

## Section 1.5. Authority of the Chief Building Official

### 1.5.1. Administration

#### 1.5.1.1. Administrator

- 1) The *Chief Building Official* is authorized to administer this By-law.

#### 1.5.1.2. Filing Documents

- 1) The *Chief Building Official* is authorized to keep copies of applications received, *permits* and orders issued, inspections and tests made and papers and documents connected with the administration of this By-law, for such time as is required by law.
- 2) Despite the provisions of Sentence (1), the *Chief Building Official* is authorized to keep copies of applications received, *permits* and orders issued, inspections and tests made and papers and documents connected with the administration of this By-law, for such time as is necessary, in the opinion of the *Chief Building Official*, to support the administration of this By-law.

#### 1.5.1.3. Inspection of Records

- 1) The *Chief Building Official* is authorized to provide plans and documents filed pursuant to the provisions of this By-law for inspection, subject to the provisions of the Freedom of Information and Protection of Privacy Act.

#### 1.5.1.4. Fees for Inspection of Records

- 1) The *Chief Building Official* shall charge a fee as set out in the Fee Schedule, payable in advance, for the inspection of records referred to in Article 1.5.1.3.
- 2) No refund shall be issued for any fees or portion of fees, resulting from any outstanding costs incurred by the *City* for the inspection of records pursuant to Article 1.5.1.4.

### 1.5.2. Authorities

#### 1.5.2.1. Power of Entry

(See Note A-1.5.2.1.)

- 1) The *Chief Building Official*, and any person authorized to act on behalf of the *Chief Building Official*, may enter any *building* or premises at any reasonable time for the purpose of administering or enforcing this By-law, or immediately if there is reason to believe an *unsafe condition* exists.

#### 1.5.2.2. Review of Value of Work

- 1) The *Chief Building Official* may review the value of the proposed work in an application for a *permit* and may substitute a different value, in accordance with Articles 1.6.2.3. and 1.6.2.4. , for the purpose of determining applicable *permit* fees.

#### 1.5.2.3. Construction Safety

- 1) The *Chief Building Official* may review a *Construction Safety Plan* and may require that the *Construction Safety Plan* be changed or amended.

#### 1.5.2.4. Permit Issuance

- 1) The *Chief Building Official* shall issue a *permit* when the applicable requirements of this By-law have been met.

#### 1.5.2.5. Permit Refusal

- 1) The *Chief Building Official* may refuse to issue a *permit*
  - a) if plans or supporting documents are incomplete or do not comply with the provisions of this By-law,
  - b) if plans or supporting documents contain false or incorrect information, or

- c) for any *building, construction, work or occupancy* that would not be permitted by this By-law or by another enactment.
- 2) The *Chief Building Official* shall provide reasons for the refusal to issue a *permit*, on the request of an applicant or *owner*.

#### 1.5.2.6. Permit with Incomplete Application

(See Note A-1.5.2.6.)

- 1) The *Chief Building Official* may issue a *permit* for a *building* based on an incomplete application if the incomplete information is of a secondary nature and is unavailable at the time of *permit* issuance.
- 2) If the *Chief Building Official* issues a *permit* pursuant to Sentence (1) the *Chief Building Official* may impose conditions requiring submission of further information by a specified date.
- 3) The *Chief Building Official* may suspend or revoke a *permit* issued pursuant to Sentence (1), if the holder of the *permit* fails to comply with the conditions imposed by the *Chief Building Official*.

#### 1.5.2.7. Conditions on Permits

- 1) The *Chief Building Official* may impose conditions on *permits* including, but not limited to, conditions regarding
  - a) notifications and notices,
  - b) safety,
  - c) health,
  - d) design requirements,
  - e) *construction* requirements,
  - f) timing of *construction*,
  - g) deadlines for completion of *construction*,
  - h) reviews and inspections,
  - i) responsibilities of the *owner, constructor, registered professional and certified professional*,
  - j) compliance with this By-law and other enactments,
  - k) use and *occupancy*, and
  - l) temporary *buildings* and *occupancies*.

