

## Notice of Meeting and Meeting Agenda Electoral Areas Committee

Wednesday, January 14, 2026

10:00 AM

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

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

Guest: Director M. Little

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. [26-0079](#) Minutes of the Electoral Areas Committee meeting of December 10, 2025

Recommendation: That the minutes of the Electoral Areas Committee meeting of December 10, 2025 be adopted as circulated.

Attachments: [Minutes: December 10, 2025](#)

### 4. Chair's Remarks

### 5. Presentations/Delegations

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

*Delegations will have the option to participate electronically. Please complete the online application at [www.crd.ca/address](http://www.crd.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](mailto:crdboard@crd.bc.ca).*

### 6. Committee Business

**6.1. 26-0023 2026 Electoral Areas Committee Terms of Reference**

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

**Attachments:** [Staff Report: 2026 Electoral Areas Committee ToR](#)

[Appendix A: 2026 Electoral Areas Committee ToR – Redlined \(Draft\)](#)

**6.2. 26-0004 Bylaw No. 4713, Building Regulation Bylaw No. 5, 2010, Amendment Bylaw No. 7, 2025**

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

1. That Bylaw No. 4713, "Building Regulation Bylaw No. 5, 2010, Amendment Bylaw No. 7, 2025" be introduced read a first, second and third time; and  
(NWA)
2. That Bylaw No. 4713 be adopted.  
(NWA, 2/3 on adoption)

**Attachments:** [Staff Report: Bylaw No. 4713, Bldg Regul Bylaw No. 5, 2010, Amend Bylaw](#)

[Appendix A: Amendment Bylaw No. 4713](#)

[Appendix B: Bylaw No. 3741 Consolidated \(Redlined\)](#)

[Appendix C: Bylaw No. 3741 Consolidated \(Clean\)](#)

**6.3. 25-1346 Bylaw No. 4678: Lyall Harbour/Boot Cove Water Loan Authorization Bylaw No. 1, 2025**

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

1. That the attached Certification of Results of Petition for Borrowing - Lyall Harbour/Boot Cove Water Service be received.  
(NWA)
2. That Bylaw No. 4678, "Lyall Harbour/Boot Cove Water Loan Authorization Bylaw No. 1, 2025" be introduced and read a first, second, and third time.  
(WA)
3. That Bylaw No. 4678 be submitted to the Inspector of Municipalities for approval.  
(NWA)

**Attachments:** [Staff Report: Bylaw No. 4678 Lyall Harbour/Boot Cove Water Loan Auth. Bylaw](#)

[Appendix A: Bylaw 4678](#)

[Appendix B: Certified Petition Results](#)

**6.4. 26-0025 Previous Minutes of Other CRD Committees and Commissions for Information**

**Recommendation:** There is no recommendation. The following minutes are for information only:

- a) Mayne Island Parks and Recreation Commission minutes of November 13, 2025
- b) Otter Point Fire Protection and Emergency Response Service Commission minutes of November 12, 2025

**Attachments:** [Minutes: Mayne Island Parks & Rec Commission - November 13, 2025](#)

[Minutes: Otter Pt. Fire Prot& Emerg Resp Svc. Comm - November 12, 2025](#)

**7. Motion with Notice**

7.1. [26-0007](#) Motion with Notice: Communicating Building Permit Fee and Processing Changes (Director Holman)

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

1. That staff prepare communications materials e.g. an FAQ providing public information on the revised building permit fee structure and processing/approval arrangements; and
2. That the building permit fee and processing changes be reviewed by staff and a report provided to the Electoral Areas Committee before the end of the term.

(NWA)

## 8. New Business

## 9. Adjournment

The next meeting is February 11, 2026.

To ensure quorum, please advise Jessica Dorman ([jdorman@crd.bc.ca](mailto:jdorman@crd.bc.ca)) if you or your alternate cannot attend.

## Meeting Minutes

### Electoral Areas Committee

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Wednesday, December 10, 2025

10:00 AM

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

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#### PRESENT

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

Staff: T. Robbins, Chief Administrative Officer; N. Chan, Chief Financial Officer (EP); S. Henderson, General Manager, Electoral Area Services; V. Somosan, Senior Manager/ Deputy CFO, Financial Services; D. Ovington, Senior Manager, SSI Administration; J. Starke. Senior Manager, SGI Administration; M. Lagoa, Deputy Corporate Officer; J. Dorman, Committee Clerk (Recorder)

Guest: Director M. Little

The meeting was called to order at 10:01 am.

#### 1. Territorial Acknowledgement

Director Little provided a Territorial Acknowledgement.

#### 2. Approval of Agenda

**MOVED by Director Holman, SECONDED by Director Wickheim,  
That the agenda of the Electoral Areas Committee meeting of December 10, 2025  
be approved.  
CARRIED**

#### 3. Adoption of Minutes

3.1. [25-1330](#) Minutes of the Electoral Areas Committee meetings of October 29, 2025 and November 12, 2025

**MOVED by Director Wickheim, SECONDED by Director Holman,  
That the minutes of the Electoral Areas Committee meetings of October 29, 2025  
and November 12, 2025 be adopted as circulated.  
CARRIED**

#### 4. Chair's Remarks

There were no Chair's remarks.

#### 5. Presentations/Delegations

5.1. [25-1343](#) Delegation - Danielle Pepin; Representing Sticks Allison Water Local Service Committee: Re: Agenda Item 6.1. Bylaw Nos. 4735 and 4736: Fees and Charges Bylaw Amendments for Utilities within the Three Electoral Areas

The delegation did not speak.

## 6. Committee Business

6.1. [25-1219](#) Bylaw Nos. 4735 and 4736: Fees and Charges Bylaw Amendments for Utilities within the Three Electoral Areas

N. Chan spoke to item 6.1.

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

1. That Bylaw No. 4735, "Salt Spring Island Liquid Waste, Sewer, and Water Fees and Charges Bylaw No. 1, 2012, Amendment Bylaw No. 19, 2025", be introduced and read a first, second and third time; and
2. That Bylaw No. 4735 be adopted.
3. That Bylaw No. 4736, "Southern Gulf Islands and Juan de Fuca Electoral Areas Utilities and Street Lighting Fees and Charges Bylaw No. 1, 2012, Amendment Bylaw No. 14, 2025", be introduced and read a first, second and third time; and
4. That Bylaw No. 4736 be adopted.

**CARRIED**

**6.2. 25-1247** Previous Minutes of Other CRD Committees and Commissions for Information

**The following minutes were received for information only:**

- a) East Sooke Fire Protection and Emergency Response Service Commission minutes of September 24, 2025
- b) Lyall Harbour Boot Cove Water Local Service Committee minutes of June 10, 2025
- c) Magic Lake Estates Water and Sewer Committee minutes of June 5, 2025
- d) Mayne Island Parks and Recreation Commission minutes of October 9, 2025
- e) North Galiano Fire Protection and Emergency Response Service Commission & North Galiano Fire Protection Society minutes of November 17, 2024
- f) Otter Point Fire Protection and Emergency Response Service Commission minutes of November 13, 2024
- g) Otter Point Fire Protection and Emergency Response Service Commission minutes of October 8, 2025
- h) Port Renfrew Fire Protection and Emergency Response Commission minutes of October 16, 2025
- i) Southern Gulf Islands Electoral Area Community Economic Sustainability Commission minutes of May 20, 2025
- j) Southern Gulf Islands Electoral Area Community Economic Sustainability Commission minutes of July 15, 2025
- k) Sticks Allison Water Local Service Committee minutes of June 17, 2025
- l) Willis Point Fire Protection and Recreation Facilities Commission minutes of September 2, 2025
- m) Willis Point Fire Protection and Recreation Facilities Commission minutes of October 21, 2025
- n) Willis Point Fire Protection and Recreation Facilities Commission minutes of October 26, 2025

## 7. Notice(s) of Motion

**7.1. 26-0003** Notice of Motion: Communicating Building Permit Fee and Processing Changes (Director Holman)

Director Holman proposed the following Notice of Motion for consideration at the next meeting:

"1. That staff prepare communications materials e.g. an FAQ providing public information on the revised building permit fee structure and processing/approval arrangements; and  
2. That the building permit fee and processing changes be reviewed by staff and a report provided to the Electoral Areas Committee before the end of the term."

## 8. New Business

There was no new business.

**9. Adjournment**

**MOVED** by Director McNeil-Smith, **SECONDED** by Director Holman,  
That the Electoral Areas Committee meeting of December 10, 2025 be adjourned  
at 10:07 am.  
**CARRIED**

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CHAIR

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RECORDER

**REPORT TO ELECTORAL AREAS COMMITTEE  
MEETING OF WEDNESDAY, JANUARY 14, 2026**

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**SUBJECT**    **2026 Electoral Areas Committee Terms of Reference**

**ISSUE SUMMARY**

To provide the 2026 Electoral Areas Committee Terms of Reference for information.

**BACKGROUND**

Under the *Local Government Act* and the CRD Board Procedures Bylaw, the CRD Board Chair has the authority to establish standing committees and appoint members to provide advice and recommendations to the Board.

Terms of Reference (TOR) serve to clarify the mandate, responsibilities and procedures of standing committees and provide a point of reference and guidance for the committees and members. The TOR are being provided for information to the Committee. Any proposed revisions to the TOR will require ratification by the Board.

For 2026, all standing committees TOR were revised under section 3.0 Composition to include additional details on First Nation members voting rights on standing committees. The Electoral Areas Services Committee TOR was updated under section 5.0 Resources and Support to reflect that the new General Manager of Electoral Area Services will act as liaison to the committee.

The redlined 2026 Electoral Areas Committee Terms TOR is attached as Appendix A. Standing committees TOR will be approved by the CRD Board at the January 14, 2026 meeting.

**CONCLUSION**

Terms of Reference serve to clarify the mandate, responsibilities and procedures of committees and provide a point of reference and guidance for the committees and their members. Any future revisions to the TOR will require ratification by the Board.

**RECOMMENDATION**

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

Submitted by:	Marlene Lagoa, MPA, Manager, Legislative Services & Deputy Corporate Officer
Concurrence:	Stephen Henderson, MBA, P.G.Dip.Eng, BSc, General Manager, Electoral Area Services
Concurrence:	Kristen Morley, J.D., Corporate Officer & General Manager, Corporate Services
Concurrence:	Ted Robbins, B. Sc., C. Tech., Chief Administrative Officer

**ATTACHMENT(S)**

Appendix A: 2026 Electoral Areas Committee Terms of Reference – Redlined (Draft)

# Terms of Reference



## ELECTORAL AREAS COMMITTEE

### PREAMBLE

The Capital Regional District (CRD) Electoral Areas Committee is a standing committee established by the CRD Board and will oversee and make recommendations to the Board regarding services in the electoral areas.

The Committee's official name is to be:

Electoral Areas Committee

### 1.0 PURPOSE

- a) The mandate of the Committee includes overseeing and making recommendations to the Board regarding services in the electoral areas including, but not limited to:
  - i. Building inspection
  - ii. Bylaw enforcement
  - iii. Animal control
  - iv. Grants-in-aid
  - v. Soil deposit and removal
  - vi. Stormwater quality
  - vii. Fire protection
  - viii. Local emergency management
  - ix. Local economic development
- b) The Committee also has the authority as delegated by the Board to:
  - i. Hold a hearing to file or cancel a Notice on Title (s. 57 & 58 of the *Community Charter*)
  - ii. Modify, assign or release a covenant registrable under s. 219 of the *Land Title Act*
- c) The Committee may also make recommendations to the Board to advocate to senior levels of government regarding issues of importance to electoral areas.
- d) The local service area committees and commissions as outlined in Appendix A will report through the Electoral Areas Committee.
- e) Any other matter that relates to the electoral areas may be referred to the Committee for consideration.

## 2.0 ESTABLISHMENT AND AUTHORITY

- a) The Committee will make recommendations to the Board; and
- b) The Board Chair will appoint the Committee Chair, Vice Chair and Committee members annually.

