



## Notice of Meeting and Meeting Agenda Electoral Areas Committee

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Wednesday, July 12, 2023

11:05 AM

6th Floor Boardroom  
625 Fisgard St.  
Victoria, BC V8W 1R7

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P. Brent (Chair), G. Holman (Vice Chair), A. Wickheim, C. Plant (Board Chair, ex-officio)

The Capital Regional District strives to be a place where inclusion is paramount and all people are treated with dignity. We pledge to make our meetings a place where all feel welcome and respected.

### 1. Territorial Acknowledgement

### 2. Approval of Agenda

### 3. Adoption of Minutes

#### 3.1. [23-333](#) Minutes of the June 14, 2023 Electoral Areas Committee Meeting

**Recommendation:** That the minutes of the Electoral Areas Committee meeting of June 14, 2023 be adopted as circulated.

**Attachments:** [Minutes - June 14, 2023](#)

### 4. Chair's Remarks

### 5. Presentations/Delegations

*The public are welcome to attend CRD Board meetings in-person.*

*Delegations will have the option to participate electronically. Please complete the online application at [www.crd.bc.ca/address](http://www.crd.bc.ca/address) no later than 4:30 pm two days before the meeting and staff will respond with details.*

*Alternatively, you may email your comments on an agenda item to the CRD Board at [crdboard@crd.bc.ca](mailto:crdboard@crd.bc.ca).*

### 6. Committee Business

- 6.1.**      [23-486](#)      Zero Carbon Step Code Introduction - Bylaw No. 4564, "Building Regulation Bylaw No. 5, 2010, Amendment Bylaw No. 6, 2023"
- Recommendation:**    The Electoral Areas Committee recommends to the Capital Regional District Board:
1. That Bylaw No. 4564, "Building Regulation Bylaw No. 5, 2010, Amendment Bylaw No. 6, 2023" be introduced and read a first, second, and third time; and (NWA)
  2. That Bylaw No. 4564 be adopted. (NWA, 2/3 on adoption)
- Attachments:**      [Staff Report: Building Bylaw Amendment for Zero Carbon Code](#)  
[Appendix A: Bylaw 4564](#)  
[Appendix B: Bylaw No. 3741 \(Redlined\)](#)
- 6.2.**      [23-482](#)      Enforcement Practices for Alternative Forms of Housing (Updated)
- Recommendation:**    The Electoral Areas Committee recommends to the Capital Regional District (CRD) Board:
1. That the existing practice of CRD Building Regulation Bylaw and BC Building Code enforcement be continued, primarily responding to complaints and observations by Inspectors during their normal course of duty of safety, health, and environmental concerns and issuing Stop Work Notices and Do No Occupy Notices when warranted for non-compliant dwelling units;
  2. Occupancy of recreational vehicles, without alterations for permanent or long term use, will be considered a land use matter and referred to the local land use authority; and
  3. That the CRD advocate to the Province for a review of inclusion of alternative forms of housing within the BC Building Code. (NWA)
- Attachments:**      [Staff Report: Enforcement Practices for Alternative Forms of Housing \(Updated\)](#)  
[Appendix A: Zoning for Recreational Vehicles](#)

**6.3.**      [23-449](#)      Previous Minutes of Other CRD Committees and Commissions for Information

**Recommendation:** There is no recommendation. The following minutes are for information only:

- a) Pender Island Parks and Recreation Commission minutes of May 8, 2023
- b) Port Renfrew Utility Services Committee minutes of February 6, 2023
- c) Skana Water Service Committee minutes of February 10, 2023
- d) Southern Gulf Islands Library Commission minutes of February 23, 2023
- e) Surfside Park Estates Water Service Committee minutes of February 9, 2023
- f) Wilderness Mountain Water Service Commission minutes of February 6, 2023
- g) Willis Point Fire Protection and Recreation Facilities Commission minutes of May 30, 2023

**Attachments:**      [Minutes: Pender Island Parks & Rec Commission - May 8, 2023](#)  
[Minutes: Pt. Renfrew Utility Services Cttee - Feb 6, 2023](#)  
[Minutes: Skana Water Service Committee - Feb 10, 2023](#)  
[Minutes: Southern Gulf Islands Library Commission - Feb. 23 2023](#)  
[Minutes: Surfside Park Estates Water Svc Cttee - Feb 9, 2023](#)  
[Minutes: Wilderness Mountain Water Svc Commiss - Feb 6, 2023](#)  
[Minutes: Willis Pt Fire & Recreation Facilities Commiss - May 30, 2023](#)

**7. Notice(s) of Motion**

**8. New Business**

**9. Adjournment**

The next meeting is August 9, 2023, at the call of the Chair.

To ensure quorum, please advise Tamara Pillipow (tpillipow@crd.bc.ca) if you or your alternate cannot attend.

## Meeting Minutes

### Electoral Areas Committee

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Wednesday, June 14, 2023

11:05 AM

6th Floor Boardroom  
625 Fisgard St.  
Victoria, BC V8W 1R7

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#### PRESENT

Directors: P. Brent (Chair), G. Holman (Vice Chair), A. Wickheim, C. Plant (Board Chair, ex-officio)

Staff: T. Robbins, Chief Administrative Officer; N. Chan, Chief Financial Officer; K. Lorette, General Manager, Planning and Protective Services; K. Morley, General Manager, Corporate Services; K. Campbell, Senior Manager, Salt Spring Island Administration; S. Carby, Senior Manager, Protective Services; R. Smith, Senior Manager, Environmental Resource Management; J. Starke, Manager, Service Delivery, Southern Gulf Islands Electoral Area; M. Taylor, Manager, Building Inspection; M. Greeno, Community Energy Specialist, Environmental Services; M. Lagoa, Deputy Corporate Officer; T. Pillipow, Committee Clerk (Recorder)

The meeting was called to order at 11:10 am.

#### 1. Territorial Acknowledgement

A Territorial Acknowledgement was provided in the preceding meeting.

#### 2. Approval of Agenda

**MOVED** by Director Wickheim, **SECONDED** by Director Holman,  
That the agenda for the June 14, 2023 Electoral Areas Committee meeting be approved.  
**CARRIED**

#### 3. Adoption of Minutes

##### 3.1. [23-402](#) Minutes of the May 10, 2023 Electoral Areas Committee Meeting

**MOVED** by Director Wickheim, **SECONDED** by Director Holman,  
That the minutes of the Electoral Areas Committee meeting of May 10, 2023 be adopted as circulated.  
**CARRIED**

#### 4. Chair's Remarks

There were no Chair's remarks.

#### 5. Presentations/Delegations

There were no presentations or delegations.

## 6. Committee Business

- 6.1. [23-414](#) BC Building Energy Step Code Revision - Bylaw 4538, "Building Regulation Bylaw No. 5, 2010, Amendment Bylaw No. 5, 2023"
- M. Taylor spoke to Item 6.1.
- Discussion ensued regarding whether the amendment advances efficiencies for building staff.
- MOVED by Director Holman, SECONDED by Director Brent,  
The Electoral Areas Committee recommends to the Capital Regional District Board:**
- a) That Bylaw 4538, "Building Regulation Bylaw No. 5, 2010, Amendment Bylaw No. 5, 2023" be introduced and read a first, second, and third time; and  
b) That Bylaw No. 4538 be adopted.
- CARRIED**
- 6.2. [23-381](#) Appointment of Officers
- MOVED by Director Plant, SECONDED by Director Wickheim,  
The Electoral Areas Committee recommends to the Capital Regional District Board:**
- That for the purpose of Section 233 of the Local Government Act and Section 28(3) of the Offence Act and in accordance with Capital Regional District Bylaw No. 2681, Lance Hurrell, Tony Dobos, Wolfgang Brunnwieser, Maen Rashead, Aya Endrigo, Taelyn Munro, Nathaniel Blondeau, Sam Poffinbarger, Theron Watson, Sean Eversfield, Murray Fyfe, Bradley McQueen, Dana Dawson, and John-Brian Alag be appointed as a Bylaw Enforcement Officers.**
- CARRIED**
- 6.3. [23-404](#) 2023 Salt Spring Island Local Community Commission Election Results
- K. Morley presented Item 6.3. for information.
- Director Holman thanked staff for their hard work.

**6.4.**     [23-413](#)     Salt Spring Island Local Community Commission Remuneration

K. Morley spoke to Item 6.4.

Discussion ensued regarding:

- clarification of the remuneration policy in relation to the new commissioners
- whether the remuneration was made public ahead of the nomination period

**MOVED by Director Holman, SECONDED by Director Plant,  
The Electoral Areas Committee recommends to the Capital Regional District  
Board:**

**That the CRD Board Remuneration and Travel Expense Reimbursement Policy be amended to provide remuneration in the amount of ten thousand dollars (\$10,000) annually to a Commissioner of the Salt Spring Island Local Community Commission, as attached at Appendix A.**

**MOVED by Director Plant, SECONDED by Director Holman,  
That the main motion be amended to include the following wording as Part 2.  
"That the same provisions for Consumer Price Index (CPI) that apply to the Board Remuneration Policy apply to the Commissioners for the Salt Spring Island Local Community Commission."**

**CARRIED**

The question was called on the main motion as amended:

**The Electoral Areas Committee recommends to the Capital Regional District  
Board:**

1. That the CRD Board Remuneration and Travel Expense Reimbursement Policy be amended to provide remuneration in the amount of ten thousand dollars (\$10,000) annually to a Commissioner of the Salt Spring Island Local Community Commission, as attached at Appendix A.
2. That the same provisions for Consumer Price Index (CPI) that apply to the Board Remuneration Policy apply to the Commissioners for the Salt Spring Island Local Community Commission.

**CARRIED**

**6.5.**     [23-365](#)     Previous Minutes of Other CRD Committees and Commissions for Information

The following minutes were received for information:

- a) Galiano Island Parks and Recreation Commission minutes of May 10, 2023
- b) Mayne Island Parks and Recreation Commission minutes of April 13, 2023
- c) Mayne Island Parks and Recreation Commission minutes of May 11, 2023
- d) Willis Point Fire Protection and Recreation Facilities Commission minutes of April 25, 2023

**7. Notice(s) of Motion**

7.1. [23-369](#) Motion with Notice: Household Hazardous Waste Pickup in Electoral Areas (Director Brent)

Discussion ensued regarding the inclusion of drywall as household hazardous waste.

**MOVED by Director Brent, SECONDED by Director Wickheim,  
The Electoral Areas Committee recommends to the Capital Regional District Board:**

**That staff investigate the cost and feasibility of Hartland funding a one-time household hazardous waste (HHW) pickup on the four islands in the Southern Gulf Islands, Juan de Fuca, and also on Salt Spring Island.**

**CARRIED**

**8. New Business**

There was no new business.

**9. Adjournment**

**MOVED by Director Holman, SECONDED by Director Wickheim,  
That the June 14, 2023 Electoral Areas Committee meeting be adjourned at 11:47 am.**

**CARRIED**

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CHAIR

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RECORDER



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**REPORT TO ELECTORAL AREAS COMMITTEE  
MEETING OF WEDNESDAY, JULY 12, 2023**

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**SUBJECT**     **Zero Carbon Step Code Introduction - Bylaw 4564, “Building Regulation Bylaw No. 5, 2010, Amendment Bylaw No. 6, 2023”**

**ISSUE SUMMARY**

The most recent update to the BC Building Code provides an optional power that local authorities can exercise to limit greenhouse gas emissions from new buildings. Staff are recommending an update to the Capital Regional District (CRD) Building Regulation Bylaw to enable emission limits on new building in most areas governed by that Bylaw.

**BACKGROUND**

*BC Building Code Revisions*

The BC Building Code (BCBC) revisions which took effect on May 1, 2023, provide an optional power that local authorities can exercise to limit greenhouse gas emissions from new buildings. This provision in the code is known as the Zero Carbon Step Code and consists of four levels of limits leading towards the province’s intention of zero carbon emissions by 2030. A brief description of the levels is as follows.

- a) Level EL-1: Measuring only. No limits.
- b) Level EL-2: Primary heating system to be electrified in most cases.
- c) Level EL-3: Primary heating system and water heating system to be electrified in most cases..
- d) Level EL-4: All building systems including equipment and appliances to be electrified in most cases.

In 2019 the CRD board declared a climate emergency. In 2021 the CRD Board approved an updated Climate Action Strategy, which showed that decarbonizing new buildings was critical to achieving the regions greenhouse gas emission targets. The Zero Carbon Step Code supports the regions goals and moves the housing industry towards electrification of buildings and limits the installation of fossil fuel heating systems. The province has indicated its intention to gradually move to Zero Carbon limits by 2030.

A sampling of builders in the Electoral Areas indicated support for adopting the Zero Carbon Step Code limits, although concerns about limiting the use of propane ranges were raised because of the frequency of BC Hydro grid outages.

Currently the cost and functionality of electric back-up systems are not well understood. As such, staff are recommending enabling Level EL-3 which would in most cases limit the installation of fossil fuel primary space heating systems and water heating systems, while allowing for the installation of propane ranges as well as propane or wood burning secondary or back-up heating systems. Staff are also recommending that areas without hydro power in the electoral areas be exempt from the GHG emissions restrictions.

To allow applicants time to prepare for this bylaw revision it is proposed with an effective date of January 1, 2024.



## **ALTERNATIVES**

### *Alternative 1*

The Electoral Areas Committee recommends to the Capital Regional District Board:

- 1) That Bylaw 4564, “Building Regulation Bylaw No. 5, 2010, Amendment Bylaw No. 6, 2023” be introduced and read a first, second, and third time; and
- 2) That Bylaw No. 4564 be adopted.

### *Alternative 2*

That the Zero Carbon Step Code Introduction - Bylaw 4564, “Building Regulation Bylaw No. 5, 2010, Amendment Bylaw No. 6, 2023” report be referred back to staff for further information based on direction from the Electoral Areas Committee.

## **IMPLICATIONS**

### *Environmental & Climate Implications*

The Zero Carbon Step Code limits will prevent more fossil fuel appliances from being installed in the region’s Electoral Area.

### *Regional Growth Strategy Implications*

The Zero Carbon Step code limits support the region achieving the RGS target of a 68% GHG reduction by 2038.

### *Service Delivery Implications*

There are no appreciable impacts to service delivery expected associated with Level EL-3 of the Zero Carbon Step Code.

