

*DISTRICT OF SECHELT*

*BUILDING*

*BYLAW*

*No. 409, 2003*



**Consolidated for convenience only June 22, 2023**

This Consolidation includes the following Bylaw Amendments:

409-1, 2005

409-2, 2007

409-3, 2010

409-4, 2011

409-5, 2013

409-6, 2020

409-7, 2020

409-8, 2021

409-10, 2022

409-11, 2023

This version of this bylaw is a consolidation of amendments to the original bylaw as of the date specified. This consolidation is done for the convenience of users and accurately reflects the status of the bylaw as of the specified date but must not be construed as the original bylaw and is not admissible in Court unless specifically certified by the Director of Corporate Services for the District of Sechelt. Persons interested in the definitive wording of this bylaw and its amendments should view the original bylaws at the District of Sechelt.

# **DISTRICT OF SEHELTT**

## **BUILDING BYLAW NO. 409, 2003**

**A bylaw to regulate the construction within the District of Sechelt  
in the general public interest**

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**WHEREAS** the *Local Government Act* authorizes the District of Sechelt, for the health, safety and protection of persons and property to regulate the construction, alteration, repair, or demolition of buildings and structures by bylaw;

**AND WHEREAS** 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;

**AND WHEREAS** it is deemed necessary to provide for the administration of the Building Code;

**NOW THEREFORE THE COUNCIL OF THE DISTRICT OF SEHELTT**, in an open meeting assembled, enacts as follows:

1. **TITLE**

This bylaw may be cited for all purposes as the “District of Sechelt Building Bylaw No. 409, 2003”.

**District of Sechelt Building Bylaw No. 409, 2003  
CONSOLIDATION**

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**BUILDING BYLAW 409, 2003**

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## **PART 1 - INTERPRETATION**

### **1.2 DEFINITIONS**

In this bylaw:

The following words and terms have the meanings set out in the definitions of the current edition of the British Columbia Building Code: *assembly occupancy, auxiliary water supply, building, building area, building height, business and personal services occupancy, care or detention occupancy, constructor, coordinating registered professional, designer, field review, high hazard industrial occupancy, industrial occupancy, low hazard industrial occupancy, major occupancy, mercantile occupancy, medium hazard industrial occupancy, plumbing system, occupancy, owner or agent, registered professional, and residential occupancy.*

*Agent* means a person, representing the Owner or agent, by authorization in writing and includes a hired tradesman or contractor who may be granted permits for work within the limitations of their license. (Refer to Schedule “D”) for form.

*Council* means the Council of the District of Sechelt.

*Building Code* means the current edition of the *British Columbia Building Code* as adopted by the Minister pursuant to the *Building Act*, as amended or re-enacted from time to time.

*Building Official* includes Building Inspectors, Plan Checkers and Plumbing Inspectors employed and/or designated by the District of Sechelt.

*Complex Building* means:

- (a) all *buildings* used for *major occupancies* classified as
  - (i) *assembly occupancies,*
  - (ii) *care or detention occupancies,*
  - (iii) *high hazard industrial occupancies,* and
  
- (b) all *buildings* 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.*

*Designated Buildings* means those buildings in the following categories:

- (a) buildings containing more than two dwelling units;
- (b) buildings containing an assembly use component;
- (c) buildings containing a commercial use component (excluding Home Occupations);
- (d) buildings containing an industrial use component.

**Energy Step Code** means the system of energy performance requirements set out in Division B, Parts 9 and 10 of the Building Code.

**Health and safety aspects of the work** means design and construction regulated by Part 3, Part 4, and sections 9.4, 9.8, 9.9, 9.10, 9.12, 9.14, 9.15, 9.17, 9.18, 9.20, 9.21, 9.22, 9.23, 9.24, 9.31, 9.32, and 9.34 of Part 9 of the **Building Code**.

**Manufactured Home** means a mobile home, labeled CSA Z240 MH Series and a modular home labeled CSA A277.

**Retaining Structure** means a wall, or a series of walls constructed for the purpose of supporting or confining soils 1.2 meters or greater in height or less than two horizontals to one vertical setback ratio.

**Sprinkler System** means a functional sprinkler system, including Standpipes, to the appropriate NFPA standard of the National Fire Protection Association Regulations as referenced in the **Building Code**.

**Standard 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 thereof of any kind, whether fixed to, supported by or sunk into land or water, but specifically excludes landscaping, flag poles, fences, patios, paving and retaining structures less than 1.2 meters in height.

**Swimming Pool** means a structure located wholly or principally in the ground to be used or intended to be used for swimming, bathing, wading or diving and has a surface area exceeding 15 square metres and a depth exceeding 1.0 metres.

Value of Construction means the completed **building** value of all **construction** or work related to the **building** including finishes, roofing, electrical, plumbing, heating, air conditioning, fire extinguishing systems, elevators, and any other building service equipment and materials, the current monetary worth of all plans and specifications, labour and fees for design, testing, consulting, management, contractors' profit and overhead, and current monetary worth of all contributed labour and materials and site works, as confirmed by the **building official** using the Marshall Swift construction valuation system or other means acceptable to the **building official**.

**Zoning Bylaw** means the current Zoning Bylaw of the District of Sechelt, as amended from time to time.

### 1.3 PURPOSE OF BYLAW

131 The bylaw, shall, notwithstanding any other provision herein, be interpreted in accordance with this section.

132 This bylaw has been enacted for the purpose of regulating construction within the District of Sechelt in the general public interest. The activities undertaken by or on behalf of the District of Sechelt pursuant to this bylaw are for the sole purpose of providing a limited and interim spot checking function for reason of health, safety and the protection of persons and property. It is not contemplated nor intended, nor does the purpose of this bylaw extend:

- (1) to the protection of **owner or agents**, owner or agent/builders or **constructors** from economic loss;
- (2) to the assumption by the District of Sechelt or any **building official** of any responsibility for ensuring the compliance by any **owner or agent**, 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 other applicable enactments codes or standards;
- (3) to providing any person a warranty of design or workmanship with respect to any **building** or **structure** for which a building permit or occupancy permit is issued under this bylaw;
- (4) to providing a warranty or assurance that construction undertaken pursuant to building permits issued by the District of Sechelt is free from latent, or any defects.

### 1.4. PERMIT CONDITIONS

141 A permit is required whenever work regulated under this bylaw is to be undertaken.

142 Neither the issuance of a permit under this bylaw nor the acceptance or review of plans, drawings or supporting documents, nor any inspections made by or on behalf of the District of Sechelt shall in any way relieve the **owner or agent** or his or her representatives from full and sole responsibility to perform the work in strict accordance with this bylaw, the **Building Code** and or other applicable enactments, codes or standards.

- 143 It shall be the full and sole responsibility of the **owner or agent** (and where the **owner or agent** 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** and this bylaw or other applicable enactments respecting safety.
- 144 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 District of Sechelt constitute in any way a representation, warranty, assurance or statement that the **Building Code**, this bylaw or other applicable enactments respecting safety have been complied with.
- 145 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. The person to whom the building permit is issued and his or her representatives are responsible for making such determination.

## 1.5 SCOPE AND EXEMPTIONS

- 151 Scope and Exemptions:
- (1) This bylaw applies to the design, construction and **occupancy** of new **buildings** and **structures**, and the alteration, reconstruction, demolition, removal, relocation and **occupancy** of existing **buildings** and **structures**.
  - (2) When the value of proposed alterations, renovations, repairs, or an addition to an existing building exceeds 50% of the current assessed value of that building, the entire building must be made to substantially conform to the Life/Safety requirements of the Building Code and the Bylaws of the District of Sechelt.
- 152 This bylaw does not apply to:
- (1) **buildings** or **structures** exempt by Division A, Part 1 of the Building Code except as expressly provided herein,
  - (2) retaining **structures** less than 1.2 meters (4 ft) in height
  - (3) fences
  - (4) non-structural repairs to a building or the repair of a plumbing system
  - (5) bridges, except pedestrian and vehicle bridges attached to buildings
  - (6) docks or wharves
  - (7) floating **structures** except where they are used for commercial or industrial occupancy use, on the condition that all floating **structures** must conform to the District of Sechelt's **Zoning Bylaw** with respect to height and siting.

