

# Considered at September 10, 2019 Regular Council Meeting

Council Agenda Information  
 Regular Council September 10, 2019

Item 9.1



## City of Port Moody Report/Recommendation to Council

Date: August 30, 2019 File No. 09-3900-10-1  
Submitted by: Planning and Development Department – Building, Bylaw, and Licensing Division  
Subject: Building Bylaw, No. 3200

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### Purpose / Introduction

To present a new Building Bylaw for Council's consideration.

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### Recommended Resolutions

**THAT City of Port Moody Building Bylaw, 2019, No. 3200 be read a first time as recommended in the report dated August 30, 2019 from the Planning and Development Department – Building, Bylaw, and Licensing Division regarding Building Bylaw, No. 3200.**

**THAT Bylaw No. 3200 be read a second time.**

**THAT Bylaw No. 3200 be read a third time.**

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### Background

City of Port Moody Building and Plumbing Code Administration Bylaw, No. 2577 (**Attachment 1**) regulates new construction within the City. The Bylaw was originally adopted in 2003. Since that time, new Provincial legislation has been adopted, including the *Building Act* and the *BC Energy Step Code*.

### Discussion

Draft Building Bylaw, No. 3200 (**Attachment 2**) has been prepared to include a number of housekeeping amendments as well as to add some new regulations with respect to the *BC Energy Step Code*. The draft Bylaw was modeled after the Municipal Insurance Associations (MIA) Model Building Bylaw, released in 2018. The Bylaw includes an update to some terminology and section references reflected in the current edition of the *BC Building Code (BCBC)* as well as referencing the *Building Act*, which was adopted in 2015.

The draft Bylaw also adds a number of new requirements as well. In previous editions of the *BCBC*, items such as construction fencing and washroom facilities for workers were addressed, but with more recent *BCBC* updates these requirements have been removed.

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Building Bylaw, No. 3200

August 30, 2019

In June, Council adopted a Corporate Policy that outlined a strategy for the requirement of the *BC Energy Step Code* for new construction. The draft Bylaw includes the progress chart adopted within this strategy as Schedule G.

After this Bylaw has received three readings, staff will prepare the accompanying policies and referenced bylaws (MTI) for future Council consideration.

The draft Bylaw has been reviewed by the City's solicitor. With the requirements being proposed in Building Bylaw, No. 3200, the City will be current and consistent with other City Bylaws and Provincial Legislation.

## **Other Options**

THAT the report dated August 30, 2019 from the Development Services Department – Building, Bylaw, and Licensing Division regarding Building Bylaw, No. 3200 be received for information.

## **Financial Implications**

There are no financial implications associated with this report.

## **Communications / Civic Engagement**

There are no communications or civic engagement initiatives associated with this report.

## **Council Strategic Plan Objectives**

The recommendations in this report are consistent with Council's Strategic Plan for providing excellence in customer service.

## **Attachments:**

1. City of Port Moody Building and Plumbing Code Administration Bylaw, 2003, No. 2577.
2. Draft City of Port Moody Building Bylaw, 2019, No. 3200.

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Building Bylaw, No. 3200  
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<b>Prepared by:</b>	<b>Reviewed by:</b>
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<b>Reviewed for Form and Content / Approved for Submission to Council:</b>	
<b>City Manager's Comments</b>	
 Tim Savoie, MCIP, RPP City Manager	

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Bylaw NO. 2577

## CONSOLIDATED FOR CONVENIENCE ONLY

### THE CITY OF PORT MOODY

#### BYLAW NO. 2577

A BYLAW FOR THE ADMINISTRATION OF THE BUILDING AND PLUMBING CODE

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**WHEREAS** section 694 (1) of the Local Government Act authorizes the City of Port Moody, for the health, safety and protection of persons and property to regulate the construction, alteration, repair, or demolition of buildings and structures by bylaw;

**AND WHEREAS** the Province of British Columbia has adopted a building code to govern standards in respect of the construction, alteration, repair and demolition of buildings in municipalities in the province;

**AND WHEREAS** it is deemed necessary to provide for the administration of the building code;

**NOW THEREFORE** City Council of the City of Port Moody, in open meeting assembled, enacts as follows:

#### PART 1 - GENERAL

##### **1. TITLE AND PURPOSE**

- 1.1 This Bylaw may be cited for all purposes as the "City of Port Moody Building and Plumbing Code Administration Bylaw," No. 2577.
- 1.2 This Bylaw, shall, despite any other provisions herein, be interpreted in accordance with subsection 1.3.
- 1.3 This Bylaw is enacted and retained for the purpose of regulating construction within the City of Port Moody in the general public interest. The activities undertaken by or on behalf of the City of Port Moody pursuant to this bylaw are for the sole purpose of providing a limited and interim spot-checking function for reasons of public health and safety and the protection of persons and property. It is not contemplated nor intended, nor does the purpose of this bylaw extend:
  - 1.3.1 to the protection of owners, owner/builders or builders from economic loss;

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- 1.3.2 to the assumption by the City of Port Moody of any responsibility for ensuring the compliance by an Owner, his representatives or any employees, contractors, builders or design professionals retained by him, with the current edition of the British Columbia Building Code, the requirements of this Bylaw or any other applicable enactments respecting safety;
- 1.3.3 to providing any person a warranty of design or workmanship with respect to any building or structure for which a building permit or occupancy permit is issued under this Bylaw;
- 1.3.4 to providing a warranty or assurance that construction undertaken pursuant to building permits issued by the City of Port Moody is free from latent, or any defects.

## 2. *TRANSITIONAL PROVISIONS*

This Bylaw will only apply to permits (as hereinafter defined) for which applications were received after the date of final adoption of this Bylaw. Any permit for which an application was pending on or before the date of final adoption of this Bylaw will be governed by the terms and conditions of the City of Port Moody Building and Plumbing Code Administration Bylaw No. 2146, 1993 and all amendments thereto.

### **Section 3 – Amended by Bylaw No. 2789**

#### 3. *REPEAL*

"City of Port Moody Building and Plumbing Code Administration Bylaw, 1993," No. 2146 and amendments thereto is repealed and replaced by this Bylaw except for transitional purposes, pursuant to Article 2 of this Bylaw, in connection with any applications received prior to the date of the adoption of this Bylaw.

#### 4. *DEFINITIONS*

In this Bylaw:

The following words and terms have the meanings set out in Section 1.1.3.2 of the British Columbia Building Code 1998 as amended or re-enacted from time to time: **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 occupancy, industrial occupancy, low hazard industrial occupancy, major occupancy, mercantile occupancy, medium hazard industrial occupancy, occupancy, owner, registered professional, and residential occupancy.**

"**Accessory building**" means a **building**, the use or intended use of which is ancillary and subordinate to that of a principal **building** situated on the same lot.

"**Agent**" means a person authorized by an **owner** to represent the **owner** for the purpose of this Bylaw.

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"**Applicant**" means an **owner**, his **agent**, or a **Certified Professional** acting on behalf of an **owner**.

"**Building Code**" means the British Columbia **Building Code** 1998 as adopted by the Minister pursuant to section 692 (1) of the Local Government Act, as amended or re-enacted from time to time.

"**Building Official**" includes Building **Inspectors**, Plan checkers and Plumbing Inspectors designated by the **City** of Port Moody.

"**Building Permit**" means a permit to construct a **building** or **temporary building** issued in accordance with Part II of this Bylaw.

"**Chief of Police**" shall mean the Chief Constable of the **City** of Port Moody.

"**City**" means the Corporation of the **City** of Port Moody.

"**Complex Building**" means:

- (a) all **buildings** used for **major occupancies** classified as:
  - i) **assembly occupancies**,
  - ii) **care or detention occupancies**,
  - iii) **high hazard industrial occupancies**, and
  
- (b) all **buildings** exceeding 600 square meters in **building area** or exceeding three storeys in **building height** used for **major occupancies** classified as:
  - i) **residential occupancies**,
  - ii) **business and personal services occupancies**,
  - iii) **mercantile occupancies**,
  - iv) **medium and low hazard industrial occupancies**.

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"**Construction**" means the erection, alteration, addition, demolition, repair, reconstruction, removal or relocation of a **building**, and includes the installation of a plumbing system and includes all labour even if provided by the **Owner** or donated voluntarily by others, site development, excavation related to the building, roofing, electrical, plumbing, drains, heating, air conditioning, interior finishes, fire extinguishing systems, elevators, services provided by **Registered Professionals** and everything attached thereto as to constitute real property.

"**Construction cost**" as referred to in the **Fees & Charges Bylaw** No. 2340 may be determined by the **Building Official** using current market unit costs.

"**Demolition permit**" means a permit to demolish a **building** or temporary **building** issued in accordance with Part II of this Bylaw.

"**Director of Environmental Services**" means the official appointed by the **City** as the Manager of Parks and Environmental Services.

"**Director of Community Services**" means the official appointed by the **City** as head of the Operations department.

"**Fees and Charges Bylaw**" means the **City** of Port Moody **Fees and Charges Bylaw** No. 2340, 1998 as amended or re-enacted from time to time.

"**Facilities**" means any system installed in a highway or in a statutory right of way for the purpose of providing a service to property and shall include sidewalks, curbs and gutters, water supply and distribution, sewage and drainage collection and disposal, street lighting, electric power distribution, telephone, cable television and gas distribution systems.

"**Land Title Act**" means the Land Title Act, R.S.B.C. 1996, c. 250.

## **Definition - Amended by Bylaw No. 2852**

"**Landscape walls**" are walls less than 1.2m in height which have a setback ratio of greater than **two** horizontal to one vertical.

"**Local Government Act**" means the Local Government Act, R.S.B.C. 1996, c.323.

"**Manager**" means the Manager of Building, Bylaws and Licensing Services.

"**Moving permit**" means a permit to move a **building** or **temporary building** issued in accordance with Part IV of this Bylaw.

"**Occupancy permit**" means a permit to occupy a **building** or portion of a **building** issued in accordance with Article 19 of this Bylaw.

"**Permit**" means permission or authorization in writing by the **Building Official** to perform **work** regulated by this Bylaw.

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"**Plumbing Contractor**" means a person who carries on a business whereby the purpose of which is the installation or alteration of plumbing systems and is qualified to do so pursuant to all applicable statutes, regulations and bylaws.

"**Plumbing System**" means a drainage system, a venting system and a water system or parts thereof.

"**Pool**" means every structure intended for or used as a swimming **pool** with a water depth exceeding 610 mm and includes the fence or other **structure** enclosing such **pool** and any plumbing system or appurtenance attached thereto.

"**Pool permit**" means a **permit** issued in accordance with Part V of this Bylaw.

## **Definition - Amended by Bylaw No. 2852**

"**Retaining walls**" means walls constructed for the retention of soils in excess of 1.2m in height or **less** than two horizontal to one vertical setback ratio.

"**Site profile**" means a completed Schedule One of the Waste Management Act, R.S.B.C 1996, c. 482 required prior to the issuance of any building permit to erect or demolish any structure on a site that has previously been used for industrial or commercial purposes.

"**Standard building**" means a **building** of three storeys or less in **building height**, having a **building area** not exceeding 600 square meters and used for **major occupancies** classified as

- (a) **residential occupancies,**
- (b) **business and personal services occupancies,**
- (c) **mercantile occupancies, or**
- (d) **medium and low hazard industrial occupancies.**

"**Structure**" means any **construction** fixed to, supported by, or sunk into land or water; excludes fences and landscape walls less than 1.2 metres in height and concrete and asphalt paving or similar surfacing of a lot.

"**Subdivision Control Bylaw**" means the **City** of Port Moody Subdivision Control Bylaw No. 1804, 1987, as amended or re-enacted from time to time.

"**Surveyor**" means an individual who is a member in good standing of the Corporation of Land Surveyors of British Columbia pursuant to the Land Surveyors Act, R.S.B.C. 1996, c. 248.

"**Temporary building**" means a **building** or any part thereof that will be used for a period of time not exceeding one year from the date of the placement of such a **building** but does not include a mobile home intended for single family residential occupancy.

"**Work**" means the **construction**, alteration, repair or demolition of a **building, pool, plumbing system or temporary building**, including, but without limiting the generality of the foregoing, demolition in the form of the removal or relocation

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of a **building, pool**, plumbing system or **temporary building**, but not including any repairs being done as part of the normal maintenance of such **building, pool**, plumbing system or **temporary building**.

"**Zoning Bylaw**" means the City of Port Moody **Zoning Bylaw**, 1988, No. 1890, as amended or re-enacted from time to time.

## 5. **DUTIES OF THE BUILDING OFFICIAL**

The *Building Official* may:

- 5.1 Administer this bylaw;
- 5.2 Keep records of all applications received, **permits** and orders issued;
- 5.3 Carry proper identification, confirming his or her status as a **Building Official**.

## 6. **POWERS OF THE BUILDING OFFICIAL**

### 6.1 A **Building Official**

- 6.1.1 May enter any **building** or premises at any reasonable time for the purpose of ascertaining whether the requirements of this bylaw are being observed;

#### **Section 6.1.2 - Amended by Bylaw No. 2789**

- 6.1.2 It is an offence for any person to prevent or obstruct or attempt to prevent or obstruct the authorized entry of officers under subsection 6.1.1.

#### **Section 6.1.3 - Amended by Bylaw No. 2789**

- 6.1.3 Where any dwelling, apartment or guest room is occupied, the **Building Official** shall, except in emergencies, obtain the consent of the occupant or provide where reasonably practical, written notice twenty four hours in advance of entry.
- 6.2 A **Building Official** may order the correction of any **work** that is being or has been done in contravention of this bylaw.
- 6.3 A **Building Official** may order the cessation of **work** that is proceeding in contravention of the **Building Code** and this bylaw, or any related **City** bylaw, by posting a "Stop Work Order" as prescribed by the **Building Official**, on the property where such **work** is undertaken.

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## 7. *RESPONSIBILITY OF THE OWNER*

- 7.1 Every **owner** shall ensure that all construction complies with the Building Code, this bylaw and other applicable enactments respecting safety.
- 7.2 Neither the issuance of a **permit** under this bylaw nor the acceptance or review of plans, drawings, nor any inspections made by or on behalf of the **City** shall in any way relieve the **owner** or his representatives from full and sole responsibility to perform the **work** in strict accordance with this bylaw, the **Building Code** and or any other applicable enactments respecting safety.
- 7.3 It shall be the full and sole responsibility of the **owner** (and where the **owner** is acting through a representative, the representative) to carry out the work in respect of which the permit was issued in compliance with the **Building Code** and this bylaw or other applicable enactments respecting safety.
- 7.4 No person shall rely upon any **permit** as establishing compliance with this bylaw or assume or conclude that this bylaw has been administered or enforced according to its terms. The person to whom the **building permit** is issued and his representatives are responsible for making such determination.
- 7.5 The **owner** shall post the civic address conspicuously on the front of the premises or on a signpost so that it may be easily read from the street.

## 8. *PENALTIES AND ENFORCEMENT*

- 8.1 Every person who contravenes any provision of this bylaw commits an offense punishable on summary conviction and shall be liable to a fine of not more than \$10,000.00 (Ten Thousand Dollars) or to imprisonment for not more than six months, or both.
- 8.2 A separate offense shall be deemed to be committed on each day during which a violation occurs or is allowed to continue.

### **Section 8.3 - Amended by Bylaw No. 2789**

- 8.3 Every **owner** of real property on which a "Stop Work Order" has been posted pursuant to Section 6.3 of this bylaw or with respect to which any **permit** issued has been revoked pursuant to Section 14.10 of this bylaw, shall cease all **work** thereon immediately and shall not do any **work** thereon until all provisions of this bylaw have been fully complied with and the "Stop Work Order" has been removed under the direction of the **Building Official**.
- 8.4 **Double Fee** - Any person who begins any **construction** without first obtaining a **permit**, shall when subsequently taking out such **permit**, pay double the fees originally required as set out in the **Fees and Charges Bylaw** for each day commencing on the date construction started.

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## 9. SEVERABILITY

- 9.1 If any section, subsection, clause, sub-clause, or phrase of this bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction the invalid portion shall be severed from the bylaw, and such decision shall not affect the validity of the remaining portions of this bylaw.

## PART II - BUILDINGS AND TEMPORARY BUILDINGS

## 10. PROHIBITIONS

- 10.1 No person shall commence or permit the commencement or continuation of any construction or demolition unless a valid **permit** has been issued for the work by the **Building Official**.
- 10.2 No person shall occupy or permit the occupancy or use of any building or part thereof in the absence of a permit required by this bylaw and contrary to the terms of any permit, notice or certificate given by the **Building Official**.
- 10.3 No person shall, unless authorized by the **Building Official**, reverse, alter, deface, cover, remove or in any way tamper with any notice or certificate posted upon or affixed to any building pursuant to any provision of this bylaw.
- 10.4 No person shall do or permit the doing of any work that is at variance with the description, plans and specifications for the **building**, or part thereof for which a **permit** has been issued, unless such change has been approved by the **Building Official**.

## 11. APPLICATIONS

- 11.1 Every **owner** shall apply for and obtain:
- 11.1.1 a **permit** before constructing, altering, repairing or moving a **building** or **structure**, and
- 11.1.2 a **demolition permit** before demolishing a **building** or **structure**.

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## 11. APPLICATIONS (*cont'd*)

### 11.2 Applications for Complex Buildings shall:

- 11.2.1 be made on the forms provided by the Planning and Development Services Department, signed by the **owner**, or a signing officer if the **owner** is a corporation, and the **coordinating registered professional**;
- 11.2.2 be accompanied by the **owner's** acknowledgement of responsibility and undertakings made in the form attached as schedule "A" to this bylaw, signed by the **owner**, or a signing officer if the **owner** is a corporation;
- 11.2.3 state the intended use or uses of the **building** or **structure**;
- 11.2.4 be accompanied by a letter of assurance in the form of Schedule A as referred to in section 2.6 of part 2 of the **Building Code**, signed by the **owner**, or a signing officer of the **owner** if the **owner** is a corporation, and the **coordinating registered professional**, and
- 11.2.5 Letters of assurance in the form of schedules B-1 and B-2 as referred to in section 2.6 of Part 2 of the **Building Code**, each signed by such **registered professionals**, as the **Building Official** or **Building Code** may require, to prepare the **design** for, and conduct **field reviews** of the construction of the **building** or **structure**.

