



REGIONAL  
DISTRICT  
OF NANAIMO

## BUILDING REGULATIONS

### BYLAW NO. 1250, 2010

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**REGIONAL DISTRICT OF NANAIMO  
BUILDING REGULATIONS BYLAW NO. 1250**

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## REGIONAL DISTRICT OF NANAIMO

### BYLAW NO. 1250

#### A BYLAW TO PROVIDE FOR THE ADMINISTRATION OF THE BUILDING CODE

The Board of the Regional District of Nanaimo in open meeting assembled, enacts as follows:

#### 1. **CITATION AND APPLICATION<sup>1</sup>**

- (1) This bylaw may be cited for all purposes as “Regional District of Nanaimo Building Regulations Bylaw No. 1250, 2010”.
- (2) From and after October 1, 2010 until March 31, 2011 this Bylaw applies to that part of the Regional District of Nanaimo shown on the plan attached to and forming part of this Bylaw as Schedule 'A'.
- (3) From and after April 1, 2011 this Bylaw applies within the boundaries of Electoral Areas A, B, C, E, F, G and H.

#### 2. **INTERPRETATION**

For the purposes of this Bylaw, the following words and expressions are defined, and where the same words and expressions are defined in the Building Code, those definitions do not extend to the use of words and expressions in this Bylaw:

**Agent** includes a person representing the owner by designation or contract who may be granted Permits for work.

**Applicant** means a person applying for or holding any permit, notice or certificate issued pursuant to this Bylaw, whether the owner of the land or the owner’s authorized agent.

**Authority having jurisdiction** as used in the Building Code for the purposes of this Bylaw means the Regional District of Nanaimo or the Chief Building Inspector.

**Board** means the Board of the Regional District of Nanaimo.

**Building** does not include a structure exempted by regulation from the Building Code by size, use or occupancy, and includes plumbing contained in a building and any service connections to a building.

**Building Code** has the same meaning as the "British Columbia Building Code" in the Building Regulations of British Columbia made pursuant to the **Local Government Act**.

**Building Inspector** means the persons employed by the Regional District for administering and enforcing the Building Bylaw and includes Plan Checkers, Building Inspectors, and the Chief Building Inspector.

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<sup>1</sup> Amendment Bylaw No. 1250.05, adopted June 22, 2010

**Building Permit** means a permit for construction required or issued pursuant to this Bylaw.

**Chief Building Inspector** means the person holding the office of Manager of Inspection and Enforcement.

**Construct** includes to reconstruct, relocate, install, repair, alter, demolish, move, excavate and shore.

**Construction** includes reconstruction, relocation, installation, repair, alteration, demolition and moving.

**Farm Building** means a building or part thereof, which does not contain a residential occupancy and which is associated with and located on land devoted to the practice of farming, and used essentially for the housing of equipment or livestock, or the production, storage or processing of agricultural and horticultural produce or feed. For the purposes of this exemption, the farm building must be designed for “low human occupancy” as defined in the National Farm Building Code of Canada and the land must be classed as 'farm' under the *Assessment Act*.<sup>1</sup>

**Fee** means the fee prescribed in Schedules 'B' and 'C' to this Bylaw.

**Highway** includes a street, road, lane, bridge, viaduct or any other way open to the use of the public, but specifically excludes private rights of way on private property.

**Natural Boundary** means the visible high water mark of any lake, river, stream or other body of water where the presence and action of the water are so common and usual, and so long continued in all ordinary years, as to mark upon the soil of the bed of the lake, river, stream, or other body of water a character distinct from that of the banks thereof, in respect to vegetation as well as in respect to the nature of the soil itself, and also includes the edge of dormant side channels or any lake, river, stream or other body of water, and marshes.

**Occupancy Permit** means an Occupancy Permit issued pursuant to this Bylaw.

**Parcel** means the smallest area of land which is registered in the Land Title Office, except that a parcel divided pursuant to the *Strata Property Act of British Columbia* and not contained within a Bare Land Strata Plan shall not be considered subdivided for the purpose of this Bylaw.

**Permit** means a Permit required or issued pursuant to this Bylaw and includes a Building Permit, a Demolition Permit, a Plumbing Permit, a Building Moving Permit, a Chimney Permit, a Fireplace Permit and a Solid Fuel Burning Appliance Permit.

**Premises** includes land, the surface of water, buildings and structures.

**Professional Engineer** means a Professional Engineer registered in the Province of British Columbia as such under the *Engineers and Geoscientists Act* (British Columbia).

**Regional District** means the Regional District of Nanaimo.

**Relocate** means to move a building or structure from one location to another on the same parcel.

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<sup>1</sup> Amendment Bylaw No. 1250.05, adopted June 22, 2010

**Signs** includes the supporting structure for a sign.

**Special Inspection** means a request by an owner of premises for an inspection by the Chief Building Inspector of the Regional District for solid fuel burning appliances on a premise not covered by a valid Building Permit.

**Structure** includes anything that is constructed or erected, and includes swimming pools, mobile home space, tent camping space and major improvements accessory to the principal use of land, but does not include landscaping, paving improvements, signs under 1.0 m in height, retaining walls under 1.0 m in height that retain less than 1.0 m of earth, and fences under 2.0 m in height and temporary detached tents.

