



# TOWN OF QUALICUM BEACH

## BUILDING BYLAW NO. 903, 2024

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**Town of Qualicum Beach  
BUILDING BYLAW NO. 903, 2024**

**A BYLAW FOR ADMINISTRATION OF THE BUILDING CODE AND  
REGULATION OF CONSTRUCTION**

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**WHEREAS** the Town of Qualicum Beach Council 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;

**AND WHEREAS** the Town of Qualicum Beach is enacting this bylaw to regulate construction and administer the British Columbia *Building Code* in Qualicum Beach in accordance with the *Community Charter* and the *Building Act*;

**AND WHEREAS** the Town of Qualicum Beach has employed trained building officials for the purposes of this bylaw;

**NOW THEREFORE** the Council of the Town of Qualicum Beach enacts as follows:

**PART 1: TITLE**

- 1.1 This bylaw may be cited as “Building Bylaw No. 903, 2024”.

**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 Town 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 Town 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 Town 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 Town and to land, the surface of water, air space, *buildings or structures* in the Town.
- 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) *buildings or structures* exempted by Division A Part 1 of the *Building Code* except as expressly provided herein;

- (b) uncovered decks, steps, landings, ramps and patios not more than 0.5 metres above adjacent finished grade and have no walls or roof, a fence;
- (c) repair and maintenance of lawfully-conforming *structures* where the level of life safety and *building* performance shall not be decreased below the level that already exists, exclusive of structural *alterations* and remediation as a result of a previous deficiency;
- (d) a trellis, an arbour, or other similar landscape *structures* which are otherwise open to the sides and sky, a wall supporting soil that is less than 1.2 metres in height or a sequence of walls less than 1.2 metres in height and spaced greater than two horizontal units to one vertical unit, on a parcel zoned for single or two family *residential occupancy* uses under the Town's zoning bylaw;
- (e) the replacement of plumbing fixtures (sinks, tubs, showers, water closets, valves, etc.) or the maintenance of *existing plumbing system*, providing the work does not involve the rearrangement of supply, waste or vent pipes.

### **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 Town, 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 *occupancy 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 Town 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 Town 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 and prescribe from time to time the form of *permits*, *permit* applications, notices and orders referred to in this bylaw, except where the form is prescribed by 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 Town, 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 Town 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 occupancy 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, plumbing system, fire suppression system or structure, including a swimming pool or retaining wall;*
  - (b) moving a *building* or *structure* into or within the Town;
  - (c) demolishing a *building* or *structure*;
  - (d) *constructing* a masonry fireplace or installing a wood-burning appliance or chimney, whether attached to, part of or detached from a *building*;
  - (e) changing the use or *occupancy* of a *building*, including the creation or consolidation of units in a multi unit building; or

- (f) installation or *alteration* of mechanical exhaust and fire suppression systems for commercial cooking equipment.

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 all *permits*, all plans and specifications and supporting documents on which a *permit* was based, 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
  - (c) prior to the issuance of a *building permit*, execute and submit to the Town an *owner's* acknowledgement of responsibility in the form prescribed by the Town from time to time, 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 Town 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* 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
- (c) allow a *building official* to enter any *building* or premises at any reasonable time to administer and enforce this bylaw with safe access to the work site and all areas requiring inspection.

### **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 In addition to payment of a security deposit in the amount set out in the “Town of Qualicum Beach Miscellaneous Rates Bylaw No. 638, 2009” as amended from time to time, every *owner* must pay to the Town, within 30 days of receiving an invoice for same from the Town, 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.