- (8) deck additions, except a deck where the difference in elevation between the deck surface and the ground surface within 1.2 m of the deck at any point is 0.6 m (2 ft) or more and the condition that the deck is sited in accordance with the *Zoning Bylaw*, other bylaws or enactments.
- (9) Greenhouses or other similar *structures* covered by a polyethylene film and intended to be used only for storage purposes or the production of agricultural products; on the condition that the *structure* is sited, and the uses are in accordance with the *Zoning Bylaw*, other bylaws or enactments.

## 1.6 DISCLAIMER OF WARRANTY OR REPRESENTATION

Neither the issuance of a permit under this bylaw, the review and acceptance of the design, drawings, plans or specifications, nor inspections made by a *building official*, shall constitute a representation or warranty that the *Building Code* or the bylaw have been complied with or the *building* meets any standard of materials or workmanship, and no person shall rely on any of those acts as establishing compliance with the *Building Code* or this bylaw or any standard of construction.

## **PART 2 - PROHIBITIONS**

- 21 No person shall commence or continue any construction, alteration, reconstruction, demolition, removal, relocation or change the *occupancy* of any *building* or *structure*, including excavation or other work related to construction unless a *building official* has issued a valid and subsisting permit for the work, or change of class of occupancy.
- 22 No person shall occupy or use any *building* or *structure* unless a valid and subsisting occupancy permit has been issued by a *building official* for the *building* or *structure*, or contrary to the terms of any permit issued or any notice given by a *building official*.
- 23 No person shall knowingly submit false or misleading information to a *building official* in relation to any permit application or construction undertaken pursuant to this bylaw.
- 24 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.
- 25 No person shall do any work that is substantially at variance with the accepted design or plans 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*.
- 26 No person shall obstruct the entry of a *building official* or other authorized official of the District of Sechelt on property in the administration of this bylaw.
- 27 No person shall repair a *building* or *structure* damaged to an extent greater than 75% of its value above its foundations as determined by the *building official*, unless in every respect the entire *building* or *structure* is made to comply with the *Building Code* subject to the requirements of this or other applicable bylaws.

- 28 No person shall construct a concrete pad or foundation on which equipment, to be used for an industrial or commercial use, is to be mounted without first applying for and obtaining a building permit.
- 29 No person shall move a *manufactured home* unless a *building official* has issued a permit or authorized for the work as outlined in this Bylaw.
- 2.10 No person shall change the Class of Occupancy of an existing *building* unless a *building official* has issued a permit or authorization for the change as outlined in the Bylaw.

### **PART 3 – BUILDING OFFICIALS**

- 3.1 Each *building official* may:
- (1) administer this bylaw;
  - (2) keep records of permit applications, permits, drawings, notices, and orders issued, inspections and tests made, and shall retain copies of all documents related to the administration of this bylaw or microfilm copies of such documents for a period of not less than thirty (30) years or such a period of time as required by provincial or federal enactments.
  - (3) establish, if requested to do so, whether the methods or types of construction and types of materials used in the construction of a *building* or *structure* for which a permit is sought under this bylaw substantially conform to the requirements of the *Building Code*.
  - (4) request any information not already provided for in the bylaw that may, in the opinion of the *building official* be applicable or necessary to accompany the information for a specific site, including a geotechnical report.
- 3.2 A *building official*:
- (1) may enter any land, *building*, *structure*, or premises at any reasonable time for the purpose of ascertaining that the terms of this bylaw are being observed;
  - (2) where any residence is occupied, shall obtain the consent of the occupant or provide written notice to the occupant 24 hours in advance of entry; and
  - (3) shall carry proper credentials confirming his or her status as a *building official*.
- 3.3 A *building official* may:
- (1) order the correction of any work that is being or has been done in contravention of this bylaw;
  - (2) order the immediate suspension of all work, or any portion of construction that is proceeding in contravention of this or any other bylaw of the District by posting a “stop work” order on the offending property;

- (3) direct that tests be conducted of materials, devices, construction methods, structural assemblies or foundation conditions, in accordance with standard test methods of recognized National testing authorities, or, direct that sufficient evidence or proof be submitted, at the expense of the owner, where such evidence or proof, is in the opinion of the Building Inspector, necessary to determine whether the material, device, construction, or foundation condition meets the requirements of this Bylaw;
- (4) revoke or refuse to issue a permit where in his opinion the results of tests referred to in 3.3 (3) are not satisfactory;
- (5) when not satisfied with any work in connection with the construction of a building, place upon the building a notice to the effect that the building shall not be occupied until the work has been completed in accordance with this Bylaw, and to the satisfaction of the Building Official.

## **PART 4 - APPLICATIONS**

- 4.1 Every person shall apply for and obtain:
  - (1) a building permit before constructing, repairing or altering, moving or demolishing a ***building*** or ***structure***;
  - (2) a building permit prior to a change in class of occupancy of a ***building*** or part thereof;
  - (3) a fireplace and chimney permit prior to the construction of a masonry fireplace or the installation of a wood burning appliance or chimney unless the works are encompassed by a valid building permit.
  - (4) A plumbing permit before constructing, installing, moving, repairing, or altering a plumbing system, including a sprinkler system or exterior irrigation system backflow preventer or connection.
- 4.2 All applications for building permits covered under this bylaw shall be made in the form prescribed by the ***building official***, signed by the ***owner or agent*** or a signing officer if the owner or agent is a corporation.
- 4.3 All plans submitted with permit applications shall bear the name, address and phone number of the ***designer*** of the ***building*** or ***structure***.
- 4.4 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 building construction*** of that ***building*** or ***structure*** as determined in accordance with Schedule "G" of the Fess and Charges Bylaw No. 575, 2019.
- 4.5 An application for a building permit filed with the Building Official shall be accompanied by the appropriate application fee made payable to the District of Sechelt as set out in Schedule "A" to this bylaw.

- 4.6 An application shall expire 6 months after a request for information has been sent by the building official to the owner or agent for which there has been no meaningful response received. An expired application cannot be renewed.

## **PART 5 - APPLICATIONS FOR *COMPLEX BUILDINGS***

- 5.1 An application for a building permit with respect to a ***complex building*** shall;
- (1) Be made in the form prescribed by the ***building official***, be signed by the ***owner or agent*** or a signing officer if the owner or agent is a corporation, and be accompanied by the owner or agent's acknowledgement of responsibility and undertakings made in the form attached as Schedule "D" to this bylaw, signed by the owner or agent, or a signing officer if the owner or agent is a corporation;
  - (2) Include a copy of a title search made within 30 days of the date of the application;
  - (3) Include a site plan prepared by a British Columbia Land Surveyor showing:
    - a) the bearing and dimensions of the parcel taken from the registered subdivision plan;
    - b) the legal description and civic address of the parcel;
    - c) the location and dimensions of all statutory rights of way, easements and setback requirements;
    - d) the location and dimensions of all existing and proposed ***buildings*** or ***structures*** on the parcel;
    - e) setbacks to the natural boundary of any lake, swamp, pond or watercourse where the District of Sechelt's ***Zoning Bylaw*** establishes siting requirements related to flooding;
    - f) 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 District of Sechelt's ***Zoning Bylaw*** establishes siting requirements related to minimum floor elevation; and
    - g) the location, dimension and gradient of parking and driveway access;
  - (4) the ***building official*** may waive the requirements for a site plan, in whole or in part, where the permit is sought for the repair or alteration of an existing ***building*** or ***structure***.
  - (5) Include four (4) sets of plans showing, but not limited to:
    - a) an excavation and shoring plan showing the location, length and type of the shoring components whether temporary or permanent; the dimensions and uses of all areas; the dimensions and height of crawl and roof spaces; the

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location, size, fire resistance ratings and swing of doors; the location, size and opening of windows; floor, wall and ceiling assemblies, fire resistance ratings and finishes; plumbing system; mechanical ventilation systems; structural elements and stair dimensions.

