

# **VILLAGE OF HAZELTON**

**BUILDING BYLAW NO. 501, 2019**

## Table of Contents

Part 1: TITLE .....	5
Citation .....	5
Part 2: PURPOSE OF BYLAW .....	5
Part 3: SCOPE AND EXEMPTIONS .....	6
Application .....	6
Limited Application to Existing Buildings .....	7
Part 4: PROHIBITIONS .....	7
Part 5: PERMIT CONDITIONS .....	8
Part 6: POWERS OF A BUILDING OFFICIAL .....	9
Administration .....	9
Refusal and Revocation of Permits .....	10
Right of Entry .....	10
Part 7: OWNER'S RESPONSIBILITIES .....	11
Permit Requirements .....	11
Owner's Obligations .....	12
Damage to Municipal Works .....	13
Demolition .....	13
Notice .....	13
Part 8: OBLIGATIONS OF OWNER'S CONSTRUCTOR .....	14
Part 9: REGISTERED PROFESSIONAL'S RESPONSIBILITIES .....	14
Professional Design and Field Review .....	14
Requirement for a Registered Professional .....	15
Professional Plan Certification .....	16
Part 10: BUILDING APPLICATION requirements .....	17
Requirements Before Applying for a Building Permit .....	17
Building Permit Applications for Complex Buildings .....	18
Building Permit Applications for Simple Buildings .....	21
Site and Location Information .....	24

Building Permit Fee.....	25
Permit Fee Refunds .....	25
Expiration of Application for a Permit .....	25
Issuance of a Building Permit .....	26
Compliance with the HomeOwner Protection Act.....	26
Partial Construction .....	27
Conditions of a Building Permit.....	27
Inspections.....	27
Stop Work Order.....	30
Do Not Occupy Notice .....	30
Inspection and Other Fees.....	31
Permit Expiration .....	31
Permit Extension.....	31
Building Permit Revocation .....	32
Building Permit Cancellation .....	32
Occupancy Permit.....	32
Temporary Buildings.....	34
Sanitary Facilities .....	35
Part 11: RETAINING WALLS AND GRADES .....	35
Part 12: BUILDING MOVE .....	36
Part 13: NUMBERING OF BUILDINGS .....	36
Part 14: POOLS.....	37
Swimming Pool Permit and Fencing.....	37
Pool Gate .....	37
Spa or Hot Tub Lid .....	37
Maintenance.....	37
Part 15: ACCESS ROUTE FOR FIRE VEHICLE .....	38
Part 16: OFFENCES.....	38
Violations .....	38

Deemed Offence .....	39
Part 17: INTERPRETATION .....	39
Definitions.....	39
Appendices .....	43
Severability .....	43
Part 18: REPEAL .....	43
18.1 Building Regulation BYLAW No. 227, 1984, as amended, is repealed. ....	43
Appendix A – Fees .....	44
Appendix B – Letter of Authorization.....	46
Appendix C – Owner’s Undertaking .....	47
Appendix D – Confirmation of Professional Liability Insurance .....	50
Appendix E – Confirmation of Required Documentation.....	52

**THE CORPORATION OF THE VILLAGE OF HAZELTON**

**BYLAW NO. 501, 2019**

*A Bylaw for Administration of the Building Code and Regulation of Construction*

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GIVEN that the Village of Hazelton Council

- a. may by bylaw regulate, prohibit and impose requirements in respect to buildings and structures under sections 8(3)(g) and (l) of the *Community Charter* for the following under section 53(2):
  - (a) the provision of access to a building or other structure, or to part of a building or other structure, for a person with disabilities;
  - (b) the conservation of energy or water;
  - (c) the reduction of greenhouse gas emissions;
  - (d) the health, safety or protection of persons or property.
- b. is enacting this bylaw to regulate construction and administer the *British Columbia Building Code* in Hazelton in accordance with the *Community Charter* and the *Building Act*.
- c. has employed trained Building Officials for the purposes of this bylaw.

NOW THEREFORE the Village of Hazelton Council, in open meeting assembled, enacts as follows:

**PART 1: TITLE**

**Citation**

- 1.1 This bylaw may be cited as "Building Bylaw No. 501, 2019".

**PART 2: PURPOSE OF BYLAW**

- 2.1 Despite any other provision in this bylaw, this bylaw must be interpreted in accordance with this Part.
- 2.2 Every Permit issued under this bylaw is issued expressly subject to the provisions of this Part.

- 2.3 This bylaw is enacted to regulate, prohibit and impose requirements in regard to construction in the Village in the public interest.
- 2.4 The purpose of this bylaw does not extend to
- (a) the protection of Owners, designers or Constructors from economic loss;
  - (b) the assumption by the Village or any Building Official of any responsibility for ensuring the compliance by any Owner, his or her representatives or any employees, Constructors or designers retained by the Owner, with the *Building Code*, the requirements of this bylaw, or other applicable enactments, codes or standards;
  - (c) 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;
  - (d) providing any person a warranty or assurance that Construction undertaken under Building Permits issued by the Village is free from latent, or any, defects; or
  - (e) the protection of adjacent real property from incidental damage or nuisance.

### **PART 3: SCOPE AND EXEMPTIONS**

#### **Application**

- 3.1 This bylaw applies to the geographical area of the Village and to land, the surface of water, air space, buildings or structures in the Village.
- 3.2 This bylaw applies to the design, construction or occupancy of new buildings or structures, and the Alteration, reconstruction, demolition, removal, relocation or occupancy or change of use or occupancy of Existing buildings and structures.
- 3.3 This bylaw does not apply to
- (a) except as set out in Part 11 [Retaining Walls] of this bylaw, a fence;
  - (b) an accessory building with a floor area of less than 10 square metres;
  - (c) a trellis, an arbour, a wall supporting soil that is less than 1.22 metres in height, or other similar landscape structures on a parcel zoned for single-family residential occupancy uses under the Village's Zoning bylaw;

- (d) a building or structure commonly known as “Canadian Standards Association Z240 MH series, Z241 series or A277 series”, except as regulated by the *Building Code*.

### **Limited Application to Existing Buildings**

- 3.4 Except as provided in the *Building Code* or to the extent an Existing building is under construction or does not have an Occupancy Permit, when an Existing building has been constructed before the enactment of this bylaw, the enactment of this bylaw is not to be interpreted as requiring that the building must be reconstructed and altered, unless it is expressly so provided by this or another bylaw, regulation or statute.
- 3.5 This bylaw applies if the whole or any part of an Existing building is moved either within or into the Village, including relocation relative to parcel lines created by subdivision or consolidation. Part 12 applies to building moves.
- 3.6 If an Alteration is made to an Existing building the Alteration must comply with this bylaw and the *Building Code* and the entire building must be made to comply with this bylaw and the *Building Code*, but only to the extent necessary to address any new infractions introduced in the remainder of the building as a result of the Alteration.
- 3.7 If an Alteration creates an Addition to an Existing building, the Alteration or Addition must comply with this bylaw and the *Building Code* and the entire building must be made to comply with this bylaw and the *Building Code*, but only to the extent necessary to address any new infractions introduced in the remainder of the building as a result of the Alteration or Addition.

### **PART 4: PROHIBITIONS**

- 4.1 A person must not commence or continue any construction, Alteration, excavation, reconstruction, demolition, removal, relocation or change the use or occupancy of any building or structure, including other work related to construction
  - (a) except in conformity with the requirements of the *Building Code* and this bylaw;  
and
  - (b) unless a Building Official has issued a valid and subsisting Permit for the work under this bylaw.
- 4.2 A person must not occupy or permit the occupancy of any building or structure or part of any building or structure
  - (a) unless a subsisting Final Inspection Notice has been issued by a Building Official for the building or structure or the part of the building or structure; or

(b) contrary to the terms of any Permit issued or any notice given by a Building Official.

- 4.3 A person must not knowingly submit false or misleading information to a Building Official in relation to any Permit Application or construction undertaken pursuant to this bylaw.
- 4.4 Except in accordance with this bylaw, including acceptance of revised plans or supporting documents, a person must not erase, alter or modify plans and supporting documents after the same have been reviewed by the Building Official, or plans and supporting documents which have been filed for reference with the Building Official after a Permit has been issued.
- 4.5 A person must not, 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 or affixed to a building or structure pursuant to this bylaw.
- 4.6 A person must not 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 authorized in writing by a Building Official.
- 4.7 A person must not interfere with or obstruct the entry of a Building Official or other authorized official of the Village on property in the administration of this bylaw.
- 4.8 A person must not Construct on a parcel unless the civic address is conspicuously posted on the front of the premises or on a sign post so it may be easily read from the public highway from which it takes its address.
- 4.9 A person must not contravene an administrative requirement of a Building Official made under section 6.6 or any other provision of this bylaw.
- 4.10 A person must not change the use, occupancy or both of a building or structure or a part of a building or structure without first applying for and obtaining a Building Permit under this bylaw.