### **Notice**

- 7.8 Every *owner* must give written 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.
- 7.9 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.
- 7.10 Without limiting sections 10.28 to 10.43, every *owner* must give at least 24 hours’ 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 occupancy inspection can be made.
- 7.11 Every *owner* must give notice in writing to a *building official* and pay the non-refundable fee set out in “Town of Qualicum Beach Miscellaneous Rates Bylaw No. 638, 2009” as amended from time to time, immediately upon any change in ownership or change in the address of the *owner* which occurs prior to the issuance of an *occupancy permit*.
- 7.12 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 Town of letters of assurance in accordance with the requirements of the *building code* or this bylaw shall occur prior to
  - (a) the issuance of a permit in the forms of Schedules A or B as appropriate;
  - (b) the pre-occupancy site review coordinated by the *coordinating registered professional* or other *registered professional* for a *complex building* in the form of Schedules C-A or C-B, as appropriate, or

(c) an occupancy 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 Town 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 and amount prescribed by the Town from time to time.

### **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 Town 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) a *building* that is designed with common egress systems for the occupants and requires the use of *firewalls* in accordance with the *building code*;
- (d) prior to *alterations* to a *building*, or to a structural component of a *building* described in paragraph (b);
- (e) 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*;
- (f) if the *building* envelope components of the *building* fall under Division B Part 3 of the *building code*, or if the *building* envelopes do not comply with the prescriptive requirements of Division B Part 9 of the *building code*; and

- (g) 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 Town.

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 Town 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 Town or its *building officials* on the *registered professionals*.
- 9.8 If a *building permit* is issued for a construction of a *complex building*, the *permit fee* is reduced by 10% of the fees payable under “Town of Qualicum Beach



Miscellaneous Rates Bylaw No. 638, 2009” as amended from time to time, up to a maximum reduction of \$500.00 (five hundred dollars).

## **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 Town’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 Town, 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) for a renovation, alteration, or demolition of an existing building a hazardous materials survey in accordance with WorkSafe BC regulations shall be completed;
  - (d) 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;
  - (e) 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*;
  - (f) if the parcel that is the subject of the *building permit* application is not intended to be connected to the Town’s sewage disposal system, the *owner* must apply for and obtain approval from the Town and other applicable public authorities for an alternate *private sewage disposal system*;
  - (g) if the parcel that is the subject of the *building permit* application is not intended to be connected to the Town’s waterworks system, the *owner* must

apply for and obtain approval from the Town and other applicable public authorities for an alternate water supply system;

- (h) if the parcel that is the subject of the *building permit* application is not intended to be connected to The Town's storm water drainage system, the *owner* must apply for and obtain approval from the Town and other applicable public authorities for the alternate storm water drainage and detention system; and
- (i) if all on site and off site works and services required by a Town bylaw or other enactment have not been completed in accordance with the enactments, the *owner* must enter into a written agreement with the Town and deliver to the Town 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 prescribed by the building official or the Town from time to time, and signed by the *owner*, or a signing officer if the *owner* is a corporation;
- (b) be accompanied by the appropriate non-refundable plan processing fee as set out in the "Town of Qualicum Beach Miscellaneous Rates Bylaw No. 638, 2009" as amended from time to time.
- (c) be accompanied by the *owner's* acknowledgement of responsibility and undertaking made in the form prescribed by the building official or the Town from time to time, and signed by the *owner*, or a signing officer if the *owner* is a corporation;
- (d) include a copy of a title search for the relevant property made within 30 days of the date of the *permit* application;
- (e) include for a renovation, alteration, or demolition of an existing building a hazardous materials survey and written confirmation letter in accordance with WorkSafe BC regulations;
- (f) 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, *accessible* entrances and work areas, washrooms, firewalls and the energy compliance path to which the building conforms;

- (g) include a copy of a survey plan prepared by a British Columbia land surveyor, except that the *building official* may waive, in whole or in part, the requirements for a survey plan;
- (h) 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 and top and toe of banks;
  - (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 geodetic elevation 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, fire hydrants and service poles;
- (xvi) location of *existing* and proposed service connections;
- (xvii) location and species of all trees greater than 5 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 Town's land use regulations, provincial flood mapping regulations, or a *Registered Professional* under the *Engineers and Geoscientists Regulation* 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*;

