

Cowichan Valley Regional District
Building Regulation Bylaw No. 3422

Amended up to and including Bylaw No. 4115

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NOTE: CVRD Land Use Services Department staff have made every effort to provide the most up-to-date version of this consolidated bylaw and the associated maps. Nevertheless, this document may be somewhat out of date, particularly if there are amendments underway. Persons using this consolidated bylaw text and the maps should not rely on them for legal purposes or to make important decisions.

AMENDING BYLAWS:

3797 - Schedule A (Permits and Services Fees)
4057 - Swimming Pool Regulations
4115 – Building Code Changes

April 9, 2014
September 14, 2016
April 26, 2017



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW No. 3422

A Bylaw to Adopt New Building Regulations in Electoral Areas of the Cowichan Valley Regional District

WHEREAS the *Local Government Act* and the *Community Charter* authorize the Cowichan Valley Regional District for the health, safety and protection of persons and property to regulate the construction, alteration, repair, and demolition of buildings and structures by bylaw;

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

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

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

PART 1 INTERPRETATION

1.1 CITATION

This bylaw shall be cited for all purposes as "**CVRD Bylaw No. 3422 – Building Regulation Bylaw, 2011**".

1.2 APPLICATION OF BYLAW

1.2.1 Electoral Areas

The provisions of this bylaw shall apply in all Electoral Areas of the Cowichan Valley Regional District.

1.2.2 Applicable Work and Activities

The provisions of this bylaw apply to the

- (1) design and construction of new buildings or structures,
- (2) alteration, reconstruction, demolition, deconstruction, removal and relocation of existing buildings and structures, and
- (3) change in class of occupancy of existing buildings and structures.

1.2.3 Exemptions

This bylaw does not apply to buildings or structures exempted by Part 1 of Division A of the Building Code except as expressly provided herein.

1.2.4 Application of Other Legislation

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

1.3 DEFINITIONS

1.3.1 Non-defined Terms

- (1) The definitions in the Building Code apply to words and phrases in this bylaw, unless they are defined otherwise in this bylaw.
- (2) If words or phrases used in this bylaw are not specifically defined in Section 1.3.2 herein or in the *Building Code*, *Community Charter*, *Interpretation Act* or *Local Government Act*, they have the meaning in the context of this bylaw
 - (a) that is consistent with the use to which a trade or profession affected by this bylaw applies the word or phrase, or
 - (b) if not used by a trade or profession, their ordinary meaning.

1.3.2 Definitions

In this bylaw:

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

“**Board**” means the Cowichan Valley Regional District’s Board of Directors.

“**Building**” means any structure used or intended for supporting or sheltering any use or occupancy.

“**Building Code**” means the most recent British Columbia Building Code established pursuant to the *Building Regulations of British Columbia*, as amended or re-enacted from time to time.

“**Building Official**” means a person authorized under this bylaw to administer this bylaw.

“**Community Sewer System**” means system of sewage collection and disposal operated by a regional district, municipality or improvement district.

“**CVRD**” means the Cowichan Valley Regional District.

“Farm Building” means a detached building which

- (a) does not contain a residential occupancy and is
 - (i) associated with and located on land dedicated to farming, and
 - (ii) used essentially for housing equipment or livestock, or production, storage or processing of agricultural and horticultural produce or feed,
- (b) is a stand alone barn, agricultural storage facility, greenhouse or silo located on land dedicated to farming;
- (c) does not include covered riding arenas or structures which may be used for assembly occupancies.

“Health and Safety Aspects of the Work” means design and construction regulated by Parts 3, 4, and 9 of Division B of the *Building Code*.

“Infrastructure” means storm, water and sewer systems.

“Occupancy” means the Classification of Buildings or Parts of Buildings by Major Occupancy established by section 3.1.2 of Part 3 of Division B of the *Building Code*.

“Occupancy Certificate” means a form referred to in section 2.6 of this bylaw.

“Owner” includes a person who has been authorized by the owner to act as the owner’s agent.

“Permit” means a Permit required by Sections 2.1.1 and 2.1.2 of this bylaw.

“Portable container” means a non-combustible, portable unit used for the storage or transporting of goods, and includes cargo containers, but specifically excludes dumpsters and recycling receptacles.