**Swimming Pool** means a water receptacle used for swimming or as a plunge or other bath designed to accommodate more than one bather at a time; but does not include irrigation, natural ponds, or man made ponds used for decorative or landscaping purposes or hot tubs.

**Temporary Building** includes a construction trailer, seasonal storage facility or a mobile home, or recreation vehicle not exceeding 75 square metres in floor area for use by the applicant while constructing a single family dwelling.

**Temporary detached tent** means a structure that consists of a prefabricated manufactured framework covered by a pliable membrane and is less than 35 square meters in floor area and six meters in height.

**Tent** includes structures consisting of prefabricated rigid manufactured framework covered by a pliable membrane that are greater than 35 square meters in area or 6 meters in height.

**Use** means the principal permissible purpose for which land, building or structures may be used as described in the applicable land use bylaws adopted by the Regional District or the Trust Committee of the Islands Trust.

**Watercourse** means any natural or man made depression with well defined banks and a bed of 0.6 metres or more below the surrounding land serving to give direction to a current of water at least six (6) months of the year or having an upstream drainage of two (2) square kilometres or more.

**Zoning Bylaw** means a Land Use and Subdivision Bylaw of the Regional District of Nanaimo or the Trust Committee of the Islands Trust in effect from time to time.

## **PURPOSE OF BYLAW**

- (1) This Bylaw shall be interpreted in accordance with this section despite any other provision of this bylaw.
- (2) This Bylaw is enacted for the purpose of regulating construction within the Regional District and to permit the Regional District to carry out limited inspections for the purposes of reducing violations of this bylaw and the Building Code, which may affect public health or safety. The purpose of this bylaw does not extend:
  - (a) to the protection of owners or builders from economic loss;

- (b) to the assumption by the Regional District of any responsibility for ensuring compliance by any owner, builder, contractor, architect, engineer or any other person with the Building Code, this Bylaw or any other applicable enactment;
- (c) to provide to any person a warranty that any building or structure constructed within the Regional District complies with the Building Code, this Bylaw or any other applicable enactment;
- (d) to provide a warranty that any building or structure constructed within the Regional District is free from latent or any defects.

### **3. PROHIBITIONS**

- (1) No person shall, unless exempted by this Bylaw or any other enactment, commence or continue to construct a building or structure prior to obtaining a Building Permit.
- (2) No person shall occupy or use a building or part of it after construction of that building or part of it without first obtaining an Occupancy Permit.
- (3) No person shall occupy or use a building following a change in class of occupancy of the building or part of it without first obtaining an Occupancy Permit for it.
- (4) No person shall occupy, use or continue to do any work on a building or structure contrary to the terms of any Permit, Notice, Certificate or Order given by the Regional District, the Chief Building Inspector or a Building Inspector. No person shall continue to do any work upon a building or structure or any portion of the construction after expiration of a Permit.
- (5) No person shall continue to do any work upon a building or structure or any portion of the construction without obtaining an inspection as required pursuant to this Bylaw.
- (6) No person shall do any work that is at variance with the description, plans and specifications for the building or structure for which a Permit has been issued, unless the variance has first been authorized in writing by the Chief Building Inspector.
- (7) No person shall, unless authorized by the Chief Building Inspector alter, reverse, deface, cover, remove or in any way tamper with any Notice, Permit or Certificate posted pursuant to the provisions of this Bylaw.
- (8) No Permit shall be issued for an alteration, addition or repair to a building that is in an unsafe condition unless that deficiency is corrected at the time of alteration, addition or repair.
- (9) No person shall do any work or carry out any construction contrary to a provision or requirement of this Bylaw or the Building Code.

### **4. AUTHORITY OF CHIEF BUILDING INSPECTOR**

- (1) The Chief Building Inspector is authorized to:
  - (a) administer this Bylaw;
  - (b) keep records of applications received, Permits and Orders issued, inspections and tests made, and retain copies of all papers and documents connected with the administration of this Bylaw;

- (c) take such action that he or she considers necessary in order to establish whether any method or type of construction or material used in the construction of a building conforms with the requirements and provisions of the Building Code;
  - (d) assign a house number to a building, including renumbering of buildings previously numbered;
  - (e) act where specifically authorized to do so under this bylaw.
- (2) It is understood that the purpose of the function of the Chief Building Inspector is to enforce the provisions of this Bylaw and not to hold out or warrant to any person that a building is constructed in all respects in accordance with the Building Code or in a safe and proper manner.

## **5. ENFORCEMENT AUTHORITY**

A Building Inspector is authorized:

- (1) to enter the property at all reasonable times 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) to enter any occupied buildings with the consent of the owner or occupant or subject to providing notice twenty-four hours in advance of the entry pursuant to clause 5(1).
- (3) to order the correction of any construction which is being or has been improperly done under any Permit and prohibit the covering of such construction.
- (4) to order the immediate cessation or suspension of construction ('Stop Work') that is proceeding in contravention of this Bylaw or the Building Code or is being constructed without a Permit by placing a Notice on the construction and/or delivering such notice to the owner of the real property on which the building stands, at his/her address.
- (5) to, at the applicant's expense, order the work uncovered for inspection when there is reason to believe that part of a building that is covered or enclosed has not been constructed in compliance with this Bylaw or the Building Code or:
  - (a) the part was covered or enclosed contrary to an order not to cover under Sub-section (3) above; or
  - (b) the notice requesting inspection was not given in the time prescribed by Section 13(2).
- (6) to direct the applicant, at their expense, to perform tests as considered necessary to establish whether any method or type of construction or materials used in the construction of any building or structure conforms with the provisions of all relevant legislation and the Building Bylaw, and:
  - (a) to retain as public records copies of the results of all tests ordered and carried out under the Building Permit;
  - (b) to revoke or refuse to issue a Permit where the results of tests are not satisfactory;
  - (c) to order the correction of any work that is being or has been improperly done.

