

THE CORPORATION OF THE DISTRICT OF OAK BAY

BYLAW NO. 4827

A Bylaw to amend the *Building and Plumbing Bylaw No. 4247, 2005*

The Municipal Council of The Corporation of the District of Oak Bay, in open meeting assembled, enacts *Building and Plumbing Bylaw 4247, 2005*, as amended, is further amended as follows:

1. By removing the following wording from Section 1 Interpretation:

The following words and terms have the meanings set out in the Building Code: assembly occupancy, building, building area, building height, business and personal services occupancy, care occupancy, constructor, coordinating registered professional, designer, detention occupancy, field review, floor area, high hazard industrial occupancy, industrial occupancy, low hazard industrial occupancy, major occupancy, medium hazard industrial occupancy, mercantile occupancy, occupancy, registered professional, residential occupancy.

2. By adding the following wording to Section 1 Interpretation after “In this Bylaw:”

The following words and terms have the meanings set out in the Building Code: assembly occupancy, building, building area, building height, business and personal services occupancy, care occupancy, constructor, coordinating registered professional, designer, detention occupancy, field review, floor area, high hazard industrial occupancy, industrial occupancy, low hazard industrial occupancy, major occupancy, medium hazard industrial occupancy, mercantile occupancy, occupancy, registered professional, residential occupancy, secondary suite.

3. By removing the wording from Section 1 Interpretation:

“Building Code” means the British Columbia Building Code 1998 as adopted by the Minister pursuant to Section 692(1) of the *Local Government Act*, RSBC 1996, c.323, as amended or re-enacted from time to time.

“health and safety aspects of the work” means design and construction regulated by Part 3, Part 4, Part 7 and Sections 9.4, 9.7, 9.8, 9.9, 9.10, 9.12, 9.13, 9.14, 9.15, 9.17, 9.18, 9.19, 9.20, 9.21, 9.22, 9.23, 9.24, 9.31, 9.32 and 9.34 of Part 9 of the Building Code.

4. By adding the following wording to Section 1 Interpretation:

“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.

“health and safety aspects of the work” means design and construction regulated by the Building Code, including Parts 3, 4, 5, 6, 7, 8, 9 and 10 of Division A and Division B and subject to Parts 1 and 2 in relation to Parts 3 through 10, Division B.

5. By removing the following wording from Section 17 Inspections:

17(4) In addition to the inspections required to be called for under Subsection (4), 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, this Bylaw and other applicable enactments requiring safety.

6. By adding a new section 17(4) to Section 17 Inspections:

17(4) In addition to the inspections required to be called for in this Bylaw, 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, this Bylaw and other applicable enactments requiring safety.

7. By adding a new section 17(5)(k) to Section 17 Inspections:

17(5)(k) following completion of the alternate compliance methods (Division A) of Part 1 of the Building Code for alterations required to existing buildings to add a secondary suite.

8. By adding a new section 18(4) to Section 18 Occupancy Permits:

18(4) When an application for a building permit is made under this Bylaw which includes alterations to existing buildings to add a secondary suite, no person shall occupy or use that secondary suite until the owner is in receipt of a final inspection report.

9. By adding a new section 18(5) to Section 18 Occupancy Permits:

18 (5) When an application is submitted for a building permit under this Bylaw for a secondary suite within a newly constructed building or an alteration to an existing building to add a secondary suite, no person shall occupy or use that secondary suite until the owner has completed, signed and submitted to the Municipality an Owner's Declaration of Secondary Suite.

10. By removing the following wording from Section 27 Penalties and Enforcement:

27 (1) Every person who contravenes any provision of this Bylaw commits an offence 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.

(2) Every person who fails to comply with any order or notice issued by a building official, or who allows a violation of this Bylaw to continue despite that order or notice, commits an offence 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.

(3) A separate offence shall be deemed to be committed on each day during and on which a contravention of this Bylaw occurs or continues

11. By adding the following wording to Section 27 Penalties and Enforcement:

- 27 (1) Every person who contravenes, violates or fails to comply with any provision of this bylaw, or who suffers or permits any act or thing to be done in contravention or violation of this bylaw, or who fails or neglects to do anything required by this bylaw, commits an offence and shall be:
- (a) liable upon conviction of a fine of not more than \$10,000 (Ten Thousand Dollars) or to imprisonment of not more than six months; and
 - (b) subject to any other penalty or order imposed or remedies available to the Municipality pursuant to the *Local Government Act, Community Charter, Offence Act and Local Government Bylaw Notice Enforcement Act*.
- (2) Every person who fails to comply with any order or notice issued by a building official, or who allows a violation of this bylaw to continue, contravenes this bylaw.
- (3) Each day during which a violation, contravention or breach of this bylaw continues is deemed to be a separate offence.
- (4) 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.
- (5) No person is deemed liable under section 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.

This Bylaw may be cited as the *Building and Plumbing Bylaw Amendment Bylaw No. 4827, 2022*.

READ a first and second time by the Municipal Council on July 18, 2022

READ a third time by the Municipal Council on July 18, 2022

ADOPTED AND FINALLY PASSED by the Municipal Council on September 20, 2022

Mayor

Director of Corporate Services

Sealed with the Seal of The Corporation of
the District of Oak Bay.