“Registered Professional” means a person who is

- (a) registered or licensed to practice as an architect under the *Architects Act*, or
- (b) registered and licensed to practice as a professional engineer under the *Engineers and Geoscientists Act*.

“Siting Permit” means the permit required in Section 2.3.7 for the siting of a farm building.

“Structure” means a constructed thing or portion of a constructed thing of any kind that is fixed to, supported by or sunk into land or water, but specifically excludes landscaping, fences and paving.

“Swimming pool” means any structure or construction intended primarily for recreation that is, or is capable of, being filled with water to a depth of 0.6 metres (2 feet) or more. For the purpose of this definition a hot tub shall not be considered a swimming pool;

“Work” means work or activity that is

- (a) related to the matters described in Section 1.2.2, and

- (b) regulated by this bylaw, the *Building Code*, or any other enactment applicable to the work or activity.

1.3.3 References

A reference in this bylaw to a section by its number is a reference to a section of this bylaw, unless otherwise indicated.

1.4 PURPOSE OF BYLAW

1.4.1 Interpretation

This bylaw, despite any other provision herein, shall be interpreted in accordance with this section.

1.4.2 Limited Extent of Bylaw's Purpose

This bylaw is enacted for the purpose of regulating construction within the Cowichan Valley Regional District in the general public interest. The activities undertaken by or on behalf of the Cowichan Valley Regional District pursuant to this bylaw are for the sole purpose of providing a limited spot check for health, safety, and protection of persons and property. It is not contemplated nor intended, nor does the purpose of this bylaw extend

- (1) to the protection of owners, owner/builders or constructors from economic loss;
- (2) to the assumption by the Cowichan Valley Regional District or any Building Official of any responsibility for ensuring the compliance by an owner, the owner's representatives or any employees, constructors or designers retained by the owner, with the *Building Code*, the requirements of this bylaw or any other applicable codes, enactments or standards;
- (3) to providing to any person a warranty of design or Workmanship with respect to any building or structure for which a Permit or an Occupancy Certificate is issued under this bylaw;
- (4) to providing to any person a warranty that construction is in compliance with the *Building Code*, this bylaw or any other applicable enactment with respect to any building or structures for which a Permit or Occupancy Certificate is issued under this bylaw;
- (5) to providing to any person a warranty or assurance that construction undertaken pursuant to a Permit issued by the Cowichan Valley Regional District is free from latent or any other defects.

PART 2 PERMITS, COMPLIANCE AND PERMIT FEES

2.1 GENERAL

2.1.1 A Permit is required whenever Work is to be undertaken.

2.1.2 Permits Required

Without limiting the scope of section 2.1.1, a person must apply for and obtain

- (1) a building permit before
 - (a) constructing, reconstructing, repairing or altering a building or structure,
 - (b) removing or relocating a building or structure, and
 - (c) changing an occupancy;
- (2) a plumbing permit prior to commencing the installation of any plumbing;
- (3) a fireplace and chimney permit prior to the construction of a masonry fireplace or the installation of a wood burning appliance or chimney unless the Work is encompassed by a valid and subsisting building permit;
- (4) a demolition permit before demolishing a building or structure;
- (5) a siting permit for a farm building;
- (6) a building permit to construct a retaining structure.

2.1.3 Permits Not Required

A Permit is not required in the following circumstances:

- (1) for minor repairs or alterations to non-structural components of a building;
- (2) in relation to plumbing, when a valve, faucet, fixture or service water heater is repaired or replaced, a stoppage cleared, or a leak repaired if no change to the piping is required;
- (3) for structures less than 10m² as long as they are sited in accordance with the applicable zoning bylaw;
- (4) for decks or patios where the travelled area is less than 24" from the ground;
- (5) for docks and wharves, unless the dock or wharf supports a building or structure.