#### Section 11.2.6 - Amended by Bylaw No. 2727

- 11.2.6 include where required by the Building Official as exhibits 4 copies of the scale drawings of the **building** with respect to which the **work** is to be carried out showing:
  - (a) the dimensions of the **buildings**,
  - (b) the proposed use of each room or floor area,
  - (c) the dimensions of the land on which the **building** is, or is to be situated,
  - (d) the grades and elevations of the streets and sewers abutting the land,
  - (e) the position, height and horizontal dimensions of all **buildings** on the land,
  - (f) the minimum habitable floor elevation according to geodetic datum, when required by the **Building Official**,

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## 11. APPLICATIONS (*cont'd*)

- (g) the location and dimensions of all statutory rights of way and easements,
- (h) such other information as is necessary to illustrate all essential features of the design of the **building**, and to establish substantial compliance in all material respects with this bylaw and the **Building Code**.

11.2.7 where the parcel contains slopes in excess of 15%, and upon the request of the **Building Official**, be accompanied by the following information:

- (a) 0.5 metre contours of the existing ground surface of the parcel,
- (b) 0.5 metre contours of the proposed final grading,
- (c) the elevations of all floor levels of the **building**,
- (d) the locations and details of all retaining **structures** on the parcel,
- (e) the drainage provisions as outlined in the approved subdivision grading plans, if any, for the parcel;

11.2.8 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**.

### 11.3 Applications for Standard Buildings shall:

11.3.1 be made on the forms provided by the Planning and Development Services Department signed by the **Owner** or his **agent**;

#### **Section 11.3.2 - Amended by Bylaw No. 2789**

11.3.2 be accompanied by the **owner's** acknowledgement of responsibility and undertakings made in the form attached as Schedule "A" of this bylaw, signed by the **owner**, or a signing officer if the **owner** is a corporation;

11.3.3 state the intended use or uses of the **building** or **structure**.

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## 11. APPLICATIONS (*cont'd*)

11.3.4 include as exhibits two copies of the scale drawings of the **building** with respect to which the **work** is to be carried out showing:

- (a) the dimensions of the **building**,
- (b) the proposed use of each room or floor area,
- (c) the dimensions of the land on which the **building** is, or is to be situated,
- (d) the grades and elevations of the streets and sewers abutting the land,
- (e) the position, height and horizontal dimensions of all **buildings** on the land,
- (f) the minimum habitable floor elevation according to geodetic datum, when required by the **Building Official**,
- (g) the location and dimensions of all statutory rights of way or easements, and
- (h) such other information as is necessary to illustrate all essential features of the design of the **building**, and to establish substantial compliance in all material respects with this bylaw and the **Building Code**.

11.3.5 a foundation design prepared by a **registered professional** in accordance with section 4.2 of Part 4 of the **Building Code**, accompanied by letters of assurance in the form of Schedules B-1 and B-2 as referred to in section 2.6 of Part 2 of the **Building Code**, signed by the **registered professional**;

11.3.6 the requirements of section 11.3.5 may be waived by the **Building Official** in circumstances where the **Building Official** has required a professional engineer's report pursuant to section 699 (2) of the **Local Government Act** and the **building permit** is in accordance with sections 699 (5) and (6) of the **Local Government Act**;

11.3.7 the requirements of section 11.3.5 may be waived by the **Building Official** for detached accessory residential garages less than 55 sq. meters in area or minor additions less than 20 sq. meters in area.

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## 11. APPLICATIONS (cont'd)

11.3.8 where the parcel contains slopes in excess of 15%, and upon the request of the **Building Official**, be accompanied by the following information:

- (a) 0.5 metre contours of the existing ground surface of the parcel,
- (b) 0.5 metre contours of the proposed final grading,
- (c) the elevations of all floor levels of the **building**,
- (d) the locations and details of all retaining **structures** on the parcel,
- (e) the drainage provisions as outlined in the approved subdivision grading plans, if any, for the parcel;

11.3.9 where the size or complexity of the proposed **building** or **structure** or siting circumstances warrant, the **Building Official** may require a letter of assurance in the form of Schedule A as referred to in Section 2.6 of Part 2 of the **Building Code**, signed by the **owner**, or a signing officer of the **owner** if the **owner** is a corporation, and the **coordinating registered professional**, and

11.3.10 Letters of Assurance in the form of Schedules B-1 and B-2 as referred to in section 2.6 of Part 2 of the **Building Code**, each signed by such **registered professionals** as the **Building Official** or **Building Code** may require to prepare the **design** for and conduct **field reviews** of the construction of the **building** or **structure**;

11.3.11 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**.

11.4 When required by the **Building Official**, the application shall also be accompanied by a plan that shows the location and size of any **building** drain, and a sectional drawing that shows the size and location of every soil-or-waste pipe, trap and vent pipe to ensure compliance with the Plumbing Code and this bylaw.

11.5 An **applicant** for a **demolition permit** shall pay the costs of capping off **City** water and sewer services prior to the issuance of the **demolition permit**.

## 11. APPLICATIONS (cont'd)

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- 11.6 All plans submitted with **permit** applications shall bear the name and address of the designer.
- 11.7 The **Building Official** may require the **owner** to establish whether a method or type of **construction** or material used in the **construction** conforms with the requirements and provisions of the **Building Code** and this bylaw.
- 11.8 No **building permit** for the **construction** of any **building** will be issued unless the following conditions are met:
  - 11.8.1 sufficient access is provided to the parcel upon which the **building** is to be placed or constructed;
  - 11.8.2 the parcel is serviced to the parcel line by a municipal sanitary sewer system, or other sewage disposal facility or system;
  - 11.8.3 the parcel is serviced to the parcel line from a water distribution system of sufficient size and capacity to supply the required water for potable use and adequate fire protection services.
- 11.9 Applications will be cancelled if **permit** fees are not paid within sixty calendar days from the date of notification to the **applicant** that the **permit** is ready for issuance. The plan processing fee stipulated in the **Fees and Charges Bylaw**, shall be forfeited, and any documentation submitted may be destroyed.
- 11.10 For the purposes of determining the **building permit** fees, the **Building Official** will value the **construction cost** based on current market unit costs.
- 11.11 If a rechecking of **permit** plans is required as a result of any action on the part of the **owner** or the **owner's agent**, a non-refundable recheck fee shall be payable by the **owner** or the **owner's agent** as described in the **Fees and Charges Bylaw**.

## 12. *PROFESSIONAL PLAN CERTIFICATION*

- 12.1 The letters of assurance in the form of Schedules B-1 and B-2 referred to in section 2.6 of Part 2 of the **Building Code** and provided pursuant to the requirements of this bylaw are relied upon by the **City** and its **Building Officials** as certification that the design and plans to which the letters of assurance relate comply with the **Building Code** and other applicable enactments relating to safety.

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## 12. PROFESSIONAL PLAN CERTIFICATION (*cont'd*)

- 12.2 A **building** permit issued for the construction of a **complex building**, or a **standard building** for which a **Building Official** required professional design and letters of assurance pursuant to this bylaw, shall include a notice to the **owner** that the **building** permit is issued in reliance upon the certification of the **registered professionals** that the design and plans submitted in support of the application for the **building** permit comply with the **Building Code** and other applicable enactments relating to safety.
- 12.3 When a **building** permit is issued in accordance with section 12.2 of this bylaw, the permit fee shall be reduced by 2.5% of the fees payable as set out in the **fees and charges bylaw**.

## 13. EQUIVALENTS AND TESTS

- 13.1 Equivalent for one or more of the provisions of the **Building Code** may be permitted for **standard buildings**, provided sufficient evidence is submitted to satisfy the **Building Official** that the proposed equivalency will provide substantial compliance in all material respects to the **Building Code**.
- 13.2 Equivalent for one or more of the provisions of the **Building Code** may be permitted for **complex buildings**, provided sufficient evidence is submitted by a **Registered Professional** to satisfy the **Building Official** that the proposed equivalency will provide substantial compliance in all material respects to the **Building Code**.
- 13.3 The **Building Official** may direct that tests of materials, devices, **construction** methods, structural assemblies, or foundation conditions be made; or sufficient evidence or proof be submitted at the expense of the **owner**, to determine substantial compliance in all material respects with this Bylaw and the **Building Code**.
- 13.4 The **owner** shall pay the prescribed fees as set out in the **Fees and Charges Bylaw** for each equivalent request submitted.

## 14. PERMITS

- 14.1 Where:
- 14.1.1 a completed application including all required supporting documentation has been submitted, and
- 14.1.2 the proposed **work** set out in the application substantially complies in all material respects with this Bylaw and other applicable enactments respecting safety; and

## 14. PERMITS (*cont'd*)

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- 14.1.3 the **applicant** has paid the fee prescribed as set out in the **Fees and Charges Bylaw No. 2340**; and
- 14.1.4 the **applicant** has paid all charges and met all requirements imposed by any other statute or bylaw;
- 14.1.5 the **Building Official** shall issue the **permit** for which the application is made.
- 14.2 Every **permit** is issued upon the condition that it shall expire and the rights of the **owner** under the **permit** shall terminate if:
  - 14.2.1 the **work** authorized by the **permit** is not commenced within six months from the date of issuance of the **permit** for **standard buildings**, and 12 months from the date of issuance of the permit for **complex buildings**; or
  - 14.2.2 the **work**, although commenced, is not continuously and actively carried out thereafter, or;
  - 14.2.3 **work** has been substantially discontinued for a period of 6 months.
- 14.3 The **permit** shall lapse in the event that the **work** authorized by the **permit** remains incomplete 18 months after the **permit** was issued for **standard buildings**, and 24 months after the permit was issued for **complex buildings**.

#### Section 14.4 - Amended by Bylaw No. 2789

- 14.4 Upon application by the **owner**, and upon payment of the renewal fee set out in the **Fees and Charges Bylaw No, 2340**, a **permit** with the same conditions, as were applicable to a **permit** which has been issued under section 14.1 may be issued. Not more than one renewal will be issued for each **permit**.
- 14.5 The **Building Official** may issue a **permit** for the **construction** of a phase of a **building** before the entire plans and specifications for the whole project have been submitted or approved, provided adequate information and detailed statements have been filed evidencing compliance with all pertinent requirements of this Bylaw. The issuance of the **permit** notwithstanding, the requirements of this Bylaw shall apply to the remainder of the **building** as if the **permit** had not been issued.
- 14.6 No plumbing **permit** shall be required for the clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, when such repairs do not involve or require the replacement or rearrangement of valves, pipes, or fixtures or hot water tanks.

#### 14. *PERMITS (cont'd)*

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14.7 Subject to the requirements of any other Bylaw, the **Building Official** may issue a **permit** for the placement of a **temporary building, structure** or shelter, if satisfied that the **building, structure** or shelter is safe for the stated use and duration.

14.8 No **permit** is required for an **accessory building** within single family residential zones provided such **building** does not exceed a maximum of 10m<sup>2</sup> (108 sq. ft.) in area and 3.6m in height.

14.9 **Building permits** within Development Permit Areas and Development Authorization Areas:

14.9.1 A **building permit** may be issued for works within Development Permit Areas and Development Authorization Areas so designated by the **City**, only upon prior issuance of a Development Permit or Development Authorization to the **applicant** in accordance with the requirements of "City's Development Approval Procedure Bylaw, 2003," No. 2543, and amendments thereto, and other applicable regulations in force at the time.

14.10 The **Building Official** may revoke a **permit** if:

14.10.1 there is a contravention of any condition under which the **permit** was issued;

14.10.2 the **permit** was issued in error;

14.10.3 there is a failure to comply with the **Building Code**, or this Bylaw;

14.10.4 the **permit** was issued on the basis of incorrect information provided by the **owner**, his **agent** or a professional designer.

Revocation shall be in writing and transmitted to the **permit** holder by registered mail or in person.

## Disclaimer of Warranty or Representation

Neither the issuance of a **permit** under this **Bylaw**, the review and acceptance of the drawings, plans and specifications, nor inspections made by the **Building Official**, shall in any way constitute a representation, warranty or statement that the **Building Code** or this Bylaw has been complied with or that the **building** or **structure** meets any standard of materials and workmanship, and no person shall rely on any of those acts as establishing compliance with the **Building Code** or this Bylaw or any standard of construction.

## 15. *RETAINING WALLS AND SLOPE RETENTION*

### 15.1 **Retaining walls**

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**Retaining walls** in excess of 1.2 metres in height, or greater than two horizontal to one vertical setback ratio, require **building permits**.

15.2 **Landscape walls**

No **building permits** are required for **Landscape walls**.

15.3 **Rock Piles**

**Retaining walls** are not permitted to be constructed of uncemented rock, boulder piles or creosoted timbers.

15.4 **Slopes Created by Excavation**

Except as certified by a **registered professional** with expertise in geotechnical engineering, slopes steeper than one linear unit vertically to one linear unit horizontally and with a total height of 3 metres or more, which are created by excavation, are prohibited.

15.5 **Slopes Created by Fill Material**

Fill material placed on land shall not have a surface slope exceeding a ratio of one linear unit vertically to two linear units horizontally.

16. **TEMPORARY STRUCTURE PERMIT**

16.1 Temporary **structure** permits issued for site trailers, **construction** trailers and sales offices shall be issued for a maximum time of one year and may be renewed at the discretion of the **Building Official**.

17. **PROFESSIONAL DESIGN AND FIELD REVIEW**

**Section 17.1 - Amended by Bylaw No. 2789**

17.1 Where the **Building Official** considers that the site conditions, size, or complexity of the **building** or **structure** or any part or component thereof so warrant, or where an application has been made to construct a **retaining wall**, or an in-ground swimming **pool** referred to in Article 25 and Part V of this Bylaw, he may require a **registered professional** provide design and plan certification and **field reviews** by means of letters of assurance in the form of Schedules B-1, B-2 and C-B referred to in section 2.6 of Part 2 of the **Building Code**.

17.2 Prior to the issuance of an **occupancy permit** for a **complex building** or a **standard building** in circumstances where letters of assurance have been required in accordance with this bylaw, the owner shall provide the **City** with letters of assurance in the form of Schedules C-A or C-B, as is appropriate, referred to in section 2.6 of Part 2 of the **Building Code**.

17. **PROFESSIONAL DESIGN AND FIELD REVIEW (cont'd)**

17.3 When a **registered professional** provides letters of assurance in accordance with this bylaw. He or she will also provide proof of liability insurance to the **Building Official** in the form of schedule "B" to this bylaw.

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## 18. *DAMAGE TO FACILITIES IN THE PUBLIC RIGHT-OF-WAY*

- 18.1 The **owner** is responsible for making an inspection of the existing condition of all public properties adjacent to the **building** site, and reports any existing damage to the **Building Official** prior to commencing **work**. All damages detected at final inspections, will be assumed to be caused by the **owner**, unless reported as outlined above.
- 18.2 Every **owner** to whom a **permit** is issued shall be responsible for the cost of repair of any damage to facilities constructed in public properties or rights of way that occurs in the course of the **work** authorized by the **permit**.

In addition to any other fee payable pursuant to this Bylaw, an **applicant** for a **building permit**, at the time of application, shall deposit with the **Building Official**, a cash bond in the amount prescribed in the **Fees & Charges Bylaw** which sum may be applied by the **City** in payment to itself for any costs or expenses which may be incurred by the **City** in repairing, installing or replacing any **facilities** constructed in the public properties or rights of way, which are damaged, and which damage is attributable to the carrying out of **construction** of works authorized by the said **building permit**, or which are incidental to such works.

- 18.4 In addition, this cash bond may be applied in whole or in part by the **City** in payments to itself for any cost or expenses which may be incurred by the **City** in placing, replacing, erecting or removing safety barriers, fencing, obstruction lights, signs and warning devices or other safety measures on the site being developed or highways, easements, rights-of-way or portions thereof, which in the opinion of the **Building Official**, are necessary for public safety and which are required as a result of **work** authorized by the said **building permit** or **work** which is incidental thereto. The whole of the said cash bond, or any part thereafter remaining to the credit of the **applicant**, after the deduction of any such costs or expenses as are hereinbefore mentioned, shall be paid to the **applicant** upon the issuance of an **occupancy permit** by the **Building Official** under this part.

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## 19. DOCUMENTS ON THE SITE

19.1 Every **owner** to whom a **permit** is issued shall, during **construction** keep:

19.1.1 posted in a conspicuous place on the property, in respect of which the **permit** is issued, the **building permit** and a poster or placard depicting the civic address, so that it may be easily read from a public highway; and

## 19. DOCUMENTS ON THE SITE (cont'd)

19.1.2 a copy of the approved drawings and specifications on the property in respect of which the **permit** was issued.

## 20. INSPECTIONS

### **Section 20.1 - Amended by Bylaw No. 2789**

20.1 When a **registered professional** provides letters of assurance in accordance with this bylaw, the **City** will rely solely on **field reviews** undertaken by the **registered professional** and the letters of assurance submitted pursuant to section 17.1 of this bylaw as assurance that the construction substantially complies with the **Building Code**, this bylaw and other applicable enactments respecting safety.

20.2 Notwithstanding section 20.1 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** are taking place and to monitor the **field reviews** undertaken by the **registered professional**.

20.3 A **Building Official** may attend periodically at the site of the construction of **standard buildings** or **structures** to ascertain whether the health and safety aspects of the work are being carried out in substantial conformance with those portions of the **Building Code** that pertain to health and safety, this bylaw and any other applicable enactment respecting safety.