#### **PART 5: PERMIT CONDITIONS**

- 5.1 A Permit is required if work regulated under this bylaw is to be undertaken.
- 5.2 Neither the issuance of a Permit 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 Village will in any way



- (a) relieve the Owner (and if the Owner is acting through an Agent, the Agent of the Owner) from full and sole responsibility to perform the work in respect of which the Permit was issued in strict compliance with this bylaw, the *Building Code*, and all other applicable codes, standards and enactments;
  - (b) constitute a representation, warranty, assurance or statement that the *Building Code*, this bylaw or any other applicable enactments respecting safety, protection, land use and zoning have been complied with; or
  - (c) constitute a representation or warranty that the building or structure meets any standard of materials or workmanship.
- 5.3 No person shall rely on any Permit as establishing compliance with this bylaw or assume or conclude that this bylaw has been administered or enforced according to its terms.
- 5.4 Without limiting section 5.2(a), it is the full and sole responsibility of the Owner (and if the Owner is acting through a representative, the representative of the Owner) 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 codes, standards and enactments.

## **PART 6: POWERS OF A BUILDING OFFICIAL**

### **Administration**

- 6.1 Words defining the authority of a Building Official are to be construed as internal administrative powers and not as creating a duty.
- 6.2 A Building Official may
- (a) administer this bylaw, but owes no public duty to enforce or administer this bylaw;
  - (b) keep records of applications received, Permits, notices and orders issued, inspections and tests made, and may retain copies of all papers and documents connected with the administration of this bylaw;
  - (c) establish or require an Owner to establish whether a method or type of construction or material used in the construction of a building or structure complies with the requirements and provisions of this bylaw and the *Building Code*; and
  - (d) direct that tests of materials, equipment, devices, construction methods, structural assemblies or foundations be carried out, or that sufficient evidence or proof be submitted by the Owner, at the Owner's sole expense, where such evidence or proof is necessary to determine whether the material, equipment, device,

construction or Foundation condition complies with this bylaw and the *Building Code*.

### **Refusal and Revocation of Permits**

- 6.3 A Building Official may refuse to issue a Permit if the proposed work will contravene the requirements of the *Building Code* or the provisions of this or any other bylaw of the Village, and must state the reason in writing.
- 6.4 A Building Official may revoke a Permit if, in their opinion, the results of tests on materials, devices, construction methods, structural assemblies or Foundation conditions contravene the *Building Code* or the provisions of this bylaw, or both, or if all Permits required under this bylaw have not been obtained.

### **Right of Entry**

- 6.5 Subject to section 16 of the *Community Charter*, a Building Official may enter on property at any time to ascertain whether the requirements of this bylaw are being met.

### **Powers**

- 6.6 Subject to applicable enactments, a Building Official may by notice in writing require
- (a) a person who contravenes any provision of this bylaw to comply with that provision within the time ordered;
  - (b) an Owner to stop work on a building or structure, or any part of a building or structure, if the work is proceeding in contravention of this bylaw, the *Building Code*, or any other enactment of the Village or other applicable enactments, or if there is deemed to be an unsafe condition, and may enter on property to affix or post a Stop Work Order in the form prescribed by the Building Official;
  - (c) an Owner to remove or prevent any unauthorized encroachment on a public parcel, a statutory right of way or easement, or a setback or yard required under an enactment;
  - (d) an Owner to remove any building or structure, or any part of a building or structure, constructed in contravention of a provision of this bylaw;
  - (e) an Owner to have work inspected by a Building Official prior to covering;
  - (f) an Owner to uncover any work that has been covered without inspection contrary to this bylaw or an order issued by a Building Official;

- (g) a person to cease any occupancy in contravention of a provision of this bylaw;
  - (h) a person to cease any occupancy if any unsafe condition exists because of work being undertaken but not complete and where the Building Official has not issued a Final Inspection Notice for the work;
  - (i) an Owner to correct any unsafe condition; and
  - (j) an Owner to correct any work that contravenes this bylaw, the *Building Code*, or any other enactment.
- 6.7 Every reference to "Owner" in section 6.6 includes a reference to the Owner's Agent or constructor.
- 6.8 Every person served with a notice under this Part must comply with that notice
- (i) within the time ordered; or
  - (ii) if no time is ordered, immediately.

## **PART 7: OWNER'S RESPONSIBILITIES**

### **Permit Requirements**

- 7.1 Subject to Part 10 of this bylaw, every Owner must apply for and obtain a Permit, prior to
- (a) constructing, repairing or altering a building or structure, including a Pool or Retaining Wall;
  - (b) moving a building or structure into or within the Village;
  - (c) demolishing a building or structure;
  - (d) occupying a new building or structure;
  - (e) constructing a masonry fireplace or installing a wood-burning appliance or chimney, whether attached to, part of or detached from a building;
  - (f) changing the use or occupancy of a building, unless the works are the subject of another valid and subsisting Building Permit.
- 7.2 Every Owner must ensure that plans submitted with a Permit Application bear the name, phone number, address and email address of the designer of the building or structure.

## Owner's Obligations

### 7.3 Every Owner must

- (a) comply with the *Building Code*, the requirements of this bylaw and the conditions of a Permit, and must not omit any work required by the *Building Code*, this bylaw or the conditions of a Permit;
- (b) ensure that a Letter of Authorization in the form attached as Appendix "B" is submitted to the Village if a Representative is Acting on behalf of the Owner for an Application;
- (c) ensure that all Permits, all plans and specifications and supporting documents on which a Permit was based, all municipal inspection certificates, and all professional field reviews are available at the site of the work for inspection during working hours by the Building Official, and that all Permits are posted conspicuously on the site during the entire execution of the work; and
- (d) prior to the issuance of a Building Permit, execute and submit to the Village an Owner's Undertaking in the form attached as Appendix "C", where required by the Building Official.

7.4 Every Owner and every Owner's Agent, must carry out Construction or have the Construction carried out in accordance with the requirements of the *Building Code*, this bylaw and other bylaws of the Village and none of the issuance of a Permit under this bylaw, the review of plans and supporting documents, or inspections made by a Building Official or a registered professional shall relieve the Owner, or his or her Agent, from full and sole responsibility to perform the work in strict accordance with this bylaw, the *Building Code* and all other applicable codes, standards and enactments.

7.5 Every Owner must allow a Building Official to enter any building or premises at any reasonable time to administer and enforce this bylaw. Every Owner to whom a Permit is issued must, during construction,

- (a) post the civic address on the property so that it may be easily read from the public highway from which the property takes its address; and
- (b) post the Permit on the property so that it may be easily read from the public highway from which the property takes its address.

## **Damage to Municipal Works**

- 7.6 Every Owner to whom a Permit is issued is responsible for the cost to repair any damage to municipal works or land that occurs during and arises directly or indirectly from the work authorized by the Permit.
- 7.7 Every Owner may pay to the Village, within 30 days of receiving an invoice for same from the Village, the cost to repair any damage to public property or works located on public property arising directly or indirectly from work for which a Permit was issued.

## **Demolition**

- 7.8 Prior to obtaining a Permit to demolish a building or structure, the Owner must
- (a) provide to the Village a vacancy date;
  - (b) pay capping and inspection chamber installation fees as set out in the Village's bylaws governing waterworks and sewer; and
  - (c) ensure that all municipal services and other services are capped and terminated at the property line in a Village standard inspection chamber and valve arrangement.
- 7.9 Every Owner must ensure that, on completion of all demolition procedures, all debris and fill are cleared and the site is levelled or graded, or made safe if levelling and grading are not possible.

## **Notice**

- 7.10 Every Owner must, at least 48 hours prior to commencing work at a building site, give written or online notice to a Building Official of the date on which the Owner intends to begin such work.
- 7.11 Every Owner must give written or online notice to a Building Official of any change in or termination of engagement of a registered professional, including a Coordinating Registered Professional, during construction, within 24 hours of when the change or termination occurs.
- 7.12 If an Owner or a registered professional terminates the engagement of a registered professional, including a Coordinating Registered Professional, the Owner must terminate all work under a Building Permit until the Owner has engaged a new registered professional, including a Coordinating Registered Professional, and has delivered to a Building Official new letters of assurance.

- 7.13 Without limiting sections 10.24 to 10.39, every Owner must give at least 48 hours' online or written notice to a Building Official
- (a) of intent to do work that is required or ordered to be corrected during construction;
  - (b) of intent to cover work that is required under this bylaw to be, or has been ordered to be, inspected prior to covering; and
  - (c) when work has been completed so that a final inspection can be made.
- 7.14 Every Owner must give notice in writing to a Building Official and pay the non-refundable fee set out in Appendix "A" immediately upon any change in Ownership or change in the address of the Owner which occurs prior to the issuance of an Occupancy Permit.
- 7.15 Every Owner must give such other notice to a Building Official as may be required by the Building Official or by a provision of this bylaw.

#### **PART 8: OBLIGATIONS OF OWNER'S CONSTRUCTOR**

- 8.1 Every constructor must ensure that all construction is done in compliance with all requirements of the *Building Code*, this bylaw and all other applicable, codes, standards and enactments.
- 8.2 Every constructor must ensure that no excavation or other work is undertaken on public property, and that no public is disturbed, no building or structure erected, and no materials stored thereon, in whole or in part, without first having obtained approval in writing from the appropriate authority over such public property.
- 8.3 For the purposes of the administration and enforcement of this bylaw, every Constructor is responsible jointly and severally with the Owner for all work undertaken.

