



CONSOLIDATION

BUILDING BYLAW

Bylaw 3172

Current to July 1, 2024

Last amended on October 18, 2023

Consolidated and printed by authority of the Corporate Officer under
The Corporation of the District of North Cowichan Consolidation and Revision Authority Bylaw 3514

Amendments

Number	Amendment Bylaw Number	Effective Date dd mmm yyyy
3217	Add Section 19.1 Water Conservation	01-Dec-2004
3397	Repeal Sections 12(3), 17(3), 18(3) and substitute; repeal and substitute Schedule A	16-Dec-2009
3470	Amend Sections 17(3) and 18(3), repeal Sections 12(3), 21 and Schedule A	16-May-2012
3548	Update "Municipal Engineer" to "Director of Engineering and Operations"	16-Jul-2014
3567	Repeal definition of "Building Inspector" and substitute	16-Dec-2015
3795	Repeal Part 19.1 and substitute	19-Aug-2020
3892	Strike out Section (2)(b), Section 3 [Definitions] strike out and replace "structure" and insert "retaining wall", add Section 19.2	15-Mar-2023
3932	Strike out and replace Sections 15(3), add Emission Level 3 (EL-3) requirements on January 1, 2024, and Emission Level 4 (EL-4) requirements on July 1, 2024 to Section 19.1	18-Oct-2023



The Corporation of the District of North Cowichan

Building Bylaw 2003

Bylaw 3172

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The Council of The Corporation of the District of North Cowichan, in open meeting assembled, enacts as follows:

Purpose

- 1 (1) This Bylaw must, despite any other provision it contains, be interpreted in accordance with this section.
- (2) This Bylaw's purpose is to regulate construction in North Cowichan in the public interest.
- (3) Activities carried out under this Bylaw by or on behalf of North Cowichan are solely to provide a limited and interim spot-checking function for health, safety, and the protection of persons and property.

- (4) This Bylaw neither contemplates nor intends doing any of the following and this Bylaw's purpose does not extend to any of the following:
- (a) protecting any owner, owner/builder, or constructor, from economic loss;
 - (b) North Cowichan or the Building Inspector's assuming any responsibility for ensuring that an owner, owner's agent, or employee, constructor, or designer, employed by an owner, complies with the Building Code, this Bylaw, and other applicable codes, standards, and enactments;
 - (c) warranting design or quality of work respecting a building, structure, or work, for which a permit is issued under this Bylaw;
 - (d) warranting to any person that work done respecting a building, structure, or work, for which a permit is issued under this Bylaw, complies with the Building Code, this bylaw, and other applicable codes, standards, and enactments;
 - (e) warranting or assuring that work done under a permit issued by North Cowichan is free from defects, including latent defects.

Application

- 2 (1) This bylaw applies to new buildings and structures' design, construction, and occupancy, and existing buildings and structures' alteration, demolition, reconstruction, relocation, removal, and occupancy.
- (2) This bylaw does not apply to
- (a) buildings and structures exempted by Part 1 of the British Columbia Building Code, except as this Bylaw expressly provides, or
 - (b) [Repealed. BL3892]

Definitions

3 In this Bylaw:

"assembly occupancy", "building", "building area", "building height", "business and personal services occupancy", "care or detention occupancy", "constructor", "coordinating registered professional", "designer", "field review", "high hazard industrial occupancy", "industrial occupancy", "low hazard industrial occupancy", "major occupancy", "mercantile occupancy", "medium hazard industrial occupancy", "occupancy", "owner", "registered professional", and "residential occupancy" have the same meanings as in sentence 1.1.3.2 (1) of the British Columbia Building Code;

In Sentence 1.1.3.2(1) of the British Columbia Building Code, **"building"** means "any structure used or intended for supporting or sheltering any use or occupancy".

