

**REPORT TO THE ELECTORAL AREA SERVICES COMMITTEE  
MEETING OF WEDNESDAY, JUNE 2, 2010**

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**SUBJECT:** Amendment to the CRD Building Regulation Bylaw No. 2990 (as amended by Bylaw 3099, 3172, 3265 and 3394)

**PURPOSE:**

To consider proposed amendments to Building Regulation Bylaw No. 2990 to implement Building Code changes and regulatory requirements and respond to service expectations and industry issues.

**HISTORY AND BACKGROUND:**

Proposed amendments to the Building Regulation Bylaw have been under consideration for some time given a number of recent changes to the BC Building Code. The last significant changes to the BC Building Code were implemented by Ministerial Order M166 signed on July 13, 2006. However other amendments are anticipated in response to Provincial legislative initiatives to implement Green House Gas reduction targets and advance energy conservation measures. The draft bylaw and appendices have been reviewed by the CRD solicitors and their input has been incorporated.

At the regular meeting of the Electoral Area Services Committee held on April 7, 2010 the committee passed a resolution that the Planning and Protective Services department conduct an administrative building inspection services deliver review which would:

- (1) Assess customer satisfaction levels
- (2) Identify challenges to successful completion of permits
- (3) Make recommendations which will improve customer satisfaction and increase the rate of successful permit completion
- (4) Green building information materials and education. Section 694 of the *Local Government Act* contain expanded purposes for building regulation for
  - a. Conservation of energy or water
  - b. Reduction of green house emissions
  - c. Health, safety or protection of persons or property
  - d. Access for persons with disabilities

The proposed amendments to the building regulation bylaw outlined in this report result from changes to the BC Building Code but and are linked to a number of building inspection administrative service delivery measures aimed at improving building code compliance and ensuring that the service is primarily focused on addressing the health and safety of persons and property.

**ALTERNATIVES:**

1. Approve the amendments to the Building Regulations and direct staff to prepare the required amendment bylaw.
2. Approve those amendments that implement the new Building Code and direct staff to present alternative amendments affecting the inspection process and fee provisions of the bylaw.

**ANALYSIS OF BUILDING BYLAW AMENDMENTS & IMPLICATIONS:**

The following changes to the CRD Building Regulation Bylaw 2990 are as follows.

**Changes based on amendments to the Local Government Act and the BC Building Code:**

**Page 1:**

Section 694 to incorporate the authority contained on Section 694 of the Local Government Act. See attached Section 694 Local Government Act. (Appendix 1).

**Page 2:**

New addition on Part 3 of the *Community Charter* as amended or this amendment deals with Ancillary regulation to the application building regulation. See attached Ministerial Order M-166 (Appendix 2).

1.2.2- (a) Building classified as post disaster building- Important categories for buildings that are essential to the provision of services in the event of a disaster. Example: Hospital, Emergency Treatment Facilities, Food Banks, etc...

**Page 3:**

Registered Professional (New definition)- Definitions as defined by the BC Building Code (BCBC)

1.3.2. (4) New definition to amend previous to provide a clear meaning for the public (Lawyer Changes)

2.1.8 (1) & (5) Essential Services

(1) Water (Potable)- Potable water as defined by the BCBC means safe for human consumption

(5) Water Supply (Fire Protection) a requirement under the BCBC. Previously- Water access only properties were required to demonstrate fire fighting capability. There were no NFPA Standard (1142) or equivalent documents that the public could adopt. The new requirements will give a clear direction for the public to follow.

**Page 7:**

Applications for Complex Buildings (f) (j) are the reference uses under the BCBC.

**Page 8:**

2.3.7 Professional Plan Certification "Division C"- references to the BCBC.

**Page 14:**

Professional Design and Field Review

3.4.1 New changes under the 2006 BCBC- Part 2- administrative changes have been relocated.

**Page 15:**

3.5.4 (Simple Building) has now been defined (see page 3).

**Changes for the purpose of Business Practice:**

**Page 3:**

2.1.3. (3) Permit not required for an accessory building less than 10m<sup>2</sup> however there have been incidents where buildings with “loft”- chimneys- means of egress- would require a building permit because they may create a hazard to the occupant.

Exemptions previously section 1.1.4 moved to 2.1.7 (a) (b) (c) (d) to clarify the intent of the exemption.

2.1.8 (6) Site visit to be completed by a “Registered Professional” or building official to determine “if” the land is subject to one or more of: flooding, mud flows, debris flows, debris torrents, erosion, and slip, rock falls, subsidence or avalanche, a new requirement under the BCBC and Section 56 of the *Community Charter*.

By having the Building Official attend the site as per the requirements of Section 56 of the *Community Charter*- We can address when a geotechnical engineer is required for the Land Slip as the requirements of the BCBC and guidelines for a Development Permit area.

