



Notice of Meeting and Meeting Agenda Electoral Areas Committee

Wednesday, February 8, 2023

10:05 AM

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

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

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

1. Territorial Acknowledgement

2. Approval of Agenda

3. Adoption of Minutes

3.1. [23-050](#) Minutes of the January 11, 2023 Electoral Areas Meeting

Recommendation: That the minutes of the Electoral Areas Committee meeting of January 11, 2023, be adopted as circulated.

Attachments: [Minutes - January 11, 2023](#)

4. Chair's Remarks

5. Presentations/Delegations

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

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

Alternatively, you may email your comments on an agenda item to the CRD Board at crdboard@crd.bc.ca.

6. Committee Business

6.1. [23-087](#) Enforcement Practices for Alternative Forms of Housing

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

- 1) That the existing practice of CRD Building Regulation Bylaw and BC Building Code enforcement be continued, primarily responding to complaints and observations by Inspectors during their normal course of duty of safety, health, and environmental concerns and issuing Stop Work Notices and Do No Occupy Notices when warranted; and
- 2) That the CRD advocate to the Province for a review of inclusion of alternative forms of housing within the BC Building Code.

(NWA)

Attachments: [Staff Report: Enforcement Practices for Altern'v Forms of Housing](#)

6.2. [23-098](#) Bylaw No. 4535 - "Building Regulation Bylaw No. 5, 2010, Amendment Bylaw No. 4, 2023"

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

- 1) That Bylaw No. 4535, "Building Regulation Bylaw No. 5, 2010, Amendment Bylaw No. 4, 2023", be introduced and read a first, second, and third time; and
- 2) That Bylaw No. 4535 be adopted.

(NWA, 2/3 on adoption)

Attachments: [Staff Report: Bylaw No. 4535, "Building Regulation Bylaw"](#)
[Appendix A: Amendment Bylaw No. 4535, including appendices](#)
[Appendix B: Unofficial Consolidation Bylaw No. 3741 \(Redlined\)](#)

6.3. [23-128](#) Ability to Regulate Wood Burning Appliances and Air Quality on Salt Spring Island

Recommendation: There is no recommendation. This report is for information only.

Attachments: [Staff Report: Ability to Reg't Wood Burning Appl'cs & Air Quality](#)

6.4. [23-132](#) Request for Governance Study of Magic Lake Estates, North Pender Island

Recommendation: The Electoral Areas Committee recommends to the Capital Regional District Board: That the Capital Regional District Board reiterate its support for the resolution passed on February 9, 2022, to advance the request of the Magic Lake Property Owners' Society to the Ministry of Municipal Affairs to evaluate the local context of the Magic Lake Estates neighborhood on North Pender Island and request the Ministry consider funding a Governance and Services Study to examine governance concerns within the community and provide options and alternatives to address those concerns.

(NWA)

Attachments: [Staff Report: Request for Governance Study of MLE](#)
[Appendix A: Feb 9/22 Staff Rpt: Request for Governance Study](#)
[Appendix B: Letter to ADM Faganello, March 2, 2022](#)
[Appendix C: Letter to K. Morley, September 30, 2022](#)
[Appendix D: Letter to B. Coulson, January 4, 2023](#)

6.5. [23-063](#) Previous Minutes of Other CRD Committees and Commissions for Information

Recommendation: There is no recommendation. The following minutes are for information only:
a) Magic Lake Estates Water and Sewer Committee minutes of November 29, 2022
b) Mayne Island Parks and Recreation Commission minutes of December 8, 2022

Attachments: [Minutes: MLE Water & Sewer Committee - Nov 29/22](#)
 [Minutes: Mayne Island Parks & Rec Commission - Dec 8/22](#)

7. Notice(s) of Motion

8. New Business

9. Adjournment

The next meeting is February 28, 2023 at 1:00 pm for strategic planning.

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

Meeting Minutes

Electoral Areas Committee

Wednesday, January 11, 2023

10:05 AM

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

PRESENT

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

Staff: T. Robbins, Chief Administrative Officer; N. Chan, Chief Financial Officer; L. Hutcheson, General Manager, Parks and Environmental Services; I. Jesney, Acting General Manager, Integrated Water Services; K. Lorette, General Manager, Planning and Protective Services; K. Morley, General Manager, Corporate Services; G. Harris, Senior Manager, Environmental Protection; S. Henderson, Senior Manager, Real Estate; J. Starke, Manager, Service Delivery, Southern Gulf Islands Electoral Area; M. Taylor, Manager, Building Inspection; M. Lagoa, Deputy Corporate Officer; T. Pillipow, Committee Clerk (Recorder)

The meeting was called to order at 10:18 am.

1. Territorial Acknowledgement

A Territorial Acknowledgement was provided in the preceding meeting.

2. Approval of Agenda

**MOVED by Director Plant, SECONDED by Director Wickheim,
That the agenda for the January 11, 2023 Electoral Areas Committee meeting be
approved.
CARRIED**

3. Adoption of Minutes

3.1. [23-001](#) Minutes of the December 14, 2022 Electoral Areas Committee Meeting

**MOVED by Director Plant, SECONDED by Director Wickheim,
That the minutes of the Electoral Areas Committee meeting of December 14, 2022
be adopted as circulated.
CARRIED**

4. Chair's Remarks

Chair Brent noted that he is looking forward to the work to come in the new year.

5. Presentations/Delegations

There were no presentations or delegations.

6. Committee Business

6.1. [23-018](#) 2023 Electoral Areas Committee Terms of Reference

K. Lorette presented Item 6.1. for information.

This report was received for information.

6.2. [23-043](#) Report on Sooke Basin Aquaculture Proposal

G. Harris presented Item 6.2. for information

Discussion ensued on the following:

- the seaweed species being cultivated
- staff bringing back a report after the formal referral process

This report was received for information

6.3. [23-058](#) Southern Gulf Islands Electoral Area - Rural Economic Diversification and Infrastructure Program Grant Application

J. Starke spoke to Item 6.3.

Discussion ensued on the expected returns.

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

That the Capital Regional District Board authorizes submission of a grant application under the BC Rural Economic Diversification and Infrastructure Program for Last-mile Connectivity and Economic Diversification for the Southern Gulf Islands; and direct staff to provide overall grant management.

CARRIED

6.4. [23-019](#) Previous Minutes of Other CRD Committees and Commissions for Information

These minutes were received for information

7. Notice(s) of Motion

7.1. [22-677](#)

Motion with Notice: Sooke Basin Aquaculture Proposal (Director Wickheim)

MOVED by Director Plant, **SECONDED** by Director Wickheim,
That the Electoral Areas Committee recommend to the Capital Regional District Board:

That the CRD Board refer its concerns regarding the potentially invasive seaweed aquaculture in Sooke Basin to appropriate provincial and federal agencies and request the updating and enforcement of regulations for such species as soon as possible.

MOVED by Director Wickheim, **SECONDED** by Director Plant,
That the motion be amended to replace the wording "such species" with the wording "foreign and/or non-native species".

CARRIED

The question was called on the main motion as amended.

That the Electoral Areas Committee recommend to the Capital Regional District Board:

That the CRD Board refer its concerns regarding the potentially invasive seaweed aquaculture in Sooke Basin to appropriate provincial and federal agencies and request the updating and enforcement of regulations for foreign and/or non-native species as soon as possible.

CARRIED

8. New Business

8.1. Notice of Motion: Re-capitalize Island Coastal Economic Trust (ICET) (Director Holman)

Director Holman proposed the following Notice of Motion for same day consideration: "That the CRD Board urge the Province to re-capitalize the Island Coastal Economic Trust (ICET)."

MOVED by Director Holman, **SECONDED** by Director Plant,
That the same day consideration be applied to the Notice of Motion.
CARRIED

MOVED by Director Holman, **SECONDED** by Director Plant,
That the CRD Board urge the Province to re-capitalize the Island Coastal Economic Trust (ICET).
CARRIED

9. Adjournment

MOVED by Director Plant, **SECONDED** by Director Holman,
That the January 11, 2023 Electoral Areas Committee meeting be adjourned at 10:55 am.
CARRIED

CHAIR

RECORDER

**REPORT TO ELECTORAL AREAS COMMITTEE
MEETING OF WEDNESDAY, FEBRUARY 8, 2023**

SUBJECT Enforcement Practices for Alternative Forms of Housing

ISSUE SUMMARY

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

BACKGROUND

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

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

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

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

The primary form of regulation of these dwelling types is through land use regulation. Although land use requirements are of high importance this report does not canvas all regulatory requirements and focuses on the areas of Building Division responsibility.

Generally, where a dwelling is used for human habitation in a non-temporary way, the CRD Building Regulation Bylaw and the BC Building Code would consider it a structure and the code would apply. The code applies to any “building” as defined by the CRD Building Bylaw or the BC Building Code (“any structure used or intended for supporting or sheltering any use or occupancy”).

All buildings occupied for residential use must first receive occupancy approval from the CRD Building Inspection Division in accordance with the Building Regulation Bylaw No. 3741. Buildings that can be considered for residential occupancy approval include site built buildings constructed in compliance with Part 9 or Part 4 of the Building Code, factory built buildings certified as being in conformance with CSA A277, and factory built mobile homes constructed in conformance with CSA Z240 (not Z240RV).

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

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

Consideration for life safety matters of non-confirming dwelling units, as mentioned in the SGI CESC resolution, may not be apparent without investigation and access within a building. Life safety can be compromised in many ways, such as inadequate door or window fire egress, lack of smoke or carbon monoxide alarms, improper electrical wiring (not under direct review by the Building Inspection Division but electrical permit verification is confirmed through the building permit process), improper and unsafe heating systems, etc. Building Code requirements for spatial separation (separation of buildings to prevent fire spread) should also be considered. Although not necessarily a life safety issue servicing of a building including potable water and sewerage disposal can have health consequences as well as environmental consequences.

Land use regulations throughout the electoral areas control the allowance of secondary dwellings on a lot as well as control the location within the lot and often the building’s size. The type of buildings permitted to be considered dwelling units may also be defined in a Land Use Bylaw. Compliance with land use regulations is required prior to building permit considerations. Any consideration for enforcement of alternative forms of housing must include land use regulators.

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

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

Electoral Areas Committee members have also asked for consideration of temporary or short-term use of alternative forms of housing. In accordance with the BC Building Code and the CRD Building Regulation Bylaw temporary buildings may be allowed without a building permit, if authorized by the authority having jurisdiction, but this is restricted to buildings to be used for short durations and having minimal risk to users.

ALTERNATIVES

Alternative 1

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

- 1) That the existing practice of CRD Building Regulation Bylaw and BC Building Code enforcement be continued, primarily responding to complaints and observations by Inspectors during their normal course of duty of safety, health, and environmental concerns and issuing Stop Work Notices and Do No Occupy Notices when warranted; and

- 2) That the CRD advocate to the Province for a review of inclusion of alternative forms of housing within the BC Building Code.

Alternative 2

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

IMPLICATIONS

Service Delivery

It is not recommended to withhold bylaw enforcement, in all cases, of occupied RVs, travel trailers and alternative forms of housing, as this may result in an assumption of acceptance of such structures and uses as a result of non-enforcement. An increased amount of illegal and potentially unsafe dwellings will likely be constructed and occupied. Even a temporary relaxation of enforcement will make control of such buildings and structures in the future extremely difficult and add to enforcement and compliance costs of the Electoral Areas.

Regulatory Impacts

CRD is without the regulatory tools to permit construction and residential occupation of those structures that do not comply with the Building Code or other occupancy-capable mobile home standards. Currently the Province of Nova Scotia has provisions for “Tiny House” construction within the 2020 Nova Scotia Building Code Regulations. The BC Building Code, however, does not include such provisions.

Legal

Legal liability may be increased for the CRD should a decision be made to not enforce our Building Bylaw Regulations. Once a building regulation bylaw exists, subject to core policy decisions, CRD owes a duty to inspect and enforce as appropriate where it learns of structures that are non-compliant but subject to the Building Bylaw and the Code. The extent of that duty and the standard of care of a building official varies based on the circumstances, taking into consideration risk, magnitude of harm, and public utility of conduct.

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

It is rare for CRD to take remedial action – that is, an order to remove, demolish, bring up to a standard or take such other step as ordered by the Board – for occupation of an RV or trailer, per section 72 of the *Community Charter*. A decision to take remedial action is a decision of the Board.

CONCLUSION

Non-compliant structures used for residential accommodation subject to the Building Code and CRD Building Bylaw are enforced against on a complaints and inspections basis, typically by way of a s.57 Notice on Title, and in some cases, a s.72 remedial action order. The primary form of regulation of such uses is under a Land Use Bylaw. CRD’s Building Bylaw presently does not contain provisions relating to permitting use of non-compliant structures for residential purposes. While BC Housing and other organizations are advocating for changes to the National Building

Code to permit tiny home construction, CRD is without the ability to set out its own non-Building Code-defined construction standards for such use. CRD may want to consider advocating to the Province for a review of future Code provisions for smaller alternative forms of housing types.

RECOMMENDATION

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

- 1) That the existing practice of CRD Building Regulation Bylaw and BC Building Code enforcement be continued, primarily responding to complaints and observations by Inspectors during their normal course of duty of safety, health, and environmental concerns and issuing Stop Work Notices and Do No Occupy Notices when warranted; and
- 2) That the CRD advocate to the Province for a review of inclusion of alternative forms of housing within the BC Building Code.

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

**REPORT TO ELECTORAL AREAS COMMITTEE
MEETING OF WEDNESDAY, FEBRUARY 8, 2023**

SUBJECT **Bylaw No. 4535, “Building Regulation Bylaw No. 5, 2010, Amendment Bylaw No. 4, 2023”**

ISSUE SUMMARY

Clarifying the authority of the Chief Building Official to develop and amend forms related to building permits from time to time, discretion to allow a permit where a violation exists, and revocation of permits and occupancy certificates.

BACKGROUND

Form Modification

Forms related to building permits need to be reviewed and updated to ensure the requirements are current with respect to legislative changes, to accurately reflect practices within the Building Inspection Division and to address changes in the industry. The forms contained in Bylaw No. 3741, “Building Regulation Bylaw No. 5, 2010”, adopted March 9, 2011, no longer reflect the standards and practices of the Building Inspection Division (the Division).

Revisions are proposed to allow Building Inspection to develop and amend forms from time to time. Bylaw No. 4535, “Building Regulation Bylaw No. 5, 2010, Amendment Bylaw No. 4, 2023”, permits the Chief Building Official the authority to create, modify or adopt for usage forms related to building permits.

This authority does not apply to modifying fees associated with permit application, which is the responsibility of the Board by bylaw. However, it will permit modifications to the layout and content of forms relevant to ensuring permit requirements and application instructions are kept up-to-date. Certificates of Occupancy and Building Permit formats continue to be set by Bylaw No. 4535.

Discretion of Building Official to allow Permit where violation exists

Bylaw No. 3741 has historically prohibited the issuance of any building permits to an owner of the same property where a “violation” – a breach of the building bylaw, an enactment, or a Notice on Title under the *Community Charter* – exists, meaning that the violation must be corrected before another permit can be issued, even for unrelated buildings or structures. It is assumed this was done to encourage compliance by owners. Building officials have exercised discretion to issue permits for other buildings or structures on the same property where a plan for correction of a violation is provided or where the violation is unrelated to the new work. However, this is not clearly set out in Bylaw No. 3741 and amendments are proposed to describe how discretion may be exercised.

Further, given fractional “ownership” situations on the Gulf Islands, it is possible that some shareholder or member “owners” may be ineligible for a building permit where another such “owner” has conducted unlawful work. This works as unfairness against individuals who have not committed a wrong, who potentially cannot obtain a permit, and may not have the ability to force a correction against another such “owner” absent legal action within their corporation or society. While this is an issue that really is for the separate land society or corporation to remedy, and is

a type of property ownership no individual should enter into without legal advice and full disclosure of membership or corporate rules, it is in the interest of the regional district that new construction be built to the Building Code and inspectors should have discretion to issue permits where appropriate. The ability of the Building Inspector to secure a s.219 *Land Title Act* covenant, which may include a release and indemnity in favour of the CRD for work where remedy is too costly or impossible, is included in the bylaw.

Revocation of Permits and Occupancy Certificates

Building Officials have historically taken the position that they can revoke building permits where they are issued based on false or incorrect information, or where they are issued in error. This has recently been codified in other jurisdiction's building bylaws. This change is recommended at the same time, to ensure it is clearly set out in the bylaw. This change should also apply to Conditional Certificates of Occupancy, as they are subject to the same concerns relating to breach of conditions, as well as Certificates of Occupancy where issued in error or on false or incorrect information.

ALTERNATIVES

Alternative 1

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

- 1) That Bylaw No. 4535, "Building Regulation Bylaw No. 5, 2010, Amendment Bylaw No. 4, 2023", be introduced and read a first, second, and third time; and
- 2) That Bylaw No. 4535 be adopted.

Alternative 2

That the Bylaw No. 4535 – "Building Regulation Bylaw No. 5, 2010, Amendment Bylaw No. 4, 2023" report be referred back to staff for further information based on Electoral Areas Committee direction.

IMPLICATIONS

Service Delivery

Current forms do not reflect the requirements of the Division. As a result, the process for obtaining a building permit is not being clearly communicated to applicants, owners, builders and other members of the public. This leads to submission of incomplete and inaccurate applications, time spent by Building Inspectors and Clerks explaining new or revised requirements and confusion and delays in the permitting process. The authority to revise and update forms will allow the Division to provide more effective service.

Social and Environmental Impacts

Addressing the ability to revoke permits or to issue permits where a "violation" exists will allow the public and professional builders to understand the expectations and processes of the regional district and its building officials. It will also allow, in appropriate circumstances, permits to be issued where otherwise they would not be available, and encourage new construction or renovation work to be consistent with the requirements of building legislation, rather than encouraging owners in the electoral areas to work outside the permit process, which leads to additional notices on title, remedial action claims, and enforcement action by the Building Division, incurring additional costs and expenses for the region.

Administrative Impacts

It is not anticipated that the requirement for the Building Division to update forms as appropriate will lead to additional administrative burden. Forms can be updated and stored publicly, as they are now; they can be updated as needed with appropriate archiving and document control for earlier versions of forms.

The clarifying of the ability of an individual with a property with a “violation” to submit a request for a permit, including any rectification plan, may lead to additional administrative burden to review these plans. However, this is a service Building Inspection has historically provided, absent specific language in the bylaw. Should it become labour intensive, an additional fee for such a plan review could be created by the Board.

CONCLUSION

Updating the forms contained in the Bylaw No. 3741 is necessary to address legislative changes and ensure the application process is clear and accurate with respect to Division practices. Additional modifications to the bylaw will also modernize it and codify the authority of the building officials during the permit process, currently exercised but not clearly documented.

RECOMMENDATION

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

- 1) That Bylaw No. 4535, “Building Regulation Bylaw No. 5, 2010, Amendment Bylaw No. 4, 2023”, be introduced and read a first, second, and third time; and
- 2) That Bylaw No. 4535 be adopted.

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

ATTACHMENT

Appendix A – Amendment Bylaw No. 4535, including appendices
Appendix B – Unofficial Consolidation Bylaw No. 3741 (Redlined)

**CAPITAL REGIONAL DISTRICT
BYLAW NO. 4535**

**A BYLAW TO AMEND BUILDING REGULATION BYLAW NO. 5, 2010 (BYLAW NO. 3741)
A Bylaw to Regulate the Construction, Alteration, Repair or Demolition of
Buildings and Structures in the Electoral Areas of the Capital Regional District**

WHEREAS:

- A. Under Bylaw No. 3741, "Building Regulation Bylaw No. 5, 2010", the Regional Board established a Bylaw to Regulate the Construction, Alteration, Repair or Demolition of Buildings and Structures in the Electoral Areas of the Capital Regional District;
- B. The Chief Building Official desires the ability to change forms, which are used to intake information and documentation from the public, without the need to amend this bylaw in advance of a modification of such forms, and to specifically codify the ancillary powers of the Chief Building Official to revoke or cancel Permits or Certificates of Occupancy where such permits are issued in error or based on false or incorrect information;
- C. Bylaw No. 3741 prohibits the issuance of a Building Permit where there has been a violation described in Bylaw No. 3741, including a notice on title on the property under the *Community Charter*, and this may lead to unfairness for those successors in title or those in non-traditional property ownership structures attempting to obtain permits for new buildings or structures or to revoke existing buildings or structures subject to a notice on title;
- D. The Board wishes to amend Bylaw No. 3741 to clarify authority of the Chief Building Official to develop and amend forms related to permits from time to time, to ensure appropriate discretion of a Building Official to issue Building Permits where a violation or notice on title exists in relation to a building or structure on a property; to clarify the ability of the Chief Building Official to revoke or cancel a Building Permit or Certificate of Occupancy where issued in error, based on false or incorrect information, or where a condition has been breached; and to encourage compliance with the Building Code and the intent of the Code in setting minimum construction standards in the electoral areas;

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

1. Bylaw No. 3741, "Building Regulation Bylaw No. 5, 2010", is hereby amended as follows:

- (a) By inserting into section 1.2.2, Definitions, the following definitions where alphabetically appropriate:

"Certificate of Occupancy" includes a Conditional Certificate of Occupancy where appropriate.

"Conditional Certificate of Occupancy" means a partial certificate of occupancy issued by a Building Inspector, of a temporary nature, in accordance with sections 2.5.9 and 2.6 of this Bylaw.