- (i) 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;
- (j) include a cross-section through the *building* or *structure* in sufficient detail and locations to illustrate *foundations*, drainage, ceiling heights and constructions systems;
  - (k) 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 Town zoning bylaw and development permit;
  - (l) include cross-sectional details drawn at an appropriate scale and at sufficient locations to illustrate that the *building* conforms to the *building code*;
  - (m) include all other requirements of sections 2.2.1, 2.2.3, 2.2.4, 2.2.5, and 2.2.6 , Division C of the *building code*;
  - (n) 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;
  - (o) 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*;
  - (p) 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*;
  - (q) include digital and two sets of paper drawings at a suitable scale of the design prepared by each *registered professional* containing the information set out in (g) to (m) of this section; and
  - (r) 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 Town's subdivision and works and services bylaw;
  - (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 or the Town from time to time, and signed by the *owner*, or a signing officer if the *owner* is a corporation;
  - (b) be accompanied by the appropriate non-refundable plan processing fee as set out in the "Town of Qualicum Beach Miscellaneous Rates Bylaw No. 638, 2009" as amended from time to time.
  - (c) be accompanied by the *owner's* acknowledgment of responsibility and undertaking made in the form prescribed by the building official or the Town from time to time, and signed by the *owner*, or a signing officer if the *owner* is a corporation;
  - (d) include a copy of a title search for the relevant property made within 30 days of the date of the *permit* application;
  - (e) include for a renovation, alteration, or demolition of an existing building a hazardous materials survey and written confirmation letter in accordance with WorkSafe BC regulations;

- (f) 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;
- (g) 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 5 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 Town's land use regulations , provincial flood mapping regulations or a *Registered Professional* under the *Engineers and Geoscientists Regulation* 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*;

- (h) 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;
- (i) include a cross-section through the *building* illustrating *foundations*, drainage, ceiling heights and construction systems;
- (j) 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 Town zoning and development permit;



- (k) 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*;
- (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 geotechnical letters of assurance, in addition to a required geotechnical report, if the *building official* determines that the site conditions so warrant;
- (n) include two sets of drawings at a suitable scale of design including the information set out in (f) to (k) of this section; and
- (o) 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, 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 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:

- (a) a section through the site showing grades, *buildings*, *structures*, parking areas and driveways;
- (b) a roof plan and roof height calculations;
- (c) structural, electrical, plumbing, mechanical or fire suppression drawings prepared and sealed by a *registered professional*;
- (d) letters of assurance in the form of Schedule B referred to in Division C of the *building code*, signed by a *registered professional*; and
- (e) 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(h) or 10.4(f) 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 bylaws 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 Town
- (a) the *building permit* fee prescribed in “Town of Qualicum Beach Miscellaneous Rates Bylaw No. 638, 2009” as amended from time to time; and
  - (b) any fees, charges, levies or taxes imposed by the Town and payable under an enactment at the time of issuance of the *building permit*.

## Security Deposit

- 10.8 An applicant for a *building permit* must pay to the Town, prior to the issuance of a *building permit*, a security deposit calculated in accordance with the

“Town of Qualicum Beach Miscellaneous Rates Bylaw No. 638, 2009” as amended from time to time.

- 10.9 The security deposit sum set out in section 10.8 of this Part
- (a) covers the cost borne by the Town to maintain, restore or replace any public works or public lands which are destroyed, damaged or otherwise impaired in the carrying out of the work referred to in any *building permit* held by the applicant;
  - (b) covers the cost borne by the Town to make the site safe if the *permit* holder abandons or fails to complete the work as designated on the *permit*;
  - (c) serves as the security deposit for provisional *occupancy* when the occupancy inspection notice makes provision for a security deposit; or
  - (d) serves as a security deposit to effect compliance with any condition under which the *permit* was issued.
- 10.10 The security deposit or applicable portion must be returned to the applicant
- (a) when the *building official* is satisfied that no further damage to public works or public lands will occur;
  - (b) when the inspections required by this bylaw are complete and acceptable to the *building official*; and
  - (c) when the conditions or provisions of a provisional certificate of *occupancy* are completed to the satisfaction of the *building official*;
- only if the applicant has requested for the return of the security.
- 10.11 Any credit greater than the amount of the security deposit used by the Town for the purposes described in sections 10.8 to 10.10 of this Part will be returned to the *permit* holder unless otherwise so directed by the *permit* holder. Any amount in excess of the security deposit required by the Town to complete corrective work to public lands, public works, or the site is recoverable by the Town from the *permit* holder, the *constructor* or the *owner* of the property.