20.4 Every **owner** shall give at least forty-eight (48) hour's notice to the **City** when requesting an inspection and shall obtain an inspection and receive a **Building Officials** acceptance of the following aspects of **work** prior to concealing it:

20.4.1 after the forms for foundation walls are complete, and after having obtained a survey certificate from a Surveyor as to their location and the elevation of the garage slab (if applicable), but prior to the placing of any concrete therein;

20.4.2 after removal of formwork from a concrete foundation and installation of perimeter drainpipe and damp proofing, but prior to backfilling against the foundation;

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## 20. INSPECTIONS (*cont'd*)

- 20.4.3 after granular base materials, damp-proofing membrane and if applicable, reinforcing steel has been placed for the installation of a concrete floor slab but prior to placing of concrete;
  - 20.4.4 before a building drain, water service, sanitary or storm sewer is covered, and if any part of this **plumbing system** is covered before it is inspected and approved, it shall be uncovered if a **Building Official** so directs, and when the **Building Official** considers it necessary, underground **building** drains, branches, storm drains, and sewers shall be re-tested after the completion of all backfilling and grading by heavy equipment;
  - 20.4.5 when framing and sheathing of the **building** are complete, including fire-stopping, bracing, chimney, ductwork, plumbing, gas venting and wiring.
  - 20.4.6 after placing of insulation and vapor barrier, and
  - 20.4.7 after the **building** or **structure** is substantially complete and ready for **occupancy**, but before **occupancy** takes place of the whole or part of the **building** or **structure**,
- 20.5 Prior to the occupancy of any **building** or part thereof after **construction** or alteration, or any change in class of occupancy, the **owner** or occupier shall obtain an **occupancy permit** from the **Building Official**.

### Section 20.6 - Amended by Bylaw No. 2789

- 20.6 The requirements of section 20.4 of this bylaw do not apply to any aspect of the work that is the subject of a **registered professional's** letter of assurance provided in accordance with subsections 11.2.4, 11.2.5, 11.3.5, 11.3.9, 11.3.10, 17.1, and 17.2 of this bylaw. The requirements of Section 20.1 and 20.2 will apply to those aspects of work.
- 20.7 In all cases where it is proposed to discharge the waste from plumbing fixtures, trade waste or surface or roof water to a public sewer, it is the responsibility of the **owner** or occupier to expose and check the depth and location of sewer connections to ensure that such public sewer is at a sufficient depth and of a sufficient capacity to receive such discharge.
- 20.8 Where it is desired to connect a **building** or storm sewer with any **building** or storm sewer extension, the **owner** shall furnish such information as the **Building Official** may require to show that the proposed sewer will be laid at such depth and in such a position as to connect the property with the **building** or storm sewer extension.

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## 21. OCCUPANCY PERMITS

21.1 No person shall occupy a **building** or **structure** or part of a **building** or **structure** until an occupancy permit has been issued in the form prescribed by the Planning and Development Services Department.

21.2 An occupancy permit shall not be issued unless:

### **Section 21.2.1 - Amended Bylaw No. 2789**

21.2.1 all letters of assurance have been submitted when required in accordance with subsections 11.2.4, 11.2.5, 11.3.5, 11.3.9, 11.3.10, 17.1, and 17.2 of this bylaw.

21.2.2 all aspects of the work requiring inspection and acceptance pursuant to section 20.4 of this bylaw have both been inspected and accepted or the inspections and acceptance are not required in accordance with section 20.6 of this bylaw.

21.3 A **Building official** may issue an occupancy permit for part of a **building** or **structure** when the part of the **building** or **structure** is self-contained, provided with essential services and the requirements set out in section 21.2 of this bylaw have been met with respect to it.

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**Section 22 – Replaced by Schedule “D” – BL3051**

**Section 22 – Climatic Data Replaced by Bylaw No. 2727**

## 22. *CLIMATIC DATA*

For Climatic Data refer to Schedule “D” based on ground elevation.

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## PART III - PLUMBING

### 23. *REQUIREMENTS AND SPECIFICATIONS*

- 23.1 The design, installation and maintenance of **plumbing systems** shall conform to:
- (a) standards, specifications and details forming part of this Bylaw and its appendices.
  - (b) **Building Code** (Plumbing Services) (latest edition) together with latest revisions and amendments.
- 23.2 A **plumbing system** shall not be constructed, extended, altered, renewed for a change made to a sewer unless a **permit** to do so has been obtained.
- 23.3 Where a **permit** is required, the system shall not be put into use until it has been tested and accepted by the **Building Official**.
- 23.4 Grease Interceptors
- (a) Grease interceptors are to be installed and maintained in food sector establishments that discharge wastewater containing oil and grease, in accordance with the Greater Vancouver Sewerage & Drainage District, Code of Practice for Wastewater Management.
  - (b) Interceptors are to be designed and sized with a flow capacity not less than the maximum discharge from fixtures connected to it and in no case smaller than 3.2 L/S (50 U.S.G.P.M.)
  - (c) Grease interceptor installations shall substantially comply in all material respects with the **Building Code**.
- 23.5 **Building** sanitary sewer connections shall be fitted with a cleanout near the property line conforming to the **Subdivision Control Bylaw no. 1804** and all amendments thereto.
- 23.6 Storm Drainage
- (a) All storm drainage systems are to be connected to the **City's** storm drainage system and intercepted with sumps.
  - (b) Catch basins and sumps are to be installed in accordance with the drawing annexed to this Bylaw as Schedule "C" and connected to the **City's** storm drainage system.

### 23. *REQUIREMENTS AND SPECIFICATIONS (cont'd)*

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- 23.7 A private storm drainage system is permitted to be connected to a drywell or rockpit only when approved by the **Building Official**, and the subsoil conditions are suitable as determined by a soils report prepared by an **Engineer** with experience in geotechnical matters.

## PART IV - MOVING A BUILDING

### 24. *MOVING OF BUILDINGS*

- 24.1 No person shall move any **building** from one parcel of land to another parcel of land without first obtaining a **moving permit**.
- 24.2 Prior to obtaining a **moving permit**, the **owner** of a **building** or part thereof to be moved to a property within the **City** shall:
- 24.2.1 designate the existing site of the **building** and the proposed site to which it is to be moved.
- 24.2.2 deposit with the **City** a certified cheque or an Irrevocable Letter of Credit in the amount of Twenty thousand (\$20,000.00) dollars issued by a guaranty company and in a form satisfactory to the **City**, to ensure that the exterior of the **building** or part thereof will be completed within ninety (90) days from the date of issuance of the **permit**. If the **owner** does not comply with the above, the **Building Official** shall notify the **owner** in writing stating how the **building** does not comply with this bylaw and directing him to remedy such non-compliance within thirty (30) days from the date of the said notice. If the non-compliance is not remedied within the said period of thirty (30) days, the deposit in the sum of Twenty thousand (\$20,000.00) dollars shall be forfeited to the **City**;
- 24.2.3 deposit with the **Building Official**:
- (a) A security in the sum of ten thousand (\$10,000.00) dollars in a form satisfactory to the **City**, to indemnify the **City** against all damages to public and municipal property of every kind, howsoever caused or occasioned by the moving of said **building**;
- (b) A policy of public liability and property damage insurance in a form satisfactory to the **City**, in the all inclusive limits of Five Million (\$5,000,000.00) dollars to ensure against damages imposed by law arising out of the moving of said **building**;

### 24. *MOVING OF BUILDINGS (cont'd)*

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- 24.2.4 pay to the City, in advance, the fee as prescribed in the **Fees and Charges Bylaw** for an inspection of the **building** to be moved.
- 24.2.5 satisfy the **Building Official** that the **Chief of Police** and the **Director of Community Services** have approved the time and route of moving the said **building** and that notice of the moving has been given to utility companies having overhead wires along the said route.
- 24.3 No **building** shall be moved into the **City** or to another parcel of land within the **City** for use as a dwelling house, unless:
  - 24.3.1 such **building** has an assessed value of at least \$75,000.00 as shown on the last assessment roll upon which such **building** was assessed; and
  - 24.3.2 such **building** has an assessed value of at least 90% of the average assessed value of all **buildings** within 45 meters of the site or parcel to which it is to be moved as shown on the last assessment rolls upon which such **buildings** were assessed;
  - 24.3.3 the **Building Official** is satisfied that the **building** can be moved.

## PART V - SWIMMING POOLS

### 25. *SWIMMING POOLS*

#### Section 25.1 - Amended Bylaw No. 2789

- 25.1 Every application for **construction** of a pool shall be accompanied by a plan showing the location of the proposed **pool** and all water supply piping, waste piping and appurtenances, and all structural details. All in ground swimming **pools** shall require professional design and **field review** as specified under Article 17 of this Bylaw.
- 25.2 A swimming **pool** shall be completely surrounded by minimum 1 metre apron and a fence, **building** or other **structure**, or combination thereof, not less than 1.22 metres in height at its lowest point, and with openings therein not greater than 100mm in width. The fence shall be constructed either on the property line or surrounding the **pool** in such a manner as to render the **pool** safe from unauthorized entry. Access through the fence shall be only by a 1.22 metre (minimum) high gate or door that is equipped with a self closing and self-latching mechanism on the **poolside** of the gate.

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## 25. *SWIMMING POOLS (cont'd)*

25.3 Location of the swimming **pool** on the property shall comply with the requirements for **accessory buildings** stipulated in the current edition of the **Zoning Bylaw**.

25.4 Every fence enclosing every swimming **pool** shall be maintained by the **owner** or occupier of the property, upon which the same is located, in good order and repair, and adequate to perform its intended function, and all sagging gates, loose parts, worn latches, springs and locks and all broken or binding members shall be promptly and adequately replaced or repaired.

## 26. *POOL DRAINAGE REQUIREMENT*

26.1 **Pool** drainage and backwash discharge lines are to be connected to the **City's** sanitary sewer system or other private sanitary sewer system approved in writing by the **Building Official** by means of one of the following methods:

- (a) A regulation size sump pump with a backwater valve; or
- (b) indirectly connected to a 3-inch or larger soil or waste pipe other than a wet vent, by means of a 3-inch P-trap and standpipe; or
- (c) other methods acceptable to the **Manager of Parks and Environmental Services**.

## **Section 27 - Offences and Fines - Added by Bylaw No. 2635**

### 27. *OFFENCES AND FINES*

Offences for which tickets can be issued and fines imposed are prescribed in the Municipal Ticket Information Utilization Bylaw.

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## 33. SCHEDULES

33.1 Schedules "A", "B", and "C" attached to this bylaw form a part of this bylaw.

**READ A FIRST TIME THE 25<sup>th</sup> DAY OF NOVEMBER, 2003.**

**READ A SECOND TIME THE 25<sup>TH</sup> DAY OF NOVEMBER, 2003.**

**READ A THIRD TIME THE 25<sup>TH</sup> DAY OF NOVEMBER, 2003.**

**ADOPTED THE 2<sup>nd</sup> DAY OF DECEMBER, 2003.**

"Giuseppe Trasolini"  
MAYOR

"Gerry van der Wolf"  
CITY CLERK

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## Schedule "A"

### NOTICE TO OWNER AND OWNER'S ACKNOWLEDGEMENT

*The City of Port Moody Building and Plumbing Code Bylaw is enacted and retained for the purpose of regulating construction within the City in the general public interest the activities undertaken by or on behalf of the City pursuant to this bylaw are for the sole purpose of providing a limited and interim spot checking function for the reasons of public health and safety.*

1. I acknowledge that being granted the attached Building Permit that I am responsible for compliance with the current edition of the British Columbia Building Code, the City of Port Moody Building and Plumbing Code Administration Bylaw and any other applicable enactment, code regulation or standard relating to the work in respect of which the permit is issued, whether or not the said work is undertaken by me or by those whom I may retain or employ to provide design and/or construction services.
2. I acknowledge that neither the issuance of a permit under this bylaw, the acceptance nor review of plans, specifications, drawings of supporting documents, nor inspections made by or on behalf of the City constitute a representation, warranty, assurance or statement that the current edition of the British Columbia Building Code, the City of Port Moody Building and Plumbing Code Administration Bylaw, or any other applicable enactment, code, regulation or standard has been complied with.
3. Where the City requires that Letters of Assurance be provide by a Registered Professional pursuant to the City of Port Moody Building and Plumbing Code Administration bylaw and Section 290 of the Local Government Act, I confirm that I have been advised in writing by the City that it relied on the Letters of Assurance of "Professional Design and Commitment for Field Review" prepared by the Registered Professionals associated with this Permit (see Letters of Assurance on file) in reviewing the plans, drawings, specifications and supporting documents submitted with the application for this building permit.
4. I confirm that I have relied only on the said Registered Professional for the adequacy of plans, drawings, specifications and supporting documents submitted with this application.
5. I understand that I should seek independent legal advice in respect of the responsibilities I am assuming upon the granting of a building permit by the City pursuant to this application and in respect of the execution of this acknowledgment.

\_\_\_\_\_  
*Signature of Applicant*

\_\_\_\_\_  
*Witness*

\_\_\_\_\_  
*Building Inspector/Plan Checker*

\_\_\_\_\_  
*Date*

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CITY OF PORT MOODY,  
100 Newport Drive. P.O. Box 36,  
Port Moody, B.C., V3H 3E1, Canada  
Tel. (604) 469-4534 Fax (604) 469-4533  
www.cityofportmoody.com

## Schedule "B"

### PROOF OF LIABILITY INSURANCE

This form must be submitted by each registered professional submitting Letters of Assurance, prior to issuance of a building permit.

Attention: Building Official

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

\_\_\_\_\_  
Legal Description of Project (Print)

The undersigned hereby gives assurance that:

1. I have fulfilled my obligation for insurance coverage as outlined in the City of Port Moody Building Bylaw No. 2577.
2. I have enclosed a copy of my certificate of insurance coverage indicating particulars of such coverage.
3. I am a registered professional as defined in the City of Port Moody Building Bylaw No. 2577.
4. I will notify the building official in writing immediately if the undersigned's insurance coverage is reduced or terminated at any time during construction.

\_\_\_\_\_  
Name (Print)      Date

\_\_\_\_\_

\_\_\_\_\_  
Signature (of Registered Professional)

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

(Affix Professional Seal Here)

(If the registered professional is a member of a firm, complete the following)

I am a member of the firm of \_\_\_\_\_ and I sign and seal this letter of behalf of the firm. (print name of firm)

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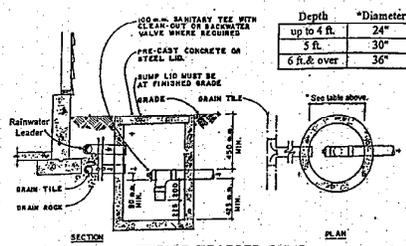
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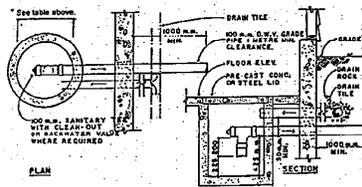
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Bylaw No. 2577

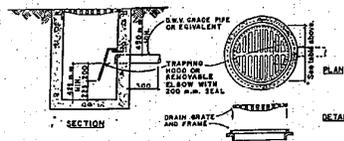
## Schedule "C"



EXTERIOR TRAPPED SUMP



INTERIOR TRAPPED SUMP



AREA CATCH BASIN

- Notes:
1. Ladder rungs are required in all Sumps or Catch Basins 6 ft. or greater in depth.
  2. A Sump or Catch Basin including the cover shall be designed to support all loads imposed on it.

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## Schedule D



<b>Port Moody (150m or lower), BC</b>		
<b>Latitude:</b> 49 ° 16 ' 56 " N	<b>Longitude:</b> 122 ° 49 ' 48 " W	<b>Elevation (Metres):</b> 15
<b>Design element</b>	<b>Design value</b>	
January 2.5% design dry bulb temperature °C	-7	
January 1% design dry bulb temperature °C	-9	
July 2.5% design dry bulb temperature °C	27	
July 2.5% design wet bulb temperature °C	17	
Annual total degree days below 18 °C	2,980	
Maximum 15 minute rainfall (mm)	10	
Maximum one day rainfall (50 years) (mm)	150	
Annual rainfall (mm)	1,850	
Annual total precipitation (mm)	1,875	
Moisture Index	1.90	
Driving Rain wind pressure 1/5 years (Pa)	160	
Ground snow load, snow component S <sub>s</sub> (30 years) (kPa)	2.8	
Ground snow load, rain component S <sub>r</sub> (30 years) (kPa)	0.3	
Ground snow load, snow component S <sub>s</sub> (50 years) (kPa)	3.0	
Ground snow load, rain component S <sub>r</sub> (50 years) (kPa)	0.3	
Hourly wind pressure 1/10 (kPa)	0.36	
Hourly wind pressure 1/30 years (kPa)	0.44	
Hourly wind pressure 1/50 years (kPa)	0.48	
Hourly wind pressure 1/100 years (kPa)	0.54	

Please note that the recommended values may differ from the legal requirements established by the municipal or provincial (territorial) building authorities. The design values may have been interpolated from calculated values at surrounding locations with subjective modification. Topographic effects may introduce local variations in the design values. Environment Canada has not made and does not make any representation or warranties, either expressed or implied, arising by law or otherwise, respecting the accuracy of climatic information. In no event will Environment Canada be responsible for any prejudice, loss or damage which may occur as the result of the use of climatic information.

For elevation (i) below 150m, (ii) between 150m and 300m, and (iii) between 300m and 400m, the annual heating degree days below 18C are (i) 2980, (ii) 3100, and (iii) 3190, respectively.