2.1.4 Essential Services

A Permit must not be issued for the construction of any residential, commercial, institutional or industrial building until all of the following essential services are provided for:

- (1) *Water*: A community water service or other source of potable water, approved by the Medical Health Officer, Public Health Inspector or other authority having jurisdiction;
- (2) *Sanitary Sewer*: A community sewer or other method of sewage disposal is provided, as long as, for a sewerage system, the owner has submitted to the Building Official all documents to be filed with the Vancouver Island Health Authority as prescribed in Section 8(2) of BC Reg. 326/2004, the Sewerage System Regulation under the *Public Health Act*;
- (3) *Storm Drainage*: An approved method of storm drainage disposal is available to service the building or structure, as prescribed by section 9.14 of Part 9 of Division

B of the *Building Code*; and

- (4) *Access to Property*: A driveway of sufficient strength, grade and width for access and egress to all principal buildings by fire and emergency vehicles is provided.

2.2 COMPLIANCE

2.2.1 Owner's Responsibility for Compliance

- (1) An owner must ensure that all Work performed on the owner's land complies with the *Building Code*, this bylaw and all other enactments, codes and standards applicable to the Work.
- (2) The owner and the owner's representatives are not relieved from their full and sole responsibility referred to in section 2.1.4 by anything done or made by or on behalf of the CVRD under this bylaw, including, without limitation,
 - (a) the issuance of a Permit or Occupancy Certificate,
 - (b) the acceptance or review of plans, specifications or supporting documents, or
 - (c) inspections.

2.2.2 No Reliance on CVRD

- (1) A person must not rely upon any Permit or Occupancy Certificate as establishing compliance with this bylaw or assume or conclude that this bylaw has been administered or enforced according to its terms.
- (2) A person must not rely on the review or acceptance of the design, drawings or specifications, nor any inspection made by a Building Official as establishing compliance with the Building Code, this bylaw or any other applicable codes, enactments or standards of construction.

2.2.3 No Warranty

The issuance of a Permit or an Occupancy Certificate under this bylaw or the acceptance or review of plans, drawings or specifications or supporting documents, or any inspections made by or on behalf of the CVRD do not constitute in any way a representation, warranty, assurance or statement by the CVRD that the *Building Code*, this bylaw or any other applicable enactments, codes and standards have been complied with.

2.3 PERMIT APPLICATIONS

2.3.1 An application for a Permit must be made on the applicable form provided by the CVRD.

2.3.2 All building and structural plans submitted with Permit applications must bear the name and address of the designer of the building or structure.

2.3.3 Each building or structure to be constructed on a parcel requires a separate building permit and must be assessed a separate building permit fee based on the value of the building or structure, as determined and calculated in accordance with Schedule "A" attached to this bylaw.

2.3.4 Applications

An application for a building permit must

- (a) be signed by the owner or by a signing officer with sufficient authority to bind the corporation if the owner is a corporation;
- (b) include a copy of a title search made within 30 days of the date of the application, complete with copies of all easements, statutory rights-of-way and covenants registered on the title;
- (c) include a site plan showing:
 - (i) the bearing and dimensions of the parcel taken from the registered subdivision plan or explanatory or reference plan, or metes and bounds description;
 - (ii) the legal description or civic address of the parcel;
 - (iii) the location and dimensions of all statutory rights-of-way, easements and setback requirements in registered instruments;
 - (iv) the location and dimensions of all existing and proposed buildings or structures on the parcel;
 - (v) setbacks required to the natural boundary of any sea, lake, swamp, pond or watercourse;
 - (vi) the existing natural grade (may require BC Land Surveyor document) and the geodetic elevation of the main floor; and
 - (vii) the location, dimension and gradient of parking and driveway access.
- (d) Include a site plan prepared and certified by a British Columbia Land Surveyor, including all matters listed in sub-section (c), where the Building Official considers that the site conditions, size or complexity of the development or an aspect of the development warrants;
- (e) include floor plans showing:
 - (i) the dimensions and uses of all areas;
 - (ii) the dimensions and height of crawl and roof spaces;
 - (iii) the location, size and swing of doors;
 - (iv) the location, size and opening of windows;
 - (v) floor, wall, and ceiling finishes;
 - (vi) plumbing fixtures; structural elements; and
 - (vii) stair dimensions.
- (f) include a cross-section through the building or structure illustrating foundations, drainage, ceiling heights and construction systems and include a cross-section through the building or structure illustrating foundations, drainage, ceiling heights and construction systems;
- (g) include elevations of all sides of the building or structure showing finish details, roof slopes, windows, doors, finished grade and building height;
- (h) include cross-sectional details drawn at an appropriate scale and at sufficient locations to illustrate that the building or structure substantially conforms to the *Building Code*;
- (i) include site servicing drawings including all required storm water and site drainage works and facilities;
- (j) include copies of approvals required under any enactment relating to health or safety, including, without limitation, Sewage Disposal Permits, Highway Access Permits and Ministry of Health approval; and
- (k) include any other information required by the Building Official or the *Building Code* to establish substantial compliance with this bylaw, the *Building Code* and other bylaws and enactments relating to the building or structure.