## 3.0 COMPOSITION

- a) Committee members will include the Director from each of the electoral areas: Juan de Fuca, Salt Spring Island, and Southern Gulf Islands;
- b) All Board members are permitted to participate in standing committee meetings, but not vote, in accordance with the CRD Board Procedures Bylaw; and
- c) First Nation members are permitted to participate in standing committee meetings at their pleasure, ~~in accordance with the CRD Procedures Bylaw~~, where the Nation has an interest in matters being considered by the committee, in accordance with the CRD Procedures Bylaw section 33:
  - i. First Nation Members are permitted to abstain from voting on an item, provided that they declare their abstention prior to the vote being called on the item.
  - ii. When an abstention from voting on an item is declared by a First Nation Member, it shall be noted in the meeting minutes and the total number of votes on the item shall not include those First Nation Members who have abstained from voting.

## 4.0 PROCEDURES

- a) The Committee shall meet on a monthly basis and have special meetings as required;
- b) The agenda will be finalized in consultation between staff and the Committee Chair and any Committee member may make a request to the Chair to place a matter on the agenda through the Notice of Motion process;
- c) With the approval of the Committee Chair and the Board Chair, Committee matters of an urgent or time sensitive nature may be forwarded directly to the Board for consideration; and
- d) A quorum is a majority of the Committee membership and is required to conduct Committee business.

## 5.0 RESOURCES AND SUPPORT

- a) The General Managers of ~~Housing, Planning and Protective~~Electoral Area Services and ~~Finance and Technology~~ departments will act as liaison to the committee; and
- b) Minutes and agendas are prepared and distributed by the Corporate Services Department.

*Approved by CRD Board* \_\_\_\_\_

## **APPENDIX A**

Juan de Fuca Electoral Area Local Service Area Commissions/Committees:

- East Sooke Fire Protection & Emergency Response Service Commission
- Juan de Fuca Electoral Area Parks & Recreation Advisory Commission
- Otter Point Fire Protection & Emergency Response Service Commission
- Port Renfrew Fire Protection & Emergency Response Service Commission
- Port Renfrew Utility Services Committee
- Shirley Fire Protection & Emergency Response Service Commission
- Wilderness Mountain Water Service Commission
- Willis Point Fire Protection & Recreation Facilities Commission

Salt Spring Island Electoral Area Local Service Area Commissions/Committees:

- Beddis Water Service Commission
- Cedar Lane Water Service Commission
- Cedars of Tuam Water Service Commission
- Fulford Water Service Commission
- Ganges Sewer Local Services Commission
- Fernwood and Highland Water Service Commission
- Maliview Sewer Local Service Commission

Southern Gulf Islands Electoral Area Local Service Area Commissions/Committees:

- Galiano Island Parks & Recreation Commission
- Lyall Harbour/Boot Cove Water Local Services Committee
- Magic Lake Estates Water & Sewer Committee
- Mayne Island Parks & Recreation Commission
- North Galiano Fire Protection & Emergency Response Service Commission
- Pender Islands Community Parks & Recreation Commission
- Saturna Island Parks & Recreation Commission
- Skana Water Service Committee
- Southern Gulf Islands Community Economic Sustainability Commission
- Southern Gulf Islands Electoral Area Emergency Advisory Commission
- Southern Gulf Islands Harbours Commission
- Southern Gulf Islands Public Library Commission
- Sticks Allison Water Local Service Committee
- Surfside Park Estates Water Service Committee

## REPORT TO ELECTORAL AREAS COMMITTEE MEETING OF WEDNESDAY, JANUARY 14, 2026

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**SUBJECT** **Bylaw No. 4713, “Building Regulation Bylaw No. 5, 2010, Amendment Bylaw No. 7, 2025”**

### **ISSUE SUMMARY**

To seek approval of Bylaw No. 4713, “Building Regulation Bylaw No. 5, 2010, Amendment Bylaw No. 7, 2025”, to improve the efficiency, productivity and delivery of the Building Inspection Service.

### **BACKGROUND**

Building bylaws need to be reviewed and updated from time to time to accurately reflect practices and to address changes in the industry. The proposed amendments outlined in this staff report will also improve the efficiency, productivity and delivery of the Building Inspection Service and provide a discount for multi-unit affordable housing units.

In addition to general clarity amendments and updates for health and safety requirements, there are four key objectives of the proposed bylaw changes. Simplifying the permit application process to a single permit by eliminating individual permits for each stage of construction is more efficient for staff and applicants. This approach is also easier for staff to calculate permit fees.

Extending timelines from 6 to 12 months to commence construction, and from 24 to 48 months to complete construction, allows for more flexibility for applicants.

The proposed amendments provide for a 50% discount on building permit fees for affordable housing projects. This discount will be limited to multi-unit housing projects that have a housing agreement registered on title.

Introduction of a \$300 permit application flat fee and a minimum \$300 information request fee which will provide administrative cost recovery for the high number of information requests received from realtors and the public.

The amending bylaw, Bylaw No. 4713 is attached as Appendix A and Appendix B provides a ‘redline’ version of Bylaw No. 3741, “Building Regulation Bylaw No. 5, 2010” and a ‘clean’ copy as Appendix C.

### **ALTERNATIVES**

#### *Alternative 1*

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

1. That Bylaw No. 4713, “Building Regulation Bylaw No. 5, 2010, Amendment Bylaw No. 7, 2025” be introduced and read a first, second and third time; and
2. That Bylaw No. 4713 be adopted.

#### *Alternative 2*

That this report be referred back to staff for additional information.

## **IMPLICATIONS**

### *Alignment with Existing Plans & Strategies*

The provision of a 50% discount for multi-unit affordable housing projects aligns with initiatives within the Rural Housing Program to support affordable housing in the Electoral Areas. This discount is comparable to the City of Victoria's approach.

### *Financial Implications*

The proposed updated fee schedule for 2026 is more consistent with industry standards and accounts for inflation and cost escalations associated with construction work.

In the existing bylaw, the construction value is based on the greater of:

1. The construction value declared by applicant
2. Construction value based on industry established construction costing manuals (RS Means, Marshall & Swift etc.)
3. Construction values listed in the Appendix of the Capital Regional District Bylaw

In the proposed bylaw, the construction value will be based on the greater of:

1. The construction value declared by applicant
2. Construction value based on industry established construction costing manuals (RS Means, Marshall & Swift etc.)

The proposed bylaw amendment simply deletes Method 3 in the existing bylaw.

Once the construction value is determined, the permit fees are as follows:

- Existing Bylaw, Permit Fee = \$6,285 (for a construction value of \$500,000) plus fees for demolition permit, plumbing permit and the fireplace chimney fee.
- Proposed Bylaw, Permit fees = 1.4% x total construction value = 1.4% x \$500,000 = \$7,000, inclusive of fees for the demolition permit, plumbing permit and fireplace chimney fee.

The construction values previously listed in the bylaw were outdated and required regular amendments to remain aligned with market conditions. Using a percentage of construction costs declared by the applicant is an industry norm. Other municipalities in the region apply a range of percentage-based fees, and the CRD's proposed percentage will be near the regional average. For example, the City of Victoria has a 1.4% fee and charges additional fees for plumbing, electrical, excavation, blasting permits, signs and inspections.

The proposed 50% discount for multi-unit affordable housing projects is expected to have minimal financial impact, with forecasted annual revenue reductions of approximately one percent, subject to year-to-year variation depending on project submissions. Revenue generated from information requests is forecast to increase overall revenues by approximately five percent. On a consolidated basis, these changes are expected to result in a net increase in revenues of about four percent.

The Building Inspection Service currently operates with a guideline to recover approximately 75% of costs. Since year 2019, the annual recovery of costs has varied with the economy and ranged from 60% to 99% with a median of 70% in the past seven years. The spike of 99% occurred in 2022 during COVID and prior to the implementation of step code. With the amendments to the

**Electoral Areas Committee – January 14, 2026**  
**Bylaw No. 4713, “Building Regulation Bylaw No. 5, 2010, Amendment Bylaw No. 7, 2025”<sup>3</sup>**

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bylaw, the efficiencies created, and charging for non-core permitting services, staff anticipate increased cost recovery that should reduce the reliance on tax requisition and operating reserves required to support the service. These adjustments to requisition will not be realized until after one year of operating under the new bylaw and would be considered in the development of the 2027 budget.

*Service Delivery Implications*

The bylaw amendments are expected to enhance the productivity and efficiency of the Building Inspection Division. By reducing the number of permits required to a single permit, this will create efficiencies for the Building Inspection Department and the owner/builders. The amendment to extend the permit time period will reduce staff time spent monitoring permits and reduce the time owners/builders need to communicate with building inspection. The amendment to introduce an information request fee will also reduce the involvement of Information and Privacy Division staff.

A communications plan is being prepared to ensure the bylaw amendments are being understood and socialized in the three electoral areas prior to the effective date of March 1, 2026.

**CONCLUSION**

The Building Regulation Bylaw has been amended to improve the efficiency, productivity and service delivery of the Building Inspection Service. The updated bylaw will provide a discount for multi-unit affordable housing projects to align with the strategic objectives of the Rural Housing Program. The proposed amendments also provide increased efficiency and flexibility for applicants and address changes in the industry.

**RECOMMENDATION**

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

1. That Bylaw No. 4713, “Building Regulation Bylaw No. 5, 2010, Amendment Bylaw No. 7, 2025” be introduced and read a first, second and third time; and
2. That Bylaw No. 4713 be adopted.

Submitted by:	Calvin Gray, P. Eng., Manager and Chief Building Inspector, Building Inspection
Concurrence:	Stephen Henderson, MBA, P.G.Dip.Eng, BSc, General Manager, Electoral Area Services
Concurrence:	Kristen Morley, J.D., Corporate Officer & General Manager, Corporate Services
Concurrence:	Varinia Somosan, CPA, CGA, Acting Chief Financial Officer and General Manager of Finance & Technology
Concurrence:	Ted Robbins, B. Sc., C. Tech., Chief Administrative Officer

**ATTACHMENTS**

Appendix A: Amendment Bylaw No. 4713, “Building Regulation Bylaw No. 5, 2010, Amendment Bylaw No. 7, 2023”

Appendix B: Bylaw No. 3741 Consolidated (Redlined)

Appendix C: Bylaw No. 3741 Consolidated (Clean)

**CAPITAL REGIONAL DISTRICT  
BYLAW NO. 4713**

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**A BYLAW TO AMEND BUILDING REGULATION BYLAW NO. 5, 2010 (BYLAW NO. 3741)**

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**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; and
- B. The Regional Board wishes to amend Bylaw No. 3741 to simplify building permit processes for both CRD and applicants, to acknowledge adaptability to the public, and to improve consistency with other municipalities;

**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, with an effective date of March 1, 2026:

- (a) By amending section 1.2.2 by replacing the definitions of "Alteration", "Building Official", "Certificate of Occupancy", "Construct", "Owner", "Permit", and "Registered Professional", with the following definitions in their place:

**"Alteration"** means a change or extension to any matter or thing or to any occupancy regulated by the *Building Code*, and **"alter"** or **"altering"** means to make any such change or extension.

**"Building Official"** means a person appointed by the Capital Regional District to carry out the functions of a Building Official under this Bylaw.

**"Certificate of Occupancy"** includes a Conditional Certificate of Occupancy as the context requires under this Bylaw.

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

**"Owner"** means the registered owner in fee simple, and includes a person who has been authorized in writing by the owner to act as the owner's agent.

**"Permit"** means permission or authorization in writing issued by the Building Official to perform work regulated by this Bylaw.

**"Registered Professional"** means a person who is registered or licensed to practice as an architect under the *Architects Regulation* (B.C. Reg. 33/2023), or a person who is registered or licensed to practice as a professional engineer under the *Engineers and Geoscientists Regulation* (B.C. Reg. 14/2021).

- (b) By inserting the following definitions into section 1.2.2 in alphabetical order:

**“Affordable Housing Unit”** means a dwelling unit which is:

- (a) part of a development that is owned and operated by a registered non-profit organization or government agency for the purpose of providing affordable housing or below-market housing, or is operated by a registered non-profit organization or government agency for the purpose of providing affordable housing or below-market housing pursuant to a legally binding agreement with the property owner; and
- (b) is the subject of a housing agreement or a covenant in favour of the Capital Regional District or another government agency restricting the use of the affordable housing units to affordable or below-market housing.