- b) a cross section through the **building** or **structure** illustrating foundations, drainage, ceiling heights and construction systems;
  - c) elevations of all sides of the **building** or **structure** showing finish details, roof slopes, windows, doors, and finished grade;
  - d) 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**;
- (6) Where applicable be accompanied by confirmation of filing by an authorized person with the Vancouver Coastal Health Authority required information and documentation pursuant to the Sewerage System Regulation under the Health Act of British Columbia or a current and valid permit for the installation of a private sewage disposal systems issued by the Medical Health Officer having jurisdiction or his delegate pursuant to the Sewage Disposal Regulation under the Health Act of British Columbia or the Waste Management Act of British Columbia, or any other approvals or permits which might be required;
- (7) Include letters of assurance in the form of Schedule “A” as referred to in Division C, Part 2 of the **Building Code**, each signed by the **owner** or **agent**, or a signing officer of the **owner** or **agent** if the owner or agent is a corporation, and the coordination registered professional.
- (8) Include letters of assurance in the form of Schedule B as referred to in Division C, 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**.
- (9) Include four (4) sets of drawings at a suitable scale of the design prepared by each **registered professional** and including the information set out in Part 9 of this bylaw.

5.2 In addition to the requirements of section 5.1, 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:

- (1) Site servicing drawings, including sufficient detail of off-site services to indicate locations at the property line, prepared and sealed by a **registered professional**, in accordance with the District of Sechelt’s Subdivision & Development Control Bylaw.
- (2) A section through the site showing grades, **buildings**, **structures**, parking areas and driveways;

- (3) 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**.

5.3 For a **complex building** a **building official** may consider the following:

- (1) A building official may issue a foundation permit for a complex building prior to the issuance of the building permit, subject to the owner depositing securities with the District in the amount of 125% of the estimated cost of filling in the excavation it restore the original gradient of the site, should the permit expire, not be issued, or be revoked.
- (2) A **building official** may issue a building permit for a portion of a **complex building** or structure before the design, plans, and specifications for the entire **building** or **structure** have been accepted, provided that sufficient information had been provided to the District to demonstrate to the **building official** that the portion authorized to be constructed substantially complies with the **Building Code**, and with this and other applicable bylaws, and provided 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 apply to the remainder of the building or structure as if the permit for the portion of the **building** or **structure** had not been issued.
- (3) When a site has been excavated under a foundation permit issued pursuant to Section 5.3 (1) of this bylaw and a building permit is not subsequently issued or a subsisting building permit has expired or is revoked, the **owner** shall fill in the excavation to restore the original gradients of the site within sixty (60) days of being served notice by the District to do so.

## **PART 6 - APPLICATIONS FOR STANDARD BUILDINGS**

6.1 An application for a building permit with respect to a **standard building** shall:

- (1) Be made in the form prescribed by the **building official**, be signed by the **owner or agent** or a signing officer if the owner or agent is a company and be accompanied by the **owner or agent's** acknowledgment of responsibility and undertakings made in the form prescribed by the **building official** (Schedule "D" - Owner's Undertaking) signed by the **owner or agent**, or a signing officer if the **owner** is a corporation;
- (2) include a copy of a title search made within 30 days of the date of the application;
- (3) include a detailed site plan showing:
  - a) the bearing and dimensions of the parcel taken from the registered subdivision plan;
  - b) the legal description and civic address of the parcel;
  - c) the location and dimensions of all statutory rights of way, easements and setback requirements;

- d) the location and dimensions of all existing and proposed **buildings** or **structures** on the parcel;
  - e) setbacks from and elevations above the natural boundary of any lake, swamp, pond or watercourse where the District of Sechelt's Zoning Bylaw establishes siting requirements related to flooding;
  - f) 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 District of Sechelt's Zoning Bylaw establishes siting requirements related to minimum floor elevation;
  - g) the location, dimension and gradient of parking and driveway access and access to the garage if applicable;
  - h) If the proposed building permit includes a retaining structure or an alteration of grade greater than two horizontals to one vertical, a lot grading plan may be required
- (4) include a professional geotechnical reports as referred to in Section 10.4.1 and/or in areas as identified as a Development Permit area in the District of Sechelt's Official Community Plan, as amended from time to time;

- (5) 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.
  - (6) include a cross section through the **building** or **structure** illustrating foundations, drainage, ceiling heights and construction systems;
  - (7) include elevations of all sides of the **building** or **structure** showing finish details, roof slopes, windows, doors, and finished grade;
  - (8) 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**;
  - (9) include copies of approvals required under any enactment relating to health or safety, including, without limitation, sewage disposal permits, highway access permits and confirmation of filing by an authorized person with the Vancouver Coastal Health Authority required information and documentation pursuant to the Sewerage System Regulation under the Health Act of British Columbia;
  - (10) include a sealed foundation plan prepared by a **registered professional** in accordance with Part 4 of Division B of the **building code**, accompanied by letters of assurance in the form of Schedule B as referenced in Division C, Part 2 of the **building code**;
- 6.2 The requirements of section 6.1 (10) may be waived by a Building Official in circumstances where the Building Official has required a professional engineer's report pursuant to Part 3, Division 8 of the Community Charter and the building permit is issued in accordance with sections 56 (4) and (5) of the Community Charter.
- 6.3 The requirements of section 6.1.(10) may be waived by a Building Official if documentation, prepared and sealed by a registered professional, is provided assuring that the foundation design substantially complies with section 9.4.4 of Part 9 the Building Code and the foundation excavation substantially complies with section 9.12 of Part 9 of the Building Code.
- 6.4 In addition to the requirements of section 6.1, the following may be required by a **building official** to be submitted with a building permit application for the construction of a **standard building** where the project involves two or more **buildings**, which in the aggregate total more than 1000 square meters, or two or more buildings that will contain four or more dwelling units, or otherwise where the complexity of the proposed **building** or **structure** or siting circumstances warrant:
- (1) site servicing drawings, including sufficient detail of off-site services to indicate locations at the property line, prepared and sealed by a **registered**

**professional**, in accordance with the District of Sechelt's Subdivision Servicing Bylaw.

- (2) a section through the site showing grades, **buildings**, **structures**, parking areas and driveways;
- (3) a roof plan and roof height calculations;
- (4) architectural, building envelope, structural, electrical, mechanical or fire suppression drawings prepared and sealed by a **registered professional**;
- (5) a letter of assurance in the form Schedule A as referenced in Division C Part 2 of the **Building Code**, signed by the **coordinating registered professional** and the **owner**;
- (6) letters of assurance in the form of Schedule B as referenced in Division C Part 2 of the **Building Code**, signed by the **registered professional**;
- (7) 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**.

## **PART 7 - PROFESSIONAL PLAN CERTIFICATION**

- 7.1 The letters of assurance in the form of Schedule B referred in section Division C, Part 2 of the **Building Code** and provided pursuant to sections 5.1 (6), 6.1 (10), 6.4 (6), and 10.1 of this bylaw are relied upon by the District of Sechelt 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 relating to safety.
- 7.2 A building permit issued for the construction of a complex building, or for a standard building for which a **building official** required professional design pursuant to section 6.4 (4) and letters of assurance pursuant to section 6.4 (5) of this bylaw shall be in the form prescribed by the **building official**.
- 7.3 A building permit issued in reliance upon letters of assurance referred to in section 7.1 of this bylaw shall include a notice to the **owner or agent** that the building permit is issued in reliance upon the certification of the **registered professionals** that the design and plans submitted in support of the application for the building permit comply with the **Building Code** and other applicable enactments relating to safety.

## **PART 8 - FEES AND CHARGES**

- 8.1 In addition to applicable fees and charges required under other bylaws, a permit fee, calculated in accordance with Schedule "F" of the District of Sechelt Fees and Charges Bylaw No. 575, 2019, shall be paid in full prior issuance of any permit under this bylaw.

