

YAKWEAKWIOOSE FIRST NATION
BUILDING AND SERVICING REGULATION

JUNE, 2021



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SYUWÁ:LELH - Stó:lō Laws

“S’ólh Téméxw te ikw’elo. Xolhmet te mekw’stam it kwelat”

This is Our Land, we have to take care of everything that belongs to us

“Xaxastexw te mekw’stam”

Respect all Things

“Ewe chexw qelqelit te mekw’stam loy qw’ esli hokwex yexw lamexw ku:t”

Don’t waste, ruin or destroy everything; only take what you need

“T’xwelátse”

Do things in a good way; respect each other

PREAMBLE

WHEREAS Yakweakwioose First Nation has an inherent right to self-government which emanates from our people, culture and land and which is recognized and affirmed by section 35 of the *Constitution Act, 1982*;

the Yakweakwioose First Nation has taken over control and management of Yakweakwioose Reserve lands and resources pursuant to the *Framework Agreement on First Nation Land Management* and has enacted the *Yakweakwioose Land Code* effective the 1st day of May, 2014;

under the *Yakweakwioose Land Code*, Yakweakwioose Council is authorized to pass various laws relating to lands including laws relating to regulation of zoning, subdivision and developments under section 3.3 of the Code;

Yakweakwioose passed the *Subdivision, Development and Servicing Law* in January 2015 and the Lands Office has recommended a regulation to set out details and clarifications in relation to that law and Council believes it is in the best interests of Yakweakwioose to do so; and

NOW THEREFORE this Yakweakwioose First Nation ***Building and Servicing Regulation*** is hereby enacted as a regulation under the ***Subdivision, Development and Servicing Law***.

1. NAME

1.1. This Regulation may be cited as the Yakweawkwoose *Building and Servicing Regulation*.

2. PURPOSE

2.1. The purpose of this Regulation is to provide details and regulations in relation to the *Subdivision, Development and Servicing Law*.

2.2. The activities, decisions and authorizations by or on behalf of Yakweawkwoose pursuant to this Regulation are for the sole purpose of providing a limited and interim spot checking function for reason of health, safety and the protection of persons and property. The purpose of this Regulation does not extend to:

- (a) the protection of occupiers, Interest Holder, builders or constructors from economic loss;
- (b) the assumption by Yakweawkwoose or any Yakweawkwoose Official of any responsibility for ensuring the compliance with the Building Code, the requirements of this Regulation or other applicable enactments respecting the health, safety or protection of persons or property by any Interest Holder or any employees, constructors or designers retained by the Interest Holder or his or her representatives;
- (c) providing any person with assurance of design or workmanship with respect to any building or structure or plumbing system for which a building permit or occupancy permit is issued under this Regulation;
- (d) providing a warranty or assurance that construction undertaken pursuant to building permits issued by Yakweawkwoose is free from latent, or any, defects; and
- (e) providing a warranty to any person that construction is in compliance with the Building Code, this Regulation or any other enactment with respect to a building or structure for which a building permit is issued under this Regulation.

3. WHERE THIS REGULATION APPLIES

3.1. The provisions of this Regulation apply to the whole area of the Reserve and Yakweawkwoose Lands as defined in the Yakweawkwoose *Land Code*.

4. DEFINITIONS

4.1. For the purposes of this Regulation, terms have the same definitions as in the Land Code.

4.2. For the purposes of this Regulation, the following definitions apply:

“adjacent ground level” means the level of the ground surface for a minimum of 0.6 metres (2 ft) beyond the outside perimeter of the deck, building or structure;

“awning” means a light fabric covered roof-type structure entirely supported from a building;

“building height” means:

- (a) the number of storeys contained between the roof and the floor of the first storey; or
- (b) the vertical distance from the Grade to:
 - (i) the highest point of any exterior wall on a flat roofed building, or,
 - (ii) the average height between eaves and the ridge on a gable-roofed building excluding chimneys and vents;

“canopy” means a rigid, roof-type structure entirely supported from a building;

“complex building” means:

- (a) all buildings used for non-single family uses including:
 - (i) assembly;
 - (ii) care or detention;
 - (iii) commercial; or
 - (iv) industrial; and
- (b) all buildings exceeding 600 square metres (6,500 sqft) in building area or exceeding three storeys in building height and used for major occupancies classified as:
 - (i) residential occupancy;
 - (ii) business and personal services occupancy;
 - (iii) mercantile occupancy;
 - (iv) medium and low hazard industrial occupancy;

“designer” means the person responsible for design;

“field review” means a review of the work:

- (a) at a building site; and
- (b) where applicable, at locations where building components are fabricated for use at the building site that a registered professional in their professional discretion considers necessary to ascertain whether the work substantially complies in all material respects with the plans and supporting documents prepared by a registered professional;

“fire safety system” includes fire sprinkler systems, foam systems, wet and/or dry chemical fire suppression equipment, non-residential fire alarm systems, and any other suppression or extinguishing system, but does not include smoke alarms as defined in the Building Code;

“grade” means the lowest of the average levels of finished ground adjoining each exterior wall of a building, except that localized depressions and floodplain or other fill need not be considered in the determination of average levels of finished ground;

“Law” means the *Yakweawkwoose Subdivision, Development and Servicing Law*;

“occupancy” means the use or intended use of a building or part thereof for the shelter or support of persons, animals or property;

“occupancy permit” means a permit issued in accordance with section 20 of this Regulation;

“permit” means a permit required by or issued under this Regulation;

“plumbing system” means a drainage system, a venting system and a water system, or any part thereof;

“pool” means a constructed or prefabricated non portable pool, existing or prospective, situated wholly or in part above or below the adjacent ground level, used primarily for swimming, bathing or wading, having a surface water area greater than 15 square metres (161.5 sqft) and a depth greater than 0.6 metres (2 ft);

“pool area” means the area surrounding a pool and within the fence or barrier required by this Regulation;

“registered professional” means a person who is registered or licensed to practice as an architect under the *Architects Act* (British Columbia) or a person who is registered or licensed to practice as a professional engineer under the *Engineers and Geoscientists Act* (British Columbia);

“standard building” means a building of three storeys or less in building height, having a building area not exceeding 600 square metres (6,458 sqft) and used for any of the following uses;

- (a) residential;
- (b) accessory;
- (c) business and personal services;
- (d) commercial; or
- (e) medium and low hazard industrial occupancies;

“structure” means a construction or portion thereof of any kind, whether fixed to, supported by or sunk into land, but specifically excludes landscaping, fences, paving and retaining walls less than 1 metres (3.3 ft) in height but specifically includes revetment or rip rap structures;

“temporary building” means a building or any part thereof that will be used for a period of time, not exceeding two years, unless an extension has been requested by the owner and approved by a Yakweawkwoose Official or the Building Inspector, and that has no permanent foundation or construction associated with it, other than footings; and

“wood burning appliance” means a solid fuel burning device such as a stove, pellet stove, fireplace insert or factory built fireplace but does not include a cook stove, a central heating system, a masonry heater or a site-built fireplace.