### **Permit Fee Refunds**

- 10.12 No fee or part of a fee paid to the Town may be refunded if construction of the *building* has started.

- 10.13 A *building permit* or other *permit* fee may be partially refunded, only if
- (a) the *owner* has submitted a written request for a refund within 180 days of issuance of the permit;
  - (b) the *building official* has certified a start has not been made on the construction of the *building* or *structure*; and
  - (c) the refundable amount does not include the plan processing fee, and is more than \$50.00
- 10.14 A *building permit* or other *permit* fee is not refundable after the *permit* has been extended under section 10.45 of this Part.

### **Design Modification**

- 10.15 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 Town a *building permit* fee based on the plan review hourly rate set out in “Town of Qualicum Beach Miscellaneous Rates Bylaw No. 638, 2009” as amended from time to time.

### **Construction Before Permit Issued**

- 10.16 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**

- 10.17 A *building permit* application expires, and the plan processing fee forfeited if the permit fee has not been paid and all required securities, covenants, permits and servicing agreements required for issuance of the permit have not been provided
- (a) 180 days from the date a complete application is received under this Part, unless the *permit* is not ready to be issued only due to delays caused by the Town; or
  - (b) 120 days from the date of written notification to the owner that the permit is ready to be issued, subject to the provision of such fees, securities, covenants, permits and servicing agreements,

the plans and related documents may be held for 14 days and then may be destroyed.

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

10.18 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 10.16 of this Part;
- (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 Town 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 conditions of 10.18 have been satisfied

10.19 Despite section 10.18, 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 Homeowner Protection Act**

10.20 If the application is in respect of a *building* that includes, or will include, a *residential occupancy* governed by the *Homeowner Protection Act*, the *building permit* must not be issued unless the *owner* provides evidence under section 30(1) of the *Homeowner 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.

- 10.21 Section 10.20 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 *Homeowner Protection Act*.
- 10.22 Every *permit* is issued subject to the *owner* and *constructor* maintaining compliance with the *Homeowner Protection Act* and negotiations under it during the term of the *permit*.

### **Partial Construction**

- 10.23 If a site has been *excavated* under a *building permit* and a *building permit* is not subsequently issued or a subsisting *building permit* has expired under section 10.44, 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 Town to do so.
- 10.24 If a *building permit* has expired and partial construction has progressed, with no extension requested of the *building official* under section 10.45, permanent type fencing with privacy screen complying with the Town's Zoning Bylaw, must be erected around the *building* site for protection to the public.

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

- 10.25 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 "Town of Qualicum Beach Miscellaneous Rates Bylaw No. 638, 2009" as amended from time to time . The transfer or assignment of a *building permit* is not an extension of a *building permit*.
- 10.26 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

- 10.27 If a *registered professional* provides letters of assurance in accordance with this Part, the Town 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.
- 10.28 Despite section 10.27 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*.
- 10.29 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.
- 10.30 For all work in respect of *simple buildings* the *owner* must give at least 24 hours' notice to the Town 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) completed footing forms, before concrete is poured;
  - (c) installation of perimeter drains and damp-proofing, prior to backfill;
  - (d) plumbing located below the finished slab level and under test prior to covering;
  - (e) the preparation of ground, including ground cover when required, perimeter insulation on inside of concrete *foundation* walls;
  - (f) installation, testing and connection of *building* services before being covered;
  - (g) rough in of factory built chimneys and fireplaces and solid fuel burning appliances;
  - (h) installation of rough-in plumbing prior to covering;
  - (i) completed framing, after sheathing, fire stopping (including drywall in fire separations), and required bracing, chimney, ductwork, rough wiring, rough plumbing, rough heating, gas venting, exterior doors and windows

have been installed, and submission of a *building* survey by a British Columbia Land Surveyor when required showing the *building* height, size, location and elevation determined in accordance with the Towns land use regulation, *but* prior to the installation of insulation, interior finishes, or exterior finishes which would conceal such work;