**“Affordable Housing Development”** means a building or buildings that are to be constructed on the same parcel of land under one or more Permits and which collectively contain a minimum of five dwelling units, at least one of which is an affordable housing unit.

**“Chief Building Official”** means the Building Official with overall responsibility for administration of this bylaw, whether by job description or by assignment of the responsible General Manager.

**“Construction Value”** means the estimated cost of constructing the work proposed to be carried out under an application for a Permit, as determined in accordance with section 2.4.3 of this Bylaw.

- (c) By deleting the words “Building Inspector” wherever they appear and substituting the words “Building Official”.
- (d) By deleting the words “his or her” wherever they appear and substituting the word “their”.
- (e) By deleting the words “he or she” wherever they appear and substituting the word “they”.
- (f) By replacing section 1.3.2 in its entirety with:

### **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 inspections and plan reviews undertaken by a Building Official pursuant to this Bylaw are for the sole purpose of providing a limited spot check for compliance with the *Building Code*. It is not contemplated nor intended, nor does the purpose of this Bylaw extend:

- (1) to the protection of owners, designers, 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, their representatives or any employees, constructors or designers retained by them, with the *Building Code*, the requirements of this Bylaw or any other applicable codes, enactments or standards;
- (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;
- (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 from latent, or any, defects; or
- (5) the protection of adjacent real property from incidental damage or nuisance.

(g) By replacing sections 2.1.1(2) and (3) with:

- (2) The Chief Building Official shall create, modify, or adopt for usage, forms (other than those prescribed by enactment) in relation to Permit applications, Permits, and Occupancy Permits, 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.
- (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 2.2.2 to 2.2.4 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.

(h) By deleting section 2.1.1(4).

(i) By replacing section 2.1.2 with:

## **2.1.2 Permits Required**

Every person shall apply for and obtain a Permit before commencing:

- (1) site excavation or blasting;
- (2) construction, repairing or altering a building or structure;
- (3) moving a building;
- (4) changing the occupancy of a building;

- (5) the installation of any plumbing;
- (6) construction of a masonry fireplace or the installation of a solid fuel burning appliance or factory/masonry chimney;
- (7) the demolition of a building or structure;
- (8) the deconstruction or removal of a building;
- (9) placement of a manufactured home on a parcel of land for residential use;
- (10) installation of solar panels on a roof;
- (11) replacement of roofing material or external siding material with dissimilar materials.

(j) By replacing section 2.1.3 with:

**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) construction of retaining structures less than 1.2 meters in height;
- (5) construction of other retaining structures more than 1.2 meters in height that are greater than 30° off vertical;
- (6) construction of a fence;
- (7) construction of a deck, the surface of which is less than 600 mm above grade.

(k) By deleting sections 2.1.4, 2.1.5, and 2.1.6.

(l) By replacing section 2.1.7 with:

**2.1.4 Essential Services**

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

- (1) Water (Potable): A community water service, or another source of potable water approved by the medical health officer, health officer or the Building Official, is available to service the building or structure;
- (2) Sanitary Sewer: A community sewer system or other method of sewage disposal is available to service the building or structure, provided that, for a sewerage system, the owner has submitted to the Building Official all documents 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 issued by a health officer pursuant to the *Sewerage System Regulation* (BC Reg. 326/04);
- (3) Storm Drainage: An approved method of storm drainage disposal is available to service the building or structure;
- (4) Access to Property: A driveway of sufficient strength, grade and width for access and egress by fire and emergency vehicles within at least 30 meters of each principal building; and
- (5) Water Supply (Fire): An adequate supply of water for firefighting in accordance with the National Fire Protection Association (NFPA) 1142 "Standard on Water Supplies for Suburban and Rural Firefighting" or equivalent.

(m) By inserting the following as sections 2.2.2, 2.3.3, and 2.3.4 immediately after section 2.2.1:

**2.2.2** 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 a Building Official, shall in any way relieve the owner or their agents or 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.

**2.2.3** Without limiting section 2.2.2, it is the full and sole responsibility of the owner, and where the owner is acting through an agent or other representative, the owner's agent or 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.

**2.2.4** Neither the issuance of a Permit or Certificate of Occupancy under this Bylaw, nor the acceptance or review of plans, drawings, specifications, or supporting documents, nor any inspections made by a Building Official constitute in any way a representation, warranty, assurance or statement

to an owner, designer or constructor 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 to an owner, designer or constructor that the building or structure meets any standard of materials or workmanship.

- (n) By replacing the words “two copies of specifications and two sets of drawings (three of each on the Southern Gulf Islands)” with the words “drawings and specifications in digital format acceptable to the Chief Building Official” in section 2.3.4(1)(k) and section 2.3.5(i).
- (o) By replacing the text of both section 2.3.4(1)(h) and section 2.3.5(1)(h), with the following:
  - (h) include copies of approvals required under any enactment relating to health or safety, including, without limitation, permits or approvals under the *Sewerage System Regulation* (B.C. Reg 326/2004), and highway use permits issued by the Ministry of Transportation and Transit;
- (p) By replacing section 2.3.6(1) with:
  - (1) Without limiting Section 2.1.2(3) of this Bylaw, a Permit is required for the rehabilitation or reconstruction of a building or structure that is to be moved onto the property to which it is to be permanently relocated.
- (q) By replacing sections 2.3.7(2), 2.3.7(3) and 2.3.7(4) with:
  - (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 plans submitted with the permit application comply with the Building Code and other applicable enactments relating to safety.”
  - (3) When a Permit is issued in accordance with Section 2.3.4 of this Bylaw, the Permit fee shall be reduced by 10% of the fees payable pursuant to this Bylaw, up to a maximum reduction of \$1000 (one thousand dollars).
  - (4) When a Permit is issued for a Simple Building and a Building Official has required certification by a registered professional under section 3.4.1 of this Bylaw that the building plans submitted with the permit application comply with the Building Code and other applicable enactments relating to safety, the Permit fee shall be reduced by 5% of the fees payable pursuant to this Bylaw, up to a maximum reduction of \$500 (five hundred dollars).
- (r) By replacing section 2.3.8 with:

### **2.3.8 Energy Conservation**

(1) In relation to the conservation of energy, construction must meet the prescriptive requirements of Articles 9.36.2 to 9.36.4 of Division B of the Building Code.

(s) By replacing section 2.3.9(1) with:

(1) Buildings and structures to which Part 3 or Part 9 of the Building Code applies, and that are within the scope of application of the BC Zero Carbon Step Code, must be designed and constructed to meet the requirements specified in EL-3 of the BC Zero Carbon Step Code.

(t) By inserting following as section 2.3.10:

### **2.3.10 Removal of Section 57 (Community Charter) Notice**

(1) An owner who wishes to apply to have a notice pursuant to Section 57 of the Community Charter removed from the title to their property on the basis that the condition giving rise to the notice has been rectified must first:

- (a) apply for and obtain a Permit under this Bylaw for the work required to rectify that condition;
- (b) complete the work required to rectify that condition in accordance with the terms and conditions of the Permit, and any requirements imposed by the Building Official under this Bylaw;
- (c) if required under this Bylaw, apply for and obtain a Certificate of Occupancy for the building or structure that was the subject of the Section 57 notice; and
- (d) pay the application fee prescribed under section 2.4.10 of this Bylaw.

(u) By replacing section 2.4 with:

## **2.4 FEES FOR APPLICATIONS, PERMITS AND OTHER SERVICES**

**2.4.1** A Permit fee, equivalent to 1.4% of the construction value of the proposed work, as determined in accordance with section 2.4.3 of this Bylaw, shall be paid in full prior to the issuance of a Permit for any of the construction activities referred to in section 2.1.2 of this Bylaw.

**2.4.2** An application for a Permit pursuant to section 2.1.2 of this Bylaw must be accompanied by the owner's declaration of the construction value of the proposed work.

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

- (1) the construction value of the proposed work, as declared by the owner under section 2.4.2;
- (2) the construction value of the proposed work, as determined by the Building Official using 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.

**2.4.4** The Permit fee for an Affordable Housing Development shall be reduced by an amount equal to fifty percent (50%) of the construction value of each Affordable Housing Unit contained within the Affordable Housing Development.

**2.4.5** A non-refundable application fee of \$300.00 (three hundred dollars) shall accompany an application made for a Permit.

**2.4.6 Cancellations and Refunds**

- (1) An application shall be cancelled if the Permit has not been issued within six months of the date that the Permit application was received.
- (2) Provided no excavation or construction has commenced, at the written request of the Owner made within six months of the issuance of a Permit, the Building Official may cancel the Permit, and the Owner may then receive a refund of 50% of the Permit fee paid pursuant to Section 2.4.1 of this Bylaw.

**2.4.7** 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 by the Permit holder prior to any additional inspections being performed.

**2.4.8** The fee for a special inspection or consultation with the Building Official for work which is not authorized under a Permit shall be at the charge-out rate of \$100 (one hundred dollars) per hour, and prorated in the case of a partial hour to the nearest quarter hour.

**2.4.9** The fee for a letter report from a Building Official concerning the status of an existing building or structure shall be \$100 (one hundred dollars).

**2.4.10** The fee for an application to remove 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).

**2.4.11** The fee for the review, including execution, of a covenant required as a condition of the issuance of a Permit in accordance with section 219 of the *Local Government Act* or section 56 of the *Community Charter* shall be \$500 (five hundred dollars).

- (v) By replacing the word “six” with the word “twelve” in section 2.5.2(1).
- (w) By replacing the number “12” with the word “twelve” in section 2.5.2(2).
- (x) By replacing the number “24” with the word “forty-eight” in section 2.5.2(3).
- (y) By inserting the words “provided the scope of the work is the same as under the original Permit” at the end of section 2.5.3(3)(b).
- (z) By replacing section 2.5.8 and section 2.5.9 with:

### **2.5.8 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 official within twelve 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 2.5.8(1) or (2) shall be \$300.00.
- (4) Upon receipt of an application under sections 2.5.8(1) or (2), a Building Official may renew the Permit or Conditional Certificate of Occupancy, as applicable, for a period not to exceed twelve months.
- (5) A Permit or Conditional Certificate of Occupancy may only be renewed once under this section 2.5.8.

### **2.5.9. Extension of a Permit**

- (1) In addition to a renewal under section 2.5.8, a Building Official may extend the period of time set out under section 2.5.2 where construction has not commenced, or has been discontinued, due to adverse weather, strikes, or material or labour shortages. The maximum period of an extension is twelve months.”
- (aa) By replacing the words “on the form attached as Appendix F to this Bylaw” with the words “in the form authorized by the Chief Building Inspector” section 2.6.1.
- (bb) By replacing “Section 2.5.10 Renewal” with “Section 2.5.8 Renewal” in section 2.6.3(3).
- (cc) By deleting section 2.6.3(4) and by renumbering the remaining sections.
- (dd) By replacing section 3.1.2 with:

### **3.1.2 Demolish or Deconstruct**

- (1) An application for a Permit to demolish or deconstruct a building or structure must be accompanied by the written authorization of the owner.
- (2) 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."

(ee) By replacing section 3.3.2(2) with:

- (2) keep a full size hard copy of the accepted designs, plans and specifications on the property for the Building Official's use; and

(ff) By replacing section 3.4A in its entirety with the following as section 3.4.4:

### **3.4.4 Professional Design (Potable Water Systems)**

- (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.
- (2) 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 registered professional that the plans for the On Site Water Collection system comply with the Building Code and other applicable enactments respecting the safety of a potable water supply, and will provide the dwelling with potable water.
- (3) A Building Official may require an applicant for a Permit to provide the certification referred to in section 3.4.4(2).
- (4) By issuing a Permit where the owner has provided the certification of a registered professional under section 3.4.4(2):
  - (a) the Capital Regional District does not assume any responsibility to review or inspect the installation of the On Site Water Collection system or the quality or quantity of the water from the On Site Water Collection and will rely upon the certification provided by the registered professional; and
  - (b) the portion of the Building Permit fee associated with the design of the On Site Water Collection system shall be reduced by 10%.