- (2) Unless specifically provided otherwise in these Regulations, the terms used have the same meaning as defined in the *Subdivision, Development and Servicing Law*.

5. PERMIT CONDITIONS

- 5.1. No person shall undertake work regulated by this Regulation without first obtaining a valid permit or a written waiver or variance from Yakweakwioose.
- 5.2. Neither the issuance of a permit under this Regulation nor the acceptance or review of plans, drawings or supporting documents, nor any inspections made by or on behalf of Yakweakwioose, shall in any way relieve the Interest Holder or his or her representative from full and sole responsibility to perform work in strict accordance with this Regulation, the Building Code, and all other applicable enactments.
- 5.3. It shall be the full and sole responsibility of the Interest Holder (and where the Interest Holder is acting through a representative, the representative) to carry out the work, in respect of which a permit is issued under this Regulation, in compliance with the Building Code, this Regulation and all applicable enactments respecting safety.
- 5.4. Neither the issuance of a permit under this Regulation nor the acceptance or review of plans, drawings or specifications or supporting documents, nor any inspections made by or on behalf of Yakweakwioose constitute in any way a representation, warranty, assurance or statement that the construction complies with the Building Code, this Regulation or all applicable enactments respecting safety.
- 5.5. No person shall rely upon any permit as establishing compliance with this Regulation or assume or conclude that this Regulation has been administered or enforced according to its terms. The person to whom the permit is issued and his or her representatives are responsible for making such determination.

6. SCOPE, EXEMPTIONS AND AUTHORITY TO WAIVE

- 6.1. Unless otherwise exempted by a Yakweakwioose Law or this Regulation or unless a particular requirement is waived by the Lands Governance Director in writing in accordance with policies and any recommendations from the Lands Advisory Committee, independent professionals or other departments, this Regulation applies to:
 - (a) the design, construction and occupancy of new buildings and structures, including retaining walls, and temporary buildings;
 - (b) the design, construction, alteration, reconstruction, demolition, removal, relocation or change in occupancy of any building, temporary building, structure, foundation, retaining wall, bearing wall or other work related to construction;
 - (c) construction, alteration, renovation, demolition, occupancy and change of occupancy of existing buildings and structures, including temporary buildings;
 - (d) the installation of a plumbing system, sewer, drain, similar work, including a fire safety system;
 - (e) the installation of a new or used wood burning appliance, or a new factory constructed chimney, both appliance or chimney being certified by a recognized agency;

- (f) a newly constructed, altered or repaired masonry chimney;
- (g) installation of new fences or significant reconstruction of existing fences;
- (h) a newly installed pool or deck; and
- (i) the installation of:
 - (i) an electrical system or the installation or alteration of an electrical panel or sub-panel,
 - (ii) gas lines, systems or appliances,
 - (iii) boilers or pressure vessels, or
 - (iv) elevating devices.

6.2. Notwithstanding subsection 6.1, this Regulation does not apply to:

- (a) anything exempted in a Yakweakwioose Law or Regulation;
- (b) buildings or structures exempted by the Building Code, except as expressly provided herein;
- (c) retaining structures less than 1 metre (3.3 feet) in height, unless the retaining structure are part of a rip rap structure;
- (d) decks without roofs having a difference in elevation to grade not exceeding 0.6 metres (2 feet);
- (e) replacement of roofing materials provided that no structural work is done;
- (f) existing fireplace, wood burning appliance or factory constructed chimney or masonry chimneys;
- (g) the repair or replacement of a valve, faucet, fixture, sprinkler head or piping in a plumbing system of no change in piping configuration is required;
- (h) recreational vehicles used for temporary accommodation of less than thirty (30) days per calendar year for recreation or vacation purposes only and that may be plugged in to electrical services but are not connected to sewer or water services; and
- (i) structures such as greenhouses or storage facilities that are constructed of a wood, steel or plastic frame covered with sheet polyethylene, fabric, tarps or glass that are intended to be used temporarily on a seasonal basis and may be removed seasonally.

6.3. Despite any other provisions of this Regulation, the Lands Governance Director, based on a recommendation from the Lands Advisory Committee, another department or an independent expert, and in compliance with any policies, may fully or partially waive compliance with any requirement of this Regulation, in writing, provided that:

- (a) it does not result in a change in land use designations or zones;
- (b) it does not cause a significant increase in health, safety or environmental risks;
- (c) it does not cause a significant inconvenience to any neighbours or adjacent interest-holders; and
- (d) the Person requesting the requirements to be waived signs a waiver form confirming that they waive any and all liability against Yakweakwioose.

7. PROHIBITIONS

- 7.1. No person shall commence or continue any activity or construction listed in paragraphs 6.1(a) to (f) unless:
 - (a) a Yakweakwioose Official or Building Inspector has issued a valid and subsisting building permit for the work; or
 - (b) the Lands Governance Director or a Person appointed by Resolution has issued a written waiver in compliance with this Regulation.
- 7.2. No person shall commence or continue any activity listed in paragraph 6.1 (g) unless a Yakweakwioose Official, an electrical inspector, the BC Safety Authority or another authorized inspector or entity has issued a valid and subsisting permit for the work.
- 7.3. No person shall occupy or use a building or structure unless a valid and subsisting occupancy permit has been issued by a Yakweakwioose Official or Building Inspector under subsection 20.3 of this Regulation, for the building or structure, or contrary to the terms of any permit issued or any notice given by a Yakweakwioose Official or Building Inspector.
- 7.4. No person shall knowingly submit false or misleading information to a Yakweakwioose Official or Building Inspector in relation to any building permit application or construction undertaken pursuant to this Regulation.
- 7.5. No person shall, unless authorized in writing by a Yakweakwioose Official or Building Inspector, reverse, alter, deface, cover, remove or in any way tamper with any notice, permit or certificate posted upon or affixed to a building or structure pursuant to this Regulation.
- 7.6. No person shall do any work that substantially differs, may affect Building Code compliance, or may be a significant structural change from the accepted design or plans of a building, structure or other works for which a building permit has been issued, unless a Yakweakwioose Official or Building Inspector has authorized that change in writing.
- 7.7. No person shall interfere with or obstruct the entry on property of a Yakweakwioose Official or Building Inspector in the administration of this Regulation.