- (b) By renumbering section 2.1.1 as 2.1.1 (1);
- (c) By inserting the following as section 2.1.1 (2):

(2) The Chief Building Official shall create, modify, or adopt for usage, forms (other than those prescribed by enactment) in relation to Permit applications, in order to collect or make use of information or documentation necessary for the administration and enforcement of this bylaw, the Building Code, and other applicable enactments. The Building Department shall maintain a list of such forms.

(c) By inserting the following as section 2.1.1 (3):

(3) In creating or modifying Permit forms, the Chief Building Official shall ensure forms contain a limitation of liability substantially similar to the clauses in Sections 2.1.4 to 2.1.6 of this Bylaw, as well as *Freedom of Information and Protection of Privacy Act* personal information collection statements. The Chief Building Official may include fee calculation materials in Permit forms, consistent with fee appendices attached to this Bylaw, for ease of administration of the Permits.

(d) By inserting the following as section 2.1.1 (4):

(4) The following appendices form part of this Bylaw:

Appendix A: Fees and Charges

Appendix B: Permit Fees Based on Construction Value

Appendix C: Construction Values for Buildings Other Than Single Family Dwellings, Factory-Built Homes, Mobile Homes, and Moved Buildings

Appendix D: Construction Values for Single and Two-Family Dwellings, Factory-Built Homes, Mobile Homes, and Moved Buildings

Appendix E: Conditional Certificate of Occupancy

Appendix F: Certificate of Occupancy

Appendix H: Building Permit

(b) By replacing section 2.3.1 in its entirety with:

2.3.1 An application for a Permit shall be made on the appropriate form, issued from time to time in accordance with this Bylaw.

(c) By replacing section 2.3.3 in its entirety with:

2.3.3 Each building or structure to be constructed on a site requires a separate building permit and shall be assessed a separate building permit fee based on the value of the building or structure as determined in accordance with Appendices A to D of this Bylaw.

(d) By replacing section 2.3.4 (1)(a) in its entirety with:

(a) be made on the appropriate form issued from time to time, signed by the owner, or by a signing officer with sufficient authority to bind the corporation if the owner is a corporation;

(e) By replacing section 2.3.5 (1)(a) in its entirety with:

- (a) be made on the appropriate form issued from time to time, signed by the owner or by a signing officer with sufficient authority to bind the corporation if the owner is a corporation;
- (f) By replacing 2.3.7 (3) in its entirety with:
 - (3) When a Permit is issued in accordance with Section 2.3.4 or Section 3.4.1 of this Bylaw, the Permit fee shall be reduced by 10% of the fees payable pursuant to Appendix E to this Bylaw, up to a maximum reduction of \$1000 (one thousand dollars).
- (g) By replacing the words “the forms attached as appendices C, D, E, or F to this Bylaw” with the words “appendices A to D”;
- (h) In section 2.4.2, by replacing the reference to Appendix K with Appendix B;
- (i) In section 2.4.4(2)(a), by replacing the reference to Appendix L and M with Appendix C and D;
- (j) By replacing section 2.4.5 in its entirety with:

2.4.5 A plan processing fee, as set out below, shall accompany an application made for a building permit to this Bylaw.

 - (1) The plan processing fee for a building or structure with a construction value as established in 2.4.4 of less than \$50,000 (fifty thousand dollars) shall be \$100 (one hundred dollars).
 - (2) The plan processing fee for a building or structure with a construction value as established in 2.4.4 between \$50,000 (fifty thousand dollars) and \$200,000 (two hundred thousand dollars) shall be \$200 (two hundred dollars).
 - (3) The plan processing fee for a building or structure with a construction value as established in 2.4.4 of greater than \$200,000 (two hundred thousand dollars) shall be \$300 (three hundred dollars).
- (k) By amending section 2.5.1, sections (4) and (5) and creating a section (6) as follows:
 - (4) the proposed construction does not contravene any covenant under Section 219 of the *Land Title Act*;
 - (5) no enactment authorizes the Permit to be withheld; and
 - (6) the owner is not disentitled to a Permit by operation of Section 2.5.5 [*Violations and Notices on Title*].
- (l) By replacing section 2.5.4, Revocation of a Permit, in its entirety with the following:

The building official may revoke a Permit if one or more of the following violations occurs:

 - (1) there is a contravention of a condition under which the Permit was issued;

- (2) there is a contravention of a provision of the *Building Code*, this Bylaw or other applicable bylaws or enactments;
- (3) the Permit was issued in error; or
- (4) the Permit was issued on the basis of false or incorrect information.

The revocation shall be in writing and transmitted to the Permit holder by registered mail, and is deemed served at the expiration of three days after the date of mailing.

(m) By replacing section 2.5.5, Denial of Permits, in its entirety with:

- (1) Any person who has a notice placed in their property's title under section 57 of the *Community Charter*, or who has been notified in writing that work done by him or her or on his or her behalf is a violation referred to in Section 2.5.4 (collectively an "Infraction Notice"), shall have no Permit issued in respect of the same property, until the person has complied, corrected the violation, or the issue identified in any notice on title, or satisfied the building official of their ability to do so.
- (2) As an exception to Section 2.5.5(1), if the building permit application is for a building or structure other than the building or structure for which an Infraction Notice was issued, a building inspector may issue the building permit if:
 - a. the building inspector is satisfied that the construction and occupancy of the new building or structure does not adversely affect health or life safety aspects of any existing buildings or structures, and any existing buildings or structures do not adversely affect health or life safety aspects of the new structure; or
 - b. the owner undertakes to alleviate any health or life issues created by the construction or occupancy of the new building or structure. The building inspector may make alleviating the issue a condition of the permit, and may require the owner to secure its undertaking by providing a section 219 *Land Title Act* covenant. Without limiting the requirements that the building inspector can require in the section 219 covenant, the covenant may prohibit occupancy of the new building or structure until the health and life safety issues have been alleviated to the satisfaction of the building inspector.
- (3) As an exception to Section 2.5.5(1), if the building permit application is for the same building or structure for which an Infraction Notice has been issued, the building inspector may issue a permit if:
 - a. the owner satisfies the building inspector that the issue is capable of being rectified; and the owner undertakes to rectify the issue. The building inspector may make rectifying the issue a condition of the permit, and may secure the owner's undertaking by requiring the owner provide a section 219 *Land Title Act* covenant. Without limiting the requirements that the building inspector can require in the section 219 covenant, the covenant may prohibit occupancy of the building or structure until the existing health and life safety issues have been alleviated to the satisfaction of the building inspector; or
 - b. it is practically unfeasible to rectify the subject matter of the Infraction Notice, and the building inspector is satisfied that issuing a building permit for the subject matter of the building permit application would not adversely affect any existing life safety or health issues with the building or structure. The building inspector may note on an occupancy permit for the work that the

occupancy permit relates only to the work authorized by the building permit, and that the issuance of the permit does not relate to any previous construction or work. The building inspector may also require the owner to provide a section 219 *Land Title Act* covenant requiring the owner to only construct the work in accordance with the submitted plans, and releasing and indemnifying the CRD and the building official from and against any liability resulting from construction and occupancy of the building, including any past construction.

(4) Despite having discretion in Section 2.5.5(2) and (3):

- a. there is no obligation on a building official to provide an advance ruling or decision on the exercise of their discretion to an owner or potential owner in advance of receipt of a completed action plan; and
- b. there is no obligation on a building official to exercise discretion in favour of an owner.

(n) By replacing section 2.6.1 in its entirety with:

2.6.1 An owner must obtain a Certificate of Occupancy, on the form attached as Appendix F to this Bylaw, prior to occupying a building or structure. Certificates of Occupancy are not required for accessory buildings.

(o) By replacing section 2.6.3 (1) in its entirety with:

(1) A building official may issue a Conditional Certificate of Occupancy, on attached as Appendix E to this Bylaw, for part of a building or structure when that part of the building or structure is self-contained, provided with essential services and meets requirements set out in Section 2.6.2 of this Bylaw.

(p) By inserting as section 2.6.3 (5):

(5) A Conditional Certificate of Occupancy may contain such conditions on occupancy of the building or structure or portion thereof as the Building Official deems necessary and desirable, and may list deficiencies required to be addressed to the satisfaction of the Building Official prior to the issuance of a Certificate of Occupancy.

(p) By inserting as section 2.6.4, Revocation of Certificate of Occupancy:

A building official may revoke a Certificate of Occupancy or Conditional Certificate of Occupancy where:

- (1) a condition of a Conditional Certificate of Occupancy is breached;
- (2) the Certificate of Occupancy was issued in error; or
- (3) the Certificate of Occupancy was issued on the basis of false or incorrect information.

The revocation shall be in writing and transmitted to the Owner by registered mail, and deemed served at the expiration of three days after the date of mailing.

(q) By replacing:

- (1) Appendix A with the Appendix A attached to this bylaw;
- (2) By replacing Appendix B with the Appendix B attached to this bylaw;
- (3) By replacing Appendix C with the Appendix C attached to this bylaw; and
- (4) By replacing Appendix D with the Appendix D attached to this bylaw.

(r) By renaming, and replacing references in the form located at the Appendix with:

- (1) Appendix I as Appendix E;
- (2) Appendix J as Appendix F; and
- (3) Appendix H as Appendix G.

2. This bylaw may be cited for all purposes as Bylaw No. 4535, "Building Regulation Bylaw No. 5, 2010, Amendment Bylaw No. 4, 2023".

READ A FIRST TIME THIS	th	day of	20__
READ A SECOND TIME THIS	th	day of	20__
READ A THIRD TIME THIS	th	day of	20__
ADOPTED THIS	th	day of	20__

CHAIR

CORPORATE OFFICER

**APPENDIX A
FIREPLACE-CHIMNEY-WOOD STOVE APPLICATION FEES**

FEE CALCULATIONS FOR PROPOSED WORK

Check the appropriate options below	Fees (\$)	Number		Totals
Construct CHIMNEY – one single flue (masonry or metal)	\$44 X		=	
Each additional flue in masonry chimney above	\$22 X		=	
Construct FIREPLACE connected to single flue	\$22 X		=	
SOLID FUEL BURNING APPLIANCE connected at time of construction	\$22 X		=	
SOLID FUEL BURNING APPLIANCE connected to existing acceptable chimney	\$44 X		=	
CHIMNEY reline, repair or alter (masonry)	\$44 X		=	
* APPLIANCES CONNECTED TO CHIMNEYS MUST COMPLY WITH AND BE INSTALLED TO ALL APPLICABLE REGULATIONS (See Building Inspector)	TOTAL PERMIT FEE			

PLUMBING PERMIT APPLICATION (RESIDENTIAL) FEES

FEE SCHEDULE	Total No. of Fixtures		VALUE (\$)	UNITS	FEE
Fee (first 10 fixtures)			\$22 Per fixture	X =	0
Fee (additional fixtures)			\$17 per fixture	X =	0
Hot Water Tank (domestic)			\$22 per tank	X =	0
Lawn Sprinkler System			\$49	X =	
Hot Water Heating Boiler Connection			\$17	X =	
Connect to Existing Rough-In			\$12 per fixture	X =	
Alter Waste Line (no additional fixtures)			\$44	X =	
Water Connection			\$22	X 1 =	
Alter Water Lines or Add Special Valve			\$22	X =	
Sanitary Sewer Connection			\$22	X 1 =	
Storm or Sewage Lift Station			\$17	X =	
Remove or Make Safe Private Sewage System			\$17	X =	
Installation of Floor Drain			\$12 each	X =	
Install or Alter Rain Water Leads or Roof Drain			\$12	X =	
Install or Replace Cistern for Potable Water			\$34	X =	
Lawn Service Stand Pipe (not part of building plumbing)			\$22	X =	
Area Drains, Sumps, Catch Basins			\$22	X =	
Fire Protection Sprinkler System			\$22	X =	
Each Group of 10 Sprinklers or Portion Over First 10			\$17	X =	
TOTAL FEES					

PLUMBING PERMIT APPLICATION (COMMERCIAL) FEES

FEE SCHEDULE	Total No. of Fixtures	VALUE (\$)	UNITS		FEE
Fee (first 10 fixtures)		\$22 per fixture	X	=	
Fee (additional fixtures)		\$17 per fixture	X	=	
Hot Water Tank (domestic)		\$22 per tank	X	=	
Lawn Sprinkler System		\$49	X	=	
Hot Water Heating Boiler Connection		\$17	X	=	
Connect to Existing Rough-In		\$12 per fixture	X	=	
Alter Sanitary/Storm Drainage System (existing)		\$44	X	=	
Water Connection		\$22	X	=	
Sanitary Sewer Connection		\$22	X	=	
Alter or Add to Water System		\$22	X	=	
Install Floor Drain or Funnel Drain		\$12 each	X	=	
Install or Alter Rain Water Leads or Roof Drain		\$12	X	=	
Install or Replace Cistern for Potable Water		\$34	X	=	
Installation of Building Sanitary Sewer		\$21 per 100'	X	=	
Installation of Building Storm Sewer		\$21 per 100'	X	=	
FIRE PROTECTION					
Fire Protection Sprinkler System		\$21 each first 10 heads	X	=	
Each Group of 10 Sprinklers or Portion over First 10		\$21	X	=	
Fire Stand Pipe		\$21	X	=	
Fire Hydrant		\$32 each	X	=	
OUTSIDE SERVICES					
Pumping Station Other Than for S.F.D.		\$32 each	X	=	
Lawn Service Stand Pipe (not part of building plumbing)		\$21	X	=	
Storm or Sanitary Lift Station		\$32 each	X	=	
Remove or Make Safe Private Sewage System		\$16	X	=	
Area Drains / Catch Basins / Sumps		\$21	X	=	
Manholes and Interceptors (all kinds)		\$21	X	=	
Acid Neutralizers or Special Control Valve or Cap Off Sanitary, Storm, Water Connections		\$21	X	=	
TOTAL FEES					

DEMOLITION – DECONSTRUCTION PERMIT APPLICATION FEES

	Demolition Fee	Deconstruction Fee	Totals
Buildings up to 400 square feet in area	\$100	\$0	
Buildings over to 400 square feet in area	\$200	\$0	
Rendering private sewage disposal system safe	\$21	\$21	
Cap building sewer	\$16	\$16	
Total Permit Fee			

APPENDIX B
PERMIT FEES BASED ON CONSTRUCTION VALUE

TOTAL CONSTRUCTION VALUE AS PRESCRIBED IN 2.4.4, APPENDIX "C" AND "D"	FEE
Less than \$100.00	\$ NIL
Over \$100 and not over \$1,000	\$50
Each additional \$1,000.00 or fraction thereof and not exceeding \$5,000.00	\$25
Each additional \$1,000.00 or fraction thereof and not exceeding \$400,000.00	\$13
Each additional \$1,000.00 or fraction thereof over \$400,000.00	\$10

APPENDIX C
CONSTRUCTION VALUES FOR BUILDINGS OTHER THAN SINGLE FAMILY DWELLINGS,
FACTORY BUILT HOMES, MOBILE HOMES, AND MOVED BUILDINGS

TYPE OF BUILDING	TYPE OF CONSTRUCTION	VALUE	
		PER SQ. FOOT	PER METER SQ.
Hotel / Motel	Wood Frame	\$200	\$2,152.00
Hotel / Motel	Reinforced masonry or concrete	\$260	\$2,797.00
Hotel / Motel	Steel frame	Contract	Value
Town House or Apartment	Wood Frame	\$200	\$2,152.00
Town House or Apartment	Reinforced masonry or concrete	\$260	\$2,797.00
Town House or Apartment	Steel frame	Contract	Value
Commercial Building (shell only)	Wood Frame or Heavy Timber	\$150	\$1,614.00
Commercial Building (shell only)	Reinforced masonry or concrete	\$200	\$2,152.00
Commercial Building (shell only)	Steel frame	\$150	\$1,614.00
Commercial Building Except Offices and Restaurant	Completion of Interior	\$80	\$860.80
Commercial Buildings Restaurants	Completion of Interior	\$110	\$1,183.60
Commercial Building Office Interiors	Completion of Interior	\$80	\$860.80
Industrial Buildings (shell only)	Wood Frame or Heavy Timber	\$110	\$1,183.60
Industrial Buildings (shell only)	Steel Frame	\$110	\$1,183.60
Industrial Buildings	Reinforced masonry or concrete	\$150	\$1,614.00
Industrial Buildings (interiors)	Completion of Interior	\$35	\$376.60
Temporary Buildings	Wood Frame	\$70	\$753.20

APPENDIX D
CONSTRUCTION VALUES FOR SINGLE AND TWO FAMILY DWELLINGS, FACTORY BUILT HOMES, MOBILE HOMES, AND MOVED BUILDINGS IN THE ELECTORAL AREAS OF JUAN DE FUCA, SALT SPRING ISLAND, SOUTHERN GULF ISLANDS

FLOOR AREA OR TYPE OF STRUCTURE	VALUE	
	PER SQ. FT.	PER METER SQ.
Finished Main* Floor Areas	\$200	\$2,152
Finished Areas Other Than Main* Floor	\$150	\$1,614
Finishing previously Unfinished Basement,** Attics, or Other Floors	\$45	\$484.20
Garages and/or Workshops, Barns, or Sheds (Semi-Detached) Floor + Roof + Wall	\$90	\$968.40
Carports (Roof)	\$35	\$376.60
Sundecks (Floor)	\$35	\$376.60
Additions Where an Existing Wall Forms Part of the Additions	\$200	\$2,152
Finished Floor Areas of Factory Build Homes, Mobile Homes or Moved Dwellings	\$100	\$1,076
* Main Floor shall be defined as the floor area where the main activity takes place, usually the floor where the living room, dining room, and/or kitchen are located. ** Basement shall be defined as in the British Columbia Building Code		



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

BUILDING REGULATION BYLAW NO. 5, 2010

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

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

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

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Appendix C: Construction Values for Buildings Other Than Single Family Dwellings,
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Appendix D: Construction Values for Single and Two-Family Dwellings, Factory-Built
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Appendix E: Conditional Certificate of Occupancy

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**CAPITAL REGIONAL DISTRICT
BYLAW NO. 3741**

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

WHEREAS:

- A. Section 298(1) of the *Local Government Act* and Section 53 of the *Community Charter* authorizes the Capital Regional District, for the health, safety and protection of persons and property to regulate the construction, alteration, repair, or demolition of buildings and structures by bylaw.

(BI 4403)
- B. The Province of British Columbia has adopted a building code to govern standards in respect of the construction, alteration, repair and demolition of buildings in municipalities and regional districts in the province.
- C. It is deemed necessary to provide for the administration of the building code.

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

PART 1 SCOPE AND DEFINITIONS

1.1 SCOPE

1.1.1 Electoral Areas

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

(BI 4403)

1.1.2 Other Legislation

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

1.1.3 Application

The provisions of this Bylaw shall apply to the:

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

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

(BI 4403)

1.2 DEFINITIONS

1.2.1 Non-defined Terms

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

1.2.2 Definitions:

In this Bylaw:

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

(BI 4403)

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

(BI 4403)

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

“Building Code” means the *British Columbia Building Code* as adopted from time to time by the Minister pursuant to Part 2 of the *Building Act*.

(BI 4403)

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

“Certificate of Occupancy” includes a Conditional Certificate of Occupancy where appropriate.

“Conditional Certificate of Occupancy” means a partial certificate of occupancy issued by a Building Inspector, of a temporary nature, in accordance with sections 2.5.9 and 2.6 of this Bylaw.

“Complex Building” means:

- (a) a building classified as a post-disaster building;
- (b) a building used for major occupancies classified as:
 - (i) assembly occupancies,
 - (ii) care or detention occupancies,
 - (iii) high hazard industrial occupancies; and

(c) a building exceeding 600 square meters in building area or exceeding three storeys in building height used for major occupancies classified as:

- (i) residential occupancies,
- (ii) business and personal services occupancies,
- (iii) mercantile occupancies,
- (iv) medium and low hazard industrial occupancies.

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

(BI 4403)

"Construction Value" means the fair market value of the work proposed to be undertaken, including the value of all labour and materials whether contracted, volunteered or provided by the owner, together with the value of all design and professional consulting services, construction management services, and contractor's profit and overhead, as determined in accordance with section 2.4.4 of this Bylaw.

(BI 4403)

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

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

(BI 4403)

"Health and Safety Aspects of the Work" means design and construction regulated by Parts 3, 4, 5, 6, 7, 8, 9, and 10, Division B, of the *Building Code*, and subject to Parts 1 and 2 in relation to Parts 3 through 10, Division B.

(BI 4403)

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

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

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

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

- (a) residential occupancies,
- (b) business and personal services occupancies,

- (c) mercantile occupancies, or
- (d) medium and low hazard industrial occupancies.

"Structure" means a construction or portion of construction, of any kind, whether fixed to, supported by or sunk into land or water, except landscaping, fences, paving, and retaining structures less than 1.2 meters in height.

(BI 4403)

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

1.3 PURPOSE OF BYLAW

1.3.1 Interpretation

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

1.3.2 General

This Bylaw is enacted for the purpose of regulating construction within all parts of the Juan de Fuca, Southern Gulf Islands and Salt Spring Island electoral areas in the general public interest. The activities undertaken by or on behalf of the Capital Regional District pursuant to this Bylaw are for the sole purpose of providing a limited spot check for health, safety, and protection of persons and property. It is not contemplated nor intended, nor does the purpose of this Bylaw extend:

- (1) to the protection of owners, owner/builders or constructors from economic loss;
- ~~(2)~~ to the assumption by the Capital Regional District or any building official of any responsibility for ensuring the compliance by an owner, his or her representatives or any employees, constructors or designers retained by him or her, with the *Building Code*, the requirements of this Bylaw or any other applicable codes, enactments or standards;
- ~~(2)~~~~(3)~~ to providing to any person a warranty of design or workmanship with respect to any building or structure for which a Permit or a Certificate of Occupancy is issued under this Bylaw;
- ~~(3)~~~~(4)~~ to providing to any person a warranty or assurance that construction undertaken pursuant to a Permit issued by the Capital Regional District is free of latent defects.