#### 1.5.2.8. Permits for Existing Buildings

- 1) The *Chief Building Official* may issue a *permit* for an *existing building* in accordance with the provisions of Part 11, Division B, Book I and may impose conditions on the *permit*.
- 2) The *Chief Building Official* may permit an alternative solution to the alternative compliance method provided in this By-law for the conversion of an *existing building* if
  - a) the *owner* demonstrates, to the satisfaction of the *Chief Building Official*, that the level of upgrade required presents an extraordinary hardship for the *owner*, and
  - b) the *owner* proposes an alternative solution which achieves the objectives of the alternative compliance method prescribed by this By-law, to the satisfaction of the *Chief Building Official*.

#### 1.5.2.9. Combustible Construction for Minor Repairs in Existing Buildings

- 1) If *additions* and new work are required to be *noncombustible construction* pursuant to Subsection 3.2.2. of Division B, the *Chief Building Official* may permit minor repairs to existing floor or wall assemblies to be *combustible construction* provided
  - a) the minor repair of the floor assembly does not exceed 5 per cent of the *floor area* of the room in which it is located, and
  - b) the minor repair of the wall assembly does not exceed 5 per cent of the wall area of the wall plane on which it is located.

**1.5.2.10. Permits for Plumbing and Sprinkler Systems**

1) The *Chief Building Official* may issue a *permit* for a plumbing system or *sprinkler system* in accordance with the provisions of Subsection 1.6.3.

**1.5.2.11. Permits in Designated Flood Plain**

- 1) If a *building* is located on a *designated flood plain* the *Chief Building Official* may
- require plans and supporting documents to demonstrate that the elevation or design of the *buildings* incorporates *flood construction level requirements* intended to reduce the risk of flood damage,
  - require that a covenant acknowledging the risk of flood damage be registered against the land, and
  - withhold issuance of a *permit* until the requirements of the *Chief Building Official* have been satisfied.

2) The *Chief Building Official* may increase the *flood construction level requirements* or the setback requirements as provided in Article 2.2.9.5.

3) The *Chief Building Official* may relax the *flood construction level requirements* or the setback requirements in this By-law as provided in Article 2.2.9.6.

**1.5.2.12. Permit for Staged Construction**

(See Note A-1.5.2.12.)

1) Where a *permit* for staged *construction* is applied for pursuant to Subsection 1.6.5., the *Chief Building Official* may authorize the excavation or *construction* of a portion of a *building*, and may impose conditions to ensure compliance with this By-law, before all the plans and supporting documents for the *building* have been accepted, at the risk of the *owner*.

2) The *Chief Building Official* may suspend or revoke a *permit* issued pursuant to Subsection 1.6.5. if the holder of the *permit* fails to comply with the conditions imposed by the *Chief Building Official*.

**1.5.2.13. Minor Revisions to Permit**

1) The *Chief Building Official* may accept an application for minor revisions to an existing *permit* if the proposed revisions do not add or delete additional *storeys* or *major occupancy* classifications to or from the *project*.

**1.5.2.14. Requirement for New Permit**

1) The *Chief Building Official* may require that an applicant for revisions to an existing *permit* apply for a new *permit*, if the proposed revisions would add or delete *floor area*, *storeys*, *dwelling units* or *major occupancy* classifications to or from the *project*.

**1.5.2.15. Permit Suspension**

- 1) The *Chief Building Official* may suspend a *permit* by issuing an order to stop work.

**1.5.2.16. Permit Revocation**

- 1) The *Chief Building Official* may revoke a *permit* if
- there is a contravention of any condition under which the *permit* was issued,
  - the *permit* was issued in error, or
  - the *permit* was issued on the basis of false or incorrect information.

**1.5.2.17. Permit Extension**

- 1) The *Chief Building Official* may extend a *permit* in accordance with Subsection 1.6.7. of this Part.

**1.5.2.18. Designation of Street Addresses**

1) The *Chief Building Official* may, at any time, number, renumber or assign a series of numbers or *suite* numbers to any *building*, or part thereof.