(gg) By inserting the words "under-slab plumbing, radon gas rough-in," after the words "roof water leader system" in section 3.5.4(2).

(hh) By inserting the words "including nailing of sheathing" after the words "all framing" in section 3.5.4(5).

(ii) By inserting the words “and rain screen” after the words “building envelope” in section 3.5.4(9).

(jj) By inserting the following as section 3.5.7:

**3.5.7** An owner shall arrange, at the owner’s sole cost, 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.

(kk) By replacing section 4.1.3 with:

#### **4.1.3 Penalties and Offences**

(1) Every person who contravenes any provision of this Bylaw commits an offence punishable on summary conviction and shall be liable to:

(a) a fine of not less than \$1,000 (one thousand dollars) and not more than \$50,000 (fifty thousand dollars); or

(b) imprisonment for not more than six months.

(2) Each day that an offence under this Bylaw continues constitutes a separate offence that is subject to the penalty prescribed under section 4.1.3(1).

(3) In addition to the prosecution of an offence under the *Offence Act*, a person who contravenes a provision of this Bylaw may be subject to:

(a) the issuance of a Municipal Ticket Information under Bylaw No. 1857, “Capital Regional District Ticket Information Authorization Bylaw, 1990”;

(b) the issuance of a Bylaw Notice under Bylaw No. 4683, “Bylaw Notice Enforcement Bylaw No. 1, 2025”.

(ll) By inserting the following as section 4.1.4:

#### **4.1.4 Information Requests**

(1) Pursuant to section 71 of the *Freedom of Information and Protection of Privacy Act* (“the Act”), the following categories of records in the custody or control of the Capital Regional District pursuant to the authority of this Bylaw have been designated by the head of the Capital Regional District as records that are available to the public without a request for access under the Act:

(a) Permits;

(b) Building Plans;

- (c) Inspection Card
- (d) Land Survey;
- (e) Certificate of Occupancy;
- (f) Record of Building Square Footage;
- (g) Septic Information Records;
- (h) Sewerage Information Records;
- (i) Site Plan;
- (j) Well Report.

(2) The Capital Regional District may sever from a record made available under section 4.1.4(1) any information that the Capital Regional District would be entitled to refuse to disclose to an applicant under Part 2 of the *Freedom of Information and Protection of Privacy Act*, including but not limited to any personal information the disclosure of which would be an unreasonable invasion of an individual's personal privacy.

(3) Pursuant to section 57(4) of the *Community Charter*, information concerning the filing of a notice on title pursuant to section 57 of the *Community Charter* may be inspected during regular office hours at the offices of the Capital Regional District, 625 Fisgard Street, Victoria, BC.

(4) A person requesting a copy of a record under section 4.1.4(1) or section 4.1.4(3), whether in paper or digital form, must pay a fee as follows:

- (a) \$300.00 for each copy as a minimum charge;
- (b) where the number of pages requested exceeds two hundred (200) in total, an additional fee of one hundred dollars (\$100.00) per hour or part thereof for searching and retrieving records, prior to copying;
- (c) for large scale paper building plans, an additional fee equal to the cost incurred by the Capital Regional District in having the plans sent by courier to and from an external service provider, for copying at the expense of the person making the request.

(mm) By deleting section 5.1 and all Schedules to the Bylaw (Appendices A through G inclusive), and renumbering the remaining sections.

2. This Bylaw may be cited for all purposes as the "Building Regulation Bylaw No. 5, 2010 Amendment Bylaw No. 7, 2025".

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**CHAIR**

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## CORPORATE OFFICER



**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, 4535, 4538, 4564, **4713**)

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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.
- 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.

**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.

## 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.

**“Affordable Housing Unit”** means a dwelling unit which is:

- (a) part of a development that is owned and operated by a registered non-profit organization or government agency for the purpose of providing affordable housing or below-market housing, or is operated by a registered non-profit organization or government agency for the purpose of providing affordable housing or below-market housing pursuant to a legally binding agreement with the property owner; and
- (b) is the subject of a housing agreement or a covenant in favour of the Capital Regional District or another government agency restricting the use of the affordable housing units to affordable or below-market housing.

**“Affordable Housing Development”** means a building or buildings that are to be constructed on the same parcel of land under one or more Permits and which collectively contain a minimum of five dwelling units, at least one of which is an affordable housing unit.

**“Alteration”** means a change or extension to any matter or thing or to any occupancy regulated by the *Building Code*, and **“alter”** or **“altering”** means to make any such change or extension.

**“BC Zero Carbon Step Code”** means the system of greenhouse gas emission requirements contained in Article 9.37.1.3 and 10.3.1.3 of Division B of the Building Code

**“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*.

**“Building Official”** means a person appointed by the Capital Regional District to carry out the functions of a Building Official under this Bylaw.

**“Certificate of Occupancy”** includes a Conditional Certificate of Occupancy as the context requires under this Bylaw.

**“Chief Building Official”** means the Building Official with overall responsibility for administration of this Bylaw, whether by job description or by assignment of the responsible General Manager.

**“Conditional Certificate of Occupancy”** means a partial certificate of occupancy issued by a Building Official, 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”** and **“construction”** includes build, erect, install, repair, alter, add, enlarge, move, locate, reconstruct, demolish, remove, excavate or shore.

**“Construction Value”** means the estimated cost of constructing the work proposed to be carried out under an application for a Permit, as determined in accordance with section 2.4.3 of this Bylaw.

**“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.

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

**"Owner"** means the registered owner in fee simple, and includes a person who has been authorized in writing by the owner to act as the owner's agent.

**"Permit"** means permission or authorization in writing issued by the Building Official to perform work regulated by this Bylaw.

**"Registered Professional"** means a person who is registered or licensed to practice as an architect under the *Architects Regulation* (B.C. Reg. 33/2023), or a person who is registered or licensed to practice as a professional engineer under the *Engineers and Geoscientists Regulation* (B.C. Reg. 14/2021).

**"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.

**"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.

(Bylaw No. 4713)

## 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 inspections and plan reviews undertaken by a Building Official pursuant to this Bylaw are for the sole purpose of providing a limited spot check

for compliance with the *Building Code*. It is not contemplated nor intended, nor does the purpose of this Bylaw extend:

- (1) to the protection of owners, designers, 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, their representatives or any employees, constructors or designers retained by them, with the *Building Code*, the requirements of this Bylaw or any other applicable codes, enactments or standards;
- (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;
- (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 from latent, or any, defects; or
- (5) the protection of adjacent real property from incidental damage or nuisance.

(Bylaw No. 4713)

## **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.

(2) The Chief Building Official shall create, modify, or adopt for usage, forms (other than those prescribed by enactment) in relation to Permit applications, Permits, and Occupancy Permits, 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.

(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 2.2.2 to 2.2.4 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.

(Bylaw No. 4713)

### **2.1.2 Permits Required**

Every person shall apply for and obtain a Permit before commencing:

- (1) site excavation or blasting;
- (2) construction, repairing or altering a building or structure;

- (3) moving a building;
- (4) changing the occupancy of a building;
- (5) the installation of any plumbing;
- (6) construction of a masonry fireplace or the installation of a solid fuel burning appliance or factory/masonry chimney;
- (7) the demolition of a building or structure;
- (8) the deconstruction or removal of a building;
- (9) placement of a manufactured home on a parcel of land for residential use;
- (10) installation of solar panels on a roof;
- (11) replacement of roofing material or external siding material with dissimilar materials.

*(Bylaw No. 4713)*

### **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) construction of retaining structures less than 1.2 meters in height;
- (5) construction of other retaining structures more than 1.2 meters in height that are greater than 30° off vertical;
- (6) construction of a fence;
- (7) construction of a deck, the surface of which is less than 600 mm above grade.

*(Bylaw No. 4713)*

### **2.1.4 Essential Services**

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

- (1) **Water (Potable):** A community water service, or another source of potable water approved by the medical health officer, health officer or the Building Official, is available to service the building or structure;

- (2) **Sanitary Sewer:** A community sewer system or other method of sewage disposal is available to service the building or structure, provided that, for a sewerage system, the owner has submitted to the Building Official all documents 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 issued by a health officer pursuant to the *Sewerage System Regulation* (BC Reg. 326/04);
- (3) **Storm Drainage:** An approved method of storm drainage disposal is available to service the building or structure;
- (4) **Access to Property:** A driveway of sufficient strength, grade and width for access and egress by fire and emergency vehicles within at least 30 meters of each principal building; and
- (5) **Water Supply (Fire):** An adequate supply of water for firefighting in accordance with the National Fire Protection Association (NFPA) 1142 "Standard on Water Supplies for Suburban and Rural Firefighting" or equivalent.

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## 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.
- 2.2.2** 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 a Building Official, shall in any way relieve the owner or their agents or 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.
- 2.2.3** Without limiting section 2.2.2, it is the full and sole responsibility of the owner, and where the owner is acting through an agent or other representative, the owner's agent or 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.
- 2.2.4** Neither the issuance of a Permit or Certificate of Occupancy under this Bylaw, nor the acceptance or review of plans, drawings, specifications, or supporting documents, nor any inspections made by a Building Official constitute in any way a representation, warranty, assurance or statement to an owner, designer or constructor 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 to an owner, designer or constructor that the building or structure meets any standard of materials or workmanship.

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## **2.3 APPLICATIONS**

- 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.
- 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.

### **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 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 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, permits or approvals under the *Sewerage System Regulation* (B.C. Reg 326/2004), and highway use permits issued by the Ministry of Transportation and Transit;

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- (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 **drawings and specifications in digital format acceptable to the Chief Building Official** 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.

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- (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 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, permits or approvals under the *Sewerage System Regulation* (B.C. Reg 326/2004), and highway use permits issued by the Ministry of Transportation and Transit;

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- (i) include **drawings and specifications in digital format acceptable to the Chief Building Official** 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) Without limiting Section 2.1.2(3) of this Bylaw, a Permit is required for the rehabilitation or reconstruction of a building or structure that is to be moved onto the property to which it is to be permanently relocated.

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- (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.
- (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 plans submitted with the permit application comply with the *Building Code* and other applicable enactments relating to safety.

- (3) When a Permit is issued in accordance with Section 2.3.4 of this Bylaw, the Permit fee shall be reduced by 10% of the fees payable pursuant to this Bylaw, up to a maximum reduction of \$1000 (one thousand dollars).
- (4) When a Permit is issued for a Simple Building and a Building Official has required certification by a registered professional under section 3.4.1 of this Bylaw that the building plans submitted with the permit application comply with the *Building Code* and other applicable enactments relating to safety, the Permit fee shall be reduced by 5% of the fees payable pursuant to this Bylaw, up to a maximum reduction of \$500 (five hundred dollars).

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### **2.3.8 Energy Conservation**

- (1) In relation to the conservation of energy, construction must meet the prescriptive requirements of Articles 9.36.2 to 9.36.4 of Division B of the Building Code.

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### **2.3.9 Greenhouse Gas Emissions**

- (1) Buildings and structures to which Part 3 or Part 9 of the Building Code applies, and that are within the scope of application of the BC Zero Carbon Step Code, must be designed and constructed to meet the requirements specified in EL-3 of the BC Zero Carbon Step Code.

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- (2) Section 2.3.9(2) applies to buildings and structures for which applications for building permits are received on or after January 1, 2024.

### **2.3.10 Removal of Section 57 (*Community Charter*) Notice**

- (1) An owner who wishes to apply to have a notice pursuant to Section 57 of the *Community Charter* removed from the title to their property on the basis that the condition giving rise to the notice has been rectified must first:
  - (a) apply for and obtain a Permit under this Bylaw for the work required to rectify that condition;
  - (b) complete the work required to rectify that condition in accordance with the terms and conditions of the Permit, and any requirements imposed by the Building Official under this Bylaw;
  - (c) if required under this Bylaw, apply for and obtain a Certificate of Occupancy for the building or structure that was the subject of the Section 57 notice; and
  - (d) pay the application fee prescribed under section 2.4.10 of this Bylaw.