(BI 4403)

PART 2 PERMITS AND PERMIT FEES

2.1 GENERAL

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

(BI 4403)

(2) The Chief Building Official shall create, modify, or adopt for usage, forms (other than those prescribed by enactment) in relation to Permit applications, in order to collect or make use of information or documentation necessary for the administration and enforcement of this bylaw, the Building Code, and other applicable enactments. The Building Department shall maintain a list of such forms.

(BL 4535)

(3) In creating or modifying Permit forms, the Chief Building Official shall ensure forms contain a limitation of liability substantially similar to the clauses in Sections 2.1.4 to 2.1.6 of this Bylaw, as well as *Freedom of Information and Protection of Privacy Act* personal information collection statements. The Chief Building Official may include fee calculation materials in Permit forms, consistent with fee appendices attached to this Bylaw, for ease of administration of the Permits.

(BL 4535)

(4) The following appendices form part of this Bylaw:

Appendix A: Fees and Charges

Appendix B: Permit Fees Based on Construction Value

Appendix C: Construction Values for Buildings Other Than Single Family Dwellings, Factory-Built Homes, Mobile Homes, and Moved Buildings

Appendix D: Construction Values for Single and Two-Family Dwellings, Factory-Built Homes, Mobile Homes, and Moved Buildings

Appendix E: Conditional Certificate of Occupancy

Appendix F: Certificate of Occupancy

Appendix H: Building Permit

(BL 4535)

2.1.2 Permits Required

Every person shall apply for and obtain:

- (1) a building permit before commencing:
 - (a) site excavation or blasting;
 - (b) construction, repairing or altering a building or structure;
 - (c) moving a building; or

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

(BI 4403)

2.1.3 Permits Not Required

A Permit is not required in the following circumstances:

- (1) for minor repairs or alterations to non-structural components of the building;
- (2) when a valve, faucet, fixture or service water heater is repaired or replaced, a stoppage cleared, or a leak repaired if no change to the piping is required;
- (3) for accessory buildings less than 10 square meters in area that do not create a hazard;
- (4) retaining structures less than 1.2 meters in height;
- (5) other retaining structures more than 1.2 meters in height and greater than 30° off vertical.

(BI 4403)

2.1.4 Neither the issuance of a Permit under this Bylaw nor the acceptance or review of plans or specifications or supporting documents, nor any inspections made by or on behalf of the Capital Regional District shall in any way relieve the owner or his or her representatives from full and sole responsibility to perform the work in accordance with the *Building Code*, this Bylaw and all other applicable enactments, codes and standards.

2.1.5 It shall be the full and sole responsibility of the owner and where the owner is acting through a representative, the representative to carry out the work in respect of which the Permit was issued in compliance with the *Building Code*, this Bylaw and all other applicable enactments, codes and standards.

2.1.6 Neither the issuance of a Permit, Certificate of Occupancy under this Bylaw nor the acceptance or review of plans, drawings, specifications, or supporting documents, nor any inspections made by or on behalf of the Capital Regional District constitute in any way a representation, warranty, assurance or statement that the *Building Code*, this Bylaw or any other applicable enactments, codes and standards have been complied with, nor does it constitute a representation or warranty that the building or structure meets any standard of materials or workmanship.

(BI 4403)

2.1.7 Essential Services

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

- (1) **Water (Potable)** A community water service or other source of potable water, approved by the medical health officer, public health inspector or the authority having jurisdiction, shall be provided;
- (2) **Sanitary Sewer** A community sewer or other method of sewage disposal, provided that, for a sewerage system, the owner has submitted to the building official all documents to be filed with the Vancouver Island Health Authority as prescribed in Section 8(2) of the Sewerage System Regulation BC Reg. 326/04; and for a holding tank, the owner has submitted to the building official a holding tank permit as prescribed in the Sewerage System Regulation BC Reg. 326/04;
- (3) **Storm Drainage** An approved method of storm drainage disposal shall be available to service the building or structure;
- (4) **Access to Property** A driveway of sufficient strength, grade and width for access and egress to all principal buildings by fire and emergency vehicles within 30 meters of a building;
- (5) Water supply as per NFPA 1142 "Standard for Water Supply for Suburban and Rural Fire Fighting" or equivalent documents for adequate water supply for fire fighting; and
- (6) Site visit to be completed by a registered professional or building official to determine if land is subject to flooding, mud flows, debris flows, debris torrents, erosion, land slip, rock-fall, subsidence or avalanche.

2.2 COMPLIANCE

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

2.3 APPLICATIONS

- 2.3.1** An application for a Permit shall be made on the appropriate form, ~~attached as Appendix A to this Bylaw~~ issued from time to time in accordance with this Bylaw. **(BL 4535)**

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

- 2.3.3** Each building or structure to be constructed on a site requires a separate building permit and shall be assessed a separate building permit fee based on the value of the building or structure as determined in accordance with Appendices A to D of this Bylaw.

(BI 4403)

2.3.4 Applications for Complex Buildings

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

(a) be made on the appropriate form ~~attached as Appendix A to this Bylaw issued from time to time~~, signed by the owner, or by a signing officer with sufficient authority to bind the corporation if the owner is a corporation;

~~(a)~~

(BL 4535)

- (b) include a copy of a title search made within 30 days of the date of this application, complete with copies of all easements, statutory rights of way and covenants;
- (c) include a site plan prepared by a registered professional or British Columbia land surveyor showing:
 - (i) the bearing and dimensions of the parcel taken from the registered subdivision plan;
 - (ii) the legal description and civic address of the parcel;
 - (iii) the location and dimensions of all statutory rights of way, easements, development permit areas and setback requirements;
 - (iv) the location and dimensions of all existing and proposed buildings or structures on the parcel;
 - (v) setbacks to the natural boundary of any sea, lake, wetland, pond or watercourse;
 - (vi) the existing and finished ground levels to an established datum at or adjacent to the site and the geodetic elevation of the underside of the floor system of a building or structure where the Capital Regional District's or the Islands Trust's land use regulations establish siting requirements related to minimum floor elevation; and
 - (vii) the location, dimension and gradient of parking and driveway access.
- (d) include floor plans showing the dimensions and uses of all areas; the location, size and swing of doors; the location, size and opening of windows; floor, wall, and ceiling finishes; plumbing fixtures; structural elements; and stair dimensions;
- (e) include a cross-section through the building or structure illustrating foundations, drainage, ceiling heights, the dimensions and height of crawl and roof spaces, and construction systems;
- (f) include elevations of all sides of the building or structure to confirm that it substantially conforms to the *Building Code* and any other applicable enactments;
- (g) include cross-sectional details drawn at an appropriate scale and at sufficient locations to illustrate that the building or structure substantially conforms to the *Building Code*;

- (h) include copies of approvals required under any enactment relating to health or safety, including, without limitation, Sewage Disposal permits, Highway Access permits and Ministry of Health Services approval;
 - (i) (include a letter of assurance in the form of Schedule A, as referred to in Division C of Part 2 of the *Building Code*, signed by the owner, or a signing officer if the owner is a corporation, and the coordinating registered professional;
 - (j) include letters of assurance in the form of Schedule B as referred to in Division C of Part 2 of the *Building Code*, each signed by such registered professionals as the building official or Building Code may require to prepare the design for and conduct field reviews of the construction of the building or structure;
 - (k) include two copies of specifications and two sets of drawings (three of each on the Southern Gulf Islands) at a scale of $\frac{1}{4}" = 1'$ or 1:50 (or other appropriate scale) of the design prepared by each registered professional and including the information set out in Section 2.3.4(1) (d) to (g) of this Bylaw.
- (2) In addition to the requirements of Section 2.3.4(1), the following may be required by a building official to be submitted with a building permit application for the construction of a complex building where the complexity of the proposed building or structure or siting circumstances warrant:
- (a) site servicing drawings, including sufficient detail of off-site services to indicate locations at the property line, prepared and sealed by a registered professional;
 - (b) a section through the site showing grades, buildings, structures, parking areas and driveways; and
 - (c) any other information required by the building official or the *Building Code* to establish substantial compliance with this Bylaw, the *Building Code* and other bylaws and enactments relating to the building or structure.

2.3.5 Applications for Simple Buildings

- (1) An application for a building permit with respect to a simple building shall:
- (a) be made on the appropriate form ~~attached as Appendix A to this Bylaw~~issued from time to time, signed by the owner or by a signing officer with sufficient authority to bind the corporation if the owner is a corporation;
 - (b) include a copy of a title search made within 30 days of the date of the application, complete with copies of all easements, statutory rights of way and covenants;
 - (c) include a site plan showing:

- (i) the bearing and dimensions of the parcel taken from the registered subdivision plan;
 - (ii) the legal description and civic address of the parcel;
 - (iii) the location and dimensions of all statutory rights of way, easements, development permit areas and setback requirements;
 - (iv) the location and dimensions of all existing and proposed buildings or structures on the parcel;
 - (v) setbacks to the natural boundary of any sea, lake, wetland, pond or watercourse;
 - (vi) the existing and finished ground levels to an established datum at or adjacent to the site and the geodetic elevation of the underside of the floor system of a building or structure where the Capital Regional District's or the Islands Trust's land use regulations establish siting requirements related to minimum floor elevation; and
 - (vii) the location, dimension and gradient of parking and driveway access.
- (d) include floor plans showing the dimensions and uses of all areas; the dimensions and height of crawl and roof spaces; the location, size and swing of doors; the location, size and opening of windows; floor, wall, and ceiling finishes; plumbing fixtures; structural elements; and stair dimensions;
 - (e) include a cross-section through the building or structure illustrating foundations, drainage, ceiling heights and construction systems;
 - (f) include elevations of all sides of the building or structure showing finish details, roof slopes, windows, doors, natural or finished grade as applicable and building height;
 - (g) include cross-sectional details drawn at an appropriate scale and at sufficient locations to illustrate that the building or structure substantially conforms to the *Building Code*;
 - (h) include copies of approvals required under any enactment relating to health or safety, including, without limitation, Sewage Disposal permits, Highway Access permits and Ministry of Health Services approval;
 - (i) include two copies of specifications and two sets of drawings (three of each on the Southern Gulf Islands) at a scale of $\frac{1}{4}" = 1' 0"$ or 1:50 (or other appropriate scale) of the design including the information set out in Section 2.3.5(1) (d) to (g) of this Bylaw;
 - (j) include any other information required by the building official or the *Building Code* to establish substantial compliance with this Bylaw the *Building Code* and other bylaws and enactments relating to the building or structure.

2.3.6 Applications for Moved Buildings or Structures

- (1) A Permit is required for the rehabilitation of a moved building or structure on the property to which it is to be moved.

- (2) Before issuing a Permit under Section 2.3.6(1), the building official may require certification from a registered professional that the building meets the requirements of this Bylaw, the *Building Code* and any other applicable enactment.

2.3.7 Professional Plan Certification

- (1) The letters of assurance in the form of Schedules A, B and C-A and C-B referred in Division C of Part 2 – Administrative Provisions of the *Building Code* and provided pursuant to this Bylaw are relied upon by the Capital Regional District and its building officials as certification that the design and plans to which the letters of assurance relate comply with the *Building Code* and other applicable enactments. Any failure on the part of the building official to provide the owner with the written notice will not diminish or invalidate the reliance by the Capital Regional District or its building officials on the registered professionals.

(BI 4403)

- (2) A Permit issued pursuant to Section 2.3.4 or Section 3.4.1 of this Bylaw shall include a notice to the owner that the Permit is issued in reliance upon the certification of the registered professionals that the building complies with the *Building Code* and other applicable enactments relating to safety.
- (3) When a Permit is issued in accordance with Section 2.3.4 or Section 3.4.1 of this Bylaw, the Permit fee shall be reduced by 10% of the fees payable pursuant to Appendix ~~K-E~~ to this Bylaw, up to a maximum reduction of \$1000 (one thousand dollars).

2.4 PERMIT FEES AND PLAN PROCESSING FEES

2.4.1 A Permit fee for any of the following work, calculated in accordance with ~~the forms attached as appendices C, D, E, or F to this Bylaw, Appendices A to D,~~ shall be paid in full prior to issuance of:

- (1) a plumbing Permit pursuant to section 2.1.2(2) of this Bylaw;
- (2) a Permit for the installation of a fireplace, chimney, or wood stove pursuant to section 2.1.2(3) of this Bylaw;
- (3) a Permit for the demolition or deconstruction of a building or structure, pursuant to section 2.1.2(4) or (5) of this Bylaw.

(BI 4403)

2.4.2 A Permit fee, calculated in accordance with Appendix ~~K-B~~ of this Bylaw, and based upon the construction value of the proposed work as determined in accordance with section 2.4.4 of this Bylaw, shall be paid in full prior to the issuance of a Permit for the construction, alteration or repair of a building or structure pursuant to section 2.1.2(1) of this Bylaw.

(BI 4403, 4535)

2.4.3 An application for a Permit pursuant to section 2.1.2(1) of this Bylaw must be accompanied by the owner's declaration of the value of the proposed work.

(BI 4403)

2.4.4 For the purpose of section 2.4.2, the construction value of the proposed work shall be the greater of the following:

- (1) the value of the proposed work, as declared by the owner under section 2.4.3,
- (2) the construction value of the proposed work, as determined by the building inspector using one of the following sources:
 - (a) the construction values set out in Appendix ~~L-C~~ and ~~M-D~~ to this Bylaw; or
 - (b) a construction costing manual or service that is nationally-recognized by the construction and real estate industries as authoritative, including but not limited to the Marshall & Swift Valuation Service or Residential Cost Handbook.

(BI 4403, 4535)

2.4.5 A plan processing fee, as set out below, shall accompany an application made for a building permit to this Bylaw.

- (1) The plan processing fee for a building or structure with a construction value as established under section 2.4.4~~+~~ of less than \$50,000 (fifty thousand dollars) shall be \$100 (one hundred dollars).
- (2) The plan processing fee for a building or structure with a construction value as established under section 2.4.4~~+~~ between \$50,000 (fifty thousand dollars) and \$200,000 (two hundred thousand dollars) shall be \$200 (two hundred dollars).
- (3) The plan processing fee for a building or structure with a construction value as established under section 2.4.4~~+~~ of greater than \$200,000 (two hundred thousand dollars) shall be \$300 (three hundred dollars).

(BI 4403, 4535)

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

2.4.7 Cancellations and Refunds

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

- (4) At the written request of the owner, after six months from the date of issuing the Permit and if the work has not commenced, including excavation, the Permit shall be cancelled and a refund to the Permit holder of 60% of the fees paid for the Permit.

2.4.8 Where, due to non-compliance with this Bylaw, more than two inspections are necessary when one inspection is normally required, for each inspection after the second inspection, a re-inspection charge of \$100 (one hundred dollars) shall be paid prior to additional inspections being performed.

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

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

(BI 4480)

2.4.11 The fee for removing a notice that has been placed on title to land in accordance with Section 57 of the *Community Charter* shall be \$500 (five hundred dollars).

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

(BI 4403)

2.5 CONDITIONS OF A PERMIT

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

- (1) a completed application in compliance with Section 2.1.2 and with Section 2.3.4 or Section 2.3.5 of this Bylaw, including all required supporting documentation, has been submitted and the review of the application has been completed;
- (2) the owner has paid all applicable fees set out in Section 2.4 of this Bylaw;
- (3) the owner has paid all charges and met all regulations and requirements imposed by any other bylaw or enactment;
- (4) the proposed construction does not contravene any covenant under Section 219 of the *Land Title Act*; ~~and~~
- (5) no enactment authorizes the Permit to be withheld; ~~and~~.

(6) the owner is not disentitled to a Permit by operation of Section 2.5.5 [Violations and Notices on Title].

(BL 4535)

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

- (1) work authorized by the Permit is not commenced within six months from the date of issuance of the Permit;
- (2) work is discontinued for a period of 12 months or no inspection as listed in Section 3.5.4 has been requested during that period;
- (3) work has not been completed within 24 months from the date of the issuance of the Permit; or
- (4) there is a sale or transfer of the property in respect of which the Permit is issued, unless the owner has first notified the building inspector in writing and the building inspector has authorized the transfer or assignment of the Permit to the new owner.

(BI 4403)

2.5.3 Reapplication

- (1) Except as provided in 2.5.9, where a permit expires under section 2.5.2 the owner must apply for a new permit in order to complete the work.
- (2) An application under section 2.5.3(1) must be accompanied by any of the information referred to in sections 2.3.4 or 2.3.5 that the building inspector considers is necessary to verify that the health and safety aspects of the work that has yet to be substantially completed will conform with the requirements of the then-current Building Code, this Bylaw and any other applicable enactment.
- (3) The fee for a Permit issued under section 2.5.3(1):
 - (a) will be based upon the value of the work that remains to be completed, as determined by the building inspector in accordance with section 2.4.4 of this Bylaw;
 - (b) will in no event be less than \$300.00.

(BI 4403)

2.5.4 Revocation of a Permit

The building official may revoke a Permit ~~where there is a violation of~~ one or more of the following violations occurs:

- (1) there is a contravention of a condition under which the Permit was issued; ~~or~~
- (2) there is a contravention of a provision of the *Building Code*, this Bylaw or other applicable bylaws or enactments;
- (3) the Permit was issued in error; or
- ~~(2)~~(4) the Permit was issued on the basis of false or incorrect information.

The ~~revoking of the Permit~~revocation shall be in writing and transmitted to the Permit holder by registered mail, and deemed served at the expiration of three days after the date of mailing.

2.5.5 Denial of Permits

- (1) Any person who has a notice placed on their property's title under section 57 of the Community Charter, or who has been notified in writing that work done by him or her or on his or her behalf is a violation referred to in Section 2.5.4 (collectively an "Infraction Notice"), shall have no Permit issued to him or her in respect of the same property, until he or she the person has complied, corrected the violation, or the issue identified in any notice on title, or satisfied the building official of his or her their ability to do so.
- (2) As an exception to Section 2.5.5(1), if the building permit application is for a building or structure other than the building or structure for which an Infraction Notice was issued, a building inspector may issue the building permit if:

 - a. the building inspector is satisfied that the construction and occupancy of the new building or structure does not adversely affect health or life safety aspects of any existing buildings or structures, and any existing buildings or structures do not adversely affect health or life safety aspects of the new structure; or
 - b. the owner undertakes to alleviate any health or life issues created by the construction or occupancy of the new building or structure. The building inspector may make alleviating the issue a condition of the permit, and may require the owner to secure its undertaking by providing a section 219 Land Title Act covenant. Without limiting the requirements that the building inspector can require in the section 219 covenant, the covenant may prohibit occupancy of the new building or structure until the health and life safety issues have been alleviated to the satisfaction of the building inspector.
- (3) As an exception to Section 2.5.5(1), if the building permit application is for the same building or structure for which an Infraction Notice has been issued, the building inspector may issue a permit if:

 - a. the owner satisfies the building inspector that the issue is capable of being rectified; and the owner undertakes to rectify the issue. The building inspector may make rectifying the issue a condition of the permit, and may secure the owner's undertaking by requiring the owner provide a section 219 Land Title Act covenant. Without limiting the requirements that the building inspector can require in the section 219 covenant, the covenant may prohibit occupancy of the building or structure until the existing health and life safety issues have been alleviated to the satisfaction of the building inspector; or
 - b. it is practically unfeasible to rectify the subject matter of the Infraction Notice, and the building inspector is satisfied that issuing a building permit for the subject matter of the building permit application would not adversely affect any existing life safety or health issues with the building or structure. The building inspector may note on an occupancy permit for the work that the

occupancy permit relates only to the work authorized by the building permit, and that the issuance of the permit does not relate to any previous construction or work. The building inspector may also require the owner to provide a section 219 Land Title Act covenant requiring the owner to only construct the work in accordance with the submitted plans, and releasing and indemnifying the CRD and the building official from and against any liability resulting from construction and occupancy of the building, including any past construction.

(4) Despite having discretion in Section 2.5.5(2):

- a. there is no obligation on a building official to provide an advance ruling or decision on the exercise of their discretion to an owner or potential owner in advance of receipt of a completed action plan; and
- b. there is no obligation on a building official to exercise discretion in favour of an owner.

(BI 4403, 4535)

2.5.6 Partial Permit

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

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

2.5.8 An owner shall arrange for transportation of a building official to the property on which a building or structure is being constructed, where the location of the property is remote or not accessible by motor vehicle. Vessels used for the marine transportation of a building official shall comply with Transport Canada's Small Commercial Vessel Safety Guide.

2.5.9 Permit Renewal

- (1) Where the rights of an owner under a Permit terminate under section 2.5.2, the owner may apply to renew the Permit provided the renewal application is made no later than 30 days after the expiry of the Permit.
- (2) Where all of the deficiencies listed on a Conditional Certificate of Occupancy have not been addressed to the satisfaction of the building inspector within 12 months of the issuance of the Conditional Certificate of Occupancy, the owner may apply to renew the Conditional Certificate of Occupancy, provided the renewal application is

made no later than 30 days after the expiry of the Conditional Certificate of Occupancy.