The Chief Building Inspector is authorized:

- (1) to accept a sealed certificate of compliance with the approved plans and Building Code, by a Professional Engineer or Architect, in lieu of inspections if in his or her judgement the registered professional has inspected the work during construction or has completed sufficient review of the work to certify the construction.

## **6. PLANS AND CERTIFICATIONS**

### **(1) Professional Certification**

Where the Building Inspector considers that

- (a) the site conditions, or
- (b) the size or complexity of
  - (i) the development, or
  - (ii) an aspect of the development to which a Building Permit relates

warrants a certification by a professional Engineer or Architect that the plans submitted with the application for the Permit, or specified aspects of those plans, comply with the Building Code and other applicable enactments respecting safety, the Building Inspector may require the owner to provide the certification of the plans.

### **(2) Inspections by Professional**

Where plans or works are being certified by a professional, during the course of construction, the owner shall provide to the Building Inspector, certification that site inspections by the Registered Professional have been conducted in the form of inspection reports left on site and that the construction complies with the Building Code and other applicable enactments regarding safety.

### **(3) Endorsement and Notice**

The following Notice shall be given to the owner by endorsing it on a Building Permit that is issued in reliance upon a certification by a Professional Engineer or Architect that the plans submitted in support of the application for the Permit comply with the British Columbia Building Code and other applicable enactments respecting safety of the building.

*"Take notice that the Regional District of Nanaimo, in issuing this Permit has relied upon the certification of compliance of \_\_\_\_\_ (professional engineer or architect name or company) \_\_\_\_\_, Professional Engineer or Architect, submitted with the plans of construction, that the plans comply with the current British Columbia Building Code and other applicable enactments respecting safety of the building or structure."*

## **7. PERMITS**

### **(1) Issuing Permit**

Where:

- (a) an application has been made;
- (b) the proposed work set out in the application complies with the Building Code, this Bylaw and all other applicable bylaws and enactments;
- (c) the applicant for a Permit has paid to the Regional District of Nanaimo the fee or fees prescribed in Schedules 'A' and 'B' of "Regional District of Nanaimo



Building Regulation Fees and Charges Bylaw No. 1595, 2010” and amendments thereto.<sup>1</sup>

The Building Inspector shall issue the Permit for which the application was made, unless the provisions of Section 7(2) apply or unless the Permit is being withheld pursuant to Section 929 of the *Local Government Act*.

(2) ***Withholding Permit***

The Chief Building Inspector is authorized to withhold issuance of any new building permits for a parcel in the event that previous construction on the parcel does not comply with provisions of the Building Code, this Bylaw and other applicable Bylaws.

(3) ***Permit Conditions***

Every Permit is issued upon the following conditions:

- (a) that on the parcel for which the Permit has been issued; the owner post the Permit, or notice issued by the Building Inspector in a place open to view from the street;
- (b) that the owner keep a copy of the approved drawings and specifications on site for which the Permit has been issued;
- (c) that construction shall be started (one required inspection requested and approved ) within six (6) months from the date of issuing the Permit;
- (d) that the work will not be discontinued or suspended (one required inspection requested and approved ) for a period of more than one (1) year;
- (e) that the Permit shall expire in the event that either condition 7.3(c) or 7.3(d) are not met;
- (f) that all Permits shall expire two (2) years from the date of issue;
- (g) that an expired Permit shall not be renewed nor the fee refunded;
- (h) that if construction is not completed when a Permit expires, a new Permit shall be required for the construction remaining;
- (i) that an additional re-inspection fee will be charged, as prescribed in Schedule 'A' of “Building Regulation Fees and Charges Bylaw No. 1595, 2010” and amendments thereto, where additional inspections to those required by this Bylaw are required due to violations or failure of the Permit holder to have the work accessible and ready at the time the inspection is requested.<sup>2</sup>
- (j) that the registered owner of the land acknowledges the following in writing, which may be endorsed on the Permit:

*"In consideration of the granting of this Permit, I/we agree to release and indemnify the Regional District of Nanaimo, its Board members, employees and agents from and against all liability, demands, claims, causes of action, suits, judgment, losses, damages, costs, expenses of whatever kind which I/we or any other person, partnership or corporation or my/our respective heirs, successors, administrators or assignees may have or incur in consequence of or incidental to the granting of this Permit or any inspection, failure to*

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<sup>1</sup> Amendment Bylaw No. 1250.05, adopted June 22, 2010

<sup>2</sup> Amendment Bylaw No. 1250.05, adopted June 22, 2010

*inspect, certification, approval, enforcement or failure to enforce the British Columbia Building Code and I/we agree that the Regional District of Nanaimo owes me/us no duty of care in respect of these matters.*