"Building Code" means the British Columbia Building Code;

"Building Inspector" means the Manager of Building and Compliance and other Building Inspectors so appointed by the Chief Administrative Officer; [BL3567]

"complex (Part 3) building" means a building

- (a) whose major occupancy is assembly, care or detention, or high hazard industrial, or

- (b) exceeding 600 m² in building area or 3 stories in building height and whose major occupancy is residential, business and personal services, mercantile, or medium or low hazard industrial;

“fixture”, for a plumbing system, means a device, including a floor drain, discharging clear water waste or sewage;

“float home” has the same meaning as in the Float Home Standards Bylaw 1999;

“North Cowichan” means The Corporation of the District of North Cowichan or, if the context requires, the territory incorporated as The Corporation of the District of North Cowichan;

“retaining wall” means a vertical or near-vertical structure constructed to hold back Geotechnical Materials and safely deal with any hydrostatic pressure. Retaining Walls can be created out of a variety of structural and Geotechnical Materials. Retaining Walls typically stabilize soil and rock against downslope movement and provide lateral support for steep to vertical grade changes (Engineers and Geoscientists of BC definition, February 25, 2020); [BL3892]

“standard (Part 9) building” means a building 3 or fewer stories in building height, having a building area not exceeding 600 m², and whose major occupancy is residential, business and personal services, mercantile, or medium or low hazard industrial;

“structure” means any construction fixed to, supported by, or sunk into land or water but excludes concrete slabs on finished or natural grade, and decks on grade which are less than 0.61 m (2') in height. [BL3892]

Permits

- 4**
- (1) The Building Inspector must issue a permit applied for if
 - (a) a completed application complying with this Bylaw and including all supporting documents is submitted,
 - (b) the owner or owner’s agent pays the permit fee as prescribed in the Fees Bylaw,
 - (c) the owner or owner’s agent pays all fees and charges and meets all requirements imposed by a statute or another bylaw, and
 - (d) neither
 - (i) an enactment, nor
 - (ii) a North Cowichan regulation, covenant, or agreement authorizes withholding the permit. [BL3470]
 - (2) An applicant must pay double the permit fee as prescribed in the Fees Bylaw if work for which this bylaw requires a permit is begun before a permit is issued.
 - (3) Permit fees are refundable to the extent as prescribed in the Fees Bylaw if
 - (a) reviewing drawings and specifications has not started, or
 - (b) work has not begun and inspection by or on behalf of North Cowichan has not occurred. [BL3470]
 - (4) A permit may be renewed, once, and for the same period as the original permit, if renewal is applied for before the original permit expires.

Permit conditions

- 5**
- (1) A permit is required to do work regulated by this Bylaw.
 - (2) Complying with the Building Code, this Bylaw, and other applicable codes, standards, and enactments, in doing work for which a permit is issued, is the sole responsibility of the owner and, where the owner acts through an agent, the agent.
 - (3) The following do not relieve owners in any way from sole responsibility for complying with the Building Code, this Bylaw, and other applicable codes, standards, and enactments:
 - (a) the issuance of a permit under this Bylaw;
 - (b) the acceptance or review of drawings or specifications, or supporting documents;
 - (c) an inspection by or on behalf of North Cowichan.
 - (4) None of the following warrant, assure, or represent, in any way, that the Building Code, this Bylaw, and other applicable codes, standards, and enactments, have been complied with:
 - (a) the issuance of a permit under this Bylaw;
 - (b) the acceptance or review of drawings or specifications, or supporting documents;
 - (c) an inspection by or on behalf of North Cowichan.
 - (5) The Building Inspector may order work to be stopped if it is being done contrary to the permit authorizing it, a document submitted with the application for the permit, the Building Code, this Bylaw, and other applicable codes, standards, and enactments.
 - (6) A permit expires, and an owner's rights under the permit terminate, if the work authorized by the permit
 - (a) does not start within 6 months,
 - (b) stops for longer than one year, or
 - (c) is not completed within 2 years.

