

## Section 1.3. Interpretation, Intent and Prohibitions

### 1.3.1. General Interpretation

#### 1.3.1.1. Interpretation

- 1) This By-law shall, despite any other provision herein, be interpreted in accordance with this Section.
- 2) The Schedules attached to this Part 1 form part of this By-law.

### 1.3.2. General Intent

#### 1.3.2.1. Intent

1) This By-Law sets standards in the general public interest. It is enacted and retained on the understanding and specifically expressed condition that it creates no duty whatsoever on the *City*, the *Chief Building Official* or any employee of the *City* to enforce its provisions, and on the further condition that a failure to administer or enforce its provisions, or the incomplete or inadequate administration or enforcement of its provisions, shall not give rise to a cause of action in favour of any person whatsoever. The issuance of any *permit*, including an *occupancy permit*, is not a representation, warranty or statement that this By-Law or any other enactment has been complied with, and the issuance thereof in error shall not give rise to a cause of action. Accordingly, words in this By-law defining the responsibilities and authority of the *Chief Building Official* shall be construed as internal administrative directions which do not create a duty.

#### 1.3.2.2. Reliance on Registered and Certified Professionals

1) The *City* and the *Chief Building Official* do not have the resources to deal with matters which fall within the expertise of *registered professionals* and the *City* and the *Chief Building Official* rely on letters of assurance, documents sealed with professional seals, and related documents received from *registered professionals*, and on *field reviews* carried out by or under the supervision of *registered professionals*, as evidence that the design and *construction* of *buildings* complies with the provisions of this By-law, including alternate solutions, and substantially complies with any other applicable enactments.

2) The *City* and the *Chief Building Official* do not have the resources to deal with matters which fall within the expertise of *certified professionals* and the *City* and the *Chief Building Official* rely on letters of assurance, documents stamped with professional stamps, and related documents received from *certified professionals*, on site reviews carried out by *certified professionals*, and on field reviews monitored by *certified professionals* as evidence that the design and *construction* of *buildings* complies with the provisions of this By-law, including alternate solutions and substantially complies with any other applicable enactments.

#### 1.3.2.3. No Representation or Warranty

1) No person shall rely on a *permit* issued by the *Chief Building Official* or an inspection carried out by the *Chief Building Official* as establishing compliance with this By-Law or any other enactment or assume or conclude that this By-Law has been administered or enforced according to its terms.

2) All persons shall make such independent investigations as they deem necessary to determine whether a *building* complies with this By-law or any other enactment.

### 1.3.3. General Prohibitions

#### 1.3.3.1. Contravention

- 1) No person shall fail to comply with an order or notice issued by the *Chief Building Official*.

#### 1.3.3.2. No Work Without Permit

1) No person shall work or authorize or allow work to proceed on a *project* for which a *permit* is required unless a valid *permit* exists for the work to be done.

**1.3.3.3. Deviation Needs Prior Approval**

1) No person shall deviate from the plans and supporting documents forming part of the *permit*, without having first paid all necessary fees and obtained all necessary *permits* and approvals from the *Chief Building Official*.

**1.3.3.4. No Occupancy Without Permission**

1) No person shall occupy a *building* or authorize or allow the *occupancy* of a *building* without having first obtained the permission of the *Chief Building Official*.

**1.3.3.5. Unsafe Conditions**

(See Note A-1.3.3.5.)

1) No person who is an *owner* or who is involved in the *construction*, relocation or *occupancy* of a *building* shall cause, allow or maintain any *unsafe condition*.

**1.3.3.6. Work on Public Property**

(See Note A-1.3.3.6.)

1) No person shall excavate or undertake work on public property, or erect or place any *construction* or work or store any materials thereon without approval having first been obtained in writing from the *Chief Building Official* over such public property.

**1.3.3.7. Changes in Ground Elevation and Limiting Distance**

(See Note A-1.3.3.7.)

1) No person shall change or alter the ground elevations or grading of a *building* site without first obtaining the necessary *permits*.

2) No person shall change or alter the *limiting distance* of an *exposing building face* without first obtaining the necessary *permits*.

**1.3.3.8. Compliance with By-law and Other Enactments**

1) No person shall work, or authorize or allow work to proceed, or undertake any *building*, *construction*, work or *occupancy* which is in contravention of this By-law or any other enactment.

**1.3.3.9. False Information**

1) No person shall submit false or incorrect information to the *Chief Building Official*.

**1.3.3.10. Tampering with a Posted Notice or Order**

1) No person, except for the *Chief Building Official*, shall reverse, alter, deface, cover, remove or in any way tamper with any notice or order which has been posted on or affixed to a *building* pursuant to this By-law.