### *Alignment with Existing Plans & Strategies*

The Zero Carbon Step Code aligns with Goal 3: Low Carbon and Resilient Buildings of the 2021 CRD Climate Action Strategy.

### *Financial Implications*

The introduction of the Zero Carbon Step Code, Level EL-3, will likely have no or little financial implications on permit applicants and the Building Inspection division.

## **CONCLUSION**

The most recent update to the BC Building Code provides an optional power that local authorities can exercise to limit greenhouse gas emissions from new buildings. Staff are recommending an update to the Capital Regional District (CRD) Building Regulation Bylaw to enable Level EL-3 of the Zero Carbon Step Code for new building in most areas governed by the CRD Building Regulation Bylaw, effective January 1, 2024.

**RECOMMENDATION**

The Electoral Areas Committee recommends to the Capital Regional District Board:

- 1) That Bylaw 4564, “Building Regulation Bylaw No. 5, 2010, Amendment Bylaw No. 6, 2023” be introduced and read a first, second, and third time; and
- 2) That Bylaw No. 4564 be adopted.

Submitted by:	Mike Taylor, RBO, Manager and Chief Building Inspector, Building Inspection
Concurrence:	Kevin Lorette, P. Eng., MBA, General Manager, Planning & Protective Services
Concurrence:	Kristen Morley, J.D., General Manager, Corporate Services & Corporate Officer
Concurrence:	Ted Robbins, B. Sc., C. Tech., Chief Administrative Officer

**ATTACHMENTS**

Appendix A: Amendment Bylaw No. 4564, “Building Regulation Bylaw No. 5, 2010, Amendment Bylaw No. 6, 2023”

Appendix B: Bylaw No. 3741 (Redlined)

**CAPITAL REGIONAL DISTRICT  
BYLAW NO. 4564**

\*\*\*\*\*

**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. Revisions to the British Columbia Building Code effective May 1 2023, allow local governments to opt in to greenhouse gas emission standards contained in the Building Code; and
- C. The Regional Board wishes to amend Bylaw No. 3741 to require buildings to be constructed in accordance with those greenhouse gas emission standards contained in the Building Code.

**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 the following definition in section 1.2.2, between the definitions of “Alteration” and “Board”:

“BC Zero Carbon Step Code” means the system of greenhouse gas emission requirements contained in Article 9.37.1.3 and 10.3.1.3 of Division B of the Building Code;

- (b) By inserting the following as sections 2.3.9

**2.3.9 Greenhouse Gas Emissions**

- (1) In relation to the reduction of greenhouse gas emissions the Regional District incorporates by reference the BC Zero Carbon Step Code in accordance with sections 2.3.9(2) and (3) of this Bylaw:
- (2) 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.
- (3) Section 2.3.9(2) applies to buildings and structures for which applications for building permits are received on or after January 1, 2024.





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**CAPITAL REGIONAL DISTRICT (CRD)  
BYLAW NO. 3741**

**BUILDING REGULATION BYLAW NO. 5, 2010**

**Consolidated for Public Convenience**  
(This bylaw is for reference purposes only)

ORIGINALLY ADOPTED OCTOBER 12, 2010  
(Consolidated with Amending Bylaws 3780, 4403, 4480, 4535, 4538, 4564)

For reference to original bylaws or further details, please contact the Capital Regional District,  
Legislative Services Department, 625 Fisgard St., PO Box 1000, Victoria BC V8W 2S6  
T: 250.360.3127, F: 250.360.3130, Email: [legserv@crd.bc.ca](mailto:legserv@crd.bc.ca), Web: [www.crd.bc.ca](http://www.crd.bc.ca)

# TABLE OF CONTENTS

## CAPITAL REGIONAL DISTRICT BYLAW NO. 3741

	Page
<b>PART 1 SCOPE AND DEFINITIONS</b>	<b>2</b>
1.1 SCOPE	2
1.2 DEFINITIONS	3
1.3 PURPOSE OF BYLAW	5
<b>PART 2 PERMITS AND PERMIT FEES</b>	<b>6</b>
2.1 GENERAL	6
2.2 COMPLIANCE	8
2.3 APPLICATIONS	8
2.4 PERMIT FEES AND PLAN PROCESSING FEES	13
2.5 CONDITIONS OF A PERMIT	15
2.6 CERTIFICATE OF OCCUPANCY	18
<b>PART 3 PROHIBITIONS AND OBLIGATIONS</b>	<b>20</b>
3.1 GENERAL	20
3.2 BUILDING OFFICIALS	21
3.3 RESPONSIBILITY OF THE OWNER	22
3.4 PROFESSIONAL DESIGN AND FIELD REVIEW	22
3.4A PROFESSIONAL DESIGN (POTABLE WATER SYSTEMS)	22
3.5 INSPECTIONS	23
<b>PART 4 ADMINISTRATIVE PROVISIONS</b>	<b>25</b>
4.1 PENALTIES AND ENFORCEMENT	25
<b>PART 5 GENERAL</b>	<b>25</b>
5.1 SCHEDULES	25
5.2 SEVERABILITY	25
5.3 REPEAL OF BYLAWS	25
5.4 CITATION	26

### **Bylaw Schedules**

- 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 G: Building Permit

**CAPITAL REGIONAL DISTRICT  
BYLAW NO. 3741**

\*\*\*\*\*

**A BYLAW TO REPEAL EXISTING BUILDING REGULATIONS AND TO ADOPT  
NEW BUILDING REGULATIONS IN AREAS OF THE CAPITAL REGIONAL DISTRICT  
NOT WITHIN A CITY, DISTRICT, TOWN OR VILLAGE**

\*\*\*\*\*

**WHEREAS:**

- A. Section 298(1) of the Local Government Act and Section 53 of the Community Charter authorizes the Capital Regional District, for the health, safety and protection of persons and property to regulate the construction, alteration, repair, or demolition of buildings and structures by bylaw. *(BI 4403)*
  
- B. The Province of British Columbia has adopted a building code to govern standards in respect of the construction, alteration, repair and demolition of buildings in municipalities and regional districts in the province.
  
- C. It is deemed necessary to provide for the administration of the building code.

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

**PART 1 SCOPE AND DEFINITIONS**

**1.1 SCOPE**

**1.1.1 Electoral Areas**

The provisions of this Bylaw shall apply in all parts of Juan de Fuca, Southern Gulf Islands, and Salt Spring Island electoral areas in the Capital Regional District.

*(BI 4403)*

**1.1.2 Other Legislation**

Nothing contained in this Bylaw relieves any person from complying with all other applicable legislation or enactments respecting health, safety and the protection of persons and property.

**1.1.3 Application**

The provisions of this Bylaw shall apply to the:

- (1) design and construction of new buildings or structures; and

- (2) alteration, reconstruction, demolition, deconstruction and change in use or class of occupancy of existing buildings or structures.

**(BI 4403)**

## **1.2 DEFINITIONS**

### **1.2.1 Non-defined Terms**

Definitions of words or phrases used in this Bylaw that are not specifically defined under Section 1.2 and are not defined under the *Building Code* shall have the meanings which are commonly assigned to them in the context in which they are used in this Bylaw, consistent with the specialized use of terms within the various trades and professions to which the terminology applies.

### **1.2.2 Definitions:**

In this Bylaw:

**“Accessory Building”** means a building or structure, the use or intended use of which is ancillary, subordinate, customarily incidental and exclusively devoted to the principal use.

**(BI 4403)**

**“Alteration”** means a change or extension to any matter or thing or to any occupancy regulated by the *Building Code*.

**(BI 4403)**

**“BC Zero Carbon Step Code”** means the system of greenhouse gas emission requirements contained in Article 9.37.1.3 and 10.3.1.3 of Division B of the *Building Code*;

**(BI 4564)**

**“Board”** means the Board of the Capital Regional District.

**“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*.

**(BI 4403)**

**“Building Official”** means a Building Inspector appointed by the Capital Regional District to administer this Bylaw.

**“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.

**(BL 4535)**

**“Complex Building”** means:

- (a) a building classified as a post-disaster building;
- (b) a building used for major occupancies classified as:



- (i) assembly occupancies,
  - (ii) care or detention occupancies,
  - (iii) high hazard industrial occupancies; and
- (c) a building exceeding 600 square meters in building area or exceeding three storeys in building height used for major occupancies classified as:
- (i) residential occupancies,
  - (ii) business and personal services occupancies,
  - (iii) mercantile occupancies,
  - (iv) medium and low hazard industrial occupancies.

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

**(BI 4403)**

**"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.

**(BI 4403)**

**"Deconstruction"** means the taking apart of a building or structure whereby at least 70% of the framing members of the building or structure are removed in salvageable form and are capable of being reused as framing members.

**"Excavation"** means the removal of soil, rock or fill for the purpose of construction requiring a permit.

**(BI 4403)**

**"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.

**(BI 4403)**

**"Owner"** includes a person who has been authorized by the owner to act as the owner's agent.

**"Permit"** means a Permit as required in Section 2 and may include a building permit, a plumbing permit, a demolition permit or a deconstruction permit, a permit for a change of occupancy, and a fireplace/chimney/woodstove/oil furnace/oil tank permit.

**"Registered Professional"** means a person who is registered or licensed to practice as an architect under the *Architects Act*, or a person who is registered or licensed to practice as a professional engineer under the *Engineers and Geoscientists Act*.

**"Simple Building"** means a building of three storeys or less in building height, having a building area not exceeding 600 square meters and used for major occupancies classified as:

- (a) residential occupancies,
- (b) business and personal services occupancies,
- (c) mercantile occupancies, or
- (d) medium and low hazard industrial occupancies.

**"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.

**(BI 4403)**

**"Wetland"** means land that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal conditions supports vegetation typically adapted for life in saturated soil conditions, including marshes, swamps and bogs.

### **1.3 PURPOSE OF BYLAW**

#### **1.3.1 Interpretation**

This Bylaw shall, notwithstanding any other provision herein, be interpreted in accordance with this section.

#### **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 activities undertaken by or on behalf of the Capital Regional District pursuant to this Bylaw are for the sole purpose of providing a limited spot check for health, safety, and protection of persons and property. It is not contemplated nor intended, nor does the purpose of this Bylaw extend:

- (1) to the protection of owners, owner/builders 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, his or her representatives or any employees, constructors or designers retained by him or her, 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 of latent defects.

**(BI 4403)**

## **PART 2 PERMITS AND PERMIT FEES**

### **2.1 GENERAL**

**2.1.1** (1) A Permit is required whenever work regulated under the Building Code and this Bylaw is to be undertaken.

**(BI 4403)**

(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.

**(BL 4535)**

(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.

**(BL 4535)**

(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 G: Building Permit

**(BL 4535)**

### **2.1.2 Permits Required**

Every person shall apply for and obtain:

(1) a building permit before commencing:

(a) site excavation or blasting;

(b) construction, repairing or altering a building or structure;

- (c) moving a building; or
  - (d) changing an occupancy;
- (2) a plumbing permit prior to commencing the installation of any plumbing;
  - (3) a fireplace and chimney permit prior to the construction of a masonry fireplace or the installation of a solid fuel burning appliance or factory/masonry chimney unless the works are encompassed by a valid building permit;
  - (4) a demolition permit before demolishing a building or structure;
  - (5) a deconstruction permit prior to commencing the deconstruction or removal of a building.

**(BI 4403)**

### **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;
- (BI 4403)**
- (4) retaining structures less than 1.2 meters in height;
  - (5) other retaining structures more than 1.2 meters in height and greater than 30° off vertical.

**2.1.4** 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 or on behalf of the Capital Regional District shall in any way relieve the owner or his or her 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.

**2.1.5** It shall be the full and sole responsibility of the owner and where the owner is acting through a representative, the 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.

**2.1.6** Neither the issuance of a Permit, Certificate of Occupancy under this Bylaw nor the acceptance or review of plans, drawings, specifications, or supporting documents, nor any inspections made by or on behalf of the Capital Regional District constitute in any way a representation, warranty, assurance or statement 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 that the building or structure meets any standard of materials or workmanship.

**(BI 4403)**

### **2.1.7 Essential Services**

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

- (1) **Water (Potable)** A community water service or other source of potable water, approved by the medical health officer, public health inspector or the authority having jurisdiction, shall be provided;
- (2) **Sanitary Sewer** A community sewer or other method of sewage disposal, provided that, for a sewerage system, the owner has submitted to the building official all documents to be 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 as prescribed in the Sewerage System Regulation BC Reg. 326/04;
- (3) **Storm Drainage** An approved method of storm drainage disposal shall be available to service the building or structure;
- (4) **Access to Property** A driveway of sufficient strength, grade and width for access and egress to all principal buildings by fire and emergency vehicles within 30 meters of a building;
- (5) Water supply as per NFPA 1142 "Standard for Water Supply for Suburban and Rural Fire Fighting" or equivalent documents for adequate water supply for fire fighting; and
- (6) Site visit to be completed by a registered professional or building official to determine if land is subject to flooding, mud flows, debris flows, debris torrents, erosion, land slip, rock-fall, subsidence or avalanche.

## **2.2 COMPLIANCE**

- 2.2.1** No person shall rely upon any Permit as establishing compliance with this Bylaw or assume or conclude that this Bylaw has been administered or enforced according to its terms.

## **2.3 APPLICATIONS**

- 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.

**(BL 4535)**

- 2.3.2** All plans submitted with Permit applications shall bear the name and address of the designer of the building or structure.

**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. **(BI 4403)**

#### **2.3.4 Applications for Complex Buildings**

(1) An application for a building permit with respect to a complex building shall:

(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; **(BL 4535)**

(b) include a copy of a title search made within 30 days of the date of this application, complete with copies of all easements, statutory rights of way and covenants;

(c) include a site plan prepared by a registered professional or British Columbia land surveyor 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 all statutory rights of way, easements, development permit areas and setback requirements;

(iv) the location and dimensions of all existing and proposed buildings or structures on the parcel;

(v) setbacks to the natural boundary of any sea, lake, wetland, pond or watercourse;

(vi) the existing and finished ground levels to an established datum at or adjacent to the site and the geodetic elevation of the underside of the floor system of a building or structure where the Capital Regional District's or the Islands Trust's land use regulations establish siting requirements related to minimum floor elevation; and

(vii) the location, dimension and gradient of parking and driveway access.