#### **PART 9: REGISTERED PROFESSIONAL'S RESPONSIBILITIES**

##### **Professional Design and Field Review**

- 9.1 The provision by the Owner to the Village of letters of assurance in accordance with the requirements of the *Building Code* shall occur prior to
- (a) the pre-occupancy site review coordinated by the coordinating registered professional or other registered professional for a Complex Building, or
  - (b) a Final Inspection for a Simple Building in circumstances where letters of assurance have been required in accordance with the requirements of the

*Building Code*, in which case the Owner must provide the Village with letters of assurance in the form of Schedules C-A or C-B, as appropriate, referred to in subsection 2.2.7, Division C, of the *Building Code*.

- 9.2 If a registered professional provides letters of assurance in accordance with the *Building Code*, they must also provide proof of Professional Liability Insurance to the Building Official in the form attached as Appendix "D" to this bylaw.

#### **Requirement for a Registered Professional**

- 9.3 The Owner must retain a registered professional to provide a Professional Design and plan certification and letters of assurance in the form of Schedules A, B, C-A and C-B referred to in subsection 2.2.7, Division C, of the *Building Code*, in respect of a Permit Application
- (a) prior to the Pre-Occupancy Site Review coordinated by the Coordinating Registered Professional or other registered professional for a Complex Building, or
  - (b) prior to a Final Inspection for a Simple Building in circumstances where letters of assurance have been required in accordance with the requirements of the *Building Code*, in which case the Owner must provide the Village with letters of assurance in the form of Schedules C-A or C-B, as appropriate, referred to in subsection 2.2.7, Division C, of the *Building Code*;
  - (c) except for garages, carports and garden structures, Foundation and excavation components of new Simple Buildings and Additions greater than 55 square metres to Simple Buildings in accordance with the *Building Code*;
  - (d) a building that is designed with common egress systems for the occupants and requires the use of firewalls in accordance with the *Building Code*;
  - (e) prior to Alterations to a building, or to a structural component of a building described in paragraph (b);
  - (f) for a building in respect of which the Building Official determines that site conditions, size or complexity so warrant in the interests of safety of persons or protection of property under the *Building Code*;
  - (g) if the building envelope components of the building fall under Division B Part 3 of the *Building Code*, the building contains more than two dwellings, or if the building envelopes do not comply with the prescriptive requirements of Division B Part 9 of the *Building Code*; and

(h) for a parcel of land on which a building or structure is proposed if the Building Official believes the parcel is 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 a Professional Design is in addition to a requirement under Division 8 of Part 3 of the *Community Charter*

(i) 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

(ii) that the plans submitted with the application comply with the relevant provisions of the *Building Code* and applicable bylaws of the Village.

9.4 The Building Official may require any registered professional carrying out the Professional Design and field review required under section 9.3 to provide evidence that they have experience and expertise in respect of the Professional Design and field review of the context and scope required.

#### **Professional Plan Certification**

9.5 The letters of assurance in the form of Schedules A and B as referred to in subsection 2.2.7, Division C, of the *Building Code* referred to in sections 9.1 and 9.3 are relied upon by the Village and its Building Officials as certification that the design and plans to which the letters of assurance refer comply with the *Building Code*, this bylaw and other applicable enactment.

9.6 Letters of assurance must be in the form of Schedules A and B referred to in subsection 2.2.7, Division C, of the *Building Code*.

9.7 For a Building Permit issued for the Construction of a Complex Building, the Building Official shall provide the Owner with a notice that the Building Permit is issued in reliance on the certification of the registered professional that the Professional Design and plans submitted in support of the application for the Building Permit comply with the *Building Code* and other applicable enactments. Any failure on the part of the Building Official to provide the Owner with the notice will not diminish or invalidate the reliance by the Village or its Building Officials on the registered professionals.



## PART 10: BUILDING APPLICATION REQUIREMENTS

### Requirements Before Applying for a Building Permit

- 10.1 Prior to issuance of a Building Permit, the Owner must satisfy the following requirements or conditions:
- (a) the Owner must apply for and obtain a Development Permit if the building or structure is in an area designated by the Village's Official Community Plan as a Development Permit Area;
  - (b) the Owner must ensure that the proposed building or structure complies with all bylaws of the Village, except to the extent a variance of a bylaw is authorized by a Development Permit, Development Variance Permit or order of the Board of Variance;
  - (c) an Approving Officer must have approved the subdivision plan that, once registered, would create the parcel on which the proposed building or structure will be constructed, and the subdivision plan must have been registered in the Land Title Office;
  - (d) the Owner must provide evidence to the Building Official showing that the person applying for the Building Permit is either the Owner of the parcel that is the subject of the proposed Building Permit, or is the Agent of the Owner, in which case, the Agent must provide the name and contact information of the Owner;
  - (e) if the parcel that is the subject of the Building Permit Application is not intended to be connected to the Village's sewage disposal system, the Owner must apply for and obtain approval from the Village and other applicable public authorities for an alternate private sewage disposal system;
  - (f) if the parcel that is the subject of the Building Permit application is not intended to be connected to the Village's waterworks system, the Owner must apply for and obtain approval from the Village and other applicable public authorities for an alternate water supply system;
  - (g) if the parcel that is the subject of the Building Permit application is not intended to be connected to The Village's storm water drainage system, the Owner must apply for and obtain approval from the Village and other applicable public authorities for the alternate storm water drainage and detention system; and

- (h) if all on site and off site works and services required by a Village bylaw or other enactment have not been completed in accordance with the enactments, the Owner must enter into a completion agreement with the Village and deliver to the Village letters of credit or cash security for completion of the works and service.

### **Building Permit Applications for Complex Buildings**

10.2 An application for a Building Permit with respect to a Complex Building must

- (a) be made in the form attached as Appendix "A" to this bylaw and signed by the Owner, or a signing officer if the Owner is a corporation;
- (b) be accompanied by the Owner's Acknowledgement of Responsibility and Undertaking made in the form attached as Appendix "C" to this bylaw and signed by the Owner, or a signing officer if the Owner is a corporation;
- (c) include a copy of a title search for the relevant property made within 30 days of the date of the Permit Application;
- (d) include a *Building Code* compliance summary including the applicable edition of the *Building Code*, such as without limitation whether the building is designed under Part 3 or Part 9 of the *Building Code*, major occupancy classification(s) of the building, building area and building height, number of streets the building faces, and accessible entrances, work areas, washrooms, firewalls and facilities;
- (e) include a copy of a survey plan prepared by a British Columbia land surveyor;
- (f) include a site plan prepared by a registered professional 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 Existing and proposed statutory rights of way, easements and setback requirements, adjacent street and lane names;
  - (iv) the location and dimensions of Existing and proposed buildings or structures on the parcel;
  - (v) setbacks to the natural boundary of any lake, swamp, pond or watercourse;

- (vi) north arrow;
- (vii) if applicable, location of an approved Existing or proposed private or other alternative sewage disposal system, water supply system or storm water drainage system;
- (viii) zoning compliance summary;
- (ix) the location, dimensions and gradient of parking and parking access;
- (x) proposed and Existing setbacks to property lines;
- (xi) natural and finished grade at building corners and significant breaks in the building plan and proposed grade around the building faces in order to ascertain Foundation height;
- (xii) first storey floor elevation;
- (xiii) location, setbacks and elevations of all Retaining Walls, steps, stairs and decks;
- (xiv) line of upper floors;
- (xv) location and elevation of curbs, sidewalks, manholes, and service poles;
- (xvi) location of Existing and proposed service connections;
- (xvii) location and species of all trees greater than 10 centimetres in diameter;
- (xviii) location of top bank and water courses;
- (xix) access routes for firefighting;
- (xx) accessible paths of travel from the street to the building;
- (xxi) geodetic elevation of the underside of a wood floor system or the top of a finished concrete slab of a building or structure where the Village's land use regulations or provincial flood mapping regulations establish siting requirements related to minimum floor elevation,

except that the Building Official may waive, in whole or in part, the requirements for a site plan, if the Permit is sought for the repair or Alteration of an Existing building or structure;

- (g) include floor plans showing the dimensions and uses and occupancy classification of all areas, including: 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; fire separations; plumbing fixtures; structural elements; and stair dimensions;
- (h) include a cross-section through the building or structure in sufficient detail and locations to illustrate Foundations, drainage, ceiling heights and constructions systems;
- (i) include elevations of all sides of the building or structure showing finish details, roof slopes, windows, doors, natural and finished grade, spatial separations and ridge height to comply with the *Building Code* and to illustrate that the building or structure conforms with the Village's Zoning bylaw and Development Permit;
- (j) include cross-sectional details drawn at an appropriate scale and at sufficient locations to illustrate that the building conforms to the *Building Code*;
- (k) include all other requirements of sections 2.2.1, 2.2.3, 2.2.4, 2.2.5, 2.2.6 and 2.2.9, Division C of the *Building Code*;
- (l) 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 approvals;
- (m) include a letter of assurance in the form of Schedule A referred to in subsection 2.2.7 Division C, of the *Building Code*, signed by the Owner, or a signing officer if the Owner is a corporation, and the Coordinating Registered Professional;
- (n) include letters of assurance in the form of Schedule B referred to in subsection 2.2.7 Division C, 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;
- (o) include two sets of drawings at a suitable scale of the design prepared by each registered professional containing the information set out in (g) to (k) of this section; and
- (p) include illustration of any slopes on the subject parcel that exceed 30%.