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## Schedule D



<b>Port Moody (150m-300m), BC</b>		
<b>Latitude: 49 ° 18 ' 17 " N</b>	<b>Longitude: 122 ° 49 ' 36 " W</b>	<b>Elevation (Metres): 300</b>
<b>Design element</b>	<b>Design value</b>	
January 2.5% design dry bulb temperature °C	<b>-7</b>	
January 1% design dry bulb temperature °C	<b>-9</b>	
July 2.5% design dry bulb temperature °C	<b>27</b>	
July 2.5% design wet bulb temperature °C	<b>17</b>	
Annual total degree days below 18 °C	<b>3,100</b>	
Maximum 15 minute rainfall (mm)	<b>10</b>	
Maximum one day rainfall (50 years) (mm)	<b>150</b>	
Annual rainfall (mm)	<b>1,850</b>	
Annual total precipitation (mm)	<b>1,875</b>	
Moisture Index	<b>1.90</b>	
Driving Rain wind pressure 1/5 years (Pa)	<b>160</b>	
Ground snow load, snow component Ss (30 years) (kPa)	<b>3.8</b>	
Ground snow load, rain component Sr (30 years) (kPa)	<b>0.3</b>	
Ground snow load, snow component Ss (50 years) (kPa)	<b>4.2</b>	
Ground snow load, rain component Sr (50 years) (kPa)	<b>0.3</b>	
Hourly wind pressure 1/10 (kPa)	<b>0.36</b>	
Hourly wind pressure 1/30 years (kPa)	<b>0.44</b>	
Hourly wind pressure 1/50 years (kPa)	<b>0.48</b>	
Hourly wind pressure 1/100 years (kPa)	<b>0.54</b>	

Please note that the recommended values may differ from the legal requirements established by the municipal or provincial (territorial) building authorities. The design values may have been interpolated from calculated values at surrounding locations with subjective modification. Topographic effects may introduce local variations in the design values. Environment Canada has not made and does not make any representation or warranties, either expressed or implied, arising by law or otherwise, respecting the accuracy of climatic information. In no event will Environment Canada be responsible for any prejudice, loss or damage which may occur as the result of the use of climatic information.

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## Schedule D



<b>Port Moody (300m-400m), BC</b>		
<b>Latitude: 49 ° 18 ' 38 " N</b>	<b>Longitude: 122 ° 49 ' 43 " W</b>	<b>Elevation (Metres): 400</b>
<b>Design element</b>	<b>Design value</b>	
January 2.5% design dry bulb temperature °C	<b>-7</b>	
January 1% design dry bulb temperature °C	<b>-9</b>	
July 2.5% design dry bulb temperature °C	<b>27</b>	
July 2.5% design wet bulb temperature °C	<b>17</b>	
Annual total degree days below 18 °C	<b>3,190</b>	
Maximum 15 minute rainfall (mm)	<b>10</b>	
Maximum one day rainfall (50 years) (mm)	<b>150</b>	
Annual rainfall (mm)	<b>1,850</b>	
Annual total precipitation (mm)	<b>1,875</b>	
Moisture Index	<b>1.90</b>	
Driving Rain wind pressure 1/5 years (Pa)	<b>160</b>	
Ground snow load, snow component Ss (30 years) (kPa)	<b>4.5</b>	
Ground snow load, rain component Sr (30 years) (kPa)	<b>0.4</b>	
Ground snow load, snow component Ss (50 years) (kPa)	<b>4.9</b>	
Ground snow load, rain component Sr (50 years) (kPa)	<b>0.4</b>	
Hourly wind pressure 1/10 (kPa)	<b>0.36</b>	
Hourly wind pressure 1/30 years (kPa)	<b>0.44</b>	
Hourly wind pressure 1/50 years (kPa)	<b>0.48</b>	
Hourly wind pressure 1/100 years (kPa)	<b>0.54</b>	

Please note that the recommended values may differ from the legal requirements established by the municipal or provincial (territorial) building authorities. The design values may have been interpolated from calculated values at surrounding locations with subjective modification. Topographic effects may introduce local variations in the design values. Environment Canada has not made and does not make any representation or warranties, either expressed or implied, arising by law or otherwise, respecting the accuracy of climatic information. In no event will Environment Canada be responsible for any prejudice, loss or damage which may occur as the result of the use of climatic information.

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## City of Port Moody

### **Bylaw No. 3200**

A Bylaw to administer the *Building Code* and regulate construction.

The Council of the City of Port Moody enacts as follows:

#### 1. Citation

1.1 This Bylaw may be cited as “City of Port Moody Building Bylaw, 2019, No. 3200”.

#### 2. Repeal

2.1 City of Port Moody Building and Plumbing Code Administration Bylaw, 2003, No. 2577 and all amendments thereto are hereby repealed.

#### 3. Purpose of Bylaw

- 3.1 Despite any other provision in this Bylaw, this Bylaw must be interpreted in accordance with this Part.
- 3.2 Every permit issued under this Bylaw is issued expressly subject to the provisions of this Part.
- 3.3 This Bylaw is enacted to regulate, prohibit, and impose requirements in regard to construction in the City in the public interest.
- 3.4 The purpose of this Bylaw does not extend to
- a) the protection of owners, designers, or constructors from economic loss;
  - b) the assumption by the City or any *Building Official* of any responsibility for ensuring the compliance by any owner, their representatives, or any employees, constructors, or designers retained by the owner, with the *Building Code*, the requirements of this Bylaw, or other applicable enactments, codes, or standards;
  - c) providing any person a warranty of design or workmanship with respect to any building or structure for which a building permit or occupancy permit is issued under this Bylaw;

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- d) providing any person a warranty or assurance that construction undertaken under building permits issued by the City is free from latent, or any, defects;  
or
- e) the protection of adjacent real property from incidental damage or nuisance.

## 4. Interpretation

### Definitions

4.1 In this Bylaw, the following words and terms have the meanings

- a) set out in the *Building Code*: accessible assembly occupancy, building, building area, building height, business and personal services occupancy, care occupancy, constructor, coordinating registered professional, designer, detention occupancy, excavation, field review, firewall, first storey, foundation, high hazard industrial occupancy, industrial occupancy, low hazard industrial occupancy, major occupancy, medium hazard industrial occupancy, mercantile occupancy, occupancy, post disaster building, private sewage disposal system, registered professional, residential occupancy, storey, treatment occupancy, or unsafe condition;
- b) subject to this Bylaw, set out in the Schedule to the *Community Charter*: assessed value, highway, land, occupier, parcel, public authority, service, and soil; and
- c) subject to this Bylaw, set out in the *Interpretation Act*: may, must, obligation, person, property, writing, written, and year.

4.2 In this Bylaw:

*Accepted* means reviewed by the *Building Official* under the applicable provisions of the *Building Code* and this Bylaw;

*Addition* means an alteration to any building which will increase the total aggregate floor area or the building height (in storeys), and includes the provision of two or more separate buildings with openings between each other for intercommunication;

*Agent* includes a firm, corporation, or other person representing the owner, by written designation, and includes a hired tradesperson or constructor who may be granted a permit for work within the limitations of their licence;

*Alternative solution* means an alternative solution authorized under the *Building Code*;

*Alteration* means a change, repair, or modification of the construction or arrangement of or use of any building or structure, or to an occupancy regulated by this Bylaw;

*Architects Act* means the *Architects Act* RSBC 1996, c. 17;

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*Building Code* means the *British Columbia Building Code* as adopted by the Minister responsible under provincial legislation, as amended or re-enacted from time to time;

*Building Official* means the person designated in or appointed to that position by the City, and includes a building inspector, plan checker, plumbing inspector, inspector designated or appointed by the City, and for certainty the *Building Official* is the “building inspector” referred to in the *Community Charter* and *Local Government Act*;

*City* means the City of Port Moody.

*Complex Building* means:

- a) a building used for a major occupancy classified as:
  - i) assembly occupancy;
  - ii) care occupancy;
  - iii) detention occupancy;
  - iv) high hazard industrial occupancy,
  - v) treatment occupancy; or
  - vi) post-disaster building,
- b) a building exceeding 600 square metres in building area or exceeding three storeys in building height used for a major occupancy classified as:
  - i) residential occupancy;
  - ii) business and personal services occupancy;
  - iii) mercantile occupancy; or
  - iv) medium and low hazard industrial occupancy,

*Coordinating Registered Professional* means a registered professional retained pursuant to the *Building Code* to coordinate all design work and field reviews of the registered professionals required for a development;

*Construct* includes build, erect, install, repair, alter, add, enlarge, move, locate, relocate, reconstruct, demolish, remove, excavate, or shore;

*Constructor* means a person who constructs;

*Engineers and Geoscientists Act* means the *Engineers and Geoscientists Act* RSBC 1996, c. 116;

*Energy Advisor* means a registered energy advisor in good standing with Natural Resources Canada, who conducts EnerGuide home evaluations on behalf of service organizations licensed by Natural Resources Canada;

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*Energy Step Code* means the Province of British Columbia's performance-based standard for energy efficiency in new construction requiring energy modelling and on-site testing to demonstrate minimum performance against metrics for building envelope, equipment and systems, and airtightness requirements, and including Step 1, Step 2, Step 3, Step 4, and Step 5, as defined in the *Building Code*, all as amended or re-enacted from time to time;

*Existing*, in respect of a building, means that portion of a building constructed prior to the submission of a permit application required under this Bylaw;

*Fees Bylaw* means the City of Port Moody Fees Bylaw;

*GHG* means greenhouse gas;

*Greenhouse Gas Intensity* means a measure of a building's greenhouse gas (GHG) performance using the definition, calculation, and fuel type emissions factors established in the energy modelling guidelines referenced by the Energy Step Code, that is a calculated value determined through energy modelling and reported in kilograms of carbon dioxide-equivalent per square metre per year ( $\text{kgCO}_2\text{e/m}^2\text{a}$ );

*Health and Safety Aspects of the Work* means design and construction regulated by Parts 3, 4, 5, 6, 7, 8, 9, and 10, Division B, of the *Building Code*; and subject to Parts 1 and 2 in relation to Parts 3 through 10, Division B;

*Landscape Wall* means a structure retaining soil or other material less than 1.2 metres in height;

*Low-Carbon Energy* means heat energy with a carbon dioxide-equivalent intensity ( $\text{kgCO}_2\text{e/kWh}$ ), calculated using the energy modelling guidelines referenced by the Energy Step Code, that is much less than that of fossil fuels, and low enough so that when applied to a building's modelled energy use allows the building to meet building GHGi limits under the City's Low-Carbon Energy System requirements;

*Low Carbon Energy System* means a professionally operated and maintained, highly efficient mechanical system that supplies a building's space heating, cooling, and domestic hot water heating demand primarily from renewable energy sources, and meets defined GHG limits;

*Owner* means the registered owner in fee simple, or an agent duly authorized by the owner in writing in the form acceptable to the *Building Official*;

*Permit* means permission or authorization in writing by the *Building Official* to perform work regulated by this Bylaw and, in the case of a final inspection notice, to *occupy a building or part of a building*;

*Plumbing Systems* means a drainage system, a venting system, and a water system or parts thereof;

*Pool* means a structure or constructed depression used or intended to be used for swimming, bathing, wading, or diving which is designed to contain water and

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has a depth, at any point, exceeding 0.6 m, including an in-ground pool, above ground pool, hot tub, spa, and water features;

*Professional Design* means the plans and supporting documents bearing the date, seal or stamp, and signature of a registered professional;

*Project* means any construction operation;

*Retaining Wall* means a structure that holds or retains soil or other material behind it exceeding 1.2 metres in height or a series of landscape walls spaced at a setback ratio that is less than two horizontal to one vertical;

*Standard Building* means a building of three storeys or less in building height, having a building area not exceeding 600 square metres, and used for a major occupancy classified as

- a) residential occupancy;
- b) business and personal services occupancy;
- c) mercantile occupancy;
- d) medium hazard industrial occupancy; or
- e) low hazard industrial occupancy;

*Structure* means a construction or portion of construction, of any kind, whether fixed to, supported by or sunk into land or water, except landscaping, fences, paving and retaining structures less than 1.2 metres in height;

*Temporary Building* includes a tent, sales office, construction office, or a structure in which tools and/or materials are stored during construction of a building or other structure;

*Value of the Work* means that amount that is calculated as follows:

- a) for construction of a building containing a residential occupancy that is served by only one stove, or two stoves if permitted as an auxiliary and secondary residential occupancy, the greater of:
  - i) the declared value of the work; or
  - ii) the value calculated by the *Building Official*.
- b) for all other construction, the greater of:
  - i) the declared value of the work; or
  - ii) the value calculated using a method stipulated in the "Marshall Valuation Service".

4.3 Every reference to this Bylaw in this or another Bylaw of the City is a reference to this Bylaw as amended to the date of the reference.

4.4 Every reference to:

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- a) the *Building Code* is a reference to the current edition as of the date of issuance of the building permit; and
  - b) a section of the *Building Code* is a reference to the applicable successor sections, as the *Building Code* or section may be amended or re-enacted from time to time.
- 4.5 Definitions of words and phrases used in this Bylaw that are not included in the definitions in this Part have the meanings commonly assigned to them in the context in which they are used in this Bylaw, considering the specialized use of terms with the various trades and professions to which the terminology applies.

## 5. Scope and Exemptions

### Application

- 5.1 This Bylaw applies to the geographical area of the City and to land, the surface of water, air space, buildings, or structures in the City.
- 5.2 This Bylaw applies to the design, construction, or occupancy of new buildings or structures, and the alteration, reconstruction, demolition, removal, relocation, or occupancy, or change of use or occupancy of existing buildings and structures.
- 5.3 This Bylaw does not apply to:
  - a) except as set out in Part 17 of this Bylaw, a fence;
  - b) an accessory building with a floor area of less than 10 square metres;
  - c) a wall supporting soil that is less than 1.2 metres in height, or other similar landscape structures;
  - d) a building or structure commonly known as “Canadian Standards Association Z240 MH series or Z241 series”, except as regulated by the *Building Code*.

### Limited Application to Existing Buildings

- 5.4 Except as provided in the *Building Code* or to the extent an existing building is under construction or does not have an occupancy permit, when an existing building has been constructed before the enactment of this Bylaw, the enactment of this Bylaw is not to be interpreted as requiring that the building must be reconstructed and altered, unless it is expressly so provided by this or another Bylaw, regulation, or statute.
- 5.5 This Bylaw applies if the whole or any part of an existing building is moved either within or into the City, including relocation relative to parcel lines created by subdivision or consolidation as per Part 15 applies to *building moves*.
- 5.6 If an alteration is made to an existing building the alteration must comply with this Bylaw and the *Building Code* and the entire building must be made to comply with this Bylaw and the *Building Code*, but only to the extent necessary to addresses any new infractions introduced in the remainder of the building as a result of the alteration.

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- 5.7 If an alteration creates an addition to an existing building, the alteration or addition must comply with this Bylaw, the City of Port Moody Zoning Bylaw and the *Building Code* and the entire building must be made to comply with this Bylaw and the *Building Code*, 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.

## 6. Prohibitions

- 6.1 A person must not commence or continue any *construction, alteration, excavation*, reconstruction, demolition, removal, relocation, or change the use or *occupancy* of any *building or structure*, including other work related to construction
- a) except in conformity with the requirements of the *Building Code* and this Bylaw; and
  - b) unless a valid and subsisting permit for the work has been issued under this Bylaw.
- 6.2 A person must not *occupy or permit the occupancy* of any *building or structure* or part of any *building or structure*
- a) unless a subsisting final inspection notice or occupancy certificate has been issued by a *Building Official* for the building or structure or the part of the building or structure; or
  - b) contrary to the terms of any permit issued or any notice given by a *Building Official*.
- 6.3 A person must not knowingly submit false or misleading information to a *Building Official* in relation to any permit application or construction undertaken pursuant to this Bylaw.
- 6.4 Except in accordance with this Bylaw, including acceptance of revised plans or supporting documents, a person must not erase, alter, or modify plans and supporting documents after the same have been reviewed by the *Building Official*, or plans and supporting documents which have been filed for reference with the *Building Official* after a permit has been issued.
- 6.5 A person must not, unless authorized in writing by a *Building Official*, reverse, alter, deface, cover, remove, or in any way tamper with any notice, permit, or certificate posted or affixed to a building or structure pursuant to this Bylaw.
- 6.6 A person must not do any work that is substantially at variance with the accepted design or plans of a building, structure, or other works for which a permit has been issued, unless that variance has been authorized in writing by a *Building Official*.
- 6.7 A person must not interfere with or obstruct the entry of a *Building Official* or other authorized official of the City on property in the administration of this Bylaw.

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- 6.8 A person must not construct on a parcel unless the civic address is conspicuously posted on the front of the premises or on a sign post so it may be easily read from the *highway* from which it takes its address.
- 6.9 A person must not contravene an administrative requirement of a *Building Official* made under any provision of this Bylaw.
- 6.10 A person must not change the use, occupancy, or both of a building or structure or a part of a building or structure without first applying for and obtaining a building permit under this Bylaw.

## 7. Permit Conditions

- 7.1 A *permit* is required if work regulated under this Bylaw is to be undertaken.
- 7.2 Neither the issuance of a *permit* under this Bylaw, nor the acceptance or review of plans, drawings, specifications, or supporting documents, nor any inspections made by or on behalf of the City will in any way:
  - a) relieve the owner (and if the owner is acting through an agent, the agent) from full and sole responsibility to perform the work in respect of which the permit was issued in strict compliance with this Bylaw, the *Building Code*, and all other applicable codes, standards, and enactments;
  - b) constitute a representation, warranty, assurance, or statement that the *Building Code*, this Bylaw or any other applicable enactments respecting safety, protection, land use, and zoning have been complied with; or
  - c) constitute a representation or warranty that the building or structure meets any standard of materials or workmanship.
- 7.3 No person shall rely on any permit as establishing compliance with this Bylaw or assume or conclude that this Bylaw has been administered or enforced according to its terms.
- 7.4 Without limiting other provisions of this Bylaw, it is the full and sole responsibility of the owner (and if the owner is acting through an *agent*, the *agent*) to carry out the work in respect of which the permit was issued in compliance with the *Building Code*, this Bylaw, and all other applicable codes, standards, and enactments.

