

**CITY OF BURNABY**

**BYLAW NO. 13658**

**UNOFFICIAL CONSOLIDATION**

(Consolidated for Convenience with Bylaw 13791, 13978, 14038 and 14171)

A BYLAW to provide for the administration of the British Columbia Building Code and to provide certain additional building regulations.

WHEREAS the Community Charter authorizes the City, for health, safety and protection of persons and property, to regulate the construction, alteration, repair or demolition of buildings and structures by bylaw;

AND WHEREAS the Province of British Columbia has adopted a Building Code to govern standards in respect of the construction, alteration, repair and demolition of buildings and structures in cities, municipalities and regional districts in the Province;

AND WHEREAS it is deemed necessary to provide for the administration of the Building Code;

The Council of the City of Burnaby ENACTS as follows:

This Bylaw may be cited as **BURNABY BUILDING BYLAW 2016**.

**1. PURPOSE**

- (1) This Bylaw shall, notwithstanding any other provision herein, be interpreted in accordance with this section.
- (2) This Bylaw is enacted for the purpose of regulating construction within the City in the general public interest. The activities undertaken by or on behalf of the City pursuant to this Bylaw are for the sole purpose of providing a limited and interim spot checking function for reasons of health, safety and the protection of persons and property. It is not contemplated nor intended that this Bylaw shall provide, nor shall this Bylaw be interpreted as providing:
  - (a) protection to owners, builders, constructors or any other persons from economic loss;
  - (b) the assumption by the City or the Building Inspector of any responsibility for ensuring the compliance by any owner, agent of an owner or any employees, builders, constructors or designers retained by an owner, with the Building Code, the requirements of this Bylaw or any other bylaws or enactments;

- (c) a warranty to any person of design or workmanship or materials with respect to any building, structure or part thereof for which a permit or occupancy certificate is issued under this Bylaw;
- (d) a warranty or assurance to any person that construction undertaken pursuant to a permit issued under this Bylaw is free from any defects, whether patent or latent.

## 2. SCOPE AND EXEMPTIONS

- (1) This Bylaw applies to the design, construction and occupancy of new buildings and structures, and the alteration, reconstruction, demolition, removal, relocation and change of occupancy of existing buildings and structures.
- (2) This Bylaw does not apply to buildings or structures exempted by Part 1 of the Building Code except as expressly provided herein.
- (3) This Bylaw applies to all land, water, air space, buildings and structures within the City of Burnaby.

## 3. DEFINITIONS

- (1) Unless otherwise defined herein, words and terms used in this Bylaw shall have the same meanings as set out in the Building Code.
- (2) In this Bylaw, unless the context otherwise requires:

“agent” includes a person, firm or corporation representing the owner by designation or contract and includes a hired tradesman or contractor who may be granted a permit for work within the limitation of his or her licence;

“building” means a structure or portion thereof, which is used or intended to be used for supporting or sheltering any use or occupancy;

“Building Code” means the British Columbia Building Code established from time to time by the Province of British Columbia;

“building envelope professional” means a member of the Architectural Institute of British Columbia or the Association of Professional Engineers and Geoscientists of British Columbia who has:

- (a) completed a program in building envelope studies offered by that Institute or endorsed by that Institute or that Association;
- (b) not less than five years of previous working experience in the design of building envelopes and field review of building envelope construction;

- (c) not less than one year of previous working experience in the design of building envelopes and field review of building envelope construction in the Province of British Columbia; and
- (d) provided to the Building Inspector documentary proof of the completion of the program referred to in subsection (a) and the design and field review experience referred to in subsections (b) and (c);

“Building Inspector” means the Chief Building Inspector of the City and such other person or persons as he or she may designate from time to time as his or her assistants;

“City” means the City of Burnaby;

“construct” or “construction” means to build, erect, install, repair, alter, add, enlarge, move, locate, relocate, reconstruct, demolish, remove, excavate or shore, with respect to a building or structure;

“Energy Step Code” means the system of energy performance requirements set out in Division B, Parts 9 and 10 of the Building Code;  
(BYLAW 13978, 14038)

“owner” includes the registered owner of an estate in fee simple of land, and also where the context or circumstances so require:

- (a) a tenant for life under a registered life estate;
- (b) a registered holder of an agreement for sale;
- (c) a holder or occupier of land held in the manner mentioned in sections 228 and 229 of the Community Charter.
- (d) a lessee with authority to build on land;

and in respect of water includes an occupier, tenant or holder of an interest in respect of the surface of the water;

“parcel” means a lot, block or other area in which land is held, or into which land is legally subdivided;

“permit” means permission or authorization in writing by the Building Inspector under this Bylaw to perform work regulated by this Bylaw;

“person” includes a natural person, a firm, corporation, municipal corporation, school board, hospital board or other government or government agency;

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

“registered professional” includes a qualified professional as defined in section 55 (1) of the *Community Charter*’;

“retaining wall” means a structure designed to hold back, stabilize or support water, soil, rocks, or similar geotechnical materials; (BYLAW 14171)

“structure” means a construction or portion thereof of any kind, whether fixed to, supported by, sunk into or located in, land, water or airspace, and includes foundations or supporting framework for exterior signs, equipment and machinery, interior storage racking greater than 2.6 m in height and swimming pools as defined in the Swimming Pool Enclosure Bylaw, 2000, but specifically excludes paving, fences, retaining walls other than those retaining walls described in section 11(1)(c)(i), (ii), (iii), (iv), or (v), and landscaping. (BYLAW 14171)

#### 4. PERMIT CONDITIONS

- (1) A permit is required to undertake any work regulated under this Bylaw.
- (2) Neither the issuance of a permit under this Bylaw nor the review of plans, drawings or supporting documents, nor any inspections made by or on behalf of the City shall in any way relieve the owner or the owner’s agent from full and sole responsibility to perform the work in strict accordance with this Bylaw, the Building Code, and any applicable codes, standards, bylaws and enactments.
- (3) The word “Reviewed” on a City document related to a permit, permit application or a procedure under this Bylaw
  - (a) does not mean, signify or imply that the City has confirmed, sanctioned or approved the design or construction;
  - (b) means only that the City has reviewed for the purposes of this Bylaw.
- (4) It shall be the sole responsibility of the owner, and where the owner is acting through an agent, both the owner and the agent, to carry out the work in respect of which a permit is issued in compliance with the Building Code, this Bylaw and any other applicable codes, standards, bylaws and enactments.
- (5) 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.
- (6) A permit or an application for a permit that is in process may not be transferred or assigned until the owner has notified the Building Inspector in writing, and paid the fee specified in the Burnaby Planning and Building Fees Bylaw. The transfer or assignment of a permit is not an extension of a permit. (BYLAW 13791)

- (7) The review of plans and supporting documents and issuance of a permit do not prevent the Building Inspector from thereafter requiring the correction of errors in those plans and supporting documents, or from prohibiting building construction or occupancy being carried on when in violation of this or any other bylaw or enactment.