10.3 In Addition to the requirements of section 10.2 of this bylaw, a Building Official may require the following to be submitted with a Permit application for the construction of a

Complex Building if 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, in accordance with the Master Municipal Construction Document;
- (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.

### **Building Permit Applications for Simple Buildings**

10.4 An application for a Building Permit with respect to a Simple Building must

- (a) be made in the form prescribed by the Building Official and signed by the Owner, or a signing officer if the Owner is a corporation;
- (b) be accompanied by the Owner's Acknowledgment of Responsibility and Undertaking made in the form attached as Appendix "C" and signed by the Owner, or a signing officer if the Owner is a corporation;
- (c) include a copy of a title search for the relevant property made within 30 days of the date of the Permit application;
- (d) include a copy of a survey plan prepared by a British Columbia land surveyor except that the Building Official may waive the requirement for a survey plan, in whole or in part, where conditions warrant;
- (e) 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 Existing and proposed statutory rights of way, easements and setback requirements, adjacent street and lane names;

- (iv) the location and dimensions of Existing and proposed buildings or structures on the parcel;
- (v) setbacks to the natural boundary of any lake, swamp, pond or watercourse;
- (vi) north arrow;
- (vii) if applicable, location of an approved Existing or proposed alternative private or other sewage disposal system, water supply system or storm water drainage system;
- (viii) the location, dimensions and gradient of parking and parking access;
- (ix) proposed and Existing setbacks to property lines;
- (x) natural and finished grade at building corners and datum determination points;
- (xi) first storey floor elevation;
- (xii) location, setbacks and elevations of all Retaining Walls, steps, stairs and decks;
- (xiii) line of upper floors;
- (xiv) location and elevation of curbs, sidewalks, manholes and service poles;
- (xv) location of Existing and proposed service connections;
- (xvi) location and species of all trees greater than 10 centimetres in diameter;
- (xvii) location of top bank and water courses;
- (xviii) access routes for firefighting;
- (xix) accessible paths of travel from the street to the building;
- (xx) zoning compliance summary; and
- (xxi) the geodetic elevation of the underside of a wood floor system or the top of a finished concrete slab of a building or structure where the Village's land use regulations or provincial flood mapping regulations establish siting requirements related to minimum floor elevation,

except that for a Simple Building the Building Official may waive, in whole or in part, the requirements for a site plan, if the Permit is sought for the repair or Alteration of an Existing building;

- (f) include floor plans showing the dimensions and uses of all areas, including: 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;
- (g) include a cross-section through the building illustrating Foundations, drainage, ceiling heights and construction systems;
- (h) include elevations of all sides of the building showing finish details, roof slopes, windows, doors, the grade, the maximum building height line, ridge height, spatial separations and natural and finished grade to comply with the *Building Code* and to illustrate that the building or structure conforms with the Village Zoning and Development Permit;
- (i) 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*;
- (j) 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 approvals;
- (k) except for garages, carports and garden structures located on land, include a Foundation and excavation design prepared by a registered professional in accordance with the *Building Code*;
- (l) include geotechnical letters of assurance, in Addition to a required geotechnical report, if the Building Official determines that the site conditions so warrant;
- (m) include two sets of drawings at a suitable scale of design including the information set out in (f) to (i) of this section; and
- (n) include a *Building Code* compliance summary including the applicable edition of the *Building Code*, such as, without limitation, whether the building is designed under Part 3 or Part 9 and compliance with article 2.2.2.1(2), Division C of the *Building Code*.

10.5 In Addition to the requirements of section 10.4 of this Part, if a Project involves

- (a) two or more buildings, the gross floor areas of which in the aggregate total more than 1000 square metres;
- (b) two or more buildings that will contain four or more dwelling units; or
- (c) otherwise if the complexity of the proposed building or structure or siting circumstances warrant,

a Building Official may require the following be submitted with a Permit Application for the construction of each Simple Building in the Project:

- (d) a section through the site showing grades, buildings, structures, parking areas and driveways;
- (e) a roof plan and roof height calculations;
- (f) structural, electrical, plumbing, mechanical or fire suppression drawings prepared and sealed by a registered professional;
- (g) letters of assurance in the form of Schedule B referred to in Division C of the *Building Code*, signed by a registered professional; and
- (h) 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.

### **Site and Location Information**

10.6 Without limiting sections 10.2(f) or 10.4(d) of this Part, the Building Official may in writing require an Owner to submit an up-to-date plan or survey prepared by a registered British Columbia land surveyor which contains sufficient information respecting the site and location of any building to

- (a) establish, before construction begins, that all the provisions of this bylaw in relation to this information will be complied with;
- (b) verify, on completion of the construction, that all provisions of this and other applicable bylaw have been complied with;
- (c) in relation to an Existing building, substantiate its location, size, including appurtenances whether above, at or below ground level, relative to the site or its relationship to neighbouring grades; and



(d) in relation to construction of a new building, or Addition to an Existing building, prior to and after the placement of concrete for Foundations and footings, show the elevation at proposed top of concrete on all building elevations and at all significant changes of elevation to substantiate its size, location and elevation,

and every person served with a written requirement under this section must comply with the requirement.

### **Building Permit Fee**

10.7 Before receiving a Building Permit for a building or structure, the Owner must first pay to the Village

(a) the Building Permit fee prescribed in Appendix "A"; and

(b) any fees, charges, levies or taxes imposed by the Village and payable under an enactment at the time of issuance of the Building Permit.

### **Permit Fee Refunds**

10.8 No fee or part of a fee paid to the Village may be refunded if construction of the building has started.

10.9 A Building Permit or other Permit fee is not refundable after the Permit has been extended under section 10.41 of this Part.

### **Design Modification**

10.10 If an issued Building Permit or other Permit is active and the Owner proposes modification to the building design whereby the value of the work does not increase or the value of the work decreases, the Owner must pay to the Village a Building Permit fee based on the plan review hourly rate set out in Appendix "A".

### **Construction Before Permit Issued**

10.11 The Building Permit or other Permit fee is doubled for every Permit Application if Construction commenced before the Building Official issued a Permit, to a maximum of \$10,000.00.

### **Expiration of Application for a Permit**

10.12 A Building Permit or a mechanical Permit application expires 180 days from the date a complete application is received under this Part if the Building Permit or mechanical

Permit is not issued by the application expiration date, unless the Permit is not issued only due to delays caused by the Village.

### **Issuance of a Building Permit**

10.13 If

- (a) a completed application in compliance with sections 10.2 and 10.3 or sections 10.4 and 10.5 of this Part, including all required supporting documentation, has been submitted;
- (b) the Owner has paid all applicable fees set out in sections 10.7 to 10.12 of this Part and Appendix "A";
- (c) the Owner or his or her representative has paid all charges and met all requirements imposed by any other statute or bylaw;
- (d) the Owner has retained a professional engineer or geoscientist if required under this bylaw;
- (e) the Owner has retained an architect if required under this bylaw; and
- (f) no covenant, agreement, resolution or regulation of the Village requires or authorizes the Permit to be withheld,

the Building Official must issue the Permit, in the form prescribed by the Building Official, for which the application is made, and the date of issuance is deemed to be the date the Village gives written notice to the Owner that the Permit is ready to be picked up by the Owner.

10.14 Despite section 10.13, the Building Official may refuse to issue a Permit when the Owner has been notified of a violation of this bylaw about the construction of another building or structure by the Owner.

### **Compliance with the Home Owner Protection Act**

10.15 If the application is in respect of a building that includes, or will include, a residential occupancy governed by the *Home Owner Protection Act*, the Building Permit must not be issued unless the Owner provides evidence under section 30(1) of the *Home Owner Protection Act*, that the proposed building

- (a) is covered by home warranty insurance; and
- (b) the Constructor is a licensed "residential builder" as defined in that Act.

10.16 Section 10.15 of this Part does not apply if the Owner is not required to be licensed and to obtain home warranty insurance in accordance with sections 20(1) or 30(1) of the *Home Owner Protection Act*.

10.17 Every Permit is issued subject to the Owner and Constructor maintaining compliance with the *Home Owner Protection Act* and negotiations under it during the term of the Permit.

### **Partial Construction**

10.18 If a site has been excavated under a Building Permit for excavation issued under this bylaw and a Building Permit is not subsequently issued or a subsisting Building Permit has expired under section 10.40, but without the construction of the building or structure for which the Building Permit was issued having commenced, the Owner must fill in the excavation to restore the original gradients of the site within 60 days of being served notice by the Village to do so.

10.19 If a Building Permit has expired and partial Construction has progressed, with no extension requested of the Building Official under section 10.41, permanent type fencing with privacy screen complying with the Village's Zoning bylaw, must be erected around the building site for protection to the public.

### **Conditions of a Building Permit**

10.20 A Building Permit or an application for a Building Permit that is in process may not be transferred or assigned until the Owner has notified the Building Official in writing, the Building Official has authorized the transfer or assignment in writing and the Owner has paid the non-refundable fee required under Appendix "A". The transfer or assignment of a Building Permit is not an extension of a Building Permit.

10.21 The review of plans and supporting documents and issuance of a Building Permit do not prevent the Building Official from subsequently requiring the correction of errors in the plans and supporting documents, or from prohibiting building Construction or occupancy being carried on when in violation of this or another bylaw.