- (3) The fee for an application under sections 2.5.9(1) or (2) shall be \$300.00.
- (4) Upon receipt of an application under sections 2.5.9(1) or (2), a building inspector may renew the Permit or Conditional Certificate of Occupancy, as applicable, for a period not to exceed 12 months.
- (5) A Permit or Conditional Certificate of Occupancy may only be renewed once under this section 2.5.9. **(BI 4403)**

2.6 CERTIFICATE OF OCCUPANCY

2.6.1 An owner must obtain a Certificate of Occupancy, on the form ~~attached as Appendix I to this Bylaw~~, attached as Appendix F to this Bylaw, prior to occupying a building or structure. Certificates of Occupancy are not required for accessory buildings.

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

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

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

2.6.3 Conditional Certificate of Occupancy

- (1) A building official may issue a Conditional Certificate of Occupancy, on the form ~~attached as Appendix J to this Bylaw~~, attached as Appendix E to this Bylaw, for part of a building or structure when that part of the building or structure is self-contained, provided with essential services and meets requirements set out in Section 2.6.2 of this Bylaw.
- (2) A Conditional Certificate of Occupancy may be issued for a single family dwelling and is valid for a period of 12 months from date of issue.
- (3) If at a date 12 calendar months from the date a Conditional Certificate of Occupancy is issued, all of the deficiencies listed on the Certificate have not been addressed to the satisfaction of the building inspector Section 2.5.10 Renewal shall apply.
- (4) If upon expiry of a Permit, an owner desires to obtain a Certificate of Occupancy for a single family dwelling, he or she may apply for a new Permit under Section 2.5.3.

(4)(5) A Conditional Certificate of Occupancy may contain such conditions, including restrictions, on occupancy of the building or structure, or portion thereof, as the Building Official deems necessary and desirable, and may list deficiencies required to be addressed to the satisfaction of the Building Official prior to the issuance of a Certificate of Occupancy.

(BI 4403)

2.6.4 Revocation of Certificate of Occupancy

A building official may revoke a Certificate of Occupancy or Conditional Certificate of Occupancy where:

(1) a condition on a Conditional Certificate of Occupancy is breached;

(2) the Certificate of Occupancy was issued in error; or

(3) the Certificate of Occupancy was issued on the basis of false or incorrect information.

The revocation shall be in writing and transmitted to the Owner by registered mail, and deemed served at the expiration of three days after the date of mailing.

PART 3 PROHIBITIONS AND OBLIGATIONS

3.1 GENERAL

3.1.1 Work Without Permits

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

(BI 4403)

3.1.2 Demolish or Deconstruct

No person shall demolish or deconstruct a building or structure unless a building official has issued a valid and subsisting demolition or deconstruction permit for the work.

3.1.3 Occupancy

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

3.1.4 Tampering with Notices

No person shall, unless authorized in writing by a building official, reverse, alter, deface, cover, remove or in any way tamper with any notice, Permit or certificate posted upon or affixed to a building or structure pursuant to this Bylaw.

3.1.5 Approved Plans

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

3.1.6 Obstruction to Entry

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

3.1.7 Cessation of Work

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

3.1.8 Work Contrary to Requirements

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

3.2 BUILDING OFFICIALS

3.2.1 Each building official may:

- (1) administer this Bylaw, but owes no public duty to do so; and
- (2) keep records of Permit applications, Permits, notices and orders issued, inspections and tests made, and may retain copies of all documents related to the administration of this Bylaw.

(BI 4403)

3.2.2 Authority

The building official:

- (1) is hereby authorized to enter, at all reasonable times, and in accordance with section 16 of the *Community Charter*, upon any property subject to the regulations of this Bylaw and the *Building Code*, in order to ascertain whether the regulations of or directions under them are being observed;
- (2) is directed, where any dwelling, apartment or guest room is occupied, to obtain the consent of the occupant or provide written notice 24 hours in advance of entry pursuant to Section 3.2.2(1);

(BI 4403)

- (3) may order the correction of any work which is being or has been improperly done under any Permit;
- (4) may order the cessation of work that is proceeding in contravention of this Bylaw, the *Building Code* or any other applicable bylaw by advising the Permit holder by letter or by a written notice on a card posted adjacent to the work;
- (5) may direct that tests of materials, devices, construction materials, structural assemblies, or foundation conditions be undertaken, or sufficient evidence be submitted, at the expense of the owner, where such evidence is necessary to determine whether the materials, devices, construction or foundation meet the requirements of this Bylaw, the *Building Code*, or any other applicable enactment. The records of such tests shall be kept available for inspection during the construction of the building as required by the building official.

3.3 RESPONSIBILITY OF THE OWNER

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

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

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

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

3.4 PROFESSIONAL DESIGN AND FIELD REVIEW

3.4A PROFESSIONAL DESIGN (POTABLE WATER SYSTEMS)

3.4A.1 In this section, "On Site Water Collection" means a system for the collection of rainwater to be used as a source of potable water.

3.4A.2 As an exception to section 2.1.7(1), where an owner intends to provide potable water for a residential building that includes On Site Water Collection, the owner must provide to the building official certification by a qualified professional that the plans for the On Site Water Collection system, comply with the Building Code and other applicable enactments respecting safety of water supply and will provide the dwelling with potable water.

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

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

(a) the Capital Regional District is not approving the water system, does not assume any responsibility to review or inspect the installation of the water system or the quality or quantity of the water from On Site Water Collection and will rely upon the certification provided by the engineer; and

(b) the portion of the Building Permit fee associated with the water catchment system shall be reduced by 10%.

(BI 3780)

3.4.1 When a building official considers that the site conditions, size or complexity of a development or an aspect of a development warrant, he or she may require a registered professional to provide design and plan certification and field review supported by letters of assurance in the form of Schedule B referred to in of Part 2 - Administrative Provisions of the *Building Code*.

3.4.2 Prior to the issuance of a Certificate of Occupancy for a complex building, or simple building in circumstances where letters of assurance have been required in accordance with sections 2.3.4 or 3.4.1 of this Bylaw, the owner shall provide the building official with letters of assurance in the form of Schedule C-A and C-B as is appropriate, referred to in of Part 2 - Administrative Provisions of the *Building Code*.

3.4.3 When a registered professional provides letters of assurance in accordance with sections 2.3.4 and 3.4.1 of this Bylaw, he or she shall also provide proof of professional liability insurance to the building official.

3.5 INSPECTIONS

3.5.1 When a registered professional provides letters of assurance in accordance with sections 2.3.4 and 3.4.1 of this Bylaw, the Capital Regional District will rely solely on field reviews undertaken by the registered professional and the letters of assurance submitted pursuant to Section 3.4.2 of this Bylaw as certification that the construction substantially conforms to the design, plans and specifications and that the construction complies with the *Building Code*, this Bylaw and other applicable enactments.

3.5.2 Notwithstanding Section 3.5.1 of this Bylaw, a building official may attend the site from time to time during the course of construction to ascertain that the field reviews are taking place and to monitor the field reviews undertaken by the registered professionals.

3.5.3 A building official may attend periodically at the site of the construction of simple buildings or structures to ascertain whether the health and safety aspects of the work are carried out in substantial conformance with the portions of the *Building Code*, this Bylaw and any other applicable enactment.

3.5.4 The owner, or his or her representative, shall give at least 24 hours notice to the Capital Regional District when requesting an inspection of the following aspects of the work and, in the case of a simple building, shall obtain an inspection and receive a building official's acceptance prior to concealing any aspect of the work:

(1) the foundation and footing forms, before concrete is poured; location to be verified by legal survey;

(BI 4403)

(2) installation of perimeter drain tiles, roof water leader system and damp-proofing, prior to backfilling;

(BI 4403)

(3) the preparation of ground, including ground cover and insulation when required, prior to the placing of a concrete slab (as applicable);

(BI 4403)

(4) rough-in of all chimneys and fireplaces and solid fuel and oil burning appliances;

(5) framing inspection, after the roof, all framing, fire blocking and bracing is in place, and all pipes, vents, chimneys, electrical wiring, roof space and crawlspace vents are completed;

(6) water and sewer connections (as applicable);

(7) rough-in plumbing;

(8) ventilation;

(9) building envelope;

(10) lath;

(11) stucco (1st, 2nd, final) (as applicable);

(12) insulation and vapour barrier;

(13) chimney (as applicable);

(14) solid fuel burning appliance, fireplace (as applicable);

(15) health and safety aspects of the work when the building or structure is substantially complete and ready for a Conditional Certificate of Occupancy

(16) final inspection/Certificate of Occupancy.

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

PART 4 ADMINISTRATIVE PROVISIONS

4.1 PENALTIES AND ENFORCEMENT

4.1.1 Stop Work Notice

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

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

4.1.2 Do Not Occupy

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

4.1.3 Penalty

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

PART 5 GENERAL

5.1 SCHEDULES

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

5.2 SEVERABILITY

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

5.3 REPEAL OF BYLAWS

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

5.4 CITATION

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

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

CHAIR

CORPORATE OFFICER

BYLAW SCHEDULES

APPENDIX A FIREPLACE-CHIMNEY-WOOD STOVE APPLICATION FEES

FEE CALCULATIONS FOR PROPOSED WORK

<u>Check the appropriate options below</u>	<u>Fees (\$)</u>	<u>Number</u>	<u>Totals</u>
Construct CHIMNEY – one single flue (masonry or metal)	\$44 X	=	
Each additional flue in masonry chimney above	\$22 X	=	
Construct FIREPLACE connected to single flue	\$22 X	=	
SOLID FUEL BURNING APPLIANCE connected at time of construction	\$22 X	=	
SOLID FUEL BURNING APPLIANCE connected to existing acceptable chimney	\$44 X	=	
CHIMNEY reline, repair or alter (masonry)	\$44 X	=	
* APPLIANCES CONNECTED TO CHIMNEYS MUST COMPLY WITH AND BE INSTALLED TO ALL APPLICABLE REGULATIONS (See Building Inspector)	<u>TOTAL PERMIT FEE</u>		

PLUMBING PERMIT APPLICATION (RESIDENTIAL) FEES

<u>FEE SCHEDULE</u>	<u>Total No. of Fixtures</u>	<u>VALUE (\$)</u>	<u>UNITS</u>	<u>FEE</u>
Fee (first 10 fixtures)		\$22 Per fixture	X =	0
Fee (additional fixtures)		\$17 per fixture	X =	0
Hot Water Tank (domestic)		\$22 per tank	X =	0
Lawn Sprinkler System		\$49	X =	
Hot Water Heating Boiler Connection		\$17	X =	
Connect to Existing Rough-In		\$12 per fixture	X =	
Alter Waste Line (no additional fixtures)		\$44	X =	
Water Connection		\$22	X 1 =	
Alter Water Lines or Add Special Valve		\$22	X =	
Sanitary Sewer Connection		\$22	X 1 =	
Storm or Sewage Lift Station		\$17	X =	
Remove or Make Safe Private Sewage System		\$17	X =	
Installation of Floor Drain		\$12 each	X =	
Install or Alter Rain Water Leads or Roof Drain		\$12	X =	
Install or Replace Cistern for Potable Water		\$34	X =	
Lawn Service Stand Pipe (not part of building plumbing)		\$22	X =	
Area Drains, Sumps, Catch Basins		\$22	X =	
Fire Protection Sprinkler System		\$22	X =	
Each Group of 10 Sprinklers or Portion Over First 10		\$17	X =	
<u>TOTAL FEES</u>				

PLUMBING PERMIT APPLICATION (COMMERCIAL) FEES

<u>FEE SCHEDULE</u>	<u>Total No. of Fixtures</u>	<u>VALUE (\$)</u>	<u>UNITS</u>		<u>FEE</u>
Fee (first 10 fixtures)		\$22 per fixture	X	=	
Fee (additional fixtures)		\$17 per fixture	X	=	
Hot Water Tank (domestic)		\$22 per tank	X	=	
Lawn Sprinkler System		\$49	X	=	
Hot Water Heating Boiler Connection		\$17	X	=	
Connect to Existing Rough-In		\$12 per fixture	X	=	
Alter Sanitary/Storm Drainage System (existing)		\$44	X	=	
Water Connection		\$22	X	=	
Sanitary Sewer Connection		\$22	X	=	
Alter or Add to Water System		\$22	X		
Install Floor Drain or Funnel Drain		\$12 each	X	=	
Install or Alter Rain Water Leads or Roof Drain		\$12	X	=	
Install or Replace Cistern for Potable Water		\$34	X	=	
Installation of Building Sanitary Sewer		\$21 per 100'	X	=	
Installation of Building Storm Sewer		\$21 per 100'	X	=	
<u>FIRE PROTECTION</u>					
Fire Protection Sprinkler System		\$21 each first 10 heads	X	=	
Each Group of 10 Sprinklers or Portion over First 10		\$21	X	=	
Fire Stand Pipe		\$21	X	=	
Fire Hydrant		\$32 each	X		
<u>OUTSIDE SERVICES</u>					
Pumping Station Other Than for S.F.D.		\$32 each	X	=	
Lawn Service Stand Pipe (not part of building plumbing)		\$21	X	=	
Storm or Sanitary Lift Station		\$32 each	X	=	
Remove or Make Safe Private Sewage System		\$16	X	=	
Area Drains / Catch Basins / Sumps		\$21	X	=	
Manholes and Interceptors (all kinds)		\$21	X	=	
Acid Neutralizers or Special Control Valve or Cap Off Sanitary, Storm, Water Connections		\$21	X	=	
<u>TOTAL FEES</u>					

DEMOLITION – DECONSTRUCTION PERMIT APPLICATION FEES

	<u>Demolition Fee</u>	<u>Deconstruction Fee</u>	<u>Totals</u>
Buildings up to 400 square feet in area	\$100	\$0	
Buildings over to 400 square feet in area	\$200	\$0	
Rendering private sewage disposal system safe	\$21	\$21	
Cap building sewer	\$16	\$16	
<u>Total Permit Fee</u>			

APPENDIX B
PERMIT FEES BASED ON CONSTRUCTION VALUE

<u>TOTAL CONSTRUCTION VALUE AS PRESCRIBED IN 2.4.4, APPENDIX "C" AND "D"</u>	<u>FEE</u>
<u>Less than \$100.00</u>	<u>\$ NIL</u>
<u>Over \$100 and not over \$1,000</u>	<u>\$50</u>
<u>Each additional \$1,000.00 or fraction thereof and not exceeding \$5,000.00</u>	<u>\$25</u>
<u>Each additional \$1,000.00 or fraction thereof and not exceeding \$400,000.00</u>	<u>\$13</u>
<u>Each additional \$1,000.00 or fraction thereof over \$400,000.00</u>	<u>\$10</u>

APPENDIX C
CONSTRUCTION VALUES FOR BUILDINGS OTHER THAN SINGLE FAMILY DWELLINGS,
FACTORY BUILT HOMES, MOBILE HOMES, AND MOVED BUILDINGS

<u>TYPE OF BUILDING</u>	<u>TYPE OF CONSTRUCTION</u>	<u>VALUE</u>	
		<u>PER SQ. FOOT</u>	<u>PER METER SQ.</u>
<u>Hotel / Motel</u>	<u>Wood Frame</u>	<u>\$200</u>	<u>\$2,152.00</u>
<u>Hotel / Motel</u>	<u>Reinforced masonry or concrete</u>	<u>\$260</u>	<u>\$2,797.00</u>
<u>Hotel / Motel</u>	<u>Steel frame</u>	<u>Contract</u>	<u>Value</u>
<u>Town House or Apartment</u>	<u>Wood Frame</u>	<u>\$200</u>	<u>\$2,152.00</u>
<u>Town House or Apartment</u>	<u>Reinforced masonry or concrete</u>	<u>\$260</u>	<u>\$2,797.00</u>
<u>Town House or Apartment</u>	<u>Steel frame</u>	<u>Contract</u>	<u>Value</u>
<u>Commercial Building (shell only)</u>	<u>Wood Frame or Heavy Timber</u>	<u>\$150</u>	<u>\$1,614.00</u>
<u>Commercial Building (shell only)</u>	<u>Reinforced masonry or concrete</u>	<u>\$200</u>	<u>\$2,152.00</u>
<u>Commercial Building (shell only)</u>	<u>Steel frame</u>	<u>\$150</u>	<u>\$1,614.00</u>
<u>Commercial Building Except Offices and Restaurant</u>	<u>Completion of Interior</u>	<u>\$80</u>	<u>\$860.80</u>
<u>Commercial Buildings Restaurants</u>	<u>Completion of Interior</u>	<u>\$110</u>	<u>\$1,183.60</u>
<u>Commercial Building Office Interiors</u>	<u>Completion of Interior</u>	<u>\$80</u>	<u>\$860.80</u>
<u>Industrial Buildings (shell only)</u>	<u>Wood Frame or Heavy Timber</u>	<u>\$110</u>	<u>\$1,183.60</u>
<u>Industrial Buildings (shell only)</u>	<u>Steel Frame</u>	<u>\$110</u>	<u>\$1,183.60</u>
<u>Industrial Buildings</u>	<u>Reinforced masonry or concrete</u>	<u>\$150</u>	<u>\$1,614.00</u>
<u>Industrial Buildings (interiors)</u>	<u>Completion of Interior</u>	<u>\$35</u>	<u>\$376.60</u>
<u>Temporary Buildings</u>	<u>Wood Frame</u>	<u>\$70</u>	<u>\$753.20</u>

APPENDIX D
CONSTRUCTION VALUES FOR SINGLE AND TWO FAMILY DWELLINGS, FACTORY BUILT HOMES, MOBILE HOMES, AND MOVED BUILDINGS IN THE ELECTORAL AREAS OF JUAN DE FUCA, SALT SPRING ISLAND, SOUTHERN GULF ISLANDS

<u>FLOOR AREA OR TYPE OF STRUCTURE</u>	<u>VALUE</u>	
	<u>PER SQ. FT.</u>	<u>PER METER SQ.</u>
<u>Finished Main* Floor Areas</u>	<u>\$200</u>	<u>\$2,152</u>
<u>Finished Areas Other Than Main* Floor</u>	<u>\$150</u>	<u>\$1,614</u>
<u>Finishing previously Unfinished Basement,** Attics, or Other Floors</u>	<u>\$45</u>	<u>\$484.20</u>
<u>Garages and/or Workshops, Barns, or Sheds (Semi-Detached) Floor + Roof + Wall</u>	<u>\$90</u>	<u>\$968.40</u>
<u>Carports (Roof)</u>	<u>\$35</u>	<u>\$376.60</u>
<u>Sundecks (Floor)</u>	<u>\$35</u>	<u>\$376.60</u>
<u>Additions Where an Existing Wall Forms Part of the Additions</u>	<u>\$200</u>	<u>\$2,152</u>
<u>Finished Floor Areas of Factory Build Homes, Mobile Homes or Moved Dwellings</u>	<u>\$100</u>	<u>\$1,076</u>
* Main Floor shall be defined as the floor area where the main activity takes place, usually the floor where the living room, dining room, and/or kitchen are located.		
** Basement shall be defined as in the British Columbia Building Code		

(BI 4403)

Appendix A <small>Making a difference...together</small>		Building Permit Application		Permit No. _____
SOUTHERN GULF ISLANDS WILLIS POINT & MALAHAT BUILDING INSPECTION PO Box 1000, 625 Figgard St Victoria BC V8W 2S6 T: 250.360.3230, F: 250.360.3232 Email binspection@crd.bc.ca	JUAN DE FUCA BUILDING INSPECTION 3-7450 Butler Rd Sooke BC V9Z 1N1 T: 250.642.8109 F: 250.642.5274 Email bijdf@crd.bc.ca	SALT SPRING ISLAND BUILDING INSPECTION 206 -118 Fulford Ganges Rd Salt Spring Island BC V8K 2S4 T: 250.537.2711 F: 250.537.9633 Email bisaltspring@crd.bc.ca	PENDER ISLAND BUILDING INSPECTION PO Box 113 30-4605 Bedwell Harbour Rd Pender Island BC V0N 2M0 T: 250.629.3424 Email bipender@crd.bc.ca	
PLEASE PRINT CLEARLY Pursuant to the regulations applicable to the CAPITAL REGIONAL DISTRICT:				
I, _____, address _____,				
being the owner or representing the owner hereby make application to: (check one in box 1 and one in box 2 below)				
1	<input type="checkbox"/> Reactivate <input type="checkbox"/> Construct <input type="checkbox"/> Alter <input type="checkbox"/> Repair	<input type="checkbox"/> Deconstruct <input type="checkbox"/> Add To <input type="checkbox"/> Move <input type="checkbox"/> Demolish	2	<input type="checkbox"/> Single-Family Dwelling <input type="checkbox"/> Two-Family Dwelling <input type="checkbox"/> Multi-Family Dwelling <input type="checkbox"/> Other: _____
<input type="checkbox"/> Garage <input type="checkbox"/> Carport <input type="checkbox"/> Mobile <input type="checkbox"/> Commercial				
Construction Value _____ <small>Total Cost of Construction</small>				
The above project is located at _____ <small>Complete Address</small>				
Legal Description PID _____ Lot _____ Section _____ District _____ Plan _____ Folio _____				
Contact Email _____				
Owner _____ <small>First & Last Name Address (Unit #, House, Street, City, Postal Code)</small>				
Architect _____ <small>First & Last Name Address (Unit #, House, Street, City, Postal Code)</small>				
Builder _____ <small>First & Last Name Address (Unit #, House, Street, City, Postal Code)</small>				
LIMITATION OF LIABILITY Neither the issuance of a permit under this bylaw nor the acceptance or review of plans, drawings, or specifications or supporting documents, nor any inspections made by or on behalf of the Capital Regional District shall in any way relieve the owner or his or her representatives from full and sole responsibility to perform the work in full accordance with the British Columbia Building Code, the Building Regulation Bylaw of the CRD and all other applicable enactments, codes, and standards.				
FREEDOM OF INFORMATION WAIVER Personal information contained on this form is collected under the authority of the Local Government Act and is subject to the Freedom of Information and Protection of Privacy Act. The personal information will be used for purposes of issuing this permit. Enquiries about the collection or use of information on this form can be directed to the appropriate building inspection office listed at the top of this appendix.				
All building in the Capital Regional District Electoral Areas is regulated by Building Regulation Bylaw Nos. 3741, 3780 and 4403.				
NOTE: An Occupancy Permit will not be issued without either a holding tank permit issued by the Vancouver Island Health Authority or a letter of certification, as described in section 9 of the Sewerage System Regulation, B.C. Reg. 326/2004, from a registered practitioner or a professional confirming that an appropriate sewerage system has been constructed.				
Phone Number _____		Date _____		Signature of Applicant _____
THIS APPLICATION MUST BE ACCOMPANIED BY THE FOLLOWING:				Date Received _____
1. Plan Processing Fee. 2. Copy of BC Property Assessment Notice. 3. Copy of current Title Search, including copies of all covenants, easements and rights of way. 4. Site Plan drawn to scale showing: dimensions of property, location of septic tank and disposal field, location of proposed building, ground elevations, location of all existing buildings and details of site drainage. 5. Copy of documents filed with the Vancouver Island Health Authority under section 8(2) of the Sewerage System Regulation, B.C. Reg. 326/2004 and proof of potable water supply and well log. 6. Include specifications and scale drawings (two sets and a pdf) of the building with respect to which the work is to be carried out showing: foundation plan (fully dimensioned), floor plan of each level (fully dimensioned), elevations of all sides of the building and proposed and/or existing uses of room shown on floor plans. 7. Reverse printed plans not acceptable. 8. Documentation as required by the BC Housing New Home Registration.				

