions	\$200	\$2,152
Finished Floor Areas of Factory Build Homes, Mobile Homes or Moved Dwellings	\$100	\$1,076
* 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		