

**A PUBLIC HEARING AND REGULAR MEETING
OF THE TOWN OF LADYSMITH COUNCIL
AGENDA
6:00 P.M.**

**Tuesday, September 24, 2024
Ladysmith Seniors Centre
630 2nd Avenue**

Pages

1. CALL TO ORDER AND ACKNOWLEDGEMENT

The Town of Ladysmith acknowledges with gratitude that this meeting takes place on the unceded territory of the Stz'uminus First Nation.

Members of the public may attend meetings in person at the Ladysmith Seniors Centre or view the livestream on YouTube:

<https://www.youtube.com/channel/UCH3qHAExLiW8YrSuJk5R3uA/featured>.

2. AGENDA APPROVAL

Recommendation

That Council approve the agenda for this Public Hearing and Regular Meeting of Council for September 24, 2024.

3. PUBLIC HEARING

“Official Community Plan Bylaw 2022, No. 2200, Amendment Bylaw No. 2185”.

Subject Property: The proposed amendments will apply to all lands in Ladysmith.

3.1 Outline of Public Hearing Process - Mayor Stone

3.2 Introduction of Bylaw and Statutory Requirements - Director of Development Services

3.3 Submissions

3.4 Call for Submissions to Council (Three Times) - Mayor Stone

3.5 Declaration that the Public Hearing for Bylaw No. 2185 is Closed - Mayor Stone

4. BYLAWS - OFFICIAL COMMUNITY PLAN AND ZONING (SUBJECT OF THE PUBLIC HEARING)

4.1 "Official Community Plan Bylaw 2022, No. 2200, Amendment Bylaw No. 2185"

7

Recommendation

That Council give third reading and adopt "Official Community Plan Bylaw 2022, No. 2200, Amendment Bylaw No. 2185".

5. RISE AND REPORT- Items from Closed Session

Item from the Closed Meeting of Council held August 6, 2024

CE 2024-064

That Council:

1. Appoint four citizen representatives from the following list to the Parks, Recreation & Culture Advisory Committee for a two-year term ending June 30, 2026:

- Mitchel Lowe
- Colleen Butcher
- Gordon Filewych
- Terri Merritt-Wardon; and

2. Rise and report on Recommendation No. 1 once all applicants have been notified.

Motion Carried

6. MINUTES

6.1 Minutes of the Regular Meeting of Council held September 3, 2024

10

Recommendation

That Council approve the minutes of the Regular Meeting of Council held September 3, 2024.

7. COMMITTEE MINUTES

7.1 Committee of the Whole - September 10, 2024

16

Recommendation

That Council support moving the Cowichan Region Workforce Housing Strategy initiative forward.

Recommendation

That Council direct staff to include the permitted Freedom of Information application fee in the Town of Ladysmith's "Freedom of Information and Protection of Privacy Bylaw 2022, No. 2116".

Recommendation

That Council:

1. Direct staff to prioritize the implementation of the following short-term actions of the OCP for 2025:
 - a. Updating the Development Cost Charge and Revitalization Tax Exemption Bylaws to incentivize growth in Priority Growth Areas, with an expanded scope that includes developing an Amenity Cost Charge Bylaw;
 - b. Undertaking Ladysmith's First Mobility Plan and updating the Subdivision and Development Servicing Bylaw to reflect recommendations of the mobility plan;
 - c. Amending the Zoning Bylaw to reduce the minimum lot size for R-1 Zone;
 - d. Amending the Zoning Bylaw to include parking supply ratios and dimensions for van-accessible parking spaces;
 - e. Completing a tree protection bylaw;
 - f. Developing a monitoring program for purpose-built rental housing.
2. Authorize staff to apply for any available grant that can be used to fund the projects under recommendation 1(a) to 1(f); and
3. Direct staff to include proposed funding in the 2025 budget for the projects under recommendation 1.

Recommendation

That Council approve the Diversity, Equity and Inclusion (DEI) Statement as provided in the staff report dated September 10, 2024 from the Manager of Human Resources.

8. REPORTS

8.1 2025 Council Meeting Schedule

23

Recommendation

That Council:

1. Authorize staff to amend “Council Procedure Bylaw 2009, No. 1666” to include the following changes:
 - a. Reduce the number of Council meetings held in January to one, scheduled for the third Tuesday of January;
 - b. Change the regularly scheduled Committee of the Whole meeting in January to the fourth Tuesday of January; and
2. Confirm the schedule of regular Council and Committee of the Whole meetings for 2025, as attached to the September 24, 2024 staff report, and direct staff to advertise the schedule in accordance with Section 127 of the *Community Charter*.

8.2 Section 57 Notice on Title, 517 Baden-Powell Street

27

Recommendation

That Council:

1. Pursuant to section 57(3) of the *Community Charter*:
 - a. Provide an opportunity for the owner of LOT 6, BLOCK 121, PLAN VIP703A, DISTRICT LOT 56, OYSTER LAND DISTRICT, (DD701N) 517 Baden-Powell Street to be heard regarding the Building Inspector’s recommendation to place a notice on title as described in the Inspector’s September 24, 2024 report to Council;
 - b. Provide an opportunity for the Building Inspector to be heard, regarding the Building Inspector’s recommendation to place a notice on title as described in the Inspector’s September 24, 2024 report to Council;
 - c. Confirm the recommendations of the Building Inspector as outlined in the Inspector’s September 24, 2024 report to Council, and
 - d. Direct the Corporate Officer to file a notice in the Land Title Office for the property legally described as PARCEL A, LOT 6, BLOCK 121, PLAN VIP703A, DISTRICT LOT 56, OYSTER LAND DISTRICT, (DD701N), in accordance with subsections 57(3)(a) and (b) of the *Community Charter*; and
2. Direct the Corporate Officer to file a notice in the Land Title Office for the property legally described as PARCEL A, LOT 6, BLOCK 121, PLAN VIP703A, DISTRICT LOT 56, OYSTER

LAND DISTRICT, (DD701N), 517 Baden-Powell Street in accordance with subsections 57(3)(a) and (b) of the *Community Charter*.

9. BYLAWS

9.1 Bylaws for Introduction

9.1.1 **New Building & Plumbing Bylaw and Changes to Building Permit Fees** 41

Recommendation

That Council give first, second and third readings to:

1. "Building & Plumbing Bylaw 2024, No. 2174"; and
2. "Town of Ladysmith Fees and Charges Bylaw 2008, No. 1644, Amendment Bylaw 2024, No. 2191".

9.1.2 **"Town of Ladysmith Revitalization Tax Exemption Bylaw 2007, No. 1625 Amendment Bylaw 2024, No. 2181"** 129

Recommendation

That Council give first, second and third readings to "Town of Ladysmith Revitalization Tax Exemption Bylaw 2007, No. 1625 Amendment Bylaw 2024, No. 2181".

9.1.3 **"2025 Permissive Tax Exemptions Bylaw 2024, No. 2189"** 131

Recommendation

That Council give first, second and third readings to "2025 Permissive Tax Exemptions Bylaw 2024, No. 2189".

9.1.4 **"Water Supply Works Temporary Borrowing Bylaw 2024, No. 2192"** 141

Recommendation

That Council give first, second and third readings to "Water Supply Works Temporary Borrowing Bylaw 2024, No. 2192".

9.2 **Bylaw Status Sheet** 146

10. CORRESPONDENCE

10.1 Anglican Church Bell and Steeple Display Proposal

147

Recommendation

That Council approve the request to display the St. John's Anglican Church bell, steeple and explanatory plaque at the corner of Buller Street and 2nd Avenue, with any costs associated with the transportation and display being borne by the Ladysmith Resources Centre Association.

11. NEW BUSINESS

12. QUESTION PERIOD

- A maximum of 15 minutes is allotted for questions.
- Persons wishing to address Council during "Question Period" must be Town of Ladysmith residents, non-resident property owners, or operators of a business.
- Individuals must state their name and address for identification purposes.
- Questions put forth must be related to items on the agenda.
- Questions must be brief and to the point.
- Questions shall be addressed through the Chair and answers given likewise. Debates with or by individual Council members or staff members are not allowed.
- No commitments shall be made by the Chair in replying to a question. Matters which may require action of the Council shall be referred to a future meeting of the Council.

13. DEPUTY MAYOR - VERBAL REPORT

14. ADJOURNMENT

TOWN OF LADYSMITH

BYLAW NO. 2185

A Bylaw to Amend "Official Community Plan Bylaw 2022, No. 2200"

The Council of the Town of Ladysmith in open meeting assembled enacts the following to effect changes to "Official Community Plan Bylaw 2022, No. 2200":

1. The following is added as policy 2.52 under Part 2: Transportation:

"2.52 Subdivision and rezoning applications will be evaluated to ensure that neighbourhoods meet section 5.1.4 (Means of Access) of 'National Fire Protection Association Standard 1141: Fire Protection Infrastructure for Land Development in Wildland, Rural and Suburban Areas', which requires two accesses for neighbourhoods with 101-600 homes and three accesses for neighbourhoods with more than 600 homes. More stringent requirements will be considered in the wildland urban interface and other hazard lands."

2. Map 8 is amended to:

- a. delete the Coach House Intensive Residential Development Permit Area and High Street Residential Development Permit Area;
- b. add the area shown in purple in Schedule A to Development Permit Area 4: Multi-Unit Residential

3. The development permit area guidelines are amended to:

- a. Delete the exemption in section 4(m) and replace with the following:

"(m) single-family, two-unit, secondary suite and coach house developments or R-2 zoned residential developments with four units or less in DPA 4 multi-unit residential.";

- b. add as exemption 4(o) as follows:

"(o) development that is subject to a valid Phased Development Agreement pursuant to section 516 of the *Local Government Act* in the following development permit areas: Development Permit Area 1 – Maritime (DPA 1), Development Permit Area 2 – Downtown (DPA 2), Development Permit Area 3 – Commercial (DPA 3), Development Permit Area 4 – Multi-Unit Residential (DPA 4), Development Permit Area 5 – Industrial (DPA 5)."; and

- c. Delete the guidelines for the Coach House Intensive Residential Development Permit Area and High Street Intensive Residential Development Permit Areas.

4. Amend all section numbering and references accordingly.

Citation

5. This Bylaw may be cited for all purposes as “Official Community Plan Bylaw 2022, No. 2200, Amendment Bylaw No. 2185”.

READ A FIRST TIME on 27th day of June, 2024

READ A SECOND TIME on the 27th day of June, 2024

PUBLIC HEARING HELD PURSUANT TO SECTION 464(1)(a) of the Local Government Act on the _____ day of _____, 2024

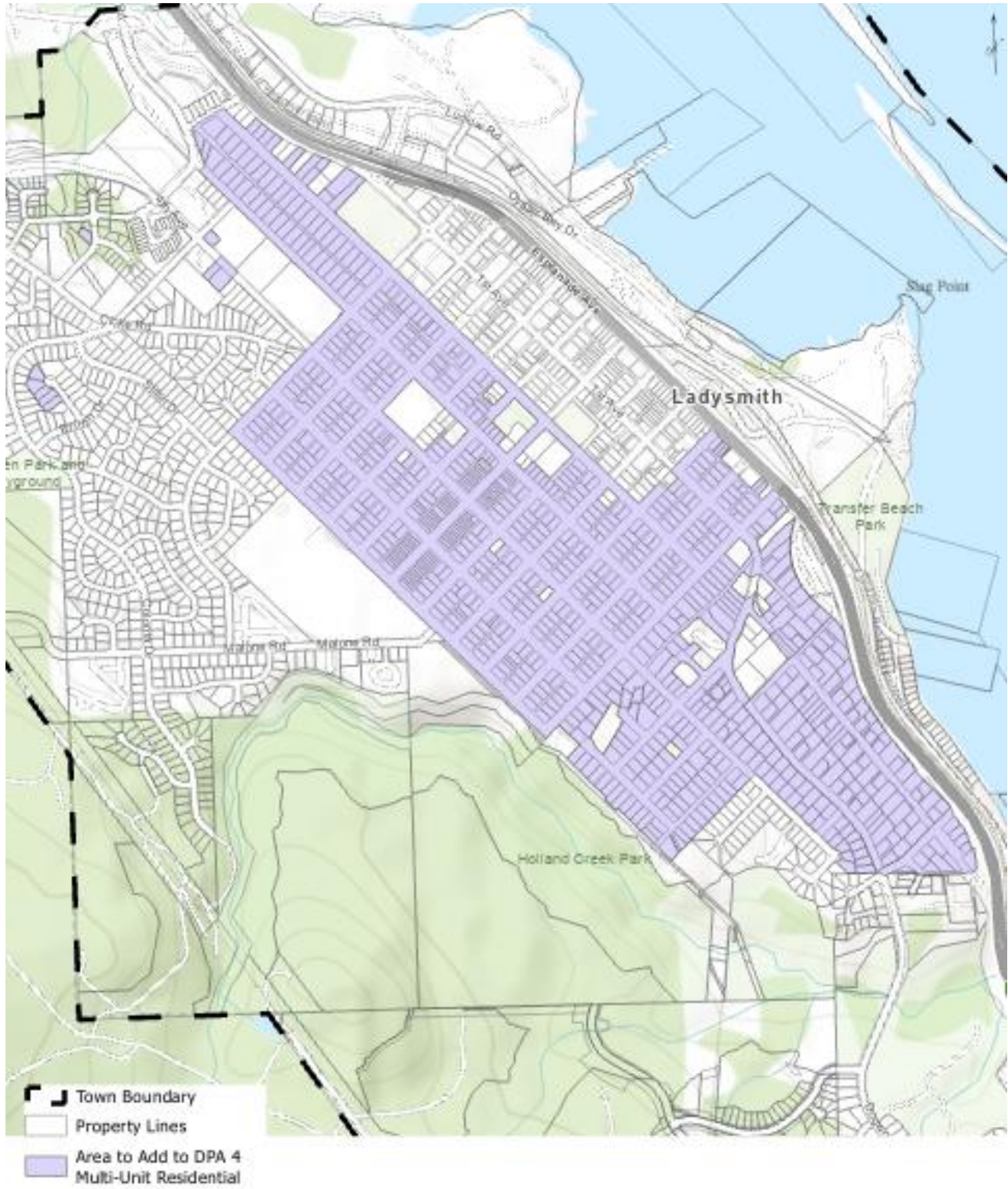
READ A THIRD TIME on the _____ day of _____, 2024

ADOPTED on the _____ day of _____, 2024

Mayor (A. Stone)

Corporate Officer (S. Bouma)

Schedule A





MINUTES OF A REGULAR MEETING OF COUNCIL

Tuesday, September 3, 2024

6:00 P.M.

Ladysmith Seniors Centre
630 2nd Avenue

Council Members Present:

Mayor Aaron Stone
Councillor Ray Gourlay
Councillor Amanda Jacobson
Councillor Tricia McKay

Councillor Duck Paterson
Councillor Marsh Stevens
Councillor Jeff Virtanen

Staff Present:

Allison McCarrick
Erin Anderson
Chris Barfoot
Jake Belobaba

Ryan Bouma (*via Zoom*)
Sue Bouma
Hayley Young

1. CALL TO ORDER

Mayor Stone called this Meeting of Council to order at 6:00 p.m., in order to retire immediately into Closed Session.

2. CLOSED SESSION

CS 2024-186

That, in accordance with section 90(1) of the *Community Charter*, Council retire into closed session in order to consider items related to the following:

- (k) negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the council, could reasonably be expected to harm the interests of the municipality if they were held in public.

Motion Carried

3. OPEN MEETING AND ACKNOWLEDGEMENT (7:00 P.M.)

Mayor Stone called this Regular Meeting of Council to order at 7:00 p.m., recognizing with gratitude that it was taking place on the unceded territory of the Stz'uminus First Nation.

4. AGENDA APPROVAL

CS 2024-187

That Council approve the agenda for this Regular Meeting of Council for September 3, 2024.

Motion Carried

5. RISE AND REPORT- Items from Closed Session

Council rose from Closed Session at 6:19 p.m. without report.

6. MINUTES

6.1 Minutes of the Regular Meeting of Council held August 6, 2024.

CS 2024-188

That Council approve the minutes of the Regular Meeting of Council held August 6, 2024.

Motion Carried

7. COMMITTEE MINUTES

7.1 Community Planning Advisory Committee - August 7, 2024

CS 2024-189

That Council receive the minutes of the Community Planning Advisory Committee meeting held August 7, 2024.

Motion Carried

8. 2025-2029 FINANCIAL PLAN DISCUSSIONS - PARKS, RECREATION AND CULTURE

8.1 Regional Recreation Budget Approval 2025 Discussion – Frank Jameson Community Centre

The Director of Parks, Recreation & Culture provided a brief presentation on the 2025 Regional Recreation Budget and responded to Council's questions.

8.2 Public Input and Questions

There were no questions or comments submitted by the public.

8.3 Regional Recreation Budget Approval 2025 Report – Frank Jameson Community Centre

CS 2024-190

That Council direct staff to submit to the Cowichan Valley Regional District the 2025 budget for the Frank Jameson Community Centre as presented in the staff report dated September 3, 2024.

Motion Carried

9. REPORTS

9.1 Permissive Tax Exemptions for the Tax Year 2025

CS 2024-191

That Council direct staff to:

1. Prepare a one-year Permissive Tax Exemption Bylaw for all properties currently identified in “Town of Ladysmith 2024 Permissive Tax Exemptions Bylaw 2023, No. 2158”;
2. Reduce the exemption at 314 Buller Street to 70% to reflect the 11 homes charged at or near market rent; and
3. Remove the fully exempt properties from the 2025 water parcel tax roll and the 2025 sewer parcel tax roll.

Motion Carried

OPPOSED: Councillors Jacobson and Stevens.

9.2 Request for Permissive Tax Exemption – Folio 1378.073

CS 2024-192

That Council deny the request from Habitat for Humanity for a Permissive Tax Exemption for folio 1378.073.

Motion Carried

9.3 Revitalization Tax Exemption – 32 High Street

CS 2024-193

That Council approve entering into a Revitalization Tax Exemption Agreement with Temperance Group Investments for the property located at 32 High Street, folio 0069.000, provided a letter from a professional structural engineer is received before the bylaw is adopted.

Motion Carried

CS 2024-194

That Council direct staff to bring a review of "Town of Ladysmith Revitalization Tax Exemption Bylaw 2007, No. 1625" to a future meeting of Council with information on the financial implications of rescinding the Bylaw.

Motion Defeated

OPPOSED: Councillors Gourlay, McKay, Paterson and Virtanen.

9.4 Dogwood Drive Speed Limit

CS 2024-195

That Council direct staff to change the speed limit along Dogwood Drive from 1st Avenue to Davis Road to 30 km/hr.

Motion Defeated

OPPOSED: Mayor Stone and Councillors Gourlay, McKay, Paterson and Virtanen.

CS 2024-196

That Council direct staff to change the speed limit along Dogwood Drive from 1st Avenue to Belaire Street to 30 km/hr.

Motion Carried

9.5 Stocking Lake Dam Detailed Design Consultant

CS 2024-197

That Council authorize staff to sole source the Stocking Lake Dam detailed design work to Ecora Engineering and Environmental Ltd. in the amount of \$381,439 plus taxes.

Motion Carried

9.6 Mackie Weir Decommission – Contractor Award

CS 2024-198

That Council award the Mackie Road Dam Decommissioning RFP 2024-IS-05-A to Spider Excavators in the amount of \$383,085 plus applicable taxes.

Motion Carried

10. BYLAWS

10.1 Bylaws for Adoption

10.1.1 "Short-Term Rental Bylaw, 2024, No. 2188"

CS 2024-199

That Council adopt "Short-Term Rental Bylaw, 2024, No. 2188".

Motion Carried

10.1.2 Town of Ladysmith Zoning Bylaw 2014, No. 1860 Amendment Bylaw No. 2187"

CS 2024-200

That Council adopt "Town of Ladysmith Zoning Bylaw 2014, No.1860 Amendment Bylaw No. 2187".

Motion Carried

10.1.3 "Town of Ladysmith Subdivision and Development Servicing Bylaw 2013, No. 1834, Amendment Bylaw 2183"

CS 2024-201

That Council adopt "Town of Ladysmith Subdivision and Development Servicing Bylaw 2013, No.1834, Amendment Bylaw 2183".

Motion Carried

10.2 Bylaw Status Sheet

11. CORRESPONDENCE

11.1 Ministry of Municipal Affairs – Response to 2024 UBCM Convention Meeting Request

CS 2024-202

That Council receive the correspondence, dated August 19, 2024, from the Ministry of Municipal Affairs, advising that the Honourable Anne Kang is unable to accommodate the Town's request for a meeting during the 2024 Union of British Columbia Municipalities (UBCM) Convention.

Motion Carried

12. QUESTION PERIOD

A member of the public asked how many street signs would be required to change the speed limit on Dogwood drive and sought clarification on the estimated cost for installing them.

Another resident asked whether the salmon spawning window had been considered in the Mackie Weir decommissioning project. The resident also asked when more substantial traffic calming measures for Dogwood Drive would be implemented.

13. MAYOR - VERBAL REPORT

Mayor Stone announced that he will be stepping down as the Mayor of Ladysmith effective September 30, 2024. He thanked Council, staff and Town residents for their support over the years. Councillor Tricia McKay will serve as Acting Mayor starting Oct. 1, with a byelection planned for spring of 2025.

14. ADJOURNMENT

CS 2024-203

That this Regular Meeting of Council be adjourned at 8:17 p.m.

Motion Carried.

CERTIFIED CORRECT

Mayor (A. Stone)

Corporate Officer (S. Bouma)

Committee of the Whole Recommendations to Council September 24, 2024

At its September 10, 2024 meeting, the Committee of the Whole recommended:

1. That Council provide a resolution in support of moving the Cowichan Region Workforce Housing Strategy initiative forward.
2. That Council direct staff to include the permitted Freedom of Information application fee in the Town of Ladysmith's "Freedom of Information and Protection of Privacy Bylaw 2022, No. 2116".
3. a. That implementation of the following short-term actions of the OCP be prioritized for 2025:
 - i) Updating the Development Cost Charge and Revitalization Tax Exemption Bylaws to incentivize growth in Priority Growth Areas, with an expanded scope that includes developing an Amenity Cost Charge Bylaw;
 - ii) Undertaking Ladysmith's First Mobility Plan and updating the Subdivision and Development Servicing Bylaw to reflect recommendations of the mobility plan;
 - iii) Amending the Zoning Bylaw to reduce the minimum lot size for R-1 Zone;
 - iv) Amending the Zoning Bylaw to include parking supply ratios and dimensions for van-accessible parking spaces;
 - v) Completing a tree protection bylaw;
 - vi) Developing a monitoring program for purpose-built rental housing;
- a. That Council pass a resolution authorizing staff to apply for any available grant that can be used to fund the projects under recommendation 1(a) to 1(f); and
- b. That staff be directed to include proposed funding in the 2025 budget for the projects under recommendation 1.
4. That Council approve the Diversity, Equity and Inclusion (DEI) Statement as provided in the staff report dated September 10, 2024 from the Manager of Human Resources.



COMMITTEE OF THE WHOLE MEETING MINUTES

Tuesday, September 10, 2024

6:00 P.M.

Ladysmith Seniors Centre

630 2nd Avenue

Council Members Present:

Councillor Amanda Jacobson

Mayor Aaron Stone

Councillor Ray Gourlay

Councillor Tricia McKay

Councillor Duck Paterson

Councillor Marsh Stevens

Councillor Jeff Virtanen

Staff Present:

Allison McCarrick

Erin Anderson

Chris Barfoot

Jake Belobaba (*via Zoom*)

Chris Geiger

Trish McConnell

Sue Bouma

Nick Pescod

Hayley Young

1. CALL TO ORDER AND ACKNOWLEDGEMENT

Councillor McKay, Chair, called this Committee of the Whole meeting to order at 6:00 p.m., and acknowledged with gratitude that it was being held on the unceded territory of the Stz'uminus First Nation.

