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**TOPIC: Building Bylaw Administration and Enforcement Policy****PURPOSE:**

Council wishes to establish a policy of reasonable but limited enforcement of the Building Bylaw and the Building Code that balances the need to protect the public from life safety risks associated with buildings and Building Code deficiencies against other community needs.

Enforcement under this Policy is subject to budgetary limitations for legal actions and staff resources, recognizing that the resources of City Building Officials must be allocated primarily to serve in a timely way those who comply with the Building Bylaw and BC Building Code.

In considering City economic, social, political, and budgetary priorities, Council believes that the system of administration and enforcement established by this Policy is a reasonable allocation of limited City resources and personnel.

**POLICY:****Building Permit Application**

1. In accepting or reviewing an application for building permit, the Building Official in no way assures or warrants that the application and submissions are complete and correct.
2. The Building Official will accept drawings from a Registered Professional of Record in paper form, if properly sealed and bearing an original signature; and in digital form, only if said drawings bear a digital seal affixed by Notarius (or similar software).

**Building Permit Review**

3. The Building Official will confirm if an architect is required pursuant to section 5 of the *Architects Regulation of the Professional Governance Act*.
4. The Building Official is not required to verify if a permit is required or has been applied for or has been issued under: (a) the Safety Standards Act or its regulations, (b) the Public Health Act or its regulations, or (c) other Provincial enactments unless expressly stipulated in this policy or the Building Bylaw.
5. Prior to building permit issuance, the Building Official may review and mark-up the construction documents noting Building Code and City requirements so as to assist the applicant, but in undertaking this, makes no warranty that compliance to any or all Building Code, City bylaw, or other provincial enactments are fully or exhaustively met.
6. The Building Official may utilize a checklist for plan review and will affix their name, the date, and the permit number to each completed checklist for the file and record.

### **Complex Buildings Plan Review and Monitoring**

7. The Building Official will notify the owner, in writing, that the building permit is being issued in reliance on the certification by the registered professionals confirming that their design and plans submitted in support of the application fully comply with the Building Code.
8. In lieu of conducting building inspections of the work, the Building Official will rely on field reviews and letters of assurance conducted by or submitted by the Registered Professionals of Record to ensure that the building construction complies with the Building Code, the Building Bylaw, and the approved plans.
9. The Building Official may from time to time, at their sole discretion, attend the site to monitor the process of field reviews undertaken by the Registered Professionals of Record but will not monitor or audit workmanship or good construction practice. The purpose of any site visit is to monitor the process of oversight by the registered professionals.
10. Any deficiencies in the work or in the process noted by the Building Official will be recorded in writing and delivered to the Owner (or their Agent) and the relevant Registered Professional of Record; whereupon, the Building Official may require a follow-up inspection to confirm that a cited deficiency has been addressed or may rely on the registered professional's submission of a Schedule C as confirmation that all deficiencies have been corrected.

### **Inspections – Simple Buildings**

11. The Building Official is not required to enter an excavation to inspect the perimeter drain, sanitary service, storm service, water service, or damp proofing and so may rely on limited spot checks of such services in lieu of inspecting the entire installation.
12. The Building Official is not required to enter an attic or confined space to conduct an inspection.
13. The Building Official is not required to go onto a roof to conduct an inspection.
14. The Building Official will rely on the report of the Energy Advisor to confirm compliance with the Step Code and need not attend the tests performed by the Energy Advisor.
15. The Building Official will ensure at Final Inspection that all construction plugs and test plugs are removed from the inspection chamber or sewer lateral.

### **General**

16. The Building Official is not required to monitor the construction site for compliance with the BC Workers Compensation Act the Canadian Hazardous Products Act or the BC Occupational Health and Safety Regulation.
17. The Building Official may provide occupancy load determinations for liquor license applications, subject to the posted occupancy limits, business license stipulations, or available washrooms and sealed architectural design drawings.
18. The Building Official will collaborate with the Fire Chief to identify any areas in the City for which a 10-minute response time by the Fire Department is not consistently achieved (>90%).
19. The Building Official may allow individuals to continue to reside in a building or portion of a building, notwithstanding that the building has been determined to not comply with the

Building Code or the Building Bylaw, if in the opinion of the Building Official the deficiencies are minor in nature and there is minimal or no risk to life or personal safety.