2) Upon the issuance of a *building permit*, the *Chief Building Official* shall designate the *street* address or series of *suite* numbers required for the *building*, or any portion of the *building*.

3) Upon registration of a parcel of land in the Land Title Office, the *Chief Building Official* shall designate the *street* address or series of numbers required for the parcel.

#### **1.5.2.19. Renumbering of Street Addresses**

1) Where an *owner* has requested a renumbering and has paid the applicable fees set out in the Fee Schedule, the *Chief Building Official* may renumber any *building* or *suite* within a *building*, or parcel of land.

#### **1.5.2.20. Proof of Compliance**

1) The *Chief Building Official* may direct that tests of materials, equipment, devices, *construction* methods, structural assemblies or foundations be made, or sufficient evidence or proof be submitted, at the expense of the *owner*, where such evidence or proof is necessary, in the opinion of the *Chief Building Official*, to determine whether the material, equipment, device, *construction*, structural assembly or foundation condition complies with this By-law.

#### **1.5.2.21. Occupancy Permit for Building at Variance with By-law**

1) The *Chief Building Official* may issue an *occupancy permit* for a *building* which varies in a minor respect from the requirements of this By-law if, in the opinion of the *Chief Building Official*, such variation will not substantially interfere with the objectives of this By-law.

#### **1.5.2.22. Occupancy Permit Prior to Completion**

1) The *Chief Building Official* may issue an *occupancy permit* to allow the *occupancy* of a *building* or a part thereof for the approved use, prior to commencement or completion of the *construction* or *demolition* work.

2) The *Chief Building Official* may impose conditions on an *occupancy permit* issued in accordance with Sentence (1).

### **1.5.3. Authorities Regarding Unsafe and Unsanitary Conditions**

#### **1.5.3.1. Report of Failure**

1) Where any *building*, *construction* or excavation failure occurs which causes or has the potential to cause injury or loss of life, the *Chief Building Official* may require the *owner* to submit a report which includes

- a) the name and address of the *owner*,
- b) the address or location of the *building*, *demolition* or excavation,
- c) the name and address of the constructor,
- d) the nature of the failure,
- e) the cause of the failure,
- f) a remedial plan to correct the failure, and
- g) a plan to prevent future failure.

#### **1.5.3.2. Hazardous Material**

1) The *Chief Building Official* may require that any person supervising or doing work to install or remove *building* materials provide evidence of their training, certification or qualifications, if the installation or removal of *building* materials may create an *unsafe condition* or affect the structural safety or fire protection of a *building*.

#### **1.5.3.3. Order to Remove Unsafe Condition**

1) When any *building*, *construction* or excavation or part thereof is in an *unsafe condition*, the *Chief Building Official* may issue a written order to the *owner*, certifying the existence of an *unsafe condition* and requiring correction of any *unsafe condition* found on a *building* site, within a specified time.

#### **1.5.3.4. Order to Repair Plumbing Systems**

1) The *Chief Building Official*, if of the opinion that the *plumbing system*, or any part of it, in any *building* is defective, unsanitary or inadequate, may notify the *owner* or occupant thereof of such condition and may order that such *plumbing system*, or part thereof, be placed in a proper, safe and sanitary condition.

2) The *Chief Building Official*, if of the opinion that the *plumbing system*, or any part of it, in any *building* may have become dangerous or defective on account of the settlement of the *building* or through abuse, accident or for any other cause whatsoever, may order the *owner* or occupant thereof to have a *plumbing contractor* conduct a smoke test on the waste and *vent pipes* of the *building* to ascertain whether any dangerous or defective condition exists.

#### 1.5.3.5. Corrective Measures

1) If the *Chief Building Official* has issued an order in accordance with Article 1.5.3.3. or 1.5.3.4. and an *owner* has failed to comply with that order, the *Chief Building Official* may

- a) authorize *demolition*, removal, posting of security guards or fire wardens, or enclosure of a *building*, *construction*, excavation or part thereof, at the expense of the *owner*,
- b) recover such expense in the manner set out in Article 1.5.3.6., and
- c) take such other measures as may be necessary to protect the public.