### **Inspections**

10.22 If a registered professional provides letters of assurance in accordance with this Part, the Village will rely solely on field reviews undertaken by the registered professional and the letters of assurance submitted pursuant to this bylaw and the *Building Code* as assurance 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 respecting safety.

- 10.23 Despite section 10.22 of this Part, 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.
- 10.24 A Building Official may attend periodically at the site of the construction of Simple Buildings or structures to ascertain whether the work is being carried out in substantial conformance with the *Building Code*, this bylaw and any other applicable enactments concerning safety.
- 10.25 For all work in respect of Simple Buildings the Owner must give at least 48 hours' notice to the Village when requesting an inspection and must obtain an inspection and receive a Building Official's written acceptance of the following aspects of the work prior to concealing them
- (a) after demolition, the grading of and removal of debris from the site;
  - (b) excavation, within 24 hours of the start of excavation;
  - (c) Foundation and footing forms, before concrete is poured;
  - (d) prior to inspection under section 10.31(e), plumbing located below the finished slab level;
  - (e) the preparation of ground, including ground cover when required, perimeter insulation on inside of concrete Foundation walls and reinforcing steel;
  - (f) after inspection under section 10.31(e) hydronic heating pipes and below slab insulation;
  - (g) installation of rough-in plumbing before it is covered;
  - (h) installation of building services before being covered;
  - (i) rough in of factory-built chimneys and fireplaces and solid fuel burning appliances;
  - (j) framing, sheathing, fire stopping (including drywall in fire separations), bracing, chimney and ductwork, rough wiring, rough plumbing, rough heating, gas venting, exterior doors and windows, but prior to the installation of insulation, interior finishes, sheathing paper or exterior finishes which would conceal such work;
  - (k) insulation and vapour barrier;

- (l) Construction of an exterior deck if the deck serves as a roof;
  - (m) on-site constructed tubs or showers and tub or shower trap tests;
  - (n) the installation of wall sheathing membrane, externally applied vapour or air barrier, stucco wire or lath, and flashings, but prior to the installation of exterior finishes which could conceal such work; and
  - (o) the health and safety aspects of the work and the conservation, GHG emission reduction and accessibility aspects of the work when the building or structure is substantially complete, ready for occupancy but prior to occupancy.
- 10.26 A Building Official will only carry out an inspection under section 10.25 if the Owner or the Owner's Agent has requested the inspection in accordance with this bylaw.
- 10.27 Despite the requirement for the Building Official's acceptance of the work outlined in section 10.26, if a registered professional provides letters of assurance, the Village 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 aspects of the construction referenced by those letters of assurance substantially conform to the design, plans and specifications and that the Construction complies with the *Building Code*, this bylaw and other applicable enactments respecting safety.
- 10.28 No person may conceal any aspect of the work referred to in section 10.25 of this bylaw until a Building Official has Accepted it in writing.
- 10.29 For work in respect of Complex Buildings, the Owner must
- (a) give at least 48 hours' online or written notice to the Village when requesting a preconstruction meeting with the Building Official prior to the start of construction, and the Owner or his or her representative must ensure that the Coordinating Registered Professional, the constructor, as well as representatives of major trades, are in attendance;
  - (b) give at least 48 hours' online or written notice to the Village when requesting a pre-occupancy coordinated by the Coordinating Registered Professional or other registered professional to have the Owner, the Constructor and the registered professionals demonstrate to the Building Official and Fire Services the compliance with the health and safety aspects of the work, the coordination and integration of the fire and life safety system, applicable Village requirements and other enactments respecting safety and the conservation, GHG emission and accessibility aspects of the work; and

- (c) cause the Coordinating Registered Professional, at least 48 hours prior to the pre-occupancy coordinated site review coordinated by the Coordinating Registered Professional, to deliver to the Building Official the Confirmation of Required Documentation described in Appendix “E”, complete with all documentation in a hard covered three ring binder and in digital pdf format on a memory stick.

### **Stop Work Order**

- 10.30 The Building Official may direct the immediate suspension or correction of all or a portion of the Construction on a building or structure by attaching a Stop Work Order Notice on the premises whenever it is found that the work is not being performed in accordance with the requirements of the *Building Code*, any applicable bylaw of the Village or the applicable provisions of the *Home Owner Protection Act*.
- 10.31 The Coordinating Registered Professional may request, in writing, that the Building Official order the immediate suspension or correction of all or a portion of the Construction on a building or structure by attaching a Stop Work Order notice on the premises. The Building Official must consider such a request and, if not acted upon, must respond, in writing, to the Coordinating Registered Professional and give reasons.
- 10.32 If a registered professional’s services are terminated, the Owner must immediately stop any work that is subject to his or her design or field review and the Building Official is deemed to have issued a Stop Work Order under section 10.31.
- 10.33 The Owner must immediately, after the posting of a notice under section 10.36, secure the Construction and the lands and premises surrounding the Construction in compliance with the safety requirements of every statute, regulation or order of the Province or of a provincial agency and of every applicable bylaw of the Village.
- 10.34 Subject to section 10.31, no work other than the required remedial measures may be carried out on the parcel affected by the notice referred to in section 10.31 until the Stop Work Order Notice has been removed by the Building Official.
- 10.35 The notice referred to in section 10.31 must remain posted on the premises until that which is contrary to the enactments has been remedied.

### **Do Not Occupy Notice**

- 10.36 If a person occupies a building or structure or part of a building or structure in contravention 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 or structure.

10.37 If a notice is posted under section 10.42, the Owner of a parcel on which a Do Not Occupy Notice has been posted, and every other person, must cease occupancy of the building or structure immediately and refrain from further occupancy until all applicable provisions of the *Building Code* and this bylaw have been substantially complied with and the Do Not Occupy Notice has been rescinded in writing by a Building Official.

### **Inspection and Other Fees**

10.38 In Addition to the fees required under other provisions of this bylaw, the Owner must pay the non-refundable fee set out in Appendix "A" for

- (a) a second and each subsequent re-inspection where it has been determined by the Building Official that due to non-compliance with the provisions of this bylaw or due to non-complying work, more than one site visit is required for any required inspection;
- (b) a special inspection during the Village's normal business hours to establish the condition of a building, or if an inspection requires special arrangements because of time, location or construction techniques; and
- (c) inspection required under this bylaw which cannot be carried out during the Village's normal business hours.

### **Permit Expiration**

10.39 Every Permit is issued on the condition that the Permit expires and the rights of the Owner under the Permit terminate if

- (a) the work authorized by the Permit is not commenced within 180 days from the date of issuance of the Permit;
- (b) work is discontinued for a period of 180 days; or
- (c) the work is not completed within two years of the date of issuance of the Permit.

### **Permit Extension**

10.40 A Building Official may extend the period set out under section 10.39 for only one period, not to exceed twelve months, if construction has not been commenced or has been discontinued due to adverse weather, strikes, material or labour shortages, other similar hardship beyond the Owner's control, or if the size and complexity of the construction warrants, if

- (a) application for the extension is made at least 30 days prior to the date of Permit expiration; and
- (b) the non-refundable fee set out in Appendix "A" has been paid.

### **Building Permit Revocation**

10.41 The Building Official may revoke a Building Permit if there is a violation of

- (a) a condition under which the Permit was issued; or
- (b) a requirement of the *Building Code* or of this or another bylaw of the Village,

such Permit revocation must be in writing and sent to the Permit holder by signature mail to, or personal service on, the Permit holder.

### **Building Permit Cancellation**

10.42 A Building Permit, or a Building Permit application, may be cancelled by the Owner, or his or her Agent, on delivery of written notification of the cancellation to the Building Official.

10.43 On receipt of the written cancellation notice, the Building Official must mark on the application, and a Permit if applicable, the date of cancellation and the word "cancelled".

10.44 If the Owner, or his or her Agent, submits changes to an application after a Permit has been issued and the changes, in the opinion of the Building Official, substantially alter the scope of the work, design or intent of the application in respect of which the Permit was issued, the Building Official may cancel or amend the Permit and mark on the Permit the date of cancellation or amendment and the word "cancelled" or "amended".

10.45 If a Building Permit Application or Permit is cancelled, and Construction has not commenced under the Permit, the Building Official must return 50% of the fee deposited under Appendix "A" to the Owner.

### **Occupancy**

10.46 No person may occupy a building or structure or part of a building or structure until a Final Inspection Notice has been issued by a Building Official.

10.47 A Final Inspection Notice will not be issued unless



- (a) all letters of assurance have been submitted when required in accordance with this bylaw;
- (b) all aspects of the work requiring inspection and acceptance pursuant to sections 7.10 to 7.15 of Part 7 of this bylaw have both been inspected and Accepted or the inspections and acceptance are not required in accordance with this bylaw;
- (c) the Owner has delivered to the Village as-built plans of works and services in digital format as required by the Village;
- (d) the Owner has provided to the Village a building survey prepared by a British Columbia Land Surveyor showing the building height, size, location and elevation determined in accordance with the Village's land use regulations;
- (e) all other documentation required under applicable enactments has been delivered to the Village; and
- (f) the Owner has delivered to the Village as-built drawings of the building or structure in digital format as required by the Village.