Appendix B Mobile Home Information Sheet <small>To be used in conjunction with BUILDING PERMIT APPLICATION (Appendix A)</small>		Hold No. Permit No.
Owner _____ Address _____		
Details of Mobile Home Name and Address of Manufacturer _____ NAME _____ ADDRESS _____ Model # _____ Serial # _____ Oil Approval # _____ Gas Approval # _____ Electrical Approval # _____ Z240 Series # _____ Year Built _____ Number of Bedrooms _____ Number of Plumbing Fixtures _____ Floor Area _____ Contractor _____ _____ ADDRESS Engineer _____ _____ ADDRESS	Note 1. An approved mobile home may be permanently installed in the Electoral Area of the Capital Regional District on property zoned for a Single Family Dwelling as long as all other requirements of the particular zone are met. Zoning Bylaws vary in their requirements depending on the location within the Capital Regional District. Please check with your local Building Inspection Office. 2. Factory built "Mobile Homes" must be certified as complying with Canadian Standards Association Standard "CAN/CSA-Z240 MH Series Mobile Homes". This standard does not apply to site preparations (foundations, basements, mountings), interconnection of modules, connection to services and installation of appliances. Mobile homes that do not meet the above standard will require the inspection and approval from a British Columbia registered professional engineer. It may be necessary for the Building Official to inspect the Mobile Home as well. 3. A completed Building Permit Application (form 1) must accompany this Information Sheet. 4. Include with the application a letter from the owner of the Mobile Home Park, the Tenant's Association or other relevant group or individual, confirming that there are no objections to the establishment of the mobile home, including any addition, on the proposed site. 5. The applicant will be notified of the permit fee when all aspects of the application have been approved.	
For inspection purposes where is the mobile now located? _____ ADDRESS		
Telephone No. _____ Date _____ Signature of Owner _____		

(BI 4403)

Appendix C		Fireplace - Chimney - Wood Stove Permit Application		Permit No.	
 Making a difference...together	SOUTHERN GULF ISLANDS WILLIS POINT & MALAHAT BUILDING INSPECTION PO Box 1000, 625 Fisgard St Victoria BC V8W 2S6 T: 250.360.3230, F: 250.360.3232 Email binspection@crd.bc.ca	JUAN DE FUCA BUILDING INSPECTION 3-7450 Butler Rd Sooke BC V9Z 1N1 T: 250.642.8109 F: 250.642.5274 Email bijdf@crd.bc.ca	SALT SPRING ISLAND BUILDING INSPECTION 206 -118 Fulford Ganges Rd Salt Spring Island BC V8K 2S4 T: 250.537.2711 F: 250.537.9633 Email bisaltspring@crd.bc.ca	PENDER ISLAND BUILDING INSPECTION PO Box 113 30-4605 Bedwell Harbour Rd Pender Island BC V0N 2M0 T: 250.629.3424 Email bipender@crd.bc.ca	
PLEASE PRINT CLEARLY					
Pursuant to the regulations applicable to the CAPITAL REGIONAL DISTRICT:					
I, _____, address _____,					
being the owner or representing the owner hereby make application to:					
PROJECT: (check one) <input type="checkbox"/> New Chimney <input type="checkbox"/> Replace Existing Unit					
LOCATION: (check one) <input type="checkbox"/> Single Family Dwelling <input type="checkbox"/> Garage <input type="checkbox"/> Workshop <input type="checkbox"/> Other: _____					
Site Address _____ Complete Address _____					
Legal Description PID _____ Lot _____ Section _____					
District _____ Plan _____ Folio _____					
Contact Email _____					
Owner _____ First & Last Name _____ Address (Unit #, House, Street, City, Postal Code) _____					
Builder _____ First & Last Name _____ Address (Unit #, House, Street, City, Postal Code) _____					
FEE CALCULATIONS FOR PROPOSED WORK					
Select the appropriate option below:			Fees	Number	Total \$
Construct Chimney - one single flue (masonry or metal)			\$ 44.00 X	=	
Each additional flue in masonry chimney above			22.00 X	=	
Construct Fireplace connected to single flue			22.00 X	=	
Solid Fuel Burning Appliance connected at time of construction			22.00 X	=	
Solid Fuel Burning Appliance connected to existing acceptable chimney			44.00 X	=	
Chimney - reline, repair or alter (masonry)			44.00 X	=	
*Appliances connected to chimneys must comply with, and be installed to, all applicable regulations. (See Building Inspector)			TOTAL PERMIT FEE		\$
LIMITATION OF LIABILITY Neither the issuance of a permit under this bylaw nor the acceptance or review of plans, drawings, or specifications or supporting documents, nor any inspections made by or on behalf of the Capital Regional District shall in any way relieve the owner or his or her representatives from full and sole responsibility to perform the work in full accordance with the British Columbia Building Code, the Building Regulation Bylaw of the CRD and all other applicable enactments, codes, and standards.					
FREEDOM OF INFORMATION WAIVER Personal information contained on this form is collected under the authority of the Local Government Act and is subject to the Freedom of Information and Protection of Privacy Act. The personal information will be used for purposes of issuing this permit. Enquiries about the collection or use of information on this form can be directed to the appropriate building inspection office listed at the top of this appendix. All building in the Capital Regional District Electoral Areas is regulated by Building Regulation Bylaw Nos. 3741, 3780 and 4403.					
Phone Number _____		Date _____		Signature of Applicant _____	
Note: Design details of the fireplace and/or chimney may be requested for approval by the Building Inspector. An inspection must be requested for the reinforcement of the hearth before the concrete is poured.					

Appendix D		Plumbing Permit Application (RESIDENTIAL)		Hold No.																																																																																																									
CRD <small>Making a Difference, Together</small>				Permit No.																																																																																																									
SOUTHERN GULF ISLANDS WILLIS POINT & MALAHAT BUILDING INSPECTION Mail to: P.O. Box 1000 (625 Fisgard Str.) Victoria, BC, V8W 2S8 (250)360-3230 FAX (250)360-3232 Toll Free: 1-866-475-1581	JUAN DE FUCA BUILDING INSPECTION Mail to: P.O. Box 283 2 - 6858 West Coast Rd. Sooke, BC, V9Z 0S9 (250)642-1500 FAX (250)642-5274	SALT SPRING ISLAND BUILDING INSPECTION 206 - 118 Fulford Ganges Rd. Salt Spring Island, BC, V8K 2S4 (250)537-2711 FAX (250)537-9633	PENDER ISLAND BUILDING INSPECTION Driftwood Centre, Box 45 Pender Island, B.C., V0N 2M0 (250)629-3424 FAX (250)629-350																																																																																																										
PLEASE PRINT CLEARLY Pursuant to the regulations applicable to the CAPITAL REGIONAL DISTRICT: I, _____, _____ <div style="display: flex; justify-content: space-between;"> First Name Surname </div> _____, being the owner or representing the owner hereby <div style="display: flex; justify-content: space-between;"> Apt. # House # Street City Postal Code </div> make application to, INSTALL OR ALTER PLUMBING SYSTEM OR SEWERS located at: <div style="display: flex; justify-content: space-between;"> Site address: House Number Street </div>																																																																																																													
LEGAL DESCRIPTION		FOLIO No.																																																																																																											
LOT	SECTION	BLOCK	PLAN	LAND DISTRICT																																																																																																									
Other Pertinent Information																																																																																																													
Owner		ADDRESS (UNIT#, HOUSE #, STREET, CITY, POSTAL CODE)																																																																																																											
Contractor		ADDRESS (UNIT#, HOUSE #, STREET, CITY, POSTAL CODE)																																																																																																											
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LIMITATION OF LIABILITY Neither the issuance of a permit under this bylaw nor the acceptance or review of plans, drawings or specifications or supporting documents, nor any inspections made by or on behalf of the Capital Regional District shall in any way relieve the owner or his or her representatives from full and sole responsibility to perform the work in full accordance with the British Columbia Building Code, the Building Regulation Bylaw of the CRD and all other applicable enactments, codes, and standards.																																																																																																													
FREEDOM OF INFORMATION WAIVER Personal information contained on this form is collected under the authority of the Local Government Act and is subject to the Freedom of Information and Protection of Privacy Act. The personal information will be used for purposes of issuing this permit. Enquiries about the collection or use of information on this form can be directed to the appropriate building inspection office listed at the top of this appendix.																																																																																																													
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Appendix E		Plumbing Permit Application (COMMERCIAL)		Hold No.	
CAPITAL REGIONAL DISTRICT				Permit No.	
SOUTHERN GULF ISLANDS WILLIS POINT & MALAHAT BUILDING INSPECTION Mail to: P.O. Box 1000 (625 Fisgard Str.) Victoria, BC, V8W 2S6 (250)360-3230 FAX (250)360-3232 Toll Free: 1-866-475-1581		JUAN DE FUCA BUILDING INSPECTION Mail to: P.O. Box 283 2 - 6868 West Coast Rd. Sooke, BC, V6Z 0S0 (250)642-1500 FAX (250)642-5274		SALT SPRING ISLAND BUILDING INSPECTION 206 - 116 Fulford Ganges Rd. Salt Spring Island, BC, V8K 2S4 (250)537-2711 FAX (250)537-9633	
				PENDER ISLAND BUILDING INSPECTION Driftwood Centre, Box 45 Pender Island, B.C. V0N 2M0 (250)629-3424 FAX (250)629-3501	
PLEASE PRINT CLEARLY Pursuant to the regulations applicable to the CAPITAL REGIONAL DISTRICT:					
Apt. #		House #		Street	
City		Postal Code		First Name	
make application to, INSTALL OR ALTER		PLUMBING SYSTEM OR SEWERS located at:		being the owner or representing the owner hereby	
Site address :		House Number		Street	
LEGAL DESCRIPTION				FOLIO No.	
LOT		BLOCK		PLAN	
				LAND DISTRICT	
Other Pertinent Information					
OWNER					
FIRST & LAST NAME		ADDRESS (UNIT, HOUSE #, STREET, CITY, POSTAL CODE)			
COUNTRY FOR					
FIRST & LAST NAME		ADDRESS (UNIT, HOUSE #, STREET, CITY, POSTAL CODE)			
FEE SCHEDULE		Total No. of Fixtures:		VALUE	
Fee (First 10 fixtures)				\$ 22. per fixt.	
Fee (Additional fixtures)				17. per fixt.	
Hot Water Tanks (domestic)				22. per tank	
Lawn Sprinkler System				17. per zone	
Hot Water Heating Boiler Connection				12. per fixt.	
Connect Existing Branch				42. per fixt.	
Alter Sanitary/Storm Drainage System (existing)				22. per fixt.	
Water Connection				22. per fixt.	
Sanitary Sewer Connection				22. per fixt.	
Alter or Add to Water System				22. per fixt.	
Install Floor Drain or Funnel Drain				21. each	
Install or alter Rain Water Leads or Roof Drain				21. each	
Install or Replace Cistern For Potable Water				21. each	
Installation of Building Sanitary Sewer				21. per 10'	
Installation of Building Storm Sewer				21. per 10'	
FIRE PROTECTION					
Fire Protection Sprinkler System				21. each first 10' heads	
Each Group of 10 Sprinklers or Portion Over First 10'				21. each	
Fire Stand Pipe				21. each	
Fire Hydrant				32. each	
OUTSIDE SERVICES					
Pumping Station other than for S.F.O.				32. each	
Lawn Service Stand Pipe (not part of building piping)				21. each	
Storm or Sanitary Lift Station				32. each	
Remove or Make Safe Private Sewage System				16. each	
Area Drains / Catch Basins / Sumps				21. each	
Manholes and Interceptors (all kinds)				21. each	
Acid neutralizers or Special Control Valve or Cap Off Sanitary, Storm, Water Connections				21. each	
		TOTAL FEES			
LIMITATION OF LIABILITY Neither the issuance of a permit under this bylaw nor the acceptance or review of plans, drawings or specifications or supporting documents, nor any inspections made by or on behalf of the Capital Regional District shall in any way relieve the owner or his or her representatives from full and sole responsibility to perform the work in full accordance with the British Columbia Building Code, the Building Regulation Bylaw of the CRD and all other applicable enactments.					
FREEDOM OF INFORMATION ACT Personal information contained on this form is collected under the authority of the Local Government Act and is subject to the Freedom of Information and Protection of Privacy Act. The personal information will be used for purposes of issuing this permit. Enquiries about the collection or use of information on this form can be directed to the appropriate building inspection office listed at the top of this appendix.					
A building in the Capital Regional District Electoral Areas is regulated by Building Regulation Bylaw No. 3741.					
Payment received by way of cheque <input type="checkbox"/> cash <input type="checkbox"/> date _____					
Telephone No.		Date		Signature of Applicant	

(BI 4403)

Appendix F		Demolition - Deconstruction		Permit Application		Permit No.			
 Making a difference... together		SOUTHERN GULF ISLANDS WILLIS POINT & MALAHAT BUILDING INSPECTION PO Box 1000, 625 Fisgard St Victoria BC V8W 2S6 T: 250.360.3230, F: 250.360.3232 Email binspection@crd.bc.ca		JUAN DE FUCA BUILDING INSPECTION 3-7450 Butler Rd Sooke BC V9Z 1N1 T: 250.642.8109 F: 250.642.5274 Email bijdf@crd.bc.ca		SALT SPRING ISLAND BUILDING INSPECTION 206 -118 Fulford Ganges Rd Salt Spring Island BC V8K 2S4 T: 250.537.2711 F: 250.537.9633 Email bisaltspring@crd.bc.ca		PENDER ISLAND BUILDING INSPECTION PO Box 113 30-4605 Bedwell Harbour Rd Pender Island BC V0N 2M0 T: 250.629.3424 Email bipender@crd.bc.ca	
PLEASE PRINT CLEARLY									
Pursuant to the regulations applicable to the CAPITAL REGIONAL DISTRICT:									
I, _____, address _____,									
being the owner or representing the owner hereby make application to DEMOLISH or DECONSTRUCT									
_____ located at: _____									
<i>Single Family Dwelling, Accessory Building etc.</i> _____ <i>Complete Address</i>									
Reason for Demolition _____ Age of Building _____									
Legal Description PID _____ Lot _____ Section _____									
District _____ Plan _____ Folio _____									
Contact Email _____									
Owner _____									
First & Last Name _____ Address (Unit #, House, Street, City, Postal Code) _____									
Builder _____									
First & Last Name _____ Address (Unit #, House, Street, City, Postal Code) _____									
All work relating to this application including rendering sewage disposal system safe and providing a safe demolition site, shall meet the requirements of the Capital Regional District and British Columbia Building Code and be completed by _____.									
LIMITATION OF LIABILITY									
Neither the issuance of a permit under this bylaw nor the acceptance or review of plans, drawings, or specifications or supporting documents, nor any inspections made by or on behalf of the Capital Regional District shall in any way relieve the owner or his or her representatives from full and sole responsibility to perform the work in full accordance with the British Columbia Building Code, the Building Regulation Bylaw of the CRD and all other applicable enactments, codes, and standards.									
FREEDOM OF INFORMATION WAIVER									
Personal information contained on this form is collected under the authority of the Local Government Act and is subject to the Freedom of Information and Protection of Privacy Act. The personal information will be used for purposes of issuing this permit. Enquiries about the collection or use of information on this form can be directed to the appropriate building inspection office listed at the top of this appendix.									
All building in the Capital Regional District Electoral Areas is regulated by Building Regulation Bylaw Nos. 3741, 3780 and 4403.									
Phone Number _____		Date _____		Signature of Applicant _____					
FEE SCHEDULE		Demolition Fee		Deconstruction Fee		Totals		Payment received	
Check one of the following:								by:	
<input type="checkbox"/> Buildings up to 400 square feet in area		\$100.00		\$0.00				Cheque <input type="checkbox"/>	
<input type="checkbox"/> Buildings over 400 square feet in area		200.00		0.00				Cash <input type="checkbox"/>	
<input type="checkbox"/> Rendering private sewage disposal system safe		21.00		21.00				Date: _____	
<input type="checkbox"/> Cap building sewer		16.00		16.00					
		TOTAL PERMIT FEE							

Appendix G <small>Building & Development Regulation</small>		Change of Occupancy Classification		Hold No. Permit No.											
SOUTHERN GULF ISLANDS WILLIS POINT & MALAHAT BUILDING INSPECTION <small>Mail to: P.O. Box 1000 (625 Flagland Str.) Victoria, BC, V8W 2S6 (250)360-3230 FAX (250)360-3232 Toll Free: 1-866-475-1561</small>		JUAN DE FUCA BUILDING INSPECTION <small>Mail to: P.O. Box 283 2 - 6858 West Coast Rd. Sooke, BC, V9Z 0S9 (250)642-1500 FAX (250)642-5274</small>		SALT SPRING ISLAND BUILDING INSPECTION <small>206 - 118 Fulford Ganges Rd. Salt Spring Island, BC, V8K 2S4 (250)537-2711 FAX (250)537-9633</small>											
PENDER ISLAND BUILDING INSPECTION <small>Driftwood Centre, Box 45 Pender Island, B.C., V0N 2M0 (250)629-3424 FAX (250)629-3502</small>															
PLEASE PRINT CLEARLY Pursuant to the regulations applicable to the CAPITAL REGIONAL DISTRICT: I, _____, being owner hereby make a declaration to CHANGE THE OCCUPANCY CLASSIFICATION of the building or portion of the building located at: _____ LEGAL DESCRIPTION _____ FOLIO No. _____ Lot _____ Section _____ Block _____ Plan No. _____ District _____ Present use of building or area of building: _____ Use. Proposed Change to: _____ Use. Telephone No. _____ Date _____ Signature of Applicant _____ Signature of Property Owner _____															
Office Use Only <table style="width: 100%; border: none;"> <tr> <td style="width: 25%;">FROM</td> <td style="width: 25%;"> <input type="checkbox"/> Group A, Division 1 <input type="checkbox"/> Group B, Division 1 <input type="checkbox"/> Group E </td> <td style="width: 25%;"> <input type="checkbox"/> Group A, Division 2 <input type="checkbox"/> Group B, Division 2 <input type="checkbox"/> Group F, Division 1 </td> <td style="width: 25%;"> <input type="checkbox"/> Group A, Division 3 <input type="checkbox"/> Group C <input type="checkbox"/> Group F, Division 2 </td> <td style="width: 25%;"> <input type="checkbox"/> Group A, Division 4 <input type="checkbox"/> Group D <input type="checkbox"/> Group F, Division 3 </td> </tr> <tr> <td>TO</td> <td> <input type="checkbox"/> Group A, Division 1 <input type="checkbox"/> Group B, Division 1 <input type="checkbox"/> Group E </td> <td> <input type="checkbox"/> Group A, Division 2 <input type="checkbox"/> Group B, Division 2 <input type="checkbox"/> Group F, Division 1 </td> <td> <input type="checkbox"/> Group A, Division 3 <input type="checkbox"/> Group C <input type="checkbox"/> Group F, Division 2 </td> <td> <input type="checkbox"/> Group A, Division 4 <input type="checkbox"/> Group D <input type="checkbox"/> Group F, Division 3 </td> </tr> </table>						FROM	<input type="checkbox"/> Group A, Division 1 <input type="checkbox"/> Group B, Division 1 <input type="checkbox"/> Group E	<input type="checkbox"/> Group A, Division 2 <input type="checkbox"/> Group B, Division 2 <input type="checkbox"/> Group F, Division 1	<input type="checkbox"/> Group A, Division 3 <input type="checkbox"/> Group C <input type="checkbox"/> Group F, Division 2	<input type="checkbox"/> Group A, Division 4 <input type="checkbox"/> Group D <input type="checkbox"/> Group F, Division 3	TO	<input type="checkbox"/> Group A, Division 1 <input type="checkbox"/> Group B, Division 1 <input type="checkbox"/> Group E	<input type="checkbox"/> Group A, Division 2 <input type="checkbox"/> Group B, Division 2 <input type="checkbox"/> Group F, Division 1	<input type="checkbox"/> Group A, Division 3 <input type="checkbox"/> Group C <input type="checkbox"/> Group F, Division 2	<input type="checkbox"/> Group A, Division 4 <input type="checkbox"/> Group D <input type="checkbox"/> Group F, Division 3
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AUTHORITY	REJECTED	APPROVED	SIGNATURE	DATE	COMMENTS										
BUILDING INSPECTION															
PLANNING ZONING															
HEALTH															
FIRE DEPARTMENT															