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## **2.4 FEES FOR APPLICATIONS, PERMITS AND OTHER SERVICES**

**2.4.1** A Permit fee, equivalent to 1.4% of the construction value of the proposed work, as determined in accordance with section 2.4.3 of this Bylaw, shall be paid in full prior to the issuance of a Permit for any of the construction activities referred to in section 2.1.2 of this Bylaw.

**2.4.2** An application for a Permit pursuant to section 2.1.2 of this Bylaw must be accompanied by the owner's declaration of the construction value of the proposed work.

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

- (1) the construction value of the proposed work, as declared by the owner under section 2.4.2;
- (2) the construction value of the proposed work, as determined by the Building Official using 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.

**2.4.4** The Permit fee for an Affordable Housing Development shall be reduced by an amount equal to fifty percent (50%) of the construction value of each Affordable Housing Unit contained within the Affordable Housing Development.

**2.4.5** A non-refundable application fee of \$300.00 (three hundred dollars) shall accompany an application made for a Permit.

**2.4.6 Cancellations and Refunds**

- (1) An application shall be cancelled if the Permit has not been issued within six months of the date that the Permit application was received.
- (2) Provided no excavation or construction has commenced, at the written request of the Owner made within six months of the issuance of a Permit, the Building Official may cancel the Permit, and the Owner may then receive a refund of 50% of the Permit fee paid pursuant to Section 2.4.1 of this Bylaw.

**2.4.7** 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 by the Permit holder prior to any additional inspections being performed.

**2.4.8** The fee for a special inspection or consultation with the Building Official for work which is not authorized under a Permit shall be at the charge-out rate of \$100 (one hundred dollars) per hour, and prorated in the case of a partial hour to the nearest quarter hour.

**2.4.9** The fee for a letter report from a Building Official concerning the status of an existing building or structure shall be \$100 (one hundred dollars).

**2.4.10** The fee for an application to remove 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).

**2.4.11** The fee for the review, including execution, of a covenant required as a condition of the issuance of a Permit in accordance with section 219 of the *Local Government Act* or section 56 of the *Community Charter* shall be \$500 (five hundred dollars).

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## 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*;
- (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*].

**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 **twelve** months from the date of issuance of the Permit;

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- (2) work is discontinued for a period of **twelve** months or no inspection as listed in Section 3.5.4 has been requested during that period;

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- (3) work has not been completed within **forty-eight** months from the date of the issuance of the Permit; or

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- (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 Official in writing and the Building Official has authorized the transfer or assignment of the Permit to the new owner, provided the scope of the work is the same as under the original Permit.

### **2.5.3 Reapplication**

- (1) Except as provided in 2.5.9 and 2.5.10, 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 Official 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 Official in accordance with section 2.4.4 of this Bylaw;
  - (b) will in no event be greater than the original Permit fee **provided the scope of the work is the same as under the original Permit.**

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### **2.5.4 Revocation of a Permit**

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 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 their 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 Official may issue the building permit if:

- (a) the Building Official 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 Official 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 Official 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 Official.

(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 Official may issue a permit if:

- (a) the owner satisfies the Building Official that the issue is capable of being rectified; and the owner undertakes to rectify the issue. The Building Official 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 Official 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 Official; or
- (b) it is practically unfeasible to rectify the subject matter of the Infraction Notice, and the Building Official 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 Official 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 Official 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.

## **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 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 Official within twelve 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 2.5.8(1) or (2) shall be \$300.00.
- (4) Upon receipt of an application under sections 2.5.8(1) or (2), a Building Official may renew the Permit or Conditional Certificate of Occupancy, as applicable, for a period not to exceed twelve months.
- (5) A Permit or Conditional Certificate of Occupancy may only be renewed once under this section 2.5.8.

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## **2.5.9 Extension of a Permit**

- (1) In addition to a renewal under section 2.5.8, a Building Official may extend the period of time set out under section 2.5.2 where construction has not commenced, or has been discontinued, due to adverse weather, strikes, or material or labour shortages. The maximum period of an extension is twelve months.

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## **2.6 CERTIFICATE OF OCCUPANCY**

**2.6.1** An owner must obtain a Certificate of Occupancy, *in the form authorized by the Chief Building Inspector*. 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, **in the form authorized by the Chief Building Inspector**, 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.

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- (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 Official **Section 2.5.8 Renewal** shall apply.

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- (4) 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.

**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.

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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.

#### **3.1.2 Demolish or Deconstruct**

- (1) An application for a Permit to demolish or deconstruct a building or structure must be accompanied by the written authorization of the owner.
- (2) 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.

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#### **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.

### **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 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);
- (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 full size hard copy of the accepted designs, plans and specifications on the property for the Building Official's use; and**

*(Bylaw No. 4713)*

(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**

**3.4.1** When a Building Official considers that the site conditions, size or complexity of a development or an aspect of a development warrant, they 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, they shall also provide proof of professional liability insurance to the Building Official.

#### **3.4.4 Professional Design (Potable Water Systems)**

(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.**

(2) **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 registered professional that the plans for the On Site Water Collection system comply with the *Building Code* and other applicable enactments respecting the safety of a potable water supply, and will provide the dwelling with potable water.**

- (3) A Building Official may require an applicant for a Permit to provide the certification referred to in section 3.4.4(2).
- (4) By issuing a Permit where the owner has provided the certification of a registered professional under section 3.4.4(2):
  - (a) the Capital Regional District does not assume any responsibility to review or inspect the installation of the On Site Water Collection system or the quality or quantity of the water from the On Site Water Collection and will rely upon the certification provided by the registered professional; and
  - (b) the portion of the Building Permit fee associated with the design of the On Site Water Collection system shall be reduced by 10%.

*(Bylaw No. 4713)*

### **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 their 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;
  - (2) installation of perimeter drain tiles, roof water leader system, **under-slab plumbing, radon gas rough-in** and damp-proofing, prior to backfilling;
  - (3) the preparation of ground, including ground cover and insulation when required, prior to the placing of a concrete slab (as applicable);
  - (4) rough-in of all chimneys and fireplaces and solid fuel and oil burning appliances;

*(Bylaw No. 4713)*

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

*(Bylaw No. 4713)*

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

(7) rough-in plumbing;

(8) ventilation;

(9) building envelope **and rain screen**;

*(Bylaw No. 4713)*

(10) lath;

(11) stucco (1<sup>st</sup>, 2<sup>nd</sup>, 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** A Building Official shall attempt to accommodate the requested inspection date and time for any inspection requested under section 3.5.4. If the Building Official is unable to attend at the requested date and time due to travel distance or time constraints, the inspection shall occur as soon as reasonably practicable thereafter.

**3.5.6** 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.

**3.5.7** An owner shall arrange, at the owner's sole cost, 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.

*(Bylaw No. 4713)*

## **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 Penalties and Offences**

- (1) Every person who contravenes any provision of this Bylaw commits an offence punishable on summary conviction and shall be liable to:
  - (a) a fine of not less than \$1,000 (one thousand dollars) and not more than \$50,000 (fifty thousand dollars); or
  - (b) imprisonment for not more than six months.
- (2) Each day that an offence under this Bylaw continues constitutes a separate offence that is subject to the penalty prescribed under section 4.1.3(1).
- (3) In addition to the prosecution of an offence under the *Offence Act*, a person who contravenes a provision of this Bylaw may be subject to:
  - (a) the issuance of a Municipal Ticket Information under Bylaw No. 1857, "Capital Regional District Ticket Information Authorization Bylaw, 1990";
  - (b) the issuance of a Bylaw Notice under Bylaw No. 4683, "Bylaw Notice Enforcement Bylaw No. 1, 2025".

*(Bylaw No. 4713)*

#### **4.1.4 Information Requests**

- (1) Pursuant to section 71 of the *Freedom of Information and Protection of Privacy Act* ("the Act"), the following categories of records in the custody or control of the Capital Regional District pursuant to the authority of this Bylaw have been designated by the head of the Capital Regional District as records that are available to the public without a request for access under the Act:
  - (a) Permits;
  - (b) Building Plans;

- (c) Inspection Card
- (d) Land Survey;
- (e) Certificate of Occupancy;
- (f) Record of Building Square Footage;
- (g) Septic Information Records;
- (h) Sewerage Information Records;
- (i) Site Plan;
- (j) Well Report.

(2) The Capital Regional District may sever from a record made available under section 4.1.4(1) any information that the Capital Regional District would be entitled to refuse to disclose to an applicant under Part 2 of the *Freedom of Information and Protection of Privacy Act*, including but not limited to any personal information the disclosure of which would be an unreasonable invasion of an individual's personal privacy.

(3) Pursuant to section 57(4) of the *Community Charter*, information concerning the filing of a notice on title pursuant to section 57 of the *Community Charter* may be inspected during regular office hours at the offices of the Capital Regional District, 625 Fisgard Street, Victoria, BC.

(4) A person requesting a copy of a record under section 4.1.4(1) or section 4.1.4(3), whether in paper or digital form, must pay a fee as follows:

- (a) \$300.00 for each copy as a minimum charge;
- (b) where the number of pages requested exceeds two hundred (200) in total, an additional fee of one hundred dollars (\$100.00) per hour or part thereof for searching and retrieving records, prior to copying;
- (c) for large scale paper building plans, an additional fee equal to the cost incurred by the Capital Regional District in having the plans sent by courier to and from an external service provider, for copying at the expense of the person making the request.

*(Bylaw No. 4713)*

## **PART 5 GENERAL**

### **5.1 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.

### **5.2 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.

### **5.3 CITATION**

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

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

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CHAIR

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CORPORATE OFFICER



**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, 4535, 4538, 4564 & 4713)

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](mailto:legserv@crd.bc.ca), Web: [www.crd.bc.ca](http://www.crd.bc.ca)

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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.
- 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.

**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.

## 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.

**“Affordable Housing Unit”** means a dwelling unit which is:

- (a) part of a development that is owned and operated by a registered non-profit organization or government agency for the purpose of providing affordable housing or below-market housing, or is operated by a registered non-profit organization or government agency for the purpose of providing affordable housing or below-market housing pursuant to a legally binding agreement with the property owner; and
- (b) is the subject of a housing agreement or a covenant in favour of the Capital Regional District or another government agency restricting the use of the affordable housing units to affordable or below-market housing.

**“Affordable Housing Development”** means a building or buildings that are to be constructed on the same parcel of land under one or more Permits and which collectively contain a minimum of five dwelling units, at least one of which is an affordable housing unit.

**“Alteration”** means a change or extension to any matter or thing or to any occupancy regulated by the *Building Code*, and **“alter”** or **“altering”** means to make any such change or extension.

**“BC Zero Carbon Step Code”** means the system of greenhouse gas emission requirements contained in Article 9.37.1.3 and 10.3.1.3 of Division B of the Building Code

**“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*.

**“Building Official”** means a person appointed by the Capital Regional District to carry out the functions of a Building Official under this Bylaw.

**“Certificate of Occupancy”** includes a Conditional Certificate of Occupancy as the context requires under this Bylaw.

**“Chief Building Official”** means the Building Official with overall responsibility for administration of this Bylaw, whether by job description or by assignment of the responsible General Manager.

**“Conditional Certificate of Occupancy”** means a partial certificate of occupancy issued by a Building Official, 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”** and **“construction”** includes build, erect, install, repair, alter, add, enlarge, move, locate, reconstruct, demolish, remove, excavate or shore.

**“Construction Value”** means the estimated cost of constructing the work proposed to be carried out under an application for a Permit, as determined in accordance with section 2.4.3 of this Bylaw.

**“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.

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

**"Owner"** means the registered owner in fee simple, and includes a person who has been authorized in writing by the owner to act as the owner's agent.

**"Permit"** means permission or authorization in writing issued by the Building Official to perform work regulated by this Bylaw.

**"Registered Professional"** means a person who is registered or licensed to practice as an architect under the *Architects Regulation* (B.C. Reg. 33/2023), or a person who is registered or licensed to practice as a professional engineer under the *Engineers and Geoscientists Regulation* (B.C. Reg. 14/2021).