## **5. RESPONSIBILITIES OF THE OWNER**

- (1) Every owner to whom or to whose agent a permit is issued shall ensure that all construction complies with the Building Code, this Bylaw and any other applicable bylaws or enactments.
- (2) Every owner to whom or to whose agent a permit is issued shall pay for the cost of repair of any damage to City property or works that occurs in the course of the work authorized by the permit.
- (3) Every owner to whom or to whose agent a permit is issued shall during construction:
  - (a) keep a copy of the reviewed designs, plans and specifications on the property;
  - (b) post the civic address on the property in a location visible from any adjoining streets, and
  - (c) provide adequate permanent or portable washroom facilities on the construction site until the construction is complete.
- (4) Every owner shall obtain, prior to the occupancy of a building or part thereof, written permission from the Building Inspector to occupy the building or part thereof, pursuant to section 22.

## **6. NO WARRANTY OR REPRESENTATION**

- (1) Neither the issuance of a permit under this Bylaw, the review of the design, drawings, plans or specifications, nor inspections made by the Building Inspector, shall constitute a representation or warranty that the Building Code or this Bylaw have been complied with or that the building or structure meets any standard of materials or workmanship, and no person shall rely on any of those acts as establishing compliance with the Building Code or this Bylaw or any standard of construction.

## **7. GENERAL PROHIBITIONS**

- (1) No person shall commence or continue construction or change the occupancy of any building, structure or part thereof, unless the Building Inspector has issued a permit for the construction and that permit remains in force.
- (2) No building or structure shall be constructed except in conformity with the requirements of the Building Code and this Bylaw.

- (3) No person shall occupy or use any building, structure or part thereof unless a valid and subsisting occupancy certificate has been issued by the Building Inspector for the building, structure or part thereof, or contrary to the terms of any permit issued or any notice given by the Building Inspector.
- (4) No person shall, unless authorized in writing by the Building Inspector, reverse, alter, deface, cover, remove or in any way tamper with any notice, permit or certificate posted upon or affixed to a building, structure or part thereof pursuant to this Bylaw.
- (5) No person shall commence or continue any construction that is substantially at variance with the reviewed design, plans or specifications of a building, structure or part thereof or other works for which a permit has been issued, unless that variance has been accepted in writing by the Building Inspector.
- (6) No person shall obstruct the entry of the Building Inspector or other authorized employee of the City onto any land or into any building or structure in the administration of this Bylaw.
- (7) No person shall knowingly submit false or misleading information to the Building Inspector in relation to any permit application or construction undertaken pursuant to this Bylaw.
- (8) No person shall commence or continue any construction on or to, or change the occupancy of an existing building or structure unless that existing building or structure is brought into compliance with the Building Code.
- (9) No person shall change, modify or alter drawings or specifications reviewed by the City as a condition of a permit without authorization from the Building Inspector.  
(BYLAW 13791)
- (10) No person shall undertake any construction, the architectural design of which would in the determination of the Building Inspector, not be compatible with other buildings or structures in the area in which it is proposed to be erected or moved.
- (11) No person shall commence or continue any construction in respect of which a permit is required under any other bylaw unless a permit is obtained under that bylaw.
- (12) No person shall commence or continue any construction when that construction has been suspended by the Building Inspector, without first obtaining permission in writing from the Building Inspector to do so.

## **8. ROLE OF THE BUILDING INSPECTOR**

- (1) The Building Inspector:
  - (a) may administer this Bylaw;

- (b) may keep records of permit applications, permits, notices and orders issued, inspections and tests made, and copies of documents related to the administration of this Bylaw on microfilm or in an acceptable electronic format;
- (c) may establish, or direct the owner to establish, by tests, at the owner's expense, whether methods or types of construction, and types of materials, devices or assemblies used in the construction of a building or structure substantially conform to the requirements of the Building Code;
- (d) may require that tests be carried out in accordance with recognized standard test methods or in the absence of such standard test methods, may specify the test procedure to be followed. A copy of the results of such tests shall be provided to the Building Inspector and also kept available on-site during the construction of the building or structure;
- (e) may require the owner to uncover and replace at the owner's expense any construction that has been covered without inspection contrary to this Bylaw or an order issued by the Building Inspector;
- (f) may enter any land, building or structure at any reasonable time for the purpose of ascertaining that the requirements of this Bylaw are being observed, or if the Building Inspector has any reason to believe that an unsafe condition exists;
- (g) may order in writing the correction of any construction that is being or has been done in contravention of this Bylaw.
- (h) may, where application is made for a permit to construct non-market housing for families or persons of low income, persons suffering from a disability or with special needs or seniors, operated on a not-for-profit basis, defer payment of the permit fees payable under this Bylaw until the earlier of:
  - (a) the date which is 24 months after the date upon which the permit for the construction is issued; of the building
  - (b) the date upon which an occupancy certificate for the building is issued;and on such terms and conditions as the Building Inspector may require.

