



REQUEST FOR DECISION

To: Development & Planning Services Committee

Title: Building Bylaw No. 4725

Date: June 16, 2025

Executive Summary / Purpose:

To repeal and replace the current Building Bylaw No. 3939, and with an updated Building Bylaw No. 4725, along with associated amendments to the Ticket Information Utilization Bylaw No. 2760 and Fee for Services Bylaw No. 2498, and amendments to a number of associated building related policies.

Motion for Consideration:

THAT: the Committee recommends to Council that it give first reading to Building Bylaw No. 4725;

THAT: the Committee recommends to Council to direct staff to undertake appropriate public engagement regarding Building Bylaw No. 4725, including referral to and discussion with the Environmental Advisory Committee (EAC) and the Shuswap Construction Industry Professionals (SCIP).

Staff Recommendation:

That the Motion for consideration be approved.

Background:

This report provides a discussion regarding a repeal and replacement of the City's Building Bylaw No. 3939 (including related bylaws and policies) for the purposes of updates, improving risk management, and changes to accord with the small-scale multi-unit housing amendments. The change will update the Building Bylaw to be consistent with best practice and the current BC Building Code (the "Code") as well as address municipal insurance issues.

The current Building Bylaw No. 3939 is based on the 2002 "core bylaw" originally drafted by MIABC. Lidstone and Associates has recently updated and revised the core bylaw and provided versions by local government type. The new bylaw addresses current legal context and is adapted to each municipality's level of staffing, expertise/accreditation, and their context. The attached draft bylaw and policies are based on the new small city template with revisions for the Salmon Arm context.

Building Bylaw No. 3939 was adopted in November of 2012. Given the length and complexity of the amendments and the updates of the MIABC core bylaw, a repeal and replace approach is recommended. It is also updated to regulate and accommodate the following:

- an increase in professionals' involvement in Part 9 of the Code (residential) construction;

- changes to the *Homeowners' Protection Act* and *Architects Act*;
- Energy Step Code and Zero Carbon Step Code legislation;
- a process for alternative solutions – where work is not addressed by the Code; and
- added provisions for temporary buildings and partial occupancy permits.

The key changes as set out in the attached drafts are explained below; first the draft Building Bylaw, the Ticket Information Utilization Bylaw and Fee for Services Bylaw, and finally the related building related policy changes.

Building Bylaw No. 4725

1) Delegation of all forms to the Director

Application and other forms are no longer attached by schedule to the bylaw. All, notices, permits, certificates, forms are delegated to the Director. This will enable ease of modification and updating over time, without the need to amend the bylaw.

2) Provisions/fees related to solid fuel burning appliance (i.e. wood stoves) are removed. Inspecting wood stove installation requires certification under WETT (Wood Energy Technology Transfer). WETT inspections and approvals are required by insurance companies and carry a liability should they result in a loss. If Building Officials are not certified, we should not undertake inspections.

3) Clarification of farm building-related exemptions

The new definition of farm building and section 6.3(j) relate to exemptions for low human occupancy farm buildings. It is worded and defined so that it is clear that it applies to *Class 9 Farm* lands only and to certain types of structures or buildings (hay barns, silos, etc.). Low human occupancy is cited from the *National Farm Building Code* and is one criterion amongst others that delineate a farm building. Based upon provisions in the national code, a cap of 600m² gross floor area to qualify for exemption has been added to the draft bylaw.

4) Sections 6.4 – 6.7 clarifies the “Limited Application to Existing Buildings”

If an existing older building is proposed to be renovated or expanded, it does not necessarily need - in entirety - to be brought up to current Code; however, the new construction must meet Code and the work must not render the old building less Code compliant. This section clarifies what happens with older buildings under new building permits. It states that the old building may continue but that the alteration/addition must be Code compliant and the old building must be made to comply but *only to the extent necessary to address any new infractions introduced in the remainder of the building as a result of the alteration or addition*.

5) Added provisions clarifying shipping containers

Section 13.5 clarifies and cross-references the recent Zoning Bylaw provision about where and if shipping containers are permitted. If installed where a shipping container is permitted for storage, no building permit is required. Where and if a shipping container comprises a building component, full professional engineering and architecture design and letters of assurance would be required.