8. YAKWEAKWIOOSE OFFICIAL AND BUILDING INSPECTORS

- 8.1. A Yakweakwioose Official or Building Inspector:
 - (a) may:
 - (i) administer the provisions of this Regulation;
 - (ii) establish, if requested to do so, whether the methods or types of construction and types of materials used in construction of a building or structure for which a permit is sought under this Regulation substantially conform to the requirements of the Building Code; and
 - (iii) withhold or refuse to issue a permit where results of tests of materials,

devices, construction methods, structural assemblies of foundations do not, in the sole opinion of the building official, demonstrate substantial compliance in all material respects with the Building Code or any other applicable enactment; and

8.2. SAY Lands Office shall keep copies or arrange with the Fraser Valley Regional District to keep copies or records of permit applications, permits, notice and orders issued, inspections and tests made, retain copies of all documents related to the administration of this Regulation or make digital copies of such documents.

8.3. A Yakweawkwoose Official or Building Inspector:

- (a) may enter any land, building, structure or premises at any reasonable time for the purpose of ascertaining that the terms of this Regulation are being observed;
- (b) where any residence is occupied, shall obtain the consent of the occupant or provide written notice to the occupant 24 hours in advance of entry;
- (c) shall carry proper credentials confirming the official's status;
- (d) may order the suspension or correction of any work that contravenes the Building Code, Yakweawkwoose Law, or this Regulation, if the contravention is revealed to Yakweawkwoose Official or Building Inspector on a visual inspection made during the course of carrying out that official's duties. For the purpose of this subsection, Yakweawkwoose Official or Building Inspector is not obliged to require any work to be uncovered or removed in order to determine if there is a contravention;
- (e) may order the correction of any work that is being done or has been done in contravention of the Regulation; and
- (f) may order the suspension of the occupancy of a building or structure if the building or structure is being occupied without an occupancy permit in contravention of this Regulation.

9. APPLICATIONS AND PERMITS

9.1 Unless the work is exempted under subsection 6.2 of this Regulation, every person must apply for and obtain from Yakweawkwoose a building permit prior to:

- (a) carrying out any activity listed in paragraphs 6.1 (a) to (f).

9.2 An application made for all permits issued under this Regulation must be in the form provided by Yakweawkwoose and signed by the Interest Holder or a signing officer if the Interest Holder is a corporation.

9.3 Every person shall apply for and obtain such other permits as may be required by the BC Safety Authority including, but not limited to, permits for electrical work, gas installation, boilers and pressure vessels and elevating devices.

9.4 All plans submitted with permit applications shall bear the name and address of the designer of the building or structure.

- 9.5 For each building, structure or plumbing system to be constructed on a site, the Interest Holder must obtain a separate permit and be assessed a separate permit fee based on the value of that building, structure or plumbing system as determined in accordance with Schedule 'A' of this Regulation.
- 9.6 Unless otherwise exempted by a policy or regulation, Yakweakwioose Members shall apply for permits and pay fees for permit applications and permits in accordance with this Regulation.

10. APPLICATION FOR COMPLEX BUILDINGS

- 10.1 An application for a building permit with respect to a complex building shall:
- (a) be made in the form provided by Yakweakwioose and signed by the Interest Holder or a signing officer if the Interest Holder is a corporation;
 - (b) be accompanied by the Interest Holder's acknowledgment of responsibility and undertakings made in the form provided by Yakweakwioose, signed by the Interest Holder or signing officer if the Interest Holder is a corporation;
 - (c) if required by Yakweakwioose, be accompanied by covenants registered in the Registry;
 - (d) state the intended use of the building;
 - (e) include the street address or provide evidence that the process is in place to obtain the street address or building number;
 - (f) include two site plans prepared by a British Columbia land surveyor or by a registered professional showing:
 - (i) the bearing and dimensions of the parcel taken from the registered subdivision plan;
 - (ii) the legal description and street address of the parcel;
 - (iii) the location and dimensions of all statutory rights of way, easements and setback requirements;
 - (iv) the location and dimensions of all existing and proposed buildings or structures on the parcel;
 - (v) setbacks to the natural boundary of any lake, swamp, pond or watercourse where Yakweakwioose's land use plan, *Zoning Law* or regulations establish siting requirements related to flooding;
 - (vi) the existing and finished ground levels to an established datum at or adjacent to the site and the geodetic elevation of the underside of the floor system of a building or structure where Yakweakwioose's land use regulations establish siting requirements related to minimum floor elevation; and
 - (vii) the location, dimension and gradient of parking and driveway access;
- unless a Yakweakwioose Official or the Building Inspector has waived or varied the requirement for a site plan, in whole or in part, in the circumstance where the building permit is sought for the repair or alteration of an existing building or structure; and

- (g) be accompanied by building plans containing sufficient information on the plans to determine compliance with this Regulation, such as:
- (i) floor plans showing:
 - (A) the dimensions and uses of all areas;
 - (B) the location, size and swing of doors;
 - (C) the location, size and opening of windows;
 - (D) floor, wall, and ceiling finishes;
 - (E) plumbing fixtures;
 - (F) HVAC systems, including furnaces, mechanical rooms, hot water tanks, heat pumps and air conditioning units;
 - (G) heat pumps;
 - (H) geothermal systems;
 - (I) gas, electric or wood-burning stoves or heating systems;
 - (J) fire safety systems;
 - (K) structural elements;
 - (L) emergency exits; and
 - (M) stair dimensions;
 - (ii) a cross section through the building or structure illustrating foundations, drainage, ceiling heights and construction systems;
 - (iii) elevations of all sides of the building or structure showing finish details, roof slopes, windows, doors, and finished grade;
 - (iv) 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;
 - (v) copies of approvals when required by Yakwekwioose including, without limitation, highway access permits;
 - (vi) letters of assurance in the form as set out in the Building Code, signed by the Interest Holder of a signing officer of the Interest Holder if the Interest Holder is a corporation, and the coordinating registered professional;
 - (vii) letters of assurance in the form as set out in the Building Code, each signed by such registered professionals as a Yakwekwioose Official or the Building Inspector or Building Code may require to prepare the design for and conduct field reviews of the construction of the building or structure; and
 - (viii) three sets of hardcopy drawings and one set of digital drawings at a suitable scale of the design prepared by each registered professional and including the information set out in subparagraph 10.1(f)(i) of this Regulation.