## 9. APPLICATION REQUIREMENTS

- (1) The owner shall apply for and obtain a permit:
  - (a) prior to the construction of a building or structure, or part thereof;
  - (c) prior to the construction of a masonry fireplace or the installation of a wood burning appliance or chimney unless the works are included in an existing valid permit;

- (d) prior to the installation of a forced air heating system in a single-family dwelling, two-family dwelling or any other residential use building with an individual self-contained forced air heating system for each dwelling unit.
- (2) An application for a permit shall:
- (a) be made in the form as prescribed by the Building Inspector;
  - (b) be accompanied by the fee for a permit application specified in the Burnaby Planning and Building Fees Bylaw; (BYLAW 13791)
  - (c) be signed by the owner or agent, or a signing officer if the owner or agent is a corporation;
  - (d) include plans bearing the name and address of the designer of the building or structure;
  - (e) state the intended use or uses of the building or structure, or part thereof;
  - (f) when required by the Building Inspector, include a minimum of two complete sets of plans conforming to requirements set out in the Building Code, drawn to scale, and include supporting documents for the building, structure, or part thereof, to be constructed and shall indicate the nature and extent of the work or proposed construction;
  - (g) be accompanied by the owner's acknowledgement of responsibility and undertaking in the form set out in Schedule "F" signed by the owner, or a signing officer if the owner is a corporation;
  - (h) contain other information required by the Building Inspector or the Building Code to establish substantial compliance with this Bylaw, the Building Code and any other applicable enactments relating to the building or structure;
    - i) in the case of a factory-built building or building components, be accompanied by:
    - (iii) a design certificate of a professional engineer registered in the Province of British Columbia, and
    - (ii) certification that the fabrication and field assembly or erection of the building or components has been reviewed by a professional engineer registered in the Province of British Columbia and found to be in substantial compliance with the Building Code and any other applicable enactments;
  - (j) in the case of a forced air heating system, be accompanied by proof:



- (i) of design by a professional engineer registered in the Province of British Columbia; or
  - (ii) that the designer and installer of the system has the “Quality First” course certification or other certification in the design and installation of forced air heating systems approved by the Building Inspector.
- (3) The Building Inspector may require an application for a permit to:
  - (a) include a copy of a Land Title Office search of the land made within 30 days of the date of the application;
  - (b) include a current posting and topographic survey of the land prepared by a land surveyor registered in the Province of B.C.;
  - (c) include a statutory declaration outlining the purpose for which the building, structure, or part thereof, is to be used.
- (4) An application for a permit may be refused when:
  - (a) any of the requirements of subsections (2) or (3) have not been satisfied;
  - (b) the proposed construction would contravene the requirements of the Building Code or the provisions of this or any other bylaw of the City;
  - (c) the applicant or owner has been notified of a violation of this or any other bylaw of the City with regard to the construction, occupancy or use of any building, structure or part thereof, and such violation has not been remedied.
- (5) The Building Inspector may cancel an application if the permit has not been issued after 30 days of the date of written notification of intent to cancel has been provided to the owner.
- (6) When an application is cancelled under subsection (5):
  - (a) the application fee is forfeited to the City; and
  - (b) the plans and related documents submitted with the application may be destroyed.

## **9A. ENERGY STEP CODE**

- (1) A building regulated by Part 3 of the Building Code and containing residential, business and personal services or mercantile occupancies, as defined in the Building Code, shall be designed and constructed to meet the minimum performance requirements specified in Step 1 of the Energy Step Code. (BYLAW 13978)

- (2) A building regulated by Part 9 of the Building Code and containing residential occupancies, as defined in the Building Code, shall be designed and constructed to meet the minimum performance requirements specified in Step 1 of the Energy Step Code. (BYLAW 14038)

## **10. ALTERNATIVE SOLUTIONS**

- (1) An owner who wishes to provide alternative solutions to satisfy one or more of the requirements of the Building Code or this Bylaw must submit sufficient evidence to demonstrate that the proposed alternative solutions will provide the level of performance required by the Building Code or this Bylaw and pay the fee specified in the Burnaby Planning and Building Fees Bylaw. (BYLAW 13791)

## **11. PROFESSIONAL DESIGN AND FIELD REVIEW**

- (1) The owner shall obtain the design and field review services of a registered professional in respect of a permit when required by the Building Code and for:
  - (a) a building or structure in respect of which the Building Inspector considers that the site conditions, size or complexity of a building or a group of buildings or an aspect of a building or buildings so warrant;
  - (b) the building envelope for all buildings where required under section 12; and
  - (c) a retaining wall:
    - (i) that is greater than 1.2 m (3.94 ft.) in height; or
    - (ii) that is part of a group of two or more terraced retaining walls, any of which is greater than 1.2 m (3.94 ft.) in height; or
    - (iii) that is terraced at a ration steeper than 1 to 1 vertical to horizontal with an adjacent retaining wall; or
    - (iv) that is part of a group of two or more terraced retaining walls, where the average slope of the entire group of terraced retaining walls is steeper than the ratio of 1 to 1 vertical or horizontal; or
    - (v) in respect of which the Building Inspector considers that the site conditions, size or complexity of the design or construction of the retaining wall or group of retaining walls or an aspect of the retaining wall or group of retaining walls, so warrant to ensure the safety and protection of persons, the property or adjacent properties.

(BYLAW 14171)

- (2) Where the services of a registered professional are required under subsection (1), the registered professional shall provide design and field review supported by Letters of Assurance in the form prescribed in the Building Code and Schedules “E-1” and “E-2” for building envelopes.
- (3) Letters of assurance provided under subsection (2) will be relied upon by the City and the Building Inspector as certification that the design, plans and construction to which the letters of assurance relate comply with applicable requirements of the Building Code, this Bylaw and any other applicable enactments.
- (4) Where a permit is issued based on letters of assurance provided pursuant to this Section 11, the permit fees are reduced by an amount set out in the Burnaby Planning and Building Fees Bylaw. (BYLAW 13791)

## **12. BUILDING ENVELOPE PROFESSIONAL**

- (1) In addition to, and without limiting any other provisions of this Bylaw, the construction of residential use buildings, except individual single family and two family dwellings, shall comply with this section.
- (2) The design of the building envelope of a building shall be reviewed and approved by a building envelope professional in compliance with the responsibilities for Enhanced Building Envelope Services, as established by the Architectural Institute of B.C. and the Association of Professional Engineers and Geoscientists of B.C.
- (3) The field review of the construction of the building envelope of a building shall be conducted by a building envelope professional in compliance with the responsibilities for Enhanced Building Envelope Services, as established by the Architectural Institute of B.C. and the Association of Professional Engineers and Geoscientists of B.C.
- (4) The application for a permit for the construction of a building shall be accompanied by a letter from a building envelope professional in the form set out in Schedule “E-1”.
- (5) The application for an occupancy certificate for, or the final inspection of the construction of, a building shall be accompanied by a letter from a building envelope professional in the form set out in Schedule “E-2”.