(d) include floor plans showing the dimensions and uses of all areas; the location, size and swing of doors; the location, size and opening of windows; floor, wall, and ceiling finishes; plumbing fixtures; structural elements; and stair dimensions;

(e) include a cross-section through the building or structure illustrating foundations, drainage, ceiling heights, the dimensions and height of crawl and roof spaces, and construction systems;

(f) include elevations of all sides of the building or structure to confirm that it substantially conforms to the *Building Code* and any other applicable enactments;

- (g) 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*;
  - (h) 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 Services approval;
  - (i) (include a letter of assurance in the form of Schedule A, as referred to in Division C of Part 2 of the *Building Code*, signed by the owner, or a signing officer if the owner is a corporation, and the coordinating registered professional;
  - (j) include letters of assurance in the form of Schedule B as referred to in Division C of Part 2 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 or structure;
  - (k) include two copies of specifications and two sets of drawings (three of each on the Southern Gulf Islands) at a scale of  $\frac{1}{4}'' = 1'$  or 1:50 (or other appropriate scale) of the design prepared by each registered professional and including the information set out in Section 2.3.4(1) (d) to (g) of this Bylaw.
- (2) In addition to the requirements of Section 2.3.4(1), the following may be required by a building official to be submitted with a building permit application for the construction of a complex building where 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;
  - (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.

### **2.3.5 Applications for Simple Buildings**

- (1) An application for a building permit with respect to a simple building shall:
  - (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;

- (b) include a copy of a title search made within 30 days of the date of the application, complete with copies of all easements, statutory rights of way and covenants;
- (c) include a site plan 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 all statutory rights of way, easements, development permit areas and setback requirements;
  - (iv) the location and dimensions of all existing and proposed buildings or structures on the parcel;
  - (v) setbacks to the natural boundary of any sea, lake, wetland, pond or watercourse;
  - (vi) the existing and finished ground levels to an established datum at or adjacent to the site and the geodetic elevation of the underside of the floor system of a building or structure where the Capital Regional District's or the Islands Trust's land use regulations establish siting requirements related to minimum floor elevation; and
  - (vii) the location, dimension and gradient of parking and driveway access.
- (d) include floor plans showing the dimensions and uses of all areas; 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; plumbing fixtures; structural elements; and stair dimensions;
- (e) include a cross-section through the building or structure illustrating foundations, drainage, ceiling heights and construction systems;
- (f) include elevations of all sides of the building or structure showing finish details, roof slopes, windows, doors, natural or finished grade as applicable and building height;
- (g) 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*;
- (h) 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 Services approval;
- (i) include two copies of specifications and two sets of drawings (three of each on the Southern Gulf Islands) at a scale of 1/4" = 1' 0" or 1:50 (or other appropriate scale) of the design including the information set out in Section 2.3.5(1) (d) to (g) of this Bylaw;
- (j) include 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.



### 2.3.6 Applications for Moved Buildings or Structures

- (1) A Permit is required for the rehabilitation of a moved building or structure on the property to which it is to be moved.
- (2) Before issuing a Permit under Section 2.3.6(1), the building official may require certification from a registered professional that the building meets the requirements of this Bylaw, the *Building Code* and any other applicable enactment.

### 2.3.7 Professional Plan Certification

- (1) The letters of assurance in the form of Schedules A, B and C-A and C-B referred in Division C of Part 2 – Administrative Provisions of the *Building Code* and provided pursuant to this Bylaw are relied upon by the Capital Regional District and its building officials as certification that the design and plans to which the letters of assurance relate comply with the *Building Code* and other applicable enactments. 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.

**(BI 4403)**

- (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 complies 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 Appendix B to this Bylaw, up to a maximum reduction of \$1000 (one thousand dollars).

**(BI 4538)**

- (4) When a Permit is issued for a Simple Building and a Building Official has required one or more letters of assurance under section 3.4.1 of this Bylaw, the Permit fee shall be reduced by 5%, of the fees payable pursuant to Appendix B to this Bylaw, up to a maximum reduction of \$500 (five hundred dollars).

(5) **(BI 4538)**

### 2.3.8 Prescriptive Path Permitted

- (1) In relation to the conservation of energy, construction on or after May 1, 2023 may meet the prescriptive requirements of s. 9.36.2 to 9.36.4 of Division B of the Building Code;

**(BI 4538)**

### 2.3.9 Greenhouse Gas Emissions

- (1) In relation to the reduction of greenhouse gas emissions the Regional District incorporates by reference the BC Zero Carbon Step Code in accordance with section s 2.3.9(2) and (3) of this Bylaw:

(2) 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.

(3) Section 2.3.9(2) applies to buildings and structures for which applications for building permits are received on or after January 1, 2024.

***(BI 4564)***

## **2.4 PERMIT FEES AND PLAN PROCESSING FEES**

**2.4.1** A Permit fee for any of the following work, calculated in accordance with Appendices A to D, 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.

***(BI 4403)***

**2.4.2** A Permit fee, calculated in accordance with Appendix B 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.

***(BI 4403, 4535)***

**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.

***(BI 4403)***

**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 C and D 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.

***(BI 4403, 4535)***

**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 under section 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 under section 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 under section 2.4.4 of greater than \$200,000 (two hundred thousand dollars) shall be \$300 (three hundred dollars).

***(BI 4403, 4535)***

**2.4.6** The plan processing fee is non-refundable and shall be credited against the building permit fee when the Permit is issued.

**2.4.7 Cancellations and Refunds**

- (1) An application shall be cancelled and the plan processing fee forfeited if the Permit has not been issued within six months of the date that the Permit application was received.
- (2) When an application is cancelled, the plans and related documents submitted with the application may be destroyed.
- (3) The owner may obtain a refund of the Permit fee set out in Section 2.4.1 of this Bylaw, by way of a written request, when a Permit is surrendered and cancelled within six months of the Permit being issued and before any excavation or construction begins.
- (4) At the written request of the owner, after six months from the date of issuing the Permit and if the work has not commenced, including excavation, the Permit shall be cancelled and a refund to the Permit holder of 60% of the fees paid for the Permit.

**2.4.8** 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 prior to additional inspections being performed.

**2.4.9** The fee for a special inspection or consultation with the building inspector for work which is not addressed by an existing Permit shall be at the charge-out rate of \$92 (ninety-two dollars) per hour and prorated in the case of a partial hour to the nearest quarter hour.

**2.4.10** The fee for a letter report on the status of an existing building or structure shall be \$100 (one hundred dollars).

**(BI 4480)**

**2.4.11** The fee for removing 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).

**2.4.12** The fee for the review of a 219 Restrictive Covenant required in accordance with Section 219 of the *Local Government Act* and/or Section 56 of the *Community Charter* shall be \$300 (three hundred dollars) and, when requested, the fee for the execution of the approved covenant shall be \$200 (two hundred dollars).

**(BI 4403)**

## **2.5 CONDITIONS OF A PERMIT**

**2.5.1** A building official shall issue the Permit for which the application is made when:

- (1) a completed application in compliance with Section 2.1.2 and with Section 2.3.4 or Section 2.3.5 of this Bylaw, including all required supporting documentation, has been submitted and the review of the application has been completed;
- (2) the owner has paid all applicable fees set out in Section 2.4 of this Bylaw;
- (3) the owner has paid all charges and met all regulations and requirements imposed by any other bylaw or enactment;
- (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*].

**(BL 4535)**

**2.5.2** Every Permit is issued upon the condition that the Permit shall expire and the rights of the owner under the Permit shall terminate if:

- (1) work authorized by the Permit is not commenced within six months from the date of issuance of the Permit;
- (2) work is discontinued for a period of 12 months or no inspection as listed in Section 3.5.4 has been requested during that period;
- (3) work has not been completed within 24 months from the date of the issuance of the Permit; or
- (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.

**(BI 4403)**

### 2.5.3 Reapplication

- (1) Except as provided in 2.5.9 and 2.5.10, where a permit expires under section 2.5.2 the owner must apply for a new permit in order to complete the work. **(BI 4538)**
- (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; **(BI 4403)**
  - (b) will in no event be greater than the original Permit fee. **(BI 4538)**

### 2.5.4 Revocation of a Permit

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 deemed served at the expiration of three days after the date of mailing.

### 2.5.5 Denial of Permits

- (1) Any person who has a notice placed on 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):
- 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.

**(BI 4403, 4535)**

### **2.5.6 Partial Permit**

A building official may issue a building permit for a portion of a building or structure before the design, plans and specifications for the entire building or structure have been accepted, provided sufficient information has been provided to the Capital Regional District to demonstrate to the building official that the portion authorized to be constructed substantially complies with this Bylaw and other applicable bylaws and the Permit fee applicable to that portion of the building or structure has been paid. The issuance of the Permit, notwithstanding the requirements of this Bylaw, applies to the remainder of the building or structure as if the Permit for the portion of the building or structure had not been issued. This section does not apply to single family dwellings and accessory buildings.

**2.5.7** No person shall rely on the review or acceptance of the design, drawings, or specifications nor any inspection made by a building official as establishing compliance with the *Building Code*, this Bylaw, any other enactment or any standard of construction.

**2.5.8** An owner shall arrange 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.

### **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.

**(BI 4403)**

### **2.5.10 Extension of a Permit**

- (1) In addition to a renewal under section 2.5.9, 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 12 months.

## **2.6 CERTIFICATE OF OCCUPANCY**

**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.

**2.6.2** A building official shall not issue a Certificate of Occupancy unless:

- (1) all letters of assurance have been submitted (when required) in accordance with Section 2.3.4 and Section 3.4.2 of this Bylaw, and
- (2) all aspects of the work requiring inspection and an acceptance pursuant to Section 3.5.4 of this Bylaw have been inspected and accepted.

Notwithstanding Sections 2.6.2(1) and 2.6.2(2), where owing to strikes, lock-outs or other emergencies, one or more of the inspections of buildings or structures required by this Bylaw have not been carried out, the building official may issue a Certificate of Occupancy stating the building or structure is substantially complete and suitable for occupancy if satisfied, after a final inspection, that the building is fit for occupancy, but the certificate shall list those inspections which were not carried out and shall state that the Certificate does not imply approval of such stages of construction.

### **2.6.3 Conditional Certificate of Occupancy**

- (1) A building official may issue a Conditional Certificate of Occupancy, on the form 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.
- (2) A Conditional Certificate of Occupancy may be issued for a single family dwelling and is valid for a period of 12 months from date of issue.
- (3) If at a date 12 calendar months from the date a Conditional Certificate of Occupancy is issued, all of the deficiencies listed on the Certificate have not been addressed to the satisfaction of the building inspector Section 2.5.10 Renewal shall apply.
- (4) If upon expiry of a Permit, an owner desires to obtain a Certificate of Occupancy for a single family dwelling, he or she may apply for a new Permit under Section 2.5.3.
- (5) A Conditional Certificate of Occupancy may contain such conditions, including restrictions, 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.



## **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 on 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.

## **PART 3 PROHIBITIONS AND OBLIGATIONS**

### **3.1 GENERAL**

#### **3.1.1 Work Without Permits**

No person shall commence or continue any construction, alteration, reconstruction, demolition, removal or relocation of any building or structure or other work related to construction, for which a Permit is required under this Bylaw unless a building official has issued a valid and subsisting Permit for the work.

*(BI 4403)*

#### **3.1.2 Demolish or Deconstruct**

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.

#### **3.1.3 Occupancy**

No person shall occupy or use any building or structure unless a valid and subsisting Certificate of Occupancy has been issued by a building official for the building or structure. No person shall occupy or use any building contrary to the terms of any Permit issued or contrary to any notice given by a building official.

#### **3.1.4 Tampering with Notices**

No person shall, 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 upon or affixed to a building or structure pursuant to this Bylaw.

#### **3.1.5 Approved Plans**

No person shall do any work that is substantially at variance with the approved design, plans or specifications of a building, structure or other works for which a Permit has been issued, unless that variance has been accepted in writing by a building official.

### **3.1.6 Obstruction to Entry**

No person shall obstruct the entry of a building official or other authorized official of the Capital Regional District on a property in the administration of this Bylaw.

### **3.1.7 Cessation of Work**

No person shall continue to do any work upon a building or structure or any portion of it after the building official has ordered cessation or suspension of work on it.

### **3.1.8 Work Contrary to Requirements**

No person shall do any work or carry out any construction contrary to a provision or requirement of this Bylaw, the *Building Code* or any other applicable enactment.

## **3.2 BUILDING OFFICIALS**

### **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.

**(BI 4403)**

### **3.2.2 Authority**

The building official:

- (1) is hereby authorized to enter, at all reasonable times, and in accordance with section 16 of the *Community Charter*, upon any property subject to the regulations of this Bylaw and the *Building Code*, in order to ascertain whether the regulations of or directions under them are being observed;
- (2) is directed, where any dwelling, apartment or guest room is occupied, to obtain the consent of the occupant or provide written notice 24 hours in advance of entry pursuant to Section 3.2.2(1);
- (3) may order the correction of any work which is being or has been improperly done under any Permit;
- (4) may order the cessation of work that is proceeding in contravention of this Bylaw, the *Building Code* or any other applicable bylaw by advising the Permit holder by letter or by a written notice on a card posted adjacent to the work;

**(BI 4403)**

- (5) may direct that tests of materials, devices, construction materials, structural assemblies, or foundation conditions be undertaken, or sufficient evidence be submitted, at the expense of the owner, where such evidence is necessary to determine whether the materials, devices, construction or foundation meet the requirements of this Bylaw, the *Building Code*, or any other applicable enactment. The records of such tests shall be kept available for inspection during the construction of the building as required by the building official.

### **3.3 RESPONSIBILITY OF THE OWNER**

**3.3.1** Every owner shall ensure that all construction complies with the *Building Code*, this Bylaw and other applicable enactments.

**3.3.2** Every owner to whom a Permit is issued shall, during construction:

- (1) post and maintain the Permit in a dry and conspicuous place on the property in respect of which the Permit was issued;
- (2) keep a copy of the accepted designs, plans and specifications on the property; and
- (3) post the civic address on the property in a location visible from any adjoining streets.

**3.3.3** Every owner shall, when notified of deficiencies by the building official, perform such alterations, corrections or replacements as may be necessary to ensure the work complies with this Bylaw, the *Building Code*, or any other applicable enactment or regulation, and advise the building official when the work is ready for re-inspection.

### **3.4 PROFESSIONAL DESIGN AND FIELD REVIEW**

#### **3.4A PROFESSIONAL DESIGN (POTABLE WATER SYSTEMS)**

**3.4A.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.

**3.4A.2** As an exception to section 2.1.7(1), 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 qualified professional that the plans for the On Site Water Collection system, comply with the Building Code and other applicable enactments respecting safety of water supply and will provide the dwelling with potable water.