- 8.2 When a building permit is issued in accordance with Part 7 of this bylaw the permit fee shall be reduced by 10% of the fees payable pursuant to Schedule “F” of the District of Sechelt Fees and Charges Bylaw No. 575, 2019, up to a maximum reduction of \$1000.00 (one thousand dollars).
- 8.3 An application made for a building permit shall be accompanied by the appropriate application fee as set out in Schedule “F” of the District of Sechelt Fees and Charges Bylaw No. 575, 2019.
- 8.4 The application fee is non-refundable and shall be credited against the building permit fee when the permit is issued.
- 8.5 An application shall be cancelled and the application fee forfeited if the building permit has not been issued and the permit fee paid within 90 days of the date of written notification to the owner or agent that the permit is ready to be issued.
- 8.6 When an application is cancelled the plans and related documents submitted with the application may be destroyed.
- 8.7 The owner or agent may obtain a refund of the permit fees set out in Schedule “F” of the District of Sechelt Fees and Charges Bylaw No. 575, 2019, when a permit is surrendered and cancelled before any construction begins, provided:
- (1) The refund amount shall be 50% of the total building permit fee as set out in Schedule “F” of the District of Sechelt Fees and Charges Bylaw No. 575, 2019 less the non-refundable application processing fee paid pursuant to section 8.4 of this bylaw; and
  - (2) No refund shall be made where construction has begun, or an inspection has been made.
- 8.9 An **owner or agent** must submit a written request for a building permit fee refund and the **building official** must confirm that no construction has started prior to any refund.
- 8.10 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 as set out in Schedule “F” of the District of Sechelt Fees and Charges Bylaw No. 575, 2019 shall be paid prior to additional inspections being performed.
- 8.11 For a required permit inspection requested to be done after the hours during which the offices of District of Sechelt are normally open, an inspection charge shall be payable by the owner, based on actual staff costs incurred by the District of Sechelt in making such inspection, including travel time, as set out in Schedule “F” of the District of Sechelt Fees and Charges Bylaw No. 575.
- 8.12 An inspection charge, as set out in Schedule “F” of the District of Sechelt Fees and Charges Bylaw No. 575, 2019 shall be payable in advance to obtain a report on the status of an existing **building** or **structure** for which a permit is sought under this bylaw.

## **PART 9 - BUILDING PERMITS**

- 9.1 A **building official** shall issue the permit for which the application is made when:
- (1) a completed application including all required supporting documentation has been submitted;
  - (2) the proposed work set out in the application substantially conforms with the **Building Code**, this bylaw and all other applicable bylaws and enactments;
  - (3) the **owner** or his or her **agent** has paid all applicable fees set out in Part 8 of this bylaw;
  - (4) the **owner** or his or her **agent** has paid all charges and met all requirements imposed by any other enactment or bylaw;
  - (5) no enactment, covenant, agreement, or regulation in favour or, or regulation of, the District of Sechelt authorizes the permit to be withheld;
  - (6) the **owner or agent** has retained a professional engineer or geoscientist if required by the provisions of the *Engineers and Geoscientists Act*;
  - (7) the **owner or agent** has retained an architect if required by the provisions of the *Architects Act*.
- 9.2 When the application is in respect of a **building** that includes, or will include, a **residential occupancy**, the building permit must not be issued unless the **owner or agent** provides evidence pursuant to Section 30 (1) of the Homeowner Protection Act that the proposed **building**:
- (1) is covered by home warranty insurance, and
  - (2) the constructor is a licensed residential builder.
- 9.3 Section 9.2 of this bylaw does not apply if the **owner or agent** is not required to be licensed and to obtain home warranty insurance in accordance with sections 20 (1) or 30 (1) of the *Homeowner Protection Act*.
- 9.4 Every permit is issued upon the condition that the permit shall expire and the rights of the **owner or agent** under the permit shall terminate if:
- (1) the work authorized by the permit is not commenced within 6 months from the date of issuance of the permit; or
  - (2) work is discontinued for a period of 12 months.

- 9.5 A **building official** may extend the period of time set out under sections 9.4 (1) and 9.4 (2) where construction has not been commenced or where construction has been discontinued due to adverse weather, strikes, material or labour shortages, or similar hardship beyond the **owner or agent's** control.
- 9.6 Despite section 9.5, every building permit shall expire such that it is not valid and of no force and effect at the end of 24 months from the date of issue.
- 9.7 A temporary building permit shall expire at the end of 12 months from the date of issuance.
- 9.8 Subject to Section 9.5, where a building permit has expired and the **building or structure** has not received final inspection approval, a new building permit must be obtained prior to completing the construction for a maximum period of twelve (12) months. The owner or agent shall first pay to the District of Sechelt the appropriate fee set out in Schedule "A" attached to this Bylaw, based on the **value of building construction** left to complete.
- 9.9 A building permit may:  
Be extended for a period of twelve (12) months from the date of expiry of permit expiration if:  
a) Application for the extension is made within 30 days after the date of permit expiration; and  
b) A non-refundable fee set out in Schedule "A" attached to this bylaw has been paid,
- Except that:  
a) A temporary permit may be extended for a period of twelve (12) months  
b) A building permit to move a **building or structure** shall not be extended  
c) A permit to demolish a **building or structure** shall not be extended.
- 9.10 Building permits may only be extended a maximum of 2 times.
- 9.11 Where only one dwelling unit is permitted on a lot, the owner or agent may obtain a building permit to construct a second dwelling unit on the lot subject to the following conditions prior to permit issuance:  
  
(1) A refundable security deposit in accordance with Schedule "A" must be deposited with the District of Sechelt  
  
(2) A replacement dwelling covenant must be registered in the Land titles Office, stating the owner or agent's intention to demolish the first dwelling unit, or to

convert it to a permitted use within 60 days of occupancy or permitting occupancy of the second dwelling unit

- (3) The refundable security deposit will be forfeited if any of the conditions of the covenant are defaulted upon
- (4) A building permit is required prior to starting construction on demolishing or converting the original existing dwelling unit to a use permitted by the District of Sechelt Zoning Bylaw.

**9.12** A building permit shall be in form prescribed by the *building official*.

## **PART 10 - PROFESSIONAL DESIGN AND FIELD REVIEW**

- 10.1 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* by means of letters of assurance in the form of Schedules B and C-B referred to in Division C, Part 2 of the *Building Code*.
- 10.2 Prior to the issuance of an occupancy permit for a *complex building*, or *standard building* in circumstances where letters of assurance have been required in accordance with provisions of this bylaw, the *owner or agent* shall provide the District of Sechelt with letters of assurance in the form of Schedules C-A or C-B, as is appropriate, referred to in Division C, Part 2 of the *Building Code*.
- 10.3 When a *registered professional* provides letters of assurance in accordance with any provisions of this bylaw, he or she shall also provide proof of professional liability insurance to the *building official* in the form prescribed by the *building official*.
- 10.4 Despite the other provisions of this bylaw, the *owner or agent* must provide letters of assurance for professional design and a field review in the form of Schedules B referred to in Division C, Part 2 of the *Building Code* in respect of a building for:
- (1) Geotechnical components of all new standard buildings and additions to standard buildings greater than 55 m<sup>2</sup>; (592 sq. ft.) except auxiliary buildings of not more than one storey in building height and not more than 55 m<sup>2</sup> in building area,
  - (2) The Building envelope components of all buildings under Part 3 of the *Building Code*, all residential buildings than contain more than two dwelling units, and all other buildings whose building envelopes do not comply with the prescriptive requirements of Part 9 of the *Building Code*;

- (3) A **building** on a parcel the **building official** believes is subject to or is likely to be subject to flooding, mud flows, debris flows, debris torrents, erosion, land slip, rock falls, subsidence or avalanche, and the requirement for professional design and a field review is in addition to a requirement under Section 56 of the Community Charter for a report certified by a professional engineer with experience in geotechnical engineering that the parcel may be used safely for the use intended and that the plans submitted with the application comply with the relevant provisions of the **Building Code** and applicable bylaws of the District of Sechelt.