## **13. VALUATION FOR PERMIT**

- (1) The valuation of construction set out in the application for a permit shall be the total current monetary worth of all construction or work related to the building or structure, and shall include:
  - (a) site preparation and civil work including excavation and the use of hoisting, pile driving, compaction or erection devices;

- (b) all design documents, labour and fees involved in the design, investigative testing, consulting services, construction labour and management, even if provided by the owner, or donated voluntarily by others, contractor's profit and overhead, sales taxes and construction insurance; and
  - (c) all mechanical, electrical, plumbing, drainage and gas installations necessary for the carrying out of the construction to its completed form.
- (3) The Building Inspector may place a value on the construction or work for the purpose of determining applicable permit fees by using an appropriate method from the "Marshall Valuation Services" publication with the updated "current cost multipliers," and "current Multipliers for Vancouver Regional Costs" or such other universal source of calculating valuation as the Building Inspector deems reasonable, practical and expedient.

#### **14. FEES AND CHARGES**

- (1) In addition to fees and charges required to be paid under any other bylaws, a permit fee, calculated in accordance with the Burnaby Planning and Building Fees Bylaw shall be paid in full upon issuance of any permit under this Bylaw. (BYLAW 13791)
- (2) The permit fee shall be doubled for every permit application where construction has started before the permit is issued.
- (3) If construction has advanced without inspection to a stage where compliance with this Bylaw or other applicable bylaws or enactments cannot be readily determined, the Building Inspector may require tests and investigations by an independent agency at the owner's expense to establish compliance, or provide recommended remedial measures to be taken, prior to the issuance of a permit.
- (4) The application fee shall be credited against the permit fee when the permit is issued.
- (5) The Building Inspector may approve a refund of an application fee or portion thereof under subsection (6) only if plan checking has not commenced.  
No refund shall be payable on an expired permit or on a permit for which an extension has been granted.
- (6) An owner may apply for a refund of the permit fee or a portion thereof calculated in accordance with the Burnaby Planning and Building Fees Bylaw when a permit is surrendered and cancelled if: (BYLAW 13791)
  - (a) the owner has submitted a written request for a refund to the Chief Building Inspector;
  - (b) the permit has not expired or been extended regardless of whether the work has started or not; and

- (c) the Building Inspector has determined that no construction has commenced and no inspection has been made.

No refunds will be given for permit extension fees. All refunds will be paid to the owner or as directed by the owner in writing.

- (7) Where an owner proposes modifications to the building design, the owner shall pay an additional permit fee based on the greater of the regular rates or the plan review hourly rate as set out in the Burnaby Planning and Building Fees Bylaw. (BYLAW 13791)
- (8) Where, as a result of non-compliance with this Bylaw, additional inspections are necessary when one inspection is normally required, for each inspection after the first inspection, a re-inspection charge as specified in the Burnaby Planning and Building Fees Bylaw shall be paid by the owner before any further inspections are carried out by the Building Inspector. (BYLAW 13791)
- (9) The owner shall pay the fee specified in the Burnaby Planning and Building Fees Bylaw where: (BYLAW 13791)
  - (a) the owner requests an inspection which cannot be carried out during the City's normal business hours;
  - (b) the owner requests a voluntary inspection during the City's normal business hours to establish the condition of a building structure or for provisional occupancy' (BYLAW 13791)
  - (c) an inspection requires special arrangements because of length of time, frequency of visits, location, construction techniques or other reasons; and (BYLAW 13791)
  - (d) an inspection is required for a strata title subdivision application. (BYLAW 13791)
- (10) Any person requesting confirmation of occupant load for liquor licence related purposes shall pay the fees specified in the Burnaby Planning and Building Fees Bylaw. (BYLAW 13791)
- (11) Except as otherwise provided in this Bylaw, all fees and charges paid or payable under this Bylaw shall be non-refundable. (BYLAW 13791)

## 15. REFUSAL TO ISSUE PERMIT

- (1) The Building Inspector may refuse to issue a permit where:

- (a) the proposed construction will contravene the requirements of the Building Code or the provisions of this or any other bylaw of the City;
- (b) the applicant or owner has been notified of a violation of this or any other bylaw of the City with regard to the construction, occupancy or use of any building, structure or part thereof, and such violation has not been remedied;
- (c) the results of the tests referred to in sections 8(1)(c) and 8(1)(d) are not satisfactory to the Building Inspector;
- (d) the parcel referred to in the permit application does not have:
  - (i) vehicular access;
  - (ii) service to the parcel boundary from a City water distribution system of sufficient size and capacity to supply the water required under enactments for potable domestic use and fire protection services; or
  - (iii) service to the parcel boundary by City sanitary and storm sewers or combined sewer system or approval for the installation of an alternative disposal system;
- (e) the application is in whole or in part for unfinished construction approved under an earlier permit that has since expired.

## 16. ISSUANCE OF PERMIT

- (1) Each building, structure or part thereof constructed on a site requires a separate permit and shall be assessed a separate permit fee based on the value of that building, structure or part thereof.
- (2) The Building Inspector shall issue the permit for which the application is made when:
  - (a) a completed application in compliance with this Bylaw, including all required supporting documentation, has been submitted;
  - (b) the owner or the owner's agent has paid all of the required fees;
  - (c) the owner or the owner's agent has paid all charges and met all applicable requirements imposed by any other applicable bylaw;
  - (d) the owner has deposited a cash damage deposit in the sum specified in the Burnaby Planning and Building Fees Bylaw to guarantee payment to the City for all damage to City property unless the deposit is reduced or waived by the Building Inspector in his or her sole discretion; (BYLAW 13791)
  - (e) the owner has paid the public works or property damage inspection fee specified in the Burnaby Planning and Building Fees Bylaw; (BYLAW 13791)

- (f) the proposed work set out in the application conforms with the Building Code, this Bylaw and all other applicable bylaws and enactments; and
- (g) no enactment or covenant or agreement in favour of the City authorizes or requires the permit to be withheld.