Prohibitions

- 6** No person may
- (a) start or continue constructing, altering, demolishing, reconstructing, relocating, or removing a building, structure, or work without a valid permit from the Building Inspector,
 - (b) continue, after the Building Inspector orders work to stop, constructing, altering, demolishing, reconstructing, relocating, or removing a building, structure, or work, without the Building Inspector's written permission,
 - (c) submit false or misleading information in an application for a permit under this Bylaw,
 - (d) interfere with the Building Inspector or other authorized person's administration of this Bylaw,

- (e) substantially vary, in constructing a building, structure, or work, for which a permit is issued, from the drawings or specifications, or supporting documents, for the building, structure, or work, without the Building Inspector's written permission,
- (f) reverse, alter, deface, cover, remove, or tamper in any way, with a notice, permit, or certificate, posted on, or affixed to, a building or structure, or
- (g) occupy or use a building or structure
 - (i) before the Building Inspector issues an occupancy permit for it,
 - (ii) after a change in the building or structure's occupancy classification, until the Building Inspector issues an occupancy permit for it, or
 - (iii) contrary to a permit issued, or notice given, by the Building Inspector.

Building Inspector

7 The Building Inspector

- (a) must
 - (i) administer this Bylaw,
 - (ii) keep records of permit applications received, permits issued, notices given, and orders, inspections, and tests made, and keep copies of documents connected with administering this Bylaw, and
 - (iii) when entering land, buildings, and premises, carry proper credentials identifying the Building Inspector as the Building Inspector, and
- (b) may
 - (i) on request, determine whether a construction method or type, or material type used in constructing a building, structure, or work, conforms to the Building Code's requirements,
 - (ii) enter land, buildings, and premises, at any reasonable time, to administer this Bylaw, but must, if a residence is occupied, obtain the occupant's consent to enter it or give written notice to the occupant at least 24 hours before entering it, and
 - (iii) order correcting work done or being done contrary to the requirements of this or another North Cowichan bylaw.

Permit applications

- 8** (1) A permit application must relate to one building, structure, or work.
- (2) Drawings and specifications submitted with permit applications must bear the names and business addresses of buildings, structures, and works' designers.
- (3) Permit applications and the documents submitted with them become North Cowichan's property.

Building permit applications

- 9** (1) A person must apply for, and obtain, a building permit before constructing, altering, or

- reconstructing a building, structure, canopy, or float home, or plumbing.
- (2) Despite any other provision in this Bylaw, a permit is not required to repair or replace a valve, faucet, fixture, or water heater, clear stoppages, or repair leaks, if doing so does not involve replacing or rearranging pipes.
 - (3) An application for a building permit must
 - (a) be made in the form prescribed by the Building Inspector and signed by the owner, or a signing officer if the owner is a corporation,
 - (b) be accompanied by the owner's signed release and indemnity, and acknowledgment of responsibility and undertakings, in the form prescribed by the Building Inspector,
 - (c) state the building or structure's intended use and, if the Building Inspector requires, provide a professionally prepared appraisal of the proposed building or structure's value,
 - (d) include, as exhibits, copies in duplicate of
 - (i) scale drawings of and specifications for the building or structure respecting which work is to be done, showing
 - (A) the building or structure's dimensions,
 - (B) each room or floor area's proposed use,
 - (C) the dimensions of the land on which the building or structure is, or is to be, situated,
 - (D) building grades,
 - (E) the grades, and elevations, of streets, and sewers, abutting the land on which the building or structure is, or is to be, situated, and
 - (F) the position, height, and horizontal dimensions, of all existing and proposed buildings and structures on the land on which the building or structure is, or is to be, situated,
 - (ii) a plan showing the location and size of every driveway, water service line, building drain, storm sewer, sanitary sewer, trap, and inspection piece, and
 - (iii) a sectional drawing showing the size and location of every soil or waste pipe, trap, and vent pipe.
 - (4) The exhibits referred to in the last paragraph of the previous subsection must bear their designers' names and business addresses.