10.48 When a registered professional provides letters of assurance in accordance with this bylaw, the Village will rely solely on the letters of assurance when issuing a final report authorizing occupancy as assurance that the items identified on the letters of assurance substantially comply with the design, the *Building Code*, this bylaw and other applicable enactments respecting safety.

10.49 A Building Official may issue a final inspection notice for partial occupancy of a portion of a building or structure under construction when

- (a) that portion of the building or structure is self-contained and provided with essential services respecting health and safety aspects of the work, and if applicable, accessibility, GHG emissions and conservation; and
- (b) the requirements set out in section 10.48 have been met with respect to it.

10.50 A Final Inspection Notice may not be issued unless

- (a) all letters of assurance and the Confirmation of Required Documentation described in Appendix "E" have been submitted when required in accordance with the requirements of this bylaw;
- (b) all aspects of the work requiring inspection and review pursuant to Part 9 and sections 10.23 through 10.29 of this bylaw have both been inspected and Accepted;

- (c) the Owner has executed and delivered to the Village every agreement, instrument or form required by the Village in relation to the work or the site; and
- (d) all required offsite works respecting safety have been completed.

### **Temporary Buildings**

10.51 Subject to the bylaws of the Village and orders of Council, the Building Official may issue a building Permit for the erection or placement of a temporary building or structure for occupancy if

- (a) the Permit is for a period not exceeding one year; and
- (b) the building or structure is located in compliance with the Village's Zoning bylaw, built in compliance with the *Building Code* and this bylaw, and connected, as required by enactments, to Village utility services.

10.52 An application for a Building Permit for the erection or placement of a temporary building or structure must be made in the form of a Temporary Permit Application in the form prescribed by the Building Official, signed by the Owner or Agent, and must include

- (a) plans and supporting documents showing the location and building height of the building or structure on the parcel;
- (b) plans and supporting documents showing Construction details of the building or structure;
- (c) a statement by the Owner indicating the intended use and duration of the use;
- (d) plans and supporting documents showing the proposed parking and loading space;
- (e) a written description of the Project explaining why the building is temporary;
- (f) a copy of an issued Development Permit, if required;
- (g) in the case of a manufactured building, a CSA label in respect of manufacture and, without limitation, a Quonset or other steel building must be certified in accordance with CSA Standard A660;
- (h) a report or drawing by an engineer, architect or designer confirming compliance with the *Building Code*, this bylaw, the Village's Zoning bylaw and other applicable bylaws; and

(i) in the case of a temporary building, information to comply with article 1.1.1.1(2)(f), Division C of the *Building Code*.

10.53 Before receiving a Building Permit for a temporary building or structure for occupancy, the Owner must pay to the Village the applicable building Permit fee set out in Appendix "A".

10.54 A Permit fee for a temporary building or structure is not refundable.

### **Sanitary Facilities**

10.55 During the time a Building Permit has been issued and remains valid under this bylaw, the Owner must provide on the parcel of land in respect of which the Permit has been issued, sanitary facilities for the disposal of human waste from individual persons who enter on the parcel in relation to the work referred to in the Permit, which facilities must be accessible and unlocked when not occupied while work is being carried out on the parcel under this bylaw, and every sanitary facility that is not connected to a

(a) sanitary sewer; or

(b) septic disposal system approved under the Health Act,

by plumbing that complies with the *Building Code* and this bylaw, must be provided, at all times the facility is required under this bylaw, with toilet paper, a locking door for privacy, and ventilation, and must be kept in sanitary condition without leaking beyond the facility and without overflowing within the facility. Such facilities must be located so as not to create a nuisance to neighbouring parcels or highways.

### **PART 11: RETAINING WALLS AND GRADES**

11.1 No person may Construct, or structurally repair, a Retaining Wall without a Building Permit.

11.2 Except as certified by a professional engineer with expertise in geotechnical engineering registered in the Province of British Columbia, fill material placed on a parcel, unless restrained by Permitted Retaining Walls, must not have a surface slope exceeding a ratio of one linear unit vertically to two linear units horizontally.

11.3 Without limiting section 11.2, no person may occupy a building unless the finished grade complies with all applicable enactments.

## **PART 12: BUILDING MOVE**

- 12.1 No person may move a building or structure into or within the Village
- (a) except where certified by a registered professional that the building, including its Foundation, will substantially comply with the current version of the *Building Code*;
  - (b) a Building Permit has been issued for the building or structure; and
  - (c) fees in Appendix "A" have been paid.

## **PART 13: NUMBERING OF BUILDINGS**

- 13.1 Immediately upon issuance of a Building Permit governing the construction, Alteration or repair of a building, or prior to and during the occupancy of a building, the Owner or occupant must display the address number assigned to it by the Village
- (a) on or over the entrance to the building or where landscaping or structures obscure the visibility of a building entrance from the adjacent highway, on the building property within sight of the adjacent highway; and
  - (b) until such time as the building is removed from the site or has been demolished.
- 13.2 Despite section 13.1, the Village may renumber or alter the assigned numbers in respect of any building on any parcel, including those already in existence or numbered.
- 13.3 Without limiting sections 13.1 or 13.2, the Building Official must, on the issuance of a Building Permit, designate a house number or set of house numbers related to the building authorized by the Permit. The Owner or occupier must post the number or numbers on the site immediately after obtaining the building Permit and keep the numbers posted in a conspicuous location at all times during Construction.
- 13.4 Without limiting sections 13.1 through 13.3, on issuance of an Occupancy Permit, the Owner or occupier of the parcel must affix the numbers permanently in a conspicuous place on the building such that the number is visible from an adjacent highway that is not a lane.

## **PART 14: POOLS**

### **Swimming Pool Permit and Fencing**

- 14.1 Without limiting section 5.1 of this bylaw, a person must not Construct, or structurally repair, a Swimming Pool without a valid Building Permit.
- 14.2 A Swimming Pool, including a spa or hot tub must be enclosed within a fence constructed without footholds or grips that children may use to climb into the enclosed area, having a minimum height of 1.22 metres and no openings greater than 100 mm at their greatest dimension.

### **Pool Gate**

- 14.3 Access through a fence enclosing a Swimming Pool, spa or hot tub must be only through a self-closing and self-latching gate designed and Constructed or installed so as to cause the gate to return to a closed position when not in use and secured by a latch located on the Swimming Pool, spa or hot tub side of the gate.

### **Spa or Hot Tub Lid**

- 14.4 In lieu of a fence, a spa or hot tub may be covered with a locking cover, which would prevent unauthorized access to the water.

### **Maintenance**

- 14.5 A person may not use or occupy a Swimming Pool, including a spa or hot tub unless the Owner or occupier of property on or in which a Pool, spa or hot tub is located maintains every fence or cover required under sections 14.2 to 14.4 in good order and without limitation maintains and repairs in good order at all times all sagging gates, loose parts, torn mesh, missing materials, worn latches, locks or broken or binding members.

### **Leaks or Other Failures**

- 14.6 A person may not obtain a valid and subsisting Building Permit for or use or occupy a Swimming Pool without first delivering to the Building Official at the time of the Building Permit Application an opinion of a registered professional that the design of the Pool will not cause or result in leaks or other failures of the Pool.

## **PART 15: ACCESS ROUTE FOR FIRE VEHICLE**

- 15.1 Prior to the issuance of a Building Permit for a building under Part 9 of the Building Code, the Owner must satisfy the Building Official that the building or structure for which the Permit is issued will be served by a fire access route that satisfies the following:
- (a) the width of an access route must be not less than 6 meters;
  - (b) the centerline radius of an access route must be 12 meters;
  - (c) the overhead clearance of an access route must be 5 meters;
  - (d) the gradient of the access route must not change more than 1 in 12.5 over minimum 15 meters;
  - (e) the access route must comply with the bearing load and surface material standards of the Master Municipal Construction Document; and
  - (f) the length above which a dead-end portion of an access route requires turnaround facilities is 90 meters long.

## **PART 16: OFFENCES**

### **Violations**

- 16.1 Without limiting Part 4 of this bylaw, every person who
- (a) violates a provision of this bylaw;
  - (b) Permits, suffers or allows any act to be done in violation of any provision of this bylaw; and
  - (c) neglects to do anything required to be done under any provision of this bylaw,
- commits an offence and on summary conviction by a court of competent jurisdiction, the person is subject to a fine of not more than \$10,000.00, or a term of imprisonment not exceeding three months, or both, in Addition to the costs of prosecution. Each day during which a violation, contravention or breach of this bylaw continues is deemed to be a separate offence.
- 16.2 Every person who fails to comply with any administrative requirement issued by a Building Official, or who allows a violation of this bylaw to continue, contravenes this bylaw.

16.3 Every person who commences work requiring a Building Permit without first obtaining such a Permit must, if a Stop Work notice is issued and remains outstanding for 30 days, pay an Additional charge as outlined in Appendix "A" of this bylaw.

#### **Deemed Offence**

16.4 An Owner is deemed to have knowledge of and be liable under this bylaw in respect of any Construction on the parcel the Owner owns and any change in the use, occupancy or both of a building or structure or part of a building or structure on that parcel.

16.5 No person is deemed liable under section 17.4 who establishes, on a balance of probabilities, that the Construction or change of use or occupancy occurred before he or she became the Owner of the parcel.