## 17. PARTIAL PERMITS

- (1) The Building Inspector may issue a permit to excavate land in preparation for the construction of a building or structure.
- (2) The Building Inspector may issue a permit for a portion of a building or structure before the design, plans and supporting documents for the entire building or structure have been reviewed provided sufficient information has been provided to the City to demonstrate to the Building Inspector that the portion authorized to be constructed substantially complies building or structure has been paid. Notwithstanding the issuance of the permit, the requirements of this Bylaw shall apply to the remainder of the building or structure as if the permit for the portion of the building or structure had not been issued.
- (3) When a site has been excavated under a permit to excavate issued pursuant to subsection (1) and a further permit is not subsequently issued or a subsisting permit has expired, but without the construction of the building or structure having commenced, the owner shall fill in the excavation to restore the original gradients of the site within 60 days of being given notice by the Building Inspector to do so.

## 18. PERMIT EXPIRATION

- (1) Every permit is issued upon condition that the permit shall expire and the rights of the owner under the permit shall terminate if:
  - (a) the work authorized by the permit is not started within 90 days from the date the permit is issued unless extended under section 19;
  - (b) the work is discontinued or suspended for a period of more than 90 days from the date of the last inspection by the Building Inspector;
  - (c) work associated with a single or two family dwelling requiring a permit is started and not completed within two years of the original date of the permit or such lesser period of time as the Building Inspector may specify in the permit; or
  - (d) work other than as described in subsection (1)(c) and requiring a permit is started and not completed within two years of the original date of the permit or such lesser period of time as the Building Inspector may specify in the permit.

- (2) Where a permit has expired under subsection (1), the work shall cease and the construction shall be removed.
- (3) Where two or more permits are issued pursuant to section 17 for excavation in preparation of the building or structure or for a portion or portions of a building or structure, all such permits shall expire two years after the date of issuance of the first of the permits issued.

## **19. EXTENSION OF PERMIT**

- (1) Where construction has not commenced within 90 days from the date the permit was issued, the Building Inspector may extend the permit for a period not more than 90 days from the date of expiry of the original permit, but the permit shall then be void if construction has not started within 180 days from the original date of the issuance of the permit.
- (2) Where construction has commenced and has not been discontinued or suspended for a period of more than 90 days, the Building Inspector may extend the expiry date for the permit for such period of time as the Building Inspector considers reasonable, where the Building Inspector is satisfied that there exists a reasonable excuse for the delay in completing construction.
- (3) Application for the extension of a permit shall be made prior to the date of permit expiration.
- (4) The fee specified in the Burnaby Planning and Building Fees Bylaw shall be paid for the granting of a permit extension under this section. (BYLAW 13791)

## **20. REVOCATION OF PERMIT**

- (1) The Building Inspector may revoke a permit where:
  - (a) there is a violation of any condition under which the permit was issued;
  - (b) there is a violation of any provision the Building Code, this Bylaw or any other bylaw of the City;
  - (c) the permit was issued in error;
  - (d) the permit was issued on the basis of false or incorrect information; or
  - (e) the results of any tests carried out pursuant to section 8 are not satisfactory to the Building Inspector.
- (3) The Building inspector shall send a written notice of the permit revocation to the permit holder.



## 21. INSPECTIONS

- (1) In addition to field reviews required by subsection (2), the owner, or the owner's agent, shall give not less than 24 hours' notice to the City when requesting an inspection and shall obtain an inspection and receive acceptance of the Building Inspector of the following aspects of the construction prior to concealing it:
  - (a) the foundation and footing forms when complete, but before concrete is poured therein. Prior to approval of the forms, a licenced British Columbia Land Surveyor's certificate may be required to determine the location or elevation of the forms on-site;
  - (b) the forms for the floor slab, vapour barrier, perimeter insulation on the inside of concrete foundation walls, reinforcing steel, heating ductwork or pipes for radiant heat when complete, but prior to the placing of concrete. Plumbing located below the finished slab level must be inspected and approved prior to this inspection;
  - (c) the framing, sheathing, fire-stopping, bracing, chimney and duct-work, rough wiring, gas venting and rough plumbing when complete but before the insulation, or other interior finish which would conceal such work, is applied;
  - (d) the insulation and the vapour barrier when in place;
  - (e) the building or structure when substantially complete and ready for occupancy, but before occupancy of the whole or part of the building or structure takes place.
- (2) When a registered professional provides letters of assurance under this Bylaw, the City will rely on field reviews undertaken by the registered professional and the letters of assurance submitted as certification that the construction conforms to the design, and that the construction complies with the Building Code, this Bylaw and any other applicable enactments.
- (3) Notwithstanding subsections (1) and (2), the Building Inspector may attend on site from time to time during the course of construction to ascertain whether:
  - (a) the provisions of the Building Code, this Bylaw, any other bylaws of the City and any other applicable enactments are being complied with; and
  - (b) the required field reviews are taking place, and to monitor the field reviews by the registered professional.

## 22. OCCUPANCY CERTIFICATES

- (1) Except as provided in subsection (5), no person shall occupy a building or structure or part thereof until an occupancy certificate has been issued by the Building Inspector in the form set out in Schedule "C" for:

- (a) the first occupancy of a building or structure or part thereof after completion of construction; or
  - (b) any change in class of occupancy of any building or structure or part thereof.
- (2) An occupancy certificate shall only be issued when:
- (a) all letters of assurance have been submitted when required under the Building Code or this Bylaw; and
  - (b) all aspects of the work requiring inspection and an acceptance pursuant to section 21 have both been inspected and accepted.
- (3) The Building Inspector may withhold an occupancy certificate until the building, structure or part thereof complies with this Bylaw, the Building Code and any other applicable bylaws or enactments.
- (4) Where any of the requirements for life and fire safety have been deemed to be satisfied by an equivalency pursuant to provisions of the Building Code, the owner shall submit to the Building Inspector, prior to use or occupancy of the building or structure, certification from the registered professional responsible for the equivalency, that the construction substantially complies with the requirements set out in the equivalency report.
- (5) The Building Inspector may issue an approval for provisional occupancy of a building, structure or part thereof when the building, structure or part thereof is self-contained, substantially complete with respect to the health and safety requirements of this Bylaw, the Building Code and other applicable bylaws and enactments, and the requirements of subsection (2) have been satisfied.
- (6) The owner shall ensure that no unsafe condition exists or will exist resulting from work being undertaken or not completed.
- (7) The Building Inspector may revoke an approval for provisional occupancy for failure to comply with any conditions of the approval.