2.3.5 Applications for Moved Buildings or Structures

- (1) If a building or structure has been moved, a Permit is required for its rehabilitation on the property to which it is moved.
- (2) Before issuing a Permit for a moved building or structure, the Building Official may require certification under Section 2.3.8 from a registered professional that the building meets the requirements of this bylaw, the Building Code and any other applicable enactment.
- (3) Factory built housing must comply with Canadian Standards Association Standard A-277 "Procedure for Certification of Factory Built Houses" or CAN/CSA Z-240 MH Series, "Mobile Homes", prior to relocation within the CVRD.

2.3.6 Retaining Structures

A registered professional shall supervise the design and construction of a retaining structure greater than 1.5 metres in height. Sealed copies of the design plan and field review reports prepared by the registered professional for all retaining structures greater than 1.5 metres in height shall be submitted to a Building Official prior to acceptance of the Work.

2.3.7 Siting Permit

A person who intends to erect or construct a farm building or portable container must

- (a) apply for a siting permit,
- (b) provide sufficient information to the Building Official that the farm building or portable container will be sited on the parcel in compliance with the setback provisions prescribed in the applicable zoning bylaw, and
- (c) note the intended use of the building or structure on the application.

2.3.8 Professional Plan Certification

- (1) If a Building Official considers that the site conditions, size or complexity of a development or an aspect of the development warrants, the Building Official may require an applicant for a building permit to provide design and plan certification and field reviews by a registered professional, supported by letters of assurance in the form of Schedules B-1, B-2 and C-B in Part 2 of Division C of the Building Code that the plans submitted with the permit application, or specified aspects of those plans, comply with the then current Building Code and other applicable enactments respecting safety.
- (2) Prior to the issuance of an Occupancy Permit under section 2.6 of this bylaw for a building where letters of assurance have been required under section 2.3.6 of this bylaw, the owner must provide the Building Official with letters of assurance in the form of Schedules C-A or C-B in Part 2 of Division C of the *Building Code*, as is appropriate.
- (3) The CVRD and its Building Officials rely solely upon the field reviews undertaken by the registered professional and the letters of assurance required and provided by this bylaw, as certification that the construction substantially conforms to and the design, plans and specifications to which the letters of assurance relate comply with the Building Code and other applicable enactments.

2.3.9 Swimming Pools and Fences

- (1) No person shall commence or continue any work related to the installation, construction and alteration of a swimming pool or related ancillary equipment unless a valid permit has been obtained pursuant to this bylaw.
- (2)
 - (a) Fences shall be constructed around the perimeter of swimming pools and shall not be less than 1.5 metres (4.92 feet) high. The base of every fence shall be not more than 100 millimetres (4 inches) above ground or adjacent grade.
 - (b) No horizontal or angled framing member shall be located on the outside of the fence between 200 millimetres (8 inches) and 900 millimetres (36 inches) above ground level or adjacent finished grade. Fences composed of vertical members shall have no openings of a size, which will permit the passage of a spherical object having a diameter of 100 millimetres (4 inches).
 - (c) Notwithstanding the provisions of this Section, standard chain link wire mesh may be acceptable provided that such fence is a minimum of 1.5 metres (4.921 feet) in height.
 - (d) Access through required fences shall be by means of self-closing gates so designed as to cause the gates to become secured with self-latching devices located on the swimming pool side of the fence and at a height of at least 1 metre (3.281 feet) above grade at the outside of the fence, or on the outside of the fence at 1.5 metres (4.921 feet) above grade.

2.4 PERMIT FEES

2.4.1 The applicable Permit fee prescribed and calculated in accordance with Schedule "A" attached to this bylaw, must be paid in full prior to the issuance of a Permit under this bylaw.