**3.4A.3** A building official may require an applicant for a building permit to provide the Capital Regional District with the certification referred to in section 3.4A.2.

**3.4A.4** In issuing a building permit where the owner has provided the certification of a qualified professional under section 3.4A.2:

- (a) the Capital Regional District is not approving the water system, does not assume any responsibility to review or inspect the installation of the water system or the quality or quantity of the water from On Site Water Collection and will rely upon the certification provided by the engineer; and
- (b) the portion of the Building Permit fee associated with the water catchment system shall be reduced by 10%.

**(BI 3780)**

- 3.4.1** When a building official considers that the site conditions, size or complexity of a development or an aspect of a development warrant, he or she may require a registered professional to provide design and plan certification and field review supported by letters of assurance in the form of Schedule B referred to in of Part 2 - Administrative Provisions of the *Building Code*.
- 3.4.2** Prior to the issuance of a Certificate of Occupancy for a complex building, or simple building in circumstances where letters of assurance have been required in accordance with sections 2.3.4 or 3.4.1 of this Bylaw, the owner shall provide the building official with letters of assurance in the form of Schedule C-A and C-B as is appropriate, referred to in of Part 2 - Administrative Provisions of the *Building Code*.
- 3.4.3** When a registered professional provides letters of assurance in accordance with sections 2.3.4 and 3.4.1 of this Bylaw, he or she shall also provide proof of professional liability insurance to the building official.

### **3.5 INSPECTIONS**

- 3.5.1** When a registered professional provides letters of assurance in accordance with sections 2.3.4 and 3.4.1 of this Bylaw, the Capital Regional District will rely solely on field reviews undertaken by the registered professional and the letters of assurance submitted pursuant to Section 3.4.2 of this Bylaw as certification that the construction substantially conforms to the design, plans and specifications and that the construction complies with the *Building Code*, this Bylaw and other applicable enactments.
- 3.5.2** Notwithstanding Section 3.5.1 of this Bylaw, 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.
- 3.5.3** A building official may attend periodically at the site of the construction of simple buildings or structures to ascertain whether the health and safety aspects of the work are carried out in substantial conformance with the portions of the *Building Code*, this Bylaw and any other applicable enactment.
- 3.5.4** The owner, or his or her representative, shall give at least 24 hours notice to the Capital Regional District when requesting an inspection of the following aspects of the work and,

in the case of a simple building, shall obtain an inspection and receive a building official's acceptance prior to concealing any aspect of the work:

- (1) the foundation and footing forms, before concrete is poured; location to be verified by legal survey;  
**(BI 4403)**
- (2) installation of perimeter drain tiles, roof water leader system and damp-proofing, prior to backfilling;  
**(BI 4403)**
- (3) the preparation of ground, including ground cover and insulation when required, prior to the placing of a concrete slab (as applicable);  
**(BI 4403)**
- (4) rough-in of all chimneys and fireplaces and solid fuel and oil burning appliances;
- (5) framing inspection, after the roof, all framing, fire blocking and bracing is in place, and all pipes, vents, chimneys, electrical wiring, roof space and crawlspace vents are completed;
- (6) water and sewer connections (as applicable);
- (7) rough-in plumbing;
- (8) ventilation;
- (9) building envelope;
- (10) lath;
- (11) stucco (1<sup>st</sup>, 2<sup>nd</sup>, final) (as applicable);
- (12) insulation and vapour barrier;
- (13) chimney (as applicable);
- (14) solid fuel burning appliance, fireplace (as applicable);
- (15) health and safety aspects of the work when the building or structure is substantially complete and ready for a Conditional Certificate of Occupancy
- (16) final inspection/Certificate of Occupancy.

**3.5.5** A Building Official shall attempt to accommodate the requested inspection date and time for any inspection requested under section 3.5.4. If the Building Official is unable to attend at the requested date and time due to travel distance or time constraints, the inspection shall occur as soon as reasonably practicable thereafter.

**(BI 4538)**

**3.5.6** The requirements of Section 3.5.4 of this Bylaw do not apply to any aspect of the work that is the subject of a registered professional's letter of assurance provided in accordance with sections 2.3.4, 3.4.1 or 3.4.2 of this Bylaw.

## **PART 4 ADMINISTRATIVE PROVISIONS**

### **4.1 PENALTIES AND ENFORCEMENT**

#### **4.1.1 Stop Work Notice**

A building official may order the cessation of any work that is proceeding in contravention of the *Building Code* or this Bylaw by posting a Stop Work Notice.

- (1) The owner of a property on which a Stop Work Notice has been posted, and every other person, shall cease all construction work immediately and shall not do any work until all applicable provisions of this Bylaw have been substantially complied with and the Stop Work Notice has been rescinded in writing by a building official.
- (2) Every person who commences work requiring a Permit without first obtaining such a Permit shall, if a Stop Work Notice is issued, pay an additional charge equal to 100% of the required Permit fee prior to obtaining the required building permit.

#### **4.1.2 Do Not Occupy**

Where a person occupies a building or structure or part of a building or structure in contravention of Section 3.1.3 of this Bylaw a building official may post a Do Not Occupy Notice on the affected part of the building or structure.

#### **4.1.3 Penalty**

Every person who contravenes any provision of this Bylaw commits an offense punishable on summary conviction and shall be liable to a fine of not more than \$10,000 (ten thousand dollars) or to imprisonment for not more than six months.

## **PART 5 GENERAL**

### **5.1 SCHEDULES**

The schedules annexed hereto shall be deemed to be an integral part of this Bylaw.

### **5.2 SEVERABILITY**

If any section of this Bylaw is for any reason held to be invalid, by the decision of any court, such decision shall not affect the validity of the remaining portions of this Bylaw.

### **5.3 REPEAL OF BYLAWS**

Capital Regional District Bylaw 2990, "Building Regulation Bylaw No. 4, 2002, and amendment bylaws 3099, 3172, 3265 and 3394, are hereby repealed.

#### 5.4 CITATION

This Bylaw may be cited for all purposes as "Building Regulation Bylaw No. 5, 2010".

READ A FIRST TIME THIS	13 <sup>th</sup>	day of	October	2010
READ A SECOND TIME THIS	13 <sup>th</sup>	day of	October	2010
READ A THIRD TIME THIS	9 <sup>th</sup>	day of	March	2011
ADOPTED THIS	9 <sup>th</sup>	day of	March	2011

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CHAIR

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CORPORATE OFFICER

## BYLAW SCHEDULES

### 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		=	
<b>* APPLIANCES CONNECTED TO CHIMNEYS MUST COMPLY WITH AND BE INSTALLED TO ALL APPLICABLE REGULATIONS (See Building Inspector)</b>	<b>TOTAL PERMIT FEE</b>			

#### PLUMBING PERMIT APPLICATION (RESIDENTIAL) 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 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 =	
<b>TOTAL FEES</b>				



**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	=	
<b>FIRE PROTECTION</b>					
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		
<b>OUTSIDE SERVICES</b>					
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	=	
<b>TOTAL FEES</b>					

**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	
<b>Total Permit Fee</b>			

**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
<p>* 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.</p> <p>** Basement shall be defined as in the British Columbia Building Code</p>		

**APPENDIX E**

Appendix E	<b>Conditional Certificate of Occupancy</b>	Permit No. _____
ISSUED BY THE BUILDING INSPECTION DIVISION OF THE CAPITAL REGIONAL DISTRICT		

FOLIO No. _____					
OWNER _____	ADDRESS _____	<i>HOUSE</i>	<i>STREET</i>	<i>CITY</i>	<i>POSTAL CODE</i>
LEGAL DESCRIPTION _____					
LOT _____	SECTION _____	BLOCK _____	PLAN _____	LAND DISTRICT _____	

**THE CONDITIONAL CERTIFICATE OF OCCUPANCY IS ISSUED SUBJECT TO THE FOLLOWING CONDITIONS:**

1. The deficiencies listed below shall be rectified to the satisfaction of the building inspector
2. Upon satisfactory completion of all deficiencies the building inspector may issue a CERTIFICATE OF OCCUPANCY for the building.
3. If at a date 12 calendar months from the date of issue of this CONDITIONAL CERTIFICATE OF OCCUPANCY, all of the deficiencies listed below have not been addressed to the satisfaction of the building inspector, the permit will need to be renewed for an additional one year period. A renewal fee of \$300 shall be charged for each renewal, to a maximum of three years after which the permit will expire and the Capital Regional District will register a notice against the title of the land, referring to the outstanding deficiencies. The notice will remain in place until the deficiencies have been rectified to the satisfaction of the building inspector. Upon expiry of a building permit and in order for the building inspector to conduct the required final inspection and issue the CERTIFICATE OF OCCUPANCY, it will be necessary for the owner to apply for a permit to complete the outstanding work. Upon completion of all deficiencies the notice will be removed and the building inspector may issue a permanent CERTIFICATE OF OCCUPANCY for the building.
4. The CONDITIONAL CERTIFICATE OF OCCUPANCY confirms only that the building is believed to meet the minimum level of health and safety requirements and is not a representation, warranty, assurance or statement that the building complies with the Building Code, the Building Regulation Bylaw of the CRD, or any other applicable enactments, codes, or standards.


The following list of deficiencies should not be construed as a definitive list of all requirements.  
Known deficiencies outstanding at date of issue of CONDITIONAL CERTIFICATE OF OCCUPANCY are:

Date of Sewerage System Certification _____	Authorized Use <input type="checkbox"/> SFD <input type="checkbox"/> Other _____
APPROVED FOR OCCUPANCY _____	DATE _____
BUILDING INSPECTOR	

**APPENDIX F**

Appendix F	<h2 style="margin: 0;">Certificate of Occupancy</h2> <p style="margin: 0;">ISSUED BY THE BUILDING INSPECTION DIVISION OF THE CAPITAL REGIONAL DISTRICT</p> <p style="margin: 0;">PURSUANT TO THE BRITISH COLUMBIA LOCAL GOVERNMENT ACT</p>	Hold No.  Permit No.
<b>THIS IS TO CERTIFY</b> that the premises named herein have been constructed under the authority of a valid Building Permit and have received the final inspection.		
<div style="border: 1px solid black; display: inline-block; padding: 2px 10px;"><b>THIS BUILDING IS NOW COMPLETED AND READY FOR OCCUPANCY.</b></div>		
FOLIO No. _____		
OWNER _____ ADDRESS _____ <div style="display: flex; justify-content: space-between; width: 80%; margin-left: auto; margin-right: auto;"> <span><i>HOUSE</i></span> <span><i>STREET</i></span> <span><i>CITY</i></span> <span><i>POSTAL CODE</i></span> </div>		
<div style="border: 1px solid black; display: inline-block; padding: 2px 10px;">LEGAL DESCRIPTION</div>		
LOT _____ SECTION _____ BLOCK _____ PLAN _____ LAND DISTRICT _____		
<p>No action may be brought against the Capital Regional District or its officials or servants for anything done or left undone in good faith in the performance or intended performance of any authority conferred or duty imposed under this or any other Bylaw adopted by the Capital Regional District pursuant to the British Columbia Local Government Act.</p> <p><b>NO REPRESENTATION BY THE CRD</b></p> <p>Neither the issuance of a permit, Certificate of Occupancy or Conditional Certificate of Occupancy under this bylaw nor the acceptance or review of plans, drawings or specifications or supporting documents, nor any inspection made by or on behalf of the Capital Regional District constitute in any way a representation, warranty, assurance or statement that the Building Code, this Bylaw or any other applicable enactments, codes, and standards have been complied with.</p> <p>All building in the Capital Regional District Electoral Areas is regulated by Building Regulation Bylaw No. 3741.</p>		
<div style="display: flex; justify-content: space-around; margin-top: 20px;"> <div style="text-align: center;">             _____              Date           </div> <div style="text-align: center;">             _____              Signature of Owner           </div> </div>		
<div style="display: flex; justify-content: space-around; margin-top: 20px;"> <div style="text-align: center;">             _____              Date           </div> <div style="text-align: center;">             _____              Signature of Building Inspector           </div> </div>		