*I/we have read the above agreement, release and indemnity and understand it."*

- (k) That the registered owner of the land signs the following, which may be endorsed on the Permit:
1. *I/We acknowledge that I/we are responsible for ensuring that the proposed construction complies with the Building Code, this Bylaw and any other applicable enactment or standard relating to the work authorized by the Permit whether or not the work is carried out by me/us or by any other person on my/our behalf.*
  2. *I/We acknowledge that neither the issuance of a Permit under this Bylaw, the acceptance or review of plans, specifications, drawings or supporting documents, or inspections made by the Regional District constitute a representation, warranty or other assurance that the British Columbia Building Code, the Regional District Building Bylaw or any other applicable application or standard has been complied with.*
  3. *I/We understand that I/we should seek independent legal advice in respect of the responsibilities I/we are assuming upon the granting of a Permit and in respect of the above acknowledgements.*

**(3.1) *Permit Not Evidence of Compliance***

No person shall rely upon any Permit issued under this Bylaw as evidence that any work has been carried out or completed in accordance with the Building Code, this Bylaw or any other enactment or that this Bylaw has been administered or enforced according to its terms.

**(4) *Permit for Corrections***

Despite subsection (3) the Chief Building Inspector may issue a permit for up to one year to allow for the correction of a deficiency or specified condition.

**(5) *Contents of Application for Permit***

The application for a Permit shall be made prior to the commencement of construction and shall:

- (a) be made in the form prescribed by the Regional District;
- (b) be signed by the owner or his/her agent;
- (c) state the intended use or uses of the building;
- (d) state the true value of the proposed work;
- (e) include as exhibits, plans in duplicate of the specifications and scale drawings of the building with respect to which work is to be carried out showing:
  - (i) the dimensions of the building including area of each floor;
  - (ii) the dimensions, area and proposed use of each room or floor area;
  - (iii) the dimensions of the parcel on which the building is, or is to be situated;

- (iv) the proposed siting of the new building and the siting, use, and horizontal dimensions of all existing buildings on the parcel referred to in sub clause (iii) on a scaled plan;
  - (v) the location of a watercourse adjacent to or contained within the parcel;
  - (vi) the technical information specified in other parts of this Bylaw and the Building Code required to be included on the drawings related to those parts;
  - (vii) such other information as is necessary to illustrate all essential features of the design of the building; and
  - (viii) the name, address and telephone number of the designer.
- (f) contain any and all other information necessary to establish compliance with this Bylaw, the Land Use and Subdivision Bylaw, the Floodplain Bylaw and any other applicable enactment;
  - (g) include a Surveyors Certificate by a registered British Columbia Land Surveyor of the existing natural grade elevations for all new construction when the proposed construction will be within 0.3m of the maximum height restriction of the applicable Land Use and Subdivision regulations;
  - (h) be accompanied with a non-refundable permit processing fee as prescribed in Schedule "B" of "Building Regulation Fees and Charges Bylaw No. 1595, 2010" and amendments thereto;<sup>1</sup>
  - (i) Include all information required by any form prescribed under Section 30 of the Homeowner Protection Act;
  - (j) method of sewage disposal and location of system as approved by the relevant authority or proof of connection to community services;
  - (k) highway access as approved by the relevant authority.

**(6) Additional Information**

When required by the Chief Building Inspector, the application shall also be accompanied by:

- (a) details of the grades and elevations of the streets and public services, including sewer and drainage, abutting the parcel referred to in subsection 7(5)(e)(iii) and showing access to the buildings, parking, driveways, or site drainage and finished grades in relation to geodetic datum where available;
- (b) a plan that shows the location and size of every building drain and or every trap or inspection piece that is on a building drain;
- (c) a sectional drawing that shows the size and location of every soil or waste pipe, trap and vent pipe. The plans and specifications shall be submitted in the form and quantities required by the Chief Building Inspector and shall have on them complete design and calculation criteria so that the Building Inspector has this information available for examination, and shall bear the name, address and telephone number of the designer;
- (d) a graphic drawing of proposed plumbing work showing the size and location of the plumbing system and containing complete design and calculation criteria;
- (e) a survey of the building site by a registered British Columbia Land Surveyor whenever one of the following conditions exist:

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<sup>1</sup> Amendment Bylaw No. 1250.05, adopted June 22, 2010

- (i) there is doubt as to the location of the lot lines;
- (ii) there are no existing legal survey pins within sixty (60) metres of the building site.

**(7) *Property of Regional District***

The application for a Permit and the supporting drawings and documents shall become the property of the Regional District of Nanaimo.

**(8) *Lapse***

The Permit application lapses and the Chief Building Inspector is authorized to dispose of a Permit application after six (6) months of receipt of the application if the applicant has not picked up the Permit or completed the requirements for issuance of the Permit.

**(9) *Interest on Security*<sup>1</sup>**

Where security required under this bylaw is provided in the form of cash, certified cheque or money order interest shall be payable at the rate of prime less 2%, where prime is the rate available to the Regional District from its banking institute of record at the time the security is refunded, calculated as simple interest not compounding, from the beginning of the month following the deposit of the security to the beginning of the month prior to the refund date. No interest shall be payable on security provided in the way of a letter of credit.