- 10.2 For greater certainty, in relation to paragraph 6.1(d) of the *Subdivision, Development and Servicing Law*, and in addition to the requirements for floor plan details in paragraph 10.1(f)(i) above, all applications for Complex Buildings must include:
- (a) fire safety systems including an internal sprinkler system for fire suppression; and
 - (b) any other requirements prescribed by Council.

- 10.3 In addition to the requirements under subsection 10.1, the following may be required by a Yakweawkwoose Official or the Building Inspector to be submitted with a building permit application for the construction of a complex building:
- (a) site servicing drawings, including sufficient detail of off-site services to indicated locations at the property line, prepared and sealed by a registered professional;
 - (b) a section through the site showing grades, buildings, structures parking areas and driveways; and
 - (c) any other information required by a Yakweawkwoose Official or the Building Inspector or the Building Code to establish substantial compliance with this Regulation, the Building Code and other Regulations and enactments with respect to the health, safety or protection of persons or property relating to the building or structure.

11. APPLICATIONS FOR STANDARD BUILDINGS

- 11.1 An application for a building permit with respect to a standard building must:
- (a) be made on the form provided by Yakweawkwoose and signed by the Interest Holder making the application, or signing officer if the Interest Holder is a corporation;
 - (b) be accompanied by the Interest Holder's acknowledgment of responsibility and undertakings, signed by the Interest Holder, or a signing officer if the Interest Holder is a corporation;
 - (c) state the intended use of the building;
 - (d) include a copy of a title search made within fourteen (14) days of the date of the application and a copy of all covenants, easements and rights of way registered against the property;
 - (e) include a site plan showing:
 - (i) the bearing and dimensions of the parcel taken from the registered subdivision plan;
 - (ii) the legal description of the parcel and civic address if known;
 - (iii) the location and dimensions of all statutory rights of way, easements and setback requirements when required by a Yakweawkwoose Official or the Building Inspector;
 - (iv) the location and dimensions of all existing and proposed buildings or structures on the parcel;
 - (v) setbacks to the natural boundary of any lake, swamp, pond or watercourse where Yakweawkwoose's land use Regulations establish siting requirements related to flooding;
 - (vi) the existing and proposed finished grade levels to an established datum at or adjacent to the site and the geodetic elevation of the proposed underside of the floor system of a building or structure where Yakweawkwoose land use Regulations establish siting requirements related to minimum floor elevation; and
 - (vii) the location, dimension and gradient of parking and driveway access;

unless a Yakwekwioose Official or the Building Inspector has waived or varied the requirements for a site plan or site information, in whole or in part, in circumstances where the permit is sought for the repair or alteration of an existing building or structure.

- (f) provide confirmation from B.C. One Call or other utility companies that the applicant has made efforts to locate underground services;
- (g) provide confirmation of a Homeowner Protection warranty or similar warranty;
- (h) be accompanied by plans containing sufficient information on the plans as prescribed by a Yakwekwioose Official or the Building Inspector to determine compliance with this Regulation, including but not limited to the following:
 - (i) floor plans showing:
 - (A) the dimensions and uses of all areas;
 - (B) the dimensions and height of crawl and roof spaces;
 - (C) the location, size and swing of doors;
 - (D) the location, size and opening of windows;
 - (E) floor, wall, and ceiling finishes;
 - (F) plumbing fixtures; structural elements; and
 - (G) stair dimensions;
 - (ii) a cross section through the building or structure illustrating foundations, drainage, ceiling heights and construction systems;
 - (iii) elevations of all sides of the building or structure showing finish details, roof slopes, windows, doors, and finished grade;
 - (iv) 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;
 - (v) a foundation design prepared by a registered professional in accordance with the Building Code, accompanied by letters of assurance, signed by the registered professional;
 - (vi) two sets of drawings at a suitable scale of the design including the information set out in subparagraph 10(1)(e)(i) of this Regulation; and
 - (vii) any other information required by the building official or the Building Code to establish substantial compliance with this Regulation, the Building Code, and other applicable enactments; and
 - (viii) copies of approvals required under any enactment relating to health and safety, including without limitation, highway access permits, when required by Yakwekwioose.

11.2 The requirements of paragraph 11.1(e) and 11.1(g) may be waived or varied by a Yakwekwioose Official or the Building Inspector if:

- (a) the applicant waives the requirement for a warranty; or
- (b) documentation, prepared and sealed by a registered professional, is provided assuring that the footings and foundation design substantially complies with the Building Code and the foundation excavation substantially complies with the Building Code.

- 11.3 If, once the permit has been issued, the criteria and requirements stipulated in section 11.1 are not complied with, a Yakweakwioose Official or the Building Inspector may revoke the permit, refuse to permit occupancy of the building or take any other action he may deem necessary.
- 11.4 Where in the opinion of a Yakweakwioose Official or the Building Inspector the project involves two (2) or more buildings, which in the aggregate total more than 1000 square metres, or two (2) or more buildings that will contain four (4) or more dwelling units, or otherwise where the complexity of the proposed building or structure or siting circumstances warrant, a Yakweakwioose Official or the Building Inspector may require an applicant to retain:
- (a) registered professionals for the following fields: civil, structural, mechanical, plumbing, fire safety systems, electrical, and geotechnical components of the project, and each such registered professional shall provide a Yakweakwioose Official or the Building Inspector with certification that the plans submitted with the permit application, or specified aspects of those plans, comply with the Building Code and any other applicable enactments; and
 - (b) any other information required by a Yakweakwioose Official or the Building Inspector or the Building Code to establish substantial compliance with this Regulation, the Building Code and other applicable enactments respecting safety.

12. PROFESSIONAL PLAN CERTIFICATION

- 12.1 The letters of assurance in the form prescribed by the Building Code and provided pursuant to subparagraphs 10.1(f)(vi), 10.1 (f)(vii) and 11.1(f)(v) of this Regulation will be relied upon by Yakweakwioose and Yakweakwioose Officials as certification that the design and plans to which the letters of assurance relate comply with the Building Code and other applicable enactments relating to safety of the building.
- 12.2 A permit issued for the construction of a complex building, or for a standard building must be in the form as provided by Yakweakwioose.
- 12.3 A permit issued pursuant to subsection 12.1 of this Regulation must include a notice to the Interest Holder that the permit is issued in reliance upon the certification of the registered professionals that the design and plans submitted in support of the application for the permit comply with the Building Code and other applicable enactments relating to safety.
- 12.4 When a registered professional provides letters of assurance, they shall also provide proof of at least one million dollars (\$1,000,000.00) of professional liability insurance per occurrence and in the aggregate to the Yakweakwioose Official.