**APPENDIX G**

Appendix G  <small>Making a difference...together</small>	<h2 style="margin:0;">BUILDING PERMIT</h2> <h3 style="margin:0;">CAPITAL REGIONAL DISTRICT</h3> <p style="margin:0;"><b>Building Inspection Division</b> G.S.T. Registration No. R121299836</p>	Hold No.  Permit No.				
<table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:25%; border-right: 1px solid black;">                     SOUTHERN GULF ISLANDS                      WILLIS POINT &amp; MALAHAT                      BUILDING INSPECTION                      P.O. Box 1000, 625 Fisgard St.                      Victoria BC, V8W 2S6                      (250) 360-3230, Fax-3232                      Toll Free: 1-866-475-1581                 </td> <td style="width:25%; border-right: 1px solid black;">                     JUAN DE FUCA                      BUILDING INSPECTION                      3-7450 Butler Rd.                      Sooke BC, V9Z 1N1                      (250) 642-8109, Fax-5274                 </td> <td style="width:25%; border-right: 1px solid black;">                     SALT SPRING ISLAND                      BUILDING INSPECTION                      206 -118 Fulford Ganges Rd.                      Salt Spring Island BC, V8K                      (250) 537-2711, Fax-9633                 </td> <td style="width:25%;">                     PENDER ISLAND                      BUILDING INSPECTION                      P.O. Box 113, 30-4605 Bedwell Harbour Rd.                      Pender Island BC, V0N 2M0                      (250) 629-3424                 </td> </tr> </table>			SOUTHERN GULF ISLANDS WILLIS POINT & MALAHAT BUILDING INSPECTION P.O. Box 1000, 625 Fisgard St. Victoria BC, V8W 2S6 (250) 360-3230, Fax-3232 Toll Free: 1-866-475-1581	JUAN DE FUCA BUILDING INSPECTION 3-7450 Butler Rd. Sooke BC, V9Z 1N1 (250) 642-8109, Fax-5274	SALT SPRING ISLAND BUILDING INSPECTION 206 -118 Fulford Ganges Rd. Salt Spring Island BC, V8K (250) 537-2711, Fax-9633	PENDER ISLAND BUILDING INSPECTION P.O. Box 113, 30-4605 Bedwell Harbour Rd. Pender Island BC, V0N 2M0 (250) 629-3424
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<p><b>PLEASE PRINT CLEARLY</b></p> <p>Pursuant to the regulations applicable to the CAPITAL REGIONAL DISTRICT:</p> <p>Mr. / Mrs. / Ms. _____</p> <p style="text-align: center;"><small>NAME                                      HOUSE                                      STREET                                      CITY                                      POSTAL CODE</small></p> <p>Being the owner is hereby granted a PERMIT to: _____</p> <p>Located at: _____ and as shown by the accompanying plan.</p> <p style="text-align: center;"><small>SITE ADDRESS (UNIT #, HOUSE, STREET, CITY, POSTAL CODE)</small></p> <p>Telephone Number: _____</p>						
LEGAL DESCRIPTION _____		FOLIO No. _____				
LOT _____	SECTION _____	BLOCK _____	PLAN _____	LAND DISTRICT _____		
Owner _____ <p style="text-align: center;"><small>FIRST &amp; LAST NAME                                      ADDRESS (UNIT #, HOUSE, STREET, CITY, POSTAL CODE)</small></p>		Builder _____ <p style="text-align: center;"><small>FIRST &amp; LAST NAME                                      ADDRESS (UNIT #, HOUSE, STREET, CITY, POSTAL CODE)</small></p>				
<p><b>THIS PERMIT IS ISSUED SUBJECT TO THE FOLLOWING SPECIAL REQUIREMENTS:</b></p> <div style="border: 1px solid black; height: 40px; width: 100%;"></div> <div style="border: 1px solid black; height: 40px; width: 100%;"></div> <div style="border: 1px solid black; height: 40px; width: 100%;"></div>						
<p><b>Notes:</b></p> <ol style="list-style-type: none"> <li>1. Permit issued according to the above SPECIAL REQUIREMENTS, the accompanying plans and the applicable regulations.</li> <li>2. Inspections must be requested in accordance with Building Regulation Bylaw requirements. At least 24 hours notice is required.</li> <li>3. A re-inspection fee will be charged in accordance with the Building Regulation Bylaw.</li> <li>4. Work related to this permit must be started within 6 months of the date of issue and must not be discontinued or suspended for more than one year. Separate permits are required for plumbing installations, and fireplace / chimney construction.</li> <li>5. A CERTIFICATE OF OCCUPANCY MUST BE APPLIED FOR AND OBTAINED PRIOR TO THE OCCUPANCY OF ANY BUILDING.</li> </ol>		<p><b>LIMITATION OF LIABILITY</b></p> <p>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 any way 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.</p> <p><b>FREEDOM OF INFORMATION WAIVER</b></p> <p>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.</p> <p><b>All building in the Capital Regional District Electoral Areas is regulated by Building Regulation Bylaw No. 3741.</b></p>				
<b>FEE SUMMARY</b>						
AREA OF BUILDING		Fee				
ESTIMATED COST						
PLUMBING PERMIT (residential)						
PLUMBING PERMIT (commercial)						
CHIMNEY / APPLIANCE PERMIT						
DEMOLITION / DECONSTRUCTION PERMIT						
OTHER						
<b>Total Permit Fee</b>						
		Payment By <input type="checkbox"/> cheque date _____ <input type="checkbox"/> cash	BUILDING INSPECTOR CAPITAL REGIONAL DISTRICT  _____ DATE PERMIT GRANTED			



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## REPORT TO ELECTORAL AREAS COMMITTEE MEETING OF WEDNESDAY, JULY 12, 2023

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**SUBJECT**     **Enforcement Practices for Alternative Forms of Housing (Updated)**

### **ISSUE SUMMARY**

An updated review of the existing practice of enforcement for recreational vehicles, travel trailers, and alternative forms of housing.

### **BACKGROUND**

At the May 11, 2022, Electoral Areas Committee meeting the following Motion was carried:

*That staff investigate the possibility of a non-enforcement policy for trailers, yurts, and other forms of housing for the electoral areas.*

Further to this, on January 17, 2023, the Southern Gulf Islands (SGI) Community Economic Sustainability Commission (CESC) passed a resolution as follows:

*Requesting that the Capital Regional District (CRD) hold off any existing and future expulsion action against owners or tenants of tiny homes, trailers and other nonconforming dwellings unless life safety is compromised, and to take steps towards allowing them.*

On February 8, 2023, the Electoral Areas Committee reviewed a staff report titled "Enforcement Practices for Alternative Forms of Housing". The Committee referred the report to staff for further review. Staff were asked to investigate the allowance of recreational vehicles with respect to the electoral area Land Use Bylaws and to further review and consider options for buildings for temporary use. This report has been revised to reflect the additional requests.

Where a dwelling is used for human habitation in a non-temporary way, Bylaw No. 3741, "Building Regulation Bylaw No. 5, 2010" (Building Regulation Bylaw), and the BC Building Code (Code) would consider it a "building". The Code applies to "any structure used or intended for supporting or sheltering any use or occupancy".

All buildings occupied for residential use must receive occupancy approval. Buildings that can be considered for residential occupancy include site-built buildings constructed in compliance with Part 9 or Part 4 of the Building Code; factory-built buildings certified as being in conformance with CSA A277; and factory built mobile homes constructed in conformance with CSA Z240 (not Z240RV).

"Tiny homes", yurts and similar forms of housing are subject to the Building Code, but due to their small size and unconventional construction, it can be difficult to comply. They are often built or installed without permits and approvals. A regional district does not have the regulatory tools to create its own set of standards for such construction. BC Housing and other organizations are in the process of advocating for a change to National Building Codes, the first step in modifying provincial codes, for exclusive requirements and relaxations relating to tiny home construction.



### *RVs*

Relating to recreational vehicles (RVs), trailers, and “park model” trailers, different standards apply. Most RVs and travel trailers are factory built and certified to standards CSA Z240RV or RVIAS NFPA 1192 as temporary living quarters for recreation, camping or seasonal use and are not certified for permanent residential use. Although RVs and travel trailers are constructed with limited safety features, they do not have the same level of health, fire and life safety features as Building Code compliant dwelling units.

CRD undertook an external legal review which confirmed certified RV’s would not be considered “buildings” unless altered or installed in a manner that suggests permanent or long term residency (additions, renovations, foundation, or non-temporary service connections).

The use of a recreational vehicle on a lot is primarily a land use matter and is not a subject of review through the building permit process. Applicable Land Use Bylaws permit the occupancy of RVs and trailers under varying circumstances and for varying lengths of time. See Appendix A for a list of these requirements.

Inquiries or complaints regarding occupied certified recreational vehicles installed in a temporary nature will be referred to the local land use authority for review.

### *Tiny Homes*

Legal review confirmed that “tiny homes”, are to be considered “buildings” and are subject to a building permit and building code review due to their non-transient and non-temporary nature. “Tiny home” is a term that is often applied to small homes, with or without wheels.

Small site-built homes can be constructed to be fully compliant with all aspects of the Code or as compliant factory-built buildings complying with the CSA Z240 mobile home or the CSA A277 factory-built building standards.

A small home on wheels that is constructed and certified to an RV standard would be viewed as an RV; a small home on wheels that is not built to a standard but insured as a trailer and used in a transient manner off-site as a travel trailer would likely be considered the same way, though it is more likely the larger and more complex the construction and the more immovable it is, the more likely it would be viewed by regulatory authorities as a “building”.

Small homes constructed without compliance to any standard, or homes constructed to an RV standard but that are practically immobile, require building permits and must meet building code requirements. All must meet land use requirements.

### *Temporary building approvals*

Pursuant to the Building Code, the Building Inspection Department considers requests and applications for temporary buildings. The Building Code permits exemption of certain “temporary” buildings from the Code, where satisfied the use and construction is “temporary”. Examples of “temporary” include construction offices; seasonal storage buildings; special events facilities; emergency facilities; and similar structures. Traditionally various jurisdictions have used this section for non-residential occupancies, or if for residential occupancies, for a very short term, typically in an emergency, with mitigative measures (no smoking, no cooking facilities, no open flame, washroom facilities on site, exterior elements must meet Code requirements, etc.).

External legal review confirms that temporary approval of a building may be considered if the use, nature, and manner of construction supports the fact that it is intended to have a transient nature

and character and if it has a temporal limitation. The building authority must also consider at minimum, structural adequacy, fire safety and occupant health safety. The applicant must also receive land use approval.

The issue of residential use of temporary buildings was explored. Legal review does not recommend approval of “temporary” residential buildings, as health and safety risks are considered too high. Requirements within the building code for residential occupancies are more restrictive with respect to fire protection and occupant safety than some other occupancies. Further, the requirement for structural adequacy, fire safety, and occupant safety also makes the approvals process cumbersome and it would be easier for residential construction to design a small dwelling to Code in first instance.

#### *Enforcement Philosophy*

Current enforcement action is generally in response to written complaints or observations of health, safety, or environmental risks by Building Inspectors in their normal course of duty. Stop Work Notices and Do Not Occupy Notices are often issued and further action, such as registration of a bylaw contravention notice on the land title under s.57 of the *Community Charter*, may follow for continued non-compliance.

Enforcement action for occupied RVs and trailers has been mostly limited to investigating after receiving written complaints or after observing structural alterations or additions. Applicable Land Use Bylaws in the Electoral Areas permit the occupancy of RVs and trailers under varying circumstances and for varying lengths of time. For this reason, enforcement action against RVs and trailers has been less frequent than for other types of buildings or structures and enforcement beyond that of a recommended Notice on Title has been very limited. Complaints relating to unaltered RV's will be considered a land use matter and referred to the local land use authority.

## **ALTERNATIVES**

### *Alternative 1*

The Electoral Areas Committee recommends to the Capital Regional District (CRD) Board:

1. That the existing practice of CRD Building Regulation Bylaw and BC Building Code enforcement be continued, primarily responding to complaints and observations by Inspectors during their normal course of duty of safety, health, and environmental concerns and issuing Stop Work Notices and Do No Occupy Notices when warranted for non-compliant dwelling units;
2. Occupancy of recreational vehicles, without alterations for permanent or long term use, will be considered a land use matter and referred to the local land use authority;  
and
3. That the CRD advocate to the Province for a review of inclusion of alternative forms of housing within the BC Building Code.

### *Alternative 2*

That the Enforcement Practices for Alternative Forms of Housing report be referred back to staff for further review based on Electoral Areas Committee direction.

## **IMPLICATIONS**

### *Service Delivery*

It is not recommended to withhold bylaw enforcement in cases of occupied site built alternative forms of housing, as this may result in an assumption of acceptance of such structures and uses. An increased amount of potentially unsafe dwellings will likely be constructed and occupied. Even a temporary relaxation of enforcement will make control of such buildings and structures in the future extremely difficult and add to enforcement and compliance costs of the Electoral Areas. Ensuring complaints regarding unaltered recreational vehicles as residential dwellings will be referred to the local land use authority will alleviate the confusion for complainants and CRD staff.

### *Regulatory Impacts*

CRD is without the regulatory tools to permit construction and residential occupation of those structures that do not comply with the Code or other occupancy-capable mobile home standards. Currently the Province of Nova Scotia has provisions for “Tiny House” construction within the 2020 Nova Scotia Building Code Regulations. The BC Building Code, however, does not include such provisions. The 2018 International Residential Code (IRC) has conditions that pertain to the construction of small dwellings or “tiny houses”. The IRC is looked to by the United States and other jurisdictions as an example of what is possible to establish minimum standards of health, safety, and welfare. The IRC sets out minimum floor sizes, including for clearances for loft beds, with minimum access and egress, as well as door and hallway heights. Advocacy from the CRD to the Province may include reference to the IRC requirements.

### *Legal Impacts*

Once a building regulation bylaw exists, subject to core policy decisions, CRD owes a duty to inspect and enforce as appropriate where it learns structures are non-compliant with the Building Bylaw and the Code. The extent of that duty and the standard of care of a building official varies based on the circumstances, taking into consideration risk, magnitude of harm, and public utility of conduct. A failure to inspect that results in loss or damage to others may attract liability in negligence, depending on certain factors.

As such, CRD’s typical response to non-compliance is to register a s.57 *Community Charter* notice on title, which identifies that the use, occupation, or construction is deficient with a bylaw, the Building Code, or other law. Once registered, the CRD may exempt itself from a current or future duty of care in negligence that could arise relating to the deficiency under s.57(8) of the *Community Charter*. A notice on title is an enforcement mechanism meant to alert future purchasers of the property of the unlawful use or construction on the property.

In rare cases, CRD may take remedial action – that is, get an order to remove, demolish, bring up to a standard or take such other step as ordered by the Board – for occupation of a building or hazardous construction, per section 72 of the *Community Charter*. A decision to take remedial action is a decision of the Board, and the Board can consider appropriate accommodations or factors at that time.

## **CONCLUSION**

Non-compliant structures used for residential accommodation subject to the Building Code and CRD Building Bylaw are enforced against on a complaints and inspections basis, typically by way of a s.57 Notice on Title, and in some cases, a s.72 *Community Charter* remedial action order. The primary form of regulation of such uses is under a Land Use Bylaw. Recreational Vehicles are typically not considered buildings and are addressed by the local land use authority.

While organizations are advocating for changes to the National Building Code to permit tiny home

construction, CRD is without the ability to set out its own non-Building Code-defined construction standards for such use. CRD may wish to advocate to the Province for a review of future Code provisions for smaller alternative housing types.

**RECOMMENDATION**

The Electoral Areas Committee recommends to the Capital Regional District (CRD) Board:

1. That the existing practice of CRD Building Regulation Bylaw and BC Building Code enforcement be continued, primarily responding to complaints and observations by Inspectors during their normal course of duty of safety, health, and environmental concerns and issuing Stop Work Notices and Do No Occupy Notices when warranted for non-compliant dwelling units;
2. Occupancy of recreational vehicles, without alterations for permanent or long term use, will be considered a land use matter and referred to the local land use authority;  
and
3. That the CRD advocate to the Province for a review of inclusion of alternative forms of housing within the BC Building Code.