- (j) insulation and vapour barrier prior to the application of any interior finish and after the substantial completion of the siding or other main exterior finishes; and
- (k) the *health and safety aspects of the work*, and the energy conservation, GHG emission reduction and accessibility aspects and when the *building* or *structure* is substantially complete, ready for *occupancy* but prior to *occupancy*.

10.31 A *building official* will only carry out an inspection under section 10.30 if the *owner* or the *owner's agent* has requested the inspection in accordance with this bylaw.

10.32 Despite the requirement for the *building official's* acceptance of the work outlined in section 10.30, if a *registered professional* provides letters of assurance, the Town 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.

10.33 No person may conceal any aspect of the work referred to in section 10.30 of this bylaw until a *building official* has *accepted* it in writing.

10.34 For work in respect of *complex buildings*, the *owner* must

- (a) provide to the Town, or have the *coordinating registered professional* provide to the Town, all *registered professionals field review* within 24 hours' of completion of the *field review*;
- (b) give at least 48 hours' notice to the Town 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 Town requirements and other enactments respecting safety and the energy 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* a Confirmation of Required Documentation as approved by the Town, complete with all documentation in a hard covered three ring binder and in digital pdf format on a memory stick.

### **Stop Work Order**

- 10.35 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 in the form prescribed by the Town 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 Town or the applicable provisions of the *Homeowner Protection Act*.
- 10.36 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.
- 10.37 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 10.35.
- 10.38 The *owner* must immediately, after the posting of a notice under section 10.35, 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 Town.

10.39 Subject to section 10.35, no work other than the required remedial measures may be carried out on the parcel affected by the notice referred to in section 10.35 until the stop work order notice has been removed by the *building official*.

10.40 The notice referred to in section 10.35 must remain posted on the premises until that which is contrary to the enactments has been remedied and authorized by the *building official*.

### **Do Not Occupy Notice**

10.41 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*.

10.42 If a notice is posted under section 10.41, 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**

10.43 In addition to the fees required under other provisions of this bylaw, the *owner* must pay the non-refundable fee set out in "Town of Qualicum Beach Miscellaneous Rates Bylaw No. 638, 2009" as amended from time to time for

- (a) a third 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 two site visits are required for any required inspection; and
- (b) a special inspection during the Town'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.

### **Permit Expiration**

10.44 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 24 months (2 year) of the date of issuance of the *permit*.

### **Permit Extension**

10.45 A *building official* may extend the period set out under section 10.44 for only one period, not to exceed six 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 renewal fee set out in "Town of Qualicum Beach Miscellaneous Rates Bylaw No. 638, 2009" as amended from time to time has been paid.

### **Building Permit Revocation**

10.46 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 Town,
- 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**

10.47 A *building permit*, may be cancelled by the *owner*, or his or her *agent*, on delivery of written notification of the cancellation to the *building official* with 180 days of issuance of the *building permit*.

10.48 On receipt of the written cancellation notice, the *building official* must mark on the *permit*, the date of cancellation and the word "cancelled".

- 10.49 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".
- 10.50 If a *building permit* is cancelled, and construction has not commenced under the *permit*, the *building official* must return to the *owner* any fees deposited under "Town of Qualicum Beach Miscellaneous Rates Bylaw No. 638, 2009" as amended from time to time, less
- (a) any non-refundable portion of the fee; and
  - (b) 25% of the refundable portion of the fee.