2. AGENDA APPROVAL

CW 2024-043

That the agenda for this September 10, 2024 Committee of the Whole meeting be approved as amended to include the following item received after publication of the agenda:

- Item 7.1., "Request for assistance with recruiting volunteers for Citizens On Patrol & Speed Watch."

Motion Carried

3. MINUTES

3.1 Minutes of the Committee of the Whole Meeting held July 9, 2024

CW 2024-044

That the minutes of the Committee of the Whole meeting held July 9, 2024 be approved.

Motion Carried

4. DELEGATIONS

4.1 Barry O’Riordan, Manager, Economic Development Cowichan Regional District and Jada Basi, Consultant, City Spaces

Barry O’ Riordan, Manager of Economic Development for the Cowichan Regional District, introduced Jada Basi, project consultant for the Cowichan Region Workforce Housing Strategy. Ms. Basi provided an overview of the initiative, which aims to provide a regional solution to workforce housing shortages, and discussed the possibility of initiating a Housing Corporation to help meet the needs of the region. She responded to Council’s questions and noted that next steps would include a feasibility study.

Chair McKay thanked the speakers for the informative presentation and expressed enthusiasm for future initiatives.

CW 2024-045

That the Committee recommend that Council provide a resolution in support of moving the Cowichan Region Workforce Housing Strategy initiative forward.

Motion Carried

5. REPORTS

5.1 Building Inspector's Report to August 31, 2024

The Committee requested that staff bring forward information regarding the number of rental housing units to be included in future reports.

CW 2024-046

That the Committee receive the Building Inspector’s Report for the months May to August 2024.

Motion Carried

5.2 Ladysmith Fire/Rescue Reports for May, June and July 2024

CW 2024-047

That the Committee receive the Ladysmith Fire/Rescue Reports for the months of May, June and July 2024.

Motion Carried

5.3 Coastal Animal Control Services Reports for April, May and June 2024

The Committee requested that staff contact Animal Control to determine whether repeat offenders can be identified in the report, as well as feedback on Animal Control activity at special events.

CW 2024-048

That the Committee receive the Coastal Animal Control Services Reports for the months April to June 2024.

Motion Carried

5.4 Fee for Freedom of Information Requests

CW 2024-049

That the Committee recommend that Council direct staff to include the permitted Freedom of Information application fee in the Town of Ladysmith's "Freedom of Information and Protection of Privacy Bylaw 2022, No. 2116".

Motion Carried

5.5 2024 Q2 (Apr - Jun) Financial Update

CW 2024-050

That the Committee receive the staff report dated September 10, 2024, regarding the 2024 Q2 (April - June) Financial Update from the Director of Financial Services.

Motion Carried

5.6 OCP Implementation: Short Term Priorities

CW 2024-051

That the Committee recommend to Council:

1. That implementation of the following short-term actions of the OCP be prioritized for 2025:
 - a. Updating the Development Cost Charge and Revitalization Tax Exemption Bylaws to incentivize growth in Priority Growth

- Areas, with an expanded scope that includes developing an Amenity Cost Charge Bylaw;
- b. Undertaking Ladysmith's First Mobility Plan and updating the Subdivision and Development Servicing Bylaw to reflect recommendations of the mobility plan;
 - c. Amending the Zoning Bylaw to reduce the minimum lot size for R-1 Zone;
 - d. Amending the Zoning Bylaw to include parking supply ratios and dimensions for van-accessible parking spaces;
 - e. Completing a tree protection bylaw;
 - f. Developing a monitoring program for purpose-built rental housing;
2. That Council pass a resolution authorizing staff to apply for any available grant that can be used to fund the projects under recommendation 1(a) to 1(f); and
 3. That staff be directed to include proposed funding in the 2025 budget for the projects under recommendation 1.

Motion Carried

5.7 Diversity, Equity and Inclusion

CW 2024-052

That the Committee recommend that Council approve the Diversity, Equity and Inclusion (DEI) Statement as provided in the staff report dated September 10, 2024 from the Manager of Human Resources.

Motion Carried

5.8 2023-2026 Strategic Priorities Update

CW 2024-053

That the Committee receive the 2023-2026 Strategic Priorities Update dated September 10, 2024.

Motion Carried

6. COUNCIL SUBMISSIONS

6.1 Flyer Restrictions and Alternatives

CW 2024-054

That the Committee recommend that Council direct staff to explore the possibility of adding additional noticeboards in the downtown area.

Motion Defeated

OPPOSED: Mayor Stone, Chair McKay and Councillors Gourlay, Jacobson and Stevens.

7. NEW BUSINESS

7.1 Request for Assistance with Recruiting Volunteers for Citizens On Patrol & Speed Watch

Mayor Stone discussed the importance of the Citizens On Patrol & Speed Watch programs, and encouraged the Town's Communications team and Councillors to spread the word that the organization is searching for volunteers. The Committee discussed reaching out to community partners such as the Chamber of Commerce and Downtown Business Association to enhance volunteer recruitment efforts.

8. ADJOURNMENT

CW 2024-055

That this Committee of the Whole Meeting be adjourned at 7:41 p.m.

Motion Carried

CERTIFIED CORRECT

Chair (Councillor T.McKay)

Corporate Officer (S. Bouma)

Diversity, Equity and Inclusion Organizational Statement

The Town of Ladysmith Council and employees are committed to fostering an inclusive workplace culture that celebrates the uniqueness and differences of individuals. In fulfilling this commitment, the Town aims to fully respect each person’s background, lived experiences, talents and strengths by supporting this diversity, equity and inclusion (DEI) statement.

The Town is committed to providing an environment that is free from any form of discrimination based on, but not limited to: race, colour, ancestry, place of origin, political belief, religion, marital status, family status, physical or mental disability, sex, gender identity or expression, sexual orientation and age.

The Town will continually create and maintain a culture of inclusion by ensuring our policies, practices and processes are inclusive and unbiased. They will do so by providing practical and experiential learning opportunities for Town employees and leaders in a respectful environment.

Aaron Stone
Mayor, Town of Ladysmith

Allison McCarrick
CAO, Town of Ladysmith

Blaine Gurrie
President, CUPE 401

STAFF REPORT TO COUNCIL

Report Prepared By: Sue Bouma, Manager of Corporate Services
Reviewed By: Allison McCarrick, CAO
Meeting Date: September 24, 2024
File No: 0550-01
Re: 2025 Council Meeting Schedule

RECOMMENDATION:

That Council:

1. Authorize staff to amend “Council Procedure Bylaw 2009, No. 1666” to include the following changes:
 - a) Reduce the number of Council meetings held in January to one, scheduled for the third Tuesday of January;
 - b) Change the regularly scheduled Committee of the Whole meeting in January to the fourth Tuesday of January; and
2. Confirm the schedule of regular Council and Committee of the Whole meetings for 2025, as attached to the September 24, 2024 staff report, and direct staff to advertise the schedule in accordance with Section 127 of the *Community Charter*.

EXECUTIVE SUMMARY:

Staff are requesting that Council confirm its 2025 meeting schedule and direct staff to publish the calendar as required under the *Community Charter*. A colour-coded calendar is attached for Council’s convenience. It includes regular Council meeting dates, Committee of the Whole (CoW) meeting dates, statutory holidays and annual conference dates. Council may amend the meeting schedule at any point during the year.

PREVIOUS COUNCIL DIRECTION:

N/A

INTRODUCTION/BACKGROUND:

“Council Procedure Bylaw 2009, No. 1666” states the dates and times of all Regular Council and Committee of the Whole Meetings as follows:

- Regular Council meetings are held on the first and third Tuesday of each month, unless the meeting falls on a statutory holiday.
- No regular meetings will be held during the first week of January and only one meeting will be held in August.
- CoW meetings are held the second Tuesday of every other month.

- Regular Council and CoW meetings will be held at the Ladysmith Seniors Centre, 630 2nd Avenue, unless otherwise noted.

Council Remuneration Policy 05-1920-A lists approved conventions and conferences for Council. The 2025 dates are listed below:

Association of Vancouver Island & Coastal Communities (AVICC)	April 11-13, 2025 (Nanaimo)
Federation of Canadian Municipalities (FCM)	May 29-June 1, 2025 (Ottawa)
Union of BC Municipalities (UBCM)	September 22-26, 2025 (Victoria)
Vancouver Island Economic Alliance (VIEA)	2025 dates to be determined (usually in October in Nanaimo)

Based on the information above, the following table highlights the proposed changes to Council’s 2025 meeting schedule.

January Council and COW Meetings	The previous practice of scheduling two Regular Council meetings in January has resulted in a very light first meeting, followed by a more substantial meeting later in the month. As the meeting schedule for this month also includes a Committee of the Whole meeting, staff are proposing that only two meetings are scheduled for January – a Regular Council meeting on the third Tuesday of the month, and a Committee of the Whole meeting on the fourth Tuesday.
September Council Meetings	Council meetings have been rescheduled to the first and fourth Tuesday to accommodate the annual UBCM Convention. The CoW meeting remains on the second Tuesday of the month.

Throughout the year there may be a need for special meetings, and Council, by resolution, can schedule meetings whenever required. Additionally, regular meetings may be cancelled or rescheduled throughout the year as required, provided that sufficient public notice is issued.

ALTERNATIVES:

Council can choose to amend the meeting schedule as specified by Council. (Permanent changes, such as changing the meeting to another time or day of the week would require an amendment to Bylaw No. 1666. This would require a public notice period prior to adoption.)

FINANCIAL IMPLICATIONS:

N/A

LEGAL IMPLICATIONS:

The *Community Charter* requires that local governments annually notify the public of the schedule of regular Council meetings before December 31st for the coming year.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

As per “Public Notice Bylaw 2022, No. 2119” notice will be published on the Town’s website and in the local newspaper. In addition, it will be posted on the Town notice board and promoted through social media. The notice will also include reference to CoW meetings.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

N/A

ALIGNMENT WITH STRATEGIC PRIORITIES:

- | | |
|---|--|
| <input type="checkbox"/> Core Infrastructure | <input type="checkbox"/> Economy |
| <input type="checkbox"/> Official Community Plan Implementation | <input type="checkbox"/> Leadership |
| <input type="checkbox"/> Waterfront Area Plan | <input checked="" type="checkbox"/> Not Applicable |

I approve the report and recommendation.

Allison McCarrick, Chief Administrative Officer

ATTACHMENT:

- A. Proposed 2025 Council Meeting Schedule

ATTACHMENT A

2025

Town of Ladysmith Council Meeting Calendar

Legend	Legend
■ Council Meeting	■ AVICC Conference (Nanaimo)
■ Committee of the Whole Meeting	■ FCM Convention (Ottawa)
■ Statutory Holiday	■ UBCM Convention (Victoria)

January						
Su	M	Tu	W	Th	F	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

February						
Su	M	Tu	W	Th	F	Sa
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	

March						
Su	M	Tu	W	Th	F	Sa
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

April						
Su	M	Tu	W	Th	F	Sa
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

May						
Su	M	Tu	W	Th	F	Sa
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

June						
Su	M	Tu	W	Th	F	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

July						
Su	M	Tu	W	Th	F	Sa
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

August						
Su	M	Tu	W	Th	F	Sa
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

September						
Su	M	Tu	W	Th	F	Sa
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

October						
Su	M	Tu	W	Th	F	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

November						
Su	M	Tu	W	Th	F	Sa
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

December						
Su	M	Tu	W	Th	F	Sa
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

- Regular Council Meetings begin at 7:00pm on the first and third Tuesday of each month (exceptions in January, July, August and November).
- Committee of the Whole Meetings begin at 6:30pm on the second Tuesday of every other month (exceptions in January, July and November).
- Meetings will be held at the Ladysmith Seniors Centre (630 2nd Avenue).
- Meetings are subject to change, so please contact City Hall to confirm.



STAFF REPORT TO COUNCIL

Report Prepared By: Mark Van Vliet, Senior Building Inspector
Reviewed By: Jake Belobaba, Director of Development Services
Meeting Date: September 24, 2024
File No: 4200-20
Re: Section 57 Notice on Title, 517 Baden-Powell Street

RECOMMENDATION:

That Council:

1. Pursuant to section 57(3) of the *Community Charter*:
 - a) Provide an opportunity for the owner of LOT 6, BLOCK 121, PLAN VIP703A, DISTRICT LOT 56, OYSTER LAND DISTRICT, (DD701N) 517 Baden-Powell Street to be heard regarding the Building Inspector's recommendation to place a notice on title as described in the Inspector's September 24, 2024 report to Council;
 - b) Provide an opportunity for the Building Inspector to be heard, regarding the Building Inspector's recommendation to place a notice on title as described in the Inspector's September 24, 2024 report to Council;
 - c) Confirm the recommendations of the Building Inspector as outlined in the Inspector's September 24, 2024 report to Council, and
 - d) Direct the Corporate Officer to file a notice in the Land Title Office for the property legally described as PARCEL A, LOT 6, BLOCK 121, PLAN VIP703A, DISTRICT LOT 56, OYSTER LAND DISTRICT, (DD701N), in accordance with subsections 57(3)(a) and (b) of the *Community Charter*; and
2. Direct the Corporate Officer to file a notice in the Land Title Office for the property legally described as PARCEL A, LOT 6, BLOCK 121, PLAN VIP703A, DISTRICT LOT 56, OYSTER LAND DISTRICT, (DD701N), 517 Baden-Powell Street in accordance with subsections 57(3)(a) and (b) of the *Community Charter*.

EXECUTIVE SUMMARY:

The purpose of this staff report is to recommend that a "Section 57" notice be placed on the title of 517 Baden-Powell St.

PREVIOUS COUNCIL DIRECTION:

N/A

INTRODUCTION/BACKGROUND:

Section 57 – Notice on Title

The Town's Building Inspectors are responsible for ensuring that all new buildings and renovations comply with the Town's bylaws and the BC Building Code. The purpose of these regulations is to ensure buildings are durable and safe for the use intended. Where work is completed without required permits and inspections, or in contravention of issued permits, significant deficiencies can be created that pose a risk of injury or death, shorten the lifespan of a building, or make it unusable for its intended purpose. Tenants or future owners who may be unaware unpermitted construction has occurred are often most affected by these impacts.

A Notice on Title under section 57 of the *Community Charter*, is an enforcement tool used by local governments throughout British Columbia. It involves the local government filing a notice on the property title with the Provincial Land Title Office. Once filed, the notice will appear on all title searches under "Legal Notations," and parties with an interest in the land (e.g. realtors, lenders, buyers, lawyers or any member of the public wishing to obtain a title search) will become aware a contravention has occurred and can inquire with the local government about the nature of the contravention.

A Notice on Title may be registered on title when:

- a) A building inspector observes a condition resulting from a contravention of a municipal bylaw, the BC Building Code or another applicable enactment, and concludes that, as a result of the condition "a building or other structure is unsafe or is unlikely to be usable for its expected purpose during its normal lifetime," or
- b) A building inspector determines that work was completed without a required permit or a satisfactorily completed inspection.

Filing of a Notice on Title

Under Section 57(3) of the *Community Charter*, Council must pass a resolution directing the Corporate Officer to file a notice on title and only after providing the property owner and Building Inspector an opportunity to be heard. If Council confirms the recommendations of the Building Inspector, Council must pass a resolution directing the Corporate Officer to file a notice in the Land Title Office. The notice must state that a resolution has been passed pursuant to Section 57 of the *Community Charter* and that additional information is available at City Hall.

Although a notice on title can be ordered by Council due to the lack of a permit or inspection, staff generally reserve recommending this tool for "high risk" or serious infractions.

SUBJECT PROPERTY:

The property that is the subject of the recommended notice is 517 Baden-Powell St, legally described as PARCEL A, LOT 6, BLOCK 121, PLAN VIP703A, DISTRICT LOT 56, OYSTER LAND DISTRICT, (DD701N).

CONDITIONS OBSERVED:

On May 27, 2024, the Senior Building Inspector became aware that construction of a second storey and other significant changes to an existing house on the Subject Property had commenced without a Building Permit.

The figures 1, 2 and 3 show that work occurred at some time between April 26, 2019, and May 27, 2024, which includes the addition of the second storey and other significant changes to the existing structure

Figure 1 - April 26, 2019



Figure 2 - May 27, 2024



Figure 3 - May 27, 2024



EFFORTS TO DATE TO ACHIEVE COMPLIANCE:

Staff met the owner on site on May 27, 2024, and a Stop Work Order was also posted. The owner was informed that construction had commenced without required permits and that they would be given a reasonable amount of time to apply for the necessary permits. Later that day, the owner emailed the Senior Building Inspector stating that they were “looking forward to working with you to expedite in making things right at my address.”

On May 28, 2024, the Senior Building Inspector sent a letter to the owner by registered mail, email and hand delivery. A 90-day deadline to apply for a Building Permit was given. A copy of the letter is provided in Attachment A. Among other requirements, sealed structural engineering plans and a “Schedule B” letter of assurance from a Professional Engineer were required due to the significant weight and structural concerns resulting from the second storey. The letter stated that staff would seek approval to file a Section 57 Notice on Title if a Building Permit application was not submitted within the 90-day deadline.

On June 6, 2024, the Senior Building Inspector responded to an email sent by the owner requesting clarification regarding the structural engineering requirements. The Inspector noted that the original home was built in 1920 and that the second storey is concerning due to anchorage and seismic restraint, that all new construction must conform to the BC Building Code, and that the lower floor’s level of safety cannot be decreased below its original state.

On July 26, 2024, the Senior Building Inspector emailed a reminder to the owner that the 90-day deadline would end on August 28, 2024, and that the Senior Building Inspector would proceed with a recommendation to file a Section 57 – Notice on Title if a permit application was not received by that date. The owner responded and stated that they would submit the required information as soon as possible.

On July 31, 2024, a package sent by the owner through registered mail was forwarded from City Hall to Development Services. Within the package was a letter from the owner stating, “I am unable to comply with the requirements you have set out in your email dated May 27, 2024, for various reasons.”

The package included the following items from the list provided by the Senior Building Inspector on May 28, 2024:

- Certificate of Title
- Engineered Truss Documents
- Plumber Declaration
- Mechanical Ventilation Checklist
- Gas and Electrical Permits from Technical Safety BC.

The package also included the following, but these items did not meet the requirements of the Inspector’s letter sent on May 28, 2024:

- Site Survey and Height Calculations from a BC Land Surveyor: The survey provided is not a legal survey and was completed on November 13, 2018, before the second storey construction begun.
- Construction Plans: The plans submitted do not show the nature and extent of the work in sufficient detail to establish that, when completed, the work will conform to the BC Building Code.
- Hazardous Materials Declaration Form: As of January 1st, 2024, WorkSafeBC requires that prior to any renovation of a building built before 1990, a “Hazardous Materials Survey” must be performed by a licensed contractor and if hazardous materials are identified, a licensed abatement contractor must provide a “Clearance Letter”. The owner submitted an “Asbestos Bulk Sample Report” which was limited to the bathroom and hallway, does not meet the WCB requirement and does not allow a Building Inspector to enter a building for the purposes of completing an inspection.
- Structural Engineering – Sealed report: The report did not include the required assurances indicating that the additional storey would meet anchorage and seismic requirements of the BC Building Code.

The following items from the list in the Inspector’s May 28, 2024, letter were not submitted and have not been received to date:

- Building Permit Application Form
- Home Warranty Insurance or proof of exemption
- Engineered Floor System Layouts and Beams
- BC Energy Step Code documents or proof of exemption
- Geotechnical Engineering – Sealed report

On August 26, 2024, the Senior Building Inspector provided the written recommendation in Attachment B to the Corporate Officer pursuant to section 57(2) of the *Community Charter*. On September 3rd, 2024, the Corporate Officer issued notice to the owner in Attachment C pursuant to section 57(2)(a) of the *Community Charter* and placed the matter on the agenda for the September 24, 2024, Council meeting pursuant to section 57(2)(b) of the *Community Charter*.

ANALYSIS:

The principal concerns with the unauthorized construction are as follows:

- The building design and construction has not been reviewed and inspected for compliance with the BC Building Code;
- A hazardous materials assessment report meeting WorkSafeBC’s Occupational Health and Safety Regulations has not been submitted. It has not been determined if hazardous materials have been remediated, if building occupants are being exposed to hazardous materials released during the unpermitted construction or if the building can be safely inspected; and

- Insufficient engineering assurances have been provided, specifically assurances the second storey can withstand seismic activity. Subsequently, the building may not be able to protect occupants from even minor seismic activity.

Multiple requests have been made, both verbally and in writing, for the information necessary to allow the issuance of a Building Permit. The owner was given a reasonable amount of time and staff have been available to answer questions.

The information provided by the owner is insufficient to demonstrate that the new construction conforms to the Building Code or Town bylaws. The Town is aware that serious contraventions of the BC Building Code and Town's bylaws have occurred and has an obligation to ensure the current owner and future owners are aware of the potential risks of the unauthorized construction (see 'Legal Implications').

In absence of the required permits and professional assurances, placing a Section 57, Notice on Title is a priority.

ALTERNATIVES:

Council can choose to:

1. Direct that at s.57 Notice, not be placed on the title of 517 Baden-Powell Street.
2. Defer consideration of the recommendation to a subsequent meeting of Council.
3. Direct that another course of action be taken.

FINANCIAL IMPLICATIONS:

The cost to file a Notice on Title with the Land Titles Office is \$32.51. At this time, there is no bylaw that would require the \$32.51 fee to be paid by the owner.

Bylaw 2191, will introduce a \$400 fee to remove a Section 57 Notice. If this bylaw is passed prior to the owner being eligible to have the Section 57 notice removed from the property, the owner (or a future owner) will need to pay this fee once they are eligible to have the section 57 notice removed from title.

LEGAL IMPLICATIONS:

Staff have consulted with the Town's lawyer on the use of Section 57 Notices and the Town's duty of care when the Town is aware of building code infractions. Generally, municipalities have no legal duty to enforce bylaws when enforcement is not mandated by statute and there is no such mandated duty with respect to building bylaws. However, a municipality that has adopted a building bylaw owes a duty of care to those who might be injured by the negligent exercise of those powers such as failing to enforce known and significant contraventions of the building bylaws. This duty of care may be met by issuing warnings such as a section 57 Notice. In short, when building contraventions are known, the Town has a duty to either enforce or ensure that those at risk are made aware of the contraventions; the Town may be liable if neither action is taken.

Although it has consequences for the owner (such as creating a deterrent for future buyers), filing the notice is intended to be less punitive action enforcement. It serves as a disclosure mechanism to protecting future owners and other parties with an interest in the property. No further action is required by Council once the Notice is registered on title and the Town will have met its duty of care.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

Once registered at the Land Titles Office, the Notice will serve to advise anyone with interest in the land of the contravention; provide disclosure to prospective buyers and agents; and protect taxpayers from potential claims with regard to the contravention. The Notice itself does not disclose the details of the contravention, however such information may be obtained from the Town.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

N/A

ALIGNMENT WITH STRATEGIC PRIORITIES:

- | | |
|---|--|
| <input type="checkbox"/> Core Infrastructure | <input type="checkbox"/> Economy |
| <input type="checkbox"/> Official Community Plan Implementation | <input type="checkbox"/> Leadership |
| <input type="checkbox"/> Waterfront Area Plan | <input checked="" type="checkbox"/> Not Applicable |

I approve the report and recommendations.