13. FEES AND CHARGES

- 13.1 In addition to applicable fees and charges required under other Yakweakwioose Regulations, a permit fee, calculated in accordance with Schedule "A" to this Regulation, must be paid in full prior to issuance of any permit under this Regulation.

- 13.2 When a permit is issued in accordance with subsection 12.1 of this Regulation the permit fee shall be reduced as set out in Schedule 'A' due to the reliance on the professional certification.
- 13.3 The permit application shall be cancelled if:
- (a) the permit fee is not paid within 60 calendar days of the date of written notification to the occupier that the permit is ready to be issued; or
 - (b) the permit cannot be issued within 180 calendar days of the date of written notification to the occupier regarding deficiencies.
- 13.4 When an application is cancelled, the plans and related documents submitted with the application may be destroyed at the sole discretion of Yakweawkwoose Official or Building Inspector.
- 13.5 An applicant may obtain a partial refund of the permit fee set out in Schedule 'A' to this Regulation upon written request within three months for the date of issuance of the permit provided that no permit-related work on the site has commenced except for excavation work.
- 13.6 Where more than two inspections are necessary when one inspection is normally required, for each inspection after the second inspection, a re-inspection charge as prescribed in Schedule 'A' to this Regulation must be paid prior to each additional inspection being performed.

14. PERMITS

- 14.1 A Yakweawkwoose Official or the Building Inspector shall issue a building permit for which the application is made provided:
- (a) a completed application including all required supporting documentation has been submitted;
 - (b) the proposed work set out in the application substantially conforms with the Building Code, this Regulation and all other applicable Regulations and enactments;
 - (c) the Interest Holder or his or her representative has paid all applicable fees set out in this Regulation;
 - (d) the Interest Holder or his or her representative has paid all charges and met all requirements imposed by any enactment or Regulation;
 - (e) no covenant, agreement, or Regulation in favor of Yakweawkwoose, or Regulation of Yakweawkwoose or other enactment authorizes or requires the permit to be withheld until additional conditions are met;
 - (f) the Interest Holder has demonstrated that essential services are in place or will be in place within a specified time frame, including any required roads, driveways, water services, sanitary sewer, and storm drainage;
 - (g) the Interest Holder has retained a professional engineer or geoscientist if required by the provisions of this Regulation, the Building Code, or the *Engineers and Geoscientists Act* (British Columbia) and has followed the recommendations

- and, if necessary received certification from the registered professional; and
- (h) the Interest Holder has retained an architect if required by the provisions of this Regulation, the Building Code, or the *Architects Act* (British Columbia).

- 14.2 When the application is in respect of a building that includes, or will include, a residential occupancy, the building permit must not be issued unless the Interest Holder provides evidence pursuant to the *Homeowner Protection Act* (British Columbia) that the proposed building:
- (a) is covered by home warranty insurance; and
 - (b) the constructor is a licensed residential builder.
- 14.3 Subsection 14.2 of this Regulation does not apply if:
- (a) the Interest Holder or constructor is not required to be licensed and to obtain home warranty insurance in accordance with the *Homeowner Protection Act*;
 - (b) the requirement for a home warranty has been met in some other manner and, if required by the Lands Governance Director, the Interest Holder has signed a waiver.
- 14.4 Every permit is issued upon the condition that the permit shall expire and the rights of the Interest Holder under the permit shall terminate if, unless a delay is authorized in writing by a Yakwekwioose Official:
- (a) the work authorized by the building permit is not commenced within twelve (12) months from the date of permit issuance;
 - (b) the work is discontinued for a period of twelve (12) consecutive months; or
 - (c) the work is not completed within 24 months from the date of permit issuance.
- 14.5 A Yakwekwioose Official or the Building Inspector may, upon termination or expiration of the period of time in subsection 14.4(c) grant an extension of the building permit for a further twenty-four (24) month period if satisfied that the construction is progressing at a reasonable rate of progress, providing that the extension fee calculated in accordance with Schedule 'A' to this Regulation is paid.
- (a) The fee for a permit renewal shall be the greater of:
 - (i) an additional 10% of the original permit fee; or
 - (ii) \$150,plus any extraordinary additional costs for inspections or expert reviews.
 - (b) Should construction, granted under the extension building permit, not be completed within the additional twenty-four (24) month period, the building permit shall terminate and the Interest Holder will be required to apply for a new building permit.
 - (c) A Yakwekwioose Official or the Building Inspector will calculate the fee proportionate to the completion of the construction from the last recorded inspection.
 - (d) A construction value will be assessed and a permit fee calculated in accordance with Schedule 'A' to this Regulation.

14.6 A Yakweawkwoose Official or the Building Inspector may extend the period of time set out under subsection 14.4 where construction has not commenced or where construction has been discontinued due to adverse weather, strikes, material or labor shortages, or similar hardship beyond the Interest Holder's control.

14.7 A Yakweawkwoose Official or the Building Inspector may issue a building permit for a portion of a building or structure before the design, plans and specifications for the entire building or structure have been accepted, provided sufficient information has been provided to Yakweawkwoose to demonstrate to a Yakweawkwoose Official or the Building Inspector that the portion authorized to be constructed substantially complies with this and other applicable Regulations and the permit fee applicable to that portion of the building or structure has been paid. The issuance of the permit notwithstanding, the requirements of this Regulation apply to the remainder of the building or structure as if the permit for the portion of the building or structure referred to in the previous sentence had not been issued.

15. DISCLAIMER OF WARRANTY OR REPRESENTATION

15.1 Neither the issuance of a building permit under this Regulation, the review and acceptance of the design, drawings, plans or specifications, nor inspections made by a Yakweawkwoose Official or the Building Inspector, shall constitute a representation or warranty that the Building Code or the Regulation have been complied with or the building or structure meets any standard of materials or workmanship, and no person shall rely on any of those acts as establishing compliance with the Building Code, this Regulation or any other standard of construction.

16. DRAINAGE

16.1 All buildings having a roof area exceeding 50 square metres (538 square feet) must install drainage works such as but not limited to gutters, scuppers, internal rainwater leaders, etc. so as to channel rainwater away from exterior walls and building perimeter.

16.2 Where no connection to Yakweawkwoose storm sewer system exists or is limited in capacity and alternate drainage works such as rock pits, infiltration trenches, rain gardens or retention ponds are proposed, these must be designed, inspected, and certified via seal by a professional engineer. In the case of small buildings or where geotechnical conditions are acceptable to a Yakweawkwoose Official or the Building Inspector, this requirement can be waived by a Yakweawkwoose Official or the Building Inspector.

16.3 As required by code, installation of perimeter drainage and private service connections to Yakweawkwoose mains must be undertaken or supervised by a plumber holding trade qualifications in good standing or as provided in the Building Code.