### **23. CONDITIONS TO MOVE A BUILDING**

- (1) No person shall move a building or structure into or within the City without first making an application under section 9 establishing compliance with section 7(10) for design compatibility, and obtaining a permit.
- (2) The Building Inspector may issue a permit for construction involved in the moving of any building, structure or part thereof into or within the City when the owner has:
- (a) deposited with the City a security deposit in the sum of \$10,000.00 in the form of cash or a letter of credit to insure that the building, structure or part thereof is moved onto the new parcel within the City and all construction is completed as required by this Bylaw within 120 days from the date of issuance of the permit; and

- (b) paid for and obtained a moving permit from the City's Director Engineering and provided to the City:
  - i) proof of public liability and property damage insurance in the all-inclusive limits of \$5,000,000.00 to insure against damage or injury arising out of the moving of the building, structure or part thereof;
  - ii) cash or a letter of credit in the sum of \$5,000.00 to pay for all damage to City property of every kind howsoever caused or occasioned by the moving of the building, structure or part thereof;
  - iii) written approval of the Chief of Police of the Burnaby Detachment of the R.C.M.P., approving the date, time, and route of moving the building, structure or part thereof; and
  - iv) a copy of the notice to the utility companies having overhead wires along the route, informing them of the date, time and route of moving the building, structure or part thereof.
- (3) If the owner does not move the building, structure or part thereof for which a permit is issued and complete construction within the time specified in subsection (2)(a), the Building Inspector may notify the owner in writing and direct the owner to complete that work within 30 days from the date of the notice. If the work is not completed within the 30 days, the security deposit shall be forfeited to the City.
- (4) A permit may only be issued under this section where the application is made more than 30 years after the building, structure or part thereof was constructed, if the Building Inspector is of the opinion that the building, structure or part thereof is in satisfactory structural condition and appearance.

## 24. ORDERS AND NOTICES

- (1) The Building Inspector may issue such written notices or orders as the Building Inspector considers necessary to inform the owner of a contravention of this Bylaw.
- (2) A notice or order shall state the nature of the contravention and the date or phase of construction before which the contravention must be remedied.
- (3) A copy of the notice or order shall be sufficiently served if mailed to the owner at the address appearing on the records of the Assessment Authority of British Columbia for the parcel to which the notice or order relates.
- (4) The Building Inspector may order the suspension of any construction or work that is proceeding in contravention of the Building Code, this Bylaw or any other bylaw of the City by posting a "Notice of Suspension" in the form set out in Schedule "H".

- (5) The owner of land on which a “Notice of Suspension” has been posted, and every other person, shall cease all construction work immediately and shall not restart construction or work until the provisions of the Building Code, this Bylaw or any other bylaw of the City have been complied with and the “Notice of Suspension” has been rescinded by the Building Inspector.
- (6) The owner shall within 48 hours of the posting of a “Notice of Suspension” under subsection (4) secure the construction and the lands and premises surrounding the construction in compliance with the safety requirements of every statute, regulation or order of the Province of British Columbia or any of its agencies.
- (7) Where a person occupies a building, structure or part thereof in contravention of section 7(3), the Building Inspector may post a “Do Not Occupy” notice in the form set out in Schedule “G” on the occupied part of the building or structure.
- (8) Every person occupying a building structure or part thereof on which a “Do Not Occupy” notice has been posted, shall cease occupancy of the building, structure or part thereof immediately and shall refrain from further occupancy until the provisions of the Building Code and this Bylaw have been complied with and the “Do Not Occupy” notice has been rescinded in writing by the Building Inspector.
- (9) Every person to whom an order is issued pursuant to this Section shall comply with that order.

## **25. PENALTIES AND ENFORCEMENT**

- (1) Every person who contravenes any provision of this Bylaw commits an offence punishable on summary conviction and shall be liable to a fine of not more than \$10,000.00 in addition to the cost of prosecution, or to imprisonment for not more than six months, or both.
- (2) Every contravention of this Bylaw that continues for more than one day constitutes a separate offence for each day that it continues.

## **26. UNSAFE CONDITIONS**

- (1) If the supply of electricity or natural gas to a building has been disconnected due to a hazardous or potentially hazardous situation existing in the building or structure or part thereof, the supply of electricity or natural gas to the building or structure shall not be re-connected, the building shall not be occupied, and the Building Inspector may withhold a permit to re-connect the supply of electricity or natural gas to the building or structure until:
  - (a) the owner has applied to the Building Inspector for a special safety inspection pursuant to this Section and has paid the fee specified in the Burnaby Planning and Building Fees Bylaw; (BYLAW 13791)

- (b) the building, structure or part thereof has been inspected by the Building Inspector and, if considered necessary by the Building Inspector, by the City Fire Chief for compliance with this Bylaw and any other bylaws or Provincial statutes or regulations relating to building, electrical, gas or fire safety;
- (c) the owner has obtained permits required to carry out the works necessary to bring the building, structure or part thereof into compliance with the bylaws, statutes, and regulations referred to in subsection (1)(b); and
- (d) all of the works referred to in subsection (1)(c) have been completed and the building or structure has been brought into compliance with the bylaws, statutes and regulations referred to in subsection (1)(b).

**27. SEVERABILITY**

- (1) The provisions of this Bylaw are severable and the invalidity of any section or part of this Bylaw shall not affect the validity of the remainder of this Bylaw.

**28. SCHEDULES (BYLAW 13791)**

- (1) Schedules “A” through “H” attached to this Bylaw form a part of this Bylaw:

- Schedule A - Repealed
- Schedule B - Repealed
- Schedule C - Certificate of Occupancy of a Building
- Schedule D - Repealed
- Schedule E-1 - Commitment for Building Envelope Professional Review
- Schedule E-2 - Completion of Building Envelope Professional Review
- Schedule F - Owner(s) Undertaking
- Schedule G - Do Not Occupy
- Schedule H - Notice of Suspension

**29. REPEAL OF EXISTING BYLAW**

- (1) Bylaw No. 11729, being the Burnaby Building Bylaw 2004, is repealed.