Allison McCarrick, Chief Administrative Officer

ATTACHMENTS:

- A. Attachment A – Stop Work Order
- B. Attachment B – Memo to Corporate Office
- C. Attachment C – Notice to Property Owner

Attachment A

May 28, 2024

Our File: 3800-20

[Redacted]

Dear [Redacted]

RE: Stop Work Order – 517 Baden Powell - LADYSMITH, BC

It has come to our attention that substantial renovations appear to have taken place at 517 Baden Powell without approval from the Town. The Town has no records to indicate that a 2-storey building was ever permitted in this location and the renovations that have taken place appear to be in violation of the Building & Plumbing Bylaw 1994, No.1119. A Stop Work Order was posted by me on May 27, 2024.

The Stop Work Order must remain posted and visible from the public roadway until the required permits therefore have been issued by a Building Inspector and until all provisions of the Building Code and Town Bylaws have been fully complied with. Any work on the building is to stop immediately until the Stop Work Order is lifted by a Building Inspector.

Please apply for a Building Permit within 90 days with the following items included:

- Building Permit Application Form
- Certificate of Title (Current within 30 days of application)
- Home Warranty Insurance or proof of exemption.
- Site Survey and Height Calculations from a BC Land Surveyor.
- Construction Plans (Provide plans that show pre-existing conditions and existing conditions. **ALL** recent work that has occurred on this home must be shown on the completed plans and must comply to the 2018 BC Building Code and Town Bylaws. A site inspection shall take place before the permit is issued to further ensure that all unpermitted work is being reviewed accordingly.)
- Engineered Truss Documents
- Engineered Floor System Layouts and Beams, if applicable.
- Plumbing Isometric Drawing, if applicable and signed Plumber Declaration.
- BC Energy Step Code documents or proof of exemption.
- Hazardous Materials Declaration



- Structural Engineering – sealed plans and Schedule B (Requested as a second storey adds significant weight, structural concerns to the structure and due to the homes age.)
- Geotechnical Engineering – sealed report from a Geotechnical Engineer stating that the ground is safe for the intended use. (Requested as a second storey adds significant weight to the footings and soils below.)
- Mechanical Ventilation Checklists from your HVAC contractor, if applicable.
- Gas and Electrical Permits from Technical Safety BC.

Our Building Permit Checklist and Tip Sheet for Renovations will be included for your convenience. Please call or email a Building Inspector if you have any questions.

If a Building Permit is not applied for within the next 90 days, the Town may proceed with recommending that Council proceed with filing a Section 57 – Notice on Title which may be filed by a local government to warn potential owners and stakeholders of a breach of bylaws or regulations. Once a Notice on Title is filed, it will remain on title indefinitely and may be cancelled once the Building Inspector has provided a report confirming that the condition which caused the Notice to be filed has been rectified.

In addition, the Town may also wish to proceed with issuing daily fines that are outlined in the Ticket Information Utilization Bylaw 2002, No.1457 until a valid Building Permit is issued.

Your immediate attention to this matter is strongly recommended as some of the requested items may take professionals some time to create.

Please feel free to email me anytime at mvanvliet@ladysmith.ca to discuss further.

Sincerely,

Mark Van Vliet

Mark Van Vliet
Senior Building Inspector
Town of Ladysmith

Cc B. Davidson, Bylaw Compliance Officer

Attachments

Building Permit Checklist – Renovations
Building Permit Tip Sheet – Renovations





Attachment B

Memo

From: Mark Van Vliet, Senior Building Inspector

To: Sue Bouma, Manager of Corporate Services/Corporate Officer

Date: August 26, 2024

Re: Section 57 Notice, 517 Baden-Powell Street

I have prepared a report to Council recommending that a note be filed on title for 517 Baden-Powell Street (**PID: 006-825-231, PARCEL A, LOT 6, BLOCK 121, PLAN VIP703A, DISTRICT LOT 56, OYSTER LAND DISTRICT, (DD701N)**) under section 57 of the *Community Charter*.

Accordingly, please notify the property owners of the referenced property and schedule my recommendation to be placed before Council at the September 24th, 2024 meeting.

Regards,



Mark Van Vliet
Senior Building Inspector
Development Services

Please note : This information was prepared to provide convenient information, and should not be considered a replacement for reviewing the bylaw or associated legal documents. If there is a contradiction between this guide and relevant municipal bylaws and/or applicable codes, please refer to the bylaws and/or codes for legal authority.



Attachment C

August 28, 2024

Our File: 4200-20 (Building)

[Redacted address block]

via REGISTERED MAIL

Dear [Redacted name]

RE: Section 57 – Notice on Title
517 Baden-Powell Street
PARCEL A, LOT 6, BLOCK 121, PLAN VIP703A, DISTRICT LOT 56, OYSTER
LAND DISTRICT, (DD701N)
PID: 006-825-231

Notice is hereby given that at its Regular Meeting to be held at 630 2nd Avenue, Ladysmith, BC, on September 24th, 2024, at 7:00pm, Council of the Town of Ladysmith will consider a report from the Senior Building Inspector recommending a notice be registered on the title of the above-noted property, pursuant to Section 57 of the *Community Charter*. The notice is concerning alleged contravention(s) of the Town’s “Building and Plumbing Bylaw 1994, No. 1119” as amended; namely alterations on a building without a valid building permit. A copy of the report will be available for viewing on September 20, 2024 via the Town of Ladysmith website: <https://www.ladysmith.ca/city-hall/mayor-council/council-minutes-and-agendas>

As the affected property owner, if you choose to attend the Council meeting, you will be provided an opportunity to address Council with regard to the contravened bylaw regulations.

If Council determines there is a contravention of “Building and Plumbing Bylaw 1994, No. 1119” as amended, a Bylaw Contravention Notice will be registered at the Land Title Office pursuant to Section 57(3) of the Community Charter. The notice will serve to advise those with interest in the property of the regulations contravened.



If you have any questions about the meeting, please contact the undersigned at 250-245-6419. For all other questions, please contact Development Services at 250-245-6415.

Sincerely,



Sue Bouma
Manager of Corporate Services/Corporate Office
Town of Ladysmith

Cc: Mark Van Vliet, Senior Building Inspector



STAFF REPORT TO COUNCIL

Report Prepared By: Mark Van Vliet, Senior Building Inspector
Reviewed By: Jake Belobaba, Director of Development Services
Meeting Date: September 24, 2024
File No: 3900-20
RE: New Building & Plumbing Bylaw and Changes to Building Permit Fees

RECOMMENDATION:

That Council give first, second and third readings to:

1. "Building & Plumbing Bylaw 2024, No. 2174"; and
2. "Town of Ladysmith Fees and Charges Bylaw 2008, No. 1644, Amendment Bylaw 2024, No. 2191".

EXECUTIVE SUMMARY:

The purpose of this staff report is to present a new Building & Plumbing Bylaw and a new fee structure for building and plumbing permits for Council consideration.

PREVIOUS COUNCIL DIRECTION:

Resolution	Meeting Date	Resolution
CS 2021-255	2021-07-20	That Council adopt "Building and Plumbing Bylaw 1994, No. 1119, Amendment Bylaw 2021, No. 2048".
CS 2019-225	2019-06-17	That Council repeal "Town of Ladysmith Building Fire Sprinkler System Bylaw 2017, No. 1940".
CS 2018-518	2018-12-17	That Council adopt "Town of Ladysmith Building and Plumbing Bylaw 1994, No. 1119, Amendment Bylaw (No. 21) 2018, No. 1988".

INTRODUCTION/BACKGROUND:

Changes to Building Regulations

Under the *Local Government Act* and *Community Charter*, the Town administers compliance with the BC Building and Plumbing Code and regulates the construction of buildings and other structures through the Building & Plumbing Bylaw. The current Building & Plumbing Bylaw was adopted in 1994. It has been amended 19 times and no longer aligns with provincial enactments, the BC Building Code and contemporary construction and regulatory practices. The current bylaw creates inefficiencies and increased exposure to liability.



In 2015, the Province adopted the *BC Building Act*. The Act is intended to modernize and streamline the building regulatory system. Municipal regulations that do not conform to the Act are unenforceable and one of the most important aspects of the Act is a general prohibition on local government regulation of “technical building requirements”. The Act establishes “Restricted Matters”—areas where the Town cannot exceed BC Building Code requirements and “Unrestricted Matters”— areas where the Town can exceed BC Building Code requirements. Table 1 below provides examples of Unrestricted Matters and Temporary Unrestricted Matters. If something is not an Unrestricted Matter or Temporary Unrestricted Matter, it is a restricted matter by default.

Table 1: Unrestricted Matters

Unrestricted Matters	Temporary Unrestricted Matters
Fire access route design	Transmission of Sound into a Building from External Sources
Land Use and Planning Authority, e.g., DPA’s	In-building Radio Repeaters
District Energy Systems and Connections	Firefighting Water Supply
Protection of Designated Heritage Properties	Plumbing Infrastructure
Solid Waste Management	Wildfire Hazard Requirements in DPA areas
Water Meters	Flood Construction Level Requirements

The proposed Building & Plumbing Bylaw will meet the requirements of the Building Act.

BC Energy Step Code and BC Zero Carbon Step Code

The Energy Step Code was enacted by the Province in 2017 with the intention to require all applicable buildings to be “Net Zero Ready” by 2032. The Province also enacted the Zero Carbon Step Code in May of 2023 with the intention to require all new applicable buildings to be “Zero Carbon Ready” by 2030. Both step codes are considered Provincial standards that provide incremental and consistent approaches to achieving more energy-efficient and zero carbon ready buildings that go beyond the requirements of the base BC Building Code. As described in greater detail below, energy efficiency and greenhouse gas (GHG) reductions for buildings are Restricted Matters under the *Building Act* and the Energy Step Code and Zero Carbon Step Code (which are incorporated into the Building Code) are the only regulations a local government can enact for this purpose.

The Energy Step Code measures the overall energy demand and airtightness of new buildings. The Zero Carbon Step Code deals only with carbon emissions emitted from a building and targets are typically achieved with electrification of space heating, water heating and cooking appliances. It is important to note that, under both standards, secondary heating sources such as wood-burning stoves or decorative gas fireplaces are still permitted. Step 3 of the Energy Step Code and Step 1 of the *Zero Carbon Step Code* became mandatory for all new buildings and substantially reconstructed buildings on May 1st, 2023. Tables 2 and 3 below provide a summary of the requirements for each Step Code.

Table 2: Part 9 Building Step Codes

Part 9 Buildings ¹		
Step	Energy Step Code	Zero Carbon Step Code
1	BC Code Minimum	Measure Only ²
2	10% more efficient	Space heating systems must be zero carbon.
3	20% more efficient	Space and water heating systems must be zero carbon.
4	40% more efficient	Space and water heating and cooking systems must be zero carbon.
5	80% more efficient	N/A

Table 3: Part 3 Building Step Codes

¹ Part 9 applies to all “simple” buildings less than three storeys in height and less than 600m², and used for residential, business or personal services, mercantile, or medium- and low-hazard industrial uses.

² Requires measurement of a building's emissions without requiring reductions and is intended to build knowledge around GHG emissions.

Part 3 Buildings ³					
Step	Energy Step Code	Zero Carbon Step Code Maximum GHGI ⁴ , Expressed in kgCO ₂ e/m ² /year:			
		<u>Hotels/Motels</u>	<u>Residential</u>	<u>Offices</u>	<u>Business, and Mercantile</u>
1	BC Code Minimum	Measure Only	Measure Only	Measure Only	Measure Only
2	20% more efficient	9.0	7.0	5.0	6.0
3	40% more efficient	4.0	3.0	3.0	3.0
4	80% more efficient	2.0	1.8	1.5	2.0

Despite Energy Efficiency being a restricted matter under the Act, local governments are allowed to adopt higher steps than the steps currently set by the Province through local government bylaws. However, local governments may only apply the higher steps of the Energy Step Code or Zero Carbon Step Code; they cannot create their own requirements or require certifications such as LEED or Passive House.

Policy 8.7 of the OCP calls for the accelerated adoption of the BC Energy Step Code in tandem with the CVRD and member municipalities, as outlined in Table 4.

Table 4: OCP – Section 8.7 & 8.8

Type of Construction	Step Code Level and Date
New single-detached houses	Energy Step Code 5 by 2026
All other new residential buildings	Energy Step Code Level 5 by 2028
New non-residential buildings	Energy Step Code Level 4 by 2028

Also, Policy 8.8 states that the Town will “support the Province in regulating carbon pollution for new buildings as soon as possible and no later than 2030 in relation to decarbonizing heat and energy sources”.

Certified Professional Program

The Certified Professional (CP) Program is an alternative to the conventional building permit and inspection process and has been adopted by local governments such as Vancouver, Surrey, Abbotsford, West Vancouver, and the District of Squamish.

Under the program, a Certified Professional provides their professional assurance to the local government that they will take all appropriate steps to ascertain that the design will substantially comply, and the construction of the project will substantially conform in all material respects with the fire, life safety, and accessibility aspects of the Building Code, other applicable safety enactments, and the related development permit or bylaws. When a permit is issued through the

CP Program, the local government relies fully on the CP to conduct all necessary inspections and must provide periodic written progress reports every 30 days to a Building Inspector confirming that the appropriate reviews have taken place.

A CP must be an Architect or Professional Engineer who has passed the Certified Professional Course administered by The Architectural Institute of British Columbia (AIBC) and has been recognized as a Certified Professional by either AIBC or Engineers and Geoscientists British Columbia. The CP is required to have Professional Liability Insurance to an amount of not less than \$1,000,000.00 covering third party errors and omissions in respect to a project.

The Town's current Building & Plumbing Bylaw does not have any provisions that would allow the use of the CP program.

PROPOSAL:

New Building & Plumbing Bylaw

Bylaw 2174 is a new Building Bylaw based on the Municipal Insurers Association of BC (MIABC) Building Bylaw template. Generally, the new bylaw is intended to clarify building regulations; enhance enforcement tools and permitting options; and better align with other Town bylaws, construction practices and the BC Building Code. Specifically, the new features of the bylaw are described in detail below:

Definitions

- Definitions have been revised where necessary to meet current industry language to make the bylaw easier to understand.

Scope and Exemptions

- Existing exemptions have been revised to align with the BC Building Code and neighbouring municipalities.
- Temporary detached tents no longer require building permits if the size and location are within specified limits.
- Building permits will no longer be required for most marine structures, formalizing an existing practice.

³ Part 3 applies to all “complex” buildings classified as post-disaster, used for occupancies classified as assembly, care/treatment or detention or high-hazard industrial or any type of building exceeding 600m² or exceeding 3 storeys in building height.

⁴ Greenhouse gas intensity (GHGi) is an industry-standard measurement that reflects the quantity of greenhouse gas emissions (kilograms of carbon-dioxide-equivalent) a building produces each year for every square metre of conditioned floor space.

Permit Requirements

- The proposed bylaw requires building excavation permits before beginning any excavation deeper than 1.2m. Companion rules (see 'Issuance of a Permit') allow builders to apply for pre-construction excavation permits to start site preparation work while their building permit is being reviewed.
- A building permit is required to install solar panels or solar hot water systems on existing buildings

Owners Obligations for Worksite Safety

- The proposed bylaw requires owners to provide suitable access for the Building Inspector in accordance with WorkSafeBC's requirements. Hazardous materials surveys are now mandatory under provincial regulations. If requested by a Building Inspector, these reports (and other safety reports) must be provided to ensure that inspections can be conducted safely.
- The proposed bylaw allows inspections to be postponed until potential hazards are addressed; formalizing an existing practice.

Demolition

- The proposed bylaw allows the Building Inspector to request a Hazardous Materials Survey Report identifying all potential hazardous materials prior to demolition; formalizing an existing practice and aligning with new provincial regulations.
- Final approval is subject to the site being clear of all debris, levelled or graded and made safe after demolition is complete. Bonds will not be refunded until final approval is granted and new bond amounts specific to demolitions are intended to ensure demolitions occur in a safe and sightly manner.

Professional Design and Field Review

- The proposed bylaw includes requirements for registered professionals to provide professional liability insurance with a minimum coverage of \$1,000,000.00, which is standard practice in most municipalities.

Requirement for a Registered Professional

- The proposed bylaw now clearly identifies when an Engineer or Architect is required, while maintaining that the Building Inspector has the discretion to

require professional review if the site conditions, size or complexity warrant in the interests of safety or protection of property.

Certified Professional Program

- Under the proposed bylaw, the Building Inspector can allow an owner to apply for a permit under the CP program if the Town is receiving an atypically high volume of building permit applications. The application must meet the requirements of the Town’s bylaws and the CP guide published by AIBC.

Building Permit Applications for Complex & Simple Buildings

- The proposed bylaw now outlines separate application requirements for “simple” and “complex” buildings to clarify what requirements apply to each type of application.

Damage and Security Deposits with Permit Applications

- Required deposits have been revised to reflect the needs of Infrastructure Services in the event that damage to Town infrastructure occurs during the construction. The current bylaw requires a \$1,500.00 deposit for almost all permit types, regardless of size, complexity or risk to Town infrastructure. Table 5 below provides a breakdown of current and proposed deposit amounts.

Table 5: OCP – Damage and Security Deposits with Permit Applications

Damage and Security Deposits with Permit Applications		
	Current Deposit	Proposed Deposit
Simple Building Permit (Alterations Only)	\$1,500.00	\$1,500.00
Simple Building Permit	\$1,500.00	\$2,500.00
Complex Building Permit (Alterations Only)	\$1,500.00	\$2,500.00
Complex Building Permit	\$1,500.00	To be determined by the Town’s Director of Infrastructure Services
Building Moving Permit	\$5,000.00	\$5,000.00
Demolition Permit	\$1,500.00	\$3,500.00
Building Permit involving Cranes or Tower Hoists	\$1,500.00	Amount deemed sufficient by the Director of Infrastructure Services, to pay the cost of removing

		the crane or hoist plus 15%.
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Permit Fee Refund

- The Town’s current bylaw does not allow for refunds of application or inspection fees. Under the proposed bylaw, permit fees will remain non-refundable; however, inspection fees may be partially refunded depending on what inspections have already taken place.

Application/Permit Expiration

- Under the proposed bylaw, incomplete permit applications will be cancelled if requested submissions are not provided within 90 days.
- The existing rule stating that issued building permits expire after two years will remain in place.

Issuance of a Permit

- The proposed bylaw now allows pre-construction excavations while the building permit application is under review, provided the owner pays to the Town a damage deposit and a non-refundable \$100.00 excavation fee. This rule allows builders to start excavation work while their permit is under review to expedite the construction process.

Partially Completed Construction

- The proposed bylaw now includes requirements intended to prevent public exposure to hazardous conditions or unauthorized entry of unfinished construction sites.

Inspections

- The proposed bylaw has updated inspection rules to match BC Code requirements.

Stop Work Orders

- The proposed bylaw contains a new rule for situations where the owner has failed to carry out remedial actions following a Stop Work Order. After 30 days, the owner must pay a non-refundable \$200.00 fee for each 30-day period until the notice has been removed by the Building Inspector. The fee covers the cost of managing the Stop Work Order over an extended period of time.

- The language for posting Stop Work Orders has also been updated to allow a Building Inspector to post a Stop Work Order when the BC Building Code, applicable Town Bylaws or any applicable Homeowner Protection Act provisions are violated.

Do Not Occupy Notice

- Under the proposed bylaw, if a person occupies a building in contravention of the bylaw or where the building is deemed unsafe by the Building Inspector, a Do Not Occupy Notice may be posted. The current bylaw does not have Do Not Occupy provisions.

Inspections and Other Fees

- The proposed bylaw includes rules for inspections that require special arrangements because of time, location, or construction techniques. Inspections requested outside of the Town's normal business hours will require a non-refundable \$200.00 per hour "special inspection" fee.

Permit Extensions

- Expired permits may be extended under the proposed bylaw only once for a maximum period of one year and with payment of a non-refundable fee.

Temporary Buildings

- The proposed bylaw allows temporary buildings to be constructed on a property for up to two years, if deemed safe by the Building Inspector. Extensions of up to one year are also allowed if the extension is necessary for a sales office, special event structure, post-disaster occupancy, construction site office or a tool storage area.

Sanitary Facilities

- The proposed bylaw requires all construction sites to have sanitary facilities; alignment with the new WorkSafeBC requirement.

Retaining Walls and Grades

- The proposed bylaw includes updated rules for retaining walls to align with the existing requirements set out in the Zoning Bylaw.

- Slopes exceeding a vertical to horizontal ratio of 1:2 must be certified by a professional engineer under the proposed bylaw.

Building Moves

- The proposed bylaw provides simpler language and a pragmatic approach to the moving and placing of existing buildings.

Secondary Suite Addressing

- The proposed bylaw requires address numbers, including those for secondary suites, to be affixed permanently on the building. The current bylaw does not require address numbers for secondary suites to be posted on a building face.

Swimming Pool Permits and Fencing

- Under the proposed bylaw registered professionals are required to confirm that the pool will not cause or result in leaks or other failures, and fencing requirements now align with the MIABC template.

Energy Conservation and GHG Emission Reduction

- The proposed bylaw will align with the Zero Carbon Step Code and the Energy Step Code as follows:
 - Starting January 1st, 2026, new single-detached dwelling units must be designed and constructed to meet the performance requirements specified in EL-4 (highest step) of the BC Zero Carbon Step Code.
 - Starting January 1st, 2028, all new applicable buildings⁵ shall be designed and constructed to meet the performance requirements specified in EL-4 (highest step) of the BC Zero Carbon Step Code.
 - Starting January 1st, 2030, all new applicable buildings⁶ shall be designed and constructed to meet the performance requirements specified in the highest step of the BC Energy Step Code.

⁵ All types of residential (single-family, rowhomes, small and large apartment buildings, hotels/motels, etc.), business and personal services, or mercantile.

⁶ Assembly, care/treatment, all types of residential (single-family, rowhomes, small and large apartment buildings, hotels/motels, etc.), business and personal services, or mercantile.

Value of Work

- Construction values have been updated for the proposed bylaw to more closely match calculations provided by the Marshall Swift estimating software used by the Town. These values closely align with values listed by neighbouring municipalities with similar calculation methods.

The values shown in Appendix A of the proposed bylaw apply to single-family dwellings, row housing, semi-detached and duplex residences, factory-built homes, moved dwelling and accessory buildings when applying the building permit fee of 1.1% of the value of work. When the value of construction submitted by the applicant is lower than the value in Appendix A, the values in Appendix A will be used. This ensures that permit fees are charged appropriately and in line with industry and regional standards.

A comparison of proposed values, existing values and values used in other jurisdictions is provided in Table 6 below.

Table 6: Comparison of proposed, existing and other jurisdiction values.

Value of Work				
	Previous Values	Proposed Values	CVRD Values	North Cowichan Values
Main floor with full basement	\$120	\$165	\$165	\$150
Main floor with crawlspace or slab on grade	\$120	\$135	\$135	\$127.50
Additional floors	\$70	\$90	\$90	\$110
Attached garages	\$35	\$50	\$50	\$48.50
Carports	\$20	\$30	\$30	\$27.50
Sundeck	\$20	\$30	\$30	\$30
Unfinished basement	N/A	\$60	\$60	\$44.50
Secondary suite	\$25	\$90	N/A	N/A
Buildings for ancillary use greater than 10m ²	N/A	\$50	\$50	N/A

Confirmation of Professional Liability Insurance

- A convenient Confirmation Letter template is now provided for the use of registered professionals when submitting proof of professional liability insurance.

Confirmation of Required Documentation

- A convenient template is now provided for owners which outlines documentation that must be submitted to the Building Inspector before final approval and occupancy.

Zoning Summary

- A convenient template is now provided for owners to clarify what must be shown on survey plans.