**"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.

**"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 inspections and plan reviews undertaken by a Building Official pursuant to this Bylaw are for the sole purpose of providing a limited spot check for compliance with the Building Code. It is not contemplated nor intended, nor does the purpose of this Bylaw extend:

- (1) to the protection of owners, designers, 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, their representatives or any employees, constructors or designers retained by them, with the *Building Code*, the requirements of this Bylaw or any other applicable codes, enactments or standards;
- (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;
- (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 from latent, or any, defects; or
- (5) the protection of adjacent real property from incidental damage or nuisance.

## 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.

(2) The Chief Building Official shall create, modify, or adopt for usage, forms (other than those prescribed by enactment) in relation to Permit applications, Permits, and Occupancy Permits, 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.

(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 2.2.2 to 2.2.4 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.

### 2.1.2 Permits Required

Every person shall apply for and obtain a Permit before commencing:

- (1) site excavation or blasting;
- (2) construction, repairing or altering a building or structure;
- (3) moving a building;
- (4) changing the occupancy of a building;
- (5) the installation of any plumbing;
- (6) construction of a masonry fireplace or the installation of a solid fuel burning appliance or factory/masonry chimney;
- (7) the demolition of a building or structure;
- (8) the deconstruction or removal of a building;
- (9) placement of a manufactured home on a parcel of land for residential use;
- (10) installation of solar panels on a roof;
- (11) replacement of roofing material or external siding material with dissimilar materials.

### **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) construction of retaining structures less than 1.2 meters in height;
- (5) construction of other retaining structures more than 1.2 meters in height that are greater than 30° off vertical;
- (6) construction of a fence;
- (7) construction of a deck, the surface of which is less than 600 mm above grade.

### **2.1.4 Essential Services**

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

- (1) **Water (Potable):** A community water service, or another source of potable water approved by the medical health officer, health officer or the Building Official, is available to service the building or structure;
- (2) **Sanitary Sewer:** A community sewer system or other method of sewage disposal is available to service the building or structure, provided that, for a sewerage system, the owner has submitted to the Building Official all documents 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 issued by a health officer pursuant to the *Sewerage System Regulation* (BC Reg. 326/04);
- (3) **Storm Drainage:** An approved method of storm drainage disposal is available to service the building or structure;
- (4) **Access to Property:** A driveway of sufficient strength, grade and width for access and egress by fire and emergency vehicles within at least 30 meters of each principal building; and
- (5) **Water Supply (Fire):** An adequate supply of water for firefighting in accordance with the National Fire Protection Association (NFPA) 1142 "Standard on Water Supplies for Suburban and Rural Firefighting" or equivalent."

## 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.
- 2.2.2** 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 a Building Official, shall in any way relieve the owner or their agents or 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.
- 2.2.3** Without limiting section 2.2.2, it is the full and sole responsibility of the owner, and where the owner is acting through an agent or other representative, the owner's agent or 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.
- 2.2.4** Neither the issuance of a Permit or Certificate of Occupancy under this Bylaw, nor the acceptance or review of plans, drawings, specifications, or supporting documents, nor any inspections made by a Building Official constitute in any way a representation, warranty, assurance or statement to an owner, designer or constructor 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 to an owner, designer or constructor that the building or structure meets any standard of materials or workmanship.

## **2.3 APPLICATIONS**

- 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.
- 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.

### **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 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 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, permits or approvals under the *Sewerage System Regulation* (B.C. Reg 326/2004), and highway use permits issued by the Ministry of Transportation and Transit;
- (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 drawings and specifications in digital format acceptable to the Chief Building Official 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 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, permits or approvals under the *Sewerage System Regulation* (B.C. Reg 326/2004), and highway use permits issued by the Ministry of Transportation and Transit;
- (i) include drawings and specifications in digital format acceptable to the Chief Building Official 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) Without limiting Section 2.1.2(3) of this Bylaw, a Permit is required for the rehabilitation or reconstruction of a building or structure that is to be moved onto the property to which it is to be permanently relocated.
- (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.
- (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 plans submitted with the permit application comply with the *Building Code* and other applicable enactments relating to safety.
- (3) When a Permit is issued in accordance with Section 2.3.4 of this Bylaw, the Permit fee shall be reduced by 10% of the fees payable pursuant to this Bylaw, up to a maximum reduction of \$1000 (one thousand dollars).
- (4) When a Permit is issued for a Simple Building and a Building Official has required certification by a registered professional under section 3.4.1 of this Bylaw that the

building plans submitted with the permit application comply with the *Building Code* and other applicable enactments relating to safety, the Permit fee shall be reduced by 5% of the fees payable pursuant to this Bylaw, up to a maximum reduction of \$500 (five hundred dollars).

### **2.3.8 Energy Conservation**

- (1) In relation to the conservation of energy, construction must meet the prescriptive requirements of Articles 9.36.2 to 9.36.4 of Division B of the Building Code.

### **2.3.9 Greenhouse Gas Emissions**

- (1) In relation to the reduction of greenhouse gas emissions the Regional District incorporates by reference the BC Zero Carbon Step Code in accordance with section s 2.3.9(2) and (3) of this Bylaw.
- (2) Buildings and structures to which Part 3 or Part 9 of the Building Code applies, and that are within the scope of application of the BC Zero Carbon Step Code, must be designed and constructed to meet the requirements specified in EL-3 of the BC Zero Carbon Step Code.
- (3) Section 2.3.9(2) applies to buildings and structures for which applications for building permits are received on or after January 1, 2024.

### **2.3.10 Removal of Section 57 (*Community Charter*) Notice**

- (1) An owner who wishes to apply to have a notice pursuant to Section 57 of the *Community Charter* removed from the title to their property on the basis that the condition giving rise to the notice has been rectified must first:
  - (a) apply for and obtain a Permit under this Bylaw for the work required to rectify that condition;
  - (b) complete the work required to rectify that condition in accordance with the terms and conditions of the Permit, and any requirements imposed by the Building Official under this Bylaw;
  - (c) if required under this Bylaw, apply for and obtain a Certificate of Occupancy for the building or structure that was the subject of the Section 57 notice; and
  - (d) pay the application fee prescribed under section 2.4.11 of this Bylaw.

## **2.4 FEES FOR APPLICATIONS, PERMITS AND OTHER SERVICES**

- 2.4.1** A Permit fee, equivalent to 1.4% of the construction value of the proposed work, as determined in accordance with section 2.4.3 of this Bylaw, shall be paid in full prior to the issuance of a Permit for any of the construction activities referred to in section 2.1.2 of this Bylaw.

**2.4.2** An application for a Permit pursuant to section 2.1.2 of this Bylaw must be accompanied by the owner's declaration of the construction value of the proposed work.

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

- (1) the construction value of the proposed work, as declared by the owner under section 2.4.2;
- (2) the construction value of the proposed work, as determined by the Building Official using 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.

**2.4.4** The Permit fee for an Affordable Housing Development shall be reduced by an amount equal to fifty percent (50%) of the construction value of each Affordable Housing Unit contained within the Affordable Housing Development.

**2.4.5** A non-refundable application fee of \$300.00 (three hundred dollars) shall accompany an application made for a Permit.

**2.4.6 Cancellations and Refunds**

- (1) An application shall be cancelled if the Permit has not been issued within six months of the date that the Permit application was received.
- (2) Provided no excavation or construction has commenced, at the written request of the Owner made within six months of the issuance of a Permit, the Building Official may cancel the Permit, and the Owner may then receive a refund of 50% of the Permit fee paid pursuant to Section 2.4.1 of this Bylaw.

**2.4.7** 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 by the Permit holder prior to any additional inspections being performed.

**2.4.8** The fee for a special inspection or consultation with the Building Official for work which is not authorized under a Permit shall be at the charge-out rate of \$100 (one hundred dollars) per hour, and prorated in the case of a partial hour to the nearest quarter hour.

**2.4.9** The fee for a letter report from a Building Official concerning the status of an existing building or structure shall be \$100 (one hundred dollars).

**2.4.10** The fee for an application to remove 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).

**2.4.11** The fee for the review, including execution, of a covenant required as a condition of the issuance of a Permit in accordance with section 219 of the *Local Government Act* or section 56 of the *Community Charter* shall be \$500 (five hundred dollars).

## **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*;
- (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*].

**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 twelve months from the date of issuance of the Permit;
- (2) work is discontinued for a period of twelve months or no inspection as listed in Section 3.5.4 has been requested during that period;
- (3) work has not been completed within forty-eight 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 Official in writing and the Building Official has authorized the transfer or assignment of the Permit to the new owner, provided the scope of the work is the same as under the original Permit.

### **2.5.3 Reapplication**

- (1) Except as provided in 2.5.9 and 2.5.10, 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 Official 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 Official in accordance with section 2.4.4 of this Bylaw;
- (b) will in no event be greater than the original Permit fee provided the scope of the work is the same as under the original Permit.

#### **2.5.4 Revocation of a Permit**

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 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 their 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 Official may issue the building permit if:
  - (a) the Building Official 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 Official 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 Official 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 Official.

- (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 Official may issue a permit if:
  - (a) the owner satisfies the Building Official that the issue is capable of being rectified; and the owner undertakes to rectify the issue. The Building Official 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 Official 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 Official; or
  - (b) it is practically unfeasible to rectify the subject matter of the Infraction Notice, and the Building Official 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 Official 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 Official 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.

## **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 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 Official within twelve 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 2.5.8(1) or (2) shall be \$300.00.
- (4) Upon receipt of an application under sections 2.5.8(1) or (2), a Building Official may renew the Permit or Conditional Certificate of Occupancy, as applicable, for a period not to exceed twelve months.
- (5) A Permit or Conditional Certificate of Occupancy may only be renewed once under this section 2.5.8.

**2.5.9 Extension of a Permit**

- (1) In addition to a renewal under section 2.5.8, a Building Official may extend the period of time set out under section 2.5.2 where construction has not commenced, or has been discontinued, due to adverse weather, strikes, or material or labour shortages. The maximum period of an extension is twelve months.

**2.6 CERTIFICATE OF OCCUPANCY**

**2.6.1** An owner must obtain a Certificate of Occupancy, in the form authorized by the Chief Building Inspector. 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, in the form authorized by the Chief Building Inspector, 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 Official Section 2.5.8 Renewal shall apply.
- (4) 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.

### **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.

### **3.1.2 Demolish or Deconstruct**

- (1) An application for a Permit to demolish or deconstruct a building or structure must be accompanied by the written authorization of the owner.
- (2) 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.

### **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);
- (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 full size hard copy of the accepted designs, plans and specifications on the property for the Building Official's use; 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**

- 3.4.1** When a Building Official considers that the site conditions, size or complexity of a development or an aspect of a development warrant, they 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, they shall also provide proof of professional liability insurance to the Building Official.

#### **3.4.4 Professional Design (Portable Water Systems)**

- (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.
- (2) 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 registered professional that the plans for the On Site Water Collection system comply with the Building Code and other applicable enactments respecting the safety of a potable water supply, and will provide the dwelling with potable water.
- (3) A Building Official may require an applicant for a Permit to provide the certification referred to in section 3.4.4(2).
- (4) By issuing a Permit where the owner has provided the certification of a registered professional under section 3.4.4(2):
  - (a) the Capital Regional District does not assume any responsibility to review or inspect the installation of the On Site Water Collection system or the quality or quantity of the water from the On Site Water Collection and will rely upon the certification provided by the registered professional; and
  - (b) the portion of the Building Permit fee associated with the design of the On Site Water Collection system shall be reduced by 10%.

### **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 their 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;
  - (2) installation of perimeter drain tiles, roof water leader system, under-slab plumbing, radon gas rough-in and damp-proofing, prior to backfilling;
  - (3) the preparation of ground, including ground cover and insulation when required, prior to the placing of a concrete slab (as applicable);
  - (4) rough-in of all chimneys and fireplaces and solid fuel and oil burning appliances;
  - (5) framing inspection, after the roof, all framing including nailing of sheathing, 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 and rain screen;
  - (10) lath;
  - (11) stucco (1<sup>st</sup>, 2<sup>nd</sup>, 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** A Building Official shall attempt to accommodate the requested inspection date and time for any inspection requested under section 3.5.4. If the Building Official is unable to attend at the requested date and time due to travel distance or time constraints, the inspection shall occur as soon as reasonably practicable thereafter.