## 8. Powers of a *Building Official*

### Administration

- 8.1 Words defining the authority of a *Building Official* are to be construed as internal administrative powers and not as creating a duty.
- 8.2 A *Building Official* may:
  - a) administer this Bylaw, but owes no public duty to enforce or administer this Bylaw;

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- b) keep records of applications received, permits, notices, and orders issued, inspections and tests made, and may retain copies of all papers and documents connected with the administration of this Bylaw;
- c) establish or require an owner to establish whether a method or type of construction or material used in the construction of a building or structure complies with the requirements and provisions of this Bylaw and the *Building Code*; and
- d) direct that tests of materials, equipment, devices, construction methods, structural assemblies, or foundations be carried out, or that sufficient evidence or proof be submitted by the owner, at the owner's sole expense, where such evidence or proof is necessary to determine whether the material, equipment, device, construction, or foundation condition complies with this Bylaw and the *Building Code*.

## Refusal and Revocation of Permits

- 8.3 A *Building Official* may refuse to issue a *permit* if the proposed work will contravene the requirements of the *Building Code* or the provisions of this or any other Bylaw of the City, and must state the reason in writing.
- 8.4 A *Building Official* may revoke a permit if, in their opinion, the results of tests on materials, devices, construction methods, structural assemblies, or foundation conditions contravene the *Building Code* or the provisions of this Bylaw, or both, or if all permits required under this Bylaw have not been obtained.

## Right of Entry

- 8.5 Subject to section 16 of the *Community Charter*, a *Building Official* may enter on property at any time to ascertain whether the requirements of this Bylaw are being met.

## Powers

- 8.6 Subject to applicable enactments, a *Building Official* may by notice in writing require:
  - a) a person who contravenes any provision of this Bylaw to comply with that provision within the time ordered;
  - b) an owner to stop work on a building or structure, or any part of a building or structure, if the work is proceeding in contravention of this Bylaw, the *Building Code*, or any other enactment of the City or other applicable enactments, or if there is deemed to be an unsafe condition, and may enter on property to affix or post a stop work order;
  - c) an owner to remove or prevent any unauthorized encroachment on a public parcel, a statutory right of way or easement, or a setback or yard required under an enactment;
  - d) an owner to remove any building or structure, or any part of a building or structure, constructed in contravention of a provision of this Bylaw;

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- e) an owner to have work inspected by a *Building Official* prior to covering;
  - f) an owner to uncover any work that has been covered without inspection contrary to this Bylaw or an order issued by a *Building Official*;
  - g) a person to cease any occupancy in contravention of a provision of this Bylaw;
  - h) a person to cease any occupancy if any unsafe condition exists because of work being undertaken but not complete and where the *Building Official* has not issued a final inspection notice for the work;
  - i) an owner to correct any unsafe condition; and
  - j) an owner to correct any work that contravenes this Bylaw, the *Building Code*, or another applicable enactment.
- 8.7 Every reference to *owner* includes a reference to the owner's agent or constructor.
- 8.8 Every person served with a notice under this Part must comply with that notice
- a) within the time ordered; or
  - b) if no time is ordered, immediately.

## 9. Owner's Responsibilities

- 9.1 Every owner must apply for and obtain a permit, prior to:
- a) constructing, repairing, or altering a building or structure, including a pool or retaining wall;
  - b) moving a building or structure into or within the City;
  - c) demolishing a building or structure;
  - d) occupying a new building or structure;
  - e) constructing a masonry fireplace or installing a wood-burning appliance or chimney, whether attached to, part of or detached from a building;
  - f) changing the use or occupancy of a building,
- unless the works are the subject of another valid and subsisting building permit.
- 9.2 Every *owner* must ensure that plans submitted with a *permit* application bear the name, phone number, address, and email address of the *designer* of the *building* or *structure*.

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## Owner's Obligations

- 9.3 Every *owner* must
- a) comply with the *Building Code*, the requirements of this Bylaw and the conditions of a permit, and must not omit any work required by the *Building Code*, this Bylaw, written instruction from a *Building Official* or the conditions of a permit;
  - b) ensure that all permits, all plans and specifications and supporting documents on which a permit was based, all municipal inspection certificates, and all professional field reviews are available at the site of the work for inspection during working hours by the *Building Official*, and that all permits are posted conspicuously on the site during the entire execution of the work; and
  - c) prior to the issuance of a building permit, execute and submit to the *City* the *owner's* undertaking in the form attached as Schedule 1, where required by the *Building Official*.
- 9.4 Every *owner* and every *owner's agent*, must carry out *construction* or have the *construction* carried out in accordance with the requirements of the *Building Code*, this Bylaw and other Bylaws of the *City*. None of the issuance of a *permit* under this Bylaw, the review of plans and supporting documents, or inspections made by a *Building Official* or a *registered professional* shall relieve the *owner*, or their *agent*, from full and sole responsibility to perform the work in strict accordance with this Bylaw, the *Building Code* and all other applicable codes, standards, and enactments.
- 9.5 Every *owner* must allow a *Building Official* to enter any building or premises at any reasonable time to administer and enforce this Bylaw. Every *owner* to whom a permit is issued must, during construction:
- a) post the civic address on the property so that it may be easily read from the *highway* from which the property takes its address; and
  - b) post the permit on the property so that it may be easily read from the *highway* from which the property takes its address.

## Damage to Municipal Works

- 9.6 Every *owner* to whom a permit is issued is responsible for the cost to repair any damage to municipal works or land that occurs during and arises directly or indirectly from the work authorized by the permit.
- 9.7 In addition to payment of a damage bond under section 12 of this Bylaw, every *owner* must pay to the *City*, within 30 days of receiving an invoice for same from the *City*, the cost to repair any damage to public property or works located on public property arising directly or indirectly from work for which a *permit* was required or issued.

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## Demolition

- 9.8 Prior to obtaining a permit to demolish a building or structure, the owner must:
- a) comply with the requirements of the City of Port Moody Waste Management Bylaw;
  - b) pay capping and inspection chamber installation fees as set out in the City's Bylaws governing waterworks and sewer;
  - c) ensure that all municipal services and other services are capped and terminated at the property line in a *City* standard inspection chamber and valve arrangement;
  - d) submit any geotechnical reports as required by the *Building Official* based on hazardous lands identified under the City of Port Moody Official Community Plan Bylaw;
  - e) submit a copy of the a WorkSafeBC Hazardous Materials Report and Notice of Project if required by WorkSafeBC, as required by the *Building Official*;
  - f) submit a report from a vector control company confirming there are no vectors present on the property or all vector have been successfully removed; and
  - g) date of building vacancy.
- 9.9 Every owner must ensure that, on completion of all demolition procedures, all debris and fill are cleared and the site is levelled or graded, or made safe if levelling and grading are not possible.
- 9.10 Every *owner* is responsible to secure the demolition site and all buildings from unauthorized entry.

## Notice

- 9.11 Every owner must give written or online notice to a *Building Official* of any change in or termination of engagement of a registered professional, contractor, or agent, including a coordinating registered professional, during construction, within 24 hours of when the change or termination occurs.
- 9.12 If an owner or a registered professional terminates the engagement of the registered professional, including a coordinating registered professional, the owner must suspend all work under a building permit until the owner has engaged a new registered professional, including a coordinating registered professional, and has delivered to a *Building Official* new letters of assurance.

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- 9.13 Without limiting other sections of this Bylaw, every owner must call for an inspection at least 24 hours prior:
- a) to doing work that is required or ordered to be corrected during construction;
  - b) to covering work that is required under this Bylaw to be, or has been ordered to be, inspected prior to covering; and
  - c) when work has been completed so that a final inspection can be made.
- 9.14 Every owner must give notice in writing to a *Building Official* and pay the non-refundable fee set out in the *Fees Bylaw* immediately upon any change in ownership or change in the address of the owner which occurs prior to the issuance of an occupancy permit.
- 9.15 Every owner must give such other notice to a *Building Official* as may be required by the *Building Official* or by a provision of this Bylaw.

## 10. Obligations of Owner's Constructor

- 10.1 Every *constructor* must ensure that all construction is done in compliance with all requirements of the *Building Code*, this Bylaw and all other applicable, codes, standards, and enactments.
- 10.2 Every *constructor* must ensure that no excavation or other work is undertaken on public property, and that no public property is disturbed, no *building* or *structure* erected, and no materials stored thereon, in whole or in part, without first having obtained approval in writing from the appropriate authority over such public property.
- 10.3 For the purposes of the administration and enforcement of this Bylaw, every *constructor* is responsible jointly and severally with the owner for all work undertaken.

## 11. Registered Professional's Responsibilities

### Professional Design and Field Review

- 11.1 The provision by the owner to the City of letters of assurance in accordance with the requirements of the *Building Code* shall occur prior to
- a) the pre-occupancy site review coordinated by the coordinating registered professional or other registered professional for a complex building; or
  - b) a final inspection for a standard building in circumstances where letters of assurance have been required in accordance with the requirements of the *Building Code*, in which case the owner must provide the City with letters of assurance in the form of Schedules C-A or C-B, as appropriate, referred to in the *Building Code*.
- 11.2 If a registered professional provides letters of assurance in accordance with the *Building Code*, they must also provide proof of professional liability insurance to the *Building Official* in the form and amount set by Schedule 4 to this Bylaw.

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## Requirement for a Registered Professional

- 11.3 The owner must retain a registered professional to provide a professional design and plan certification and letters of assurance in the form of Schedules A, B, C-A, and C-B referred to in the *Building Code*, in respect of a permit application:
- a) prior to the pre-occupancy site review coordinated by the coordinating registered professional or other registered professional for a complex building;
  - b) prior to a final inspection for a standard building in circumstances where letters of assurance have been required in accordance with the requirements of the *Building Code*, in which case the owner must provide the City with letters of assurance in the form of Schedules C-A or C-B, as appropriate, referred to in the *Building Code*;
  - c) a *building* that is designed with common egress systems for the occupants and requires the use of firewalls in accordance with the *Building Code*;
  - d) prior to alterations to a *building*, or to a structural component of a building described in paragraph (b);
  - e) for a building in respect of which the *Building Official* determines that site conditions, size, or complexity so warrant in the interests of safety of persons or protection of property under the *Building Code*;
  - f) if the building envelope components of the building fall under Division B Part 3 of the *Building Code*, the building contains more than two dwellings, or if the building envelopes do not comply with the prescriptive requirements of Division B Part 9 of the *Building Code*; and
  - g) for a parcel of land on which a building or structure is proposed if the *Building Official* believes the parcel is or is likely to be subject to flooding, mud flows, debris flows, debris torrents, erosion, land slip, rock falls, subsidence, or avalanche, and the requirement for a professional design is in addition to a requirement under Division 8 of Part 3 of the *Community Charter*:
    - i) for a report certified by a professional engineer with experience in geotechnical engineering that the parcel may be used safely for the use intended; and
    - ii) that the plans submitted with the application comply with the relevant provisions of the *Building Code* and applicable Bylaws of the City.
- 11.4 The *Building Official* may require any *registered professional* carrying out the *professional design* and *field review* required under section 11.3 to provide evidence that they have experience and expertise in respect of the *professional design* and *field review* of the context and scope required.

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## Professional Plan Certification

- 11.5 The letters of assurance in the form of Schedules A and B as referred to in the *Building Code* referred to in this section are relied upon by the *City* and its *Building Officials* as certification that the design and plans to which the letters of assurance refer comply with the *Building Code*, this Bylaw, and other applicable enactments.
- 11.6 Letters of assurance must be in the form of Schedules A and B referred to in the *Building Code*.
- 11.7 For a building permit issued under this section for the construction of a building, the *Building Official* will provide the owner with a notice that the building permit is issued in reliance on the certification of the registered professional that the professional design and plans submitted in support of the application for the building permit comply with the *Building Code* and other applicable enactments. Any failure on the part of the *Building Official* to provide the owner with the notice will not diminish or invalidate the reliance by the *City* or its *Building Officials* on the registered professionals.
- 11.8 If a building permit is issued under this section for a construction of a building, the permit fee is reduced by 2.5% of the fees payable under the *City of Port Moody Fees Bylaw*.

## 12. Building Application Requirements

### Requirements for Applying for a Building Permit

- 12.1 Prior to issuance of a *building permit*, the *owner* must satisfy the following requirements or conditions:
  - a) the owner must apply for and obtain a development permit if the building or structure is in an area designated by the *City's of Port Moody's Official Community Plan Bylaw* as a development permit area;
  - b) the owner must ensure that the proposed building or structure complies with all Bylaws of the *City*, except to the extent a variance of a Bylaw is authorized by a development permit, development variance permit, or order of the Board of Variance;
  - c) an approving officer must have approved the subdivision plan that, once registered, would create the parcel on which the proposed building or structure will be constructed, and the subdivision plan must have been registered in the Land Title Office;
  - d) the owner must provide evidence to the *Building Official* showing that the person applying for the building permit is either the owner of the parcel that is the subject of the proposed building permit, or is the agent of the owner, in which case, the agent must provide the name and contact information of the owner;

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- e) if the parcel that is the subject of the building permit application is not intended to be connected to the *City's* sewage disposal system, the owner must apply for and obtain approval from the *City* and other applicable public authorities for an alternate private sewage disposal system;
- f) if the parcel that is the subject of the building permit application is not intended to be connected to the *City's* waterworks system, the owner must apply for and obtain approval from the *City* and other applicable public authorities for an alternate water supply system;
- g) if the parcel that is the subject of the building permit application is not intended to be connected to the *City's* storm water drainage system, the owner must apply for and obtain approval from the *City* and other applicable public authorities for the alternate storm water drainage and detention system; and
- h) if all on-site and off-site works and services required by a *City* Bylaw or other enactment have not been completed in accordance with the enactments, the owner must enter into a completion agreement with the *City* and deliver to the *City* letters of credit or cash security for completion of the works and service.

## **Building Permit Applications for Complex Buildings**

- 12.2 An application for a building permit with respect to a complex building must
- a) be made with a complete Building Permit Application Form and signed by the owner, or by a signing officer if the owner is a corporation;
  - b) be accompanied by the owner's acknowledgement of responsibility and undertaking made in the form attached as Schedule 2 to this Bylaw and signed by the owner, or a signing officer if the owner is a corporation;
  - c) include a copy of a title search for the relevant property made within 30 days of the date of the permit application;
  - d) include a *Building Code* compliance summary including the applicable edition of the *Building Code*, such as without limitation whether the building is designed under Part 3 or Part 9 of the *Building Code*, major occupancy classification(s) of the building, building area and building height, number of streets the building faces, and accessible entrances, work areas, washrooms, firewalls, and facilities;
  - e) include a current, sealed copy of a survey plan prepared by a British Columbia land surveyor;
  - f) include a site plan prepared by a registered professional showing:
    - i) the bearing and dimensions of the parcel taken from the registered subdivision plan;
    - ii) the legal description and civic address of the parcel;

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- iii) the location and dimensions of existing and proposed statutory rights of way, easements and setback requirements, and adjacent street and lane names;
- iv) the location and dimensions of existing and proposed buildings or structures on the parcel;
- v) setbacks to the natural boundary of any lake, swamp, pond, watercourse, or sea;
- vi) north arrow;
- vii) if applicable, location of an approved existing or proposed private or other alternative sewage disposal system, water supply system, or storm water drainage system;
- viii) zoning compliance summary;
- ix) the location, dimensions, and gradient of parking and parking access;
- x) proposed and existing setbacks to property lines;
- xi) natural and finished grade at all building corners and significant breaks in the building plan and proposed grade around the building faces in order to ascertain foundation height;
- xii) first storey floor elevation;
- xiii) location, setbacks, and elevations of all retaining walls, steps, stairs, and decks;
- xiv) line of upper floors;
- xv) location and elevation of curbs, sidewalks, manholes, and service poles;
- xvi) location of existing and proposed service connections;
- xvii) location and species of all trees greater than 10 centimetres in diameter;
- xviii) location of top of bank and water courses;
- xix) access routes for firefighting;
- xx) accessible paths of travel from the street to the building;
- xxi) geodetic elevation of the underside of a wood floor system or the top of a finished concrete slab of a building or structure where the City's land use regulations or provincial flood mapping regulations establish siting requirements related to minimum floor elevation,

except that the *Building Official* may waive, in whole or in part, the requirements for a site plan, if the permit is sought for the repair or alteration of an existing building or structure;

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- g) include floor plans showing the dimensions and uses and occupancy classification of all areas, including: the dimensions and height of crawl and roof spaces; the location, size and swing of doors; the location, size, and opening of windows; floor, wall, and ceiling finishes; fire separations; plumbing fixtures; structural elements; and stair dimensions;
  - h) include a cross-section through the building or structure in sufficient detail and locations to illustrate foundations, drainage, ceiling heights, and construction systems;
  - i) include elevations of all sides of the building or structure showing finish details, roof slopes, windows, doors, natural and finished grade, spatial separations, and ridge height to comply with the *Building Code* and to illustrate that the building or structure conforms with the City of Port Moody Zoning Bylaw and development permit requirements;
  - j) include cross-sectional details drawn at an appropriate scale and at sufficient locations to illustrate that the building conforms to the *Building Code*;
  - k) include all other requirements of sections 2.2.1, 2.2.3, 2.2.4, 2.2.5, 2.2.6, and 2.2.9, Division C of the *Building Code*;
  - l) 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 approvals;
  - m) include a letter of assurance in the form of Schedule A referred to in subsection 2.2.7 Division C, of the *Building Code*, signed by the owner, or a signing officer if the owner is a corporation, and the coordinating registered professional;
  - n) include letters of assurance in the form of Schedule B referred to in subsection 2.2.7 Division C, of the *Building Code*, each signed by such registered professionals as the *Building Official* or *Building Code* may require to prepare the design for and conduct *field reviews* of the construction of the *building*;
  - o) include two sets of drawings at a suitable scale of the design prepared by each registered professional containing the information set out in (g) to (k) of this section; and
  - p) include illustration of any slopes on the subject parcel that exceed 30%.
- 12.3 In addition to the requirements of section 12.2 of this Bylaw, a *Building Official* may require the following to be submitted with a *permit* application for the construction of a *complex building* if the complexity of the proposed *building* or *structure* or siting circumstances warrant
- a) site servicing drawings, including sufficient detail of off-site services to indicate locations at the property line, prepared and sealed by a registered

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professional, in accordance with the City of Port Moody Subdivision and Development Servicing Bylaw;

- b) a section through the site showing grades, buildings, structures, parking areas, and driveways; and
- c) 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*.