Spatial Calculations considering the Fire Department Response Time

- The BC Building code requires special “spatial separation” requirements where Fire Department response times exceed 10 minutes more than 10% of the time. Because Ladysmith has a paid-on-call fire department, the Town’s response times are below the BC Building Code threshold. The proposed bylaw reflects this with a new rule; providing an important design parameter for building designers to be aware of.

Fire Department Access

- The proposed bylaw now provides greater clarity for designers when designing on site access for firefighting. The access route requirements are aligned with the needs of the Town’s current fire apparatus. However, the Fire Chief and Building Inspector can request designs that exceed the specified limits when site conditions make firefighting more difficult (e.g. steeply sloped sites).

Content not carried forward from the current bylaw to align with the Building Act

With the implementation of the Building Act, the following requirements from the current Building & Plumbing Bylaw are unenforceable and cannot be included in the new Bylaw:

- Requirement for the owner to install a fire sprinkler system throughout the entire building in excess of BC Building Code Requirements.
- Requirements for a conduit for future installation of a solar domestic hot water system.
- Requirements for the owner of every “high building” to prepare documents related to fire emergency systems. The Fire Department intends to adopt the removed requirements

into an amended Fire Prevention Bylaw to ensure the level of safety is not decreased moving forward.

- Climatic parameters showing Ladysmith’s annual temperature, rainfall, snowfall and wind pressure averages (this is prescribed in the BC Building Code).

Changes to the Fees and Charges Bylaw

The current Building & Plumbing Bylaw includes fees. For consistency, staff are proposing to move building and plumbing permit fees to the Fees and Charges Bylaw. Additionally, staff are proposing to update fees to reflect industry standards and the costs of administering the Town’s building regulations.

The last time the Building & Plumbing Bylaw Fees were updated was in 2018. A comparison of proposed and existing fees is provided in Table 7

Table 7: Comparison of Existing and Proposed Fees

Item:	Proposed Fee:	Previous Fees:
Permit Fees:		
Minimum Building or Plumbing Permit fee	\$150.00	\$100.00
• Permit fee based on percent of Value of Work	1.10%	1.10%
Mobile Home/Manufactured Home Permit fee	\$250.00	\$300.00
• Additional fee to move a Mobile Home/Manufactured Home located within the municipality to another location within the municipality	\$150.00	\$100.00
Demolition Permit fee		
• Building floor area of 186.0 sq.m (2,000 sq.ft) or less	\$150.00	\$100.00
• Building floor area larger than 186.00 sq.m	\$250.00	\$250.00
Building moving Permit fee (within the municipality)	\$300.00	\$300.00
Driveway Access Permit fee	\$50.00	\$50.00
Pre-Building Permit Excavation fee	\$100.00	Did not exist
Double Permit fee – For any work for which a permit is required has begun before a permit has been issued.	Permit fee x2	Permit fee x2
Inspection Fees:		
Storm, Sanitary or Water Service inspection fee	\$50.00 each	\$50.00 each
Re-inspection fee or inspections under section 10.50	\$200.00	\$50.00
Plumbing inspection fees		
• First 1-2 fixtures	\$24.00	\$24.00
• 3 or more fixtures	\$12.00/fixture	\$12.00/fixture
Inspection of building prior to Building move Permit fee		
• Building floor area of 93.0 sq.m (1000 sq.ft) or less	\$150.00	\$50.00

• Building floor area larger than 93.0 sq.m	\$200.00	\$100.00
Sprinkler Fees:		
Lawn sprinkler inspection fee	\$50.00	\$24.00
Building fire sprinkler installation – First head	\$36.00	\$30.00
Building fire sprinkler installation – 2 to 50 heads	\$1.50 per head	\$1.00 per head
Building fire sprinkler installation – Each additional head	\$0.50 per head	\$0.30 per head
Miscellaneous Fees:		
File review fee by a Building Official	\$75.00 per hour	\$50.00 per hour
Revision or amendment to an existing permit fee	\$75.00 per hour	Did not exist
Mobile Home/Manufactured Home Park Development fee	\$50.00 per site	\$50.00 per site
Permit extension fee	\$250.00	Did not exist
Temporary building or structure fee	\$150.00	Did not exist
Occupant load review fee	\$150.00	Did not exist
Stop Work Order exceeding 30 days fee	\$200.00 per 30-day period	Did not exist
Fee reduction for certified building plans	5% of permit fee, maximum reduction \$500.00	5% of permit fee
Fee to remove Section 57 Bylaw Contravention Notice	\$400.00	Did not exist

Note: All fees are subject to applicable taxes.

A comparison of the proposed fees and fees from other jurisdictions is provided in Table 8 below.

Table 8: Comparison of Proposed Fees and other jurisdictions

Item:	Proposed Fees:	CVRD	North Cowichan	RDN	City of Nanaimo
Minimum Building or Plumbing Permit fee	\$150.00	\$100.00-\$250.00	\$100	\$150.00-\$250.00	\$105.00
Permit fee based on percent of Value of Work	1.10% value of work	1.0% value of work	\$1,050 for first \$100k plus \$7 for each add. \$1k	1.0% value of work	\$1,095 for first \$100k plus \$7 for each add. \$1k
Mobile Home/Manufactured Home Permit fee	\$250.00	\$80.00/sqft	Based on minimum permit fees above.	Based on minimum permit fees above.	Based on minimum permit fees above.
Additional fee to move a Mobile Home/Manufactured Home	\$150.00	N/A	N/A	N/A	\$50.00
Demolition Permit fee					
Building floor area of 186.0 sq.m or less	\$150.00	\$100.00	\$100.00	\$150.00	\$40.00 - \$100.00
Building floor area larger than 186.00 sq.m	\$250.00	\$100.00	\$100.00	\$150.00	\$40.00 - \$100.00
Building moving Permit fee	\$300.00	N/A	Based on minimum permit fees above.	50% of value of work	\$20.00-\$50.00 plus permit fees above.
Driveway Access Permit fee	\$50.00	N/A	\$25.00	N/A	\$25.00

Item:	Proposed Fees:	CVRD	North Cowichan	RDN	City of Nanaimo
Pre-Building Permit Excavation fee	\$100.00	N/A	N/A	N/A	N/A
Storm, Sanitary or Water Service inspection fee	\$50.00 each	\$35.00 each	\$31.50	\$100.00 each	\$25.00
Re-inspection fee or inspections under 10.50	\$200.00	\$100.00	\$50.00	\$100.00	\$100.00 - \$150.00
Plumbing inspection fees					
First 1-2 fixtures	\$24.00	\$20.00	\$25.20	\$15.00	\$8.00
3 or more fixtures	\$12.00 per fixture	\$20.00 per fixture	\$12.60 per fixture	\$15.00 per fixture	\$8.00 per fixture
Inspection of building prior to Building move Permit fee					
Building floor area of 93.0 sq.m or less	\$150.00	\$50.00	N/A	N/A	N/A
Building floor area larger than 93.0 sq.m	\$200.00	\$50.00	N/A	N/A	N/A
Sprinkler Fees					
Lawn sprinkler inspection fee	\$50.00	N/A	\$26.25 per zone	\$50.00	\$35.00
Building fire sprinkler installation – First head	\$36.00	N/A	\$2.10 per head	\$50.00	\$40.00
Building fire sprinkler installation – 2 to 50 heads	\$1.50 per head	N/A	\$2.10 per head	\$.40 per head	\$.50 per sqm of building
Building fire sprinkler installation – Each additional head	\$0.50 per head	N/A	\$2.10 per head	\$.40 per head	\$.50 per sqm of building
File review fee by a Building Official	\$75.00 per hour	\$50.00 per hour	\$50.00 per hour	N/A	\$50.00
Revision or amendment to an existing permit fee	\$75.00 per hour	\$50.00 per hour	N/A	N/A	N/A
Mobile Home/Manufactured Home Park Development fee	\$50.00 per site	\$65.00 per site	\$50.00 per site	\$25.00, then \$10.00 per site	N/A
Permit extension fee	\$250.00	1% of remaining total value of work	N/A	N/A	\$100.00-\$250.00
Temporary building or structure fee	\$150.00	N/A	\$600.00	\$150.00	N/A
Occupant load review fee	\$150.00	\$100.00	N/A	N/A	N/A
Stop Work Order exceeding 30 days fee	\$200.00 per 30-day	N/A	N/A	N/A	N/A
Fee reduction for certified building plans	5% reduction, maximum \$500.00	5% to %10 depending on building type	10% reduction of permit fees	5% reduction, maximum \$500.00	5% reduction
Fee to remove Section 57 Bylaw Contravention Notice	\$400.00	\$300.00	N/A	\$500.00	\$300.00

Note: All fees are subject to applicable taxes.

ANALYSIS:

The development of the new Building & Plumbing Bylaw considered:

- enhancements to customer service
- improving the efficiency, and effectiveness of the building permit review process
- alignment, where possible with, neighbouring jurisdictions with the aim of regional consistency
- mitigating the risk of liability
- better protection of health and safety
- OCP Implementation, specifically accelerating housing construction and climate action
- changes to code standards, such as the 2024 BC Code, the Energy Step Code and the Zero Carbon Step Code
- meeting provincial requirements including the *Building Act*
- recognizing specific matters unique to Ladysmith such as geological challenges, and
- the increasing complexity, cost and challenges related to construction.

Following the adoption of the Building Act, MIABC developed a model building bylaw that local governments can easily customize to align with the Act and best practices. Neighbouring municipalities such as the Cowichan Valley Regional District have used this template to update their building bylaws. The proposed bylaw also uses this template.

The current Building & Plumbing Bylaw has ineffective and outdated tools, whereas the proposed bylaw transparently, fairly and effectively mitigates risks to the Town and public. Enhanced enforcement tools such as a stronger Stop Work Order, a new Do Not Occupy and alignment with WorkSafeBC requirements will ensure that people and staff are not hurt during construction activities. Features such as timeline requirements for the submission, issuance, completion and expiration of permits and the Certified Professionals option will ensure that staff can manage permit applications in such a way that is formulated, specific and fair—enhancing customer service and reducing permit processing times. Overall, the proposed bylaw is a significant improvement over the existing bylaw and consistent with other jurisdictions.

BC Energy Step Code and BC Zero Carbon Step Code

The proposed bylaw aligns with the OCP policies for GHG reductions for new buildings. The proposed “steps” are intended to align with the CVRD and member municipalities to achieve consistency across the region and align with Policy 8.7 of the OCP.

The Zero Carbon Step Code did not exist when the OCP was developed and provides a useful interim step to the BC Energy Step Code that aligns with the OCP policy. If the proposed bylaw is approved the Zero Carbon Step Code will apply to most buildings to achieve full electrification and an accelerated reduction in GHG emissions.

Across lower British Columbia, research shows that local governments have opted to adopt higher steps of the Zero Carbon Step Code, often skipping to the highest step. There are four

steps of the Zero Carbon Step Code (E1-1 to E1-4.) Table 9 shows neighbouring local governments and their adopted Zero Carbon Step Code requirements.

Table 9: Neighbouring Local Government Zero Carbon Adoption

Local Governments	Step
Capital Regional District	EL-4
Cowichan Valley Regional District	EL-4
Central Saanich	EL-4
Colwood	EL-4
Courtenay	EL-2
Duncan	EL-4
Esquimalt	EL-3
Nanaimo	EL-4
North Cowichan	EL-4
Oak Bay	EL-4
Saanich	EL-4
Victoria	EL-4
View Royal	EL-4
West Vancouver	EL-3

*Some municipalities have different step requirements based on the type of building.

For Vancouver Island municipalities, adoption of the Zero Carbon Step Code generally appears to be consistent. However, for the Energy Step Code, local governments appear to be taking varying approaches. For example, Saanich and the Cowichan Valley Regional District will only adopt higher steps in tandem with the Province. Nanaimo will adopt higher steps for larger Part 3 buildings starting in January of 2026; but has not published any plans for Part 9 buildings. North Cowichan does not require higher steps, however, offers a rebate for buildings that exceed provincial requirements.

The Town of Ladysmith has committed to adopting the Energy Step Code by specific dates. Table 10 illustrates how the recommended Energy and Zero Carbon Step Codes align with the GHG reduction policies of the OCP.

Table 10: OCP and the new Building Bylaw comparison

OCP Policy	Proposed Building & Plumbing Bylaw
8.7.1. New single-detached houses are built to Step Code 5 by 2026	New single-detached houses are built to EL-4 of the Zero Carbon Step Code by January 1, 2026.
8.7.2. All other new residential buildings are built to Step Code Level 5 by 2028	All applicable new buildings are built to EL-4 of the Zero Carbon Step Code by January 1, 2028.
8.7.3. New non-residential buildings are built to Step Code Level 4 by 2028	All applicable new buildings are built to the highest step of the Energy Step Code by January 1, 2030.
8.8 Support the Province in regulating carbon pollution for new buildings as soon as possible and no later than 2030 in relation to decarbonizing heat and energy sources	Achieved for all new buildings by 2028, 2 years in advance of the OCP.

Certified Professional Program

Staff are recommending that Council adopt the Certified Professional (CP) Program for the following reasons:

- the owner and the CP assume liability for errors and omissions related to design and design review and the CP must retain adequate insurance coverage
- the Building Inspector retains sufficient control over the building permit process when it is apparent that requirements are not being met
- building permit fees still apply, meaning the cost of the Building Inspector’s oversight are not absorbed by the Town when the CP program is used
- building permits may be issued faster during times of high application volume and the building department can more easily adapt to other circumstances that may slow building permit processing (e.g. pandemic, labour shortages, unexpected absences)
- the use of the CP program potentially reduces workload for other departments such as Planning and Engineering during times of high application volumes, and
- the proposed bylaw allows the Building Inspector to use the CP program at their discretion, meaning its use as a way of avoiding a thorough review of bylaw and code requirements is unlikely

Spatial Calculations considering the Fire Department Response Time

Through the use of new software that tracks the Fire Department’s response times, it has been determined that the current operational capabilities of the Town’s fire department prevent it from responding within a timeframe that allows more relaxed building code requirements. This makes applying the more stringent spatial separation requirements mandatory. Formalizing these requirements in the proposed bylaw ensures the Town is meeting its obligations under the BC Building Code and that builders are aware that Ladysmith is a jurisdiction where this requirement applies.

Changes to the Fees and Charges Bylaw

The proposed amendments to the Fees and Charges Bylaw considered:

- Impact on the construction industry.
- Service delivery costs.
- Inflation.
- Typical construction costs for the region.

Overall, the proposed fee structure is a modest increase (and in some cases a decrease) compared to existing fees. The proposed fees ensure the costs of administering the Town's building inspection services are covered by the construction industry, while remaining fair and reasonable for builders.

ALTERNATIVES:

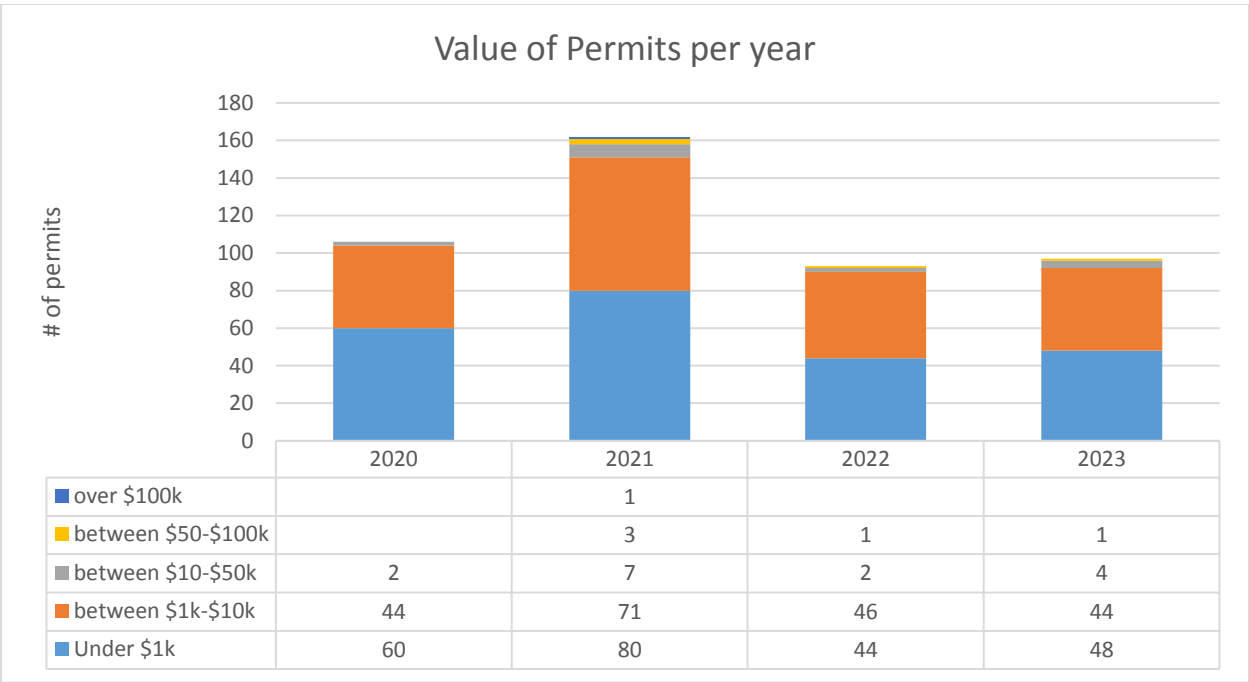
Council can choose to:

1. Deny the proposed bylaws.
2. Amend one or both proposed bylaws and give the bylaws first, second and third readings as amended.
3. Refer the proposed bylaws back to staff for further review, as specified by Council.
4. Defer consideration of the proposed bylaws to a subsequent meeting of Council.

FINANCIAL IMPLICATIONS:

The 2024 budget estimated that taxation would offset Building Department costs by \$159,744, though the actual revenues received to date have exceeded projections by approximately \$28,000. These are only direct costs and do not include facility charges and other overhead operational costs. The proposed fee changes are not anticipated to significantly increase revenues for the Town. For the most part, where fees are proposed to increase, it is to adjust to industry standards, and inflation for roughly 15% of all permits. Table 11 shows the value of permits per year from 2020 to 2023.

Table 11: Value of permits from 2020 to 2023



Over the previous four years, 85% of permit fees were calculated using the same 1.10% multiplied by the Value of Work, while the remaining 15% of permit fees were calculated by using the Minimum Building or Plumbing Permit fee of \$100.00. The 1.10% value is suggested to remain the same as before, however staff recommend the \$50.00 increase to the minimum fee.

Table 12 shows permits from the last four years and how the charge to the minimum permit fee would have affected permits in general.

Table 12: Recent Years Building Permits with Fees under \$150.00

Recent Years Building Permits with Fees under \$150.00			
<u>2021</u>	<u>2022</u>	<u>2023</u>	<u>2024</u>
23 Permits Totaling \$2412.00	4 Permits Totaling \$517.00	18 Permits Totaling \$1830.00	10 Permits Totaling \$1000.00
Total if the minimum were \$150.00 = \$3450.00	Total if the minimum were \$150.00 = \$600.00	Total if the minimum were \$150.00 = \$2730.00	Total if the minimum were \$150.00 = \$1500.00
Difference of = \$1038.00	Difference of = \$83.00	Difference of = \$900.00	Difference of = \$500.00
Would have affected = 15% of all permits	Would have affected = 6% of all permits	Would have affected = 24% of all permits	Would have affected = 16% of all permits
The proposed fees are expected to affect 15.25% of permits if approved.			

The same \$50.00 increase is suggested for Demolition Permits under 2,000.00 sqft. For demolition permits in the last four years, only 4% of all permits would have been affected by the increase.

Looking ahead, the proposed fee structure is expected to maintain a similar average net income and fluctuation pattern while maintaining improved customer service and efficiency resulting from increased staffing. It is recognized that 85% of permit fees are calculated using the contractor’s Value of Work, which often increases each year due to construction costs and inflation. Typically, construction costs and local government costs increase in tandem, however if construction costs were to escalate disproportionately the 1.10% value can easily be changed.

LEGAL IMPLICATIONS:

The new Building & Plumbing Bylaw has been reviewed by the Town’s solicitor and is intended to align with the *Building Act*.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

Following the adoption of the proposed bylaws staff will publish information for builders on the new bylaw and fees.

INTERGOVERNMENTAL REFERRALS:

The proposed bylaws were produced after careful consideration and input from neighbouring municipalities and the Municipal Insurance Association of BC (MIABC).

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

The application was circulated to Town departments for review and comment. Their comments are summarized below in Table 13:

Table 13: Interdepartmental Referral Comments

Referred (Yes/No)	Department	Comments
Yes	Infrastructure Services	The Engineering Department supports the proposed bylaws.
N/A	Building Inspection	N/A
No	Parks Recreation & Culture	N/A
No	Financial Services	Finance reviewed the proposed fees and recommends approval.
No	Legislative Services/Corporate Services	N/A
Yes	Fire/Protective Services	The Fire Department recommends approval of the proposed bylaws.

ALIGNMENT WITH STRATEGIC PRIORITIES:

- Core Infrastructure
- Official Community Plan Implementation
- Waterfront Area Plan
- Sustainability
- Economy
- Leadership
- Not Applicable

I approve the report and recommendation(s).

Allison McCarrick , Chief Administrative Officer

ATTACHMENTS:

- A. Attachment A – Building & Plumbing Bylaw No. 2174
- B. Attachment B – Fees and Charges Bylaw No. 2191

TOWN OF LADYSMITH

BUILDING & PLUMBING BYLAW 2024, NO.2174

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TOWN OF LADYSMITH

BYLAW NO.2174

A Bylaw to administer the Building Code and
regulate Construction

The Council of the Town of Ladysmith in open meeting assembled enacts “Building & Plumbing Bylaw 2024, No. 2174” as follows:

PART 1: INTERPRETATION

Definitions

1.1 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 or contract, and includes a hired tradesperson or *constructor* who may be granted a *permit* for work within the limitations of his or her 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;

BC Energy Step Code means the system of energy performance requirements

set out in subsections 9.36 and 10.2.3 of the *building code*;

BC Zero Carbon Step Code means the greenhouse gas (*GHG*) emission requirements set out in subsections 9.37 and 10.3 of the *building code*;

Building Act means the *Building Act* SBC 2015, c.2;

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 Town, and includes a building inspector, plan checker, plumbing inspector, gas inspector, or electrical inspector designated or appointed by the Town, and for certainty the *building official* is the "building inspector" referred to in the *Community Charter and Local Government Act*;

Certified Professional means a *registered professional* who has taken and passed the *Certified Professional Course* and has been recognized as a *Certified Professional* by either The Architectural Institute of British Columbia or Engineers and Geoscientists British Columbia;

Certified Professional Course means the program administered by the Architectural Institute of British Columbia for the sole purpose of training and certifying *Certified Professionals*;

Certified Professional Program means the alternative process for obtaining a *permit* and related occupancy *permit* under this bylaw;

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;

Council means the Council of the Town of Ladysmith;

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

construction hoist means a machine designed for the safe and controlled vertical transport of materials or persons consisting of a guiding and supporting structure and equipment that is not a permanent part of a *building*, *structure*, or other work and that is installed and used during construction, *alteration*, or demolition;

constructor means a person who *constructs*;

CP Guide means the Certified Professional Program Practice and Procedure Manuel published jointly by The Architectural Institute of British Columbia and Engineers and Geoscientists British Columbia;

Energy Advisor means a consultant registered by a Service Organization licensed by Natural Resources Canada (NRCan) to deliver NRC's EnerGuide Rating Systems;

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

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 and Charges Bylaw means the Town of Ladysmith Fees and Charges Bylaw, as amended or replaced from time to time;

Fire Chief means the person appointed by *Council* as head of the Fire Department, and includes a person:

- a) designated by *Council* to act in the place of the *Fire Chief*;
- b) who, for the purposes of a local assistant under the *Fire Services Act*, is authorized in writing by the *Fire Chief* to exercise the powers of a local assistant;
- c) appointed by *Council* as the Deputy *Fire Chief*; or
- d) for the purposes of exercising the powers of the *Fire Chief* under section 66 of the *Community Charter*, who is acting under the authority of the *Fire Chief*;

foundation means a system or arrangement of *foundation* units through which the loads from a *building* are transferred directly to supporting *soil* or rock and includes any portion of the exterior walls of a *building* that lie below the finished *grade* immediately adjacent to the *building*;

GHG means greenhouse gas;

hazard means any source of potential damage, harm or adverse health effects on something or someone;

hazardous material means a chemical or substance that is classified as a physical *hazard* material or a health *hazard* material, whether the chemical or substance is in usable or waste condition;

Hazardous Materials Survey Report means any and all studies, reports, analyses, information, or other written records regarding the presence or absence of *hazardous material* at, on, in, under or relating to the property;

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;

owner means the registered *owner* in fee simple, or an *agent* duly authorized by the *owner* in writing in the form prescribed by 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*;

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

portable means easily capable of being moved from place to place;

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

Professional Governance Act means the *Professional Governance Act* SBC 2018, c. 47;

project means any construction operation;

registered professional means a person who is registered as an Architect with the Architectural Institute of British Columbia under the *Professional Governance Act*, or a person who is registered as a professional engineer or professional licensee engineering with the Association of Professional Engineers and Geoscientist of the Province of British Columbia under the *Professional Governance Act*;

retaining wall means a *structure* exceeding 1.2 metres in height that holds or retains *soil* or other material behind it;

simple 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*,

solar thermal technology means systems that harness and collect solar energy to generate electricity or water heating and are affixed permanently to a *building* or *structure* or are incorporated as part of the *buildings* or *structures* energy or plumbing systems;

storage rack means any combination of vertical, horizontal, and diagonal members that supports stored materials over 2.4m in height which may be affixed or *portable* and is intended to be loaded by machinery;

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

temporary building includes a sales office, special events facilities, emergency facilities, construction office or a *structure* in which tools are stored during construction of a *building* or other *structure*;

tower crane means a free-standing machine designed for the safe and controlled vertical and horizontal transport of materials that is erected on site from component parts or that is self-erecting and is used during construction, *alteration* or demolition;

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 using Appendix A; or

- (b) for all other construction, the greater of
- (i) the declared *value of the work* based on the Architect's Estimate;
or
 - (ii) the value calculated using a method stipulated in the "Marshall Valuation Service".