Applications for standard (Part 9) buildings

- 10** The Building Inspector may require submitting one or more of the following with a building permit application respecting a standard (Part 9) building if the Building Inspector considers that the building's size or complexity, or site conditions, warrant:

- (a) structural, electrical, mechanical, or fire suppression drawings prepared and sealed by a registered professional;
- (b) letters of assurance, in the form of Schedules B-1 and B-2 to the British Columbia Building Code, signed by a registered professional.

Applications for complex (Part 3) buildings

- 11** In addition to meeting the requirements of section 9, an application for a permit respecting a complex (Part 3) building must
- (a) be signed by the coordinating registered professional, and
 - (b) include
 - (i) a letter of assurance in the form of Schedule A to the British Columbia Building Code, signed by the owner, or a signing officer if the owner is a corporation, and the coordinating registered professional, and
 - (ii) letters of assurance in the form of Schedules B-1 and B-2 to the British Columbia Building Code, signed by the registered professionals required by the Building Code or Building Inspector to design and conduct field reviews of the building or structure's construction.

Professional plan certification

- 12** (1) North Cowichan and its Building Inspectors rely on the letters of assurance provided under this Bylaw as certification that the designs to which the letters relate comply with the Building Code and other applicable codes, standards, and enactments.
- (2) A building permit issued for
- (a) a complex (Part 3) building, or
 - (b) a standard (Part 9) building for which a Building Inspector requires professional design and letters of assurance
- must notify the owner that the permit is issued in reliance on the registered professional's certifying that the designs and plans submitted in support of the permit application comply with the Building Code and other applicable codes, standards, and enactments.
- (3) [Repealed; BL3397; BL3470]

Professional design and field review

- 13** (1) If the Building Inspector considers that a project's size or complexity, or a site condition, warrants, the Building Inspector may require a registered professional's design and plan certification, and field review, supported by letters of assurance in the form of Schedules
- (a) A, B-1, B-2, and C-a, or
 - (b) B-1, B-2, and C-b
- to the British Columbia Building Code.
- (2) An owner must provide North Cowichan with letters of assurance in the form of Schedules C-a or C-b to the British Columbia Building Code before an occupancy

permit is issued for a

- (a) complex (Part 3) building, or
- (b) standard (Part 9) building where letters of assurance are required.

Owner's responsibilities

- 14**
- (1) An owner must obtain a permit for each building, structure, or work, that the owner proposes constructing, and obtain every applicable permit relating to repairing, changes in occupancy classification, canopies, awnings, marquees, new chimneys and wood stoves, street occupancy, water service, sanitary sewer service, and plumbing, required in connection with the proposed construction, before starting.
 - (2) An owner must ensure that construction complies with the Building Code, this Bylaw, and other applicable codes, standards, and enactments.
 - (3) An owner to whom a permit is issued under this Bylaw is responsible for the cost of repairing damage to North Cowichan property occurring in the course of the work authorized by the permit.
 - (4) An owner to whom a permit is issued must,
 - (a) during construction, post in a conspicuous place, on the real property respecting which a permit is issued, the street address of the building or structure to be constructed,
 - (b) before occupying a building, structure, or part of a building or structure, or after a change in the occupancy classification of a building, structure, or part of a building or structure, obtain an occupancy certificate from the Building Inspector,
 - (c) before occupying the building or structure, permanently
 - (i) affix its street address to it, or
 - (ii) post its street address at the entrance to the driveway serving the real property on which the building or structure is located,
 - (d) if conducting the waste from plumbing fixtures, trade waste, or surface or roof water, to a public sewer, is proposed,
 - (i) make certain that the sewer's depth and capacity are sufficient to receive the waste, and
 - (ii) arrange plumbing to suit the location of the sewer connection provided for the lot, and
 - (e) if connecting a building or storm sewer is proposed, supply the Director of Engineering and Operations with drawings and specifications showing that the proposed sewer will be laid at the depth and position necessary to connect the property with the building or storm sewer extension. [BL3548]
 - (5) An owner must have completed by a registered British Columbia Land Surveyor, at the stage described in section 15 (3) (b), a survey of non-encroachment that shows the location of the building or structure's foundation relative to lot lines.