16.6 Nothing in section 17.5 affects

(a) the Village's right to require and the Owner's obligation to obtain a Permit; and

(b) the obligation of the Owner to comply with this bylaw.

### **PART 17: INTERPRETATION**

#### **Definitions**

17.1 In this bylaw:

**"Accepted"** means reviewed by the Building Official under the applicable provisions of the *Building Code* and this bylaw;

**"Addition"** means an Alteration to any building which will increase the total aggregate floor area or the building height (in storeys), and includes the provision of two or more separate buildings with openings between each other for intercommunication;

**"Agent"** includes a firm, corporation or other person representing the Owner, by written designation or contract, and includes a hired tradesperson or Constructor who may be granted a Permit for work within the limitations of his or her licence;

**"Alternative Solution"** means an Alternative Solution authorized under the *Building Code*;

**"Alteration"** means a change, repair or modification of the Construction or arrangement of or use of any building or structure, or to an occupancy regulated by this bylaw;

**"Architects Act"** means the *Architects Act* RSBC 1996, c. 17;

**“Building Code”** means the British Columbia *Building Code* as adopted by the Minister responsible under provincial legislation, as amended or re-enacted from time to time;

**“Building Official”** means the person designated in or appointed to that position by the Village, and includes a building inspector, plan checker, plumbing inspector gas inspector, or electrical inspector designated or appointed by the Village, and for certainty the Building Official is the “building inspector” referred to in the *Community Charter* and *Local Government Act*;

**“Complex Building”** means:

(a) a building used for a major occupancy classified as:

- (i) assembly occupancy;
- (ii) care occupancy;
- (iii) detention occupancy;
- (iv) high hazard industrial occupancy,
- (v) treatment occupancy; or
- (vi) post-disaster building,

(b) a building exceeding 600 square metres in building area or exceeding three storeys in building height used for a major occupancy classified as:

- (i) residential occupancy;
- (ii) business and personal services occupancy;
- (iii) mercantile occupancy; or
- (iv) medium and low hazard industrial occupancy,

**“Coordinating Registered Professional”** means a registered professional retained pursuant to the Building Code to coordinate all design work and field reviews of the registered professionals required for a development;

**“Construct”** includes build, erect, install, repair, alter, add, enlarge, move, locate, relocate, reconstruct, demolish, remove, excavate or shore;



**“Constructor”** means a person who Constructs;

**“Engineers and Geoscientists Act”** means the *Engineers and Geoscientists Act* RSBC 1996, c. 116;

**“Existing”**, in respect of a building, means that portion of a building Constructed prior to the submission of a Permit application required under this bylaw;

**“Foundation”** means a system or arrangement of Foundation units through which the loads from a building are transferred directly to supporting soil or rock and includes any portion of the exterior walls of a building that lie below the finished grade immediately adjacent to the building;

**“GHG”** means greenhouse gas;

**“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;

**“Owner”** means the registered Owner in fee simple, or an Agent duly authorized by the Owner in writing in the form attached as Appendix “C”;

**“Permit”** means permission or authorization in writing by the Building Official to perform work regulated by this bylaw and, in the case of a final inspection notice, to occupy a building or part of a building;

**“Pool”** means a structure or Constructed depression used or intended to be used for swimming, bathing, wading or diving which is designed to contain water and has a depth, at any point, exceeding 0.6 m, including an in-ground Pool and hot tub;

**“Professional Design”** means the plans and supporting documents bearing the date, seal or stamp, and signature of a registered professional;

**“Project”** means any Construction operation;

**“Retaining Wall”** means a structure exceeding 1.2 metres in height that holds or retains soil or other material behind it;

**“Simple Building”** means a building of three storeys or less in building height, having a building area not exceeding 600 square metres and used for a major occupancy classified as

- (a) residential occupancy;
- (b) business and personal services occupancy;
- (c) mercantile occupancy;
- (d) medium hazard industrial occupancy; or
- (e) low hazard industrial occupancy,

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 1.22 meters in height;

temporary building includes a sales office, Construction office or a structure in which tools are stored during Construction of a building or other structure;

value of the work means that amount that is calculated as follows:

- (a) for Construction of a building containing a residential occupancy that is served by only one stove, or two stoves if Permitted as an auxiliary and secondary residential occupancy, the greater of
  - (i) the declared value of the work.
- (b) for all other Construction, the greater of
  - (i) the declared value of the work.

17.2 In this bylaw the following words and terms have the meanings

- (a) set out in section 1.4.1.2 of the *Building Code* as of the date of the adoption of this bylaw: accessible assembly occupancy, building, building area, building height, business and personal services occupancy, care occupancy, Constructor, Coordinating Registered Professional, designer, detention occupancy, excavation, field review, firewall, first storey, grade, high hazard industrial occupancy, industrial occupancy, low hazard industrial occupancy, major occupancy, medium hazard industrial occupancy, mercantile occupancy, occupancy, post disaster occupancy, private sewage disposal system, registered professional, residential occupancy, treatment occupancy or unsafe condition;
- (b) subject to this bylaw, set out in the Schedule to the *Community Charter*: assessed value, highway, land, occupier, parcel, public authority, service and soil; and

(c) subject to this bylaw, set out in section 29 of the *Interpretation Act*: may, must, obligation, person, property, writing, written and year.

17.3 Every reference to this bylaw in this or another bylaw of the Village is a reference to this bylaw as amended to the date of the reference.

17.4 Every reference to

(a) the *Building Code* is a reference to the current edition as of the date of issuance of the Building Permit; and

(b) a section of the *Building Code* is a reference to the applicable successor sections, as the code or section may be amended or re-enacted from time to time.

17.5 Definitions of words and phrases used in this bylaw that are not included in the definitions in this Part have the meanings commonly assigned to them in the context in which they are used in this bylaw, considering the specialized use of terms with the various trades and professions to which the terminology applies.

#### Appendices

17.6 Appendices A through E are attached to and form part of this bylaw.

#### Severability

17.7 If a section, subsection, paragraph, subparagraph or phrase of this bylaw is for any reason declared invalid by a court of competent jurisdiction, the decision will not affect the validity of the remaining portions of this bylaw.

#### PART 18: REPEAL

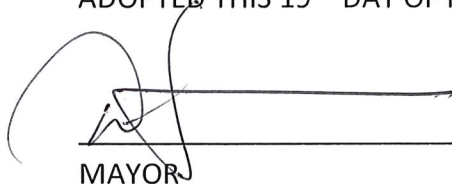
18.1 BUILDING BYLAW NO. 271, 1988 IS HEREBY REPEALED IN ITS ENTIRETY.

READ A FIRST TIME THIS 17<sup>th</sup> DAY OF SEPTEMBER, 2019.

READ A SECOND TIME THIS 17<sup>th</sup> DAY OF SEPTEMBER, 2019.

READ A THIRD TIME THIS 22<sup>nd</sup> DAY OF OCTOBER, 2019.

ADOPTED THIS 19<sup>TH</sup> DAY OF NOVEMBER, 2019.



MAYOR



CHIEF ADMINISTRATIVE OFFICER

**Appendix "A" – Fees**

COLUMN 1	COLUMN 2
Description	Fee
Permit to erect, repair, alter, or add to a building or other structure: <ul style="list-style-type: none"> <li>• \$0 to \$1,000</li> <li>• \$1,001 to \$10,000</li> <li>• \$10,001 to \$30,000</li> <li>• \$30,001 to \$50,000</li> <li>• \$50,001 to \$100,000</li> <li>• \$100,001 and over</li> </ul>	\$60.00 \$60 plus \$14 for each \$1,000 or part thereof over \$1,000 \$186 plus \$10 for each \$1,000 or part thereof over \$10,000 \$386 plus \$9 for each \$1,000 or part thereof over \$30,000 \$566 plus \$8 for each \$1,000 or part thereof over \$50,000 \$966 plus \$7 for each \$1,000 or part thereof over \$100,000
Minimum fee for a Building Permit for new dwelling	\$900.00
Revision of approved plans	\$60.00
Demolition of a building: <ul style="list-style-type: none"> <li>• Single Family or two-unit dwelling</li> <li>• Other Building</li> </ul>	\$100.00 \$250.00
Permit to move, remove or place a building within or into the Village in Addition to any Permit fees for related Construction	\$300.00
Minimum per flue payable for erection, Addition, Alteration or repair of a chimney	\$75.00
Permit renewal: <ul style="list-style-type: none"> <li>• Less than \$10,000</li> <li>• 10,001- \$200,00</li> <li>• More than \$200,00</li> </ul>	\$50.00 \$100.00 \$200.00

Re-inspection Construction which has been rejected on two prior inspections	\$75.00
Occupancy Permit	\$50.00
Title Search	\$60.00
Hourly Review	\$60.00
Permit Extension	\$100.00
Temporary Building	\$250.00
Stop Work Order	\$100.00
Change in Ownership	\$25.00
Construction without a building Permit	\$100.00
Demolition without a building Permit	\$100.00
Unsafe site/unsafe condition	\$100.00
Failure to comply with Permit conditions	\$100.00
Failure to obtain final inspection notice	\$100.00
Failure to clear all debris and fill	\$100.00
Failure to stop work after a registered professional's services are terminated	\$100.00
Violation of Do Not Occupy Notice	\$100.00

**Appendix "B" – Letter of Authorization**

To whom it may concern:

**I am the Owner, as defined in the current "Building Bylaw", of:**

Property Address: \_\_\_\_\_

Legal Description: \_\_\_\_\_

**And hereby authorize:**

Representative/Contact: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ Cell Number: \_\_\_\_\_

E-mail: \_\_\_\_\_

**To represent me in an application for:** (Please check where applicable)

- Building Permit Application (If Registered Professional is involved, use Appendix "C", Owner's Undertaking)
- Demolition Permit Application
- Subtrade Permit

**To obtain copies of:**

- Building Permit Plans (Archive Copies)

**Owner's Information:**

Name: \_\_\_\_\_  
(PRINT)

Address: \_\_\_\_\_

Tel. No.: \_\_\_\_\_ Cell No.: \_\_\_\_\_ Fax No.: \_\_\_\_\_

E-mail: \_\_\_\_\_

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

This form may be emailed to [info@hazelton.ca](mailto:info@hazelton.ca), mailed or delivered in person to the Village of Hazelton.