WorkSafeBC's Occupational Health and Safety Regulation means the Occupational Health and Safety Regulation adopted under the authority of the *Workers Compensation Act* RSBC 2019 c.1.

1.2 In this bylaw the following words and terms have the meanings

- (a) set out in section 1.4.1.2 of the building code as of the date of the adoption of this bylaw: 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, grade, high hazard industrial occupancy, industrial occupancy, limiting distance, low hazard industrial occupancy, major occupancy, medium hazard industrial occupancy, mercantile occupancy, occupancy, plumbing system, post disaster occupancy, private sewage disposal system, residential occupancy, sanitary drainage system, 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 section 29 of the Interpretation Act: may, must, obligation, person, property, writing, written and year.

1.3 Every reference to this bylaw in this or another bylaw of the Town is a reference to this bylaw as amended to the date of the reference.

1.4 Every reference to

- (a) the *building code* is a reference to the current edition as of the date of issuance of the *permit*; and

(b) a section of the *building code* is a reference to the applicable successor sections, as the code or section may be amended or re-enacted from time to time.

1.5 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.

Appendices

1.6 Appendices A through E are attached to and form part of this bylaw.

Severability

1.7 If a section, subsection, paragraph, subparagraph or phrase of this bylaw is for any reason declared invalid by a court of competent jurisdiction, the decision will not affect the validity of the remaining portions of this bylaw.

PART 2: PURPOSE OF BYLAW

2.1 Despite any other provision in this bylaw, this bylaw must be interpreted in accordance with this Part.

2.2 Every *permit* issued under this bylaw is issued expressly subject to the provisions of this Part.

2.3 This bylaw is enacted to regulate, prohibit and impose requirements in regard to construction in the Town, in the public interest.

2.4 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 Town or any *building official* of any responsibility for ensuring the compliance by any *owner*, his or her 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 *permit* is issued under this bylaw;
- (d) providing any person a warranty or assurance that construction undertaken under *permits* issued by the Town is free from latent, or any, defects; or
- (e) the protection of adjacent real property from incidental damage or nuisance.

PART 3: SCOPE AND EXEMPTIONS

Application

- 3.1 This bylaw applies to the geographical area of the Town and to *land*, the surface of water, air space, *buildings* or *structures* in the Town.
- 3.2 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*.
- 3.3 This bylaw does not apply to
 - (a) except as set out in Part 11 [*Retaining Walls*] of this bylaw, a fence;
 - (b) an accessory *building* with a floor area of less than 10 square metres that does not create an *unsafe condition*;
 - (c) a trellis, an arbour, a wall supporting *soil* that is less than 1.2 metres in height or other similar landscaping;
 - (d) an open roof pergola with no roof membrane including glass;
 - (e) a *building* or *structure* commonly known as "Canadian Standards Association Z240 MH series, Z241 series or A277 series", except as regulated by the *building code*;
 - (f) a floating *building* or *structure*, including boathouses, float homes, liveaboards, docks and marinas;
 - (g) a marine *structure*, whether floating or affixed to the seafloor, including to pilings, piers, breakwaters, docks, wharves, and mooring devices;

- (h) unenclosed, decks or patios which are less than 0.6 metres from the ground, which are not affixed to a *foundation*, or any structural member of a *structure* or *building* and do not serve as a means of egress;
- (i) children's play equipment;
- (j) a hot tub with a locking lid that is placed on the ground or an elevated platform not more than 0.3 metres from the ground;
- (k) landscaping *structures* including boardwalks and elevated walking platforms, commonly built in addition to landscaped trails which do not serve as a means of egress and are built for the purpose of recreation;
- (l) a temporary detached tent measuring to a maximum of 25 square meters in floor area and six meters in height; and is anchored to the ground in a location approved by the *building official* and in accordance with the manufacturer's recommendations;
- (m) temporary construction for the purposes of filming for which a valid film *permit* has been issued pursuant to Town of Ladysmith "Film Bylaw 2021, No. 2045; and
- (n) routine repair of *plumbing systems* or non-structural features of a *building* or *structure*.

Limited Application to Existing Buildings

- 3.4 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.
- 3.5 This bylaw applies if the whole or any part of an *existing building* is moved either within or into the Town, including relocation relative to *parcel* lines created by subdivision or consolidation. Part 12 applies to *building* moves.
- 3.6 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 address any new infractions introduced in the remainder of the *building* as a result of the *alteration*.

- 3.7 If an *alteration* creates an *addition* to an *existing building*, the *alteration* or *addition* 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 address any new infractions introduced in the remainder of the *building* as a result of the *alteration* or *addition*.

PART 4: PROHIBITIONS

- 4.1 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 *building official* has issued a valid and subsisting *permit* for the work under this bylaw.
- 4.2 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 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*.
- 4.3 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.
- 4.4 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.

- 4.5 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.
- 4.6 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*.
- 4.7 A person must not interfere with or obstruct the entry of a *building official* or other authorized official of the Town on property in the administration of this bylaw.
- 4.8 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 public *highway* from which it takes its address.
- 4.9 A person must not contravene an administrative requirement of a *building official* made under section 6.6 or any other provision of this bylaw.
- 4.10 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 *permit* under this bylaw.

PART 5: PERMIT CONDITIONS

- 5.1 A *permit* is required if work regulated under this bylaw is to be undertaken.
- 5.2 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 Town will in any way
- (a) relieve the *owner* (and if the *owner* is acting through an *agent*, the *agent* of the *owner*) 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.
- 5.3 A person shall not rely on any *permits* establishing compliance with this bylaw or assume or conclude that this bylaw has been administered or enforced according to its terms.
- 5.4 Without limiting section 5.2(a), it is the full and sole responsibility of the *owner* (and if the *owner* is acting through a representative, the representative of the *owner*) 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.

PART 6: POWERS OF A BUILDING OFFICIAL

Administration

- 6.1 Words defining the authority of a *building official* are to be construed as internal administrative powers and not as creating a duty.
- 6.2 A *building official* may
 - (a) administer this bylaw, but owes no public duty to enforce or administer this bylaw;
 - (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

- 6.3 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 Town, and must state the reason in writing.
- 6.4 A *building official* may revoke a *permit* if, in their opinion:
- (a) the results of tests on materials, devices, construction methods, structural assemblies or *foundation* condition contravene the *building code* or the provisions of this bylaw;
 - (b) the applicant has not obtained additional *permits* required under this bylaw or another enactment of the Town; or
 - (c) the applicant has not obtained additional *permits* required under an enactment of the provincial or federal government that relate to safety.

Right of Entry

- 6.5 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

- 6.6 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 Town or other applicable enactments, or if there is deemed to be a *unsafe condition*, and may enter on property to affix or post a stop work order in the form prescribed by the *building official*;
 - (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;
 - (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 any other enactment.
- 6.7 Every reference to "*owner*" in section 6.6 includes a reference to the *owner's* agent or *constructor*.
- 6.8 Every person served with a notice under this Part must comply with that notice
- (i) within the time ordered, or
 - (ii) if no time is ordered, immediately.

PART 7: OWNER'S RESPONSIBILITIES

Permit Requirements

- 7.1 Subject to Part 10 of this bylaw, every *owner* must apply for and obtain:
- (a) a *building permit* before constructing, repairing or altering a *building* or *structure*, including a *pool*, *storage rack* or *retaining wall*, or when any change in class of *occupancy* or use occurs;
 - (b) a *building permit* before beginning any *excavation* deeper than 1.2m in connection with the construction, repair or *alteration* of a *building* or *structure*;
 - (c) a *occupancy permit* before occupying a new *building* or *structure*;

- (d) a plumbing *permit* before installing, repairing or altering any *plumbing system* including fire suppression systems;
 - (e) a *building permit* before constructing a masonry fireplace, or installing a wood-burning appliance or chimney, within or attached to a *building* or *structure*;
 - (f) a *building permit* before constructing and installing *solar thermal technology* on a *building* or *structure*;
 - (g) a demolition *permit* before demolishing a *building* or *structure*;
 - (h) a *building moving permit* before moving a *building* to any property;
 - (i) a driveway access *permit* before constructing a driveway; and
- unless the works are subject of another valid and subsisting *permit*.

7.2 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*.

7.3 An application for any *permit* under this bylaw shall be made in the form prescribed by the *building official*, as amended from time to time, and signed by the *owner*, or signing officer if the *owner* is a corporation.

Owner's Obligations

7.4 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 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 *permit*, execute and submit to the Town an

owner's undertaking in the form prescribed by the *building official*, where required by the *building official*.

- 7.5 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 Town and 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 his or her *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.
- 7.6 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 public *highway* from which the property takes its address;
 - (b) post the *permit* on the property so that it may be easily read from the public *highway* from which the property takes its address;
 - (c) provide suitable access to all areas in accordance with *WorkSafeBC's Occupational Health and Safety Regulation* to allow a *building official* to conduct an inspection away from any potential *unsafe condition*; and
 - (d) when requested by a *building official* prior to any inspection, provide documentation including a Notice of Project, *Hazardous Materials Survey Report*, Clearance Letter, Post Abatement Inspection Report, Asbestos Abatement Licence registered with WorkSafeBC, Environmental Soil Sampling or a *registered professional's field review* speaking to an area or element considered to be a potential *unsafe condition* by a *building official*.
- 7.7 No inspections listed within section 10.36 will be conducted by a *building official* unless all of section 7.6 has been completed to the satisfaction of a *building official*.

Damage to Municipal Works

- 7.8 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*.

- 7.9 In addition to payment of a damage or security deposit under sections 10.8 to 10.12, every *owner* must pay to the Town, within 30 days of receiving an invoice for same from the Town, 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 issued.

Demolition

- 7.10 Prior to obtaining a *permit* to demolish a *building* or *structure*, the *owner* must

- (a) provide to the Town a vacancy date;
- (b) if requested by the *building official* prior to any inspection, provide a *building official* with a *Hazardous Materials Survey Report* that must identify all potential *hazardous materials* that may be disturbed or removed during the demolition process;
- (c) pay capping and inspection chamber installation fees as set out in the Town's bylaws governing waterworks and sewer; and
- (d) ensure that all municipal services and other services are capped and terminated at the property line in a Town standard inspection chamber and valve arrangement.

- 7.11 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.

Notice

- 7.12 Every *owner* must give written notice to a *building official* of any change in or termination of engagement of a *registered professional*, including a *coordinating registered professional*, during construction, within 24 hours of when the change or termination occurs.

- 7.13 If an *owner* or a *registered professional* terminates the engagement of a *registered professional*, including a *coordinating registered professional*, the *owner* must terminate all work under a *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.

- 7.14 Without limiting sections 10.32 to 10.50, every *owner* must give at least 48 hours' telephone or written notice to a *building official*
- (a) of intent to do work that is required or ordered to be corrected during construction;
 - (b) of intent to cover 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.
- 7.15 Every *owner* must give notice in writing to a *building official* immediately upon any change in ownership or change in the address of the *owner* which occurs prior to the issuance of an *occupancy permit*.
- 7.16 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.

PART 8: OBLIGATIONS OF OWNER'S CONSTRUCTOR

- 8.1 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.
- 8.2 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.
- 8.3 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.

PART 9: REGISTERED PROFESSIONAL'S RESPONSIBILITIES

Professional Design and Field Review

- 9.1 The provision by the *owner* to the Town 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 *simple 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 Town with letters of assurance in the form of Schedules C-A or C-B, as appropriate, referred to in subsection 2.2.7, Division C, of the *building code*.

9.2 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 Appendix B to this bylaw.

Requirement for a Registered Professional

9.3 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 subsection 2.2.7, Division C, of 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*, or
- (b) prior to a final inspection for a *simple 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 Town with letters of assurance in the form of Schedules C-A or C-B, as appropriate, referred to in subsection 2.2.7, Division C, of the *building code*;
- (c) except for garages, carports and garden structures, *foundation* and *excavation* components of new *simple buildings* and *additions* greater than 55 square metres to *simple buildings* in accordance with the *building code*;
- (d) a *building* that is designed with common egress systems for the occupants and requires the use of *firewalls* in accordance with the *building code*;
- (e) prior to *alterations* to a *building*, or to a structural component of a *building* described in paragraph (b);
- (f) 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*;

- (g) 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
- (h) 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 Town.

9.4 The *building official* may require any *registered professional* carrying out the *professional design* and *field review* required under section 9.3 to provide evidence that they have experience and expertise in respect of the *professional design* and *field review* of the context and scope required.

Professional Plan Certification

9.5 The letters of assurance in the form of Schedules A and B as referred to in subsection 2.2.7, Division C, of the *building code* referred to in sections 9.1 and 9.3 are relied upon by the Town 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 enactment.

9.6 Letters of assurance must be in the form of Schedules A and B referred to in subsection 2.2.7, Division C, of the *building code*.

9.7 For a *building permit* issued for the construction of a *complex building*, the *building official* shall 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 Town or its *building officials* on the *registered professionals*.

- 9.8 If a *permit* is issued for a construction requiring a Schedule A or B from a *coordinating registered professional* or *registered professional*, the *permit* fee is reduced by 5% of the fees payable under the *Fees and Charges Bylaw*, up to a maximum reduction of \$500.00.
- 9.9 The reduction in fee shown in 9.8 shall not be refunded to the *owner* if the Schedule A or B is submitted to the *building official* after the *permit* is issued.

Certified Professional Program

- 9.10 If an *owner* elects to apply for a *permit* under the *Certified Professional Program* at the *owner's* expense, then 9.11 to 9.18 applies to the design and construction of the *building* or *structure*, in addition to the other provisions of this bylaw.
- 9.11 When a *building official* deems an inordinate amount of *building permits* applications have been received such that the Town does not have capacity to review all active applications in a timely manner, a *building official* may accept in its discretion an application for a *permit* under the *Certified Professional Program*, provided that:
- (a) the *building* document plans have been reviewed by the *Certified Professional* for compliance with requirements of the *building code*;
 - (b) the *permit* application has been prepared in accordance with the *CP Guide*, Town bylaws and applicable enactments, and includes all required letters of assurance, and any required confirmations requested by the *building official* with respect to the development and *building code* coordination; and
 - (c) proof of insurance for the *Certified Professional* has been provided in accordance with the requirements set out in Appendix B.
- 9.12 A *building official* may suspend a *registered professional* from practicing as a *Certified Professional* in the Town if the *registered professional*:
- (a) is no longer licensed as a *registered professional* in the Province of British Columbia;

- (b) submits any required documentation requested by the *building official*, which is in any material way inaccurate or misleading;
- (c) fails to notify the *building official* in a timely manner of any significant known unresolved contraventions of the *building code* or *permit* requirements;
- (d) fails to perform any duties or obligations required by this bylaw; or
- (e) fails to maintain the insurance as set out in the Appendix B.

9.13 A *Certified Professional* must, in respect of the development for which a *permit* was issued under the *Certified Professional Program*, and in addition to any other applicable responsibilities:

- (a) comply and carry out the duties of a *Certified Professional*, including the duties and obligations of a *Certified Professional* set out in the *CP Guide*;
- (b) advise the *building official*, in writing, if any matter of design, construction or *field review* does not meet the requirements of the *building code*;
- (c) at least once every 30 days from the date of issuance of a *permit*, submit to the *building official* a written progress report; and
- (d) advise the *building official* promptly, in writing, if the *Certified Professional* ceases to be retained by the *owner*, resigns or is otherwise unable or unwilling to carry out *field reviews* or other duties related to the development.

9.14 The *building official* may post a stop work order notice in the form prescribed by the *building official* on the premises or revoke a *permit* under the *Certified Professional Program* in any of the following circumstances:

- (a) if the *Certified Professional* ceases to be retained by the *owner*, resigns or is otherwise unable or unwilling to carry out *field reviews* or other duties related to the development for which a *permit* was issued under the *Certified Professional Program*;
- (b) if the *Certified Professional* is no longer licensed as a *registered professional* in the Province of British Columbia or is suspended from practicing as a *Certified Professional* in the Town pursuant to 9.12;
- (c) if the *Certified Professional* fails to perform any of their duties or obligations under this bylaw; or

(d) if a document required by this bylaw or under the *Certified Professional Program* is not delivered by the *Certified Professional* within the time frame specified in this bylaw or as required by the *building official*.

9.15 Where a stop work order has been posted or where a *permit* is revoked pursuant to 9.14, the *owner* shall comply with 10.42 to 10.47 of this bylaw, and work on the development must not resume until the *building official* has received written notice from a *Certified Professional* that a *Certified Professional*:

(a) has been retained by the *owner* for the continuation of construction of the *building* or *structure*;

(b) has reviewed the *building* or *structure* and confirmed that the *building* or *structure*, as *constructed* up to that point, substantially complies with the *building code*, and has been *constructed* in accordance with the approved plans; and

(c) will carry out the duties of the *Certified Professional* that are required in order to bring the *building* or *structure* to completion and to certify substantial compliance with the *building code*, this bylaw and other applicable enactments and that construction will be in accordance with the previously approved plans.

9.16 Nothing in 9.11 to 9.18 in any way relieves the *owner* from full responsibility for ensuring that a *Certified Professional* is engaged during construction of the *building* or *structure*, and that the *building* or *structure* is in substantial compliance with the *building code*, this bylaw and other applicable enactments.

9.17 Where the *building official* accepts a *permit* application and letters of assurance from a *Certified Professional* for a development, the *building official* will rely on the letters of assurance issued by the *Certified Professional* and other *registered professionals*.

(a) that the drawings meet the requirements of the *building code* for the issuance of a *permit* under this bylaw; and

(b) that the construction substantially conforms to the design, plans and specifications and that the construction complies with the *building code* and this bylaw for the issuance of an *occupancy permit* under this bylaw.

9.18 Every provision of this bylaw and the *building code* that applies to a *registered professional* also applies to a *Certified Professional*.

9.19 The following notice shall be included on a *permit* that is issued in reliance of a *Certified Professional Program*:

"This *permit* is issued relying on an independent review by a *Certified Professional*, "INSERT NAME" of "INSERT NAME OF COMPANY," who has indicated in writing that the *permit* application in its entirety complies with the *building code*, this bylaw and other applicable enactments respecting safety of the *building* or *structure*."

PART 10: BUILDING APPLICATION REQUIREMENTS

Requirements Before Applying for a Building Permit

10.1 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 Town's Official Community Plan as a development *permit* area;
- (b) the *owner* must ensure that the proposed *building* or *structure* complies with all bylaws of the Town, 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*;
- (e) the *parcel* that is the subject of the *building permit* application must be connected to the Town's sewage disposal system, or the *owner* must apply

for and obtain approval from the Town and other applicable public authorities for an alternate *private sewage disposal system*;

- (f) the *parcel* that is the subject of the *building permit* application must be connected to the Town's waterworks system, or the *owner* must apply for and obtain approval from the Town and other applicable public authorities for an alternate water supply system;
- (g) the *parcel* that is the subject of the *building permit* must be connected to the Town's storm water drainage system, or the *owner* must apply for and obtain approval from the Town and other applicable public authorities for the alternate storm water drainage and detention system;
- (h) if the *parcel* that is subject to a *building permit* does not have *constructed* works and services on their frontage to service the *parcel*, the *owner* must pay for or *construct* at their expense all required works and services in accordance with the Towns relevant bylaws.

Building Permit Applications for Complex Buildings

10.2 An application for a *building permit* with respect to a *complex building* must

- (a) be made in the form prescribed by the *building official* and signed by the *owner*, or 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 prescribed by the *building official* 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 under 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 copy of a survey plan with information shown in Appendix D prepared by a British Columbia Land Surveyor;

- (f) include a site plan prepared by a *registered professional* in format prescribed by the *building official*;
- (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 two cross-sections through the *building* or *structure* in sufficient detail and locations to illustrate *foundations*, drainage, ceiling heights and construction systems;
- (i) include elevations plans of all sides of the *building* or *structure* showing finish details, roof slopes, windows, doors, and spatial separation calculations as set out in Appendix E to comply with the *building code* and to illustrate that the *building* or *structure* conforms with the Town zoning bylaw and development *permit*. Elevations plans shall include geodetic elevations calculated in conformance with the Town zoning bylaw that show natural and finished *grade*, building height, maximum permitted building height, height of eaves, and mid-point between eaves and peak of a sloping roof;
- (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, 2.2.8 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 a construction fire safety plan made in the form prescribed by the *building official* or a form deemed acceptable by the *Fire Chief*;
 - (p) include *BC Energy Step Code* and *BC Zero Carbon Step Code* compliance documentation;
 - (q) 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
 - (r) include illustration of any slopes on the subject *parcel* that exceed 30%.
- 10.3 In addition to the requirements of section 10.2 of this Part, a *building official* may, if the complexity of the proposed *building* or *structure* or siting circumstances warrant, require the following to be submitted with a *permit* application for the construction of a *complex building*:
- (a) site servicing drawings, including sufficient detail of off-site services to indicate locations at the property line, prepared and sealed by a *registered professional*, in accordance with the Town's 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 Simple Buildings

10.4 An application for a *building permit* with respect to a *simple building* must

- (a) be made in the form prescribed by the *building official* 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 prescribed by the *building official* 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 copy of a survey plan with information shown in Appendix D 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 in a format prescribed by the *building official* except that for a *simple 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 two cross-sections through the *building* illustrating *foundations*, drainage, ceiling heights and construction systems;
- (h) include elevations plans of all sides of the *building* or *structure* showing finish details, roof slopes, windows, doors, and spatial separation calculations as set out in Appendix E to comply with the *building code* and to illustrate that the *building* or *structure* conforms with the Town zoning bylaw and development *permit*. Elevations plans shall include geodetic elevations calculated in conformance with the Town zoning bylaw that show natural and finished *grade*, building height, maximum permitted building height, height of eaves, and mid-point between eaves and peak of a sloping roof;
- (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 *BC Energy Step Code* and *BC Zero Carbon Step Code* compliance documentation;
 - (n) include two sets of drawings and digital plans, if available, at a suitable scale of design (1/4"=1') including the information set out in (f) to (i) of this section; and
 - (o) if the *building official* requires, 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*.
- 10.5 In addition to the requirements of section 10.4 of this Part, if a *project* involves
- (a) two or more *buildings*, the gross floor areas of which in the aggregate total more than 1000 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 *simple 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*;
- v. a construction fire safety plan made in the form prescribed by the *building official* or a form deemed acceptable by the *Fire Chief*; and
- vi. 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*.