Inspections

- 15** (1) If a registered professional provides letters of assurance, North Cowichan relies solely on the field reviews undertaken by the registered professional and the letters of assurance submitted under section 13 (2) as assurance that construction
- (a) substantially conforms to the design, and
 - (b) substantially complies with the Building Code, this Bylaw, and other applicable codes, standards, and enactments,
- although the Building Inspector may attend at a construction site from time to time to determine if field reviews are occurring and to monitor them.
- (2) The Building Inspector may attend at a standard (Part 9) building or structure's construction site to determine whether design and construction, are being carried out in substantial conformance to the Building Code, this Bylaw, and other applicable codes, standards, and enactments, so far as they relate to the health and safety of construction.
- (3) The owner, or the owner's agent, must notify the Building Inspector at least 24 hours before work is ready to be inspected and ensure that the Building Inspector inspects and accepts work
- (a) after completing the foundation and footing forms, before pouring concrete in them,
 - (b) after reinforcing steel for Flat Insulating Concrete Form Foundation walls in place but prior to placing concrete therein,
 - (c) after removing the forms from the foundation, installing perimeter drain tiles and roof drains, and damp-proofing, before backfilling against the foundation,
 - (d) after the installation of the under slab insulation and soil gas control,
 - (e) when framing and sheathing the building or structure, before insulating, lathing, or applying an interior or exterior finish, that would hide the building or structure's framing and sheathing,
 - (f) after completing the plumbing rough-in
 - (i) under slab,
 - (ii) for the water supply system under test, and
 - (iii) for the drainage system under test,
 - (g) after the "Second Plane of Protection", as described in the Building Code, has been installed and before any portions of the "First Plane of Protection" is installed,
 - (h) after insulating and installing the vapour barrier, before applying drywall,
 - (i) required interior braced wall panels shall be inspected when
 - (i) sheathed or finished both sides with wood-based material, or
 - (ii) finished on both sides with gypsum board,
 - (j) before covering water service, or a building drain or sanitary or storm sewer,

- (k) while constructing a masonry fireplace, before completing the smoke chamber,
 - (l) after completing the rough-in of new
 - (i) prefabricated fireplaces and chimneys, and
 - (ii) solid fuel-burning appliances, before covering clearances to combustibles in them, and chimneys,
 - (m) after completing the building or structure, but before occupying it, and
 - (n) any additional inspections as required by the Building Official. [BL3932]
- (4) The previous subsection does not apply to work that is the subject of a registered professional's letter of assurance regarding field reviews.

Occupancy permits

- 16**
- (1) No person may occupy a building or structure, or part of a building or structure, until the Building Inspector issues an occupancy permit in the form prescribed by the Building Inspector.
 - (2) An occupancy permit must not be issued unless
 - (a) all required letters of assurance have been submitted, or
 - (b) all aspects of the work requiring inspection and acceptance under section 15 (4) have been inspected and accepted.
 - (3) A Building Inspector may issue an occupancy permit for part of a building or structure if the part is self-contained, supplied with water and sanitary sewer services and storm drainage, and meets the requirements of the previous subsection.