## **PART 11 - RESPONSIBILITIES OF THE OWNER OR AGENT**

- 11.1 The **owner** shall ensure that all construction complies with the **Building Code**, this bylaw and other applicable bylaws and enactments.
- 11.2 Every **owner or agent** to whom a permit is issued shall be responsible for the cost of repair of any damage to municipal works that occurs in the course of the work authorized by the permit.
- 11.3 Every **owner or agent** to whom a permit is issued shall, during construction:
  - (1) post and maintain the permit in a 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.

- 11.4 The owner or agent bears full responsibility for ensuring that buildings and structures are located in conformance with the Zoning Bylaw, or any other bylaw, enactment or encumbrances, such as but not limited to rights-of-way and easements.

## **PART 12 - TEMPORARY BUILDINGS**

### **Issuance of Permit**

- 12.1 Subject to the bylaws of the District of Sechelt and order by the Council, the **building official** may issue a temporary building permit for the erection or placement of a temporary **building** or travel trailer if:
- (1) The permit is for a period not exceeding 12 months;
  - (2) The **building** is built to the requirements of the **Building Code** (whereapplicable);
  - (3) The **building** is sited and the use is in accordance with the Zoning Bylaw.

### **Permit Application**

- 12.2 The application for a building permit for the erection or placement of a temporary **building** shall be made in the form prescribed by the Building Official, signed by the Owner or agent or a signing officer if the owner or agent is a corporation and accompanied by:
- (1) Plans and supporting documents showing the location of the **building** on the site;
  - (2) Plans and supporting documents showing construction details of the **building**;
  - (3) A statement by the Owner or agent indicating the intended use and duration of the use.

### **Extension of Permit**

- 12.3 The temporary building permit may be extended one time only for a period of not greater than 1 year from the date of expiry of the original building permit provided:
- (1) application for the extension is made within 30 days before the date of permit expiration; and
  - (2) A non-refundable fee set out in Schedule “A” attached to this bylaw has been paid.

### **Permit Fee**

- 12.4 (1) Before receiving a building permit for a temporary *building* the Owner or agent shall first pay to the District of Sechelt the appropriate building permit fee set out in Schedule “A” attached to this bylaw;
- (2) A permit fee for a temporary *building* is not refundable.

### **Security Deposit**

- 12.5 The permit fee for a temporary building permit shall be accompanied by a security deposit in the amount set out in Schedule “A” attached to this bylaw to:
- (1) ensure that the building to be erected for a temporary period will be completely removed from the site at the expiration of the permit; and
- (2) ensure that the site be left in a safe, sanitary and undamaged condition at the expiration of the permit.

### **Security Deposit Refund**

- 12.6 Upon satisfactory completion of the requirements contained in section 12.5 above, the required security deposit shall be refunded. The security deposit will be applied first to any permit extension fees owing.

### **Default**

- 12.7 If default is made of any of the provisions contained in Part 12 of this bylaw, the security deposit shall be forfeited to the District of Sechelt.

## **PART 13 - SWIMMING POOLS AND HOT TUBS**

### **Engineering Requirement**

- 13.1 A registered professional shall undertake the design and conduct field reviews of the construction of any reinforced concrete Swimming Pool. Letters of assurance in the form of Schedules B and C-B referred to in Division C, Part 2 of the *Building Code* must be submitted.

### **Fence and Self Closing Gate**

- 13.2 A swimming pool shall be enclosed within a continuous non-climbable fence or other vertical barrier having a minimum height of 1.5m and have no openings greater than 100mm at their greatest dimension, shall be equipped with a self-closing gate or door, designed to return to a locked position when not in use and which can only be opened from the swimming pool side of the fence or be protected by an installed and lockable power safety cover approved by the Building Official.

- 13.3 Every hot tub shall be enclosed in a building or surrounded by a fence and gate, as provided in section 13.2, or covered with a rigid, locked lid.
- 13.4 Every fence enclosing every private swimming pool or hot tub shall be adequately maintained in good order and repair by the owner or occupier of the real property, so as to perform its intended function.
- 13.5 Every gate which provides access to a private swimming pool or hot tub shall be kept in a locked closed position and shall be self-closing and only be open for the purpose of entry to or exit from the pool.

### **Pool Apron**

- 13.6 Access shall be provided around the perimeter of all swimming pools, including those within a building, by means of an apron or walkway not less than 750 mm in width and not more than 450 mm above or below the water level of the swimming pool. The walkway (apron) shall have no obstructions and be readily accessible to those using the swimming pool.
- 13.7 The above requirements shall not apply when the pool is under construction unless the Building Inspector deems it necessary.
- 13.8 No swimming pool or hot tub shall be partially or completely filled with water until the requirements of this Section have been inspected and accepted by the Building Inspector.
- 13.9 The drainage from a pool, hot tub, or equipment that serves them must be connected to or directed to a Sanitary Drainage system or disposed of by other means acceptable to the Chief Building Official.

### **PART 14 - SPRINKLERS**

- 14.1 Throughout the District, a Sprinkler System shall be installed throughout the following buildings:
- (1) all new Designated Buildings
  - (2) all buildings which are converted into Designated Buildings but only where the conversion involves an addition to the building and results in a net floor increase of 50% or more of the net floor area as it existed on January 1, 1994

- (3) existing or converted buildings where additions to the building result in a net floor increase of more than 50% of the previous net floor area of the Designated Buildings
- (4) all existing Designated Buildings which are added to incrementally when such additions result in a net increase of 50% or more of the existing net floor area over the size of the existing building as it was on January 1, 1994 at the time of the first addition.
- (5) despite Section 14.1 (1), a Sprinkler System is not required under this bylaw in a building constructed within those utility corridor rights-of-way created by B.C. Hydro, Terasen Gas Ltd. and the Ministry of Transportation within that area of the District of Sechelt as shown outlined with a heavy black line on the plan attached to and forming part of this bylaw as Schedule “C”.

## **PART 15 - DEMOLITION PERMITS**

### **Issuance of Permits**

- 15.1 A building permit to demolish a **building** shall:
- (1) Be valid for 12 months from the date of issuance;
  - (2) Carry with it the obligation to remove from the site within the lifetime of the permit, all material resulting from or produced by the demolition and such other on site works of reclamation as may be specified in the permit;
  - (3) Not be extended.
- 15.2 An application for a permit to demolish a **building** shall include a site plan showing the location of the **building** to be demolished which must be submitted to the Building Official prior to permit issuance.
- 15.3 The owner or agent is fully responsible for ensuring that he or she complies with the Waste Management Act and Contaminated Sites Regulation, other bylaws or enactments, ensures proper disconnection of all utilities before demolition, and is fully responsible to ensure that the site is left in a safe condition.
- 15.4 Prior to the issuance of a demolition permit for a building constructed prior to 1990, the owner must provide a Hazardous Materials Survey and, if required, an Asbestos Abatement Report stating that any Asbestos identified in the assessment has been removed and disposed of in accordance with applicable enactments and regulations.
- 15.5 Before receiving a demolition permit for a **building** the Owner or agent shall first pay the District of Sechelt the appropriate fee set out in Schedule “A” attached to this bylaw.