Site and Location Information

10.6 Without limiting sections 10.2(e) or 10.4(d) 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.

Permit Fee

- 10.7 Before receiving a *permit*, the *owner* must first pay to the Town
- (a) the *permit* fee prescribed in the *Fees and Charges Bylaw*; and
 - (b) any fees, charges, levies or taxes imposed by the Town and payable under an enactment at the time of issuance of the *permit*.

Damage and Security Deposits with Permit Applications

- 10.8 An applicant for a *permit* must pay to the Town, at the time of the application, the following damage or security deposit:
- (a) for a *simple building permit (alterations only)*: \$1,500.00;
 - (b) for a *simple building permit*: \$2,500.00;
 - (c) for a *complex building permit (alterations only)*: \$2,500.00;
 - (d) for a *complex building permit*: to be determined by the Town's Director of Infrastructure Services or designate;
 - (e) for a *building moving permit*: \$5,000.00;
 - (f) for a *demolition permit*: \$3,500.00; and
 - (g) for a *building permit* that requires the use of *tower cranes* or *construction hoists*: security in the form of a deposited irrevocable letter of credit or cash in the amount which is, in the opinion of the Town's Director of Infrastructure Services or designate, sufficient to pay the cost of removing the *tower cranes* or *construction hoists* plus 15%.
- 10.9 The Town may use the security under subsections 10.8 to:
- (a) restore or replace any public works or public *lands* destroyed, damaged or otherwise impaired by the applicant or any person acting on behalf of the applicant; or
- make the site safe if the *permit* holder abandons or fails to complete the work as designated on the *permit*.

10.10 The damage and security deposit, less any amounts used under section 10.9, may only be returned be returned to the applicant once:

- (a) the *building official* is satisfied that no further damage to public works or public *lands* will occur;
- (b) the inspections required by this bylaw are complete and acceptable to the *building official*; and
- (c) an *occupancy permit* or final inspection notice is issued.

10.11 If the proposed work includes *excavation* or construction on *lands* within 10 metres of works or services owned by the Town, the *owner* must deliver to the *building official* a signed agreement in a form prescribed by the Town's Director of Infrastructure Services or designate under which the *owner* acknowledges and agrees that any damage to municipal works or services arising from the construction associated with the *building permit* will be repaired by the *owner* at its expense and to the satisfaction of the Town's Director of Infrastructure Services or designate, and the *owner* must deposit with the Town security in accordance with sections 10.8 to 10.10 of this Part

10.12 Where the cost to repair damage to works and services or municipal property under section 10.11 exceeds the security under section 10.8, the Town may withhold inspections and *permits* until the applicant has paid the amount required to cover the cost of repairing the damaged works and services.

Permit Fee Refunds

10.13 No *building permit* fee or other *permit* fee will be refunded after the *permit* is issued by the Town.

10.14 An inspection 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* in the area to which the inspection fee relates; and
- (c) the *permit* has not expired.

10.15 An inspection fee is not refundable after the *permit* has been extended under section 10.52 of this Part.

Design Modification

10.16 If an issued *building permit* or other *permit* is active and the *owner* proposes modification to the *building or structure* design whereby the *value of the work* does not increase or the *value of the work* decreases, the *owner* must pay to the Town a *permit* fee based on the plan review hourly rate set out in the *Fees and Charges Bylaw*.

Construction Before Permit Issued

10.17 The *building permit* or other *permit* fee is doubled for every *permit* application if construction commenced before the *building official* issued a *permit*.

Expiration of Application for a Permit

10.18 An application for any *permit* required by this Bylaw will be cancelled if *permit* fees are not paid within 180 days from the date of notification to the applicant that the Town is prepared for *permit* issuance.

10.19 An application for any *permit* required by this Bylaw will be cancelled if all submissions required by this Bylaw are not submitted to the *building official* within 90 days after the initial *permit* application is received by the *building official*.

Issuance of a Permit

10.20 If

- (a) a completed application in compliance with sections 10.2 and 10.3 or sections 10.4 and 10.5 of this Part, including all required supporting documentation, has been submitted;
- (b) the *owner* has paid all applicable fees set out in sections 10.7 to 10.17 of this Part and the *Fees and Charges Bylaw*;
- (c) the *owner* or his or her 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 Town requires or authorizes the *permit* to be withheld,

the *building official* must issue the *permit*, in the form prescribed by the *building official*, for which the application is made, and the date of issuance is deemed to be the date the Town gives written notice to the *owner* that the *permit* is ready to be picked up by the *owner*.

10.21 The *building official* may issue a partial *building permit* for the *excavation* required to *permit* construction of a *building* or *structure*, which shall be superseded when the *building permit* for the *building* or *structure* is issued by the *building official* and only after the security or damage deposit listed under 10.8 and the applicable *excavation permit* fee set out in the *Fees and Charges Bylaw* is paid to the Town.

10.22 Despite section 10.20, 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

10.23 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.

10.24 Section 10.23 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*.

10.25 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*.

Partial Construction

- 10.26 If a site has been *excavated* under a *permit* for *excavation* issued under this bylaw and a *permit* is not subsequently issued or a subsisting *permit* has expired under section 10.51, but without the construction of the *building* or *structure* for which the *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 Town to do so.
- 10.27 If a *permit* has expired and partial construction has progressed, with no extension requested of the *building official* under section 10.52, permanent type fencing with privacy screen complying with the Town zoning bylaw, must be erected around the *building* or *structure* site for protection to the public.
- 10.28 If a *permit* for a *building* or *structure* has expired and partial construction has progressed, with no extension requested of the *building official* under section 10.52 or if the *project* has been abandoned, the *owner* of the property must immediately ensure that construction tools, equipment and materials are removed from the property and that the property is secured against unauthorized entry or occupation, vandalism, or other intentional damage or fire *hazards* by doing one or more of the following in addition to the requirements of 10.27:
- (a) affixing structural barriers to windows and other points of ingress using materials and installation that are effective in precluding easy entry;
 - (b) installing a security lighting system which does not impact neighbouring properties;
 - (c) installing a security alarm system;
 - (d) employing security or guard patrols on a frequent and periodic basis; and
 - (e) utilizing or installing other security measures or devices that are satisfactory to the *building official*.
- 10.29 The security measures listed in section 10.27 and 10.28 must remain in place until a *permit* is issued by the *building official* for the purpose of completing or demolishing the *building* or *structure*.

Conditions of a Building Permit

- 10.30 A *permit* or an application for a *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. The transfer or assignment of a *permit* is not an extension of a *permit*.
- 10.31 The review of plans and supporting documents and issuance of a *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

- 10.32 If a *registered professional* provides letters of assurance in accordance with this Part, the Town 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.
- 10.33 If a *permit* is issued under the *Certified Professional Program*, no inspections will be conducted by a *building official*.
- 10.34 Despite section 10.32 of this Part, 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*.
- 10.35 A *building official* may attend periodically at the site of the construction of *simple 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.
- 10.36 For all work in respect of *simple buildings* the *owner* must give at least 48 hours' notice to the Town 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) *excavation*, within 24 hours of the start of *excavation*;
- (c) *foundation* and footing forms, and if deemed necessary by the *building official* only after having obtained a *location certificate* from a registered British Columbia Land Surveyor as to their location in relation to *parcel* boundaries, before concrete is poured;
- (d) installation of perimeter drains, underground roof leaders, drain rock, and *foundation* damp-proofing, prior to backfilling;
- (e) prior to inspection under section 10.36(f), plumbing located below the finished slab level;
- (f) the preparation of ground, including ground cover when required, radon or *soil* gas control systems, perimeter insulation on inside of concrete *foundation* walls and reinforcing steel;
- (g) after inspection under section 10.36(f) hydronic heating pipes and below slab insulation;
- (h) installation of rough-in plumbing including sprinkler systems before it is covered;
- (i) installation of *building* services before being covered. Testing of the entire underground *sanitary drainage system* shall be tested as required by the *building code* and when considered necessary by the *building official*, shall be retested after the completion of all backfilling and grading by heavy equipment;
- (j) rough in of factory built chimneys and fireplaces and solid fuel burning appliances;
- (k) framing, sheathing, 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;
- (l) insulation and vapour barrier;

- (m) construction of an exterior deck;
 - (n) on-site *constructed* tubs or showers and tub or shower trap tests; and
 - (o) 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, ready for *occupancy* but prior to *occupancy*.
- 10.37 A *building official* will only carry out an inspection under section 10.36 if the *owner* or the *owner's agent* has requested the inspection by telephone or in writing in accordance with this bylaw.
- 10.38 Despite the requirement for the *building official's* acceptance of the work outlined in section 10.36, if a *registered professional* provides letters of assurance, the Town 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.
- 10.39 A person shall not conceal any aspect of the work referred to in section 10.36 of this bylaw until a *building official* has *accepted* it in writing.
- 10.40 For work in respect of *complex buildings*, the *owner* must
- (a) give at least 48 hours' written or telephone notice to the Town when requesting a preconstruction meeting with the *building official* prior to the start of construction, and the *owner* or his or her representative 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' written or telephone notice to the Town 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 Fire Services the compliance with *the health and safety aspects of the work*, the coordination and integration of the fire and life safety system, applicable Town 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 Confirmation of Required Documentation described in Appendix C, in digital pdf format.

10.41 In all cases where it is proposed to conduct any sewer or storm waste to the public sewer or storm system, the connection to each system shall be approved by the Town's Director of Infrastructure Services or designate prior to the connection being installed.

Stop Work Order

10.42 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 in the form prescribed by the *building official* 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 Town or the applicable provisions of the *Homeowner Protection Act*.

10.43 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* must consider such a request and, if not acted upon, must respond, in writing, to the *coordinating registered professional* and give reasons.

10.44 If a *registered professional's* services are terminated, the *owner* must immediately stop any work that is subject to his or her *design* or *field review* and the *building official* is deemed to have issued a stop work order under section 10.42.

10.45 The *owner* must immediately, after the posting of a notice under section 10.42, 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 Town.

- 10.46 Subject to section 10.42 no work other than the required remedial measures may be carried out on the *parcel* affected by the notice referred to in section 10.42 until the stop work order notice has been removed by the *building official*.
- 10.47 The notice referred to in section 10.42 must remain posted on the premises until that which is contrary to the enactments has been remedied. If the notice referred to in section 10.42 remains posted after 30 days due to the remedial measures not being carried out by the *owner*, the *owner* must pay the non-refundable fee set out in the *Fees and Charges Bylaw* for each 30 day period until the notice has been removed by the *building official*.

Do Not Occupy Notice

- 10.48 If a person occupies a *building* or *structure* or part of a *building* or *structure* in contravention of this bylaw or where the *building* or *structure* is deemed unsafe by the *building official*, a *building official* may post a Do Not Occupy Notice in the form prescribed by the *building official* on the affected part of the *building* or *structure*.
- 10.49 If a notice is posted under section 10.48, 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*.

Inspection and Other Fees

- 10.50 In addition to the fees required under other provisions of this bylaw, the *owner* must pay the non-refundable fee set out in the *Fees and Charges Bylaw* for:
- (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 Town'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 Town's normal business hours.

Permit Expiration

10.51 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 180 days from the date of issuance of the *permit*;
- (b) work is discontinued for a period of 180 days; or
- (c) the work is not completed within two years of the date of issuance of the *permit*.

Permit Extension

10.52 A *building official* may extend the period set out under section 10.51 for only one period, not to exceed 365 days, 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 the *Fees and Charges Bylaw* has been paid.

Permit Revocation

10.53 The *building official* may revoke a *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 Town, such *permit* revocation must be in writing and sent to the *permit* holder by signature mail to, or personal service on, the *permit* holder.

Permit Cancellation

- 10.54 A *permit*, or a *permit* application, may be cancelled by the *owner*, or his or her *agent*, on delivery of written notification of the cancellation to the *building official*.
- 10.55 On receipt of the written cancellation notice, the *building official* must mark on the application, and a *permit* if applicable, the date of cancellation and the word "cancelled". If the *owner*, or his or her *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".
- 10.56 If a *permit* application or *permit* is cancelled, and construction has not commenced under the *permit*, the *building official* must return to the *owner* any refundable inspection fees deposited under the *Fees and Charges Bylaw*.

Occupancy

- 10.57 A person shall not occupy a *building* or *structure* or part of a *building* or *structure* until a final inspection notice and occupancy *permit* has been issued by a *building official*.
- 10.58 A final inspection notice will not be issued 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 sections 7.12 to 7.16 of Part 7 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 Town as-built plans of works and services in digital format if requested by the *building official*;
 - (d) the *owner* has provided to the Town a *building* or *structure* survey prepared by a British Columbia Land Surveyor showing the *building* or *structure* height, size, location and elevation determined in accordance

with the Town's land use regulations;

- (e) all other documentation required under applicable enactments has been delivered to the Town; and
- (f) the *owner* has delivered to the Town as-built drawings of the *building* or *structure* in digital format if requested by the *building official*.

10.59 When a *registered professional* provides letters of assurance in accordance with this bylaw, the Town 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.

10.60 A *building official* may issue a final inspection notice and *occupancy permit* 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;
- (b) the *building* is not a single-detached dwelling with or without a secondary suite; and
- (c) the requirements set out in section 10.58 have been met with respect to it.

10.61 A final inspection notice and *occupancy permit* may not be issued unless:

- (a) all letters of assurance and the Confirmation of Required Documentation described in Appendix C 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 Part 9 and sections 10.32 through 10.41 of this bylaw have both been inspected and *accepted*;
- (c) the *owner* has executed and delivered to the Town every agreement, instrument or form required by the Town in relation to the work or the site; and
- (d) all required offsite works respecting safety have been completed.

Temporary Buildings

10.62 Subject to the bylaws and orders of the Town, 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 two years; and
- (b) the *building* or *structure* is located in compliance with the Town's zoning bylaw, built in compliance with the *building code* and this bylaw, and connected, as required by enactments, to Town utility services or other services respecting health and other required services under health enactments.

10.63 A *building official* may extend the period set out under section 10.62 for only one period, not to exceed 365 days, 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, and if the extension would facilitate,

- (a) a sales office necessary for sales of *buildings* within the same development,
- (b) operations of a related ongoing special event,
- (c) a *post-disaster occupancy* that is essential to the provision of service in the event of a disaster, or
- (d) a site office or tool storage *building* or *structure* necessary for the finalization of a related *building permit* within the same development.

10.64 The application for an extension set out in section 10.63 is only valid if,

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

10.65 An application for a *building permit* for the erection or placement of a *temporary building* or *structure* must be made in the form prescribed by the *building official*, 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 Town's zoning bylaw and other applicable bylaws;
 - (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 Town to remove the *building* after two years 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 two years 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 relevant articles of the *building code* respecting *temporary buildings*.
- 10.66 Before receiving a *building permit* for a *temporary building or structure* for *occupancy*, the *owner* must pay to the Town the applicable *building permit* fee set out in the *Fees and Charges Bylaw*.

10.67 A *permit* fee for a *temporary building or structure* is not refundable.

Sanitary Facilities

10.68 During the time a *building permit*, *demolition permit* or *building moving 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 in compliance with *WorkSafeBC's Occupational Health and Safety Regulation* for the disposal of human waste from individual persons who enter on the *parcel* in relation to the work referred to in the *permit*, which facilities must be *accessible* and unlocked when not occupied while work is being carried out on the *parcel* under this bylaw, and every sanitary facility that is not connected to a

(a) sanitary sewer; or

(b) septic disposal system approved under the *Health Act*,

by plumbing that complies with the *building code* and this bylaw, 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*.

PART 11: RETAINING WALLS AND GRADES

11.1 A person shall not *construct*, or structurally repair, a *retaining wall* greater than 1.2 meters in height, without a *building permit*.

11.2 All *retaining walls* located within 1.2 meters of each other will be collectively considered a single *retaining wall* for the purpose of determining height.

11.3 Notwithstanding 11.1, a single *retaining wall* may exceed 1.2 meters in height, provided that it is certified by a *registered professional* and it is stepped back from adjacent *retaining walls* 2.0 meters for every 3.0 meters in height.

11.4 Except as certified by a *registered professional*, 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.

- 11.5 Without limiting section 11.4, a person shall not occupy a *building* unless the finished *grade* complies with all applicable enactments.

PART 12: BUILDING MOVE

- 12.1 A person shall not move a *building* or *structure* into or within the Town
- (a) except where certified by a *registered professional* that the *building*, including its *foundation*, will substantially comply with the current version of the *building code* in its new location; and
 - (b) a *building permit* has been issued for the *building* or *structure*, and
 - (c) all other affected governmental agencies or regulatory bodies have been consented to the move if required under enactments.

PART 13: NUMBERING OF BUILDINGS

- 13.1 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 Town
- (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.
- 13.2 Despite section 13.1, the Town's Director of Infrastructure Services may renumber or alter the assigned numbers in respect of any *building* on any *parcel*, including those already in existence or numbered.
- 13.3 Without limiting sections 13.1 or 13.2, 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.

- 13.4 Without limiting sections 13.1 through 13.3, on issuance of an *occupancy permit*, the *owner* or *occupier* of the *parcel* must affix the numbers, including those for secondary suites, permanently in a conspicuous place on the *building* such that the numbers are visible from an adjacent *highway* that is not a lane.

PART 14: POOLS

Swimming Pool Permit and Fencing

- 14.1 Except as exempt under 3.3 (j), without limiting section 5.1 of this bylaw, a person must not *construct*, or structurally repair, a swimming *pool* without a valid *building permit*.
- 14.2 A swimming *pool*, including a spa or hot tub must be enclosed within a fence no closer than 1 m away from the edge of the *pool constructed* without footholds or grips that children may use to climb into the enclosed area, having a minimum height of 1.8 metres and no openings greater than 100 mm at their greatest dimension.

Pool Gate

- 14.3 Access through a fence enclosing a swimming *pool*, spa or hot tub 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 swimming *pool*, spa or hot tub side of the gate.

Spa or Hot Tub Lid

- 14.4 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

- 14.5 A person may not use or *occupy* a swimming *pool*, including a spa or hot tub unless the *owner* or *occupier* of property on or in which a *pool*, spa or hot tub is located maintains every fence or cover required under sections 14.2 to 14.4 in good order. And without limitation maintains and repairs in good order at all times all sagging gates, loose parts, torn mesh, missing materials, worn latches, locks or broken or binding members.

Leaks or Other Failures

- 14.6 A person may not obtain a valid and subsisting *building permit* for or use or *occupy* 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*.

PART 15: ENERGY CONSERVATION AND GHG EMISSION REDUCTION

- 15.1 In relation to the conservation of energy and the reduction of greenhouse gas emissions, the Town incorporates by reference the *BC Energy Step Code* and the *BC Zero Carbon Step Code* in accordance with sections 15.2 through 15.7.
- 15.2 Any new *building* or *structure* to which Part 3 or Part 9 of the *building code* applies and is within the scope of the application of the *BC Zero Carbon Step Code*, as described in the *building code*, must be designed and *constructed* to meet performance requirements specified in EL-1 (measure only) of the *BC Zero Carbon Step Code*.
- 15.3 Notwithstanding 15.2, in the case of a *building permit* submitted after or on January 1st 2026, a new single-detached dwelling with or without a secondary suite to which Part 9 of the *building code* applies, and which is within the scope of the *BC Zero Carbon Step Code* as described in the *building code*, must be designed and *constructed* to meet the performance requirements specified in EL-4 of the *BC Zero Carbon Step Code*.
- 15.4 Notwithstanding 15.2, in the case of a *building permit* submitted after or on January 1st 2028, all new *buildings* or *structures* to which Part 3 or Part 9 of the *building code* applies, and which is within the scope of the *BC Zero Carbon Step Code* as described in the *building code*, must be designed and *constructed* to meet the performance requirements specified in the EL-4 of the *BC Zero Carbon Code*.
- 15.5 In the case of a *building permit* submitted after or on January 1st 2030, all new *buildings* or *structures* to which Part 3 or Part 9 of the *building code* applies, and which is within the scope of the *BC Energy Step Code* as described in the *building code*, must be designed and *constructed* to meet the performance requirements specified in the highest step of the *BC Energy Step Code*.
- 15.6 When an *Energy Advisor* or an *registered professional*, as required, provides

energy reports or *field reviews* in accordance with this bylaw, the Town will rely solely on *field reviews* undertaken by the *Energy Advisor* or *registered professional* and the reports submitted pursuant to this bylaw as assurance that the construction or applicable aspect thereof substantially conforms to the design, and that the construction or applicable aspect thereof substantially complies with the *building code*, this bylaw, and other applicable enactments respecting energy efficiency and greenhouse gas emissions.

- 15.7 If requested by the *building official*, the *Energy Advisor*, providing the required materials and documentation set out in the *BC Energy Step Code* and *BC Zero Carbon Step Code*, must provide evidence to the *building official* that they are an *Energy Advisor* registered and in good standing with Natural Resources Canada in accordance with the EnerGuide Rating System Administrative Procedures and adheres to the technical standards and procedures of the ERS.

PART 16: ACCESS ROUTES FOR FIRE VEHICLES

- 16.1 Prior to the issuance of a *building permit* for a *building* under Part 9 or Part 3 of the *building code*, the *owner* must satisfy the *building official* and *Fire Chief* that the *building* or *structure* for which the *permit* is issued will be served by a fire access route that satisfies the provisions outlined in Appendix E.

PART 17: OFFENCES

Violations

- 17.1 Without limiting Part 4 of this bylaw, every person who

- (a) violates a provision of this bylaw;
- (b) *permits*, suffers or allows any act to be done in violation of any provision of this bylaw; and
- (c) neglects to do anything required to be done under any provision of this bylaw,

commits an offence and on summary conviction by a court of competent jurisdiction, the person is subject to a fine of not more than \$10,000.00, or a term of imprisonment not exceeding three months, or both, in addition to the costs of prosecution. Each day during which a violation, contravention or breach of this bylaw continues is deemed to be a separate offence.

- 17.2 Every person who fails to comply with any administrative requirement issued by a *building official*, or who allows a violation of this bylaw to continue, contravenes this bylaw.
- 17.3 Every person who commences work requiring a *building permit* without first obtaining such a *permit* must, if a Stop Work notice is issued, pay an additional charge as outlined in the *Fees and Charges Bylaw*.

Deemed Offence

- 17.4 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*.
- 17.5 A person shall not be deemed liable under this 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*.
- 17.6 Nothing in this section affects:
- (a) the Town'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.