**Page 8:**

Section 2.4.4- Cancellation and Refunds

2.4.4 (1), (3) and (4)

(1) Changes are necessary in order to administer- building permits that had been applied for- only to service a position (Land-Use Bylaw changes) which could take months/years for adoption.

(3) Refund 60% of the fees have been reintroduced (Building Bylaw 1042). The previous Building Regulation required this in order to recover the administrative costs for office/clerical/plan check reviews etc.

(4) When notified in writing of the cancellation- by the owner- after the 6 month period “if” no work has commenced (excavation) will be considered a start of construction- the property will then be required to be brought back to a safe standard as per the BCBC requirements.

**Page 10:**

2.4.6 New to address internal cost recovery charges and/or special inspection for other departments/special reports.

2.4.9 The fees (\$500) for execution of a 219 Restrictive Covenant- when requested by the client, due to not living nearby or having access to a Notary Public or Lawyer.

2.5.2 (3) Conditions of permit to be expired- two year term

CRD accounting practice dictates that any new outstanding inspection liability that will be carried forward from the current year to a future year be placed in a reserve to ensure that sufficient funds remain available to complete the CRDs inspection obligations paid for at the time of payment for a permit. In order to reconcile the funds held in the reserve it is necessary to expire the permit in accordance with the bylaw. New fees are then levied according to the construction remaining or by a flat fee to complete.

2.5.4 New fees in order, when an owner sells property- this will recover the administrative fees and will maintain active status of the permit for new owner of the property in order to complete the project.

**Page 11:**

2.5.10 Reapplication fees, same as above.

2.6.3 Conditional Certificate of Occupancy-

Delete- complete- in order to address some of the concerns as a result of the Administrative Service Delivery (add-more)

**FINANCIAL IMPLICATIONS:**

Building inspection fees are generally calculated on the basis a fee per square foot or square metre of the construction value. Amendments to Appendix 'M' and 'N' specify that the construction value for buildings shall be the contract price or, where there is no contract price, the value shall be calculated according to the values specified in Appendix. The construction values are proposed to be updated to more closely correspond with actual construction rates for average buildings with the intent that the contract value, which is declared as part of the Homeowner Protection Office registration for dwelling units, will prevail for the valuation of the construction of new dwelling units. Contract values are generally available for larger commercial or industrial projects.

The Permit Fee Schedule Appendix 'L' used to calculate the building permit fee based on the total construction value as prescribed in Appendix 'M' and 'N' has also been amended by increasing the fee by \$1.00 per \$1,000 or fraction thereof in excess of \$5,000 but not exceeding \$400,000. This rate is generally consistent with other municipalities within the CRD.

The proposal to amend the construction values used to calculate the permit fee and amend the permit fees for construction in excess of \$5,000 is estimated to generate approximately \$30,000 of additional annual revenue. A comparison of the construction values and fees in other CRD municipalities suggests that the proposal is comparable to the building inspection charges being levied for the majority of construction in the CRD. The fee increase is also necessary to increase the recovery rate for building inspection service to approximately 80%, which is the current benchmark recovery rate outlined in the current Building Inspection business plan.

**LEGAL IMPLICATIONS:**

The proposed amendments to the Building Regulation bylaw have been reviewed by the CRD solicitor and any of the changes suggested by the lawyers have been incorporated into the proposed amendments.

**SERVICE IMPLICATIONS:**

In order to respond to concerns about finalizing and completing permits it is proposed that the provision for the issuance of a conditional certificate of occupancy be deleted from the building regulation bylaw. The effect of removing this provision is that all inspections will need to be complete before an occupancy permit is granted. From a Building Code perspective staff will prepare a policy and guidelines to clarify the work that needs to be completed to complete a final inspection and issue an occupancy permit in accordance with the provisions of the Building Code. This work has not been completed to date as the previous provisions to issue a

conditional certificate together with ongoing extensions of building permits left the standards for final inspection to the discretion of the owner or building inspector with many final inspections incomplete.

The bylaw currently includes a provision to renew a permit based on the value of work that remains to be completed. This is not proposed to change however where a permit is expired and a permit to complete can be issued for a final inspection this option will be available for a minimum fee of \$300.00, providing a means of achieving a final inspection and occupancy with one additional inspection. There is also the ability to extend a permit for 12 months due to unforeseen circumstances.

**RECOMMENDATION:**

1. That the staff report presenting recommendations for amendments to Building Regulation Bylaw 2990 be received.
2. That staff be directed to prepare amendments to Building Regulation Bylaw No. 2990 as outlined in this report.



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Robert Lapham, MCIP  
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Concurrence