## **PART 16 - MOVING BUILDINGS AND STRUCTURES ONTO A NEW FOUNDATION**

- 16.1 Buildings may be moved into or within the District of Sechelt provided the following conditions are fulfilled:
- (1) A building permit to move the **building** onto a parcel of land or a new location on a parcel of land is obtained prior to any work proceeding;
  - (2) An application for a building permit to move a **building** shall:
    - (a) Be made in the form prescribed by the Building Official signed by the owner or agent, or a signing officer if the owner or agent is a corporation;
    - (b) Include a copy of a title search made within 30 days of the date of application;
    - (c) Include a site plan showing:
      - i) the bearing and dimensions of the parcel taken from the registered subdivision plan; and the legal description and civic address of the parcel;
      - ii) the location and dimensions of all statutory rights of way, easements and setback requirements;
      - ii) the location and dimensions of all existing and proposed buildings or structures on the parcel;
      - iv) setbacks to the natural boundary of any lake, swamp, pond or watercourse where the District of Sechelt Zoning Bylaw establish siting requirements related to flooding.
    - (d) Include copies of approvals required under any enactments relating to health or safety;
    - (e) Include a foundation design prepared by a registered professional in accordance with Part 4 of the **Building Code**, accompanied by letters of assurance in the form of Schedules B as referred to in Division C, Part 2 of the **Building Code**, signed by the registered professional;
    - (f) When the building is intended to be used as a dwelling unit the applicant shall include a report prepared by a Professional Engineer stating the **building** intended to be used for habitation has been

constructed to current **Building Code** requirements, including but not limited to structural, health and safety, thermal insulation and window requirements, or;

- (g) Include plans detailing any and all upgrading required to meeting the requirements of this Bylaw, the Plumbing Bylaw and any enactments after, the building is moved to a new site;
- (h) Include a written statement from the owner or agent declaring that the building will be upgraded to current **Building Code** and other required standards within 24 months from the date of permit issuance;
- (i) Be accompanied by confirmation of liability insurance including the District of Sechelt as an additional insured in the amount of \$5,000,000 with a maximum deductible of \$5000;
- (j) Be accompanied by a security bond as set out in Schedule “A” attached to this bylaw;
- (k) Any other information as required by the **building official**.

16.2 Prior to the move a qualified Appraiser shall submit a report stating the estimated value of the building after it is completed.

16.3 All moved buildings shall be of a value after completion equal to at least 85% of all other buildings within 500 metres of the site of the moved building.

16.4 The time and the route of the moving shall be approved by the Superintendent of Public Works in consultation with the RCMP and the Ministry of Transportation.

16.5 The requirements of section 16.1(2)(e) may be waived by a Building Official in the circumstances where the Building Official has required a professional engineer's report pursuant to section 699 (2) of the Local Government Act and the building permit is issued in accordance with sections 699 (5) and (6) of the Local Government Act.

16.6 The requirements of section 16.1(2)(e) may be waived by a Building Official if documentation, prepared and sealed by a registered professional, is provided assuring that the foundation design substantially complies with section 9.4.4 of the **Building Code** and the foundation excavation substantially complies with section 9.12 of the **Building Code**.

16.7 When an application is made to relocate a dwelling unit within the boundaries of the District of Sechelt and the dwelling unit has heritage significance as determined by the Building Official, some of the requirements of Sections 16.1(2)(f), 16.1(2)(g) and 16.1(2)(h) may be waived by the Building Official to maintain significant heritage features.

- 16.8 Before receiving a building permit to move a **building** the Owner or agent shall first pay to the District of Sechelt the building permit fee set out in Schedule “A” attached to this bylaw.
- 16.9 Before receiving a building permit to move a **building** the Owner or agent shall first pay to the District of Sechelt a refundable security deposit in the amount set out in Schedule “A” attached to this bylaw.
- 16.10 The security deposit shall be forfeited to the District of Sechelt if any conditions of the building permit are defaulted on, or the building permit expires.
- 16.11 An application for a building permit to move a Manufactured Home must include proof of the appropriate CSA certificate and registration number, foundation details and method of anchorage.
- 16.12 The building permit to move a **building** is valid for a period of 24 months from the date of issuance and may not be extended;

## **PART 17 - INSPECTIONS**

- 17.1 When a **registered professional** provides letters of assurance in accordance with the provisions of this bylaw, the District of Sechelt will rely solely on **field reviews** undertaken by the **registered professional** and the letters of assurance submitted pursuant to this bylaw as assurance that the construction substantially conforms to the design and that the construction substantially complies with the **Building Code**, this bylaw and other applicable enactments respecting safety.
- 17.2 Notwithstanding section 17.1 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**.
- 17.3 A **building official** may attend periodically at the site of the construction of **standard buildings** or **structures** to ascertain whether the **health and safety aspects of the work** are being carried out in substantial conformance with the those portions of the **Building Code**, this bylaw and any other applicable enactment concerning safety.
- 17.4 The owner or agent or his or her representative shall give at least 24 hours notice to the District of Sechelt when requesting an inspection and shall obtain an inspection and receive an **building official's** acceptance of the following aspects of the work:
- a) Siting inspection prior to pouring of footings and form work;

- b) Installation of perimeter drain tiles and damp-proofing, prior to backfilling;
- c) The preparation of ground, including ground cover, when required, prior to the placing of a concrete slab;
- d) Following the installation, repair or replacement of any part of a plumbing system, including the water service, while the system is under test but prior to concealment;
- e) Framing and sheathing complete, all exterior doors, windows, roof membrane are installed, including the installation of mechanical and electrical and fire suppression systems, and rough plumbing but before the insulation, lath or other interior finish is applied;
- f) Following the construction of any fireplace smoke chamber, and at such subsequent time as directed by the Building Official, but prior to the construction of any part of the chimney;
- g) The insulation and vapour barrier are in place, but prior to the concealing of such work;
- h) The stucco lath is complete including all flashing on residential buildings that contain no more than two dwelling units;
- i) The first coat of stucco prior to the start of the second coat; this includes installation of artificial rock facing;
- j) When the **building** is substantially complete and ready for occupancy, but before occupancy takes place of the whole or part of the **building**.

17.5 No aspect of the work referred in section 17.4 of this bylaw shall be concealed until a **building official** has accepted it in writing.

17.6 The requirements of section 17.3 and 17.4 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 Parts 1.5, 2, 3, 10 and 21 of this bylaw except that a siting inspection must be obtained prior to pouring any concrete and an occupancy inspection is required by the Building Official.

### **Survey Certificate**

17.7 Despite section 11.4 of this bylaw, the Building Official may require that the owner or agent provide a survey certificate of non-encroachment prepared by a British Columbia Land Surveyor showing the following:

- (1) The shortest distances from the outer surfaces of the foundation to the parcel lines;
- (2) An elevation of the top of the finished concrete wall or in the case of a **building** constructed on a concrete slab an elevation of the top of the concrete slab measured from the lowest of the average finished levels of ground adjoining each exterior face of a structure;
- (3) Location on all right-of-ways, easements, or other encumbrances;
- (4) Or other information as required by the **building official**.

## **PART 18 - OCCUPANCY PERMITS**

- 18.1 No person shall occupy a **building** or part of a **building** until an occupancy permit has been issued in the form prescribed by the Building Official.
- 18.2 An occupancy permit shall not be issued unless:
- (1) all letters of assurance have been submitted when required in accordance with the provisions of this bylaw.
  - (2) all aspects of the work requiring inspection and acceptance pursuant to section 17.4 of this bylaw have both been inspected and accepted or the inspections and acceptance are not required in accordance with section 17.5 of this bylaw.
  - (3) all applicable covenants have been duly executed and registered on title.
- 18.3 A **building official** may issue an occupancy permit for part of a **building** when the part of the **building** is self-contained, provided with essential services and the requirements set out in section 18.2 of this bylaw have been met with respect to it.
- 18.4 The Chief Building Official may revoke an Occupancy Permit, if it was determined that the Occupancy Permit was issued in error. Notice of Revocation shall be sent by registered mail to the building permit applicant and registered owner of the property.

## **PART 19 - RETAINING STRUCTURES**

- 19.1 A **registered professional** shall undertake the design and conduct **field reviews** of the construction or structural repair of any **retaining structure** greater than 1.2 meters in height or series of **retaining structures** where the cumulative height of the **retaining structures** is greater than 1.2 m and have a ratio of less than 2 horizontals to 1 vertical. Sealed copies of the design plan, letters of assurance in the form of Schedule B as referred to in Division C, Part 2 of the **Building Code** and **field review** reports prepared by the **registered professional** for all **retaining structures** greater than 1.2 meters in height shall be submitted to a **building official** prior to acceptance of the

work by the **building official**. The **registered professional** shall ensure that any drainage changes resulting from the construction or structural repair shall not adversely impact adjacent and downstream properties or municipal infrastructure or right of ways.