Ticketing

- 17.7 The offences in Schedule 3 of the Ticket Information Utilization Bylaw 2002, No.1457 are designated for enforcement under s. 264 of the *Community Charter*.
- 17.8 The following persons are designated as bylaw enforcement officers under section 264(1) (b) of the *Community Charter* for enforcing this Bylaw, the Manager of Corporate Services and persons designated by *Council* as bylaw enforcement officers.
- 17.9 The words or expressions set forth in the Offence column of Schedule 3 of the Ticket Information Utilization Bylaw 2002, No.1457 are authorized pursuant to s. 264(1)(c) of the *Community Charter* to designate the offence committed under the bylaw section number appearing in the Section column opposite the respective words or expressions.

17.10 The amounts appearing in the Fine column of Schedule 3 of the Ticket Information Utilization Bylaw 2002, No.1457 are the fines established pursuant to s. 265(1)(a) of the *Community Charter* for the corresponding offence designated in Column 1.

PART 18: REPEAL

18.1 “Building and Plumbing Bylaw 1994, No. 1119”, as amended, is repealed.

PART 19: TITLE

Citation

19.1 This bylaw may be cited for all purposes as “Building & Plumbing Bylaw 2024, No. 2174”.

READ A FIRST TIME on the _____ day of _____, 2024
READ A SECOND TIME on the _____ day of _____, 2024
READ A THIRD TIME on the _____ day of _____, 2024
ADOPTED on the _____ day of _____, 2024

Mayor (A. Stone)

Corporate Officer (Sue Bouma)

Town of Ladysmith Building & Plumbing Bylaw 2024, No. 2174

Appendix A – Value of Work

This Appendix applies to single family dwellings, row housing, semi-detached and duplex residences, factory-built homes and moved dwellings, and *buildings* accessory thereto.

The following values will be used on a dollar per square foot basis to calculate the *value of the work*.

(a) Main floor with full basement	\$165
(b) Main floor with crawlspace or slab on grade	\$135
(b) Each additional storey	\$90
(c) Attached garages	\$50
(d) Attached carports	\$30
(e) Sundeck	\$30
(f) Unfinished Basement	\$60
(g) Secondary Suite	\$90
(f) Buildings for ancillary use greater than 10m ²	\$50

Town of Ladysmith Building & Plumbing Bylaw 2024, No. 2174

Appendix B – 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 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 Town or an unaltered photocopy of this document is to be completed and submitted.

Attention: Building Official

Property Address: _____

Legal Description: _____

The undersigned hereby gives assurance that:

- a) I have fulfilled my obligation for insurance coverage as outlined in the Building & Plumbing Bylaw 2024, No. 2174;
- 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

Date

Address (PRINT)

Phone

(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 Professional Governance Act, or (b) as a professional engineer under the Engineers and Geoscientists Act

**Town of Ladysmith
Building & Plumbing Bylaw 2024, No. 2174**

Appendix C – Confirmation of Required Documentation

Permit Number: _____

Note:

1. The Confirmation of Required Documentation and all required documentation must be submitted to the Building Official 48 hours prior to the Pre-Occupancy Coordinated Review.
2. The Confirmation of Required Documentation and all required documentation must be submitted in digital pdf format, sections as per this Appendix.

Provided	N/A	CONFIRMATION OF REQUIRED DOCUMENTATION
DIRECTORY OF PRINCIPALS(Role/Firm/Name/Telephone)		
		Owner
		Co-ordinating Registered Professional
		Registered Professionals
		Warranty Provided
		Licensed Builder
		Sub-Contractors
LETTERS OF ASSURANCE (A, B, C-A, C-B)		
		Co-ordinating Registered Professional
		Architectural
		Structural
		Mechanical
		Plumbing
		Electrical
		Geotechnical Temporary
		Geotechnical Permanent
		Fire Suppression
		_____ (other)
PROFESSIONAL REVIEW LETTERS		
		Alternative Solution (Confirmation of Field Review – sealed)
		Site Services – Civil Engineer
		Building Envelope Specialist
		Roofing Consultant
		Survey by a British Columbia Land Surveyor
		Step Code Compliance Reports
		Back Flow Test Certificates
		_____ (other)

ATTACHMENT A

“Building & Plumbing Bylaw 2024, No. 2174”
Page 61

FIRE ALARM		
		Fire Alarm Verification Certificate (include field work sheets)
		Letter of Signed Contract from ULC Listed Monitoring Agency
		_____ (other)
SPRINKLER SYSTEMS		
		Material and Test Certificate - Above ground piping
		Material and Test Certificate - Underground piping
		Fire Pump Test Report
		_____ (other)
PROVINCIAL APPROVALS		
		Certificate to Operate Elevating Device (one per each device)
		Health Approval (on-site sewage disposal)
		Health Approval (foodserves)
		_____ (other)
TOWN APPROVALS		
		Fire Department Acceptance (Fire Safety Plan)
		Final Inspection (Building Inspector - pre-occupancy review)
		Engineering Final Inspection
		Planning Final Inspection
DEFICIENCY LIST		

Submitted by Coordinating Registered Professional

Name (PRINT)

Signature

Date

Address (PRINT)

Phone

(Affix professional seal here)

**Town of Ladysmith
Building & Plumbing Bylaw 2024, No. 2174**

Appendix D – Zoning Summary

The information in column one is to be illustrated on the survey plan.

Building Envelope	Show the minimum required zoning setbacks from all property lines with measurements in metres
Building Location	Show all buildings and structures (proposed and existing) with setbacks from property lines in metres
Rights of way, easements, covenant areas	Show, if applicable
Streamside Protection and Enhancement Area (SPEA)	Show, if applicable
Retaining wall heights and spacing	Show, if applicable
Driveway location, width, length, elevations, parking areas and profile	Show, if applicable

A table containing the information in column one is to be provided on the survey plan. Calculations are to be done in accordance with the Zoning Bylaw.

Land use regulations:	
Zone	
Parcel Size	
Parcel Coverage (%)	
Proposed building height (m)	
Maximum permitted building height (m)	
Proposed height of eaves (m)	
Mid-point between eaves and peak of a sloping roof (m)	
Average natural grade (m)	
Average finished grade (m)	

Town of Ladysmith Building & Plumbing Bylaw 2024, No. 2174

Appendix E – Spatial Calculations considering the Fire Department Response Time and Access Route Information for Fire Vehicle Standards

Spatial Calculations considering the Fire Department Response Time

Within the entire geographical area of the Town, proposed new *buildings* or *structures* shall be designed with spatial separation calculations using a *limiting distance* input equal to half the actual *limiting distance* where any storey in the *building* is not sprinklered as outlined in Part 3 and Part 9 of the *building code*.

Access Route Information for Fire Vehicle Standards

Notwithstanding fire department access information provided in Part 3 and Part 9 of the *building code*, prior to the issuance of a *building permit* for a *building* or *structure* under Part 3 or Part 9 of the *building code*, the *owner* must provide documentation to the *building official* and the *Fire Chief* that the *building* or *structure* for which the *permit* is issued will be served by a fire access route that satisfies the design limits that the current fire departments fire apparatus dictate.

Unless site conditions exist that would make firefighting access and capabilities reasonably difficult for the fire department in the opinion of the *building official* or the *Fire Chief*, 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 6.0m;
- b) the centerline radius of an access route must be not less than 12.0m;
- c) the overhead clearance of an access route must be not less than 5.0m;
- d) the gradient of the access route must not change more than 1 in 12.5 over a minimum distance of 15.0m;
- e) the access route must comply with the bearing load and surface material standards of the Town'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 90.0m;
- g) a turnaround facility shall not have any slopes exceeding 5%; and
- h) be connected with a public thoroughfare.

TOWN OF LADYSMITH

BYLAW NO. 2191

A Bylaw to amend the Fees & Charges Bylaw

The Council of the Town of Ladysmith in open meeting assembled enacts the following amendments to “Town of Ladysmith Fees and Charges Bylaw 2008, No. 1644”:

1. Insert new Schedule “5” Building & Plumbing Bylaw Fees.

Effective Date

2. This bylaw comes into effect upon adoption of “Building & Plumbing Bylaw 2024, No. 2174”.

Citation

3. This Bylaw may be cited for all purposes as “Town of Ladysmith Fees and Charges Bylaw 2008, No. 1644, Amendment Bylaw 2024, No. 2191”.

READ A FIRST TIME on the _____ day of _____, 2024
READ A SECOND TIME on the _____ day of _____, 2024
READ A THIRD TIME on the _____ day of _____, 2024
ADOPTED on the _____ day of _____, 2024

Mayor (A. Stone)

Corporate Officer (S.Bouma)

ATTACHMENT B

“Town of Ladysmith Fees and Charges Bylaw 2008, No. 1644, Amendment Bylaw 2024, No. 2191”

Page 2

SCHEDULE “5” Building & Plumbing Bylaw Fees

<i>Item:</i>	<i>Fee:</i>
Permit Fees:	
Minimum Building or Plumbing Permit fee	\$150.00
<ul style="list-style-type: none"> • Permit fee based on percent of Value of Work 	1.10%
Mobile Home/Manufactured Home Permit fee	\$250.00
<ul style="list-style-type: none"> • Additional fee to move a Mobile Home/Manufactured Home located within the municipality to another location within the municipality 	\$150.00
Demolition Permit fee	
<ul style="list-style-type: none"> • Building floor area of 186.0 sq.m (2,000 sq.ft) or less 	\$150.00
<ul style="list-style-type: none"> • Building floor area larger than 186.00 sq.m 	\$250.00
Building moving Permit fee (within the municipality)	\$300.00
Driveway Access Permit fee	\$50.00
Pre-Building Permit Excavation fee	\$100.00
Double Permit fee – For any work for which a permit is required has begun before a permit has been issued.	Permit fee x2
Inspection Fees:	
Storm, Sanitary or Water Service inspection fee	\$50.00 each
Re-inspection fee or inspections under 10.50	\$200.00
Plumbing inspection fees	
<ul style="list-style-type: none"> • First 1-2 fixtures 	\$24.00
<ul style="list-style-type: none"> • 3 or more fixtures 	\$12.00/fixture
Inspection of building prior to Building move Permit fee	
<ul style="list-style-type: none"> • Building floor area of 93.0 sq.m (1000 sq.ft) or less 	\$150.00
<ul style="list-style-type: none"> • Building floor area larger than 93.0 sq.m 	\$200.00
Sprinkler Fees:	
Lawn sprinkler inspection fee	\$50.00
Building fire sprinkler installation – First head	\$36.00
Building fire sprinkler installation – 2 to 50 heads	\$1.50 per head
Building fire sprinkler installation – Each additional head	\$0.50 per head
Miscellaneous Fees:	
File review fee by a Building Official	\$75.00 per hour
Revision or amendment to an existing permit fee	\$75.00 per hour
Mobile Home/Manufactured Home Park Development fee	\$50.00 per site
Permit extension fee	\$250.00
Temporary building or structure fee	\$150.00
Occupant load review fee	\$150.00
Stop Work Order exceeding 30 days fee	\$200.00 per 30-day period
Fee reduction for certified building plans	5% of permit fee, maximum reduction \$500.00
Fee to remove Section 57 Bylaw Contravention Notice	\$400.00

Note: All fees are subject to applicable taxes

TOWN OF LADYSMITH

BYLAW NO. 2181

A Bylaw to amend Revitalization Tax Exemption Bylaw No. 1625

WHEREAS Section 226 of the *Community Charter* authorizes a local government to establish a Revitalization Tax Exemption Program to partially exempt eligible revitalized properties from taxation;

AND WHEREAS the Ladysmith Town Council adopted the Revitalization Tax Exemption Bylaw No. 1625;

NOW THEREFORE the Municipal Council of the Town of Ladysmith in open meeting assembled, enacts as follows:

1. AMENDMENTS

“Town of Ladysmith Revitalization Tax Exemption Bylaw 2007, No. 1625” is hereby amended by deleting Schedule B of the bylaw in its entirety and replacing it with Schedule B as attached to this bylaw.

2. CITATION

This bylaw may be cited as “Town of Ladysmith Revitalization Tax Exemption Bylaw 2007, No. 1625 Amendment Bylaw 2024, No. 2181.”

READ A FIRST TIME on the _____ day of _____, 2024
READ A SECOND TIME on the _____ day of _____, 2024
READ A THIRD TIME on the _____ day of _____, 2024
ADOPTED on the _____ day of _____, 2024

Mayor

Corporate Officer

Town of Ladysmith Bylaw No. 2181

Schedule "B"

Owner	Property Description
1639555 Alberta Ltd	341 1st Ave Lot A, District Lot 56, Plan VIP52046, Oyster Land District Folio 0126.000
Temperance Group Investments	32 High Street Lot A, Block B, District Lot 56, Plan VIP703, Oyster Land District, (DD 65840N), lying to the SE of a boundary parallel to & perpendicularly distant 64 ft from the s easterly boundary of said lot

TOWN OF LADYSMITH

BYLAW NO. 2189

A Bylaw to exempt from taxation certain lands and buildings for the year 2025

The Council of the Town of Ladysmith in open meeting assembled enacts as follows:

1. The following land and improvements within the legal boundaries of those properties listed below and to the extent described under Schedule “A” and Schedule “B” attached to and forming part of this bylaw, that are owned or held by a charitable, philanthropic or other not-for-profit corporation, and which the Council considers are used for a purpose that is directly related to the purposes of the corporation, are hereby exempted from taxation under section 224 of the *Community Charter* for the year 2025:

Count	Organization	Address	Legal Description
1	Canadian Legion Branch #171	621 1st Avenue	Lot A, Block 8, Plan VIP703, District Lot 56, Oyster Land District, Portion (DD 65840N), Except Plan SLY 64 FT (Except the Section Outline In Bold On Schedule “A”)
2	Ladysmith Health Care Auxiliary	910 1st Avenue	Block 30, Plan 703A, District Lot 24 (Being a consolidation of lots 1 and 2, see CA7428266), Oyster Land District.
3	Ladysmith Resources Centre Association	314 Buller Street	Lot A, Block 76, Plan VIP703a, District Lot 56, Oyster Land District, Portion (DD B92367) (Shown in Schedule “F”)

2. The following land and improvements within the legal boundaries of those properties listed below and to the extent described under Schedule “B, attached to and forming part of this bylaw, that are owned or held by the municipality and which the Council considers are used for a purpose that is directly related to the purposes of the corporation, are hereby exempted from taxation under section 224 of the *Community Charter* for the year 2025:

Count	Organization	Address	Legal Description
1	Ladysmith & District Historical Society	721 1st Avenue	Lot 11, Block 7, Plan VIP703, Oyster Land District
2	Ladysmith Golf Club Society	380 Davis Road	District Lot 43, Oyster Land District, Except Plan 2478 4670 5873 7527 8922 12027 14051 15693 835r 34197 48247 & VIP57353, Exc E&N Rly R/W Pcl A (DD 24403N) Pcl C (DD 34443I), VIP65242
3	Ladysmith & District Historical Society	614 Oyster Bay Drive	Lot 4, Plan VIP45800, District Lot 8G,11G,24,56, Oyster Land District, Except Plan VIP64405 VIP71943 VIP72131 (PARENT FOLIO 445-1109-300) (Shown in Schedule "B")
4	Ladysmith Maritime Society	616 Oyster Bay Drive	Lot 4, Plan VIP45800, District Lot 8G,11G,24,56, Oyster Land District, Except Plan VIP64405 VIP71943 VIP72131, that part included in lease from Town of Ladysmith - Car Shop (Parent Folio 445-1109-300)
5	Ladysmith & District Historical Society	612 Oyster Bay Drive	Lot 4, Plan VIP45800, District Lot 8G,11G,24,56, Oyster Land District, Except Plan VIP64405 VIP71943 VIP72131, that part included in lease from Town of Ladysmith
6	Ladysmith & District Historical Society	1115B - 1st Avenue	Strata Lot 1, Plan VIS5873, District Lot 118, Oyster Land District, together with an interest in the Common Property In Proportion To The Unit Entitlement Of The Strata Lot As Shown On Form 1 Or V, As Appropriate
7	Ladysmith Festival of Lights	1163 4th Avenue	Lot A, Plan VIP34438, District Lot 146, Oyster Land District, Portion Part Of Fourth Ave

3. The following land and improvements within the legal boundaries of those properties listed below and to the extent described under Schedule "C" and Schedule "D" attached to and forming part of this bylaw, in relation to property that is exempt under section 220 (1)(h) [*buildings for public worship*], an area of land surrounding the exempt building, a hall that the Council considers is necessary to the exempt building and the land on which the hall stands, and an area of land surrounding a hall that is exempt are hereby exempted from taxation under section 224 of the *Community Charter* for the year 2025:

Count	Organization	Address	Legal Description
1	United Church of Canada	232 High Street	Lot A, Plan VIP63119, District Lot 56, Oyster Land District
2	Ladysmith Fellowship Baptist Church	381 Davis Road	Lot 1, Plan VIP43316, District Lot 43, Oyster Land District, Except Plan VIP66137
3	St. Mary's Catholic Church	1135 4th Avenue	District Lot 145, Oyster Land District, Except Plan 33231 & VIP72186 (Specifically the area of land and buildings outlined in bold on Schedule "C")
4	Pentecostal Assemblies of Canada	1149 4th Avenue	Lot A, Plan VIP46331, District Lot 146, Oyster Land District (Specifically the area of land and buildings outlined in red on Schedule "D")

4. The following land and improvements within the legal boundaries of those properties listed below and to the extent described under Schedule "E" attached to and forming part of this bylaw, in relation to property that is exempt under section 220 (1)(i) [*senior's homes*], any area of land surrounding the exempt building is hereby exempted from taxation under section 224 of the *Community Charter* for the year 2025:

Count	Organization	Address	Legal Description
1	Ladysmith Senior Citizens Housing Society	207 Jamison Road	Lot 1, Plan VIP21490, District Lot 56, Oyster Land District (Specifically The Area Of Land Surrounding The Building Footprint As Shown On Schedule "E")

5. The following land and improvements within the legal boundaries of those properties listed below for which a grant has been made, after March 31, 1974, under the *Housing Construction (Elderly Citizens) Act* before its repeal, is hereby exempted from taxation under section 224 of the *Community Charter* for the year 2025:

Count	Organization	Address	Legal Description
1	Ladysmith Senior Citizens Housing Society	101 1st Avenue	Lot 1, Plan VIP31443, District Lot 56, Oyster Land District

6. Citation

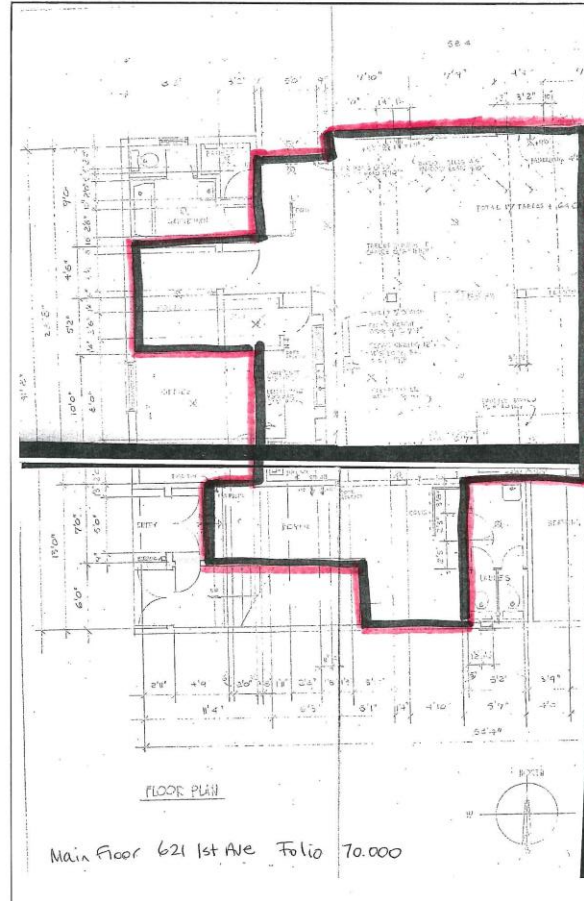
This bylaw may be cited as "2025 Permissive Tax Exemptions Bylaw 2024, No. 2189".

READ A FIRST TIME on the ___ day of _____, 2024
READ A SECOND TIME on the ___ day of _____, 2024
READ A THIRD TIME on the ___ day of _____, 2024
ADOPTED on the ___ day of _____, 2024

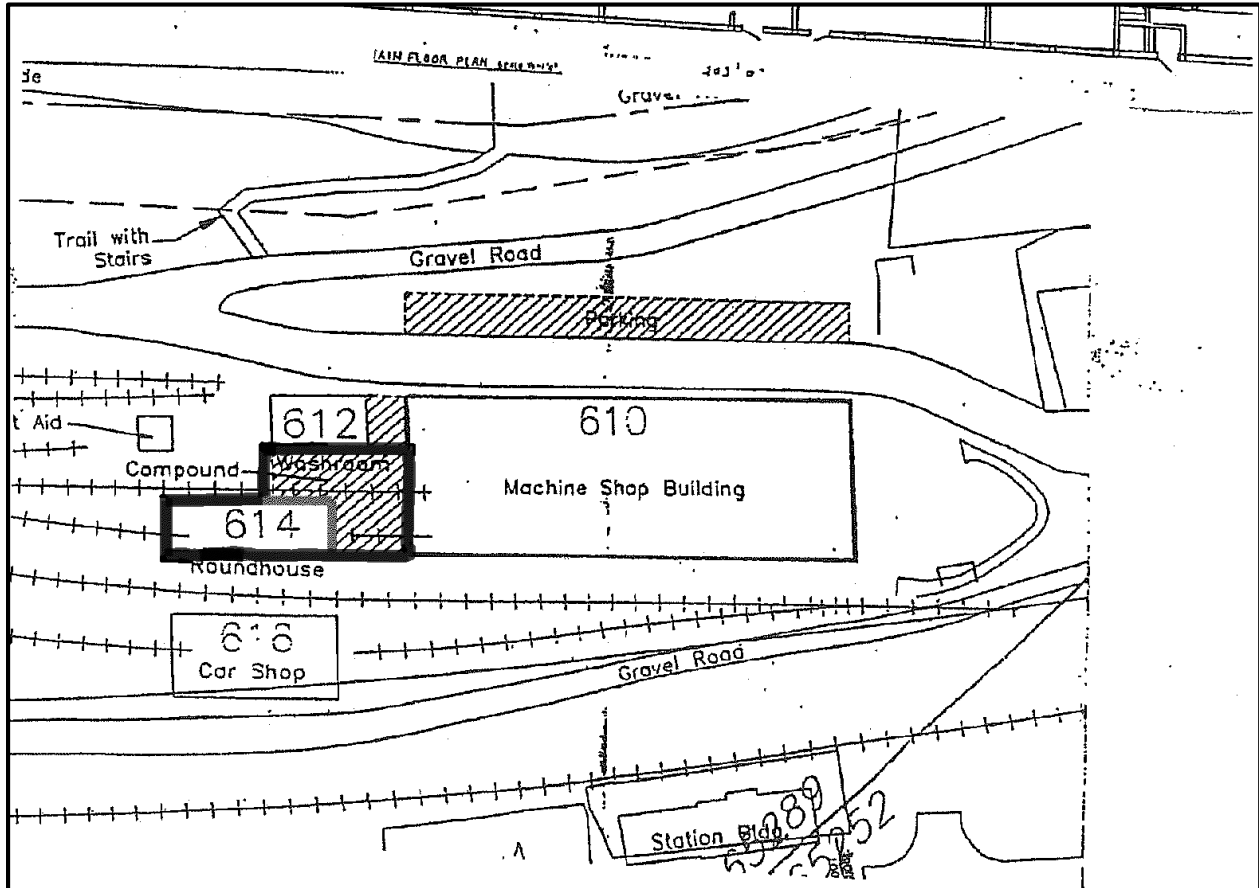
 Mayor

 Corporate Officer

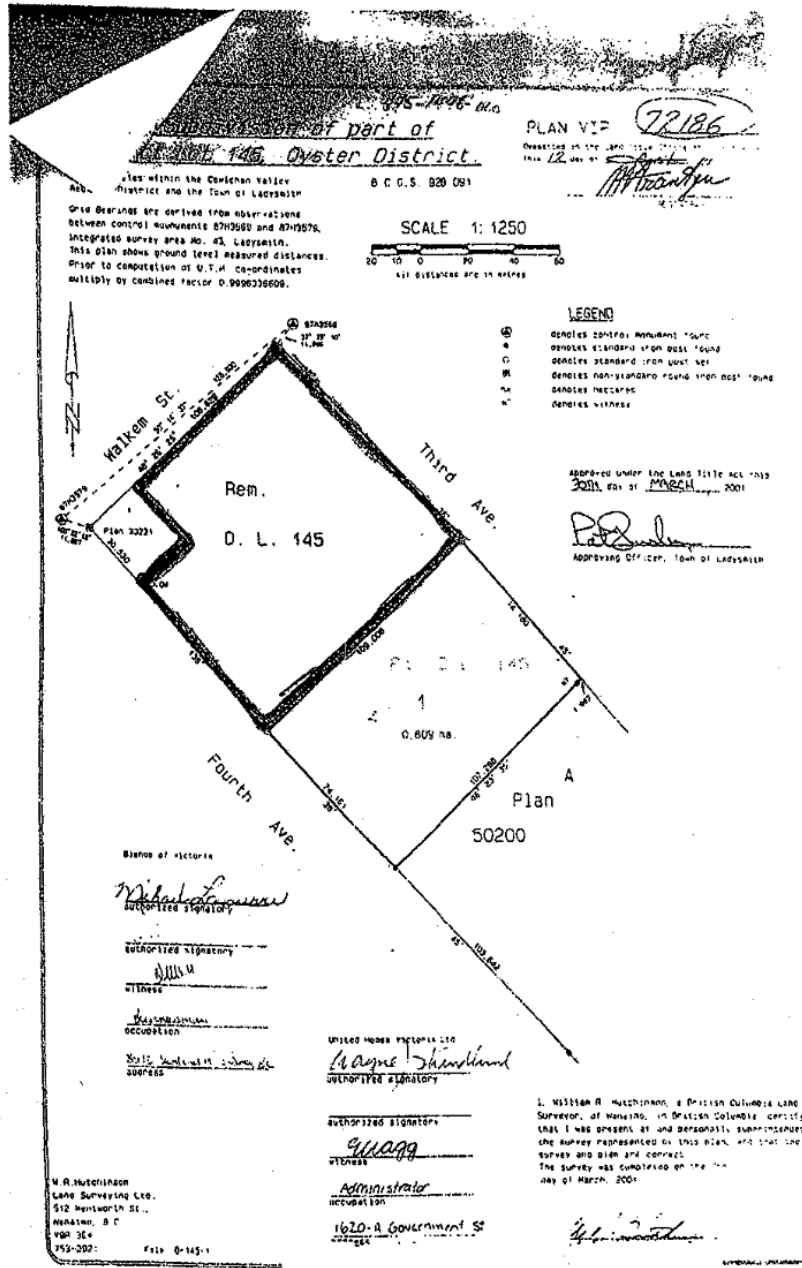
Schedule "A"