6) Site plan requirement (annotated for permeability and coverage)

Part 14 (sections 14.6 and 14.7) of the draft bylaw addresses application process and submittals. This section has been updated to add the requirement to show calculations and per cent parcel coverage of permeable versus impermeable surfaces and building coverage by use. This is to align with the recent infill residential (SSMUH) zoning changes. The site plan requirements are

now more comprehensive and detailed but enable the Building Official to adjust and waive the site plan requirements based upon what is proposed to be constructed.

7) Siting and surveying of setbacks and Proposed Policy for survey certificates

The current bylaw requires a surveyor's confirmation of setbacks prior to the framing stage, but the circumstances under the current bylaw require confirmation when it is readily evident on new subdivisions where the pins are evident, but does not require it when the circumstances are far less clear. The draft Bylaw 4725 allows the Building Official to make a determination (Section 14.6(e)) when to require a surveyor to confirm and address the discretion of when this is done in the new Policy 3.19 "Surveyor Confirmation Policy" detailed below under Policy Changes.

8) Permit Lapse or Extension

Sections 16.10 and 16.13 reduce the time period to commence construction once the permit has been issued from 180 days (6 months) to 90 days (3 months) to reduce the time period over which the City has to maintain files that may have been stalled or abandoned by the applicant.

9) Enables photo submission of confirmation of work (Part 17 – Section 17.6)

There are cases of construction work (often correction of a deficiency), where to save our and the builders' time, a Building Official may accept a photo of the work. This can be critical if backfilling or drywall will conceal the component. This is outlined in *Part 17 Inspections and Occupancy* and is only allowed if acceptable to the Building Official.

10) Partial Occupancy

Part 17 also provides for partial occupancy where the building or a part of it can commence use and occupancy but it may not be fully complete.

11) Relocation of Buildings

Part 18 regulates the moving or relocation of buildings. The relocation of stick build homes and factory constructed/assembled units over 35 years prior to the date of permit application is proposed to be prohibited; however, since there are substantial sound or good quality older or heritage dwellings, this can be varied if a report is submitted to the Building Official indicating that the building can be safely relocated.

12) Pools (Part 23)

Plumbing is regulated in the current Bylaw 3939, but pools are not. In the new bylaw, deep back yard fishponds are deemed pools that require a permit. They also must be fenced and have a self-closing latched gate in an urban (not rural) context, and must consider how the draining of a pool is managed and may require geotechnical involvement in the design.

13) Retaining Walls (Part 24)

The new provisions require permits for retaining walls over 1.2 metres tall (as does Bylaw 3939), and have been made more detailed, including:

- differentiation based on whether the wall supports landscaping versus a building; and
- granting some discretion to the Building Official based upon soils and site whether an engineer and/or a guard above the wall are required.

14) Temporary Building and Temporary Residences (Part 25 & 26)

Part 25 updates the current bylaw with additions from the MIABC core bylaw. Part 26 covers a temporary dwelling, typically for the owners, while a new house is under construction. Given the changes under SSMUH, a temporary dwelling is far less likely to be required; however, the enabling provisions remain in the Zoning Bylaw and so the Building Bylaw must be consistent.

15) Fire Safety (Part 27)

The section on Fire Department Access Route replaces the contents of Council Policy No. 3.11 of 1994 which can now be rescinded. This section is based upon the provisions of MIABC core bylaw and is not addressed in Bylaw 3939. Complex buildings (schools, hospitals, hotels, larger apartment buildings) do not need to be cited in the proposed bylaw and are not covered in the Policy. This is because the Code covers these entirely by group and class of occupancy; moreover, professionals are involved in every such project and are bound by the Code.

16) Provisions for Zero Carbon Step Code (Part 29)

Similar to the *BC Step Code* for energy efficiency, the *BC Zero Carbon Step Code* is a provincial initiative to progressively eliminate GHG emitting mechanical systems and appliances from buildings. The four levels comprise: EL1 (monitor emission only), EL2, (forego one major gas appliance) EL3 (forego gas heat and hot water tank but may keep a gas stove/range) to EL4 (no carbon emissions/ no gas connection). Buildings may follow either a prescriptive path (install fewer high-carbon appliances) or a performance path (where the Energy Advisor calculates trade-offs). There are no firm dates yet for the 4 levels, except that EL4 will be required by 2030.