### **Expired Building Permits**

20. The Building Official may provide written write notice to an owner of pending expiry no less than 30 days prior to the expiry of a building permit. It is solely the owner's responsibility to comply with the Building Bylaw and complete the building permit to pass Final Inspection or apply for renewal/extension.
21. Upon building permit expiry, the Building Official will insert a note in the building file indicating what is known about the overall state of the project, including known deficiencies, missed inspections, or other outstanding items. The Building Official may, on their discretion, conduct an inspection to ascertain the general state of the project.
22. If building permit is not or cannot be renewed and construction continues, the Building Official may issue a Stop Work Order as set out below.

### **Construction without a valid Building Permit**

23. If the Building Official observes construction subject to a required building permit but conducted with no valid issued building permit, the Official shall: post a warning notice at a visible location or deliver it to any owner or builder at the site, advising that the work must cease immediately and not recommence until a building permit is applied for and issued; OR, if the work has substantial progress and involves a construction industry professional, The Official shall post a Stop Work Order.
24. If no response is forthcoming to the warning notice within 10 business days (e.g. building permit application submission), the Building official shall post a Stop Work Order.

### **Stop Work Order**

25. Where construction is in-progress and no valid building permit is issued, the Building Official may issue or post a warning notice if construction is not advanced or if the builder/owner is not an industry professional and so unaware of the Building Bylaw; otherwise, the Building official shall post a Stop Work Order resulting in any or all of the offences and penalties set out in City bylaws.
26. Where no proper building permit application is submitted (complete so as to be issuable), and construction continues after a Stop Work Order, a notice on title pursuant to s. 57 of the Community Charter will be advanced for Council consideration within 90 days. Further enforcement including an application for a court order may also be considered by Council.
27. Where construction ceases after a Stop Work Order, the Building Official shall assess the severity of the violations and if any major liability risks or life safety issues result from the unlawful construction; and, if so, shall advance a notice on title for Council consideration within 90 days. If the risks are deemed minor and the work ceases or is removed, the file may be closed with no further action.

**Registration and discharge of s. 57 Notice on Title**

27. The Building Official shall notify an owner/occupier about a Building Bylaw or Building Code violation in writing; and, broadly, of the remedial actions that are required within a prescribed time frame.
28. Despite the foregoing, where safety to the public or owner/occupier is of prime concern or a property with a violation is offered for sale, this “time frame” shall be evaluated by the Corporate Officer and the Director and may be advanced.
29. If there is no change or unacceptable progress towards remedial action, the Building Official may recommend that Council approve the filing of a s. 57 notice against the title of the subject property.
30. The Corporate Officer shall send a notice, in writing, to the registered owner advising them of the time, date and place of the Council meeting where the matter of the given s. 57 will be considered by Council; and, that the owner (or an agent on their behalf) may make written or verbal representation to Council on the matter. This notice shall be sent a minimum of 14 days in advance of the Council meeting date.
31. Release of a s. 57 notice from title will typically be considered by Council, acknowledging that under s. 58 of the *Community Charter*, the building official holds the authority to release of discharged the notice from title.

**Historic Building Bylaw Violations and Lapsed Permits**

32. Council recognizes that there may be historic construction (10+ years prior) with no permits as well as incomplete building permit files in the City and so not all buildings may have a Final Inspection and/or Occupancy Certificate. While investigation and enforcement of these historic violations will not be undertaken, building purchasers, occupiers, and interested parties are encouraged to retain the services of an independent engineer, architect, or other qualified professional to satisfy themselves of a buildings condition and Building Code compliance.
33. To assess the status of a historic building for themselves, the City invites owners, purchasers, occupiers, and any other interested parties to request copies of historic inspection reports, applications, and any other readily releasable information from the City building permit files.

Prepared by:	Director of Planning & Community Services	Date: May 12, 2025
Reviewed by:	Manager of Planning & Building	Date:
Approved by: Council		Date:
Approved by:		Date:
Amended by:		Date:
Purpose of amendment:		