## Occupancy

- 10.51 No person may occupy a *building* or *structure* or part of a *building* or *structure* until a occupancy inspection notice has been issued by a *building official*.
- 10.52 A occupancy 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 10.30 to 10.34 of Part 10 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 Town as-built plans of works and *services* in digital format as required by the Town;
  - (d) the *owner* has provided to the Town a *building* survey prepared by a British Columbia Land Surveyor when required showing the *building* height, size, location and elevation determined in accordance with the Town's land use regulations;
  - (e) all other documentation required under applicable enactments has been delivered to the Town; and

(f) the *owner* has delivered to the Town as-built drawings of the *building* or *structure* in digital format as required by the Town.

10.53 When a *registered professional* provides letters of assurance in accordance with this bylaw, the Town 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.

10.54 A *building official* may issue a occupancy 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 10.52 have been met with respect to it.

10.55 A occupancy inspection notice may not be issued unless

(a) all letters of assurance and the Confirmation of Required Documentation described in 10.34(c) 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 10.27 through 10.34 of this bylaw have both been inspected and *accepted*;

(c) the *owner* has executed and delivered to the Town every agreement, instrument or form required by the Town in relation to the work or the site; and

(d) all required offsite works respecting safety have been completed.

### **Other Structures**

10.56 A building *permit* is not required for a *temporary detached tent* provided that the construction complies with the Towns zoning bylaw, and the tent is anchored to the ground in accordance with the manufacturer's recommendations.

## Sanitary Facilities

10.57 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 A *registered professional* shall undertake the design, and conduct *field reviews* of a *retaining wall*. Sealed copies of the design drawings and *field reviews* prepared by the *registered professional* shall be submitted to the *building official* prior to acceptance of the works.

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, structure* or part of a *building* to or from any parcel within the Town except

- (a) for buildings moved to or within the Town is certified by a *registered professional* that the *building*, including its *foundation*, will substantially comply with the current version of the *building code* or the *building* complies with CAN/CSA-A277 or CAN/CSA-Z240 at the time of manufacture;
  - (b) the person moving the *building* is licensed to move buildings and carries public liability insurance in the amount of not less than \$3,000,000.00;
  - (c) the Town has been named as an additional insured party;
  - (d) the Ministry of Transportation and any utility providers that are affected by the move have given written approvals;
  - (e) a route plan including proposed date and time of move is provided; and
  - (f) a *building permit* has been issued and permit fees for the move and all additional works have been paid.
- 12.2 An application for a permit for a *building* move to any parcel of land within the Town must be made on the form prescribed by the *building official*, and must include
- (a) certification specified in section 12.1 (a);
  - (b) hazardous materials assessment in accordance with WorkSafe BC regulations;
  - (c) plans and specifications of the proposed relocation and rehabilitation of the *building*, including additions and renovations to the *building*; and
  - (d) site plan showing building siting, driveway and other site improvements proposed on the parcel.
- 12.3 Any person to whom a moving permit is issued shall complete the remedial works required to ensure the site within the Town is neat, free from debris, obstructions and in a safe condition within 60 days from the date the *building* is moved.
- 12.4 If the work described in section 12.3 of this bylaw is not completed within the specified time, the *building official* may send a written notice to the owner directing the correction of the non-compliance within 30 days from the date of

the notice. If the non-compliance is not remedied within the period of 30 days, the Town may make use of the owner's security deposit for the purpose of remedying the non-compliance.

### **PART 13: DEMOLITIONS**

- 13.1 Prior to obtaining a permit to demolish a building or structure, the owner must
- (a) provide to the Town a vacancy date;
  - (b) provide a site plan clearly indicating the building to be demolished;
  - (c) include a hazardous materials assessment in accordance with WorkSafe BC regulations;
  - (d) pay disconnection fees as set out in the Town's bylaws governing waterworks, sanitary and storm sewer, as amended or re-enacted from time to time;
  - (e) pay the fees and security deposit prescribed in the "Town of Qualicum Beach Miscellaneous Rates Bylaw No 638, 2009" as amended from time to time; and
- 13.2 Upon the commencement of the demolition, the work shall be completed to the satisfaction of the building official within 90 days.
- 13.3 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.
- 13.4 Upon 30 days notice, either at the end of the 90 day period described in section 13.2, or when in the opinion of the building official the demolition is substantially complete, the Town may use the owner's security deposit for the purpose of completing the requirements of section 13.3.