Moving and removing buildings and structures

- 17**
- (1) No person may move, have moved, remove, or have removed a building or structure
 - (a) without a valid moving permit from the Building Inspector, and
 - (b) unless a registered professional certifies that the building or structure meets the requirements of the Building Code and other applicable codes, standards, and enactments.
 - (2) A moving permit application must be made in the form prescribed by the Building Inspector.
 - (3) As a condition of issuing a moving permit, an applicant must provide North Cowichan with security in the amount of \$5 000 in the form of an irrevocable letter of credit or cash to ensure compliance with this Bylaw. [BL3397 ; BL3470]
 - (4) No person may move, have moved, remove, or have removed a residential building to land in North Cowichan unless the previous subsections are complied with and, unless the building is to be moved to an adjoining parcel, a qualified appraiser shows that the building's appraised value, after it is moved, will at least equal the average assessed value, according to the British Columbia Assessment Authority, of the residential buildings within 61 m of the land to which the building is to be moved.
 - (5) The *Commercial Transport Act* and *Motor Vehicle Act's* provisions regarding moving buildings and structures apply on every North Cowichan highway.

Demolishing buildings and structures

- 18**
- (1) A person must apply for, and obtain, a demolition permit before demolishing a building or structure.
 - (2) A demolition permit application must be made in the form prescribed by the Building Inspector.
 - (3) As a condition of issuing a demolition permit, an applicant must provide North Cowichan with security in the amount of \$5 000 in the form of an irrevocable letter of credit or cash to ensure compliance with this Bylaw. [BL3397; BL3470]

Fireplace and chimney permits

- 19**
- (1) A person must apply for, and obtain, a fireplace and chimney permit before constructing or installing a new fireplace, installing a new solid fuel-burning appliance, or constructing or installing a new chimney, unless a valid building permit authorizes doing so.
 - (2) A fireplace and chimney permit application must be made in the form prescribed by the Building Inspector.

Energy Conservation and GHG Emissions Reduction [BL3795, BL3932]

- 19.1**
- (a) In the relation to the conservation of energy and Green House Gas emission, the Municipality incorporates by reference the British Columbia Energy Step Code and Zero Carbon Step Code in accordance with section 19.1 b and c. [BL3795, BL3932]
 - (b) Any new building or structure to which the BC Building Code applies and is within the scope of application of the Energy Step Code, as described in the BC Building Code, must be designed and constructed to meet the performance requirements specified in the BC Building Code. [BL3217; BL3795, BL3932]
 - (c) Any new building or structure to which Part 9 and Part 3 of the BC Building Code applies and is within the scope of application of the Zero Carbon Step Code, as described in the BC Building Code, must be designed and constructed to meet the performance requirements specified in Emission Level 4 (EL-4) of the BC Zero Carbon Step Code where the building permit application is submitted after the adoption of this bylaw. [BL3932]

Retaining Wall Building Permit [BL3892]

- 19.2**
- (1) A building permit must be obtained prior to the construction of a retaining wall over 1.2 m in height.
 - (2) Multiple retaining walls over 1.2 m in height will require separate building permits except where they form a single terraced retaining wall system.
 - (3) The horizontal separation between terraced retaining walls must not be less than the height of the retaining wall with the greater height. Where the horizontal separation between retaining walls is less than 5x the height of the retaining wall with the greatest height, the retaining walls shall be considered to be components of a single terraced retaining wall system.

- (4) It is the responsibility of the property owner to install guardrails as appropriate to mitigate any falling hazards associated with retaining walls.
- (5) Guardrails, where installed, must be built to Section 9.8.8 of the BC Building Code.
- (6) Guardrails are not included in the overall height of the retaining wall.
- (7) Retaining walls greater than 1.2 m in height will require engineering oversight (designed and inspected by a registered professional) including letters of assurance in the form of a Schedule B (field review and oversight by registered professional) and Schedule C-B (final report and sign off by registered professional).

Offences and penalties

- 20** (1) A person who violates a provision of this Bylaw is guilty of an offence and liable on conviction to
- (a) a fine not exceeding \$10 000 plus the cost of prosecution, or
 - (b) imprisonment for at most 6 months.
- (2) A separate offence is considered to be committed on each day during which a violation continues.

Repeals and amendments

21 [Repealed; BL3470]

Read a first, second and third time on May 21, 2003.
Adopted on June 4, 2003.