## **8. *REVOCATION OF PERMIT***

- (1) The Chief Building Inspector may revoke a Permit where there is a violation of:
  - (a) a condition under which the Permit was issued;
  - (b) a provision of the Building Code, this Bylaw or other applicable Bylaws or enactments; or
  - (c) where the Permit was issued based on mistaken, false or incorrect information.
- (2) The revocation shall be in writing and transmitted to the Permit holder by courier or registered mail, and deemed served at the expiration of three (3) days after the date of mailing.

## **9. *PHASED CONSTRUCTION***

- (1) (a) The Building Inspector may issue a partial Occupancy Permit for part of a building other than a single family dwelling provided that the building complies with the Building Code, and other enactments and that all health and safety requirements have been met; and
- (2) Occupancy and final inspection of a single family dwelling are considered the same inspection and an occupancy permit shall not be issued until all Bylaw and Building Code requirements are satisfied.
- (3) Nothing in this section relieves the owner from complying with the requirements of the Building Code and this Bylaw.

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<sup>1</sup> Amendment Bylaw No. 1250.04, adopted February 9, 2010

## **9.1 CONDITIONAL CERTIFICATE OF OCCUPANCY<sup>1</sup>**

- (1) This section applies to owner-built single family dwellings, as prescribed by the *Homeowner Protection Act*.
- (2) A Building Inspector may issue a Conditional Certificate of Occupancy for part of a building or structure when that part of the building or structure is self-contained, provided with essential services and meets the minimum level of health and safety requirements of the *British Columbia Building Code*, this Bylaw or any other applicable enactments, codes or standards.
- (3) A Conditional Certificate of Occupancy may only be issued for an owner-built, single-family dwelling and shall only be valid with a non-expired or renewed Building Permit as described herein.
- (4) An owner-builder may apply to renew a Building Permit and Conditional Certificate of Occupancy for an additional two year period by paying the fee prescribed in Building Regulation Fees and Charges Bylaw No. 1595, 2010 and amendments thereto.
- (5) Where an Occupancy Permit has not been obtained prior to or immediately upon expiry of the Building Permit and Conditional Certificate of Occupancy renewal under Subsection 9.1(4), an owner-builder shall be permitted to further renew the Building Permit and Conditional Certificate of Occupancy for one additional two year period by paying the fee prescribed in Building Regulation Fees and Charges Bylaw No. 1595, 2010 and amendments thereto.
- (6) Failure to obtain an Occupancy Permit prior to the expiration of the Building Permit and Conditional Certificate of Occupancy issued under Subsection 9.1(5) may result in the Chief Building Inspector recommending to the Board that a Notice be filed on the title of the property pursuant to Section 57 of the *Community Charter*.
- (7) Notwithstanding Subsection 9.1(6) the Board may consider a further extension of a Conditional Certificate of Occupancy for reasons of hardship or circumstances that are beyond an owner's control.

## **10. TEMPORARY BUILDINGS**

- (1) Subject to compliance with other applicable Bylaws, the Chief Building Inspector may issue a Permit for the erection or placement of the following temporary buildings for the following uses if he/she is satisfied that the building is safe for the stated use and duration;
  - (a) construction site offices;
  - (b) seasonal storage facilities;
  - (c) special events facilities;
  - (d) living facility used while constructing a dwelling unit;

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<sup>1</sup> Amendment Bylaw No. 1250.05, adopted June 22, 2010

provided that such uses are permitted pursuant to other applicable Bylaws of the Regional District and the temporary building meets the health and safety standards of all relevant enactments.

- (2) A Permit for a temporary building shall expire two (2) years from the date of issuance for temporary living facilities or upon issuance of an occupancy permit for the principle dwelling unit on the parcel, whichever occurs first; and one year from the date of issuance for (a), (b), and (c) in clause one above.
- (3) A temporary building shall be removed or demolished upon expiration of the Permit for the temporary building.
- (4) No extensions or renewals shall be permitted for a Permit for a temporary building without the consent of the Chief Building Inspector.
- (5) In the case of 10(1)(d) the temporary living facility shall consist of a portable construction trailer, mobile home, or recreation vehicle not exceeding 75 m2 in area.
- (6) Applications for a Permit to construct or locate a temporary building shall be made in writing to the Chief Building Inspector accompanied by:
  - (a) plans showing the location of the building on the site and construction details of the building;
  - (b) a statement of the intended use and duration of the use, in addition to the fees prescribed in Schedule 'A' of "Building Regulation Fees and Charges Bylaw No. 1595, 2010" and amendments thereto;<sup>1</sup> and
  - (c) a bond or certified cheque in the amount of ONE THOUSAND (\$1,000.00) DOLLARS which will guarantee that the building will be removed or demolished entirely and the site left in a safe and sanitary condition in addition to the fees payable as prescribed in Schedules 'A' and 'B' of "Building Regulation Fees and Charges Bylaw No. 1595, 2010" and amendments thereto.<sup>2</sup>

### **10.1 TEMPORARY BUILDINGS (TENTS)**

- (1) A Building Permit is not required for a temporary detached tent.

### **10.2 FARM BUILDINGS<sup>3</sup>**

A building permit is not required for farm buildings located on land classed as "farm" under the *Assessment Act* that are designed for "low human occupancy" as defined in the *National Farm Building Code of Canada*. Farm buildings must be constructed and sited in compliance with all applicable bylaws, enactments and regulations affecting the property.