### **PART 14: NUMBERING OF BUILDINGS**

- 14.1 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 Town



- (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.
- 14.2 Despite section 14.1, the Town's Director of Planning may renumber or alter the assigned numbers in respect of any *building* on any parcel, including those already in existence or numbered.
- 14.3 Without limiting sections 14.1 or 14.2, 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.
- 14.4 Without limiting sections 14.1 through 14.3, 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 15: SWIMMING 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 An application for a *building permit* for a *swimming pool* must include
- (a) a site plan showing the location of the proposed *swimming pool*, and all water supply piping, waste piping and appurtenances;
  - (b) all design drawings, specifications, approved by a *registered professional*; 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 a *swimming pool*.

- 14.3 A *swimming pool* must be enclosed from adjacent properties by a fence constructed without footholds or grips that children may use to climb into the enclosed area or a standard chain link wire mesh fence, having a minimum height of 1.5 metres from finished grade outside the fence and no openings greater than 100 mm at their greatest dimension.

### **Swimming Pool Gate**

- 14.4 Access through a fence enclosing a *swimming pool* 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* side of the gate.

### **Maintenance**

- 14.5 A person may not use or *occupy* a *swimming pool* unless the *owner* or *occupier* of property on or in which a *swimming pool* is located maintains every fence and gate required under sections 14.3 to 14.4 in good order, and without limitation provide for disposal of pool wastewater into the sanitary sewer.

### **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 *swimming pool* will not cause or result in leaks or other failures of the *swimming pool*.

## **PART 15: ENERGY CONSERVATION AND GHG EMISSION REDUCTION**

- 15.1 In relation to the conservation of energy and the reduction of greenhouse gas emissions, the Town incorporates by reference the British Columbia Energy Step Code and Zero Carbon Step Code in accordance with sections 15.2 through 15.7.
- 15.2 In the case of a building permit submitted on or after 2025-JAN-01, a new *building* or *structure* to which Part 3 or Part 9 of the *Building Code* applies, and which is within the scope of the Zero Carbon Step Code, must be designed and constructed to meet performance requirements specified in EL-4 (Zero Carbon Performance) of the Zero Carbon Step Code.

- 15.3 In the case of a building permit submitted on or after 2027-JAN-01, a new *building* or *structure* to which Part 9 of the *Building Code* applies, and which is within the scope of the Energy Step Code, must be designed and constructed to meet the minimum performance requirements specified in Step 5 for Part 9 buildings of the BC Energy Step Code.
- 15.4 In the case of a building permit submitted on or after 2027-JAN-01, a new *building* or *structure* to which Part 3 of the *Building Code* applies, and which is within the scope of the Energy Step Code, must be designed and constructed to meet the minimum performance requirements of the highest Step (Steps 2 - 4) for the applicable use as specified in the BC Energy Step Code.
- 15.5 When an *Energy Advisor* or an architect, as required, provides energy reports or *field reviews* in accordance with his bylaw, the Town will rely solely on *field reviews* undertaken by the *Energy Advisor* or architect and the reports submitted pursuant to this bylaw as assurance that the construction or applicable aspect thereof substantially conforms to the design, and that the construction or applicable aspect thereof substantially complies with the *Building Code*, this bylaw, and other applicable enactments respecting energy efficiency.
- 15.6 With respect to a building permit for a *building* or structure that falls within the scope of Part 9 of the Building Code, the owner must provide, to the satisfaction of the *Building Official*, all the materials and documentation required by the BC Energy Step Code, prepared and signed by an *Energy Advisor*, and such other reports and materials as required by the *Building Official*.
- 15.7 For certainty, and notwithstanding Section 15.5 above, where a *registered professional* is required under this bylaw, in respect of a building permit for a *building* or structure that falls within the scope of Part 3 or Part 9 of the Building Code, the professional design and *field review* shall include the materials and documentation required by the applicable step of the BC Energy Step Code, and such other reports and materials as required by the *Building Official*.