2.4.1.2 Where any work for which a Permit is required is commenced prior to the issuance of a Permit the applicable Permit fee will be doubled in accordance with Schedule A.

2.4.2 Damage – Surety Deposit

- (1) The applicant, at the time of issuance of a Permit for a Building or structure, or demolition of an existing structure, must provide the CVRD with a surety deposit of five hundred dollars (\$500) as security for the restoration of CVRD infrastructure damaged by the performance of the Work.
- (2) The surety deposit must be refunded if:
 - (a) there is no damage to CVRD infrastructure;
 - (b) no invoice is issued to cover the cost of repair to CVRD infrastructure; and
 - (c) an Occupancy Certificate is issued within two years of the issuance of the building permit.
- (3) The surety deposit must be forfeited to the CVRD if a final inspection is not called for and approved and an occupancy permit is not issued within two years of the issuance of the building permit.

2.4.3 Refund

When a Permit is surrendered and cancelled within 6 months of the Permit being issued and before any construction begins, the owner may obtain a 60% refund of the Permit fees required under Section 2.4.1 of this bylaw, by making a written request.

2.4.4 Fee Reduction

The building permit fee shall be reduced by 10% where

- (a) a registered professional reviews and certifies an application for a building permit as being in compliance with the *Building Code*, this bylaw and other applicable bylaws, and
- (b) the CVRD relies upon that certification in issuing a building permit.

2.4.5 Expired Permit

The permit fee for Work under a previous Permit that expired before the Work was completed will be based upon the value of the Work that remains to be completed.

2.4.6 Work Completed Without a Permit

The permit fee for work completed, prior to the obtaining of building permit being issued, will be double that of the regular fee as prescribed and calculated in accordance with Schedule A attached to this Bylaw and must be paid in full prior to the issuance of a Permit under this Bylaw.

2.5 CONDITIONS OF A PERMIT

2.5.1 A Building Official must 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 and the review of the application has been completed;
- (b) the owner has paid all applicable fees prescribed by this bylaw;
- (c) the owner has paid all charges and met all regulations and requirements imposed by any other bylaw or enactment;
- (d) the proposed construction does not contravene any covenant under Section 219 of the *Land Title Act*;
- (e) the proposed work substantially conforms to the *Building Code*, this Bylaw, the conditions of any applicable development permit, and all other applicable Bylaws and enactments; and
- (f) no enactment authorizes the Permit to be withheld.

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

- (a) the Work authorized by the Permit is not commenced within 6 months from the date of issuance of the Permit; or
- (b) the Work is discontinued for a period of 12 months or none of the inspections required by Section 3.3.3 have been requested during that period.

2.5.3 A Building Official may extend the period of time set out under Section 2.5.2 where construction has not been commenced or has been discontinued due to adverse weather, strikes, or material or labour shortages.

2.5.4 Revocation of a Permit

- (1) A Building Official may revoke a Permit where there is a violation of
 - (a) a condition under which the Permit was issued; or
 - (b) a provision of the *Building Code*, this bylaw or other bylaws or enactments applicable to the Work.
- (2) The revocation of the Permit must be in writing and transitted to the Permit holder by registered mail, and is deemed served at the expiration of three days after the date of mailing.

2.5.5 Denial of Permits

If a person has been notified in writing that Work done by that person or on the person's behalf is a violation referred to in Section 2.5.4, a Permit must not be issued to that person in respect of the same property until the person has corrected the violation or satisfied the Building Official of his or her ability to do so.

2.5.6 Partial Permit

- (1) A Building Official may issue a building permit for a portion of a building or structure before the design, plans and specifications for the entire building or structure have been accepted, if sufficient information has been provided to the Building Official to demonstrate that
 - (a) the portion authorized to be constructed substantially complies with this bylaw and other applicable enactments, and
 - (b) the Permit fee applicable to that portion of the building or structure has been paid.
- (2) Despite the issuance of the Permit, the requirements of this bylaw 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) This section does not apply to single family dwellings and accessory buildings.