## **Building Permit Applications for Standard Buildings**

- 12.4 An application for a building permit with respect to a standard building must
- a) be made with a complete Building Permit Application Form and signed by the owner, or a signing officer if the owner is a corporation;
  - b) be accompanied by the owner's acknowledgment of responsibility and undertaking made in the form attached as Schedule 2 and signed by the owner, or a signing officer if the owner is a corporation;
  - c) include a copy of a title search for the relevant property made within 30 days of the date of the permit application;
  - d) include a current, sealed copy of a survey plan prepared by a British Columbia land surveyor except that the *Building Official* may waive the requirement for a survey plan, in whole or in part, where conditions warrant;
  - e) include a site plan showing:
    - i) the bearing and dimensions of the parcel taken from the registered subdivision plan;
    - ii) the legal description and civic address of the parcel;
    - iii) the location and dimensions of existing and proposed statutory rights of way, easements and setback requirements, and adjacent street and lane names;
    - iv) the location and dimensions of existing and proposed buildings or structures on the parcel;
    - v) setbacks to the natural boundary of any lake, swamp, pond, watercourse, or sea;
    - vi) north arrow;
    - vii) if applicable, location of an approved existing or proposed alternative private or other sewage disposal system, water supply system, or storm water drainage system;
    - viii) the location, dimensions, and gradient of parking and parking access;

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- ix) proposed and existing setbacks to property lines;
- x) natural and finished grade at all property corners, all building corners, and datum determination points;
- xi) first storey floor elevation;
- xii) location, setbacks, and elevations of all retaining walls, steps, stairs, and decks;
- xiii) line of upper floors;
- xiv) location and elevation of curbs, sidewalks, manholes, and service poles;
- xv) location of existing and proposed service connections;
- xvi) location and species of all trees greater than 10 centimetres in diameter;
- xvii) location of top of bank and water courses;
- xviii) access routes for firefighting;
- xix) accessible paths of travel from the street to the building;
- xx) zoning compliance summary;
- xxi) the geodetic elevation of the underside of a wood floor system or the top of a finished concrete slab of a building or structure where the City's land use regulations or provincial flood mapping regulations establish siting requirements related to minimum floor elevation; and
- xxii) identify compliance with section 19 [Access Routes for Fire Vehicles] of this Bylaw,

except that for a standard building, the *Building Official* may waive, in whole or in part, the requirements for a site plan, if the permit is sought for the repair or alteration of an existing building;

- f) include floor plans showing the dimensions and uses of all areas, including: the dimensions and height of crawl and roof spaces; the location, size, and swing of doors; the location, size, and opening of windows; floor, wall, and ceiling finishes; plumbing fixtures; structural elements; and stair dimensions;
- g) include a cross-section through the building illustrating foundations, drainage, ceiling heights, and construction systems;
- h) include elevations of all sides of the building showing finish details, roof slopes, windows, doors, the grade, the maximum building height line, ridge height, spatial separations, and natural and finished grade to comply with the *Building Code* and to illustrate that the building or structure conforms with the City of Port Moody Zoning Bylaw and development permit requirements;

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- i) 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*;
- 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 approvals;
- k) except for garages, carports, and garden structures located on land, include a foundation and excavation design prepared by a registered professional in accordance with the *Building Code*;
- l) include geotechnical letters of assurance, in addition to a required geotechnical report, if the *Building Official* determines that the site conditions so warrant;
- m) include two sets of drawings at a suitable scale of design including the information set out in (f) to (i) of this section; and
- n) include a *Building Code* compliance summary including the applicable edition of the *Building Code*, such as, without limitation, whether the building is designed under Part 3 or Part 9 and compliance with article 2.2.2.1(2), Division C of the *Building Code*.

12.5 In addition to the requirements of section 12.4 of this Part, if a *project* involves:

- a) two or more buildings, the gross floor areas of which in the aggregate total more than 1,000 square metres;
- b) two or more buildings that will contain four or more dwelling units; or
- c) otherwise if the complexity of the proposed building or structure or siting circumstances warrant, a *Building Official* may require the following be submitted with a permit application for the construction of each standard building in the project:
  - i) a section through the site showing grades, buildings, structures, parking areas, and driveways;
  - ii) a roof plan and roof height calculations;
  - iii) structural, electrical, plumbing, mechanical, or fire suppression drawings prepared and sealed by a registered professional;
  - iv) letters of assurance in the form of Schedule B referred to in Division C of the *Building Code*, signed by a registered professional; and
  - v) 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.

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## Site and Location Information

12.6 Without limiting other sections of this Part, the *Building Official* may in writing require an owner to submit an up-to-date plan or survey prepared by a registered British Columbia land surveyor which contains sufficient information respecting the site and location of any building to:

- a) establish, before construction begins, that all the provisions of this Bylaw in relation to this information will be complied with;
- b) verify, on completion of the construction, that all provisions of this and other applicable Bylaw have been complied with;
- c) in relation to an existing building, substantiate its location, size, including appurtenances whether above, at, or below ground level, relative to the site or its relationship to neighbouring grades; and
- d) in relation to construction of a new building, or addition to an existing building, prior to and after the placement of concrete for foundations and footings, show the elevation at proposed top of concrete on all building elevations and at all significant changes of elevation to substantiate its size, location, and elevation;

and every person served with a written requirement under this section must comply with the requirement.

## Building Permit Fee

12.7 Before receiving a building permit for a building or structure, the owner must first pay to the City:

- a) the building permit fee prescribed in *Fees Bylaw*; and
- b) any fees, charges, levies, or taxes imposed by the City and payable under an enactment at the time of issuance of the building permit.

## Damage Bond with Building Permit Application

12.8 An applicant for a building permit must pay to the City, at the time of permit issuance a damage bond.

12.9 The damage bond sum set out in the *Fees Bylaw*:

- a) covers the cost borne by the City to maintain, restore, or replace any public works or public lands which are destroyed, damaged, or otherwise impaired in the carrying out of the work referred to in any building permit held by the applicant;
- b) covers the cost borne by the City to make the site safe if the permit holder abandons or fails to complete the work as designated on the permit;
- c) serves as the security deposit for provisional occupancy when such a final inspection notice makes provision for a security deposit; or

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- d) serves as a security deposit to effect compliance with any condition under which the permit was issued.

12.10 The damage bond or applicable portion will be returned to the payee:

- a) when the *Building Official* is satisfied that no further damage to public works or public lands will occur;
- b) when the inspections required by this Bylaw are complete and acceptable to the *Building Official*;
- c) when the conditions or provisions of a provisional certificate of occupancy are completed to the satisfaction of the *Building Official*; and
- d) when off-site servicing works are completed and acceptable to the *Building Official* and *City's* Engineering Department.

12.11 Any credit greater than the amount of the damage bond used by the City for the purposes described in subsections 12.8 to 12.10 of this Part will be returned to the permit holder unless otherwise so directed by the permit holder. Any amount in excess of the security deposit required by the City to complete corrective work to public lands, public works, or the site is recoverable by the City from the permit holder, the constructor, or the owner of the property.

## Permit Fee Refunds

12.12 No fee or part of a fee paid to the City may be refunded if construction of the building has started.

12.13 A building permit or other permit fee may be partially refunded, only if:

- a) the owner has submitted a written request for a refund;
- b) the *Building Official* has certified a start has not been made on the construction of the building or structure; and
- c) the permit has not expired.

12.14 A building permit or other permit fee is not refundable after the permit has been extended under subsection 12.46 [Permit Extension].

## Design Modification

12.15 If an issued building permit or other permit is active and the owner proposes modification to the building design whereby the value of the work does not increase or the value of the work decreases, the owner must pay to the City a Rechecking of Building Plans fee as established in the *Fees Bylaw*.

## Construction Before Permit Issued

12.16 The *building permit* or other *permit* fee is doubled for every *permit* application if construction commenced before the *Building Official* issued a *permit*, to a maximum of \$10,000.00.

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## Expiration of Application for a Permit

- 12.17 A *building permit* application expires six (6) months from the date of a complete application is received under this Part if the *building permit* is not issued by the application expiration date, unless the *permit* is not issued only due to delays caused by the City.

## Issuance of a Building Permit

12.18 If:

- a) a completed application in compliance with sections 12.1 -12.6 of this Part, including all required supporting documentation, has been submitted;
- b) the owner has paid all applicable fees set out in this Bylaw and the *Fees Bylaw*;
- c) the owner or their representative has paid all charges and met all requirements imposed by any other statute or Bylaw;
- d) the owner has retained a professional engineer or geoscientist if required under this Bylaw;
- e) the owner has retained an architect if required under this Bylaw; and
- f) no covenant, agreement, resolution, or regulation of the City requires or authorizes the permit to be withheld;

the *Building Official* must issue the permit, for which the application is made, and the date of issuance is deemed to be the date the City gives written notice to the owner that the permit is ready to be picked up by the owner.

- 12.19 Despite subsection 12.18, the *Building Official* may refuse to issue a *permit* when the *owner* has been notified of a violation of this Bylaw about the construction of another *building* or *structure* by the *owner*.

## Compliance with the *Homeowner Protection Act*

- 12.20 If the application is in respect of a building that includes, or will include, a residential occupancy governed by the *Homeowner Protection Act*, the building permit must not be issued unless the owner provides evidence under section 30(1) of the *Homeowner Protection Act*, that the proposed building:

- a) is covered by home warranty insurance; and
- b) the constructor is a licensed "residential builder" as defined in that *Act*.

- 12.21 Subsection 12.20 of this Part does not apply if the owner is not required to be licensed and to obtain home warranty insurance in accordance with sections 20(1) or 30(1) of the *Homeowner Protection Act*.

- 12.22 Every permit is issued subject to the *owner* and *constructor* maintaining compliance with the *Homeowner Protection Act* and negotiations under it during the term of the permit.

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## Partial Construction

- 12.23 If a site has been excavated under a building permit for excavation issued under this Bylaw and a building permit is not subsequently issued or a subsisting building permit has expired, but without the construction of the building or structure for which the building permit was issued having commenced, the owner must fill in the excavation to restore the original gradients of the site within 60 days of being served notice by the City to do so.
- 12.24 If a building permit has expired and partial construction has progressed, with no extension requested of the *Building Official*, permanent type fencing with privacy screen complying with the City of Port Moody Zoning Bylaw, must be erected around the building site for protection to the public.

## Conditions of a Building Permit

- 12.25 A building permit or an application for a building permit that is in process may not be transferred or assigned until the owner has notified the *Building Official* in writing, the *Building Official* has authorized the transfer or assignment in writing and the owner has paid the non-refundable fee required by the *Fees Bylaw*. The transfer or assignment of a building permit is not an extension of a *building permit*.
- 12.26 The review of plans and supporting documents and issuance of a building permit do not prevent the *Building Official* from subsequently requiring the correction of errors in the plans and supporting documents, or from prohibiting building construction or occupancy being carried on when in violation of this or another Bylaw.

## Inspections

- 12.27 If a registered professional provides letters of assurance in accordance with Section 12, the *City* will rely solely on field reviews undertaken by the registered professional and the letters of assurance submitted pursuant to this Bylaw and the *Building Code* as assurance that the construction substantially conforms to the design, plans, and specifications and that the construction complies with the *Building Code*, this Bylaw, and other applicable enactments respecting safety.
- 12.28 Despite subsection 12.27, a *Building Official* may attend the site from time to time during the course of construction to ascertain that the field reviews are taking place and to monitor the field reviews undertaken by the *registered professionals*.
- 12.29 A *Building Official* may attend periodically at the site of the construction of standard buildings or structures to ascertain whether the work is being carried out in substantial conformance with the *Building Code*, this Bylaw, and any other applicable enactments concerning safety.

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- 12.30 For all work in respect of standard buildings the owner must give at least 24 hours' notice to the City when requesting an inspection and must obtain an inspection and receive a *Building Official's* written acceptance of the following aspects of the work prior to concealing them:
- a) after demolition, the grading of and removal of debris from the site;
  - b) foundation and footing forms, before concrete is poured;
  - c) after removal of formwork from a concrete foundation and installation of perimeter drainpipe and damp proofing, but prior to backfilling against the foundation;
  - d) prior to inspection under section 12.30(e), plumbing located below the finished slab level;
  - e) the preparation of ground, including ground cover when required, perimeter insulation on inside of concrete foundation walls, and reinforcing steel;
  - f) after inspection under section 12.30(e) hydronic heating pipes (if applicable) and below slab insulation;
  - g) before a building drain, water service, sanitary, or storm sewer is covered, and if any part of this *plumbing system* is covered before it is inspected and approved, it shall be uncovered if a *Building Official* so directs, and when the *Building Official* considers it necessary, underground *building* drains, branches, storm drains, and sewers shall be re-tested after the completion of all backfilling and grading by heavy equipment; rough in of factory built chimneys and fireplaces and solid fuel burning appliances;
  - h) framing, sheathing, fire blocking, fire stopping (including drywall in fire separations), bracing, chimney and ductwork, rough wiring, rough plumbing, rough heating, gas venting, exterior doors and windows, but prior to the installation of insulation, interior finishes, sheathing paper, or exterior finishes which would conceal such work;
  - i) insulation and vapour barrier;
  - j) construction of an exterior deck;
  - k) on-site constructed tubs or showers and tub or shower trap tests;
  - l) the installation of, externally applied vapour or air barrier, but prior to the installation of exterior finishes which could conceal such work; and
  - m) the health and safety aspects of the work and the conservation, GHG emission reduction and accessibility aspects of the work when the building or structure is substantially complete and ready for occupancy but prior to *occupancy*.
- 12.31 A *Building Official* will only carry out an inspection under subsection 12.30 if the owner or the owner's agent has requested the inspection by telephone in accordance with this Bylaw.

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- 12.32 Despite the requirement for the *Building Official's* acceptance of the work outlined in subsection 12.31, if a registered professional provides letters of assurance, the City will rely solely on field reviews undertaken by the registered professional and the letters of assurance submitted pursuant to this Bylaw as assurance that the aspects of the construction referenced by those letters of assurance substantially conform to the design, plans, and specifications and that the construction complies with the *Building Code*, this Bylaw, and other applicable enactments respecting safety.
- 12.33 No person may conceal any aspect of the work referred to in section 12.30 of this Bylaw until a *Building Official* has accepted it in writing.
- 12.34 For work in respect of complex buildings, the owner must:
- a) give at least 48 hours' notice to the City when requesting a preconstruction meeting with the *Building Official* prior to the start of construction, and the *owner* or *agent* must ensure that the coordinating registered professional, the constructor, as well as representatives of major trades, are in attendance;
  - b) give at least 48 hours' notice to the City when requesting a pre- occupancy coordinated by the coordinating registered professional or other registered professional to have the owner, the constructor, and the registered professionals demonstrate to the *Building Official* and to Port Moody Fire Rescue officials that the compliance with the health and safety aspects of the work, the coordination and integration of the fire and life safety system, applicable City requirements, and other enactments respecting safety and the conservation, GHG emission, and accessibility aspects of the work; and
  - c) cause the coordinating registered professional, at least 48 hours prior to the pre-occupancy coordinated site review coordinated by the coordinating registered professional, to deliver to the *Building Official* the Occupancy Checklist (as prescribed by the *Building Official*) complete with all documentation in a hard covered three ring binder.

## Stop Work Order

- 12.35 The *Building Official* may direct the immediate suspension or correction of all or a portion of the construction on a building or structure by attaching a Stop Work Order Notice on the premises whenever it is found that the work is not being performed in accordance with the requirements of the *Building Code*, any applicable Bylaw of the City or the applicable provisions of the *Homeowner Protection Act*.
- 12.36 The coordinating registered professional may request, in writing, that the *Building Official* order the immediate suspension or correction of all or a portion of the construction on a building or structure by attaching a stop work order notice on the premises. The *Building Official* will consider such a request and, if not acted upon, will respond, in writing, to the *coordinating registered professional* and give reasons.

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- 12.37 If a registered professional's services are terminated, the owner must immediately stop any work that is subject to their design or field review and the *Building Official* is deemed to have issued a stop work order under section 12.36.
- 12.38 The owner must immediately, after the posting of a notice under section 12.36, secure the construction and the lands and premises surrounding the construction in compliance with the safety requirements of every statute, regulation, or order of the Province or of a provincial agency, and of every applicable Bylaw of the City.
- 12.39 Subject to section 12.36, no work other than the required remedial measures may be carried out on the parcel affected by the notice referred to in section 10.36 until the stop work order notice has been removed by the *Building Official*.
- 12.40 The notice referred to in section 12.36 must remain posted on the premises until that which is contrary to the enactments has been remedied.

## **Do Not Occupy Notice**

- 12.41 If a person occupies a *building* or *structure* or part of a building or structure in contravention of this Bylaw, a *Building Official* may post a Do Not Occupy Notice on the affected part of the building or structure.
- 12.42 If a notice is posted under section 12.42, the owner of a parcel on which a Do Not Occupy Notice has been posted, and every other person, must cease occupancy of the building or structure immediately and refrain from further occupancy until all applicable provisions of the *Building Code* and this Bylaw have been substantially complied with and the Do Not Occupy Notice has been rescinded in writing by a *Building Official*.
- 12.43 Following a damage assessment of a building or structure after a significant event (fire, earthquake, flood, and vehicle impact) the *Building Official* may post a Do Not Occupy Notice.

