

## 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, Mechanical and Sprinkler Systems**

1) The *Chief Building Official* may issue a *permit* for a plumbing system, *mechanical 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
  - a) 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,
  - b) require that a covenant acknowledging the risk of flood damage be registered against the land, and
  - c) 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
  - a) there is a contravention of any condition under which the *permit* was issued,
  - b) the *permit* was issued in error, or
  - c) 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 or Mechanical 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.

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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.

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

#### 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.