## **II. RESPONSIBILITY OF THE OWNER**

- (1) Before construction commences, the owner shall:
  - (a) determine that the building site is safe and will not be affected by flooding water caused by surface run-off or otherwise, or by land slip or other hazards;

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<sup>1</sup> Amendment Bylaw No. 1250.05, adopted June 22, 2010

<sup>2</sup> Amendment Bylaw No. 1250.05, adopted June 22, 2010

<sup>3</sup> Amendment Bylaw No. 1250.05, adopted June 22, 2010

- (b) incorporate into the design and plans submitted for a Permit the climatic data in Section 15;
- (c) determine that there will be an adequate source of potable water;
- (d) determine that there will be an adequate facility for storm drainage discharge;
- (e) determine that there will be an adequate facility for sewage disposal.

## **12. GENERAL DUTIES OF THE OWNER BEFORE CONSTRUCTION**

- (1) An owner of real property shall:
  - (a) permit the Building Inspector to enter his/her building or premises at any reasonable time for the purpose of inspection;
  - (b) obtain from the Regional District, or other authority having jurisdiction, where applicable, permits relating to demolition, excavation, building, repair of buildings, zoning, change in classification of occupancy, swimming pools, sewers, water, plumbing, signs, canopies, awnings, marquees, blasting, street occupancy, electricity, building to be moved, and all other permits required in connection with the proposed work prior to the commencement of the work;
  - (c) when required by the Chief Building Inspector, give at least 48 hours notice to the Building Inspector of the intention to start work on the construction site;
  - (d) obtain elevation and construction requirements relative to Provincial Flood Plain restrictions from the relevant Authority;
  - (e) post near the street access, in clear view from the street, the number (address) as assigned on the Building Permit prior to requesting inspections and permanently affix this number prior to occupancy of a building; and
  - (f) not place or maintain, nor shall any owner or agent permit to remain on any building or premises, a building number other than that required under the provisions of this Bylaw.
- (1.1) It shall be the full and sole responsibility of the owner and the owner's agent where applicable to carry out the work in respect of which the Permit was issued in compliance with the British Columbia Building Code, this Bylaw and all other applicable enactments.
- (2) Neither the granting of a Permit nor the acceptance of plans and specifications, nor inspections made by or on behalf of the Regional District, shall in any way relieve the owner from full responsibility to perform the work in strict accordance with this Bylaw, the Building Code and all other applicable enactments.

## **13. RESPONSIBILITY OF OWNER DURING CONSTRUCTION**

The Owner shall, during construction:

- (1) ensure that no work is done on any part of the building or structure beyond that point indicated in each successive inspection report without first obtaining the written approval of the Chief Building Inspector;
- (2) request the Building Inspector to make or cause to be made the following inspections, by giving notice to the Building Inspector a minimum of two (2) working days (48 hours exclusive of Saturday, Sunday and Statutory Holidays) prior to the inspection being required:

- (a) after the forms for footings are complete, but prior to placing of any concrete therein;
  - (b) after removal of formwork from a concrete foundation and installation of perimeter drain tiles and damp-proofing, but prior to backfilling against foundation;
  - (c) when framing and sheathing of the building are complete, including fire-stopping, bracing, chimney, duct work, plumbing, gas venting, wiring, but before any insulation, lath or other interior or exterior finish is applied which would conceal such work;
  - (d) when insulation and vapour barrier are complete;
  - (e) after installation but before any building drain, building storm drain, sanitary or storm sewer, or water service is covered;
  - (f)
    - (i) before installing waterline determine that an adequate supply of potable water exists provided that the Regional District shall not be responsible for inspecting the quality of water nor the source;
    - (ii) before installing storm drainage pipe determine an adequate discharge location and design provided that the Regional District shall not be responsible for inspecting the design or location of the storm drainage facility;
    - (iii) before installing a sanitary sewer pipe ensure the discharge facility must be approved by the relevant authority.
  - (g) after the building or portion thereof is complete and ready for occupancy, but before occupancy takes place of the whole or a portion of the building.
- (3) where it is deemed necessary by the Building Inspector, provide specialized professional information at the owner's cost, and the owner shall not proceed with any further work which would prevent a thorough inspection until the inspection has been done and approved;
- (4) ensure that the building or structure is built in compliance with the Building Code and this Bylaw;
- (5) supply a Surveyor's Certificate prepared by a registered British Columbia Land Surveyor, for all new construction within a residential zone of the applicable land use regulation at the foundation stage;
- (6) prior to the completion of any building, or part of it, obtain from the Building Inspector written permission to occupy part of it, if partial occupancy is desired or with respect to an owner-built single family dwelling, a Conditional Certificate of Occupancy in accordance with Subsections 9.1(1) and 9.1(2);
- (7) prior to the occupancy of any building, or part of it, after completion of construction of the building, or part of it, or prior to any change in class of occupancy of any building, or part of it, obtain from the Building Inspector an Occupancy Permit, which may be withheld by the Building Inspector until the building or part of it complies with the requirements of this Bylaw, the Building Code and all other health and safety requirements of any enactment;
- (8) obtain from the Building Inspector written permission prior to resuming construction which has been suspended on any building;