Appendix H		BUILDING PERMIT CAPITAL REGIONAL DISTRICT Building Inspection Division <small>G.S.T. Registration No. R121299836</small>		Hold No.
 <small>Making a difference... together</small>				Permit No.
SOUTHERN GULF ISLANDS WILLIS POINT & MALAHAT BUILDING INSPECTION Mail to: P.O. Box 1000 (625 Fisgard Str.) Victoria, BC, V8W 2S8 (250)360-3230 FAX (250)360-3232 Toll Free: 1-866-475-1581	JUAN DE FUCA BUILDING INSPECTION Mail to: P.O. Box 283 2 - 6868 West Coast Rd. Sooke, BC, V9Z 0S9 (250)642-1500 FAX (250)642-5274	SALT SPRING ISLAND BUILDING INSPECTION 206 - 118 Fulford Ganges Rd. Salt Spring Island, BC, V8K 2S4 (250)537-2711 FAX (250)537-9633	PENDER ISLAND BUILDING INSPECTION Driftwood Centre, Box 45 Pender Island, B.C., V0N 2M0 (250)629-3424 FAX (250)629-3502	
PURSUANT TO REGULATIONS APPLICABLE TO THE CAPITAL REGIONAL DISTRICT Mr. / Mrs. / Ms. _____ # _____ Street _____ City _____ Postal _____ Being _____ is hereby granted a Permit to _____ Located at _____ where the accompanying _____ Telephone Number _____				
LEGAL DESCRIPTION				FOLIO No. _____
LOT _____	SECTION _____	BLOCK _____	PLAN _____	LAND DISTRICT _____
Owner _____		Address _____ # _____ Street _____ City _____ Postal Code _____		
Builder _____		Address _____ # _____ Street _____ City _____ Postal Code _____		
THIS PERMIT IS ISSUED SUBJECT TO THE FOLLOWING SPECIAL REQUIREMENTS:				
<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> Notes: 1. Permit issued according to the above SPECIAL REQUIREMENTS, the accompanying plans and the applicable regulations. 2. Inspections must be requested in accordance with Building Regulation Bylaw requirements. At least 24 hours notice is required. 3. A re-inspection fee will be charged in accordance with the Building Regulation Bylaw 4. Work related to this permit must be started within 6 months of the date of issue and must not be discontinued or suspended for more than one year. Separate permits are required for plumbing installations, and fireplace / chimney construction. 5. A CERTIFICATE OF OCCUPANCY MUST BE APPLIED FOR AND OBTAINED PRIOR TO THE OCCUPANCY OF ANY BUILDING. </div> <div style="width: 50%;"> LIMITATION OF LIABILITY Neither the issuance of a permit under this bylaw nor the acceptance or review of plans, drawings or specifications or supporting documents, nor any inspections made by or on behalf of the Capital Regional District shall in any way relieve the owner or his or her representatives from full and sole responsibility to perform the work in full accordance with the British Columbia Building Code, the Building Regulation Bylaw of the CRD and all other applicable enactments, codes, and standards. FREEDOM OF INFORMATION WAIVER Personal information contained on this form is collected under the authority of the Local Government Act and is subject to the Freedom of Information and Protection of Privacy Act. The personal information will be used for purposes of issuing this permit. Enquiries about the collection or use of information on this form can be directed to the appropriate building inspection office listed at the top of this appendix. All building in the Capital Regional District Electoral Areas is regulated by Building Regulation Bylaw No. 3741. </div> </div>				
FEE SUMMARY				
AREA OF BUILDING	FEE	BUILDING INSPECTOR CAPITAL REGIONAL DISTRICT DATE PERMIT GRANTED _____		
ESTIMATED COST				
PLUMBING PERMIT (residential)				
PLUMBING PERMIT (commercial)				
CHIMNEY / APPLIANCE PERMIT				
DEMOLITION / DECONSTRUCTION PERMIT				
OTHER		Payment By <input type="checkbox"/> cheque <input type="checkbox"/> cash date _____		
Total Permit Fee				


NOW APPENDIX G

Appendix E

Appendix I	<h3 style="margin: 0;">Conditional Certificate of Occupancy</h3> <p style="margin: 0; font-size: small;">ISSUED BY THE BUILDING INSPECTION DIVISION OF THE CAPITAL REGIONAL DISTRICT</p>	Permit No. _____										
<div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;">FOLIO No. _____</div> <div style="display: flex; justify-content: space-between;"> <div style="width: 30%;">Owner _____</div> <div style="width: 40%;">Address _____</div> <div style="width: 30%;"># _____ Street _____</div> </div> <div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;">LEGAL DESCRIPTION _____</div> <table style="width: 100%; border-collapse: collapse; font-size: x-small;"> <tr> <td style="width: 20%; border-bottom: 1px solid black;">LOT</td> <td style="width: 20%; border-bottom: 1px solid black;">SECTION</td> <td style="width: 20%; border-bottom: 1px solid black;">BLOCK</td> <td style="width: 20%; border-bottom: 1px solid black;">PLAN</td> <td style="width: 20%; border-bottom: 1px solid black;">LAND DISTRICT</td> </tr> <tr> <td style="height: 20px;"></td> <td></td> <td></td> <td></td> <td></td> </tr> </table>			LOT	SECTION	BLOCK	PLAN	LAND DISTRICT					
LOT	SECTION	BLOCK	PLAN	LAND DISTRICT								
<div style="border: 1px solid black; padding: 5px; margin-bottom: 10px;"> THE CONDITIONAL CERTIFICATE OF OCCUPANCY IS ISSUED SUBJECT TO THE FOLLOWING CONDITIONS: </div> <ol style="list-style-type: none"> 1. The deficiencies listed below shall be rectified to the satisfaction of the building inspector. 2. Upon satisfactory completion of all deficiencies the building inspector may issue a CERTIFICATE OF OCCUPANCY for the building. 3. If at a date 12 calendar months from the date of issue of this CONDITIONAL CERTIFICATE OF OCCUPANCY, all of the deficiencies listed below have not been addressed to the satisfaction of the building inspector, the permit will need to be renewed for an additional one year period. A renewal fee of \$300 shall be charged for each renewal, to a maximum of three years after which the permit will expire and the Capital Regional District will register a notice against the title of the land, referring to the outstanding deficiencies. The notice will remain in place until the deficiencies have been rectified to the satisfaction of the building inspector. Upon expiry of a building permit and in order for the building inspector to conduct the required final inspection and issue the CERTIFICATE OF OCCUPANCY, it will be necessary for the owner to apply for a permit to complete the outstanding work. Upon completion of all deficiencies the notice will be removed and the building inspector may issue a permanent CERTIFICATE OF OCCUPANCY for the building. 4. The CONDITIONAL CERTIFICATE OF OCCUPANCY confirms only that the building is believed to meet the minimum level of health and safety requirements and is not a representation, warranty, assurance or statement that the building complies with the Building Code, the Building Regulation Bylaw of the CRD, or any other applicable enactments, codes or standards. <div style="border: 1px solid black; padding: 5px; margin-top: 10px; font-size: x-small;"> The following list of deficiencies should not be construed as a definitive list of all requirements. Known deficiencies outstanding at date of issue of CONDITIONAL CERTIFICATE OF OCCUPANCY are: </div> <div style="border: 1px solid black; height: 100px; margin-top: 10px;"></div>												
<div style="display: flex; justify-content: space-between; margin-bottom: 20px;"> <div style="width: 45%;">Date of Sewerage System Certification _____</div> <div style="width: 55%;"> Authorized Use <input type="checkbox"/> SFD <input type="checkbox"/> Other _____ </div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 55%;"> APPROVED FOR OCCUPANCY _____ <div style="text-align: center; font-size: x-small;">Building Inspector</div> </div> <div style="width: 40%;">DATE _____</div> </div>												

APPENDIX F


Appendix J 	<h3 style="margin: 0;">Certificate of Occupancy</h3> <p style="margin: 0; font-size: small;">ISSUED BY THE BUILDING INSPECTION DIVISION OF THE CAPITAL REGIONAL DISTRICT PURSUANT TO THE BRITISH COLUMBIA LOCAL GOVERNMENT ACT</p>	Hold No. Permit No.															
THIS IS TO CERTIFY that the premises named herein have been constructed under the authority of a valid Building Permit and have received the final inspection.																	
<div style="border: 1px solid black; padding: 5px; display: inline-block;"> THIS BUILDING IS NOW COMPLETED AND READY FOR OCCUPANCY. </div>																	
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="border-bottom: 1px solid black; width: 30%;">FOLIO No.</td> <td colspan="2"></td> </tr> <tr> <td style="border-bottom: 1px solid black;">Owner</td> <td style="border-bottom: 1px solid black; width: 10%;">Address #</td> <td style="border-bottom: 1px solid black; width: 80%;">Street</td> </tr> <tr> <td style="border-bottom: 1px solid black;">LEGAL DESCRIPTION</td> <td colspan="2"></td> </tr> <tr> <td style="border-bottom: 1px solid black; text-align: center;">LOT</td> <td style="border-bottom: 1px solid black; text-align: center;">SECTION</td> <td style="border-bottom: 1px solid black; text-align: center;">BLOCK</td> </tr> <tr> <td style="border-bottom: 1px solid black; text-align: center;">PLAN</td> <td colspan="2" style="border-bottom: 1px solid black; text-align: center;">LAND DISTRICT</td> </tr> </table>			FOLIO No.			Owner	Address #	Street	LEGAL DESCRIPTION			LOT	SECTION	BLOCK	PLAN	LAND DISTRICT	
FOLIO No.																	
Owner	Address #	Street															
LEGAL DESCRIPTION																	
LOT	SECTION	BLOCK															
PLAN	LAND DISTRICT																
<p style="font-size: x-small;">No action may be brought against the Capital Regional District or its officials or servants for anything done or left undone in good faith in the performance or intended performance of any authority conferred or duty imposed under this or any other Bylaw adopted by the Capital Regional District pursuant to the British Columbia Local Government Act.</p> <p style="margin-top: 10px;">NO REPRESENTATION BY CRD</p> <p style="font-size: x-small;">Neither the issuance of a permit, Certificate of Occupancy or Conditional Certificate of Occupancy under this bylaw nor the acceptance or review of plans, drawings or specifications or supporting documents, nor any inspections made by or on behalf of the Capital Regional District constitute in any way a representation, warranty, assurance or statement that the Building Code, this Bylaw or any other applicable enactments, codes, and standards have been complied with.</p> <p style="margin-top: 10px; font-size: x-small;">All building in the Capital Regional District Electoral Areas is regulated by Building Regulation Bylaw No. 3741.</p>																	
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: center;"> <div style="border-bottom: 1px solid black; height: 1.2em; margin-bottom: 5px;"></div> Date </td> <td style="width: 50%; text-align: center;"> <div style="border-bottom: 1px solid black; height: 1.2em; margin-bottom: 5px;"></div> Signature of Owner </td> </tr> </table>			<div style="border-bottom: 1px solid black; height: 1.2em; margin-bottom: 5px;"></div> Date	<div style="border-bottom: 1px solid black; height: 1.2em; margin-bottom: 5px;"></div> Signature of Owner													
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<div style="border-bottom: 1px solid black; height: 1.2em; margin-bottom: 5px;"></div> Date	<div style="border-bottom: 1px solid black; height: 1.2em; margin-bottom: 5px;"></div> Signature Building Inspector																


Appendix K	Permit Fees Schedule for Capital Regional District	
		
TOTAL CONSTRUCTION VALUE AS PRESCRIBED IN APPENDIX "L" OR "M".		FEES
Less than \$100.00		\$0.00
Over \$100.00 and not over \$1,000.00		25.00
Each additional \$1,000.00 or fraction thereof and not exceeding \$5,000.00		25.00
Each additional \$1,000.00 or fraction thereof not exceeding \$400,000.00		13.00
Each additional \$1,000.00 or fraction thereof over \$400,000.00		10.00

NOW CONTAINED
ABOVE

APPENDIX G

BUILDING PERMIT CAPITAL REGIONAL DISTRICT Building Inspection Division <small>G.S.T. Registration No. R121299836</small>		Hold No. Permit No.	
SOUTHERN GULF ISLANDS WILLIS POINT & MALAHAT BUILDING INSPECTION Mail to: P.O. Box 1000 (625 Fisgard Str.) Victoria, BC, V8W 2S8 (250)360-3230 FAX (250)360-3232 Toll Free: 1-866-475-1581	JUAN DE FUCA BUILDING INSPECTION Mail to: P.O. Box 283 2 - 6868 West Coast Rd. Sooke, BC, V9Z 0S9 (250)642-1500 FAX (250)642-5274	SALT SPRING ISLAND BUILDING INSPECTION 206 - 118 Fulford Ganges Rd. Salt Spring Island, BC, V8K 2S4 (250)537-2711 FAX (250)537-9633	PENDER ISLAND BUILDING INSPECTION Driftwood Centre, Box 45 Pender Island, B.C., V0N 2M0 (250)629-3424 FAX (250)629-3502
PURSUANT TO REGULATIONS APPLICABLE TO THE CAPITAL REGIONAL DISTRICT: Mr. / Mrs. / Ms. _____ # _____ Street _____ City _____ Postal Code _____ Being the owner is hereby granted a PERMIT to Located at _____ and as shown by the accompanying plan. Telephone Number _____			
LEGAL DESCRIPTION		FOLIO No.	
LOT	SECTION	BLOCK	
PLAN	LAND DISTRICT		
Owner _____ Address _____ # _____ Street _____ City _____ Postal Code _____ Builder _____ Address _____ # _____ Street _____ City _____ Postal Code _____			
THIS PERMIT IS ISSUED SUBJECT TO THE FOLLOWING SPECIAL REQUIREMENTS: <div style="border: 1px solid black; height: 100px; margin-top: 5px;"></div>			
Notes: 1. Permit issued according to the above SPECIAL REQUIREMENTS, the accompanying plans and the applicable regulations. 2. Inspections must be requested in accordance with Building Regulation Bylaw requirements. At least 24 hours notice is required. 3. A re-inspection fee will be charged in accordance with the Building Regulation Bylaw. 4. Work related to this permit must be started within 6 months of the date of issue and must not be discontinued or suspended for more than one year. Separate permits are required for plumbing installations, and fireplace / chimney construction. 5. A CERTIFICATE OF OCCUPANCY MUST BE APPLIED FOR AND OBTAINED PRIOR TO THE OCCUPANCY OF ANY BUILDING.		LIMITATION OF LIABILITY Neither the issuance of a permit under this bylaw nor the acceptance or review of plans, drawings or specifications or supporting documents, nor any inspections made by or on behalf of the Capital Regional District shall in any way relieve the owner or his or her representatives from full and sole responsibility to perform the work in full accordance with the British Columbia Building Code, the Building Regulation Bylaw of the CRD and all other applicable enactments, codes, and standards. FREEDOM OF INFORMATION WAIVER Personal Information contained on this form is collected under the authority of the Local Government Act and is subject to the Freedom of Information and Protection of Privacy Act. The personal information will be used for purposes of issuing this permit. Enquiries about the collection or use of information on this form can be directed to the appropriate building inspection office listed at the top of this appendix. All building in the Capital Regional District Electoral Areas is regulated by Building Regulation Bylaw No. 3741.	
FEE SUMMARY			
AREA OF BUILDING	FEE	BUILDING INSPECTOR CAPITAL REGIONAL DISTRICT	
ESTIMATED COST			
PLUMBING PERMIT (residential)			
PLUMBING PERMIT (commercial)			
CHIMNEY / APPLIANCE PERMIT			
DEMOLITION / DECONSTRUCTION PERMIT			
OTHER		DATE PERMIT GRANTED _____	
Total Permit Fee			
Payment By <input type="checkbox"/> cheque <input type="checkbox"/> cash date _____			

Appendix L			
 Construction Values			
<i>for</i> <i>Buildings Other than Single Family Dwellings, Factory-Built Homes, Mobile Homes and Moved Buildings</i>			
For the use and application of this schedule, see section 2.4.4. of the Bylaw			
TYPE OF BUILDING	TYPE OF CONSTRUCTION	VALUE	
		PER SQ. FT.	PER METER SQ.
Hotel / Motel	Wood frame	\$ 200.00	\$ 2,152.00
Hotel / Motel	Reinforced masonry or concrete	260.00	2,797.60
Hotel / Motel	Steel frame	Contract	Value
Town House or Apartment	Wood frame	200.00	2,152.00
Town House or Apartment	Reinforced masonry or concrete	260.00	2,797.60
Town House or Apartment	Steel frame	Contract	Value
Commercial Building (shell only)	Wood frame or heavy timber	150.00	1,614.00
Commercial Building (shell only)	Steel frame	150.00	1,614.00
Commercial Building (shell only)	Reinforced masonry or concrete	200.00	2,152.00
Commercial Buildings Except Offices and Restaurants	Completion of interior	80.00	860.80
Commercial Buildings Restaurants	Completion of interior	110.00	1,183.60
Commercial Buildings Offices Interiors	Completion of interior	80.00	860.80
Industrial Buildings (shell only)	Wood frame or heavy timber	110.00	1,183.60
Industrial Buildings (shell only)	Steel frame	110.00	1,183.60
Industrial Buildings	Reinforced masonry or concrete	150.00	1,614.00
Industrial Buildings (interiors)	Completion of interior	35.00	376.00
Temporary Buildings	Wood frame	70.00	753.20

Appendix M		
 Construction Values		
<i>for</i> <i>Single and Two-Family Dwellings, Factory-Built Homes, Mobile Homes, and Moved Buildings in the Electoral Areas of Juan de Fuca, Salt Spring Island and Southern Gulf Islands</i>		
For the use and application of this schedule, see section 2.4.4. of the Bylaw		
FLOOR AREA OR TYPE OF STRUCTURE	VALUE	
	PER SQ. FT.	PER METER SQ.
Finished Main* Floor Areas	\$ 200.00	\$ 2,152.00
Finished Areas other than Main* Floor	150.00	1,614.00
Finishing Previously Unfinished Basement**, Attics, or Other Floors	45.00	484.20
Garages and/or Workshops, Barns, or Sheds (semi-detached) floor + roof + wall	90.00	968.40
Carports (roof)	35.00	376.60
Sundecks (floor)	35.00	376.60
Additions Where an Existing Wall Forms Part of the Addition	200.00	2,152.00
Finished Floor Areas of Factory-Built Homes, Mobile Homes or Moved Dwellings	100.00	1,076.00
* Main floor shall be defined as the floor area where the main activity takes place, usually the floor where the living room, dining room and/or kitchen are located. ** Basement shall be defined as in the British Columbia Building Code.		



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REPORT TO ELECTORAL AREAS COMMITTEE MEETING OF WEDNESDAY, FEBRUARY 08, 2023

SUBJECT **Ability to Regulate Wood Burning Appliances and Air Quality on Salt Spring Island**

ISSUE SUMMARY

This report details the options available to the Capital Regional District (CRD) to regulate wood burning appliances on Salt Spring Island (SSI).

BACKGROUND

The following motion was introduced by way of a Notice of Motion on July 13, 2022 and endorsed by the CRD Board on September 21, 2022:

“That staff provide a report regarding CRD or CRHD legal authority to regulate wood burning appliance operation in the Salt Spring Island electoral area, and that the Southern Gulf Islands and Juan de Fuca electoral areas be specifically excluded.”

This report contains a summary of legal authority but should not be taken as legal advice. The powers described in this report apply generally to electoral areas within a regional district, rather than the entire region, except where stated.

IMPLICATIONS

There are several different ways a regional district can regulate the use of wood or solid fuel burning appliances, depending upon the root problem the regulation is intended to address, be it excessive smoke, fire risk, or greenhouse gas (GHG) emissions.

Regulation of Emissions as a Nuisance

CRD can regulate, prevent, prohibit and abate nuisances and provide for recovery of the cost of abatement from the person causing or contributing to the nuisance. By bylaw, a regional district can also require owners or occupiers of real property to reduce emissions of smoke, dust, gas, sparks, ash, soot, cinders, fumes or other effluvia, and establish limits not to be exceeded for these emissions. This would include emissions from wood burning appliances. The *Local Government Act (LGA)* provides specific powers to regulate emissions and to establish measures and precautions that must be taken, including setting emissions limits. Some local governments do this by regulating fuel types that may be burned in a solid fuel burning appliance, under their nuisance powers (e.g., only dry wood and clear construction material, not wet wood, garbage, construction waste, plastic, etc.).

None of the Electoral Areas currently have a general nuisance regulation bylaw that would apply to such emissions, or regulations that target abatement of smoke, dust, gas, and the like. While it is possible to regulate the emission of excessive smoke, there are practical considerations about the enforceability of such provisions, based on the difficulty of setting enforcement standards and measurement of violations to the degree necessary to support prosecution of the offence.