17. PROFESSIONAL DESIGN AND FIELD REVIEW

17.1 In respect of every building permit application for a complex building, as described in

subsection 10.1, each registered professional shall provide a Yakweawkwoose Official or the Building Inspector with design and plan certification and field review by means of letters of assurance in the form prescribed by the Building Code and in respect of every building permit application for a standard building as described in subsection 11.1 each registered professional must provide a Yakweawkwoose Official or the Building Inspector with a certification that the plans submitted or specified aspects of those plans comply with the Building Code.

- 17.2 Prior to issuance of an occupancy permit or a final inspection report for a complex building in circumstances where letters of assurance have been required in accordance with subparagraphs 10.1 (f)(vi) or 10.1 (f)(vii) of this Regulation, the Interest Holder shall provide Yakweawkwoose with letters of assurance in the form prescribed by the Building Code.
- 17.3 Prior to the issuance of an occupancy permit or a final inspection report for a standard building in circumstances where a certification is required under subsection 11.4 the Interest Holder shall ensure that each registered professional engaged for each specific component provides Yakweawkwoose with certification that the component complies with the Building Code and other applicable enactments respecting safety.
- 17.4 When a registered professional provides letters of assurance in accordance with subparagraphs 10.1 (f)(vi) or 10.1 (f)(vii) or provides certification in accordance with subsection 11.4 of this Regulation, he or she shall also provide proof of professional liability insurance to a Yakweawkwoose Official or the Building Inspector substantially in the form provided by Yakweawkwoose.

18. RESPONSIBILITIES OF THE INTEREST HOLDER

- 18.1 Every Interest Holder shall ensure that all construction complies with the Building Code, this Regulation and other applicable enactments respecting safety.

Security Bond or Deposit

- 18.2 Every Interest Holder to whom a permit is issued, in addition to any other fee payable pursuant to this Regulation, where the construction site, except in the case of an addition to a single family or duplex dwelling or an accessory building of less than 46.5 square metres (500 square feet), is served by any street upon which there is a sidewalk, curb and gutter, drainage swale, storm sewer, sanitary sewer, water services including curb stop, street pavement, street light, or a combination of any of these, either existing or required to be completed prior to final inspection and acceptance of the property, the applicant for a permit shall provide to Yakweawkwoose cash or a letter of credit in a form acceptable to Yakweawkwoose as security, in the amount calculated in accordance with Schedule "A" to this Regulation before obtaining a permit.

- 18.3 The security deposit referred to in subsection 18.2 may be applied by Yakweakwioose in payment of any costs or expenses which may be incurred by Yakweakwioose in:
- (a) repairing, installing or replacing Yakweakwioose or adjacent properties which are damaged during, and such damage is attributable to, the carrying out of construction of the works authorized by the permit or which are incidental to such works; or
 - (b) cleaning any debris, materials, dirt, chattels or equipment which has accumulated on any street, road, avenue, alley, sidewalk, boulevard or any part of a road allowance as a result of work carried out in connection with the permit.
- 18.4 The balance of the security deposit shall be returned to the depositor, with no interest, after final inspection and acceptance by a Yakweakwioose Official or the Building Inspector and a Yakweakwioose Official or the Building Inspector has ascertained either that no damage has occurred or that if any damage to Yakweakwioose property has occurred, the damage has been repaired or corrected to the satisfaction of Yakweakwioose.
- 18.5 Yakweakwioose personnel will inspect Yakweakwioose properties adjacent to the construction site at the final inspection and acceptance by a Yakweakwioose Official or the Building Inspector. Any damage to Yakweakwioose properties caused directly or indirectly by the construction related to the permit which is not repaired or corrected at the date of such inspection, shall be recorded and the Interest Holder shall be requested to repair or correct the damage within 45 days from the date of notification. Yakweakwioose may, at its convenience and discretion, complete the necessary repairs and the full cost of the repairs may be taken from the security deposit. When the security deposit exceeds the cost of the repairs, the remainder will be returned to the depositor. Should the cost of the repairs exceed the security deposit, the Interest Holder of the property for which the permit has been issued shall pay those costs exceeding the damage deposit, forthwith, upon receipt of Yakweakwioose's invoice.
- 18.6 Where during the course of construction a Yakweakwioose Official or the Building Inspector, discovers that any street, road, avenue, alley, sidewalk, boulevard or any part of a road allowance is obstructed by debris, materials, dirt, chattels or equipment of the Interest Holder or his or her agent, he shall request the Interest Holder to remove the obstruction, immediately, and if the Interest Holder or the Interest Holder's agent fails to comply with such request, Yakweakwioose may remove the obstruction and claim the full cost of removal from the security deposit.
- 18.7 Forfeiture of the security deposit in no way relieves the permit holder or the Interest Holder of the responsibility for paying the total cost of repairs or correction should such cost exceed the damage deposit.
- 18.8 The Interest Holder shall be responsible for making an inspection of all Yakweakwioose properties adjacent to the construction site and shall submit a

report, with photographs attached, of any existing damage, to a Yakweakwioose Official or the Building Inspector, prior to commencing work. All damage to Yakweakwioose property observed at final inspection will be assumed to be caused by the Interest Holder, unless reported as outlined above.

Posting of Permit

- 18.9 Every Interest Holder to whom a permit is issued must, during construction:
- (a) post and maintain the building permit in a conspicuous place on the property in respect of which the building permit was issued;
 - (b) keep a copy of the accepted designs, plans and specifications on the property; and
 - (c) post the civic address on the property in a location visible from any adjoining streets.

19. INSPECTIONS

- 19.1 When a registered professional provides letters of assurance in accordance with subparagraphs 10.1 (f)(vi), 10.1 (f)(vii), 11.1(f)(v), or subsections 17.1 or 17.2 of this Regulation, Yakweakwioose will rely solely on field reviews undertaken by the registered professional and the letters of assurance submitted pursuant to this Regulation as assurance that the design and construction substantially complies with the Building Code, this Regulation and other applicable enactments respecting safety.
- 19.2 Notwithstanding subsection 19.1 of this Regulation, a Yakweakwioose Official or the Building Inspector 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.
- 19.3 A Yakweakwioose Official or the Building Inspector may attend periodically at the site of the construction of buildings or structures to ascertain whether the health and safety aspects of the work are being carried out in substantial conformance with those portions of the Building Code, this Regulation and any other applicable enactment concerning safety.
- 19.4 The Interest Holder or his or her representative shall give at least forty-eight (48) hours' notice to Yakweakwioose Official or the Building Inspector when requesting an inspection and shall obtain an inspection and receive a Yakweakwioose Official's or the Building Inspector's acceptance of the following aspects of the work prior to concealment:
- (a) EXCAVATION: After excavation is complete and ready for form work;
 - (b) FOOTING/FOUNDATION: After the forms for footings and foundations are complete but prior to placing concrete;
 - (c) DAMP PROOFING AND DRAIN TILES: After removal of formwork from a concrete foundation and installation of perimeter drain tiles, drain rock and damp proofing but prior to backfilling;
 - (d) PLUMBING 1: After the site services are installed and required testing in place