The draft bylaw provides only for EL1, monitor only, and does not propose implementation in advance of the Provincial schedule. If we wish to advance implementation, staff recommend engagement and consultation with the local construction industry.

17) Updated Offences, Orders and Enforcement (Part 31)

In administering the Building Code, the Province grants Building Officials a critical power: the Stop Work Order (SWO), which means all construction must stop until a permit is issued or the matter giving rise to the SWO is resolved. Currently Bylaw 3939 allows a penalty of only 25% of the permit fee. Most bylaws (and the MIABC template) double the fee. To be effective, this penalty must have a real cost. The proposed bylaw doubles the fee to a maximum of \$10,000. The details and guide for SWO administration are proposed in the new Policy 3.2 explained below.

Ticket Information Utilization Amendment Bylaw No. 4726

Replaces the current offences under Bylaw No. 3939 with new offences based on the new Bylaw 4725. The most significant fines (\$1,000 per offence) are those associated with refusing to abide by a SWO, refusing to comply with a do not occupy notice, or reconnecting power or gas connections without approval. These are the situations where life / safety issues are most likely to result.

Fee for Services Amendment Bylaw No. 4727

The base fees attached to each \$1,000 of construction value and the \$200 application fees remain unchanged. The additional fee for when work is started in advance of the permit or in contravention of a SWO is doubled to a maximum of \$10,000 in additional fees. There are minor changes to the miscellaneous fees to be consistent with the changes to the Building Bylaw No. 4527.

Currently the permit fee is reduced by 5%, to a maximum of \$500, for permits issued for complex buildings which rely on *Professional Plan Certification*, meaning engineers and architects are retained in the design, inspections, and professionally stamped certification. Similarly, the permit fee is reduced by 1%, up to a maximum of \$100, for permits issued for standard buildings which rely on *Professional Plan Certification*.

This is a minimal discount for a process that relies on professional involvement that is, in effect, a token. To be more fair and representative of the work undertaken by professionals, the new bylaw removes the caps and the fees are discounted 5% regardless of the category of building provided that the entire project is under professional assurance.

Policy Changes

Policy 3.2 “Filing Notice in Land Titles Office of Bylaw Contravention” is proposed to be rescinded and replaced by the “Building Bylaw Administration and Enforcement Policy.” In summary the changes are:

- Policy from the MIABC template has been incorporated throughout the new Policy 3.2;
- Critical SWO clauses and s. 57 notices from the current Policy 3.2 have been carried forward;
- Provisions that repeat legislation unnecessarily or are out of date have been removed; and
- The new Policy is more comprehensive and describes our current context.

Policy 3.4 “Hiring of consultants to provide additional technical advice associated with soil stability” (existing) is proposed to be rescinded and replaced with Policy 3.4 (new) – “Geotechnical Assessments and Reports for Development Projects Policy.”

Our current Bylaw No. 3939 assigns the City Building Official the responsibility to require a geotech report or accept responsibility for a site’s soil load bearing capacity and surround slope stability. To qualify, most recent multi-lot subdivisions where the majority of new construction happens, have geotechnical reports on file that were submitted as a part of the subdivision. These may be registered on each parcel’s title and may stipulate foundation and footing design.

The new Building Bylaw No. 4725 includes a default provision that every building permit requires an engineers’ involvement with respect to foundation design. The proposed new Policy 3.4 elaborates and provides guidance to Building Officials (and planning staff) on when to require an applicant or landowner to retain a professional engineer or geo-scientist to undertake an analysis of onsite soils, surrounding slopes, groundwater, etc. and then design the appropriate building footings and foundations.

Policy 3.11 “Access for Part 9 Buildings for Emergency Vehicles relating to the Building Regulations of B.C.” is proposed to be rescinded with the inclusion on Part 27 of Bylaw No. 4725.

Policy 3.14 “Contaminated Site Profile Submissions by the Public” is proposed to be rescinded. This policy, in effect since 1997, is out of date and incorrect as the process and relevant legislation has changed since 1997. Instructions for processing Site Profiles should be an internal task list for staff and does not need a policy.