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

2.6 OCCUPANCY CERTIFICATE

2.6.1 An owner must obtain an Occupancy Certificate issued by a Building Official prior to occupying a building.

2.6.2 A Building Official must not issue an Occupancy Certificate unless

- (a) all letters of assurance have been submitted (when required) in accordance with Section 2.3.8 of this bylaw; and
- (b) all aspects of the Work requiring inspection and acceptance pursuant to Section 3.3.3 of the bylaw have been inspected and accepted.

2.6.3 A Building Official may issue an Occupancy Certificate for part of a building or structure

when that part of the building or structure is self-contained, provided with the essential services listed in section 2.1.4 of this bylaw and meets the requirements set out in Section 2.6.2 of this bylaw.

PART 3 PROHIBITIONS AND OBLIGATIONS

3.1 GENERAL**3.1.1 Work without Permits**

No person shall commence or continue construction, alteration, reconstruction, demolition, removal or relocation or change the Occupancy of any building or structure, excavation or other Work related to construction, unless excepted from the requirements of this bylaw, unless a Building Official has issued a valid and subsisting Permit for the Work.

3.1.2 Demolish

No person shall demolish a building or structure unless a Building Official has issued a valid and subsisting demolition permit for the Work.

3.1.3 Occupy or Use Building

- (1) No person shall occupy or use a building or structure unless a valid and subsisting Occupancy Certificate has been issued by a Building Official for the building or structure.
- (2) No person shall occupy or use a building or structure contrary to the terms of a Permit or Occupancy Certificate issued, or contrary to any notice given by a Building Official.

3.1.4 Tampering with Notices

No person shall, unless authorized in writing by a Building Official, reverse, alter, deface, cover, remove or in any way tamper with any notice, Permit or Occupancy Certificate posted upon or affixed to a building or structure pursuant to this bylaw.

3.1.5 Approved Plans

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

3.1.6 Obstruction to Entry

No person shall obstruct the entry of a Building Official or other authorized official of the CVRD to a building or structure on a property when the official is engaged in the administration of this bylaw.

3.1.7 Cessation of Work

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

3.1.8 Contrary

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

3.2 BUILDING OFFICIALS

3.2.1 Bylaw Administration

A Building Official is authorized to

- (a) administer this bylaw and the Building Code in the CVRD, and
- (b) keep records of Permit applications, Permits, notices and orders issued, inspections and tests made, and copies of all documents related to the administration of this bylaw.

3.2.2 Building Official's Authority

A Building Official

- (a) is authorized to enter, at all reasonable times, upon any property subject to this bylaw and the *Building Code*, in order to inspect and determine whether the regulations, prohibitions, requirements and orders issued under them are being met;
- (b) is directed, where any dwelling, apartment or guest room is occupied, to obtain the consent of the occupant or provide written notice twenty-four hours in advance of entry and provide the reason for the inspection;
- (c) may order the correction of Work performed under the authority of a Permit which is being or has been done contrary to this bylaw, the Building Code or any other applicable enactment;
- (d) may order the cessation of Work that is proceeding in contravention of this bylaw, the Building Code or any other applicable enactment by advising the Permit holder by letter or by a written notice on a card posted on the premises where the Work is being performed and, if possible, posted adjacent to the Work;
- (e) may direct that tests of materials, devices, construction materials, structural assemblies, or foundation conditions be undertaken, or sufficient evidence be submitted, at the expense of the owner, where such evidence is necessary to determine whether the materials, devices, construction or foundation meet the requirements of this bylaw, the *Building Code*, or any other applicable enactment. The records of such tests shall be kept available for inspection during the construction of the building as required by the Building Official.

3.2.3 An owner to whom a permit is issued must, during construction,

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

3.2.4 An owner must, when notified of deficiencies by the Building Official, perform such

alterations, corrections or replacements as may be necessary to ensure the Work complies with this bylaw, the *Building Code*, or any other applicable enactment, and advise the Building Official when the Work is ready for re-inspection.

3.3 INSPECTIONS

3.3.1 Despite Section 2.3.8 of this bylaw, a Building Official may attend the site from time to time during the course of construction to ascertain that the field reviews referred to in section 2.3.8 are taking place and to monitor the field reviews undertaken by the registered professionals.

3.3.2 A Building Official may attend periodically at the site of the construction of buildings or structures to ascertain whether the health and safety aspects of the Work are being carried out in substantial conformance with the *Building Code*, this bylaw and any other applicable enactment.