## **Inspection and Other Fees**

- 12.44 In addition to the fees required under other provisions of this Bylaw, the owner must pay the following non-refundable fee set out in the *Fees Bylaw*:
  - a) a second and each subsequent re-inspection where it has been determined by the *Building Official* that due to non-compliance with the provisions of this Bylaw or due to non-complying work, more than one site visit is required for any required inspection;
  - b) a special inspection during the City's normal business hours to establish the condition of a building, or if an inspection requires special arrangements because of time, location, or construction techniques; and
  - c) inspection required under this Bylaw which cannot be carried out during the City's normal business hours.

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## Permit Expiration

12.45 Every permit is issued on the condition that the permit expires and the rights of the owner under the permit terminate if:

- a) the work authorized by the permit is not commenced within six (6) months from the date of issuance of the permit;
- b) work is discontinued for a period of six (6) months; or
- c) the work is not completed within two years of the date of issuance of the permit.

## Permit Extension

12.46 A *Building Official* may extend the period set out under section 12.44 for only one period, not to exceed 12 months, if construction has not been commenced or has been discontinued due to adverse weather, strikes, material or labour shortages, other similar hardship beyond the owner's control, or if the size and complexity of the construction warrants, if:

- a) application for the extension is made at least 30 days prior to the date of permit expiration; and
- b) the non-refundable fee set out in *Fees Bylaw* has been paid.

## Building Permit Revocation

12.47 The *Building Official* may revoke a building permit if there is a violation of:

- a) a condition under which the permit was issued; or
- b) a requirement of the *Building Code* or of this or another Bylaw of the City,

such permit revocation must be in writing and sent to the permit holder by signature mail to, or personal service on, the permit holder.

## Building Permit Cancellation

12.48 A building permit, or a building permit application, may be cancelled by the owner, or their agent, on delivery of written notification of the cancellation to the *Building Official*.

12.49 On receipt of the written cancellation notice, the *Building Official* will mark on the application, and a permit if applicable, the date of cancellation and the word "cancelled".

12.50 If the owner or their agent, submits changes to an application after a permit has been issued and the changes, in the opinion of the *Building Official*, substantially alter the scope of the work, design, or intent of the application in respect of which the permit was issued, the *Building Official* may cancel or amend the permit and mark on the permit the date of cancellation or amendment and the word "cancelled" or "amended".

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- 12.51 If a building permit application or permit is cancelled, and construction has not commenced under the permit, the *Building Official* must return to the owner any fees deposited, less:
- a) any non-refundable portion of the fee; and
  - b) 15% of the refundable portion of the fee.

## Occupancy

- 12.52 No person may occupy a building or structure or part of a building or structure until a final inspection notice has been issued by a *Building Official*.
- 12.53 A final inspection notice may be withheld unless:
- a) all letters of assurance have been submitted when required in accordance with this Bylaw;
  - b) all aspects of the work requiring inspection and acceptance pursuant to this Section of this Bylaw have both been inspected and accepted or the inspections and acceptance are not required in accordance with this Bylaw;
  - c) the owner has delivered to the City as-built plans of works and services in digital format as required by the City;
  - d) the owner has provided to the City a building survey prepared by a British Columbia Land Surveyor showing the building height, size, location, and elevation determined in accordance with the City's land use regulations;
  - e) all other documentation required under applicable enactments has been delivered to the City; and
  - f) the owner has delivered to the City as-built drawings of the building or structure in digital format as required by the City.
- 12.54 When a registered professional provides letters of assurance in accordance with this Bylaw, the City will rely solely on the letters of assurance when issuing a final report authorizing occupancy as assurance that the items identified on the letters of assurance substantially comply with the design, the *Building Code*, this Bylaw, and other applicable enactments respecting safety.
- 12.55 A *Building Official* may issue a final inspection notice for partial occupancy of a portion of a building or structure under construction when:
- a) that portion of the building or structure is self-contained and provided with essential services respecting health and safety aspects of the work, and if applicable, accessibility, GHG emissions, and conservation; and
  - b) the requirements set out in subsection 12.53 have been met with respect to it.

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12.56 A final inspection notice may not be issued unless:

- a) all letters of assurance have been submitted when required in accordance with the requirements of this Bylaw;
- b) all aspects of the work requiring inspection and review pursuant to this Section of this Bylaw have both been inspected and accepted;
- c) the owner has executed and delivered to the City every agreement, instrument, or form required by the City in relation to the work or the site; and
- d) all required offsite works respecting safety have been completed.

## Temporary Buildings

12.57 Subject to the Bylaws of the City and orders of Council, the *Building Official* may issue a building permit for the erection or placement of a temporary building or structure for occupancy if:

- a) the permit is for a period not exceeding one year; and
- b) the building or structure is located in compliance with the City's zoning Bylaw, built in compliance with the *Building Code* and this Bylaw, and connected, as required by enactments, to City utility services.

12.58 An application for a building permit for the erection or placement of a temporary building or structure must be made in the form of a temporary permit application under Schedule 2, signed by the owner or agent, and must include:

- a) plans and supporting documents showing the location and building height of the building or structure on the parcel;
- b) plans and supporting documents showing construction details of the building or structure;
- c) a statement by the owner indicating the intended use and duration of the use;
- d) plans and supporting documents showing the proposed parking and loading space;
- e) a written description of the project explaining why the building is temporary;
- f) a copy of an issued development permit, if required;
- g) in the case of a manufactured building, a CSA label in respect of manufacture and, without limitation, a Quonset or other steel building must be certified in accordance with CSA Standard A660;
- h) a report or drawing by an engineer, architect, or designer confirming compliance with the *Building Code*, this Bylaw, the City of Port Moody Zoning Bylaw and other applicable Bylaws;

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- i) security in the form of cash or a letter of credit for 10% of the value of the temporary building, which security:
    - i) may be used by the City to remove the building after one year of the date of the final inspection required under this Bylaw; or
    - ii) must be returned to the owner if the owner removes the temporary building within one year of the date of the final inspection of the temporary building required under this Bylaw; and
  - j) in the case of a temporary building, information to comply with article 1.1.1.1(2)(f), Division C of the *Building Code*.
- 12.59 Before receiving a building permit for a temporary building, or structure for occupancy, the owner must pay to the City the applicable building permit fee set out in *Fees Bylaw*.
- 12.60 A permit fee for a temporary building or structure is not refundable.

## Sanitary Facilities

- 12.61 During the time a *building permit* has been issued and remains valid under this Bylaw, the *owner* must provide on the parcel of land in respect of which the *permit* has been issued, sanitary facilities for the disposal of human waste from individual persons who enter on the parcel in relation to the work referred to in the *permit*. The facilities must be accessible and unlocked when not occupied while work is being carried out on the parcel under this Bylaw and must be provided, at all times the facility is required under this Bylaw, with toilet paper, a locking door for privacy, and ventilation, and must be kept in sanitary condition without leaking beyond the facility and without overflowing within the facility. Such facilities must be located so as not to create a nuisance to neighbouring parcels or highways.

## Site Security

- 12.62 The owner is responsible for securing construction site and buildings upon the receipt of an application for demolition permit from unauthorized entry until building lock up and establishment of final grades of the site.

## 13. Retaining Walls, Landscape Walls, and Grades

### Retaining Walls and Landscape Walls

- 13.1 No person may construct, or structurally repair, a retaining wall without a building permit.
- 13.2 Except as certified by a professional engineer with expertise in geotechnical engineering registered in the province of British Columbia, fill material placed on a parcel, unless restrained by permitted retaining walls, must not have a surface slope exceeding a ratio of one linear unit vertically to two linear units horizontally.
- 13.3 *Retaining walls* and *landscape walls* are not permitted to be constructed of un-cemented rock or boulder piles.

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- 13.4 *Retaining walls* and *landscape walls* are not permitted to be constructed of Creosote timbers or petroleum based additives.
- 13.5 *Landscape walls* do not require a building permit except:
  - a) multiple landscape walls with a setback ratio less than two horizontal to one vertical require a building permit.

## **Excavation**

- 13.6 Excavations adjacent to a property line or Statutory Right of Way that may affect the stability of the surrounding soil may not commence until the *Building Official's* acceptance of an excavation plan prepared by a registered professional with expertise in geotechnical Engineering and under review of the same registered professional.

## **14. Plumbing**

### **Requirements and Specifications**

- 14.1 The design, installation, and maintenance of every *plumbing system* shall conform to this Bylaw and the *Building Code* [Plumbing Services].
- 14.2 A plumbing system shall not be constructed, extended, altered, or renewed or a change made to a sewer unless a permit to do so has been obtained.
- 14.3 Where a permit is required, the *plumbing system* shall not be put into use until it has been tested and accepted by the *Building Official*.

### **Grease Interceptors**

- 14.4 Grease interceptors are to be installed and maintained in food sector establishments that discharge wastewater containing oil and grease in accordance with the Greater Vancouver Sewerage & Drainage District, Food Sector Grease Interceptor Bylaw No. 268, 2012.
- 14.5 Interceptors are to be designed and sized with a flow capacity not less than the maximum discharge from fixtures connected to it and in no case smaller than 3.2 L/S (50 U.S.G.P.M.)

### **Sanitary Sewer Connections**

- 14.6 Building sanitary sewer connections for all properties shall be fitted with an inspection chamber or manhole near as possible to the property line conforming to the City of Port Moody's' Subdivision Control Bylaw.

### **Storm Drainage**

- 14.7 All storm drainage systems are to be connected to the City's storm drainage system and intercepted with sumps.
- 14.8 Catch basins and sumps are to be installed in accordance with the drawing annexed to this Bylaw as Schedule 8 and connected to the City's storm drainage system.

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- 14.9 Building storm sewers that are connected to the City's Storm Sewer shall be fitted with an inspection chamber or manhole as near as possible to the property line conforming to the City of Port Moody Subdivision Control Bylaw and all amendments thereto.
- 14.10 A private storm drainage system is permitted to be connected to a drywell or rockpit only when approved by the *Building Official*, and the subsoil conditions are suitable as determined by a soils report prepared by an Engineer with experience in geotechnical matters.

## Fire Sprinklers

- 14.11 The design, installation, and maintenance of every fire sprinkler system shall conform to this Bylaw and the *Building Code*.
- 14.12 A fire sprinkler system shall not be installed, extended, altered, or renewed unless a permit to do so has been issued by the *Building Official*.

## 15. Building Move

- 15.1 No person shall move any building from one parcel of land to another parcel of land within the City without first obtaining a moving permit.
- 15.2 Prior to obtaining a moving permit, the owner of a building or part thereof to be moved to a property within the City shall:
  - a) designate the existing site of the building and the proposed site to which it is to be moved.
  - b) deposit with the *City* a certified cheque or an Irrevocable Letter of Credit in the amount of Twenty thousand (\$20,000.00) dollars issued by a financial institute or guaranty company in Canada and in a form satisfactory to the *City*, to ensure that the exterior of the building or part thereof will be completed within ninety (90) days from the date of issuance of the permit. If the owner does not comply with the above, the *Building Official* shall notify the owner in writing stating how the building does not comply with this Bylaw and directing him to remedy such non-compliance within thirty (30) days from the date of the said notice. If the non-compliance is not remedied within the said period of thirty (30) days, the deposit in the sum of Twenty thousand (\$20,000.00) dollars shall be forfeited to the *City*;
  - c) deposit with the *Building Official*;
    - i) a security in the sum of ten thousand (\$10,000.00) dollars in a form satisfactory to the *City*, to indemnify the *City* against all damages to public and municipal property of every kind, howsoever caused or occasioned by the moving of said building;
    - ii) a policy of public liability and property damage insurance in a form satisfactory to the *City*, in the all-inclusive limits of Five Million (\$5,000,000.00) dollars to ensure against damages imposed by law arising out of the moving of said building;

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- d) pay to the City, in advance, the fee as prescribed in the Fees and Charges Bylaw for an inspection of the building to be moved.
  - e) satisfy the *Building Official* that the Chief of Police and the General Manager of Engineering and Operations have approved the time and route of moving the said building and that notice of the moving has been given to utility companies having overhead wires along the said route.
- 15.3 A person must not move a *building* into the City or to another parcel of land within the City for use as a dwelling house, unless:
- a) such building has an assessed value of at least \$75,000.00 as shown on the last assessment roll upon which such building was assessed; and
  - b) such building has an assessed value of at least 90% of the average assessed value of all buildings within 45 meters of the site or parcel to which it is to be moved as shown on the last assessment rolls upon which such buildings were assessed; and
  - c) the *Building Official* is satisfied that the building can be moved safely and without damage to other property.
- 15.4 A *Building Official* may waive the requirements of 15.3 of this Bylaw if a building proposed to be move has heritage value as determined by the General Manager of Planning and Development for the *City*.

## 16. Numbering of Buildings

- 16.1 Immediately upon issuance of a building permit governing the construction, alteration or repair of a building, or prior to and during the occupancy of a building, the owner or occupant must display the address number assigned to it by the City:
- a) on or over the entrance to the building or where landscaping or structures obscure the visibility of a building entrance from the adjacent highway, on the building property within sight of the adjacent highway; and
  - b) until such time as the building is removed from the site or has been demolished.
- 16.2 The City's General Manager of Engineering and Operations may renumber or alter the assigned numbers in respect of any building on any parcel, including those already in existence or numbered.
- 16.3 Without limiting other sections of this Bylaw, the *Building Official* must, on the issuance of a building permit, designate a house number or set of house numbers related to the building authorized by the permit. The owner or occupier must post the number or numbers on the site immediately after obtaining the building permit and keep the numbers posted in a conspicuous location at all times during construction.

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- 16.4 Prior to the issuance of an occupancy permit, the owner or occupier of the parcel must affix the numbers permanently in a conspicuous place on the building such that the number is visible from an adjacent highway.

## 17. Pools

### Pool Permit and Fencing

- 17.1 Without limiting section 5 of this Bylaw, a person must not construct, or structurally repair, a pool without a valid building permit.
- 17.2 A pool, including a spa or hot tub must be enclosed within a fence constructed without footholds or grips that children may use to climb into the enclosed area, having a minimum height of 1.2 metres and no openings greater than 100 mm at their greatest dimension.

### Pool Gate

- 17.3 Access through a fence enclosing a *pool* must be only through a self-closing and self-latching gate designed and constructed or installed so as to cause the gate to return to a closed position when not in use and secured by a latch located on the *pool* side of the gate.

### Spa or Hot Tub Lid

- 17.4 In lieu of a fence, a spa or hot tub may be covered with a locking cover, which would prevent unauthorized access to the water.

### Maintenance

- 17.5 A person may not use or occupy a *pool* unless the owner or occupier of property on or in which the *pool* is located maintains every fence or cover required under this section in good order. Without limiting the foregoing, the owner or occupier must keep the pool, coverings and fence repairs in good order at all times, in particular to prevent sagging gates, loose parts, torn mesh, missing materials, worn latches, locks, or broken or binding members.

### Leaks or Other Failures

- 17.6 A person may not obtain a valid and subsisting building permit for a swimming pool without first delivering to the *Building Official* at the time of the building permit application an opinion of a registered professional that the design of the pool will not cause or result in leaks or other failures of the pool.

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## Pool Drainage Requirement

- 17.7 Pool drainage and backwash discharge lines are to be connected to the City's sanitary sewer system or other private sanitary sewer system approved in writing by the *Building Official* by means of one of the following methods:
- a) a regulation size sump pump with a backwater valve; or
  - b) indirectly connected to a 3-inch or larger soil or waste pipe other than a wet vent, by means of a 3-inch P-trap and standpipe.

## 18. Energy Conservation and GHG Emission Reduction

- 18.1 In relation to the conservation of energy and the reduction of greenhouse gas emissions, the City incorporates by reference the *British Columbia Energy Step Code* in accordance with subsections 18.2 through 18.7.
- 18.2 Any *building* regulated by Part 3 or Part 9 of the *Building Code* must be designed and constructed to meet the minimum performance requirements specified for the applicable year and occupancy classification in Schedule 7.
- 18.3 Development applications that were accepted for processing prior to September 1, 2019 are exempt from requirements of Part 18 of this Bylaw.
- 18.4 For a *building* or structure regulated under Part 9 of the *Building Code* that is designed in compliance with the applicable step of the *Energy Step Code* but where the constructed *building* or *structure* does not meet the performance requirements of the step, after all reasonable mitigation measures are implemented to the satisfaction of the *Building Official*, the *Building Official* may issue an *occupancy permit* if the *building* or *structure* is constructed in compliance with alternative energy efficiency performance or prescriptive requirements set out in the *Building Code* for Part 9 construction.
- 18.5 For single detached dwelling, duplex, or semi-detached residential building permits, the owner must, to the satisfaction of the *Building Official*, provide all documentation required by the City's *Energy Step Code* administrative requirements or as required by the *Building Official*, prepared by an energy advisor or a registered professional.
- 18.6 Any energy advisor providing the required documentation set out in the *Energy Step Code* must provide evidence to the *Building Official* that they are an energy advisor registered and in good standing with Natural Resources Canada.

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## 19. On-Site Access Route for Fire Vehicles

- 19.1 Prior to the issuance of a building permit for a building regulated under Part 9 of the *Building Code*, the owner must satisfy the *Building Official* that the building or structure for which the permit is issued will be served by a fire access route that satisfies the following:
- a) the width of an access route must be not less than six (6) metres clear width;
  - b) the centerline radius of an access route must be not less than 12 metres;
  - c) the overhead clearance of an access route must be five (5) metres;
  - d) the gradient of the access route must not change more than 1 in 12.5 over a minimum distance of 15 metres;
  - e) the access route must comply with the bearing load and surface material standards of the City's Subdivision and Development Servicing Bylaw, as amended or replaced from time to time;
  - f) the length above which a dead-end portion of an access route requires turnaround facilities is 90 metres; and
  - g) the unobstructed path of travel for the firefighter from the vehicle to the building is not more than 45 metres.
- 19.2 The requirements of subsection 19.1 may be waived by the Fire Chief, Port Moody Fire Rescue, if the Fire Chief is satisfied that the access route will not impede or obstruct vehicles or equipment used by members of the Fire Rescue Department from appropriate access in carrying out their work.