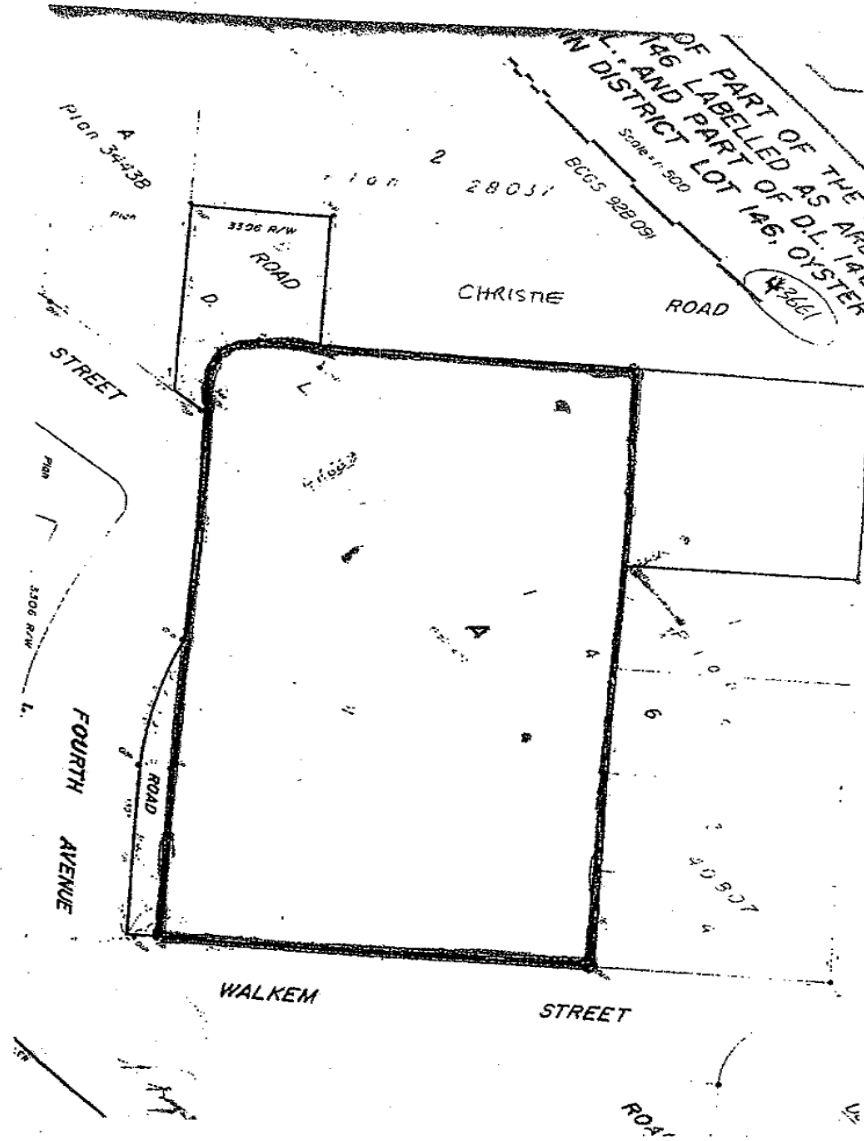
Schedule "B"



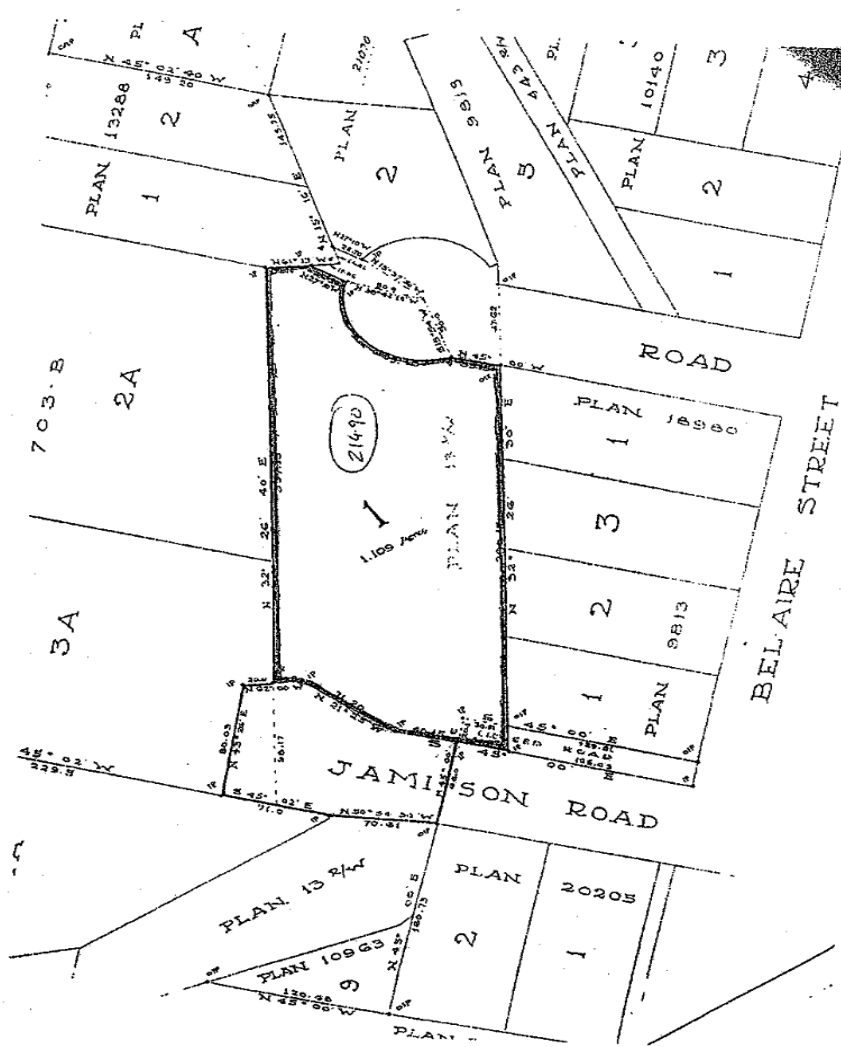
Schedule "C"



Schedule "D"



Schedule "E"



Schedule "F"

Exemption for 70% of the total land and improvement value of the property at 314 Buller Street, also known as Lot A, Block 76, Plan VIP703a, District Lot 56, Oyster Land District, Portion (DD B92367).

STAFF REPORT TO COUNCIL

Report Prepared By: Erin Anderson, Director of Financial Services
Reviewed By: Allison McCarrick, CAO
Meeting Date: September 24, 2024
File No: 1760-20
Re: Water Supply Works Temporary Borrowing Bylaw

RECOMMENDATION:

That Council give first, second and third readings to “Water Supply Works Temporary Borrowing Bylaw 2024, No. 2192”.

EXECUTIVE SUMMARY:

The Town was approved for \$10,857,999 in grant funding for the Town’s Water Supply project at Holland Lake. The Town is responsible for the remaining \$4,689,388 and much of the funds will come from the Town’s borrowing already approved under the “Town of Ladysmith Water Supply Works Loan Authorization Bylaw 2019, No. 2031”. Though this project is still in the preliminary stages, the approval for the Town’s loan authorization bylaw is set to expire in early 2025. The Town must adopt a Temporary Borrowing bylaw on this project to ensure the project can continue.

PREVIOUS COUNCIL DIRECTION:

CS 2022- 040	2022- 02-15	That Council: 1. Direct staff to submit an application for grant funding through the Investing in Canada Infrastructure Program - Environmental Quality for the Water Supply Infrastructure Projects as outlined in the staff report dated February 15, 2022; and 2. Confirm its support for the project and commit to its share (\$7,200,000) of the project as well as cost overruns.
CS 2020- 076	2020- 02-18	That Council: 1. Receive the official results of the Alternative Approval Process for Water Supply Projects Loan Authorization Bylaw 2019, No. 2031; and 2. Adopt Town of Ladysmith Water Supply Projects Loan Authorization Bylaw 2019, No. 2031.
CS 2019- 400	2019- 12-09	That Council: 1. Give first, second and third readings for Town of Ladysmith Water Supply Works Loan Authorization Bylaw 2019, No. 2031; 2. Refer Bylaw 2031 to the Inspector of Municipalities; and 3. Direct staff to seek approval of the electors for Bylaw 2031 through an Alternative Approval Process.



		Motion Carried OPPOSED: Councillor Johnson
CS 2019- 388	2019- 12-02	That Council direct staff to prepare a borrowing bylaw in the amount of up to \$6,200,000 to support the Investing in Canada Infrastructure Program grant application for Water Supply Projects.
CS 2019- 376	2019- 11-25	That Council: 1. Direct staff to submit an application for grant funding through the Water Supply Infrastructure Projects under the ICIP – Green Infrastructure: Environmental Quality Sub-stream, and 2. Support the project and commit to its share (\$6,200,000) of the project.

INTRODUCTION/BACKGROUND:

In 2019, the Town began seeking grants to fund the upgrade to the Town’s water supply. An Alternative Approval Process (AAP) was conducted and the permission to borrow was granted in 2020. In July of 2021, the Town was informed that the grant application was denied, putting the borrowing on hold. In 2022, the Town applied for grant funding for the Holland Lake Dam dredging and raising and received grant funding approval in 2024. Though the project is still in the preliminary stages, the original borrowing bylaw (“Town of Ladysmith Water Supply Works Loan Authorization Bylaw 2019, No. 2031”) is set to expire in February of 2025 unless a temporary borrowing bylaw is subsequently adopted.

With a temporary borrowing bylaw, the Town can draw on the funds as needed for the next five years. Interest is charged at a variable rate (currently 4.92% as of September 10, 2024). The funding will be accessed through the Municipal Finance Authority.

The debt servicing payments have already been factored into the Town’s water rates and parcel tax.

Once the construction project is completed, the temporary borrowing is rolled into the long-term borrowing. This process has been used during the construction of both the Water Filtration Plant and the Waste Water Treatment Plant.

ALTERNATIVES:

Council can choose to:

1. Not approve the bylaw and cancel the project. The \$10 million in grant funding will be returned to the funder.
2. Not approve the bylaw and increase the water parcel tax and water rates to fund the \$6 million necessary to offset the grant over the next 4 years.

FINANCIAL IMPLICATIONS:

Included in the Financial Plan is \$432,956 which represents the interest and principal payment on \$6,200,000 over 25 years at 4.5% interest rate. Long-term interest rates have decreased since the budget was adopted, though the temporary borrowing rate is currently higher than the long-

term interest rate. The financial risk is minimal at this time as the full amount of the temporary borrowing will not be undertaken until the project is close to completion which is estimated to be in 2028.

LEGAL IMPLICATIONS:

Obtaining borrowing is a highly regulated process with various outside agencies verifying the steps along the way. The process is authorized under Part 6, Division 3 of the *Community Charter*. Temporary Borrowing is specially addressed in s.181.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

This borrowing bylaw is specific to Water Supply and cannot be used for any other purposes. Press releases regarding the grant were issued early in 2024.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

Corporate Services will lead the bylaw approvals. Once approved, Finance will liaise with the Municipal Finance Authority when the drawdowns are required.

ALIGNMENT WITH STRATEGIC PRIORITIES:

- | | |
|---|---|
| <input checked="" type="checkbox"/> Core Infrastructure | <input type="checkbox"/> Economy |
| <input type="checkbox"/> Official Community Plan Implementation | <input type="checkbox"/> Leadership |
| <input type="checkbox"/> Waterfront Area Plan | <input type="checkbox"/> Not Applicable |

I approve the report and recommendation.

Allison McCarrick, Chief Administrative Officer

Attachment:

- A. "Water Supply Works Temporary Borrowing Bylaw 2024, No. 2192"

TOWN OF LADYSMITH

BYLAW NO. 2192

A bylaw to authorize temporary borrowing pending the sale of debentures

WHEREAS it is provided by 181 of the *Community Charter* that the Council may, where it has adopted a loan authorization bylaw, without further assents or approvals, borrow temporarily from any person under the conditions therein set out;

AND WHEREAS the Council has adopted Bylaw No. 2031, cited as “Water Supply Works Loan Authorization Bylaw 2019, No. 2031” authorizing the carrying out of works to increase capacity and security of the water supply system servicing the Town of Ladysmith with the intended debt amount of six million and two hundred thousand dollars (\$6,200,000.00);

AND WHEREAS the sale of debentures has been temporarily deferred:

NOW THEREFORE the Council of the Town of Ladysmith in open meeting assembled enacts as follows:

- (1) The Council is hereby authorized and empowered to borrow an amount or amounts not exceeding the sum of six million and two hundred thousand dollars (\$6,200,000.00), as the same may be required.
- (2) The form of obligation to be given as acknowledgement of the liability shall be a promissory note or notes bearing the corporate seal and signed by the Mayor and the Corporate Officer.
- (3) The money so borrowed shall be used solely for the purposes set out in said Bylaw No. 2031.
- (4) The proceeds from the sale of the debentures or so much thereof as may be necessary shall be used to repay the money so borrowed.

Citation

This bylaw may be cited as “Water Supply Works Temporary Borrowing Bylaw 2024, No. 2192”.

ATTACHMENT A

READ A FIRST TIME on the _____ day of _____, 2024

READ A SECOND TIME on the _____ day of _____, 2024

READ A THIRD TIME on the _____ day of _____, 2024

ADOPTED on the _____ day of _____, 2024

Mayor

Corporate Officer

BYLAW STATUS SHEET September 24th, 2024

Bylaw #	Description	Status
2131	"Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 54) 2022, No. 2131" (10940 Westdowne Rd.). Changes zoning from Rural Residential (RU-1) to Manufactured Home Park (MHP-1).	First and second readings, December 20, 2022. Public Hearing and third reading December 19, 2023. MOTI approval received January 15, 2024. Awaiting covenant.
2133	"Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 56) 2023, No. 2133". Allows convenience store at 1132-1142 Rocky Creek Rd.	First and second readings, January 10, 2023. Public Hearing required. MOTI approval required. Waiting on applicant to submit Development Permit per Council Resolution
2161	"Official Community Plan Bylaw 2022, No. 2200, Amendment Bylaw 2023, No. 2161". To expand the mobile home park at 10940 Westdowne Road.	First and second readings, November 21, 2023. Second reading rescinded, second reading as amended, December 5, 2023. Public Hearing and third reading December 19, 2023. Awaiting covenant.
2167	"Town of Ladysmith Animal Control Bylaw 2024, No. 2167". To manage and regulate the keeping of animals in the Town.	First, second and third readings, May 21, 2024. Consequential amendments must be made to the Zoning Bylaw prior to approval. Awaiting consequential amendments to the Zoning Bylaw.
2170	"Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw 2024, No. 2170". To reallocate units for a portion of the Holland Creek neighbourhood to create a smaller development footprint, eliminate the need for a crossing over Heart Creek and adjust triggers for infrastructure construction.	First and second readings, May 7, 2024. Public Hearing held May 21, 2024. MOTI approval received May 27, 2024. Awaiting covenant.
2171	"Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw 2024, No. 2171". To reallocate units for a portion of the Holland Creek neighbourhood to create a smaller development footprint, eliminate the need for a crossing over Heart Creek and adjust triggers for infrastructure construction.	First and second readings, May 7, 2024. Public Hearing held May 21, 2024. MOTI approval received May 27, 2024. Awaiting covenant.
2185	"Official Community Plan Bylaw 2022, No. 2200, Amendment Bylaw No. 2185" (resulting from Small Scale Multi-Unit Housing Provincial legislation.)	First and second readings June 27, 2024. Public Hearing scheduled for September 24, 2024.

**PROPOSAL TO DISPLAY ST. JOHN'S ANGLICAN CHURCH BELL
AT THE ENTRANCE TO
'HEART ON THE HILL'**

'HEART ON THE HILL' WAS CONSTRUCTED ON THE FORMER SITE OF ST. JOHN'S ANGLICAN CHURCH.

THE CHURCH WAS DEMOLISHED IN 2019. THE CHURCH BELL, CROSS AND OTHER ITEMS ARE NOW STORED AS MUSEUM ARTIFACTS BY THE HISTORICAL SOCIETY.

THE LRCA AND HISTORICAL SOCIETY CONSIDER IT APPROPRIATE THAT THE IMPRESSIVE 24" STEEL BELL BE PUT ON DISPLAY ACCOMPANIED BY AN EXPLANATORY PLAQUE DETAILING THE HISTORY OF THE SITE.

COSTS WOULD BE COVERED BY FUNDRAISING.

APPROVAL IS SOUGHT FROM MAYOR AND COUNCIL FOR THIS TO PROJECT.



ST JOHN'S ANGLICAN CHURCH LADYSMITH, 2019 SHOWING BELFRY/SPIRE. NOW THE SITE OF HEART ON THE HILL AFFORDABLE HOUSING COMPLEX.



COURTESY OF THE CRUCILS AND THEIR COMPANY FMI, ON AUGUST 27TH 2019, JUST PRIOR TO THE DEMOLISHING OF THE ANGLICAN CHURCH BUILDING, THE BELL WAS SAFELY REMOVED FROM THE BELFRY.



ANGLICAN CHURCH BELL

THE 24" BELL WAS DONATED TO THE CHURCH IN 1904 BY MR. H. MARSHALL. IT IS MADE OF CAST STEEL AND IS COMPLETE WITH CAST IRON MOUNTING BRACKETS, YOKE, ROPE WHEEL AND LEVER CLAPPER MANUFACTURED BY THE AMERICAN BELL & FOUNDRY COMPANY NORTHVILLE MICHIGAN USA CIRCA 1903 (THEIR MODEL # 24)..

A 1903 AMERICAN BELL & FOUNDRY COMPANY CATALOGUE INDICATES THAT THE ORIGINAL PURCHASE PRICE WAS IN THE REGION OF \$US 16.50.

AS A RECORD OF THE HISTORY OF THE SITE WHERE THE ANGLICAN CHURCH FORMERLY STOOD, THE LRCA WOULD LIKE TO DISPLAY THE BELL OUTSIDE 'HEART ON THE HILL' BUILDING. IT IS INTENDED THAT THE BELL BE STATIC – IE NOT PIVOTABLE. OR RINGABLE. AN EXPLANATORY PLAQUE WILL ACCOMPANY THE BELL.

THE PROPOSED DISPLAY LOCATION IS TO THE RIGHT OF THE BUILDING ENTRANCE AT THE CORNER OF BULLER ST. AND 2ND AVENUE – AS SHOWN IN THE PICTURE BELOW. THE SITE IS COVERED – AFFORDING APPROPRIATE PROTECTION FOR THE ARTIFACT. IT IS ALSO WITHIN CLEAR VIEW OF A SECURITY CAMERA.



PHOTOGRAPH OF ENTRANCE TO HEART ON THE HILL RENTAL SPACE SHOWING PROPOSED LOCATION OF THE CHURCH BELL AND EXPLANATORY PLAQUE.



LADYSMITH RESOURCES CENTRE ASSOCIATION

Heart on the Hill

Town Council
Town of Ladysmith

Aug. 29, 2024

Dear Members of the Town Council:

I am writing on behalf of the Ladysmith Resources Centre Association (LRCA) to request permission to display the bell and steeple from St John's Anglican Church, Ladysmith.

When the LRCA purchased the property at 314 Buller St. from the Diocese, the LRCA made a commitment to the congregation of St John's and the Diocese to commemorate St John's and its importance in the Ladysmith community. The LRCA is seeking to fulfill that commitment by displaying the bell and steeple accompanied by a plaque with information about the 100+ year history of St John's. The bell and steeple are currently being held by the Ladysmith and District Historical Society and the LRCA is working on this in partnership with the Historical Society.

As depicted in the attached information, the bell will be displayed just outside the door to the community area of the building at 314 Buller St (former site of St John's). This space was chosen for its visibility to the general public. We feel that it is important that the public has access to this important historical information. Also, although outdoors, this area is covered by a roof and is under surveillance by one of the LRCA security cameras. In addition, there is an adjacent wall where a plaque could be attached. This display of the bell and the area where it will be displayed have been approved by the LRCA Board of Directors, the architect of the building, the former Rector and congregation of St John's and the Ladysmith and District Historical Society. We are now seeking the approval of the Town Council.

Thank you for considering our request. Please contact me if you have any questions or concerns.

Sincerely,

Sandra Marquis
President
Board of Directors
Ladysmith Resources Centre Association
sandra@lrca.ca