Outdoor Burning Fire Risk

The Province manages smoke from open burning, with concurrent jurisdiction with local governments through the *Open Burning Smoke Control Regulation*, BC Reg 152/2019. CRD can regulate fire and fire risks, which includes the regulation or use of fire pits and outdoor burning appliances through its ability to regulate fire protection. CRD does this in Electoral Areas other than SSI under its Bylaw No. 3452, “Fire Regulation Bylaw No. 1, 2007”, in relation to incinerators, and as of April 1, 2023 plan to extend those powers to other solid fuel burning devices outside the home, such as pizza ovens, fire pits, and chimineas under Bylaw No. 4489, “Fire Regulation Bylaw No. 2, 2022”. Fire regulation bylaws only apply in those areas of the Regional District where CRD fire protection services are operated. CRD does not provide fire services on SSI.

Installation and Modification of New Appliances

Inside the home, new fireplace and chimneys regulation is done through the BC Building Code and CRD Bylaw No. 3741, “Building Regulation Bylaw No. 5, 2010”. Installation or alteration of solid fuel burning appliances require a building permit. A regional district is unable to place additional restrictions or bans on fuel burning appliances beyond the property line, without provincial permission, due to the introduction of the *Building Act*, which aimed to make building requirements across the province uniform and the domain of the Provincial government. It prevents local building requirements without express provincial approval.

However, some jurisdictions, such as the Town of Comox, have enacted bans on new construction utilizing new indoor solid fuel burning appliances, based on an Official Community Plan (OCP) supporting the reduction of GHG emissions. The *Building Act* permits local governments to regulate construction relating to the reduction of GHG emissions under s. 2.2 [*Energy conservation unrestricted*] and in a development permit area under s. 2(e) [*Unrestricted matters*] of the *Building Act General Regulation*, BC Reg 131/2016.

SSI’s OCP may support such a bylaw, given the SSI OCP states its goals are (at A.6.1.7):

“To support a reduction of at least 15% in Greenhouse Gas emissions by 2015; at least 40% by 2020 and at least 85% by 2050 based upon 2007 data. Within the local trust area this reduction will be achieved by actions resulting from individual and community initiatives, the actions of other levels of government, technological changes, and changes to land use policies and regulations.”

It further states (at A.6.2.21):

“The Capital Regional District is supported in efforts to incorporate energy and water conservation and the reduction of greenhouse gas emissions into its building regulations.”

Further steps as to whether or not such a restriction would be effective or desirable would require further research; consultation with the community and Islands Trust; and legal work to ensure the bylaw falls within legislative authority.

Protection of Health

A regional district has region-wide regulation of health powers, including the impacts of pollution, which CRD currently does with Bylaw No. 3353, “Capital Regional District Idling Control Bylaw No. 1, 2008”, and Bylaw No. 3962, “Capital Regional District Clean Air Bylaw No. 1, 2014” (Bylaw No. 3962). Public health bylaws have specific requirements relating to

their adoption and require local public health officer consultation. The Town of Cumberland, for example, banned installation of new solid fuel burning appliances on the basis of public health.

Survey of Other Local Governments

In 2007, the BC Ministry of Environment conducted an inventory of air quality regulation bylaws across the Province. The report contains valuable information and many good examples of municipal and regional regulation of air quality. In 2011, the Port Alberni Air Quality Council developed its own inventory of air quality and fire regulation bylaws across Vancouver Island. Copies of both are omitted due to length but may be obtained from staff, on request.

Service Delivery Implications

Currently, no electoral area regulates emissions or fuel types from solid fuel burning appliances. If SSI Electoral Area was interested, this bylaw would need to be drafted; enforcement officers trained; a public education campaign developed and launched (as this is often more effective than direct action); and a service identified for payment of the costs involved.

Another approach may be to incentivize homeowners to voluntarily reduce or eliminate the use of wood burning appliances. Some local governments or non-profits operate a rebate program on behalf of the Province and the BC Lung Association. Transition Salt Spring, a non-profit in the SSI Electoral Area, operates this program in the SSI Electoral Area. These grants incentivize swapping a solid fuel burner for a cleaner appliance, such as a heat-pump. As of 2023, natural gas or propane appliances are no longer eligible.

CONCLUSION

A regional district has the power to regulate nuisances and certain emissions caused by, and fuel types used in, solid fuel burning appliances. It can restrict installation of solid fuel burning appliances outside the home in areas where it provides a fire protection service. It does neither of these in the SSI Electoral Area. It does enforce the Provincial Building Code in relation to installation of new solid fuel burning appliances, but cannot restrict installation without Provincial regulation. It does have the ability to regulate air quality where it interferes with public health, provided the Province and the local public health officer are in favour. If a nuisance regulation service were desired, a regulatory bylaw would need to be created and a service identified to absorb the cost of enforcement.

RECOMMENDATION

There is no recommendation. This report is for information only.

Submitted by:	Steven Carey, B.Sc, J.D., Senior Manager, Legal Services & Risk Management
Concurrence:	Kristen Morley, J.D., General Manager, Corporate Services & Corporate Officer
Concurrence:	Kevin Lorette, P. Eng., MBA, General Manager, Planning & Protective Services
Concurrence:	Ted Robbins, B. Sc., C. Tech., Chief Administrative Officer

**REPORT TO ELECTORAL AREAS COMMITTEE
MEETING OF WEDNESDAY, FEBRUARY 08, 2023**

SUBJECT Request for Governance Study of Magic Lake Estates, North Pender Island

ISSUE SUMMARY

To confirm a resolution passed by the Board in February 2022, to support the Magic Lake Property Owners' Society's (MLPOS) request to the Province for funding to support a formal governance and services study.

BACKGROUND

On February 9, 2022 the Capital Regional District (CRD) Board received the staff report attached as Appendix A, and passed the following resolution:

That the Board advance the request of the Magic Lake Property Owners' Society to the Ministry of Municipal Affairs to evaluate the local context of the Magic Lake Estates neighborhood on North Pender Island and request the Ministry consider funding a Governance and Services Study to examine governance concerns within the community and provide options and alternatives to address those concerns.

Staff forwarded this request to the Ministry of Municipal Affairs and Housing on March 2, 2022 (Appendix B). The Ministry replied on September 30, 2022 with a request for more information (Appendix C), which was subsequently provided by the MLPOS. The Province further requested that due to the impending election, it wished to have the new CRD Board confirm the resolution of the previous Board from February 9, 2022. There is no legal or legislative requirement for the new Board to confirm a resolution passed in a properly constituted meeting by the previous Board, however, in the interest of advancing the Ministry's consideration of this issue without further delay, staff are complying with the request for the new Board to confirm its support.

ALTERNATIVES

Alternative 1

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

That the Capital Regional District Board reiterate its support for the resolution passed on February 9, 2022, to advance the request of the Magic Lake Property Owners' Society to the Ministry of Municipal Affairs to evaluate the local context of the Magic Lake Estates neighborhood on North Pender Island and request the Ministry consider funding a Governance and Services Study to examine governance concerns within the community and provide options and alternatives to address those concerns.

Alternative 2

That the Request for Governance Study of Magic Lake Estates, North Pender Island report be referred back to staff for additional information.

CONCLUSION

The original conditions that prompted the MLPOS to seek support from the Province for a governance study in 2022 have not changed. The recommended motion meets the request of the Ministry of Municipal Affairs and Housing, that the current sitting Board affirms its support for funding that would enable a governance and services study for the neighbourhood of Magic Lake Estates on North Pender Island.

RECOMMENDATION

The Electoral Areas Committee recommends to the Capital Regional District Board:
That the Capital Regional District Board reiterate its support for the resolution passed on February 9, 2022, to advance the request of the Magic Lake Property Owners' Society to the Ministry of Municipal Affairs to evaluate the local context of the Magic Lake Estates neighborhood on North Pender Island and request the Ministry consider funding a Governance and Services Study to examine governance concerns within the community and provide options and alternatives to address those concerns.

Submitted by:	Stephen Henderson, MBA, PG Dip Eng, BSc, Senior Manager Real Estate and SGI Electoral Area
Concurrence:	Kristen Morley, J.D., General Manager, Corporate Services & Corporate Officer
Concurrence:	Ted Robbins, B. Sc., C. Tech., Chief Administrative Officer

ATTACHMENTS

- Appendix A: Staff Report of Feb. 9, 2022: Request for a Governance Study by the Magic Lake Property Owners' Society, North Pender Island
- Appendix B: Letter to ADM Faganello, March 2, 2022
- Appendix C: Letter to K. Morley, September 30, 2022
- Appendix D: Letter to B. Coulson, January 4, 2023



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REPORT TO ELECTORAL AREAS COMMITTEE MEETING OF WEDNESDAY, FEBRUARY 09, 2022

SUBJECT Request for Governance Study by the Magic Lake Property Owners' Society, North Pender Island

ISSUE SUMMARY

To consider a request by the Magic Lake Property Owners' Society to the Province for a formal governance study that considers the incorporation of Magic Lake Estates as an island municipality.

BACKGROUND

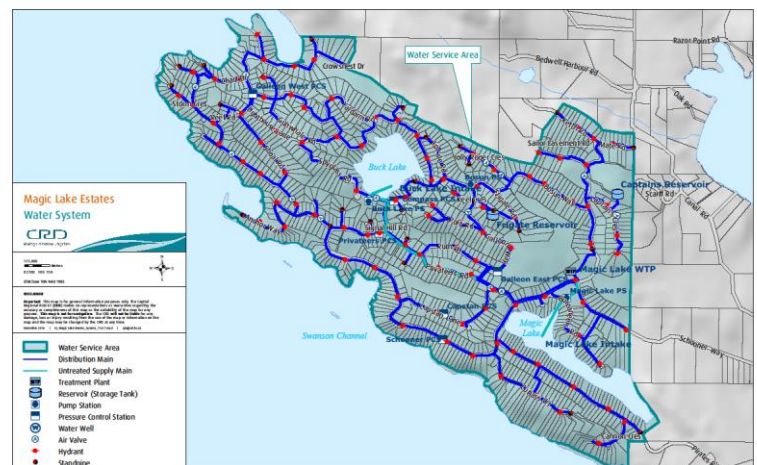
The Magic Lake Property Owners' Society (MLPOS) has identified issues of taxation, service delivery, and local governance and seeks the support of the CRD Board in requesting the BC Ministry of Municipal Affairs issue a Restructure Planning Grant to fund a Local Governance Study. The study's purpose would be to investigate the feasibility of incorporating Magic Lake Estates as an Island Municipality, as defined by the Local Government Act, Section 6. At the October 2, 2021 meeting of the MLPOS, the following resolution was passed:

"... that the membership of the Magic Lake Property Owners' Society (MLPOS), agrees with the MLPOS Board of Directors that the Society, along with other interested parties, will formerly request, through the Capital Regional District, as well as other avenues if necessary, that the Minister of Municipal Affairs "Restructure Planning Grants" as outlined in the government's publications and on its website, fund a formal governance study for our community. And that, the MLPOS will facilitate the formation of a committee to guide the undertaking of the study, along with communications with various agencies."

Governance of the Southern Gulf Islands Electoral Area

Magic Lake Estates (MLE) is a residential neighbourhood on North Pender Island within the Southern Gulf Islands Electoral Area (SGIEA) of the CRD. For the EA, the Capital Regional District (CRD) is the local government along with the Islands Trust, a special purpose agency responsible for land use and conservation within the Islands Trust Area.

Magic Lake Estates is comprised of around 1200 small lots (+/- .5 acre), predominantly occupied by single family dwellings, with a population of approximately 2000 people. (The MLPOS uses a population estimate of 1930 in its proposal).



Developed in the 1960s, the subdivision that created MLE is well known for inspiring the creation of the Islands Trust and the establishment of the Island Trust Act. MLE is still highest density residential development in the Islands Trust Area.

Within the Magic Lake neighborhood there is not a commercial centre, but there is a fire hall, a baseball field, parks, and a marina. Originally serviced by a private water utility, MLE now receives water and wastewater service by CRD through the CRD Magic Lake Estates local area water and sewerage system.

Other services provided by the CRD in Magic Lake Estates (and on all of North and South Pender Islands) include parks and recreation, library services, economic development, emergency preparedness, building inspection, SGI Harbours, and by-law enforcement (animal and noise control). The CRD administers Community Works Fund (Gas Tax) grants on behalf of the Union of BC Municipalities and the Federal Government and issues CRD grants-in-aid for community groups.

SGI political representation on the twenty-four member CRD Board is through the election of one Director for the Southern Gulf Islands Electoral Area (SGIEA). Many CRD services are guided by volunteer commissions such as the Magic Lake Water and Sewer Committee, the Pender Island Parks and Recreation Commission, and EA wide services such as the SGI Harbours Commission and the Economic Sustainability Commission. These Commissions are comprised of local residents to advise the CRD Board on delivery of the service.

Under the Islands Trust Act and the Local Government Act, the Island Trust Council has 26 trustees from 13 Trust Areas (extends as far south as Saturna Island in the SGI to as far north as Denman/Hornby Islands in the Comox Valley Regional District). A Local Trust Committee, consisting of the two locally elected Trustees and Chaired by one member of the Islands Trust Executive Committee of Trust Council, makes land-use and planning decisions for each island.

The North Pender Local Trust Committee is responsible for community planning and land use (Official Community Plans and zoning) on North Pender Island. There is also a Local Trust Committee for South Pender Island (connected to North Pender by a canal/bridge), and as such representation on the governing body of the Islands Trust Council is provided through the election of four Trustees for North/South Pender Island.

In MLE, like in all unincorporated areas of the Province, the Ministry of Transportation and Infrastructure has authority over the roads.

MLE and North Pender are also served by many services provided by volunteer community groups and the private sector. Examples include waste management, social services, medical societies, and community hall societies.

ALTERNATIVES

Alternative 1:

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

1. That the Board advance the request of the Magic Lake Property Owners' Society to the Ministry of Municipal Affairs to evaluate the local context of the Magic Lake Estates

neighborhood on North Pender Island and request the Ministry consider funding a Governance and Services Study to examine governance concerns within the community and provide options and alternatives to address those concerns.

Alternative 2:

1. That the CRD Board not advance the request from the Magic Lake Property Owners' Society for a restructure planning grant to the Ministry of Municipal Affairs.

IMPLICATIONS

Restructure Grants

The Provincial government has some funding for municipalities and regional districts that wish to examine their governance structure with an independent and credible examination of the impacts of governance restructuring. Restructure planning grants may be available to support the following initiatives:

- *Assess existing services and community issues*
- *Study governance options, such as the implications of municipal incorporation or restructure*
- *Undertake the public consultation process associated with incorporation or restructure*

Principles of the Restructure Process:

Restructure processes can be lengthy and complex, and cause division and have other impacts both inside and outside the community. The Province has established the following principles of restructure:

- *The process is initiated and supported by the elected local government representatives*
- *Understanding the problem precedes developing a solution*
- *All sectors of the community, including First Nations and other local governments, need to be involved in the discussion*
- *Changes emerging from the process should be supported by the elected local government representatives*
- *For municipal restructure, the electorate should be well-informed on the implications of change before making a decision*

Based on the restructure principles, the nature of the proposed restructure and on community circumstances, the restructure process generally follows six phases:

1. *Preliminary exploration - responding to signals from the community, local governments make their first contact with the Ministry. The Ministry evaluates the local context and provides general information on the restructuring process.*
2. *Process design - if the Minister sanctions the study process, the Ministry assists the local government with developing terms of reference and restructure planning grants to assist with hiring a consultant with expertise in local governance, services and finance to undertake a study.*

3. *Process initiation - the local government creates an oversight body and hires a consultant. The study is then conducted with the goal of obtaining information on the impact of restructuring on fiscal, political representation, and service delivery issues.*
4. *Community engagement - the study findings are shared with the community and, based on the results and public input, a recommendation is made on proceeding to restructure decision.*
5. *Decision and implementation - local (elector and/or local government) and Provincial decisions are made on whether to restructure, and the necessary documents developed to give the restructure legal effect (bylaw, Cabinet Order, Letters Patent) and implemented.*
6. *The local government(s) adapt to the new structure, which may involve transition or hiring of new staff, reconfiguring service delivery, and revision of local bylaws and community plans. The Ministry may provide some financial assistance with this transition.*

Staff have engaged in preliminary discussions with Ministry staff and received feedback that MLE does not have many of the characteristics that the Ministry would look for in a community seeking incorporation, however, the Ministry advised that the restructure process does not begin with an incorporation study, rather the Province first needs to understand the broader context of the area in question. This is done via a Governance and Services Study. This type of study is designed to educate the community on the nature of its current situation (e.g., who provides services and governance) and to encourage a local conversation about motives for change. This is an opportunity for the community to begin an important and complex discussion about local governance without immediate pressure to decide on a potential outcome. The study would also explore what the community issues are and the possible pathways for solving issues. A study does not necessarily lead to municipal incorporation, as it may identify alternative ways to address community concerns. One of the important elements of restructure work is to educate residents about their current system, its variations and provide local context for alternative local government forms. This process, from drawing up the study terms of reference to completing it, typically takes around 12-18 months.

If the Governance and Services Study indicates however that incorporation may address some of the local issues, and the Electoral Area Director, Regional District Board, and community are in support, the next step would be undertaking a more detailed and focused restructure study. This may take the form of a boundary study (if it is necessary to focus in more closely on a specific area) or an incorporation study. An incorporation study would examine the taxation, revenue, infrastructure and service implications for the CRD and Magic Lake residents. In addition to local government support, there must be a broad base of resident support that is demonstrated through surveys, open houses and community forums before the Province commits funding to undertake such a restructure study, which is likely to take 1 to 2 years to complete. The study would provide residents with a clear understanding of the implications in order to have an informed understanding. An incorporation study would then culminate in an assent vote.

Alignment with Board Priorities

Advancing the request of the MLEOS supports the CRD Board priority of Accountability and the Corporate Plan Priority 15a: Develop a comprehensive strategy & operational review to reflect the unique needs of electoral areas.

The MLPOS has provided its analysis of the costs and benefits to the residents of incorporating as an Island Municipality. The assumptions and data used for these conclusions need to be evaluated by an independent and credible third party. A clear understanding of the problem needs to be advanced in the context of a detailed review of the current governance system and its challenges. This is the purpose of a restructure study. All sectors of the community, including First Nations and other local governments, need to be involved in the discussion.

CONCLUSION

The MLPOS has asked the CRD Board to advance its request to the Provincial Government for funding a governance restructure study for the community. The Provincial process provides that only local governments are eligible to apply to governance grants, and that Board support is necessary for Provincial staff to reach out and begin preliminary discussions to understand the rationale for the request and undertake an assessment of viability to receive funding for a study.

RECOMMENDATIONS

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

1. That the Board advance the request of the Magic Lake Property Owners' Society to the Ministry of Municipal Affairs to evaluate the local context of the Magic Lake Estates neighborhood on North Pender Island and request the Ministry consider funding a Governance and Services Study to examine governance concerns within the community and provide options and alternatives to address those concerns.

Submitted by:	Justine Starke, MCIP, RPP, Manager, SGI Service Delivery, Corporate Services
Concurrence:	Kristen Morley, J.D., General Manager, Corporate Services & Corporate Officer
Concurrence:	Robert Lapham, MCIP, RPP, Chief Administrative Officer

ATTACHMENT(S)

Appendix A: Letter from Magic Lake Property Owners Association



P.O. Box 65,
Pender Island, BC
V0N 2M0

Mr. David Howe
Southern Gulf Islands Electoral Area Director
Capital Regional District
625 Fisgard Street
Victoria, British Columbia
Canada V8W 1R7

Mr Paul Brent
Southern Gulf Islands Electoral Area Alternate Director
Capital Regional District
625 Fisgard Street
Victoria, British Columbia
Canada V8W 1R7

Dear David Howe and Paul Brent:

Re: Magic Lake Property Owners' Society Governance Motion

This is to advise that, at the duly constituted meeting of the Magic Lake Property Owners' Society (MLPOS) Annual General Meeting on October 2, 2021, the membership of the MLPOS passed the following motion:

Moved: Bob Coulson, Seconded: Jean Deschenes

... that the membership of the Magic Lake Property Owners' Society (MLPOS), agrees with the MLPOS Board of Directors that the Society, along with other interested parties, will formally request, through the Capital Regional District, as well as other avenues if necessary, that the Minister of Municipal Affairs authorize "Restructure Planning Grants" as outlined in the government's publications and on its website, fund a formal governance study for our community.

And that, the MLPOS will facilitate the formation of a committee to guide the undertaking of the study, along with communications with various agencies.

The MLPOS has identified what it believes to be benefits to the residents of Magic Lake Estates in the areas of taxation, service delivery, and local governance.

We are requesting your assistance with having the Capital Regional District advocate on our behalf for a Restructure Planning Grant to fund a Local Governance Study of the feasibility of incorporating Magic Lake Estates as an Island Municipality as defined by the Province of British Columbia's Local Government Act, Section 6.

Thank you for your kind assistance so far and for the continuing support you can provide as we go forward with our endeavour.

We are in the process of forming a steering committee to guide this project along. If you haven't received an invitation to take part, you will shortly.

Sincerely

A handwritten signature in black ink, appearing to read 'Bob Coulson', with a stylized, cursive script.

Robert (Bob) Coulson
President
Magic Lake Property Owners' Society
PO Box 65
Pender Island, BC, Canada, V0N 2M0

March 2, 2022

0400-20

Tara Faganello
Assistant Deputy Minister, Local Government Division
Ministry of Municipal Affairs
PO Box 9490 Stn Prov Govt
Victoria, BC V8W 9N7
Via email: Tara.Faganello@gov.bc.ca

Dear Ms. Faganello:

RE: GRANT REQUEST FOR A GOVERNANCE AND SERVICES STUDY OF MAGIC LAKE ESTATES ON NORTH PENDER ISLAND


We write with respect to a request from the Magic Lake Property Owners' Society (MLPOS) on North Pender Island to fund a formal governance study to explore the potential for incorporation. The letter from the MLPOS to the CRD is attached for your reference.