## 20. Offence, Penalty, and Enforcement

### Violations

- 20.1 Without limiting Part 4 of this Bylaw, every person who:
- a) contravenes or violates any provision of this Bylaw;
  - b) permits, suffers, or allows any act to be done in contravention or violation of any provision of this Bylaw or any order or notice issued under this Bylaw; or
  - c) fails or neglects to do anything required to be done under any provision of this Bylaw or an order or notice issued under this Bylaw:
- commits an offence, and each day during which a violation, contravention, or breach of this Bylaw continues amounts to a separate offence.

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- 20.2 A person found guilty of an offence under this Bylaw is liable to pay of fine of up to \$10,000, the costs to the City of prosecution, and to such other penalties and compensation as may be imposed by a court under the *Community Charter and Offence Act*. Every person who commences work requiring a *building permit* without first obtaining such a *permit* must, if a Stop Work notice is issued, pay double the amount of the *permit* fees established in the *City of Port Moody Fees Bylaw*.

## Deemed Offence

- 20.3 An owner is deemed to have knowledge of and be liable under this Bylaw in respect of any construction on the parcel the owner owns and any change in the use, occupancy, or both of a building or structure or part of a building or structure on that parcel.
- 20.4 No person is deemed liable under section 20.4 who establishes, on a balance of probabilities, that the construction or change of use or occupancy occurred before he or she became the owner of the parcel.
- 20.5 Nothing in section 20.5 affects
- a) the City's right to require and the owner's obligation to obtain a permit; and
  - b) the obligation of the owner to comply with this Bylaw.

## Enforcement

- 20.6 This Bylaw may be enforced by a *Building Official*, or by a fire inspector or Bylaw enforcement officer of the *City* appointed to enforce this Bylaw.
- 20.7 This Bylaw may be enforced:
- a) by prosecution under the *Offence Act*;
  - b) by issuance of a ticket under the *City of Port Moody Municipal Ticket Information Authorization Bylaw*; and
  - c) by civil action as authorized by law.

## 21. Attachments and Schedules

- 21.1 The following schedules are attached to and form part of this Bylaw:
- Schedule 1 – Owner Authorization;
  - Schedule 2 – Owners Undertaking;
  - Schedule 3 – Climatic Data;
  - Schedule 4 – Confirmation of Professional Liability Insurance;
  - Schedule 5 – Stop Work Order;
  - Schedule 6 – Do Not Occupy;
  - Schedule 7 – Energy Step Code Requirements; and
  - Schedule 8 – Sump Detail.

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## 22. Severability

22.1 If a portion of this Bylaw is found invalid by a court, it will be severed and the remainder of the Bylaw will remain valid and in effect.

Read a first time this \_\_\_ day of \_\_\_\_\_, 2019.

Read a second time this \_\_\_ day of \_\_\_\_\_, 2019.

Read a third time this \_\_\_ day of \_\_\_\_\_, 2019.

Adopted this \_\_\_ day of \_\_\_\_\_, 2019.

---

Acting Mayor

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Dorothy Shermer  
Corporate Officer

I hereby certify that the above is a true copy of Bylaw No. 3200 of the City of Port Moody.

---

Dorothy Shermer  
Corporate Officer

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Schedule A

## City of Port Moody

### BYLAW 2018, No. 3200

#### Schedule 1 – Owner Authorization

To whom it may concern:

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

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

I am the owner, as defined in the current "Building Bylaw", of the above-referenced property and hereby authorize:

Representative/Contact: \_\_\_\_\_  
(PRINT)

Tel. No.: \_\_\_\_\_ Cell No.: \_\_\_\_\_ E-mail: \_\_\_\_\_

Please check where applicable.

To represent me in an application for:

- Building Permit Application  
(If Registered Professional is involved, use Appendix E, Owner's Undertaking)
- Demolition Permit Application

To obtain copies of:

- Building Permit Plans (Archive Copies) Owner's Information:

Name: \_\_\_\_\_  
(PRINT)

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

Tel. No.: \_\_\_\_\_ Cell No.: \_\_\_\_\_ E-mail: \_\_\_\_\_

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

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## City of Port Moody Building Bylaw 2019, No. 3200

### Schedule 2 – Owner’s Undertaking

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

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

Building Permit #: \_\_\_\_\_

1. This undertaking is given by the undersigned, as the owner of the property described above, with the intention that it be binding on the owner and that the City will rely on same.
2. I confirm that I have applied for a building permit pursuant to “City of Port Moody Building Bylaw, 2019, No. 3200” (the “Bylaw”) and that I have carefully reviewed and fully understand all of the provisions of the Bylaw and in particular, understand, acknowledge, and accept the provisions describing the purpose of the Bylaw, the conditions under which permits are issued, the disclaimer of warranty or representation and the limited extent of the scope of the Bylaw and inspections thereunder.
3. Without in any way limiting the foregoing, I acknowledge fully that it is my responsibility to ensure compliance with the *Building Code* and the Bylaw whether any work to be performed pursuant to the permit applied for is done by me, a contractor, or a registered professional.
4. I am not in any way relying on the City or its *Building Officials*, as defined under the Bylaw, to protect the owner or any other persons as set out in Part 3 of the Bylaw and I will not make any claim alleging any such responsibility or liability on the part of the City or its *Building Officials*.
5. I hereby agree to indemnify and save harmless the City and its employees from all claims, liability, judgments, costs, and expenses of every kind which may result from negligence or from the failure to comply fully with all Bylaws, statutes, and regulations relating to any work or undertaking in respect of which this application is made.
6. I am authorized to give these representations, warranties, assurance, and indemnities to the City.

Owner’s Information:

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

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

Tel. No.: \_\_\_\_\_ Cell No.: \_\_\_\_\_ Fax No.: \_\_\_\_\_

This undertaking is executed by the owner this \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

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## 1. Where owner is an individual:

Signed, sealed and delivered in the presence of:

\_\_\_\_\_  
Owner's Name (PRINT)

\_\_\_\_\_  
Witness Name (PRINT)

\_\_\_\_\_  
Owner's Signature

\_\_\_\_\_  
Witness Signature

## 2. Where owner is a corporation:

Signed, sealed and delivered in the presence of:

\_\_\_\_\_  
Name of Corporation

Per:

\_\_\_\_\_  
Witness Name (PRINT)

\_\_\_\_\_  
Authorized Signatory Name (PRINT)

\_\_\_\_\_  
Witness Signature

\_\_\_\_\_  
Authorized Signatory Signature

\_\_\_\_\_  
Witness Address

## 3. Where owner is a partnership:

Signed, sealed and delivered in the presence of:

\_\_\_\_\_  
Name of Partnership

Per:

\_\_\_\_\_  
Witness Name (PRINT)

\_\_\_\_\_  
Authorized Signatory Name (PRINT)

\_\_\_\_\_  
Witness Signature

\_\_\_\_\_  
Authorized Signatory Signature

\_\_\_\_\_  
Witness Address

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## City of Port Moody

### BUILDING BYLAW, 2019, No. 3200

#### Schedule 3 – Climatic Data

January 1% Design Dry Bulb Temperature:	-9° C
January 2.5% Design Temperature:	-7° C
July 2.5% Design Drybulb Temperature	27° C
July 2.5% Design Wetbulb Temperature	17° C

#### In areas with a geodetic elevation below 150m

Annual Total Degree-days below (18° C) 2980

#### In areas with a geodetic elevation between 150m and 300m

Annual Total Degree-days below (18° C) 3100

#### In areas with a geodetic elevation between 300m and 400m

Annual Total Degree-days below (18° C) 3190

Maximum 15 minute Rainfall: 10 mm

Maximum One-Day Rainfall (50 years) 150 mm

Annual Rainfall: 1850 mm

Annual Total Precipitation: 1875 mm

Moisture Index: 1.9

#### In areas with a geodetic elevation below 150m

Ground Snow Load - snow component S(s)(30yrs) 2.80 kPa

Ground Snow Load - rain component S(r)(30yrs) 0.30 kPa

Ground Snow Load - snow component S(s)(50yrs) 3.00 kPa

Ground Snow Load - rain component S(r)(50yrs) 0.30 kPa

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## In areas with a geodetic elevation between 150m and 300m

Ground Snow Load - snow component S(s)(30yrs)	3.80 kPa
Ground Snow Load - rain component S(r)(30yrs)	0.40 kPa
Ground Snow Load - snow component S(s)(50yrs)	4.20 kPa
Ground Snow Load - rain component S(r)(50yrs)	0.30 kPa

## In areas with a geodetic elevation between 300m and 400m

Ground Snow Load - snow component S(s)(30yrs)	4.50 kPa
Ground Snow Load - rain component S(r)(30yrs)	0.40 kPa
Ground Snow Load - snow component S(s)(50yrs)	4.90 kPa
Ground Snow Load - rain component S(r)(50yrs)	0.40 kPa

Hourly Wind Pressure 1/10	0.36 kPa
Hourly Wind Pressure 1/30	0.44 kPa
Hourly Wind Pressure 1/50	0.48 kPa
Hourly Wind Pressure 1/100	0.54 kPa

### **Seismic Data:**

Acceleration related seismic zone (Za)	4
Velocity related seismic (Zv)	4
Zonal Velocity Ratio	0.2

### **Frost Protection**

Minimum Depth (geodetic elevation under 300mm)	460 mm
Minimum Depth (geodetic elevation over 300mm)	610 mm

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## City of Port Moody

### BYLAW 2018, No. 3200

#### Schedule 4 – Confirmation of Professional Liability Insurance

1. *This Confirmation letter must be submitted along with each BC Building Code Schedule A and Schedule B before issuance of a building permit. A separate Confirmation Letter must be submitted for each registered professional.*
2. *This Confirmation Letter must be submitted with each BC Building Code Schedule C after completion of the building but before a final inspection is made by the Building Official. A separate Confirmation Letter must be submitted for each registered professional.*
3. *Only an original Confirmation Letter, printed by the City or an unaltered photocopy of this document is to be completed and submitted.*

Attention: Manager, Inspections

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

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

The undersigned hereby gives assurance that:

- a) I have fulfilled my obligation for insurance coverage as outlined in the City Building Bylaw, 2019, No. 3200;
- b) I am insured by a policy of insurance covering liability to third parties for errors and omissions in respect to the above project, in the amount of at least One Million Dollars (\$1,000,000.00);
- c) I have enclosed a copy of my certificate of insurance coverage indicating the particulars of such coverage;
- d) I am a registered professional; and
- e) I will notify the Building Official in writing immediately if the undersigned's insurance coverage is reduced or terminated at any time during construction.

\_\_\_\_\_  
Name (PRINT)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Address (PRINT)

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Date

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(Affix professional seal here)

(If the registered professional is a member of a firm, complete the following)

I am a member of this firm:

---

Name of Firm (PRINT)

---

Address (PRINT)

I sign this letter on behalf of myself and the firm.

*Note: This Confirmation letter must be signed by a registered professional. The BC Building Code defines a registered professional as a person who is registered or licensed to practice (a) as an architect under the Architects Act, or (b) as a professional engineer under the Engineers and Geoscientists Act.*

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## City of Port Moody Building Bylaw, 2019, No. 3200

### Schedule 5 – Stop Work Order

CITY OF PORT MOODY

# STOP WORK ORDER

YOU ARE HEREBY NOTIFIED that the City considers construction activity on this property in breach of its Building Bylaw, 2019, No. 3200.

FURTHER CONSTRUCTION SHALL NOT CONTINUE until satisfactory corrections have been made.

EVERY PERSON WHO FAILS TO COMPLY WITH THIS ORDER MAY, UPON CONVICTION FOR AN OFFENCE AGAINST SAID BYLAW, BE LIABLE TO A PENALTY AS STIPULATED IN THE BYLAW.

---

ADDRESS of PROPERTY

---

DATE

INSPECTOR

*NO PERSON MAY REMOVE, REVERSE, ALTER, COVER, OR IN ANY WAY TAMPER WITH THIS NOTICE WITHOUT AUTHORIZATION OF THE CITY.*

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## City of Port Moody Building Bylaw, 2019, No. 3200

### Schedule 6 – Do Not Occupy

# NO OCCUPANCY

YOU ARE HEREBY NOTIFIED that the City considers occupancy of this property to be a breach of its Building Bylaw, 2019 No. 3200.

OCCUPANCY OF THIS PROPERTY IS PROHIBITED until further notice. EVERY PERSON WHO FAILS TO COMPLY WITH THIS ORDER MAY, UPON CONVICTION FOR AN OFFENCE AGAINST SAID BYLAW, BE LIABLE TO A PENALTY AS STIPULATED IN THE BYLAW.

---

ADDRESS of PROPERTY

---

DATE

Building Official

*NO PERSON MAY REMOVE, REVERSE, ALTER, COVER, OR IN ANY WAY TAMPER WITH THIS NOTICE WITHOUT AUTHORIZATION OF THE CITY.*

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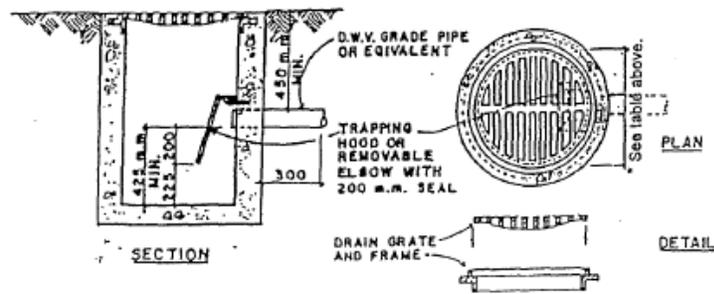
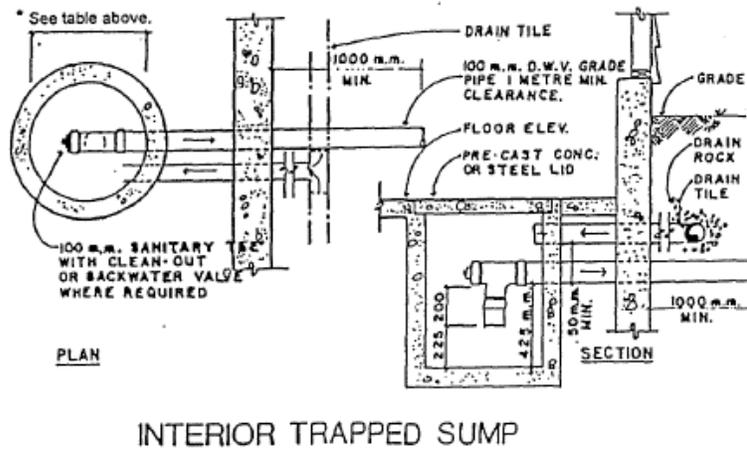
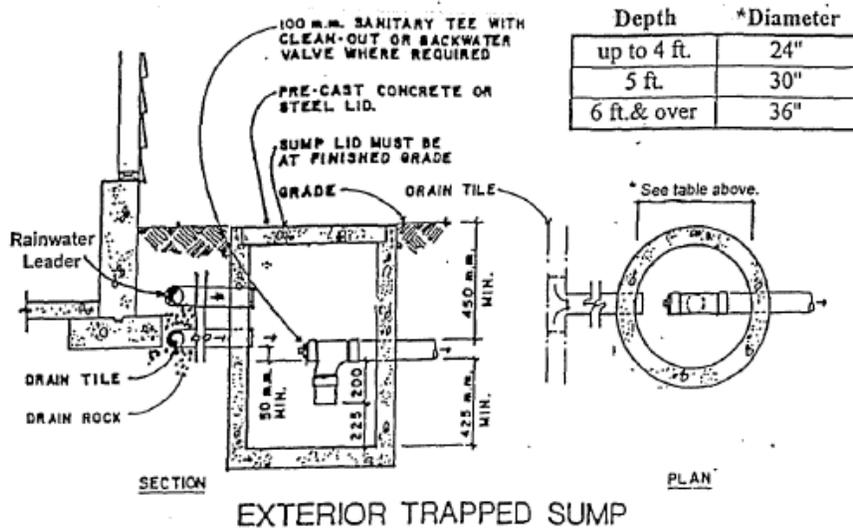
## City of Port Moody Building Bylaw, 2019, No. 3200

### Schedule 7 – Energy Step Code Requirements

Building Type	Timetable of Adoption			
	2020	2021	2025	2030
<b>Buildings Subject to Part 9 of the <i>Building Code</i></b>				
Single family dwelling, duplex, semi-detached residential building, and dwelling units.	Step 1	Step 3	Step 4	Step 5
Row housing building and multiple-unit residential buildings	Step 1	Step 3	Step 4	Step 5
<b>Buildings Subject to Part 3 of the <i>Building Code</i></b>				
Group C Multi residential building	Step 2 Or Step 1 with LCES	Step 3 Or Step 2 with LCES	Step 3 Or Step 2 with LCES	Step 4 Or Step 3 with LCES
Group D Business and personal services occupancy	Step 1	Step 2	Step 3	Step 3
Group E mercantile occupancy	Step 1	Step 2	Step 3	Step 3
Group C Hotel	Step 1	Step 2	Step 3	Step 3

## City of Port Moody Building Bylaw, 2019, No. 3200

### Schedule 8 – Sump Detail



- Notes: 1. Ladder rungs are required in all Sumps or Catch Basins 6 ft. or greater in depth.  
2. A Sump or Catch Basin including the cover shall be designed to support all loads imposed on it