Submitted by:	Mike Taylor, RBO, Manager and Chief Building Inspector, Building Inspection
Concurrence:	Kevin Lorette, P. Eng., MBA, General Manager, Planning & Protective Services
Concurrence:	Kristen Morley, J.D., General Manager, Corporate Services & Corporate Officer
Concurrence:	Ted Robbins, B. Sc., C. Tech, Chief Administrative Officer

**ATTACHMENTS**

Appendix A: Zoning for Recreational Vehicles

**Zoning for Recreational Vehicles  
Enforcement Practices for Alternative Forms of Housing**

<b>Jurisdiction</b>	<b>Type</b>	<b>Maximum Time</b>	<b>Requirements</b>
Galiano Island	N/A	N/A	No definitions or regulations related to RVs exist, except “Prohibited Uses 2.3.2 mobile home parks and commercial campgrounds”.
Juan de Fuca (East Sooke, Jordan River, Otter Point, Shirley)	Recreational Vehicle	30 days	May be used for temporary accommodation of guests in conjunction with principal residential use; may not be rented.
Juan de Fuca (Malahat, Port Renfrew, Willis Point)	Recreational Vehicle	30 days	Not explicitly stated in land use bylaws, but above is typically allowed by Community Planning.
Mayne Island <sup>1</sup> (SR, MBRC, RR1, R, UP and A zones)	Recreational Vehicle	N/A	Use as dwelling/cottage subject to water and sewage connection use/density/siting compliance.
North Pender Island <sup>2</sup>	Recreational Vehicle	N/A	Only permit RVs in campgrounds.
South Pender Island <sup>3</sup> (Construction Dwelling)	Recreational Vehicle	2 years (where a building permit has been issued for a dwelling)	Occupy as dwelling unit prior to construction provided: a) water and sewage connection b) use/density/siting compliance c) occupancy ceases prior to or concurrently with occupancy of dwelling
South Pender Island <sup>3</sup> (Camping)	Recreational Vehicle	90 days	Maximum 90 days per calendar year for temporary camping.
Salt Spring Island	Travel Trailer or Recreational Vehicle	90 days	Occupy as camping unit provided: water and sewage connection.
Salt Spring Island (Construction Dwelling)	Travel Trailer or Recreational Vehicle	2 years (where a building permit has been issued for a dwelling)	Water supply and approved sewage system installed with temporary connections to RV.
Saturna Island	RV and Yurt	N/A	Use as dwelling/cottage subject to: a) water and sewage connection b) use/density/siting compliance

<sup>1</sup> Mayne Island: “recreational vehicle” includes tent trailer, travel trailer, motor home, or other self-propelled vehicle containing sleeping, cooking, and sanitary facilities, including a tiny home on wheels that meets the CSAS for RVs; does not include a mobile home or manufactured home.

<sup>2</sup> North Pender Island: “recreational vehicle” includes tent trailer, travel trailer, motor home, or other self-propelled vehicle containing sleeping, cooking, and sanitary facilities; does not include mobile home or manufactured home.

<sup>3</sup> South Pender Island: “recreational vehicle” includes tent trailer, travel trailer, motor home, or other self-propelled vehicle containing sleeping, cooking, and sanitary facilities, and park model recreational vehicle.

# **PENDER ISLAND PARKS AND RECREATION COMMISSION (PIPRC)**

## **Minutes of Regular Meeting**

**Monday, May 8 2023 3:00pm**

**Zoom Conferencing/Pender Community Hall**

**Present:** Paul Brent (Director, CRD SGI), George Leroux (Chair/Treasurer), Rob Fawcett (Vice Chair), Andrea Mills, Erin O'Brien, Lisa Baile, Sandra Tretick, Ben Symons (Maintenance Contractor), Melody Pender (CRD Staff), Kat Ferneyhough (CRD Staff, recorder)

**Guests:** Peter Pare (MAP), Shelagh Rinald (MAP), Doug Mutch (community member)

**Regrets:**

**CALL TO ORDER** - Chair Leroux called the meeting to order at 3:00pm

### **1. APPROVAL OF AGENDA**

Motion - The Agenda is approved as amended to move item 5.8 – Communications to 7.2.

Moved – Brent, Seconded – Baile

Carried

### **2. ADOPTION OF MINUTES of April 18, 2023**

Sandra's surname was misspelled – and is to be corrected.

Motion - The minutes of April 18, 2023 were adopted as amended.

Moved – Brent, Seconded – Fawcett

Carried

### **3. DELEGATIONS**

3.1. Charles Baker – *Dogs in Parks* – Charles Baker did not attend, delegation skipped.

3.2. Moving About Pender (MAP) - *Ferry to Amies Rd Trail Concept* – MAP presented a trail concept to help improve the flow of bicycles and traffic leaving the ferry terminal. The trail, part of the larger regional trail network, would run from the terminal to the Amies Rd junction, or just past depending on visibility. Commissioners and Guests discussed the trail concept including potential costs and private land encroachment onto the road right

of way.

Motion – PIPRC supports the Ferry to Amies trail concept in principle and the need for a survey to provide a better sense of the potential impediments to building the trail.

Move – Tretick, Seconded – Mills  
Carried

#### 4. Topical Issues

- 4.1. Dogs in Parks - *Bylaw Amendment – Dogs on Leashes* – George circulated a proposal, prepared with assistance of CRD staff, outlining the Animal Control Bylaw in Electoral Areas Juan de Fuca and Salt Spring Island. The Commission discussed the current PIPRC bylaw requiring dogs be “on leash” in all parks while the other Areas required dogs be “under control at all times.”

Motion - Pender Island Parks and Recreation Commission requests the CRD Board to amend Bylaw 1578 – section 2, paragraph 9, by deleting this paragraph and replacing it with wording consistent with Section 8 of Salt Spring and Juan de Fuca Community Parks Bylaws.

Moved – Leroux, Seconded – Brent  
Carried

- 4.2. Commercial Activity in Parks - *Discussion of Swimming Hole activity* - Andrea updated the Commission on the potential use of the Magic Lake Swimming Hole by a commercial venture, and need for proper liability insurance by the operator.

#### 5. REPORTS

##### 5.1. CRD Director's Report

Paul discussed potential infrastructure and trail funding, and [reminded] Commissioners that Justine and her team are willing to assist seek trail funding. Paul also expressed support for the Ferry – Amies trail concept and advised he would support a survey through a Grant in Aid.

##### 5.2. Chair's Report

George's report was circulated in advance. Sandra asked about CRD Liaison and PIPRC administrative assistant role. George expressed that Melody assists as she can, and Kat Ferneyhough is assisting until a new administrative assistant is hired.

### 5.3. Maintenance

Ben's monthly maintenance report was circulated in advance of the meeting. The Commission discussed the abandoned vehicle at the Ball Park parking lot, and Ben agreed to contact someone he felt might be the owner.

The meeting discussed the Mortimer Spit access road, and the decision of CRD-HQ that the road may not be graded until a permit is received from the Heritage Branch. Commissioners expressed concerns that a lack of grading, and possible further restrictions on vehicle access, not only impacted people using the spit but effectively removed South Pender's only beach access for launching boats. Paul advised he would work on the matter further and George suggested the matter be tabled until the next meeting.

### 5.4. Volunteers

Andrea updated the Commission on activities to engage volunteers.

### 5.5. Recreation Grants

Sandra outlined efforts to ensure community groups are aware of the Recreation Grant Program deadlines. No applications have been received.

### 5.6. Native Species Stewardship

Erin outlined plans for the annual "broom bash", including coordinating work with students from the school removing broom from the George Hill trail and work with Parks Canada at Roesland. Pulled broom is being collected at the Ball Park parking lot before disposal.

### 5.7. Treasurer's Report

George spoke to the Treasurer's report, circulated in advance. Sandra asked if funds held in the Capital Reserve account could be used for land acquisition. Paul agreed to look into whether this was possible and the steps necessary. A question was raised concerning expenses for the "dip" project. George explained this was CRD real estate officer work on the Mirada beach access site where the MoTI intends to build a ramp for off island removal of trees and rock from the dip project.



## **6. Activities/Projects**

### 6.1. Magic Lake Park

Sandra updated the Commission on the boat clean-up efforts, including contact made with the RCMP and CRD staff seeking advice on abandoned boat removal and signage posted on site. Any boats not removed by owners by June 1<sup>st</sup> will be taken to a CRD storage site for 90 days before being disposed.

Rezoning is still in process with Islands Trust. The commissioners discussed ideas for improving boat storage on site going forward.

### 6.2. Schooner Trail

Rob updated commissioners on meetings with property owners along Schooner Way where the trail is planned. A statutory easement will be required on several properties where the road right of way and planned trail encroach on private property. Work is underway with CRD staff for communication and community engagement work.

## 7. Communications Report

Sandra agreed to write the June Pender Post article and to include comments on dogs in parks, Mortimer Spit access road, trail development updates and a reminder of the Recreation Grants.

## **8. New Business**

### **8.1. Grading at Mortimer Spit**

Mortimer Spit access road grading was discussed under Maintenance (above), and will be discussed further at the next meeting upon receiving an update from Paul's enquiries.

## 9. In Camera

Motion – that the meeting go in camera, and staff be requested to remain.

Moved – Brent, Seconded – Leroux

Carried

Motion – that the “in camera” portion of the meeting end.

Moved – Brent, Seconded – Leroux

Carried

## Rise & Report

Leroux reported that discussions concerning administrative support for the PIPRC are ongoing.

## 10. Next Meeting

Monday June 12<sup>th</sup>, 2023 – 1500 – 1700 hrs. At the Community Hall and by zoom.

## 11. Correspondence

11.1. Gulf Islands National Park - *Pender Island Liaison Committee*

11.2. C. Knowles - *Invasive Species – American Bullfrog*

The Commissioners discussed issues around controlling the invasive bullfrog, which has taken over several water bodies on North Pender, and whether Mayne Island’s fallow deer management plan could provide useful ideas for invasive Bullfrog management.

11.3. D. Korbin - *Mortimer Spit grading*

11.4. L. Graham - *Boats at Magic Lake*

11.5. Dog Mermaid - *Boats at Magic Lake*

11.6. J. Lawrence - *Boats at Magic Lake*

11.7. J. Spaxman - *Dogs in Parks*

11.8. R. Watson - *Dogs in Parks*

11.9. M. Plant - *Boats at Magic Lake*

11.10. V. Dutton - *Dogs in Parks*

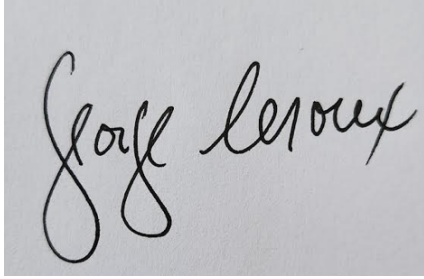
## 12. ADJOURNMENT

Motion – that the meeting be adjourned at 5:08 PM.

Moved – Brent, Seconded – Leroux

Carried

Approved at the June 12, 2023 PIPRC Meeting:

A rectangular image showing a handwritten signature in black ink on a light grey background. The signature reads "Geoff Leroux" in a cursive script. The first name "Geoff" is written with a large, looping 'G' and 'f'. The last name "Leroux" is written in a more compact cursive style.

:

Chair-PIPRC



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**MINUTES OF A MEETING OF THE Port Renfrew Utility Services Committee, held Monday, February 6, 2023 at 2 p.m., In The Goldstream Meeting Room, 479 Island Highway, Victoria, BC**

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**PRESENT: Committee Members:** W. Forsberg (Chair); C. Welham (Vice Chair) (EP); A. Wickheim (Electoral Areas Committee); C. Carlsen (EP)

**Staff:** J. Marr, Acting Senior Manager, Infrastructure Engineering; J. Dales, Senior Manager, Wastewater Infrastructure Operations; J. Kelly, Manager, Capital Projects; C. Moch, Manager, Water Quality Operations; L. Xu, Manager, Finance Services (EP); L. Ferris, Manager, Policy and Planning, Environmental Resource Management; T. Duthie, Manager, Administrative Services; M. Risvold, Committee and Administrative Clerk (Recorder)

EP = Electronic Participation

The meeting was called to order at 2:01.

**1. ELECTION OF CHAIR**

The Acting Senior Manager called for nominations for the position of Chair of the Port Renfrew Utility Services Committee for the term ending December 31, 2023.

A. Wickheim nominated W. Forsberg. W. Forsberg accepted the nomination.

The Acting Senior Manager called for nominations a second time.

The Acting Senior Manager called for nominations a third and final time.

Hearing no further nominations, the Acting Senior Manager declared W. Forsberg Chair of the Port Renfrew Utility Services Committee for the term ending December 31, 2023 by acclamation.

**2. ELECTION OF VICE CHAIR**

The Chair called for nominations for the position of Vice Chair of the Port Renfrew Utility Services Committee for the term ending December 31, 2023.

A. Wickheim nominated C. Welham. C. Welham accepted the nomination.

The Chair called for nominations a second time.

The Chair called for nominations a third and final time.

Hearing no further nominations, the Chair declared C. Welham Vice Chair of the Port Renfrew Utility Services Committee for the term ending December 31, 2023 by acclamation.

**3. APPROVAL OF AGENDA**

Operations for the Church Water Shutoff was added to New Business.

**MOVED** by A. Wickheim, **SECONDED** by C. Welham,  
That the agenda be approved as amended.

**CARRIED**

**4. ADOPTION OF MINUTES**

**MOVED** by C. Welham, **SECONDED** by A. Wickheim,  
That the minutes of the November 21, 2022 meeting be adopted.

**CARRIED**

**5. CHAIR'S REMARKS**

The Chair had no remarks.

**6. PRESENTATIONS/DELEGATIONS**

There were none.

**7. SENIOR MANAGER'S REPORT**

J. Marr advised he is looking forward to working with the committee and welcomed the new members.

**8. COMMITTEE BUSINESS**

**8.1. Presentation – Port Renfrew Utility Services Committee Orientation**

Staff provided the orientation presentation and responded to questions from the committee regarding:

- Water meters. Staff advised that the Capital Regional District (CRD) owns up to and including the meter. The area from the meter to the property line is maintained by the homeowner. Homeowners are unable to complete work on the public side.
- Back-up generator. Staff advised there is \$60,000 allocated in grant funding for the new back-up generator. Additional funding is for the hook-up and installation. The current back-up generator is still functioning but does not have the power to run the blowers and treatment plant which results in the number of treated effluent being reduced.
- Alternative Approval Process (AAP). Staff advised a public notice would be issued including the plans, and the community would respond. If 10 percent of the single family equivalent's do not support the AAP, it will proceed to referendum. 51 percent of the vote must be positive to proceed with borrowing. Staff noted an AAP is the most cost-effective way to borrow. Staff will confirm how the AAP is communicated to the community.