On February 9, 2022 the CRD Board considered the request and passed the following motion:

That the Board advance the request of the Magic Lake Property Owners' Society to the Ministry of Municipal Affairs to evaluate the local context of the Magic Lake Estates neighborhood on North Pender Island and request the Ministry consider funding a Governance and Services Study to examine governance concerns within the community and provide options and alternatives to address those concerns.

For further background and context, please see the attached staff report that was received by the Regional Board. Magic Lake Estates is comprised of approximately 1200 small lots (+/- 0.5 acres), predominantly occupied by single family dwellings with a population of approximately 2000 people. Developed in the 1960s, the community is the highest density residential development in the Islands Trust Area. Within the community there is not a commercial centre, however, there is a fire hall, a baseball field, parks and a marina. Originally serviced by a public water utility, Magic Lake Estates now receives water and wastewater service from CRD through the CRD Magic Lake Estates local area water and sewerage system.

Other services provided by the CRD in Magic Lake Estates (and on all of North and South Pender Islands) include parks and recreation, library services, economic development, emergency preparedness, building inspection, Harbours, and regulatory enforcement (animal and noise control). The CRD administers Community Works Fund (Gas Tax) grants on behalf of the Union of BC Municipalities and the Federal Government and issues CRD grants-in-aid for community groups.



The North Pender Local Trust Committee is responsible for community planning and land use on North Pender Island pursuant to the *Islands Trust Act*. There is also a Local Trust Committee for South Pender Island and as such representation on the governing body of the Islands Trust Council is provided through the election of four Trustees for North/South Pender Island.

In Magic Lake Estates, like in all unincorporated areas of the Province, the Ministry of Transportation and Infrastructure has authority over the roads.

MLPOS has requested a governance study to explore possible restructuring or incorporation. In advancing this request, CRD is not endorsing the goal of incorporation. We do, however, acknowledge that the multi-jurisdictional governance model in place on North Pender Island (and all the Southern Gulf Islands) can create challenges for residents and service providers. For this reason, CRD is requesting that the Province consider providing a grant for a governance and services study that would enable community consultation to identify any gaps or areas for improvement in the current governance model.

We would be pleased to meet to discuss this further. If you require any additional information that may assist in your consideration of this request, please do not hesitate to contact the undersigned at kmorley@crd.bc.ca or 250.360.3638.

Sincerely,



General Manager, Corporate Services
Corporate Officer

Attachments: 2

cc: Robert Lapham, Chief Administrative Officer, CRD
Dave Howe, CRD Director, Southern Gulf Islands
Paul Brent, CRD Alternate Director, Southern Gulf Islands
Bob Coulson, President, Magic Lake Property Owners Society (MLPOS)



September 30, 2022

Ref: 271231

Kristen Morley
Corporate Officer and General Manager, Corporate Services
Capital Regional District
Email: kmorley@crd.bc.ca

Dear Kristen Morley:

Thank you for your letters of March 2 and September 26, 2022, regarding funding for a proposed governance and services study of Magic Lake Estates on North Pender Island. Please accept my apologies for the delay in replying.

I understand that the Magic Lake Property Owners Society has expressed concerns about several issues, such as the quality and signage of roads, rising property assessments, and the ability to represent the community in dealing with organizations such as the RCMP and BC Ferries – many of these issues are multi-faceted and involve provincial and federal jurisdictions, that neither a governance study or a change in local structure may alleviate. At the same time, I appreciate the challenges that can arise from the multi-jurisdictional overlap in the southern Gulf Islands, where responsibility is shared between the local service providers, the Capital Regional District (CRD), provincial Ministries such as the Ministry of Transportation and Infrastructure, and the Islands Trust.

In your letter, you noted that, while the CRD supports studying governance for Magic Lake Estates but also expressed it is not in favour of pursuing incorporation as an outcome of a governance study. It is important to note that a governance study does not necessarily lead to an incorporation study. The purpose of a governance study is to educate residents on who delivers which services, compile concerns in a community and identify possible governance alternatives. Community characteristics that tend to support incorporation – include a diverse property tax base (e.g., combination of residential, business and industrial properties), a growing population and delivery of a robust set of services that demonstrate that residents are willing to pay for the service they desire. It is unclear how incorporation will alleviate challenges faced by residents of Magic Lake Estates such as increased property assessments and/or ferry service.

Also, a governance study can take many forms ranging from a community issues assessment, which examines the concerns of residents through various ways of engagement, to a traditional governance study, which contains a comprehensive section on service delivery, including who does what and opportunity for engagement of residents. It is important that a community undergoing a governance study appreciates the time and effort that is required on behalf of the community and local government.

Kristen Morley

Page 2

We are also communicating with the Magic Lake Property Owners' Society that in order to better assess the purpose and scope of a proposed study, information on what action has been taken to mitigate the concerns of the Magic Lake community with the CRD and other jurisdictions would be helpful for the ministry to receive. Other information on the property ownership within the community and the specific services provided by the CRD or other providers would also be useful. By understanding current service delivery and governance pressures the Ministry of Municipal Affairs will be better placed to evaluate a request for a governance study, should the incoming CRD board confirm their support.

Given the upcoming local government elections it would also be useful if the new board could confirm support for a governance study. If it does, it would also be helpful to understand what form of study is supported.

In the meantime, staff at the Ministry of Municipal Affairs will be available to provide guidance where it may be needed. If you have any questions, you can contact Karen Lynch, acting Director of Governance Structures, at Karen.Lynch@gov.bc.ca, or at 778-698-3229.

Thank you again for writing.

Sincerely,

A handwritten signature in black ink, appearing to read 'T Faganello', with a stylized flourish at the end.

Tara Faganello

Assistant Deputy Minister, Local Government Division

pc. Robert Coulson, President, Magic Lake Property Owners' Society
Paul Brent, Electoral Area Director, Southern Gulf Islands
Adam Olsen, MLA, Saanich North and the Islands
Simon Rasmussen, Senior Planning Analyst, Governance and Structure Branch



January 4, 2023

Ref: 271563

Robert (Bob) Coulson
President, Magic Lake Property Owners' Society
Chair, MLPOS Governance Steering Committee
Sent via email: mlpospres@gmail.com

Dear Bob Coulson:

Thank you for your letter of November 22, 2022, regarding a governance study for Magic Lake Estates on Pender Island.

I appreciate you providing detail on the demographics and property ownership within your community, as well as an overview of some of the services currently provided by the Capital Regional District (CRD). I also appreciate the additional context for some of the issues you feel need to be addressed on North and South Pender.

I encourage you to continue working with the CRD to determine if their new board is supportive of initiating a governance study for your community, and to collaboratively discuss possible next steps. As the general local government for the area, the CRD is best placed to advise on what action can be taken to mitigate the concerns of the Magic Lake community.

Thank you again for writing.

Sincerely,

Karen Lynch
a/Director, Governance and Structure



Making a difference...together

MINUTES OF A MEETING OF THE Magic Lake Estates Water and Sewer Committee, held Tuesday, November 29, 2022 at 9:30 a.m., In the Goldstream Meeting Room, 479 Island Highway, Victoria, BC

PRESENT: Committee Members: M. Fossil (Chair); J. Deschenes (Vice Chair); P. Brent (Electoral Area Director) (EP); W. Foster (EP); D. Reed (EP); R. Sullivan (EP)

Staff: I. Jesney, Acting General Manager, Integrated Water Services; J. Marr, Acting Senior Manager, Infrastructure Engineering; J. Dales, Acting Senior Manager, Wastewater Infrastructure Operations; L. Xu, Manager, Finance Services; J. Kelly, Manager, Capital Projects; D. Robson, Manager, Saanich Peninsula and Gulf Islands Operations; Martina Bona, Project Engineer, Wastewater Engineering and Planning; M. Risvold, Committee and Administrative Clerk (recorder)

REGRETS: K. Heslop

EP = Electronic Participation

The meeting was called to order at 9:31 a.m.

1. APPROVAL OF AGENDA

Item 6.1 was moved to Item 6.2.

MOVED by P. Brent, **SECONDED** by W. Foster,
That the agenda be approved as amended.

CARRIED

2. ADOPTION OF MINUTES

MOVED by W. Foster, **SECONDED** by J. Deschenes,
That the minutes of the September 13, 2022 meeting be adopted.

CARRIED

3. CHAIR'S REMARKS

The Chair thanked everyone for attending the meeting.

4. PRESENTATIONS/DELEGATIONS

There were none.

5. SENIOR MANAGER'S REPORT

I. Jesney introduced staff in the room and advised he is now the Acting General Manager, Integrated Water Services and J. Marr is the Acting Senior Manager, Infrastructure Engineering. J. Marr is the primary contact for the Committee effective immediately.

6. COMMITTEE BUSINESS

6.1. Magic Lake Estates Communication Upgrades

M. Bona presented the report.

Staff responded to a question from the Committee regarding the recommended technology. Staff advised other technologies such as Starlink were not considered because Orbit Technology is the Capital Regional District (CRD) standard and is used internally with operations.

MOVED by D. Reed, **SECONDED** by J. Deschenes,
That the Magic Lake Estates Water and Sewer Committee recommends the Electoral Areas Committee recommends to the Capital Regional District Board:

That the provisionally approved Magic Lake Estates Water Service 2023-2027 Capital Plan and Budget be amended to include a new Capital Project for 2023 to complete communication improvements at all Magic Lake Estates Water sites with a budget of \$90,000 to be funded from the Water Service Capital Reserve Fund.

CARRIED

Staff advised the project is expected to be substantially completed by the end of 2023.

6.2. 2023 Operating and Capital Budget

J. Dales and J. Marr presented the report.

MOVED by J. Deschenes, **SECONDED** by P. Brent,
That the Magic Lake Estates Water and Sewer Committee:

1. Approve the 2023 operating and capital budget for the:
 - (a) Magic Lake Estates Water System Local Service as presented and that the 2022 actual operating deficit be balanced on the 2022 Reserve Funds transfer (CRF and/or ORF); and
 - (b) Magic Lake Estates Sewerage System Local Service as presented and that the 2022 actual operating surplus or deficit be balanced on the 2022 Reserve Funds transfer (CRF and/or ORF); and
 - (c) Magic Lake Estates Water Service 2023-2027 Capital Plan and Budget be amended to include a new Capital Project for 2023 to complete communication improvements at all Magic Lake Estates Water sites with a budget of \$90,000 to be funded from the Water Service Capital Reserve Fund.
2. Recommends that the Electoral Areas Committee recommend that the CRD Board approve the 2023 Operating and Capital Budget and the five-year Financial Plan for the Magic Lake Estates Water and Sewer Services as amended.

CARRIED

Opposed: Sullivan

Discussion ensued regarding:

- Taxable folios
- Single Family Equivalents (SFE's)
- Increasing user charges

Staff advised the water consumption rate is a minimal percentage of the whole revenue stream. The rate was set to influence behavior regarding water consumption, and revenue is increased through parcel tax and user charges.

The system requires an amount of certainty on the revenue side, fixed user charge and fixed user tax to support the service delivery. In order to change the rate, analysis is required to make an informed decision. A more fulsome discussion would be required to increase the rates.

Staff noted the Local Service Area Water Conservation Bylaw will be available for Committee review in 2023.

6.3. Project and Operations Update

Staff provided the project and operational updates.

Staff responded to questions from the Committee regarding:

- Algae bloom
- Risks regarding the environmental impact assessment
- Pump Station and Treatment Plant Upgrades permitting cost

Staff advised the water quality department recorded that the algae has subsided in Buck Lake and Magic Lake. There are no major concerns at this time regarding the environmental impact assessment, and that it is required due to expanding the wastewater treatment plant facility. The cost to obtain the permit is an estimate and includes the potential cost for remediation.

7. CORRESPONDENCE

7.1. Magic Lake Estates Water and Sewer Committee Response: Dog Park Proposal for Ketch Road

Received for information.

8. NEW BUSINESS

8.1. Raising the water level at Magic Lake

The Chair advised a proposal was made at a Magic Lake Property Owners Association meeting in October to approach the Magic Lake Estates Water and Sewer Committee to request to raise the water level of Magic Lake to improve the water quality. Staff advised there would be implications to the dams and dam safety which would be dealt with by the Dam Safety Officer through the Province. Staff advised the most effective option for storage would be to dredge Magic Lake of the weeds and silt.

MOVED by R. Sullivan, **SECONDED** by M. Fossil,
That the Magic Lake Estates Water and Sewer Committee form a working group to study the storage concerns of Magic Lake.

CARRIED

Staff advised a working group is not part of the Committee bylaw and there is no formal structure for working groups.

8.2. Disposition of property above Buck Lake

Staff responded to questions from the Committee regarding disposition of a property above Buck Lake and staff advised the property is generally covered by zoning. If a request was received to change the zoning, the CRD would receive a referral and feedback would be provided based on what is proposed.

8.3. Adjusting the water rate and parcel tax

Discussion ensued regarding:

- Increasing user fees
- Processes to be followed
- Rebates

Staff advised usage can be reviewed and statistics can be provided back to the Committee. Rebates are not found to be effective as industry standards have changed.

MOVED by D. Reed **SECONDED** by J. Deschenes,

The Magic Lake Estates Water and Sewer Committee directs staff to provide the Committee with water usage statistics for the previous year.

CARRIED

8.4. Water treatment sludge

Staff responded to questions from the Committee regarding the disposal of the water treatment sludge. Staff advised the Dissolved Air Flotation (DAF) residuals and sewage generated are disposed of into the sewer collection system at the Magic Lake Estates Water Treatment Plant. It is discharged to Schooner for further treatment and disposed of off island with the solids. The water treatment plant pays a fee to sewer side for the disposal of the material.

9. ADJOURNMENT

MOVED by D. Reed, **SECONDED** by W. Foster,

That the November 29, 2022 meeting be adjourned at 11:05 a.m.

CARRIED

CHAIR

SECRETARY



Minutes of the Mayne Island Parks and Recreation Commission Meeting held at the Library, 411 Naylor Road, Mayne Island on December 8, 2022 at 3:00 pm.

PRESENT: Debra Bell, (Chair/Treasurer) Michael Kilpatrick (Vice-Chair)
Peter Askin Veronica Euper
Adrian Wright Kestutis Banelis
Jane Schneider Lauren Edwards (Recorder)

GUEST: Jacquie Burrows

ABSENT: Paul Brent, A/Director, CRD, Southern Gulf Islands

The meeting was called to order at 3:00 pm.

1. Territorial Acknowledgement

The WSÁNEĆ First Nations were acknowledged and thanked for allowing us to live, work and play on their lands.

2. Approval of Agenda

Add: 5.2.6 Fallow Deer Update

MOVED by Commissioner Bell and **SECONDED** by Commissioner Askin,
that the agenda be approved as amended.

CARRIED

3. Adoption of Minutes of November 10, 2022

MOVED by Commissioner Bell and **SECONDED** by Commissioner Euper
that the minutes of November 10, 2022 be approved as presented.

CARRIED

4. Chair's Remarks

Commissioner Askin was congratulated for being nominated Mayne Islander of the year and he expressed his gratitude towards commissioners and the Parks volunteers. Chair Bell thanked the commissioners who agreed to remain on the Commission for another year.

5. Reports

5.1. Treasurer's Report

Treasurer's Report for the period November 1 – 30, 2022

MOVED by Commissioner Bell and **SECONDED** by Commissioner Wright,
that the Treasurer's report for the period November 1 - 30, 2022 be approved as presented.

CARRIED

Mayne Island Parks and Recreation Commission
Minutes for December 8, 2022

5.2. Administration

5.2.1. Follow up Action Report (not covered elsewhere)

The following was reported:

- Electricians will review contract and price hand-dryers in the washrooms.
- The water meter at Miners Bay was moved and there is a reading record.

Commissioner Banelis arrived at 3:10 pm.

- The garbage box build will be completed soon.
- Monthly playground assessments completed.
- No news regarding playground equipment parts.
- The new BBQ and freezer were received for the Adachi Pavilion and a note of appreciation will be sent to the Kadonaga family for their contribution to the purchase.
- Commissioner Askin will follow up regarding the Reef Bay sign and the aluminum staircase for Kippen Road. .
- The policy for the naming of parks and trails was deferred.

5.2.2. Health and Safety concerns

Nothing reported.

5.2.3. Events

Report received for information.

The Christmas Eve bonfire start time is 5:30 not 5:00 pm

5.2.4. Recreational funding update for Mayne Island Community Centre

It was reported that the funding will be extended until December 31, 2022 while the centre searches for a fitness attendant.

5.2.5. MIPRC Election January 12, 2023

Chair Bell requested that commissioners let her know of their interest in the elected positions.

5.2.6. Feral Deer Update

This item was discussed, including that:

- A deer management plan will be presented for public comment at the Islands Trust meeting on January 22, 2023.
- Commissioner Kilpatrick will continue to attend the ad hoc committee meetings.
- Commissioners will review material to provide input and comment at the January meeting.

5.3. Committees

5.3.1. Fitness Track

A report on this item was received for information. Discussion occurred, which included that:

- Phase one is ready to start.
- Commissioners Bell and Kilpatrick will meet with Jeff Hansen.
- Phase two will not go forward until the outcome of the New Horizons Grant is known.
- Commissioner Bell will discuss the Community Works Fund Grant with Director Paul Brent.

Mayne Island Parks and Recreation Commission
Minutes for December 8, 2022

5.3.2. Land Acquisition – update and recommendations

This item should be addressed early next year.

5.3.3. Sanitation

Small Water Systems Operator recruitment

- It was reported that a job description was created and sent to island operators for response by December 15th.
- Commissioner Schneider will email Bill Warning regarding possible sponsorship for training.

5.3.4. Technology

Report received for information.

5.4. Parks

5.4.1. Miners Bay

- It was reported that the UV light operation has issues and chlorination requirements were discussed. Commissioner Kilpatrick will contact Island Health for guidance.
- Mayne Island Fire will be contacted for advice regarding regular fire extinguisher inspections.
- The lights for the tree were received and will be installed for next year.
- Discussed the posting of information to support the Christmas tree through the Tru-Value community spirit program and the small water systems operator position.
- Discussion occurred regarding a heat pump purchase and maintenance expenses for the library building.

5.4.2. Dinner Bay

The repair of the Torii Gate at the entrance to the Japanese Memorial Garden to be done in the spring.

5.4.3. Japanese Memorial Garden

A report was received for information.

It was reported that the Christmas light-up will occur on December 17th with opening night cider and cookies.

5.4.4. Cotton Park

A large cigarette disposal container someone placed in the park was removed as smoking is not allowed.

5.4.5. Village Bay

No report.

5.4.6. Trail Network Development/Henderson

A report was received for information.

It was reported that a visit from the CRD Archaeologist is anticipated to assess a trail realignment and that no land altering will be necessary.

**Mayne Island Parks and Recreation Commission
Minutes for December 8, 2022**

6. Correspondence/Meetings

- 6.1. Email from potential donor of a memorial bench they purchased.
 - Commissioner Askin will respond to the email.
- 6.2. Email correspondence with AMIB regarding Village Bay boat ramp repairs.
- 6.3. Email correspondence with Mayne Island Community Centre regarding recreational funding.
- 6.4. Email correspondence with CRD Manager, Insurance and groups participating in December 24th event at Miners Bay Park.
- 6.5. Email correspondence from CRD regarding the SGI Transportation Integration Plan and zoom meeting on December 13, 2022.
- 6.6. Email correspondence with CRD Archaeologist regarding trail realignment at Cotton Park and the fitness circuit at Dinner Bay Park to be discussed at the WLC/CRD quarterly meeting.
- 6.7. Email correspondence with manufacturer of UV light regarding issues at Miners Bay.

7. New Business

- 7.1. Village Bay boat ramp repair Motion.

MOVED by Commissioner Bell and **SECONDED** by Commissioner Banelis, that the Mayne Island Parks and Recreation Commission approve the estimate option #2 of \$6,200 plus tax as set out in the email dated September 21, 2022 from Carl Bunnin representing the Association of Mayne Island Boaters for the Village Bay boat ramp repair.

CARRIED

Commissioner Kilpatrick will take pictures of the ramp for future reference.

8. Motion to Close the Meeting in accordance with Community Charter Part 4, Division 3, Section 90(1)(a) and that recorder and staff attend the meeting

MOVED by Commissioner Bell and **SECONDED** by Commissioner Schneider, that the meeting be closed in accordance with the Community Charter Part 4, Division 3, Section 90(1)(a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality; and that the recorder and staff attend the meeting.

CARRIED

9. Rise and Report

It was **MOVED** and **SECONDED**.

that Mayne Island Parks and Recreation Commission renew and approve the revised contract with Lauren Edwards as agreed upon in circulated emails within Mayne Island Parks and Recreation Commission.

CARRIED

Mayne Island Parks and Recreation Commission
Minutes for December 8, 2022

10. Meeting Adjournment

MOVED by Commissioner Banelis and **SECONDED** by Commissioner Askin,
that the Mayne Island Parks and Recreation Commission meeting be adjourned.
CARRIED

The meeting adjourned at 4:35 pm

Original signed by

January 12, 2023

Debra Bell, Chair

DATE

Original signed by

Lauren Edwards, Recorder

ADOPTED