- (9) where tests of any materials are required by the Building Inspector to ensure conformity with the requirements of this Bylaw, transmit to the Building Inspector records of the test results;
- (10) in all cases where it is required to conduct the waste from plumbing fixtures or trade waste to a sanitary sewer, make certain, by inquiring from the relevant authority, that the sanitary sewer is at sufficient depth and capacity to receive the discharge; and also to arrange the plumbing to suit the location of the connection provided for the parcel by the Regional District;
- (11) where it is desired to connect a building or storm sewer with any building or storm sewer extension, furnish such information as the Building Inspector may require to show that the proposed sewers will be laid at such depth, and in such position as to connect the property with the building or storm sewer extensions;
- (12) in cases where the existing building or buildings are demolished, destroyed or otherwise removed from the property and were connected to the sanitary sewage system, a water system or a storm water system, make arrangements for the disconnection to the satisfaction of the Chief Building Inspector. If disconnection is not carried out to the satisfaction of the Chief Building Inspector the Regional District shall cap off the connection(s) and the owner shall be liable for any fees in any other bylaws applicable within the Regional District for disconnection services;<sup>1</sup>
- (13) during construction, keep
  - (a) posted in a conspicuous place on the property in respect of which the Permit was issued a copy of the Permit;
  - (b) a copy of the Permit drawings and specifications on the property in respect of which the Permit was issued.

#### **14. FENCES AND WALKWAYS**

If, in the opinion of the Chief Building Inspector, a fence or covered walkway is necessary for the protection and safety of the public during the construction or maintenance of a building, it shall be erected in accordance with the Building Code.

#### **15. CLIMATIC DATA**

\*Climatic data for the design of buildings in the Regional District is:

- (a) Design Temperature for heating and air conditioning systems

January	2 1/2%	-7°c
January	1%	-9°c
July	2 1/2%	
	Dry	26°c
	Wet	18°c

- (b) Maximum Rainfall

15 Minutes	8 mm
One day	85 mm

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<sup>1</sup> Amendment Bylaw No. 1250.04, adopted February 9, 2010

Ground Snow Load	$S_S$	2.1 kPa
Rain Load	$S_R$	0.4 kPa
Annual total precipitation		1050 mm

- (c) Hourly Wind Pressure
- |             |       |         |
|-------------|-------|---------|
| probability | 1/10  | .47 kPa |
| probability | 1/30  | .58 kPa |
| probability | 1/100 | .71 kPa |

- (d) Seismic Data
- |       |   |
|-------|---|
| $Z_a$ | 4 |
| $Z_v$ | 4 |
- Zonal velocity ratio,  $v$  .20

\* Subject to change in accordance with the Building Code.

## **16. ESSENTIAL SERVICES**

- (1) No Permit for the construction of any residential, commercial or industrial building shall be issued unless the following essential services are provided for:
- (a) Highway Access;
  - (b) Sewage disposal by an approved connection to a community system or proof of approval of a private disposal system by the relevant authority is supplied.

## **17. FIREPLACE AND CHIMNEY REGULATIONS**

No person shall construct a fireplace or chimney without first obtaining a Permit from the Building Inspector.

## **18. MOVED ON BUILDINGS<sup>1</sup>**

- (1) No person shall move or cause to be moved any building into the Regional District or from one parcel to another in the Regional District without first obtaining a Building Permit to carry out such move and to site the building on the parcel to which it is to be moved.
- (2) The following information must be provided when applying for a Building Permit for a moved-on building:
- (a) Certification from a Registered Professional that the structure is safe for its intended use;
  - (b) Detailed plans and specifications of the proposed relocation and rehabilitation of the building;
  - (c) Detailed plans and specifications of the building siting, parcel landscaping, paving, and other site improvements proposed on the parcel;

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<sup>1</sup> Amendment Bylaw No. 1250.04, adopted February 9, 2010

- (d) A report from an accredited appraiser (A.A.C.I.) showing the appraised value of the moved-on building; and,
  - (e) The building must appraise (as determined by an accredited appraiser (A.A.C.I.) at a value equal to or greater than 100 percent of the average assessed value of the improvements (as determined by the BC Assessment Authority) of the neighbouring developed properties within 100 metres;
  - (f) Security in the form of a standby irrevocable letter of credit without an expiry date or a certified cheque for an amount equal to five percent of the appraised value to a maximum of \$10,000 as identified in Section 18(2) (d).
- (3) If the building or part of it is not completed or an occupancy permit has not been issued within the specified time, the Building Official may send a written notice to the owner stating that the building does not comply with this bylaw or other enactment and direct the owner to remedy the non-compliance within thirty days from the date of service of the notice. If the non-compliance is not remedied within the thirty-day period, the certified cheque or other security shall be forfeited to the Regional District of Nanaimo.
- (4) Sections 18(2) and (3) above do not apply to a certified factory built house that meets or exceeds the CAN/CSA Z240 MH Series and the CSA A-277- M1990.

## **19. SWIMMING POOLS**

- (1) An application for a Permit for the construction of a pool shall be accompanied by a Plan showing the location of the proposed pool, and all other buildings on site;
- (2) The following conditions apply to swimming pools:
  - (a) a swimming pool shall be enclosed within a fence of not less than 1.5 metres in height with no openings greater than 10cm in their least dimension, and access through the fence enclosing the swimming pool shall be equipped with a self-closing gate so designed as to cause the gate to return to a locked position when not in use and secured by a spring lock which can be opened on the swimming pool side only and such lock shall be located not less than 150mm from the top of the gate and not less than 1.0m above grade;
  - (b) the location of a swimming pool shall meet the requirements and provisions of the Land Use and Subdivision Bylaw with respect to setbacks from lot lines;
  - (c) a Back Flow Prevention Device, installed to the requirements of the BC Plumbing Code, shall be installed to protect contamination of the potable water supply by treated water from the swimming pool.