(1) Retaining Structures Associated with a Building Permit for a New Building

Where **retaining structures** are associated with the construction of a building, a **registered professional** shall undertake the design and conduct **field reviews** of the construction or structural repair of any **retaining structure** greater than 1.2 meters in height or series of **retaining structures** where the cumulative height of the **retaining structures** is greater than 1.2 m and have a ratio of less than 2 horizontals to 1 vertical. Sealed copies of the design plan, letters of assurance in the form of Schedule B as referred to in Division C, Part 2 of the **Building Code** and **field review** reports prepared by the **registered professional** for all **retaining structures** greater than 1.2 meters in height shall be submitted to a **building official** prior to acceptance of the work by the **building official**.

(2) Retaining Structures That are Not Associated with a Building Permit for a New Building

A **registered professional** shall undertake the design and conduct field reviews of the construction or structural repair of any **retaining structure** greater than 1.2 meters in height or series of **retaining structures** where the cumulative height of the **retaining structures** is greater than 1.2 m and have a ratio of less than 2 horizontals to 1 vertical that are not associated with the construction of a building on the same parcel. Sealed copies of the design plan, a Retaining Wall Assurance Statement and field review reports prepared by the **registered professional** for all **retaining structures** greater than 1.2 meters in height shall be submitted to a **building official** prior to acceptance of the work by the **building official**. The **registered professional** shall ensure that any drainage changes resulting from the construction or structural repair of **retaining structures** shall not adversely impact adjacent and downstream properties or municipal infrastructure or right of ways.

19.2 Except as certified by a **registered professional** with expertise in geotechnical engineering, an excavation of or fill material placed on a parcel, unless restrained by permitted **retaining structures**, must not have a surface slope exceeding a ratio of one linear unit vertically to two linear units horizontally. The **registered professional** shall ensure that any drainage changes resulting from the excavation or fill shall not adversely impact adjacent and downstream properties or municipal infrastructure or right of ways.

## **PART 20 – ENERGY STEP CODE**

- 20.1 As per the provisions of the BC Building Code new buildings proposed under Part 9 shall use the applicable measures of the Performance Path for conformance to Part 9 Section 36.
- 20.2 Part 3 Buildings shall conform to the requirements of the BC Building Code.
- 20.3 Any additions or alterations to existing buildings constructed under Part 9 of the BC Building Code use the applicable measures of the Performance Path for conformance to Part 9 Section 36 or may conform to the Prescriptive Path requirements in Part 9 Section 36 and/or Part 10 of the BC Building Code.
- 20.4 A Building proposed to be constructed under Part 9 of the BC Building Code and Step 4 or Step 5 of the Energy Step Code for Buildings (Part 9) are permitted subject to the approval of the Chief Building Official.
- 20.5 A Building proposed to be constructed under Part 3 of the BC Building Code and Step 3 or Step 4 of the Energy Step Code for Buildings (Part 3) are permitted subject to the approval of the Chief Building Official.

## **PART 21 – PLUMBING SYSTEMS**

### **21.1 APPLICATION**

- (1) A plumbing permit may only be issued to:
- (i) a plumber holding a valid Canadian tradespersons qualification as a plumber, or
  - (ii) an owner and intended occupant of a Single-Family Dwelling without a Secondary Suite where the owner personally intends to install, alter, or repair a plumbing system, in which case, the building official may require the owner to demonstrate competency to perform the proposed work.
- (2) The British Columbia Building Code, in whatever form brought into force from time to time by the Province of British Columbia shall apply to all plumbing systems falling within the jurisdiction of these regulations.
- (3) The requirements of this Bylaw apply to all plumbing systems, including:
- (a) All plumbing system installations, alterations, or additions.
  - (b) Plumbing systems in buildings moved into the District of Sechelt.
  - (c) Plumbing systems in buildings raised or otherwise moved.
  - (d) Building Sewer connections between a building and sewage disposal system or public sewer.
  - (e) all fire sprinkler systems
  - (f) all solar hot water systems
  - (g) auxiliary water systems

21.2 Auxiliary Water Systems are permitted subject to the approval of the Chief Building Official.

21.3 FEES

Plumbing and Sprinkler permit fees shall be paid in accordance with the current District of Sechelt Fees and Charges Bylaw.

## **PART 22 – CLIMATIC DATA**

22.1 Climatic and Seismic Data shall be that which is stated in Division B, Appendix C of the *Building Code*.

## **PART 23 - PENALTIES AND ENFORCEMENT**

23.1 Every person Every person who contravenes any provision of this bylaw commits an offense punishable by the fine listed in Schedule A Designated Bylaw Contravention and Penalties of the Bylaw Notice Enforcement Implementation Bylaw No. 515, 2012.

23.2 Every person who fails to comply with any order or notice issued by a *building official*, or who allows a violation of this bylaw to continue, contravenes this bylaw.

23.3 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 Order notice

23.4 The *owner or agent* of 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*.

23.5 Where a person occupies a *building* or part of a *building* in contravention of section 6.4 of this bylaw a *building official* may post a Do Not Occupy notice in the form prescribed by the Building Official on the affected part of the *building*.

23.6 The *owner or agent* of property on which a Do Not Occupy notice has been posted, and every person, shall cease *occupancy* of the *building* immediately and shall refrain from further *occupancy* until all applicable provisions of the *building* and this bylaw have been substantially complied with and the Do Not Occupy notice has been rescinded in writing by a *building official*.

23.7 Every person who commences work requiring a building permit without first obtaining such a permit shall pay an additional penalty fee as set out in Schedule “A” attached to this bylaw.

23.8 Each day this bylaw is contravened constitutes a separate offence.

## **PART 24 - REPEAL**

District of Sechelt Plumbing Bylaw No. 176, 1993, and all amendments thereto are hereby repealed.

## **PART 25- VALIDITY**

If any section, subsection or clause of this bylaw is for any reason held to be invalid by the decision of a court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this bylaw.

READ A FIRST TIME THIS	21 <sup>st</sup>	DAY OF	April,	2021
READ A SECOND TIME THIS	21 <sup>st</sup>	DAY OF	April,	2021
READ A THIRD TIME THIS	21 <sup>st</sup>	DAY OF	April,	2021
ADOPTED THIS	19th	DAY OF	May,	2021

*“D. Siegers”*

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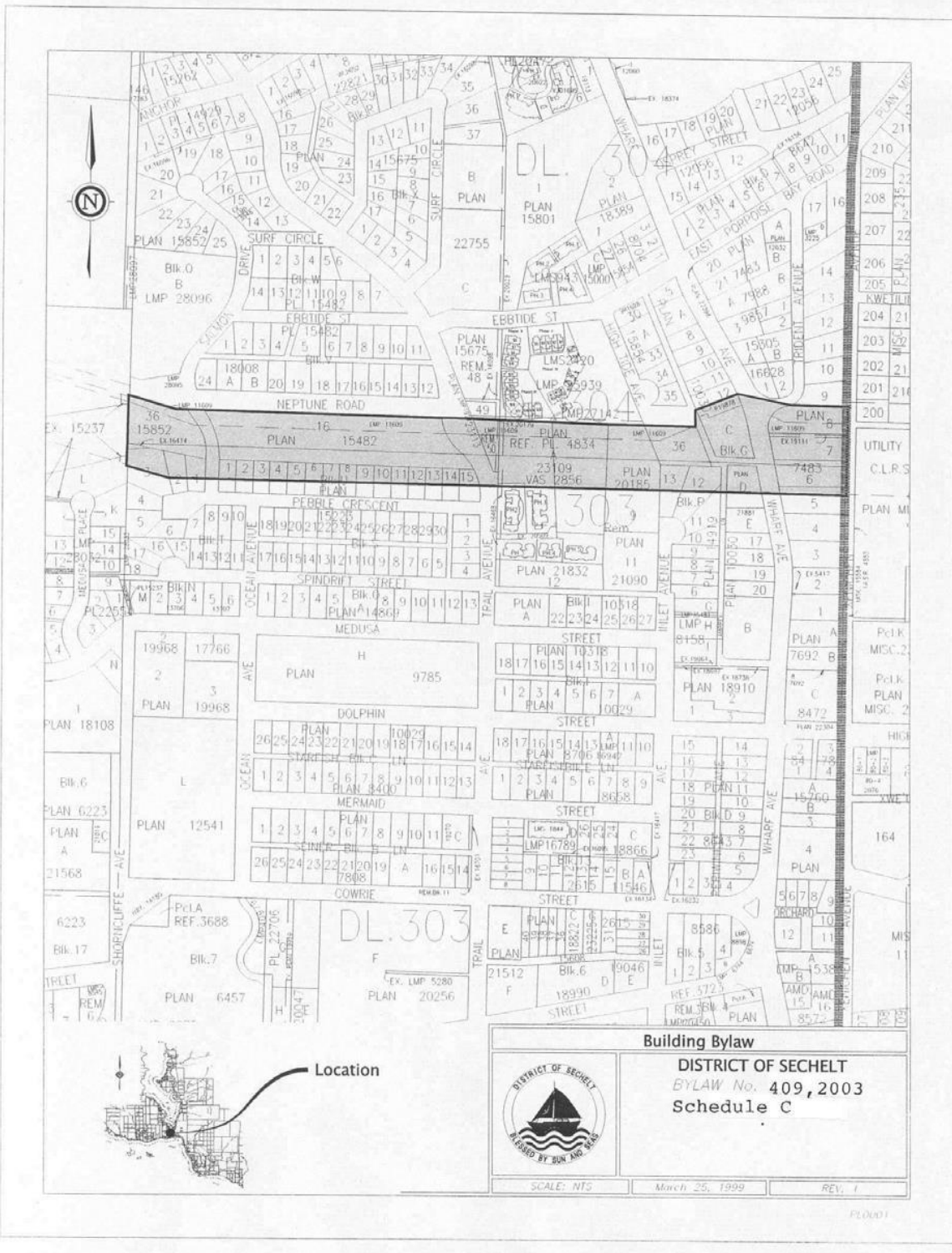
Mayor