- including the water, sanitary sewer or storm sewer, but prior to backfilling;
 - (e) PLUMBING 2: After below slab piping or plumbing under the building has been installed and required testing in place but prior to concealment;
 - (f) PLUMBING 3: After all piping and venting including water distribution piping is installed, waste line is connected and testing in place, but prior to concealment;
 - (g) FRAMING: When framing, plumbing, heating, and electrical work has completed, but prior to insulation, lath, or other interior or exterior finish is applied, which would conceal such work;
 - (h) MASONRY FIREPLACE: Following construction of smoke chamber;
 - (i) MASONRY CHIMNEY: At completion but prior to the drip cap being installed;
 - (j) FACTORY CONSTRUCTED CHIMNEY: Following installation but prior to use or concealment;
 - (k) WOOD BURNING APPLIANCE: When the appliance and the chimney are installed, but prior to using;
 - (l) INSULATION: After all insulation and vapour barriers are installed but prior to covering same; and
 - (m) FINAL: When the building or portion thereof is completed and ready for occupancy but prior to occupancy thereof.
- 19.5 No aspect of the work referred to in subsection 19.4 of this Regulation shall be concealed until a Yakwekwioose Official or the Building Inspector has accepted the work in writing and, if it is covered before it is inspected and accepted, then it shall be uncovered at the applicant's sole cost if a Yakwekwioose Official or the Building Inspector so directs.
- 19.6 The requirements of subsection 19.4 of this Regulation do not apply to any aspect of the work that is the subject of a registered professional's letter of assurance provided in accordance with subparagraphs 10.1 (f)(vi), 10.1 (f)(vii), 11.1(f)(v), or subsections 17.1 or 17.2.
- 19.7 Every Interest Holder requesting a final inspection for occupancy pursuant to paragraph 19.4 (m) of this Regulation shall provide to a Yakwekwioose Official or the Building Inspector a building location certificate, prepared by a British Columbia Land Surveyor, setting out the distance from the parcel boundaries of the outer surface of any building wall, bay window, eave or other portion of a building and, where a Yakwekwioose Official or the Building Inspector requires it, the height of any building.
- 19.8 A building location certificate shall be provided in all cases where the building or addition has been constructed pursuant to a Development Permit or waiver pertaining to siting of the building or addition.
- 19.9 A Yakwekwioose Official or the Building Inspector may, in some cases where it is apparent upon inspection that the siting of an accessory building complies with the current Yakwekwioose zoning Regulation in respect of the distance from parcel

boundaries, exempt an Interest Holder from the requirement to provide a building location certificate in accordance with subsection 19.7.

19.10 The decision of a Yakweakwioose Official or the Building Inspector to exempt an Interest Holder from a requirement to provide a building location certificate does not relieve an Interest Holder from his or her obligation to comply with the requirements of Yakweakwioose zoning Regulation in force at the time of permit issuance in respect of the distance of a building from parcel boundaries.

20. OCCUPANCY PERMIT

20.1 No person shall occupy a new, renovated or relocated building or structure or part of a building or structure, or permit all or part of a building or structure to be occupied until an occupancy permit has been issued in the form as provided by Yakweakwioose.

20.2 An Occupancy Permit must not be issued unless:

- (a) all letters of assurance have been submitted when required in accordance with subparagraphs 10.1 (f)(vi), 10.1 (f)(vii), 11.1(f)(v), or subsections 17.1 or 17.2 of this Regulation;
- (b) all aspects of the work requiring inspection and acceptance pursuant to subsection 19.4 of this Regulation have been inspected and accepted or the inspections and acceptance are not required in accordance with subsection 19.6 of this Regulation; and
- (c) all other requirements under any applicable enactment have been met.

20.3 A Yakweakwioose Official or the Building Inspector may issue an Occupancy Permit for part of a building or structure when the part of the building or structure is self-contained, provided with essential services and the requirements set out in subsection 20.2 of this Regulation have been met with respect to it.

21. TEMPORARY BUILDINGS FOR ACCOMMODATION DURING CONSTRUCTION

21.1 Where a permit has been issued for a dwelling, construction has commenced, and upon payment of a permit fee and security deposit in accordance with Schedule 'A' to this Regulation, a permit may be issued for the placement of a temporary accommodation in the form of a recreation vehicle or holiday trailer but not a modular home or manufactured home, on the same parcel providing the unit is equipped with a holding tank or connected to services.

22. CANOPIES AND AWNINGS

22.1 Any canopy or awning shall:

- (a) be supported entirely from the structure to which it is attached;
- (b) consist of non-combustible or protected combustible material;
- (c) not project over a lane or roadway where a sidewalk or curb does not exist;
- (d) be no less than 2.5 metres (8 ft) above a sidewalk;
- (e) project no more than 1.8 metres (6 ft) over public property or to within 0.3 metres (1 ft) of any curb, whichever is less;

- (f) not interfere with standpipes, fire escapes, traffic lights, traffic signs, traffic utilities or Yakweakwioose works;
- (g) in the case of canopies, be provided with a gutter satisfactory to a Yakweakwioose Official or the Building Inspector. The method employed to dispose of the water from the gutter shall be to the satisfaction of Yakweakwioose Official or Building Inspector; and
- (h) in the case of awnings, be constructed on a metal frame supported entirely from the structure to which it is attached.

22.2 No person shall cause or permit all or part of an awning or canopy structure attached to improvements to land that the person owns or occupies to project on, over, or under all or part of;

- (a) a highway controlled and maintained by Yakweakwioose unless the person first enters into an agreement with Yakweakwioose in the form provided by Yakweakwioose and pays the applicable building permit fee based on construction Costs as set out in Schedule 'A'; or
- (b) a highway designated as "arterial" under the Transportation Act (British Columbia) unless the person first obtains approval from the Ministry of Transportation.

23. MOVING OR RELOCATING BUILDINGS

23.1 No person shall move or cause any building to be moved onto Yakweakwioose Lands or from one location to another within Yakweakwioose Lands without first obtaining a permit in respect of the site to which the building is to be moved.