**3.5.6** 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.

**3.5.7** An owner shall arrange, at the owner's sole cost, 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."

## **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 Penalties and Offences**

- (1) Every person who contravenes any provision of this Bylaw commits an offence punishable on summary conviction and shall be liable to:
  - (a) a fine of not less than \$1,000 (one thousand dollars) and not more than \$50,000 (fifty thousand dollars); or
  - (b) imprisonment for not more than six months.
- (2) Each day that an offence under this Bylaw continues constitutes a separate offence that is subject to the penalty prescribed under section 4.1.3(1).
- (3) In addition to the prosecution of an offence under the *Offence Act*, a person who contravenes a provision of this Bylaw may be subject to:
  - (a) the issuance of a Municipal Ticket Information under the *Capital Regional District Ticket Information Authorization Bylaw, 1990*;
  - (b) the issuance of a Bylaw Notice under the *Bylaw Notice Enforcement Bylaw No. 1, 2025*.

#### **4.1.4 Information Requests**

- (1) Pursuant to section 71 of the *Freedom of Information and Protection of Privacy Act* ("the Act"), the following categories of records in the custody or control of the Capital Regional District pursuant to the authority of this Bylaw have been designated by the head of the Capital Regional District as records that are available to the public without a request for access under the Act:
  - (a) Permits;
  - (b) Building Plans;
  - (c) Inspection Card
  - (d) Land Survey;
  - (e) Certificate of Occupancy;
  - (f) Record of Building Square Footage;
  - (g) Septic Information Records;
  - (h) Sewerage Information Records;
  - (i) Site Plan;
  - (j) Well Report.
- (2) The Capital Regional District may sever from a record made available under section 4.1.4(1) any information that the Capital Regional District would be entitled to refuse to disclose to an applicant under Part 2 of the *Freedom of Information and Protection of Privacy Act*, including but not limited to any personal information the disclosure of which would be an unreasonable invasion of an individual's personal privacy.

- (3) Pursuant to section 57(4) of the *Community Charter*, information concerning the filing of a notice on title pursuant to section 57 of the *Community Charter* may be inspected during regular office hours at the offices of the Capital Regional District, 625 Fisgard Street, Victoria, BC.
- (4) A person requesting a copy of a record under section 4.1.4(1) or section 4.1.4(3), whether in paper or digital form, must pay a fee as follows:
  - (a) \$300.00 for each copy as a minimum charge;
  - (b) where the number of pages requested exceeds two hundred (200) in total, an additional fee of one hundred dollars (\$100.00) per hour or part thereof for searching and retrieving records, prior to copying;
  - (c) for large scale paper building plans, an additional fee equal to the cost incurred by the Capital Regional District in having the plans sent by courier to and from an external service provider, for copying at the expense of the person making the request.

## **PART 5 GENERAL**

### **5.1 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.

### **5.2 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.

### **5.3 CITATION**

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

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

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CHAIR

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CORPORATE OFFICER

## REPORT TO ELECTORAL AREAS COMMITTEE MEETING OF WEDNESDAY, JANUARY 14, 2026

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**SUBJECT** **Bylaw No. 4678: Lyall Harbour/Boot Cove Water Loan Authorization Bylaw No. 1, 2025**

### **ISSUE SUMMARY**

The Lyall Harbour/Boot Cove (LH/BC) Water System needs capital upgrades that require the Capital Regional District (CRD) Board to seek borrowing authority to undertake improvements. Participating area approval for borrowing, Bylaw No. 4678 (Appendix A) was received through a successful petition of the property owners in the LH/BC water service. This report seeks first, second and third reading of Loan Authorization Bylaw No. 4678, for the purpose of financing the renewal and upgrades to the LH/BC Water System.

### **BACKGROUND**

The LH/BC Water System is located on Saturna Island in the Southern Gulf Islands Electoral Area and provides drinking water to 155 properties. There are 174 parcels (taxable folios) within the LH/BC Water System. CRD Infrastructure Water Services is responsible for the system's overall operation, maintenance, design, and construction. There are multiple capital improvements in the LH/BC Water System that require debt funding in excess of the available reserve fund balance.

At the June 10, 2025, meeting of the LH/BC Water Local Service Committee, the following motion was carried:

1. That the petition process be initiated to borrow up to \$2,000,000 over 25 years debt term to complete the capital improvement projects.
2. If the petition process is successful, that a loan authorization bylaw be advanced to the Electoral Areas Committee and Capital Regional District Board for readings and adoption; and
3. That staff complete the remaining steps required to secure the funds and begin the projects.

Participating area approval for borrowing (Bylaw No. 4678) was received through a successful petition of the property owners in the LH/BC water service in August-October 2025. The petition was certified as sufficient and valid with at least 50% of the property owners representing 50% of the net taxable value of all land and improvements in the service area having requested the borrowing of up to \$2 million. The certified results of the petition are attached as Appendix B to the staff report.

### **ALTERNATIVES**

#### *Alternative 1*

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

1. That the attached Certification of Results of Petition for Borrowing – Lyall Harbour/Boot Cove Water Service be received.
2. That Bylaw No. 4678, "Lyall Harbour/Boot Cove Water Loan Authorization Bylaw No. 1, 2025" be introduced and read a first, second, and third time.
3. That Bylaw No. 4678 be submitted to the Inspector of Municipalities for approval.

*Alternative 2*

That the proposed bylaws be referred back to staff for further information.

**IMPLICATIONS**

*Intergovernmental Implications*

Once the CRD Board gives three readings to Loan Authorization Bylaw 4678, it will be sent to the Ministry for Inspector's approval before final adoption by the CRD Board.

*Financial Implications*

The budget requested to complete these projects is estimated at \$2,000,000. Debt funding (borrowing) is required to proceed with the capital improvements. With the successful petition, the CRD has the authority to finance the projects through the Municipal Finance Authority. The projects of the water system improvements and the estimated annual debt servicing costs are included in the service's Five-Year Financial Plan (2026-2030). Should infrastructure grants become available, the service may be eligible to apply and receive grant funding that would reduce on borrowing amount required.

*Service Delivery Implications*

The proposed capital improvement projects are required to support future years of water service. Improving the infrastructure with the planned capital upgrades will minimize service disruptions caused by water quality issues, continued leakage and other issues related to aging infrastructure. The sooner the projects are complete, the lower the risk of emergency repairs and additional leakage. The process for approval by the Inspector of Municipalities requires an additional 8-12 weeks after the CRD Board gives three readings to the bylaw.

**CONCLUSION**

Multiple capital improvements are needed to upgrade the Lyall Harbour/Boot Cove Water System. With insufficient reserve funds, debt funding and a loan authorization bylaw are required to borrow the necessary estimated \$2,000,000. Participating area approval for borrowing (Bylaw No. 4678) was received through a successful petition of the property owners in the Lyall Harbour/Boot Cove water service in August-October 2025.

**RECOMMENDATION**

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

1. That the attached Certification of Results of Petition for Borrowing – Lyall Harbour/Boot Cove Water Service be received.
2. That Bylaw No. 4678, "Lyall Harbour/Boot Cove Water Loan Authorization Bylaw No. 1, 2025" be introduced and read a first, second, and third time.
3. That Bylaw No. 4678 be submitted to the Inspector of Municipalities for approval.

Submitted by:	Justine Starke, RPP, MCIP, Senior Manager, Southern Gulf Islands Administration
Concurrence:	Stephen Henderson, MBA, P.G.Dip.Eng, BSc, General Manager, Electoral Area Services
Concurrence:	Kristen Morley, J.D., Corporate Officer & General Manager, Corporate Services
Concurrence:	Varinia Samosan, CPA, CGA, Acting Chief Financial Officer and General Manager of Finance & Technology
Concurrence:	Ted Robbins, B. Sc., C. Tech., Chief Administrative Officer

**ATTACHMENTS**

Appendix A: Proposed Bylaw 4678

Appendix B: Certified Petition Results

**CAPITAL REGIONAL DISTRICT**

**BYLAW NO. 4678**

\*\*\*\*\*  
**A BYLAW TO AUTHORIZE THE BORROWING OF TWO MILLION DOLLARS (\$2,000,000)  
FOR INFRASTRUCTURE UPGRADES IN THE LYALL HARBOUR / BOOT COVE WATER  
SYSTEM LOCAL SERVICE AREA**  
\*\*\*\*\*

**WHEREAS:**

- A. Under Bylaw No. 2920, "Lyall Harbour/Boot Cove Water Service Establishment Bylaw No. 1, 2001", the Board of the Regional District established a local service for the operation of a service for the supply, treatment, conveyance, storage and distribution of water;
- B. The Lyall Harbour/Boot Cove Water Service system requires essential capital renewal and infrastructure upgrades. This will involve planning, studies, project administration, communications, capital construction, and staff time required for design and construction of the infrastructure. Key components include equipment and material purchases, dam improvements, storage tank repairs and a future ground well suitability study.
- C. The estimated cost of the works, facilities, and equipment, including expenses incidental thereto to be funded from debt servicing, is the sum of Two Million Dollars (\$2,000,000); which is the amount of debt intended to be authorized by this bylaw.
- D. Pursuant to sections 347 and 407 of the *Local Government Act*, participating area approval is required for this borrowing and shall be obtained by a petition of the property owners in the Lyall Harbour/Boot Cove Water Service area under section 408 of the *Local Government Act*;
- E. The approval of the Inspector of Municipalities is required under Section 403 of the *Local Government Act*; and
- F. Financing is proposed to be undertaken by the Municipal Finance Authority of British Columbia pursuant to agreements between it and the Capital Regional District.

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

1. The Board is hereby empowered and authorized to undertake and carry out or cause to be carried out the capital renewal and upgrade of the Lyall Harbour/Boot Cove Water Service (the "Project"), which will involve the planning, study, project administration, communications, capital construction, and staff time required for design and construction of infrastructure including equipment and material purchases, dam improvements, storage tank repairs and a future ground well suitability study; and to do all things necessary in connection with the Project and without limiting the generality of the foregoing:
  - a. to borrow upon the credit of the Capital Regional District a sum not exceeding Two Million Dollars (\$2,000,000);

- b. to acquire all such real property, easements, rights-of-way, leases, licenses, rights or authorities as may be requisite or desirable for or in connection with the Project.
- 2. The maximum term for which debentures may be issued to secure the debt intended to be created by this bylaw is twenty-five (25) years.
- 3. This Bylaw may be cited for all purposes as "Lyall Harbour/Boot Cove Water Loan Authorization Bylaw No. 1, 2025".

READ A SECOND TIME THIS th day of 20

READ A THIRD TIME THIS th day of 20

APPROVED BY THE INSPECTOR  
OF MUNICIPALITIES THIS th day of 20

ADOPTED THIS \_\_\_\_\_<sup>th</sup> day of \_\_\_\_\_, 20\_\_\_\_

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**CHAIR**

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## CORPORATE OFFICER



Making a difference...together

### CORPORATE OFFICER'S CERTIFICATION

#### LYALL HARBOUR/BOOT COVE WATER SERVICE PETITION RESULTS

I, Kristen Morley, Corporate Officer for the Capital Regional District, do hereby declare that elector assent has been obtained via petition to authorize borrowing to upgrade the Lyall Harbour/Boot Cove Water System in relation to the service established under the Capital Regional District Bylaw No. 2920, "Lyall Harbour/Boot Cove Water Service Establishment Bylaw No. 1, 2001".

Parcels	
171	Total parcels
85.5	50% requirement
<b>103</b>	<b>Petitions submitted</b>

Value	
\$91,162,800.00	Total net taxable value
\$45,581,400.00	50% requirement
<b>\$60,619,950.00</b>	<b>Total value of petitions</b>

The requirements for the petition as set out in section 408 of the *Local Government Act* and 212 of the *Community Charter* have been satisfied.

Dated at Victoria, BC

this 22 day of OCTOBER, 2025.