## **8.2. Port Renfrew Garbage and Recycling Depot Operation**

L. Ferris provided the report.

Staff responded to questions regarding the potential for the depot to be moved outside of town. Staff advised it is not explicitly being considered and the land the current depot is on is owned by CRD for this purpose. Staff are corresponding with Pacheedaht First Nation to see if they would want to host the depot and noted any option going forward will be more expensive. Staff will review the ability of obtaining Crown Land for the new depot. Discussion ensued.

## **8.3. Project and Operations Update**

Staff responded to questions regarding the outfall blockage. Staff advised that a repaired coupling has been removed to relieve the treated effluent into the ocean as a short-term fix. There is a long-term capital plan to address this issue. There has been an increase of sampling by Environmental Protection and there has been no observations of increased coliforms.

## **8.4. Referral from Electoral Areas Committee – Electoral Areas Water Conservation Bylaw No. 1, 2022 (Bylaw No. 4492)**

The committee provided the following feedback:

- How the bylaw would be enforced for fisherman washing charter boats
- The Ministry of Environment requiring boats to be washed after being in the ocean

## **9. PORT RENFREW UTILITY SERVICES COMMITTEE MEETING SCHEDULE**

Regular meetings of the Port Renfrew Utility Services Committee shall be held in the Goldstream conference room, 479 island highway, Victoria, BC on Monday, February 6, Monday, June 12 and a date to be determined in November to approve the operating and capital budget. Meetings will commence at 2:00 pm unless otherwise determined.

Staff advised additional meetings are at the call of the chair.

## **10. CORRESPONDENCE**

There was none.

## **11. NEW BUSINESS**

### **11.1. Operations for the Church Water Shutoff**

The committee asked where the water shut-off location is for the church across from lower Beach Camp. Staff will determine where the shut-off is located and provide the location information to the committee.

**12. ADJOURNMENT**

**MOVED** by W. Forsberg, **SECONDED** by C. Welham,  
That the February 6, 2023 meeting be adjourned at 3:47 pm.

**CARRIED**

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**CHAIR**

---

**SECRETARY**



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**MINUTES OF A MEETING OF THE Skana Water Service Committee, held Friday, February 10, 2023 at 9:30 a.m., In the Goldstream Meeting Room, 479 Island Highway, Victoria, BC**

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**PRESENT: Committee Members:** W. Korol (Chair); M. Bentley (Vice-Chair); P. Brent, (Electoral Area Director); R. Johnston

**Staff:** J. Dales, Senior Manager, Wastewater Infrastructure Operations; J. Marr, Acting Senior Manager, Infrastructure Engineering; J. Kelly, Manager, Capital Projects; C. Moch, Manager, Water Quality Operations; L. Xu, Manager, Finance Services (EP); T. Duthie, Manager, Administration Services; M. Risvold, Committee and Administrative Clerk (Recorder)

**REGRETS:** B. Hill

EP = Electronic Participation

The meeting was called to order at 9:35.

**1. ELECTION OF CHAIR**

The Senior Manager called for nominations for the position of Chair of the Skana Water Service Committee for the term ending December 31, 2023.

R. Johnson nominated W. Korol. W. Korol accepted the nomination.

The Senior Manager called for nominations a second time.

The Senior Manager called for nominations a third and final time.

Hearing no further nominations, the Senior Manager declared W. Korol Chair of the Skana Water Service Committee for the term ending December 31, 2023 by acclamation.

**2. ELECTION OF VICE CHAIR**

The Chair called for nominations for the position of Vice Chair of the Skana Water Service Committee for the term ending December 31, 2023.

W. Korol nominated M. Bentley. M. Bentley accepted the nomination.

The Chair called for nominations a second time.

The Chair called for nominations a third and final time.

Hearing no further nominations, the Chair declared M. Bentley Vice Chair of the Skana Water Service Committee for the term ending December 31, 2023 by acclamation.

**3. APPROVAL OF AGENDA**

**MOVED** by M. Bentley, **SECONDED** by R. Johnson,  
That the agenda be approved.

**CARRIED**



#### 4. ADOPTION OF MINUTES

**MOVED** by R. Johnson, **SECONDED** by M. Bentley,  
That the minutes of the November 24, 2022 meeting be adopted.

**CARRIED**

#### 5. CHAIR'S REMARKS

The Chair made no remarks.

#### 6. PRESENTATIONS/DELEGATIONS

There were none.

#### 7. SENIOR MANAGER'S REPORT

J. Dales advised that staff are working on a contract for an on-island operator and the request for proposal (RFP) will be issued in the coming days. In the interim, island support and maintenance activities are conducted by Capital Regional District (CRD) operations staff.

Responding to questions from the committee regarding how the RFP is communicated, staff advised that it is published online and in local media. Staff will provide the RFP details to the Chair as requested. Discussion ensued.

Staff provided an update on communications and advised CRD emails are unable to be provided for the following reasons:

- There is a different requirement and level of control for staff and non-staff members.
- Staff are unable to maintain public email addresses.
- Risk management and liabilities.

CRD will continue to provide service notifications by doorhangers, social media and additional educational resources online. System users who did not receive an alert from the Public Advisory Notification System (PANS) are encouraged to ensure they are signed up to receive the alerts. The Chair inquired if alerts can be sent to subscribers through the same platform as CRD Agendas and Minutes. Staff will determine if this is possible. Discussion ensued.

Staff advised a document is being created which will indicate meter box locations and challenging to locate boxes will be marked with a stake.

#### 8. COMMITTEE BUSINESS

##### 8.1. Skana Water Service Presentation Orientation

Staff provided the orientation and responded to the following questions:

- Water samples being at risk due to travel times. Staff advised timelines can be tight. If travel is delayed the samples can be ruined. Staff will confirm the timelines and provide an update to the committee.
- Budget approval. Staff advised committee review takes place in the fall and the budget presented to them is provisional.
- Installing a one draw meter on water tanks with the tank replacement project and potential grant funds. Staff advised the grant was rejected.

- The reason for the grant being rejected. Staff advised that a brief and generic response was received for the grant rejection. Staff will request further feedback as to why the grant was rejected.
- Possibility of reapplying for the grant once the rejection feedback is received. Staff advised it is an option to reapply for the grant and noted the alternative approval process (AAP) is an option even if the grant were to be accepted. The tank could fail at any time, is showing corrosion and is not up to code. The project will not get less expensive, and the estimates received are likely no longer valid.
- Which company drilled the well located at 500 Aya Reach. Staff advised the well was drilled by Drill Well and will confirm the year it was drilled.
- Timeline for well decommissioning. Staff advised it is beneficial to decommission the wells when the ground is dry. There are risks of completing the work during the wet season. Staff will ensure insurance is current and will confirm how the terms are laid out in the contract in the event there is ground damage. The committee advised they want the work completed as soon as possible.
- The plan for Capital Project 24-01 Source Water Surveillance project. Staff advised a high-level plan will be in place and provided back to the committee at the next meeting. The project is proposed to take place in 2024.
- The Committee requested a tank action plan from staff consisting of high level costs and long-term timeline showing the entire project life cycle (starting with options identification and analysis, through project design and installation) ensuring that funding is available at each annual budget stage to ensure that the tank replacement or repair project can move forward.

## **8.2. Project and Operations Update**

Staff provided updates on capital projects and operations.

Staff advised the investing in Canada Infrastructure Program (ICIP) grant was rejected and suggested the consensus of the committee should be to proceed with an AAP, noting the process can take up to one year. The committee advised they feel an AAP is high risk and would like to look at alternative options.

Discussion ensued regarding:

- Concern and risk of the AAP failing
- Water system design requirements
- Detailed options analysis
- Community Works Funds for well decommissioning
- Disinfection byproducts quarterly sampling

P. Brent left the meeting at 12:03 pm.

## **8.3. Water Conservation Bylaw**

The committee provided feedback to staff prior to the meeting. The feedback is on file and available upon request. The Committee noted there was nothing in the bylaw indicating restrictions regarding once-through cooling.

**9. CORRESPONDENCE**

There was none.

**10. NEW BUSINESS**

There was none.

**11. ADJOURNMENT**

**MOVED** by R. Johnson, **SECONDED** by M. Bentley,  
That the February 10, 2023 meeting be adjourned at 12:23 pm.

**CARRIED**

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**CHAIR**

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**SECRETARY**

## CRD SOUTHERN GULF ISLANDS LIBRARY COMMISSION

### Business Meeting Minutes

Feb. 23, 2023 by Zoom

In attendance (Commissioners unless noted): Laura Vilness (SGILC Chair – Pender), Lori Ragan (Pender), Ellen Bourassa (Saturna), Pauline Preston (Saturna), Charl Young (Piers), Lee Anthony (Mayne), Patrick Van Holderbeke (Galiano), Katherine Hazen (Galiano), Sarah Stang (Alternate for Galiano), Carmen Oleskevich (Library Director), Colette Clarke (minute taker).

1. Welcome, Land Acknowledgement, and videoconferencing procedures  
Call to order at 10:00 am  
*“We acknowledge that we meet on the unceded territory of the Coast Salish people.”*
2. Approval of Agenda  
**Motion** to approve agenda by L. Ragan, seconded by L. Anthony, carried.
3. Approval of SGILC Minutes of Oct. 22, 2022 meeting  
**Motion** to accept minutes as amended from the SGILC Oct. 22, 2022 meeting by L. Ragan, seconded by L. Anthony, carried.
4. Election of Chairperson  
Laura Vilness was re-elected as Chairperson for 2023 by acclamation.
5. SGILC Financial reports: Financial reports on year-end 2022 and budget 2023 were presented by C. Oleskevich and questions answered.  
**Motion** to approve the SGILC financial report for year-end 2022 by L. Ragan, seconded by E. Bourassa, carried.  
**Motion** to accept the SGILC financial budget for 2023 by L. Anthony, seconded by C. Young, carried.
6. Reports of committees
  - 6.1 CRD Funding Allocation ad hoc committee report – With approval from the SGILC at the Oct. 2022 meeting, the 2022 CRD funding was allocated including new contributions by each member library to the Saturna Is. Library. The next step was to assess the reserves of each member library, and Carmen has first worked with Mayne Is. Library Treasurer; she will arrange to meet with other Treasurers to discuss provenance of reserves. Group agreed that the allocation of CRD funding remains a priority and to continue this committee work of systematic funding review in 2023.  
**Motion** to establish a standing SGILC CRD Funding Allocation Committee to replace the ad-hoc committee by E. Bourassa, seconded L. Ragan, carried. Prospective members of the new standing committee include E. Bourassa, K. Hazen (tentative), C. Young, and C. Oleskevich.
  - 6.2 SGILC Strategic Plan (2023-2028) – The previous strategic plan was discussed (2017-2021); Commissioners are needed to help create new plan, with completion goal of Dec. 2023; suggestions included drafting a skeleton plan and creating a survey for Commissioners.  
**Action:** Skeleton draft of strategic plan to be presented by L. Vilness and C. Oleskevich at SGILC June 2023 meeting. **Action:** C. Oleskevich to create survey for Commissioners by end-March.

7. New Business

7.1 Board meeting minute-taking training – Discussion on increasing the communication and transparency of Library Board meetings by posting Minutes on library website; C. Oleskevich to reach out to Secretaries of SGI libraries for training/updating skills, to ensure minute-taking format is consistent among our SGI libraries and meets CRD standards. **Action:** C. Oleskevich to research and verify SGI Community Resource Centre training on minute taking.

8. Commissioner reflections – Productive meeting, nice to meet everyone, lots of information, positivity for working together, excitement for new standing committee and strategic planning, thankful.

9. Upcoming meetings

- a) SGILC business meeting June 2023 (TBA)
- b) SGILC business meeting Oct. 2023 (TBA)

10. Adjournment at 11:10 am.



Making a difference...together

**MINUTES OF A MEETING OF THE Surfside Park Estates Water Service Committee, held Thursday, February 9, 2023 at 2 p.m., In the Goldstream Meeting Room, 479 Island Highway, Victoria, BC**

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**PRESENT: Committee Members:** L. Vallee (Chair); P. Brent (Electoral Area Director); W. Mulvin (EP); R. Noyes (EP); K. Wall

**Staff:** J. Dales, Senior Manager, Wastewater Infrastructure Operations; J. Marr, Acting Senior Manager, Infrastructure Engineering; J. Kelly, Manager, Capital Projects; C. Moch, Manager, Water Quality Operations; L. Xu, Manager, Finance Services (EP); T. Duthie, Manager, Administrative Services; M. Risvold, Committee and Administrative Clerk (Recorder)

EP = Electronic Participation

The meeting was called to order at 2 pm.

**1. ELECTION OF CHAIR**

The Senior Manager called for nominations for the position of Chair of the Surfside Park Estates Water Service Committee for the term ending December 31, 2023.

W. Mulvin nominated L. Vallee. L. Vallee accepted the nomination.

The Senior Manager called for nominations a second time.

The Senior Manager called for nominations a third and final time.

Hearing no further nominations, the Senior Manager declared L. Vallee Chair of the Surfside Park Estates Water Service Committee for the term ending December 31, 2023 by acclamation.

**2. ELECTION OF VICE CHAIR**

Election of vice-chair was not conducted.

**3. APPROVAL OF AGENDA**

**MOVED** by P. Brent, **SECONDED** by K. Wall,  
That the agenda be approved.

**CARRIED**

**4. ADOPTION OF MINUTES**

**MOVED** by P. Brent, **SECONDED** by K. Wall,  
That the minutes of the November 24, 2022 meeting be adopted.

**CARRIED**

**5. CHAIR'S REMARKS**

The Chair thanked the committee for their vote of confidence for another year as Chair.

## 6. PRESENTATIONS/DELEGATIONS

There were none.

## 7. SENIOR MANAGER'S REPORT

As a follow-up from the November 24, 2022 meeting, J. Dales advised there is a \$250 deposit on the totes used to transport chemicals. It is challenging to clean the totes for water storage as the chemicals are toxic. Risk management does not support having the totes re-used for water storage. Staff offered to connect the committee with the recycling company if they would like to further discuss the matter.