**30. EFFECTIVE DATE**

(1) This Bylaw comes into force and effect on January 1, 2017.

Read a first time this 24<sup>th</sup> day of October 2016

Read a second time this 24<sup>th</sup> day of October 2016

Read a third time this 24<sup>th</sup> day of October 2016

Reconsidered and adopted this 7<sup>th</sup> day of November 2016

MAYOR

CLERK

**SCHEDULE "A"**  
**SCHEDULE OF BUILDING PERMIT AND INSPECTION FEES**  
Repealed (BYLAW 13791)

**SCHEDULE "B"**  
**REFUND OF BUILDING PERMIT AND INSPECTION FEES**  
Repealed (BYLAW 13791)

**SCHEDULE "C"**

**CITY OF BURNABY**

4949 Canada Way  
Burnaby, BC V5G 1M2

**CERTIFICATE OF OCCUPANCY**  
**OF A BUILDING**

ISSUE PURSUANT TO SECTION 22 of BYLAW NO. \_\_\_\_\_

ADDRESS OF BUILDING:

ZONING:

LEGAL DESCRIPTION:

APPROVED OCCUPANCY:

The building constructed under the authority of Building Permit No. \_\_\_\_\_ may now be occupied.

It is unlawful to change the class of occupancy of any building or part thereof without first obtaining an occupancy permit from the Building Inspector.

CHIEF BUILDING INSPECTOR

PER: \_\_\_\_\_

DATE: \_\_\_\_\_

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**SCHEDULE “D”**  
**SCHEDULE OF DAMAGE DEPOSITS AND INSPECTION FEES**  
Repealed (BYLAW 13791)



**BURNABY BUILDING BYLAW**

**SCHEDULE E-1**

Building Permit No.<sup>1</sup>

**ASSURANCE OF BUILDING ENVELOPE PROFESSIONAL DESIGN  
REVIEW AND COMMITMENT FOR ENHANCED FIELD REVIEW**

- Notes:
1. This letter must be submitted prior to issuance of a building permit.
  2. In this letter the words in italics have the same meaning as in the British Columbia Building Code and the Burnaby Building Bylaw.

To: The *Building Inspector*

RE: \_\_\_\_\_  
Address of Project (Print)

The undersigned *Building Envelope Professional* has been retained with respect to the above referenced project, and gives a commitment of responsibility for *Building Envelope Professional* design review and enhanced *field review* for components and assemblies as required in Sections 5.4, 5.5 and 5.6 in Part 5 of Division B, of the British Columbia Building Code, and as the *Building Envelope Professional* in their professional discretion considers to be necessary, for the project designed by,

\_\_\_\_\_  
Name of *registered professional of record* signing for 'Architectural' components of Schedule B letter (Print)

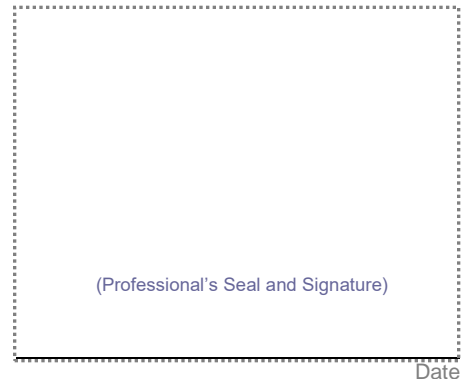
who is providing the *Building Inspector* with the Schedule B 'ASSURANCE OF PROFESSIONAL DESIGN AND COMMITMENT FOR FIELD REVIEW' letter covering 'Architectural' components. The undersigned will sign and provide copies of all reports to the *registered professional of record* responsible for 'Architectural' components, and copies of these reports shall also be available on site for review by the City of Burnaby Building Inspector. The undersigned undertakes to notify the *Building Inspector* in writing as soon as practical if their contract is terminated at any time.

\_\_\_\_\_  
*Building Envelope Professional's Name* (Print)

\_\_\_\_\_  
Address (Print)

\_\_\_\_\_  
City (Postal Code)

\_\_\_\_\_  
Telephone (\_\_\_\_) \_\_\_\_\_



(If the *Building Envelope Professional* is a member of a firm, complete the following.)

I am a member of the firm; \_\_\_\_\_ and I sign this letter on behalf of the firm.  
(Print Name of Firm)

NOTE: The above letter must be signed by a *Building Envelope Professional* defined herein as an architect (member of the Architectural Institute of BC) or a professional engineer (member of the Association of Professional Engineers and Geoscientists of BC), who is competent by virtue of education and experience to provide Enhanced Building Envelope Services and whose practice is focussed accordingly. The Burnaby Building Bylaw defines the education and experience as having:

- completed a program in building envelope studies offered or endorsed by that Institute or that Association.
- not less than five (5) years of previous working experience in the design of building envelopes and *field review* of building envelope construction.
- not less than one (1) year of previous working experience in the design of building envelopes and *field review* of building envelope construction in the Province of British Columbia.

Enhanced *field review* is defined as *field review* supplementary to that undertaken by the *registered professional of record* who signed for the "Architectural" components of the Schedule B. Enhanced *field review* requires that the *Building Envelope Professional* performs reviews of sufficient frequency and extent at the discretion of the *Building Envelope Professional* in order to ascertain whether the work substantially complies in all material respects to Sections 5.4, 5.5 and 5.6 in Part 5 of Division B of the British Columbia Building Code.

\_\_\_\_\_  
CRP's Initials

<sup>1</sup> For Building Official's use only

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**BURNABY BUILDING BYLAW**

**SCHEDULE E-2**

Building Permit No.<sup>1</sup>

**ASSURANCE OF BUILDING ENVELOPE PROFESSIONAL  
ENHANCED FIELD REVIEW**

- Note:
1. This letter must be submitted after completion of the project but prior to official occupancy.
  2. In this letter the words in italics have the same meaning as in the British Columbia Building Code and the Burnaby Building Bylaw.

To: The *Building Inspector*

RE: \_\_\_\_\_  
Address of Project (Print)

I have fulfilled my obligations for *Building Envelope Professional* design review and enhanced *field review* as per my previously submitted ASSURANCE OF BUILDING ENVELOPE PROFESSIONAL DESIGN REVIEW AND COMMITMENT FOR ENHANCED FIELD REVIEW. The components and assemblies of the project reviewed substantially comply with Sections 5.4, 5.5 and 5.6 in Part 5 of Division B, of the British Columbia Building Code, and with the plans and supporting documents, including all amendments thereto, which were accepted by the City of Burnaby in support of the application for the building permit.