## **20. OTHER STRUCTURES**

- (1) A Permit is not required to construct an accessory building less than 10m<sup>2</sup> in building area but such buildings must comply with Land Use and Subdivision regulations.
- (2) A tent may be constructed on a parcel provided that:
  - (a) the construction complies with the applicable zoning bylaw; and
  - (b) the tent is anchored to the ground in accordance with the manufacturers recommendations.

- (3) Structures not specifically mentioned in this Bylaw shall be designed and built to withstand wind and snow loads and shall be structurally sound.

## **21. RESTRICTIONS ON LIABILITY**

### **(1) No Duty of Care**

This Bylaw does not create any duty of care whatsoever on the Regional District, the Board Members; the Chief Building Inspector, or any employees or agents of the Regional District in respect of:

- (a) the issuance of a Permit under this Bylaw;
- (b) the review and approval of the drawings, plans and specifications submitted with the application for a Permit;
- (c) inspections made by the Building Inspector or failure to make such inspections; or
- (d) the enforcement or failure to enforce the current editions of the Building Code or the provisions of this Bylaw.

Words defining the responsibility and the authority of the Chief Building Inspector shall not be construed as creating any duty upon the Chief Building Inspector or the Regional District, but as internal Administrative directions only.

### **(2) No Cause of Action**

Neither a failure to administer, nor enforce, nor the incomplete, nor inadequate administration or enforcement of the Building Code, or the provisions of this Bylaw, nor any error, omission or other neglect in relation to the issuance of a Permit under this Bylaw, the review and approval of the drawings, plans and specifications, or inspections made by the Building Inspector, shall give rise to a cause of action in favour of any person whomsoever, including the owner and his/her agent.

### **(3) No Warranty or Representation**

Neither the issuance of a Permit under this Bylaw, the review and approval of the drawings, plans and specification, nor inspections made by the Building Inspector, shall in any way constitute a representation, warranty or statement that the Building Code or this Bylaw has been complied with and no person shall rely on any of those actions as establishing compliance with the Building Code or this Bylaw.

## **22. PENALTIES**

### **(1) A person who:**

- (a) violates a provision of the Building Code or this Bylaw;
- (b) causes, suffers or permits an act or thing to be done in contravention or in violation of the Building Code or this Bylaw;
- (c) neglects or refrains from doing anything required to be done by the Building Code or this Bylaw;
- (d) carries out or suffers, causes or permits to be carried out any construction in a manner prohibited by or contrary to the Building Code or this Bylaw; or
- (e) fails to comply with an order, direction or notice given under the Building Code or this Bylaw;

commits an offence and is liable on conviction to a fine and penalties as prescribed in the Offence Act.

- (2) For each day that a violation of the provisions of this Bylaw is permitted to exist, it shall constitute a separate offence without limiting any other remedy available to the Regional District.
- (3) the Regional District of Nanaimo may file a Notice on property title in accordance with Section 57 of the Community Charter and recover expenses from the property owner as per Schedule 'A' of "Building Regulation Fees and Charges Bylaw No. 1595, 2010" and amendments thereto.<sup>1</sup>
- (4) The Regional District may direct that construction in violation of the Building Code or this bylaw shall be corrected or demolished by passing a bylaw under Section 698 of the *Local Government Act*, at the expense of the property owner. The Regional District may recover the expense for such action in accordance with the *Local Government Act*.
- (5) A penalty of "double" permit fees to a maximum of \$750 will be charged where the applicant has continued construction without a Permit in violation of a 'Stop Work Order' or has not applied for a permit within 10 working days after issuance of a 'Stop Work Order' or 'Notice of Permits Required'.

### **23. REPEAL OF BYLAWS**

Building Bylaw No. 1000 and amendments 1000.01, 1000.02, 1000.03, are hereby repealed.

Introduced and read three (3) times this 13<sup>th</sup> day of March 2001.

Advertised this 30<sup>th</sup> and 31<sup>st</sup> day of March 2001.

Adopted this 10<sup>th</sup> day of April 2001.

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Chairperson

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General Manager, Corporate Services

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<sup>1</sup> Amendment Bylaw No. 1250.05, adopted June 22, 2010

**REGIONAL DISTRICT OF NANAIMO**

**BUILDING BYLAW NO. 1250**

**SCHEDULE 'A'<sup>1</sup>**

***DESCRIPTION AND MAPS OF ELECTORAL AREAS REGULATED***

**AREAS OF APPLICATION**

This bylaw shall have application to and be in force in Electoral Area 'G' of the Regional District of Nanaimo, as well as those parts of Electoral Areas 'A', 'B', 'C', 'E', 'F' and 'H' of the Regional District of Nanaimo as outlined on Schedules 'A', 'B', 'C', 'D', 'E', and 'F' of "Regional District of Nanaimo Building Inspection Extended Service Establishment Bylaw No. 787, 1989."

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<sup>1</sup> Amendment Bylaw No. 1250.05, adopted June 22, 2010