**Appendix "C" – Owner's Undertaking**

Property Address: \_\_\_\_\_

Legal Description: \_\_\_\_\_

Building Permit #: \_\_\_\_\_

1. This undertaking is given by the undersigned, as the Owner of the property described above, with the intention that it be binding on the Owner and that the Village will rely on same.
2. I confirm that I have applied for a building Permit pursuant to "Village of Hazelton Building Bylaw No. 501, 2019" (the "Bylaw") and that I have carefully reviewed and fully understand all of the provisions of the Bylaw and in particular, understand, acknowledge and accept the provisions describing the purpose of the Bylaw, the conditions under which Permits are issued, the disclaimer of warranty or representation and the limited extent of the scope of the Bylaw and inspections thereunder.
3. Without in any way limiting the foregoing, I acknowledge fully that it is my responsibility to ensure compliance with the *Building Code* and the Bylaw whether any work to be performed pursuant to the Permit applied for is done by me, a contractor or a registered professional.
4. I am not in any way relying on the Village or its Building Officials, as defined under the Bylaw, to protect the Owner or any other persons as set out in Part 3 of the Bylaw and I will not make any claim alleging any such responsibility or liability on the part of the Village or its Building Officials.
5. I hereby agree to indemnify and save harmless the Village and its employees from all claims, liability, judgments, costs and expenses of every kind which may result from negligence or from the failure to comply fully with all bylaws, statutes and regulations relating to any work or undertaking in respect of which this application is made.
6. I am authorized to give these representations, warranties, assurance and indemnities to the Village.

**Owner's Information:**

Name: \_\_\_\_\_

(PRINT)

Address: \_\_\_\_\_

\_\_\_\_\_

Tel. No.: \_\_\_\_\_ Cell No.: \_\_\_\_\_ Fax No.: \_\_\_\_\_

Email: \_\_\_\_\_

This undertaking is executed by the Owner this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.



1. Where Owner is an individual:

Owner's Signature

\_\_\_\_\_

Owner's Name

\_\_\_\_\_

2. Where Owner is a corporation:

Name of Corporation

\_\_\_\_\_

Per:

Authorized Signatory

\_\_\_\_\_

Name

\_\_\_\_\_

3. Where Owner is a partnership:

\_\_\_\_\_

Name of Partnership

\_\_\_\_\_

Per:

Authorized Signatory

\_\_\_\_\_

Signed, sealed and delivered in the presence

of:

Witness's Signature

\_\_\_\_\_

Witness's Name

\_\_\_\_\_

Witness's Address

\_\_\_\_\_

Signed, sealed and delivered in the presence

of:

Witness's Signature

\_\_\_\_\_

Witness's Name

\_\_\_\_\_

Witness's Address

\_\_\_\_\_

Signed, sealed and delivered in the presence

of:

Witness's Signature

\_\_\_\_\_

**Appendix "D" – Confirmation of Professional Liability Insurance**

1. This Confirmation letter must be submitted along with each BC *Building Code* Schedule A and Schedule B before issuance of a Building Permit. A separate Confirmation Letter must be submitted for each registered professional.
2. This Confirmation Letter must be submitted with each BC *Building Code* Schedule C after completion of the building but before a final inspection is made by the Building Official. A separate Confirmation Letter must be submitted for each registered professional.
3. Only an original Confirmation Letter, printed by the Village or an unaltered photocopy of this document is to be completed and submitted.

Attention: Manager, Inspections

Property Address: \_\_\_\_\_

Legal Description: \_\_\_\_\_

The undersigned hereby gives assurance that:

- a) I have fulfilled my obligation for insurance coverage as outlined in the Village of Hazelton Building Bylaw No. 501, 2019;
- b) I am insured by a policy of insurance covering liability to third parties for errors and omissions in respect to the above Project, in the amount of at least One Million Dollars (\$1,000,000.00);
- c) I have enclosed a copy of my certificate of insurance coverage indicating the particulars of such coverage;
- d) I am a registered professional; and
- e) I will notify the Building Official in writing immediately if the undersigned's insurance coverage is reduced or terminated at any time during Construction.

\_\_\_\_\_  
Name (PRINT)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Address

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Date

(Affix professional seal here)

(If the registered professional is a member of a firm, complete the following)

I am a member of this firm:

---

Name of Firm (PRINT)

---

Address (PRINT)

I sign this letter on behalf of myself and the firm.

Note: This Confirmation letter must be signed by a registered professional. The BC *Building Code* defines a registered professional as a person who is registered or licensed to practice (a) as an architect under the *Architects Act*, or (b) as a professional engineer under the *Engineers and Geoscientists Act*.

## Appendix "E" – Confirmation of Required Documentation

Building Permit Number: \_\_\_\_\_

**Note:**

1. The Confirmation of Required Documentation and all required documentation must be submitted to the Building Inspector 48 hours prior to the Pre-Occupancy Coordinated Review.
2. The Confirmation of Required Documentation and all required documentation must be submitted in a tabbed ringed binder, with tab sections as per this Appendix.

	Provided N/A	
TAB 1	<input type="checkbox"/> <input type="checkbox"/>	<b>CONFIRMATION OF REQUIRED DOCUMENTATION</b>
TAB 2	<input type="checkbox"/> <input type="checkbox"/>	<b>DIRECTORY OF PRINCIPALS (Role/Firm/Name/Telephone)</b>
	<input type="checkbox"/> <input type="checkbox"/>	Owner
	<input type="checkbox"/> <input type="checkbox"/>	Co-ordinating Registered Professional
	<input type="checkbox"/> <input type="checkbox"/>	Registered Professionals
	<input type="checkbox"/> <input type="checkbox"/>	Warranty Provided
	<input type="checkbox"/> <input type="checkbox"/>	Licensed Builder
	<input type="checkbox"/> <input type="checkbox"/>	Sub-Contractors
TAB 3	<input type="checkbox"/> <input type="checkbox"/>	<b>LETTERS OF ASSURANCE (A, B, C-A, C-B)</b>
	<input type="checkbox"/> <input type="checkbox"/>	Co-ordinating Registered Professional
	<input type="checkbox"/> <input type="checkbox"/>	Architectural
	<input type="checkbox"/> <input type="checkbox"/>	Structural
	<input type="checkbox"/> <input type="checkbox"/>	Mechanical
	<input type="checkbox"/> <input type="checkbox"/>	Plumbing
	<input type="checkbox"/> <input type="checkbox"/>	Electrical
	<input type="checkbox"/> <input type="checkbox"/>	Geotechnical Temporary
	<input type="checkbox"/> <input type="checkbox"/>	Geotechnical Permanent
	<input type="checkbox"/> <input type="checkbox"/>	Fire Suppression
	<input type="checkbox"/> <input type="checkbox"/>	_____ (other)

- TAB 4             **PROFESSIONAL REVIEW LETTERS**
- Alternative Solution (Confirmation of Field Review – sealed)
- Site Services – Civil Engineer
- Building Envelope Specialist
- Roofing Consultant
- Generator Test Report / Certificate
- (Other - specify) \_\_\_\_\_
- (Other - specify) \_\_\_\_\_
- 
- TAB 5             **FIRE ALARM**
- Fire Alarm Verification Certificate (include field work sheets)
- Letter of Signed Contract from ULC Listed Monitoring Agency
- 
- TAB 6             **SPRINKLER SYSTEMS**
- Material and Test Certificate – Above ground piping
- Material and Test Certificate – Underground piping
- Fire Pump Test Report
- 
- TAB 7             **PROVINCIAL APPROVALS**
- Certificate to Operate Elevating Device (one per each device)
- Health Approval (on-site sewage disposal)
- Health Approval (food services)
- 
- TAB 8             **VILLAGE APPROVALS**
- Sprinkler Permit – Pre-occupancy Co-ordinated Review
- Fire Department Acceptance (Fire Safety Plan)
- Final Inspection (Building Inspector– pre-occupancy review)
- Developmental Engineering Final Inspection
- Planning Technicians Final Inspection

TAB 9         **DEFICIENCY LIST**

Submitted by Coordinating Registered Professional

\_\_\_\_\_  
Name (PRINT)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Phone