  
Kristen Morley  
Corporate Officer



**Minutes for a meeting of the Mayne Island Parks and Recreation Commission**  
**Location: Mayne Island Library, 411 Naylor Road, Mayne Island, BC**  
**Date/Time: November 13, 2025 at 3:00 pm**

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**Present:** Debra Bell (Chair) Michael Kilpatrick (Vice Chair)  
Jacquie Burrows (Treasurer) Veronica Euper  
Kestutis Banelis Glyn Legge  
Lauren Edwards (Recorder)

**Absent:** Adrian Wright, Mayne Island Parks and Recreation Commission  
Paul Brent, Director, CRD, Southern Gulf Islands  
Justine Starke, Manager, CRD, Southern Gulf Islands

**Guests:** Irene Barrett re the Terry Fox Run

The meeting was called to order at 3:00 pm

**1. Territorial Acknowledgement**

Mayne Island Parks and Recreation Commission acknowledge and respect the traditional lands of the First Nations peoples upon which we live, work and recreate.

**2. Approval of Agenda**

**Remove:** 5.2 Senior Manager Updates – J. Starke, CRD  
5.3 Draft MIPRC Regulatory Bylaw – J. Starke, CRD  
5.4 Building Relationships with First Nations – J. Starke, CRD  
5.5 Q & A with J. Starke, CRD

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

**CARRIED**

**3. Adoption of Minutes of October 9, 2025**

**MOVED** by Commissioner Bell and **SECONDED** by Commissioner Euper  
that the Minutes of October 9, 2025 be approved as presented.

**CARRIED**

## Mayne Island Parks and Recreation Commission

Minutes for: November 13, 2025

### 4. Chair's Remarks

Irene Barrett, regarding the Terry Fox Run, was welcomed to the meeting.

### 5. Presentations:

#### 5.1. Terry Fox Run – Irene Barrett

Irene thanked MIPRC for their ongoing support and presented a framed certificate of appreciation. She reported that over \$17,700 was raised.

### 6. Reports

#### 6.1. Treasurer's Reports

##### 6.1.1. Treasurer's Report for the period October 1 - 31, 2025

A report was received with the agenda.

**MOVED** by Commissioner Burrows and **SECONDED** by Commissioner Banelis that Mayne Island Parks and Recreation Commission approve the Treasurer's Report for October 1-31, 2025 as presented.

**CARRIED**

##### 6.1.2. Finance/Information

A report was received with the agenda.

Three accounts were completed and transferred back into capital funds.

#### 6.2. Committees

##### 6.2.1. Fitness Circuit and Putting Green

All commissioners were invited to join a scheduled meeting at Dinner Bay Park to discuss the putting green and fitness circuit.

Decisions will be made with regards to fitness machines.

It was discussed and agreed that an application will be submitted before the January deadline for the BC Hydro ReGreening grant for landscape plantings.

##### 6.2.2. Master Plan Update

A recent meeting was held and goals were identified for the 10-year plan. Edits will be made and the Plan will be submitted to the CRD.

##### 6.2.3. Trails

A report was received with the agenda.

Laura Point / Neill Road Trail Development:

## Mayne Island Parks and Recreation Commission

Minutes for: November 13, 2025

- Discussion occurred regarding the metal mesh on the stairs being slippery and the apparent removal of a scraggy and small dying tree.
- The checklist for new shore access also pertains to trails.
- Mayne Island Pathways and Trails Association will respond regarding the decision for trail development.
- The trail boundaries were mapped on a route which is not intrusive to neighbours and requires the least construction.

Village Bay Park:

It was reported that due to the slippery route, the trail guardian will not be walking the trail often during the winter.

### 6.3. Parks

#### 6.3.1. Miners Bay

#### 6.3.2. Dinner Bay

The BC Hydro ReGreening Project report will be submitted.

#### 6.3.3. Cotton Park

A report was received with the agenda.

Binocular Holders:

Communication from the MI Chamber of Commerce regarding the prototype of a binocular holder for Cotton Park was discussed. Commission members agreed the prototype version is too large a feature for the park and agreed to propose Miners Bay Park where it could fit well with the existing building. Placement of a more discreet version at Vulture Ridge was discussed and commissioner input for a safe installation site would be necessary.

Special Event Fees:

It was reported that three weddings are booked for next year and that this past summer donations were recommended. Large special event requests are increasing and the impact and maintenance of the park was discussed.

**MOVED** by Commissioner Kilpatrick and **SECONDED** by Commissioner Burrows that Mayne Island Parks and Recreation Commission levy a \$300 administration fee for the use of Cotton Park and Dinner Bay Park and Miners Bay Park for large special events.

**CARRIED**

#### 6.3.4. Sandy Hook Park

A report was received with the agenda.

**Mayne Island Parks and Recreation Commission**

**Minutes for: November 13, 2025**

**MOVED** by Commissioner Bell, and **SECONDED** by Commissioner Euper that Mayne Island Parks and Recreation Commission approve the expenditure of up to \$5,000 (as per the capital budget) on materials and labour for the Sandy Hook Stewardship Plan.

**CARRIED**

6.3.5. Henderson Park

A report was received with the agenda

The MI Conservancy has finished input to the new kiosk and information is on their website. More work will be accomplished next week and commissioners will see a draft. Some texts will require further discussion.

6.3.6. Japanese Memorial Garden

A report was received with the agenda

a) Motion re: arborist work

**MOVED** by Commissioner Kilpatrick and **SECONDED** by Commissioner Banelis that Mayne Island Parks and Recreation Commission engage D.R. Daylight Contracting for arborist services at the Japanese Memorial Garden for an amount not to exceed \$1,470.00.

**CARRIED**

6.3.7. Village Bay Park

October and November reports were received with the agenda.

- Daphne was removed by neighbours.

a) Restoration project by Mayne Island Conservancy Society - Motion

- A meeting occurred with Rob Underhill regarding habitat restoration.

**MOVED** by Commissioner Burrows and **SECONDED** by Commissioner Banelis that Mayne Island Parks and Recreation Commission accept the proposal presented by Mayne Island Conservancy Society to restore the habitat in Village Bay Park.

**CARRIED**

6.4. Administration

6.4.1. Health and Safety Concerns

6.4.2. Events

A report was received with the agenda

a) Mayne Island Truth and Reconciliation Collective – Motion

## **Mayne Island Parks and Recreation Commission**

**Minutes for: November 13, 2025**

**MOVED** by Commissioner Kilpatrick, and **SECONDED** by Commissioner Euper that Mayne Island Parks and Recreation Commission continue to support the Mayne Island Truth and Reconciliation Collective by providing event space at Miners Bay Park and that Mayne Island Parks and Recreation Commission assist with insurance coverage for the Mayne Island Truth and Reconciliation Collective events.

**CARRIED**

6.4.3. Hiking and Walking Trail brochure

6.4.4. Parks and Fire Seminar

A report was received with the agenda.

6.4.5. Follow Up Action Report (not covered elsewhere)

- Calendar: Completed items are the stairway removal at Kippen Road and the application for the holiday bonfire burn permit. The continuation of the tide table ad in the MayneLiner was discussed and it was agreed the MI Boaters Association would be contacted on this matter. The annual expiration of fire extinguishers and septic maintenance were completed.
- The pathway crush material purchase has been completed.
- The holiday tree outlet box cannot be addressed before January.
- Arborist work at Charter Road was discussed and it was reported that a quote had been received. Status is deferred.
- MIPRC decals for sign logos will be ordered.

## **7. Correspondence/Meetings**

7.1. Email from Mayne Island Skateboard Society.

7.2. Report from Mayne Island Conservancy Society regarding restoration of Village Bay Park.

7.3. Meeting with 'Friends of Sandy Hook Park' on October 25, 2025 regarding restoration project and emails to/from residents adjacent to the park.

7.4. Request from HousingNOW – SGI Community Resource Centre – for a letter of support for grant application.

7.5. Email from Mayne Island Truth and Reconciliation Collective regarding MIPRC support for event.

7.6. Telephone calls and email to/from Coast Diversified Services Ltd. regarding putting green.

## **8. New Business**

**A D O P T E D**

**Mayne Island Parks and Recreation Commission**

**Minutes for: November 13, 2025**

**9. Motion to Close the Meeting in accordance with Community Charter Part 4, Division 3, Section 90**

9.1. Commissioner term renewals

9.2. Contract extension

**MOVED** by Commissioner Bell and **SECONDED** by Commissioner Kilpatrick, 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**

**10. Rise and Report**

**MOVED** by Commissioner Bell and **SECONDED** by Commissioner Legge, that Mayne Island Parks and Recreation Commission recommend Director Brent recommend to the CRD Board that Adrian Wright be reappointed a commissioner for the term commencing January 1, 2026 and ending December 31, 2027.

**CARRIED**

**MOVED** by Commissioner Bell and **SECONDED** by Commissioner Burrows that Mayne Island Parks and Recreation Commission recommend Director Brent recommend to the CRD Board that Veronica Euper be reappointed a commissioner for the term commencing January 1, 2026 and ending December 31, 2027.

**CARRIED**

**MOVED** by Commissioner Bell and **SECONDED** by Commissioner Banelis, that Mayne Island Parks and Recreation Commission recommend Director Brent recommend to the CRD Board that Glyn Legge be reappointed a commissioner for the term commencing January 1, 2026 and ending December 31, 2027.

**CARRIED**

**MOVED** by Commissioner Kilpatrick and **SECONDED** by Commissioner Euper, that Mayne Island Parks and Recreation Commission recommend Director Brent recommend to the CRD Board that Debra Bell be reappointed a commissioner for the term commencing January 1, 2026 and ending December 31, 2027.

**CARRIED**

**MOVED** by Commissioner Bell and **SECONDED** by Commissioner Burrows, that Mayne Island Parks and Recreation Commission approve extending the contract between the CRD and Lauren Edwards for recording services until November 2026 upon the terms and conditions agreed upon.

**CARRIED**

**Mayne Island Parks and Recreation Commission**

**Minutes for: November 13, 2025**

**11. Meeting Adjournment**

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

**CARRIED.**

The meeting adjourned at 5:05 p.m.

Original signed by

December 11, 2025

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**Debra Bell, Chair**

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**DATE**

Original signed by

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**Lauren Edwards, Recorder**

**ADOPTED**

**OTTER POINT FIRE PROTECTION AND  
EMERGENCY RESPONSE SERVICE COMMISSION  
MINUTES OF MEETING, Otter Point Firehall 3727 Otter Point Rd  
WEDNESDAY 12 NOVEMBER 2025**

**Members Present:**

Ms. J. Hemphill – Chair

Mr. B. Gibbons – Treasurer

Mr. D. Gollmer – Vice Chair

Mr. S. Hemphill – Trustee & FFs Rep

Ms. D. Morton - Trustee

Mr. P. White – Trustee

**Members Absent:**

Mr. A. Wickheim – Trustee and Dir JDF

**Others Present:**

Mr. J. McCrea – Otter Point Fire Chief

Mr. B. Patterson – Otter Point Deputy Fire Chief

**Call to Order:**

Meeting called to order at 1852 hrs.

**Approval of the Agenda:**

All in favour of the agenda.

**Approval Previous Minutes:**

MOTION to accept the minutes of the October 08th, 2025 meeting. Gibbons/White. All in favour. Motion carried.

**Fire Chief's Report:**

None.

**Treasurer's Report:**

Budget 2025. On track.

Budget 2026. Budget package submitted end July.

**Firefighter's Rep. Report:**

- 31 Oct, Hallowe'en at Camp Barnard. Bonfire at 1830 hrs, fireworks at 1930 hrs. Hot chocolate, hot dogs, candy bags for the kids. Attendance was not as good as hoped but understandable given terrible rain earlier in the day.

**Old Business:**

None.

**New Business:**

Discussion and Motion to approve purchase of new engine replacing Engine 23.

MOTION in support of RFP/order of new engine per Specs provided by Chief McCrea, funds from Capital. Gollmer/Gibbons. All in favour. Motion carried.

MOTION to adjourn at 1910 hrs. Gibbons/White. All in favour. Motion carried.

Next Commission meeting to be held on Wednesday, 10 Dec 2025 at 1900 hrs.