## 8. COMMITTEE BUSINESS

### 8.1. PRESENTATION – SURFSIDE PARK ESTATES WATER SERVICE COMMITTEE ORIENTATION

Staff provided the orientation and responded to questions from the committee regarding:

- Monitoring for grants. Staff advised there are weekly alerts that are monitored for grants for all of Capital Regional District (CRD) services.
- Connection replacement at Wooddale Drive while it is vacant. Staff advised leaks have been identified in this location and it is in the capital plan to be replaced in 2025. There is currently no authorization to proceed as the project would have to be approved in 2024.
- The new storage tank location. Staff advised the new location will be determined by the system review and study.
- Alternative Approval Process (AAP). Staff advised Legislative Services will lead the process, and a notice will be issued for the work including the amount of funds. It will be published in the newspaper, website and social media. If less than 10 percent of system users do not support the AAP, it will proceed. If defeated, another option is a referendum which is more expensive than the AAP.
- Extending the life of the existing plant and tank to optimize grant opportunities. Staff advised the intent is to do maintenance to make the tanks last as long as possible. Having the treatment plant project on the capital plan is beneficial when applying for grants. Infrastructure can begin failing resulting in more expensive repairs.

The Chair advised staff of a space located on lot 20 that has a designated spot for water tanks, noting the owner may sell the section of land. Staff will investigate further.

### 8.2. Project and Operations Update

Staff provided the capital projects and operational updates and responded to a question regarding a leak on Mariners Way. Staff will report back to the committee regarding how the leak detected on Mariners Way improved water loss.

### 8.3. Referral From Electoral Areas Committee – Electoral Areas Water Conservation Bylaw No. 1, 2022 (Bylaw No. 4492)

J. Dales presented the bylaw. The committee advised they like the ability for flexibility.

**9. SURFSIDE PARK ESTATES WATER SERVICE COMMITTEE MEETING SCHEDULE**

Regular meetings of the Surfside Park Estates Water Service Committee shall be held in the Goldstream Conference Room, 479 Island Highway, Victoria, BC on Thursday, February 9, Thursday, June 15 and a date to be determined in November to approve the operating and capital budget. Meetings will commence at 2:00 pm unless otherwise determined.

**10. CORRESPONDENCE**

There was none.

**11. NEW BUSINESS**

There was none.

**12. ADJOURNMENT**

**MOVED** by P. Brent, **SECONDED** by K. Wall,  
That the February 9, 2023 meeting be adjourned at 3:06.

**CARRIED**

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**CHAIR**

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**SECRETARY**





Making a difference...together

**MINUTES OF A MEETING OF THE Wilderness Mountain Water Service Commission, held Monday, February 6, 2023 at 9:30 a.m., In the Goldstream Meeting Room, 479 Island Highway, Victoria, BC**

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**PRESENT: Commissioners:** D. Pepino (Chair); M. Lechowicz (Vice Chair); A. Wickheim (Electoral Area Director); L. Cutler  
**Staff:** S. Irg, Senior Manager, Water Infrastructure Operations; T. Duthie, Manager, Administrative Services; M. Risvold, Committee and Administrative Clerk (Recorder)

The meeting was called to order at 9:30.

**1. ELECTION OF CHAIR**

The Senior Manager called for nominations for the position of Chair of the Wilderness Mountain Water Service Commission for the term ending December 31, 2023.

M. Lechowicz nominated D. Pepino. D. Pepino accepted the nomination.

The Senior Manager called for nominations a second time.

The Senior Manager called for nominations a third and final time.

Hearing no further nominations, the Senior Manager declared D. Pepino Chair of the Wilderness Mountain Water Service Commission for the term ending December 31, 2023 by acclamation.

**2. ELECTION OF VICE CHAIR**

The Chair called for nominations for the position of Vice Chair of the Wilderness Mountain Water Service Commission for the term ending December 31, 2023.

L. Cutler nominated M. Lechowicz. M. Lechowicz accepted the nomination.

The Chair called for nominations a second time.

The Chair called for nominations a third and final time.

Hearing no further nominations, the Chair declared M. Lechowicz Vice Chair of the Wilderness Mountain Water Service Commission for the term ending December 31, 2023 by acclamation.

**3. APPROVAL OF AGENDA**

The following items were added to the agenda:

- Report from McElhanney was added to item 10.3
- Preparation of 2024 Budget – Capital Project Priorities was added to item 11.1

**MOVED** by L. Cutler, **SECONDED** by M. Lechowicz,  
That the agenda be approved as amended.

**CARRIED**

**4. ADOPTION OF MINUTES**

Item 3 of the minutes from November 21, 2022 were amended to read:  
“The following documents are on file and are available upon request by contacting  
IWSAdministration@crd.bc.ca”

**MOVED** by L. Cutler, **SECONDED** by M. Lechowicz,  
That the minutes of the November 21, 2022 meeting be adopted as amended.

**CARRIED**

**MOVED** by L. Cutler, **SECONDED** by M. Lechowicz,  
That the minutes of the November 28, 2022 meeting be adopted.

**CARRIED**

**5. CHAIR’S REMARKS**

The Chair provided the following remarks:

“I want to introduce the meaning of “Objective” as defined in the Cambridge dictionary:

Objective – something that you aim to do or achieve.

As WMWS Commissioners, our objective was to deliver for our small community “the Highest Quality water, at the lowest possible costs, through continuous improvement”. We have been pretty consistent in that objective, and that should be readily apparent through our supplied analysis, and CRD meeting minutes over the last few years.

I have received today’s agenda at 4:13 PM on Friday Feb 3, 2023. This meets the CRD guideline for advance notice. What it does not deliver is the opportunity for serious review from a Commissioner who might not have the skills nor time needed to adequately prepare to represent their constituents at the meeting on a Monday morning first AM. Luckily WMWS members have the skills and time needed to adequately prepare.

In that preparation, I have uncovered a number of details that individually might not mean much but taken collectively forces me to ask myself, is the CRD Objective really “making a difference....together”?

From our detailed research on the Local Government Act, VIHA’s SWTO documentation, the Community documents starting in the early 2000’s, through to today’s agenda and correspondence that I reviewed, I come to a totally different objective for the CRD which is:

“CRD do what we want, when we want, regardless of your input, to maximize our financial gain”

Your objective for today is to change my mind.”

**6. PRESENTATIONS/DELEGATIONS**

There were none.

## **7. SENIOR MANAGER'S REPORT**

The Senior Manager advised the water system is running quite well and the turbidity for most of January was 0.7 NTU. There are currently no issues.

## **8. COMMISSION BUSINESS**

### **8.1. Project and Operations Update**

S. Irg provided the capital projects and operational update and responded to the following questions:

- Which dams were included in the dam maintenance. Staff advised all three dams were part of the maintenance.
- If staff have had a discussion with the person living in their trailer near the lower dam. Staff advised it was not noted in the inspections and will have it checked in the next inspection.

### **8.2. Referral From Electoral Areas Committee – Electoral Areas Water Conservation Bylaw No. 1, 2022 (Bylaw No. 4492)**

S. Irg introduced the Electoral Areas Water Conservation Bylaw.

The committee provided the following feedback:

- Advised Wilderness Mountain is a compact tightly integrated community without wells that is mutually dependent on the water system.
- Does not wish to support the salary and operating cost for the enforcement effort, nor grant restricted access to private properties.
- There are no functioning water meters in the system or no concrete evidence of a claim in court.
- Document is written in obscure legalese phrasing and emphasizes what can't be done to the detriment of what is allowed under stage 1, 2 and 3. Unclear how to integrate cistern water with drinking water. Feels a communications officer is needed.
- Bylaw is not plain English, and bylaw needs to be reworked.
- Bylaw is a double negative and badly written.
- Finds the bylaw restrictive regarding planting trees.
- No water meters to monitor the water flows.
- Commission feedback is that the bylaw is not a go unless it is substantially modified.

Discussion ensued.

## **9. WILDERNESS MOUNTAIN WATER SERVICE COMMISSION MEETING SCHEDULE**

Regular meetings of the Wilderness Mountain Water Service Commission shall be held in the Goldstream Conference Room, 479 Island Highway, Victoria, BC on Monday, February 6, Monday, June 12 and a date to be determined in November to approve the Operating and Capital Budget. Meetings will commence at 9:30 am unless otherwise determined.

Staff responded to the following questions:

- Can the Chair provide input on agenda items. Staff advised the Chair's input is welcome and can be provided to the Senior Manager prior to the meeting.
- Whether there is budget for additional meetings. Staff advised additional meetings can be requested at the call of the Chair and will confirm if there are any additional costs to the service for holding additional meetings.

Discussion ensued regarding holding a fourth meeting to specifically discuss the budget.

## **10. CORRESPONDENCE**

### **10.1. WMWS – Cover Letter Final Report: Associated Engineering December 2022**

Staff advised the letter was provided to Island Health (IH). The commission provided the following points and discussion ensued:

- Appreciates this was brought to Associated Engineering (AE).
- Not content with AE's response regarding manganese.
- Where a claim can be made against AE. Staff advised CRD will not be providing a complaint. Commission members can make complaints as individuals.
- The commission felt that how AE reviewed the commission's analysis was unprofessional.
- Feels there are qualified professionals with RPBio designations who would be well suited to complete the research.
- Feels a large portion of the effort went towards the dissolved air filtration (DAF). Staff advised the original contract did not include the intake. After a meeting with the Commission and AE, a floating intake was provided as an option.
- The Commission would like a low-cost upgrade for treatment under \$250,000.

### **10.2. Associated Engineering to Island Health Letter: Manganese clarification**

There was no discussion.

### **10.3. Wilderness Mountain Update to Island Health Letter February 2023**

There was no discussion.

## **11. NEW BUSINESS**

**MOVED** by M. Lechowicz, **SECONDED** by L. Cutler,

That CRD-IWS staff should formally report the WMWSC's dissatisfaction with the work performed under the contract awarded to Associated Engineering for the project entitled "*Wilderness Mountain Water Service Commission Treatment Concept Updates*" and

That from start to finish of the project Associated Engineering did not engage effectively with the WMWSC, and

That the two written critiques of Associated Engineering's draft report previously submitted to CRD-IWS staff by the WMWSC be filed as a matter of record for deficient supplier performance, and

That the WMWSC considers the final report submitted by Associated Engineering to be poor value for the monies we invested on behalf of the WMWS Community.

**CARRIED**  
**Opposed: Wickheim**

**MOVED** by M. Lechowicz, **SECONDED** by L. Cutler,

That the CRD-IWS staff responsible for preparing the November 2023 proposal for the 2024 WMWSC budget should strive to develop a budget proposal in support of project 23-01 (Water Treatment Plant Upgrade) to specifically assess the merit and feasibility of installing a floating intake in Wilfred Reservoir:

1. That would involve contracting appropriately qualified professionals (i.e. RPBio certification with expertise in limnology) to undertake a study along the lines proposed by the WMWSC in February 2022 entitled “*A proposal to evaluate the potential utility of an offshore intake for the WMWS Treatment Plant*”, and
2. That ensured meaningful consultation and involvement of the WMWSC at all stages of the project from procurement through completion of the final report.

**CARRIED**

Discussion ensued regarding:

- The Commission requesting a subsequent meeting in June to provide costs, priorities and preference of where funds should go
- Community Works Funds
- Obtaining a professional with an RPBio designation to assist with the study

Staff will provide a cost estimate to the commission to hire a professional with an RPBio designation. The commission will provide language to staff to use to obtain costs from other companies.

## **12. ADJOURNMENT**

**MOVED** by M. Lechowicz, **SECONDED** by L. Cutler,

That the February 6, 2023 meeting be adjourned at 10:52.

**CARRIED**

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**CHAIR**

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**SECRETARY**

**WILLIS POINT FIRE PROTECTION  
AND RECREATION FACILITIES COMMISSION  
MEETING MINUTES**

Tuesday May 30, 2023 7:30 PM

**Present:** Brent Kornelson, Gary Howell, Brian McCandless, Aran Puritch, Paul Williams, Jim Potvin,

**Absent:** Director Al Wickheim, Joel Cotter

**Guests & Invitees:** Daniel Kenway, Darren Pine, Art Wynans

Meeting called to order at 7:30 pm

**1) Approval of Agenda**

**MOTION** by Brent Kornelson, **SECONDED** by Brian McCandless that the Agenda be accepted as presented, **CARRIED**

**2) MOTION** by Brian McCandless, **SECONDED** by Paul Williams that the minutes of April 25 2023 be accepted as presented, **CARRIED**

**3) Business Arising:**

- a) **Hall Managers Report:** see attached, discussed Dog training rental in the Tennis Court and request to use the Hall for the training in the winter, members not comfortable with this, Aran will speak with Marion
- b) **Cell Tower:** nothing new to report
- c) **Asphalt Hall Apron:** nothing to report, waiting for cell tower construction before proceeding
- d) **Apparatus Replacement:** Darren reports the new truck arriving June 13.

**4) Fire Chief Report:** busy week with 5 call outs, attendance continues to be good, there will be a first responder course held in July with 7 students.

**4) New Business:**

- a) **Hall Lower panels:** Brian will arrange volunteer labour to install panels.
- b) **Stage Storage:** Brian will discuss the stage with Bob Scott who donated it before making plans to dispose of it.
- c) **Water Cistern:** Art has identified a location by the mail boxes (DOT land) on Mark Lane for a water cistern, Aran will discuss with Joel about making another funding application.
- d) **Insurance for WPCA:** Daniel has a meeting scheduled for June 2 with Aran and CRD staff to review the need for this WPCA executive insurance.

**Motion by Brian, seconded by Brent to adjourn meeting 8:55 pm, CARRIED.**

**WILLIS POINT FIRE PROTECTION  
AND RECREATION FACILITIES COMMISSION  
MEETING MINUTES**

May 30, 2023

Hall Managers Report

Regular use of the Fire Hall continues with Pickle Ball, although they will be moving their Monday night session to the tennis court when the dog trainer is finished with her Monday classes on June 12th. The Fire Fighters' floor hockey has been suspended for the summer months.

The dog trainer has reserved the additional dates of June 7th, June 14th, June 21st, July 5th, July 26th, August 2nd, August 9th and 16th from 5:30 to 8:30. These additional sessions are on Wednesday evenings. She has also inquired about using the hall for her classes in the fall when the evenings are dog. I would appreciate some guidance in that regard, as it involves having dogs in the hall.

The Community Association has reserved the hall for the evening of June 2nd for a Happy Hour.

I have been advised of several occasions in recent weeks when the hall door has been left unlocked and the kitchen exit door has been left wide open overnight. I have put out a notice requesting that people be more mindful.

There are no additional concerns at this time.

Submitted by,

Mariann Malvet

Hall Manager