3.3.3 The owner or the owner's representative, by giving at least 24 hours notice to the Building Official, must request an inspection and obtain approval of the following aspects of the following Work, prior to concealing those aspects:

- (1) the foundation and footing forms before concrete is poured. For determining the legal location of all buildings as determined by the Zoning Bylaw or order of the Board of Variance, or the issuance of a Development Variance Permit or Development Permit, or in the case of new house construction, a certificate will be required from a licensed British Columbia Land Surveyor (BCLS);
- (2) installation of perimeter drains, drain rock, and damp-proofing, prior to backfilling;
- (3) the preparation of ground under-slab plumbing, including ground cover and reinforcing, when required, prior to the placing of a concrete slab;
- (4) rough-in of all chimneys and fireplaces (masonry and factory built);
- (5) inspection of framing after the roof, fire blocking and sheathing are in place, electrical wiring has been completed, and rough in plumbing is under test;
- (6) insulation and vapour barrier, after the exterior is weatherproofed;
- (7) inspection of fireplaces after the installation of the smoke damper and prior to the installation of the first flue liner and any material that would conceal the details of the construction of the fire-box and smoke chamber;
- (8) inspection of masonry construction and/or concrete construction as detailed in the Permit;
- (9) installation and application of building paper, flashing and stucco lath prior to installation of exterior finishes including cultured stone;
- (10) inspection of the installation of solid fuel burning appliances;
- (11) inspection of all plumbing fixtures prior to occupancy;
- (12) the health and safety aspects of the Work when the building or structure is substantially complete and ready for occupancy; pre-final if requested.
- (13) final inspection after the building has been completed and is ready for occupancy.

PART 4 ADMINISTRATIVE PROVISIONS

4.1 PENALTIES AND ENFORCEMENT**4.1.1 Stop Work Notice**

- (1) A Building Official may order the cessation of any Work that is proceeding in contravention of the *Building Code*, this bylaw or any other applicable enactment, by posting a Stop Work Notice on the property where the Work is located.
- (2) The owner of property on which a Stop Work Notice has been posted, and every person performing the Work, must cease all construction Work immediately and must not do any Work until all applicable provisions of this bylaw have been substantially complied with and the Stop Work Notice has been rescinded by a Building Official.
- (3) A person, contractor or owner, who commences work requiring a permit without first obtaining such a permit shall pay double the required permit fee prior to obtaining the required Building Permit.
- (4) A Building Permit may be withheld or a stop work order issued by a Building Official, until certified professional documents, including site plans, report or letters of assurance, that are required by this Bylaw have been provided to the satisfaction of the Building Inspector.

4.1.2 Offences

Pursuant to Schedule 2 of CVRD Ticket Information Authorization Bylaw No. 3209:

- (1) A person who contravenes or fails to comply with a provision of this bylaw commits an offence and is liable on summary conviction to the penalties prescribed in the *Offence Act*.
- (2) Each day a new contravention of or failure to comply with a provision of this bylaw continues to exist shall constitute a separate offence.
- (3) A person, contractor or owner who continues performing work once a stop work order has been issued, other than to address what has been specified, commits an offence.
- (4) A person, contractor or owner who proceeds without a required building inspection, commits an offence.
- (5) A person, contractor or owner who repeatedly commits infractions against this bylaw or the *Building Code* commits an offence.

PART 5 GENERAL

5.1 SEVERABILITY

If any provision of this bylaw is for any reason held to be invalid by the decision of any court, the decision shall not affect the validity of the remaining provisions of this bylaw.

6. REPEAL

Cowichan Valley Regional District Bylaw No. 143, 1974 is repealed.

READ A FIRST TIME this 14th day of September , 2011.

READ A SECOND TIME this 14th day of September , 2011.

READ A THIRD TIME this 14th day of September , 2011.

ADOPTED this 14th day of September , 2011.

Gerry Giles
Chairperson

Joe Barry
Corporate Secretary

WORK COMMENCED WITHOUT A BUILDING PERMIT

If work is commenced prior to a building permit being issued Double Permit Fee

OFFENCES COMMITTED UNDER THIS BYLAW

Addressed in accordance to Schedule 2 of the Ticket Information Authorization Bylaw No. 3209