#### **PART 16: ACCESS ROUTE FOR FIRE VEHICLE**

- 16.1 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 in conformance with the *building code*.

## PART 17: OFFENCES

### Violations

- 17.1 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 \$50,000.00, or a term of imprisonment not exceeding six 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.
- 17.2 Every person who fails to comply with any administrative requirements issued by a *building official*, or who allows a violation of this bylaw to continue, contravenes this bylaw.
- 17.3 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 "Town of Qualicum Beach Miscellaneous Rates Bylaw No. 638, 2009" as amended from time to time of this bylaw.

### Deemed Offence

- 17.4 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.
- 17.5 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.
- 17.6 Nothing in section 17.5 affects

- (a) the Town'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.

## **Ticketing**

- 17.7 The application and offences outlined in "Town of Qualicum Beach Municipal Ticket Information Utilization Bylaw No. 626, 2008" as amended from time to time are designated for enforcement under s. 264 of the *Community Charter*.

## **PART 18: INTERPRETATION**

### **Definitions**

- 18.1 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 Regulation* means the *Architects Regulation - 33/2023*, regulated by the *Professional Governance Act [SBC 2018] c47*, as amended or re-enacted from time to time;

**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 Town, and includes a building inspector, plan checker, plumbing inspector, gas inspector, or electrical inspector designated or appointed by the Town, 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*,

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

**constructor** means a person who *constructs*;

**Energy Advisor** means a person who is registered and in good standing as an energy advisor with Natural Resources Canada in accordance with the

EnerGuide Rating System (ERS) Administrative Procedures and adheres to the technical standards and procedures of the ERS.

***Engineers and Geoscientists Regulation*** means the *Engineers and Geoscientists Regulation - 14/2021*, regulated by the *Professional Governance Act [SBC 2018] c47*, as amended or re-enacted from time to time;

***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 prescribed by the Town from time to time;

***permit*** means permission or authorization in writing by the *building official* to perform work regulated by this bylaw and, in the case of a *occupancy* inspection notice, to occupy a *building* or part of a *building*;

***plumbing system*** means a drainage system, a venting system and a water system or parts thereof;

***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, uncovered decks, steps, landings, ramps and patios not more than 0.5m above finished grade, fences, paving and *retaining walls* less than 1.2 meters in height;

***swimming pool*** means any *structure* or *constructed* depression used or intended to be used for *swimming*, bathing, wading or diving which is designed to contain water with a surface area exceeding 15 m<sup>2</sup> to a depth exceeding 1.0 m, but does not include irrigation, natural ponds or man-made ponds used for decorative or landscape purposes only;

***temporary detached tent*** means a structure that consists of a prefabricated manufactured framework covered by a pliable membrane and no more than 35 square meters in floor area and 4.5meters in height;

***value of the work*** means that amount that is declared or calculated using the “Marshall & Swift Residential Cost Handbook”, whichever is greater:

- (a) the declared *value of the work*; or
- (b) the value calculated using a method stipulated in the “Marshall Valuation Service”.

18.2 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*.

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

18.4 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.

18.5 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.

### **Severability**

18.6 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 19: REPEAL**

19.1 Building Regulation Bylaw No. 643, 2009, and all amendments thereto, is hereby repealed.

**INTRODUCED FOR FIRST READING** this 20<sup>th</sup> day of November 2024.

**READ A SECOND TIME** this 11<sup>th</sup> day of December 2024.

**READ A THIRD TIME** this 11<sup>th</sup> day of December 2024.

**ADOPTED** this 18<sup>th</sup> day of December, 2024.

*ORIGINAL SIGNED*

*ORIGINAL SIGNED*

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Teunis Westbroek  
Mayor

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Heather Svensen  
Corporate Officer