



# STAFF REPORT TO COMMITTEE

**DATE OF REPORT** September 28, 2023  
**MEETING TYPE & DATE** Electoral Area Services Committee of October 18, 2023  
**FROM:** Inspections & Enforcement Division  
Land Use Services Department  
**SUBJECT:** "CVRD Building Regulation Bylaw No. 4433, 2023"  
**FILE:** 3900-30 4433 Building Regulation

## **PURPOSE/INTRODUCTION**

The purpose of this report is to introduce "CVRD Building Regulation Bylaw No. 4433, 2023", which would repeal and replace "CVRD Building Regulation Bylaw No. 3422, 2011".

## **RECOMMENDED RESOLUTION**

That it be recommended to the Board:

1. That "CVRD Bylaw No. 4433 – Building Regulation Bylaw, 2023", be forwarded to the Board for consideration of three readings and adoption.
2. That staff draft amendments to "CVRD Bylaw No. 3209 – Ticket Information Authorization Bylaw, 2008" for Board consideration following adoption of "CVRD Bylaw No. 4433 – Building Regulation Bylaw, 2023".

## **BACKGROUND**

CVRD Building Regulation No. 3422 came into effect on September 14, 2011, and remains in force for the Electoral Areas after replacing Building Bylaw No. 143, 1974.

Bylaw No. 3422 has been amended three times since its adoption:

- Amendment Bylaw No. 3797 in 2014 to amend fees;
- Amendment Bylaw No. 4057 in 2016 to introduce swimming pool regulations; and
- Amendment Bylaw No. 4115 in 2017 to address *BC Building Code* changes.

Staff have experienced a variety of situations over the last number of years where Bylaw No. 3422 was challenged, exploited or otherwise didn't address a specific situation or problematic construction.

As a result, the Chief Building Official engaged the Municipal Insurance Association of British Columbia (MIABC) who have provided the CVRD with a Building Bylaw template specifically designed for Regional Districts. Staff have input local policies and previous experiences into the template bylaw and have had it vetted by the CVRD's legal counsel. In performing this work, staff discovered that a number of other jurisdictions throughout the Province had also adopted a Building Bylaw using the same MIABC template.

## **ANALYSIS**

A summary of relevant changes and differences between Bylaw No. 3422 and Bylaw No. 4433 are as follows:

### **Permits Required and Permit Exemptions:**

Clarification has been provided with respect to a number of scenarios.

Bylaw No. 3422 falls short in stipulating how the 10 m<sup>2</sup> building size or retaining wall height exemption is actually measured, delineating between permanent below grade pools and seasonal above grade pools, or separating small temporary storage sheds, gazebos or children's play equipment from actual "structures".

### **Application Requirements:**

Bylaw No. 4433 has been updated to include a number of requirements to accommodate changes within CVRD's GIS, Development Services and Enforcement Divisions. Updates also include the requirement to submit documentation relating to Provincial legislation such as the protection of Riparian Areas, *BC Energy Step Code* and contaminated sites.

### **Fees:**

Significant updates have been made to the fee schedule. Regular fees have been increased by roughly 10% to align with current inflation and fees imposed by neighboring jurisdictions. Fees still remain affordable and are in fact still lower than some Vancouver Island districts.

Furthermore, staff have recognized that substantial resources are spent working on proposals that end up being cancelled or significantly changed after the permit is issued. To better manage this, an application fee and fee to submit a revision or amendment have been added. These types of fees are typical in other jurisdictions.

Staff have also spent considerable time responding to routine release of record requests (Realtor Requests). Having no mechanism to charge for this service previously, staff estimate generating between \$5,000 - \$10,000 annually by charging a modest \$25 fee per release. Staff also anticipate that this fee will prevent any further repeat or frivolous requests which are a drain on resources.

### **Required Inspections:**

Additional inspections are required to verify new *BC Building Code* requirements such as under slab insulation and radon mitigation infrastructure. "Excavation" has also been added in an attempt to cut down on common mistakes made in the construction industry as well as to prevent encroachment towards Riparian Areas or sensitive ecosystems.

### **Numbering of Buildings:**

The authority to require the numbering of buildings (civic or address numbers) and requirement for those numbers to be posted will migrate from the Unsightly Premises bylaw to the Building Regulation. The current language only refers to "house" numbers and does not provide any clarification on removing or amending numbers.

## **Retaining Walls:**

Staff have struggled to manage retaining structures in the field under the current bylaw. Current requirements for retaining walls are vague and do not encompass common applications such as terraced or “tiered” walls, the placement of fill behind or adjacent to retaining walls or the erection of a fence atop of a retaining wall. Engineers and Geoscientists of British Columbia (EGBC) has published a number of bulletins and guides respecting retaining walls, and staff have incorporated this information into the new building bylaw to maintain consistency and ensure that professional ethics requirements are respected.

## **Definitions:**

Definitions have been added, removed and refined where necessary. New definitions for “*retaining wall*”, “*shipping container*” and “*swimming pool*” have been added which provides staff with better tools when having to administer the bylaw respecting those types of structures.

Overall, other than the changes outlined above; general tidiness, clarification, specificity and explicitness are at the focus of this proposed bylaw.

Given the number of changes and updates to the existing Building Regulation Bylaw (3422), a decision to prepare a new, cleaner version of the bylaw is warranted. In addition, if the Board adopts Bylaw No. 4433, Municipal Ticket Information Bylaw No. 3209 would need to be amended to ensure continuity as it pertains to penalties for new and or restructured prohibitions or offences contained in the Building Regulation Bylaw.

## **FINANCIAL CONSIDERATIONS**

The budget for Function 320 is funded primarily from a combination of requisition and building permit fees. Increases to the permit fee structure will help offset future requisition.

## **COMMUNICATION CONSIDERATIONS**

Staff will work with the public engagement team to ensure local builders and developers are made aware of this new bylaw.

## **STRATEGIC/BUSINESS PLAN CONSIDERATIONS**

N/A

## **Referred to (upon completion):**

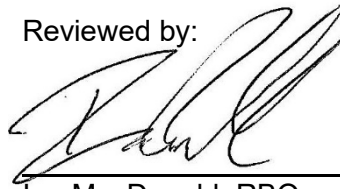
- ☐ Community Services (*Cowichan Community Centre, Cowichan Lake Recreation, South Cowichan Recreation, Arts & Culture, Facilities & Transit*)
- ☐ Corporate Services (*Finance, Human Resources, Information Technology, Legislative Services*)
- ☐ Operations (*Utilities, Parks & Trails, Recycling & Waste Management*)
- ☐ Land Use Services (*Community Planning, Strategic Initiatives, Development Services, Building Inspection & Bylaw Enforcement*)
- ☐ Strategic Services (*Communications & Engagement, Economic Development, Emergency Management, Environmental Services*)

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Reviewed for form and content and approved for submission to the Committee:

Resolution:

☒ Corporate Officer

Financial Considerations:

☒ Chief Financial Officer

**ATTACHMENTS:**

Attachment A – Proposed Draft CVRD Building Regulation No. 4433, 2023

Attachment B – CVRD Building Regulation Bylaw No. 3422, 2011.