#### 1.5.3.6. Immediate Measures

1) When immediate measures must be taken to avoid an imminent danger or risk of accident, the *Chief Building Official* may take such action as is appropriate, without prior notice and at the expense of the *owner*.

2) Where immediate security measures must be taken to limit the risk of damage, vandalism, theft, loss, or the creation of *unsafe conditions*, the *Chief Building Official* may board-up or otherwise secure a *building* against unauthorized entry without prior notice and at the expense of the *owner*.

#### 1.5.3.7. Recovery of City Costs

- 1) The cost of the measures described in Articles 1.5.3.5. and 1.5.3.6. shall be recoverable from the *owner*
  - a) in any Court of competent jurisdiction, or
  - b) by entry of such cost in the real property roll with respect to the property and by collection in the same manner as the taxes shown in the real property roll.

### 1.5.4. Notices and Orders

#### 1.5.4.1. Notices or Orders

1) The *Chief Building Official* may issue in writing such notices or orders as may be necessary to inform the *owner* of a contravention of this By-law, in the manner set out in this By-law.

#### 1.5.4.2. Scope of Orders

- 1) The *Chief Building Official* may order
  - a) a person to comply with the provisions of this By-law within a specified time,
  - b) a person to allow the *Chief Building Official* to enter any *building* or premises at any reasonable time for the purpose of administering and enforcing this By-law,
  - c) work to stop on a *building* or any part thereof, if such work is proceeding in contravention of a provision of this By-law or another enactment, or if there is deemed to be an *unsafe condition*,
  - d) the removal of an unauthorized encroachment on public property,
  - e) the removal of any *building* or part thereof constructed in contravention of a provision of this By-law,
  - f) the cessation of any *occupancy* in contravention of a provision of this By-law,
  - g) the cessation of any *occupancy* if an *unsafe condition* exists,
  - h) the correction of an *unsafe condition*,
  - i) the correction of an unsanitary condition,
  - j) a person to provide a written assessment of a specified condition by a *registered professional* if there is deemed to be an *unsafe condition*, and
  - k) a person to secure a building against unauthorized entry.

**1.5.4.3. Contents of Notice**

1) A notice shall state the nature of any contravention and specify the date or the phase of *construction* by which remedial measures must be completed.

**1.5.4.4. Delivery of Notice**

1) A notice may be posted on a *building*, and may be delivered by regular mail or by hand to the person listed as the *owner* in the records of the Assessment Authority of British Columbia or to a representative of the *owner*.

**1.5.4.5. Contents of Order**

1) An order shall specify any contraventions of this By-law or any *unsafe condition* or unsanitary condition and may require *demolition*, removal, or compliance with this By-law, by a specified phase of *construction*, or within a specified time after the date of mailing or posting the order.

2) Despite Sentence (1), an order to stop work, board up or cease *occupancy* shall state the nature of the contravention or *unsafe condition*, and may order the immediate suspension of *construction* or of *occupancy* and the rectification of the contravention or *unsafe condition*.

**1.5.4.6. Delivery of Order**

- 1) The *Chief Building Official* may deliver an order
  - a) by mailing the order by registered mail or by regular mail to the *owner* at the *owner's* address as it appears on a Tax Certificate or a State of Title Certificate, and posting the order on the premises which is the subject of the order,
  - b) by sending the order by electronic mail to the electronic mail address of the *owner* or a representative of the *owner*, or
  - c) by delivery of the order by hand to the *owner* or a representative of the *owner*.
- 2) When a building is at imminent or unreasonable risk of collapse which could pose a danger to building occupants or the public, the *Chief Building Official* may post an order to cease occupancy on the premises which is the subject of the order, which shall be deemed to comply with the requirements of Sentence (1).
- 3) Delivery of an order in accordance with the provisions of Sentences (1) or (2) shall be deemed to be good and sufficient service of the order.