Policy 3.15 “Permit for Phase of a Building or Complex” is proposed to be rescinded. All the items on this Policy’s list (and more) are covered off in the new Building Bylaw No. 4725 as well as other development-related bylaws.

Policy 3.19 “Surveyor Confirmation Policy” is a new policy. Draft Building Bylaw No. 4725 allows the Building Official to make a determination (section 14.6(e)) when to require a surveyor to confirm and address the siting of new construction. The exercise of discretion of when this is done is contained in the new Policy 3.19 detailed below. The policy allows a Building Official to waive the survey requirements if the setback is clearly exceeded but only where pins are recent,

exposed (and typically connected with a string line). The attached one page policy includes the following three provisions:

1. Where parcel property line pins are exposed and ascertained in relation to the legal plan and the owner or their agent has demonstrated that the siting and setback requirements are clearly met as approved in the building permit, the Building Official may waive the requirement for surveyor confirmation and/or site certificate.
2. Where a parcel is rural, large, or the legal pins cannot be found/ascertained and there is any uncertainty in regards to building or structure siting or to property line and statutory right of way location, the Building Official shall require a surveyor site certificate prior to placement of concrete or any foundation.
3. Where any building is at or near the minimum setback or any other siting requirement or maximum allowable height, the Building Official shall require a surveyor site certificate.

Legislative authority / plans / reports:

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|---|---|--|--------------------------|
| | Official Community Plan | | Master Plan |
| | Community Charter/LGA | | Other |
| X | Bylaw No. 3939 and No. 4725, Policy 3.2, 3.4, 3.11, 3.14, 3.15 | | Corporate Strategic Plan |
| | Zoning Bylaw | | 2025-2029 Financial Plan |
| | | | Long Term Financial Plan |

Financial Considerations:

There are no direct financial implications. Any implications to building permit revenues would not be consequential.

Alternatives & Implications:

Council could refer any or all of the bylaws and policies presented as part of this report, back to staff for further consideration.

Relevant (Current) Policy(ies):

Building Bylaw No. 3939 was adopted in 2012.

Policy 3.2 – “Filing Notice in Land Titles Office of Bylaw Contravention” was approved in 1998.

Policy 3.4 – “Hiring of consultants to provide additional technical advice associated with soil stability” was approved in 1990.

Policy 3.11 – “Access for Part 9 Buildings for Emergency Vehicles relating to the Building Regulations of B.C.” was approved in 1994.

Policy 3.14 – “Contaminated Site Profile Submissions by the Public” was approved in 1997.

Policy 3.15 – “Permit for Phase of a Building or Complex” was approved in 1999.

Committee Recommendations:

N/A

Communication / Public Consultation:

Public consultation will be conducted as per Council's direction. Staff are proposing to review this with the Environmental Advisory Committee and SCIP and hold at least one in person session for the public to review and provide comments, and will also post the bylaw to the website to also allow for virtual review and comments.

Prepared by: Director of Planning & Community Services

Reviewed by: Manager, Building & Planning

Approved by: Chief Administrative Officer

Attachments:

- Attachment #1 - Ticket Information Utilization Amendment Bylaw No. 4726
- Attachment #2 - Fee for Services Amendment Bylaw No. 4727
- Attachment #3 - Policy 3.2 – “Filing Notice in Land Titles Office of Bylaw Contravention” (existing)
- Attachment #4 - Policy 3.4 – “Hiring of consultants to provide additional technical advice associated with soil stability” (existing)
- Attachment #5 - Policy 3.11 – “Access for Part 9 Buildings for Emergency Vehicles relating to the Building Regulations of B.C.” (existing)
- Attachment #6 - Policy 3.14 – “Contaminated Site Profile Submissions by the Public” (existing)
- Attachment #7 - Policy 3.15 – “Permit for Phase of a Building or Complex” (existing)
- Attachment #8 - Policy 3.2 (new) – Building Bylaw Administration and Enforcement Policy
- Attachment #9 - Policy 3.4 (new) – Geotechnical Assessments and Reports for Development Projects Policy
- Attachment #10 - Policy 3.19 (new) - Surveyor Confirmation Policy