*“J. Frank”*

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Corporate Officer

## SCHEDULE C



**SCHEDULE D  
to Building Bylaw 409, 2003**

**Owner's Undertakings**

**Regarding:** \_\_\_\_\_  
(Property address)

\_\_\_\_\_  
(Legal description)

In consideration of the **District of Sechelt** accepting and processing the attached application for a building permit, and as required by the District of Sechelt Building Bylaw No. 409, 2003, the following representations, warranties and indemnities are given to the District of Sechelt:

1. I, \_\_\_\_\_ am the **Owner** of the above property.  
(Print name)

**OR**

2. I, \_\_\_\_\_  
(Owner, print name)

hereby authorize:

\_\_\_\_\_  
(Authorized Agent)

\_\_\_\_\_  
(Address of authorized agent)

to make application on my behalf for the permit at the above location and that:

21 I will comply with or cause those whom I employ to comply with the **Building Code** and all bylaws of the District of Sechelt and other statutes and regulations in force in the District of Sechelt relating to the development, work, undertaking or permission in respect of which this application is made.

22 I understand and acknowledge that I am fully responsible for carrying out the work, or having the work carried out in accordance with the requirements of the **Building Code**, the District of Sechelt's Building Bylaw, and all other bylaws of the District of Sechelt.

23 I understand and acknowledge that neither the issuance of a permit under this bylaw, the review of plans and supporting documents, nor inspections, made by

the Building Official shall in any way constitute a representation, warranty or statement that the **Building Code**, the Building Bylaw or any other bylaw of the District of Sechelt has been complied with.

24 I confirm that I have relied only on the said **Registered Professional** for the adequacy of the plans and supporting documents submitted with this application.

25 I confirm that I have been advised in writing by the District of Sechelt that it relied exclusively on the Letter of Assurance of “Professional Design and Commitment for Field Review” prepared by

\_\_\_\_\_ in reviewing the plans and  
**(Name of Registered Professional)**

supporting documents submitted with this application for a building permit.

26 I understand that where used herein the words “work” or “work or undertaking in respect of which this application is made” includes all electrical, plumbing, mechanical, gas and other works necessary to complete the contemplated construction.

27 I am authorized to give these representations, warranties, assurance and indemnities to the District of Sechelt.

**Owner**

**Agent for the Owner**

\_\_\_\_\_  
(Print Name)

\_\_\_\_\_  
(Print Name)

\_\_\_\_\_  
(Print Address)

\_\_\_\_\_  
(Print Address)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Title)

\_\_\_\_\_  
(Signature)

**If Owner is Company:**

Party(ies) Signature(s)

**Witness Information:**

\_\_\_\_\_  
(Full Company Name)

\_\_\_\_\_  
(Print Name)

\_\_\_\_\_  
(Full name of Signatory)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
(Occupation)

\_\_\_\_\_  
(Witness Signature)

The above must be signed by the **Owner and his appointed agent**. The signature must be witnessed. If the **Owner** is a company, the authorized signatory(ies) must sign.

**SCHEDULE E**  
**to Building Bylaw No. 409, 2003**  
**CONFIRMATION OF INSURANCE COVERAGE**  
**BY REGISTERED PROFESSIONAL**

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- Note
1. This letter must be submitted along with each Schedule A, B-1 and B-2 before issuance of a building permit. A separate letter must be submitted for each Registered Professional.
  2. Only an original Schedule printed by the District of Sechelt or an unaltered photocopy of the Schedule is to be completed and submitted.

District of Sechelt  
5797 Cowrie Street, 2<sup>nd</sup> floor  
Box 129  
Sechelt, BC V0N 3A0

Attention: Building Inspector

Dear Sir:

Re: Address of Project (Print)

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Legal Description of Property (Print)

I hereby give assurance that

- (a) I have fulfilled my obligation for insurance coverage as outlined in the District of Sechelt Building Bylaw No. 409, 2003 Sec 15.3,
- (b) I have enclosed a copy of my certificate of insurance coverage indicating the particulars of such coverage.
- (c) I am a Registered Professional as defined in the District of Sechelt Building Bylaw No. 409, 2003; and
- (d) I will notify the Building Inspector in writing immediately if the undersigned's insurance coverage is reduced or terminated at any time during construction.

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**CONFIRMATION OF INSURANCE COVERAGE  
BY REGISTERED PROFESSIONAL**

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Page 2

\_\_\_\_\_  
Name (Print)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Address (Print)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Phone No.

(Affix Professional Seal here)

(if the Registered Professional is a member of a firm, complete the following)

I am a member of the firm: \_\_\_\_\_

And I sign and seal this letter on behalf of the firm. (*Print name of firm*)

Note: The above letter must be signed by a Registered Professional. The District of Sechelt Building Bylaw No. 409, 2003 defines a "Registered Professional" to mean

- (a) a person who is registered or licensed to practice as a architect under the Architects Act, or
- (b) a person who is registered or licensed to practice as a professional engineer under the Engineers and Geoscientists Act.

**SCHEDULE F  
to Building Bylaw 409, 2003**

**RELIANCE ON CERTIFICATION NOTICE**

Permit No: \_\_\_\_\_

To:

Name (Owner) \_\_\_\_\_

Company \_\_\_\_\_  
(if applicable)

Mailing Address \_\_\_\_\_  
\_\_\_\_\_

**Re:**

Legal Description: \_\_\_\_\_  
(Lot #, Block #, DL #, Plan #)

Pursuant to Section 290 of the *Local Government Act* and the District of Sechelt Building Bylaw No. 409, 2003, take notice that the District of Sechelt, in issuing the **Building Permit** cited herein, has relied upon the Letters of Assurance issued by **Registered Professionals** cited below that their components of the plans and supporting documents substantially comply with the **Building Code** and other applicable enactments respecting safety and the **District of Sechelt** will rely solely on the field reviews undertaken by these Registered Professionals as certification that the construction work complies with the Code, the District of Sechelt Bylaw and other applicable enactments respecting safety.

\_\_\_\_\_  
(Registered Professional)

\_\_\_\_\_  
Owner / Agent

\_\_\_\_\_  
Date

\_\_\_\_\_  
Building Official