\_\_\_\_\_  
*Building Envelope Professional's Name* (Print)

\_\_\_\_\_  
Address (Print)

\_\_\_\_\_  
City (Postal Code)

Telephone (\_\_\_\_) \_\_\_\_\_



(Professional's Seal and Signature)

\_\_\_\_\_  
Date

(If the *Building Envelope Professional* is a member of a firm, complete the following.)

I am a member of the firm; \_\_\_\_\_ and I sign this letter on behalf of the firm.  
(Print Name of Firm)

NOTE: The above letter must be signed by a *Building Envelope Professional* defined herein as an architect (member of the Architectural Institute of BC) or a professional engineer (member of the Association of Professional Engineers and Geoscientists of BC), who is competent by virtue of education and experience to provide Enhanced Building Envelope Services and whose practice is focussed accordingly. The Burnaby Building Bylaw defines the education and experience as having:

- (iv) completed a program in building envelope studies offered or endorsed by that Institute or that Association.
- (v) not less than five (5) years of previous working experience in the design of building envelopes and *field review* of building envelope construction.
- (vi) not less than one (1) year of previous working experience in the design of building envelopes and *field review* of building envelope construction in the Province of British Columbia.

Enhanced *field review* is defined as *field review* supplementary to that undertaken by the *registered professional of record* who signed for the "Architectural" components of the Schedule B. Enhanced *field review* requires that the *Building Envelope Professional* performs reviews of sufficient frequency and extent at the discretion of the *Building Envelope Professional* in order to ascertain whether the work substantially complies in all material respects to Sections 5.4, 5.5 and 5.6 in Part 5 of Division B of the British Columbia Building Code.

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**SCHEDULE “F”**

**OWNER(S) UNDERTAKING**

**Re: Property Address:** \_\_\_\_\_

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

**Building Permit # (for office use only):** \_\_\_\_\_

This undertaking is given by the undersigned, as the owner of the property described above, and in relation to the application for the building permit described above.

The Owner acknowledges that the Burnaby Building Bylaw (the “Bylaw”) regulates building construction in the City of Burnaby and, among other things, describes the responsibilities of the Owner and the role of the Building Inspector in that process.

The Owner will comply with the Bylaw and all bylaws and enactments in force in the City of Burnaby with respect to the works for which this building permit is applied for.

The Owner specifically acknowledges having reviewed Sections 1(2) and 5(1) of the Bylaw which state:

**1. PURPOSE**

- (2) This Bylaw is enacted for the purpose of regulating construction within the City in the general public interest. The activities undertaken by or on behalf of the City pursuant to this Bylaw are for the sole purpose of providing a limited and interim spot checking function for reasons of health, safety and the protection of persons and property. It is not contemplated nor intended that this Bylaw shall provide, nor shall this Bylaw be interpreted as providing:
  - (a) protection to owners, builders, constructors or any other persons from economic loss;
  - (b) the assumption by the City or the Building Inspector of any responsibility for ensuring the compliance by any owner, agent of an owner or any employees, builders, constructors or designers retained by an owner, with the Building Code, the requirements of this Bylaw or any other bylaws or enactments;
  - (c) a warranty to any person of design or workmanship or materials with respect to any building, structure or part thereof for which a permit or occupancy certificate is issued under this Bylaw;
  - (d) a warranty or assurance to any person that construction undertaken pursuant to a permit issued under this Bylaw is free from any defects, whether patent or latent.

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**5. RESPONSIBILITIES OF THE OWNER**

- (1) Every owner to whom or to whose agent a permit is issued shall ensure that all Construction complies with the Building Code, this Bylaw and any other applicable bylaws or enactments.

1) ***Owner(s) Information:***

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

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

\_\_\_\_\_

Telephone: \_\_\_\_\_ Contact Person: \_\_\_\_\_

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

2) ***Owner(s) Information:***

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

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

\_\_\_\_\_

Telephone: \_\_\_\_\_ Contact Person: \_\_\_\_\_

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

3) ***Owner(s) Information:***

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

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

\_\_\_\_\_

Telephone: \_\_\_\_\_ Contact Person: \_\_\_\_\_

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

SCHEDULE "G"

BUILDING DEPARTMENT

**DO NOT  
OCCUPY**

DATE POSTED: \_\_\_\_\_

ADDRESS OR LOCATION: \_\_\_\_\_

\_\_\_\_\_

In accordance with Subsection 7(3) of the Burnaby Building Bylaw, NO ONE SHALL OCCUPY this building or designated part of this building until the Building Inspector authorizes such occupancy.

BUILDING INSPECTOR

Per: \_\_\_\_\_

IT IS UNLAWFUL TO REMOVE OR DEFACE THIS NOTICE

# SCHEDULE "H"

PLANNING & BUILDING DEPARTMENT  
OFFICE OF THE CHIEF BUILDING INSPECTOR

## NOTICE OF SUSPENSION

### TO WHOM IT MAY CONCERN:

All work on the building whereon this notice is posted is suspended by order of the Building Inspector, pursuant to Subsection 24.(4) of the Burnaby Building Bylaw. Particulars may be obtained at the above office in Burnaby City Hall, 4949 Canada Way, Burnaby, BC, V5G 1M2.

Any person who fails to comply with this order will be guilty of an offence and may be subject to penalties, as outlined in Section 25 of the Burnaby Building Bylaw.

### ADDRESS OF SUSPENSION

\_\_\_\_\_ BURNABY, BC

### REASON FOR SUSPENSION

#### CONSTRUCTION WITHOUT PERMIT

Burnaby Building Bylaw #: \_\_\_\_\_ (Section \_\_\_\_\_)

#### DEVIATION FROM APPROVED PLAN

Burnaby Building Bylaw #: \_\_\_\_\_ (Section \_\_\_\_\_)

#### OTHER

Bylaw \_\_\_\_\_ Sec. \_\_\_\_\_

DATE \_\_\_\_\_ TIME \_\_\_\_\_

\_\_\_\_\_  
Building Inspector