23.2 Every application for a permit to move a building shall identify the location of the building to be moved and the site to which the building is to be moved.

23.3 No building shall be moved to a site within Yakweakwioose Lands unless the building will comply with the health and safety requirements of the Building Code upon completion of relocation.

23.4 The Interest Holder shall provide to Yakweakwioose certification ensuring that the building or structure is structurally sound, for moving purposes, by a practicing engineer registered in the Province of British Columbia.

24. SWIMMING POOLS

24.1 No person shall commence or continue any work related to the construction, decommissioning or significant renovation of a swimming pool unless a valid permit has been obtained pursuant to this Regulation.

24.2 Every application for a permit for a pool shall be accompanied with a plan showing the location, depth and dimensions of the proposed pool and all water supply piping, waste piping and appurtenances, and all structural detail.

24.3 A registered professional shall undertake the design and conduct field reviews of the

construction of any reinforced concrete pool. The registered professional shall provide a Yakweawkwoose Official or the Building Inspector with certification that the plans submitted or specified aspects of those plans comply with the Building Code and also that the field reviews have been completed with the work being in compliance with the Building Code requirements.

- 24.4 Pool waste water shall be disposed of as approved by Yakweawkwoose Official or Building Inspector.
- 24.5 Unless otherwise agreement by Yakweawkwoose Official or Building Inspector:
- (a) Pool plumbing shall be so arranged that pool water cannot enter any water supply line and, once having been drained from the pool, cannot be returned to the pool without filtering, and so that sewage from any sanitary sewer or sewage disposal system cannot enter the pool or the pool filtering system; and
 - (b) pool wastewater shall be drained to a sanitary sewer system or approved drainage field.
- 24.6 Access shall be provided around the perimeter of all pools, including those within a building, by means of a continuous apron or walkway not less than 1.2 m in width and not more than 0.45 metres (1.47 ft) above the water level of the pool. The apron or walkway shall have no obstructions other than ladders, slides, diving boards or other such devices as approved by a Yakweawkwoose Official or the Building Inspector and be readily accessible to those using the pool.
- 24.7 An exterior pool area must be enclosed within a fence or other non-climbable barrier of not less than 1.5 metres (5 ft) in height, designed and constructed so that no component, attachment or opening will facilitate climbing. All openings through the fence must be of a size as to prevent the passage of an object having a diameter of 0.1 metres (4 in).
- 24.8 Access through the fence or other non-climbable barrier enclosing the pool must be equipped with a self-closing gate so designed as to cause the gate to return to a closed locked position when not in use with the self-latching device to be located on the pool side of the fence.
- 24.9 Every fence required under this section shall be maintained by the Interest Holder or occupier in good order. All sagging gates, loose parts, torn mesh or missing material, worn latches, locks or broken or binding components must be promptly replaced or repaired.

25. RETAINING STRUCTURES

- 25.1 A registered professional must undertake the design and conduct field reviews of the construction of:
- (a) a retaining structure greater than 1 metres (3.3 feet) in height in elevation difference; and

(b) any revetment or rip rap structure.

25.2 The registered professional shall provide a Yakweakwioose Official or the Building Inspector with certification that the plans submitted or specified aspects of those plans comply with the Building Code and any applicable Yakweakwioose Laws and also that the field reviews have been completed with the work being in compliance with the Building Code and Yakweakwioose Law requirements.

26. BUILDING NUMBERING

26.1 A Yakweakwioose Official or the Building Inspector is authorized to number, renumber or alter the numbering of any building as he or she may deem expedient, according to a grid system of building numbering approved by resolution of Council, and no more than one number shall be designated for any principal building.

26.2 Where a permit is issued, a Yakweakwioose Official or the Building Inspector shall designate the number or series of numbers requisite for the building or buildings authorized by the permit.

26.3 For emergency response purposes, the Interest Holder or occupant of any building for which a number has been designated shall display the number which consists of individual numerals 0.1 metres (4 in) or more in height installed on a contrasting background in a conspicuous position on the building or premises so as to be clearly legible from the street.

26.4 An Interest Holder of a building may, subject to paying the required fee calculated in accordance with Schedule 'A' request an address change.

26.5 Where a Yakweakwioose Official or the Building Inspector renumbers or alters the number of any building, the Interest Holder or occupant of the building shall, within 30 days after receipt of a notice in writing from a Yakweakwioose Official or the Building Inspector indicating that change in numbering, remove any existing building number and display the new number in the manner required under subsection 25(3).

27. PENALTIES AND ENFORCEMENT

27.1 Any person who contravenes this Regulation is liable upon summary conviction to a fine not exceeding \$10,000 and the cost of prosecution, every day during which there is an infraction of this Regulation constituting a separate offence.

27.2 A person who fails to comply with any order or notice issued by a Yakweakwioose Official or the Building Inspector, or who allows a violation of this Regulation to continue, contravenes this Regulation.

27.3 A person who commences construction prior to obtaining a permit as required by this Regulation, shall pay permit fee and penalty as prescribed in Schedule "A" to this Regulation. For the purposes of this subsection, construction shall be deemed to have commenced when a building has been moved to its new location, or the concrete

footings have been poured, or equivalent work is undertaken in the case of other building systems.

27.4 A Yakweakwioose Official or the Building Inspector may order the cessation of any work that is proceeding in contravention of the Building Code or this Regulation by posting a Stop Work notice on the building or structure in the form provided by Yakweakwioose.

27.5 The Interest Holder of property on which a Stop Work notice has been posted, and every other person, must cease all construction work immediately and shall not do any work until all applicable provisions of the Building Code and this Regulation have been substantially complied with and the Stop Work notice has been rescinded in writing by a Yakweakwioose Official or the Building Inspector.

28. SEVERABILITY

28.1 The provisions of this Regulation are severable and the invalidity of any part of this Regulation shall not affect the validity of the remainder of this Regulation.

29. TRANSITION

29.1 This Regulation shall not affect the right of an Interest Holder under a permit issued prior to the coming into force of this Regulation, provided the Interest Holder has commenced work within 3 months of the date of issuance of the permit and has actively and continuously carried out work thereafter according to the Regulation requirements in force at the time of permit issuance.

30. COMMENCEMENT

30.1 This Regulation comes into force on _____, 2019.

SCHEDULE 'A'

Building Regulation

PERMIT FEES AND INSPECTION CHARGES

1. Construction Value Calculation

In the case of single family and two-family dwellings, the following values shall be used for the purpose of calculating permit value:

Description of Construction	Cost (per square foot)
Basement with 8ft ceiling height and foundation (includes combination concrete walls with wood framed pony walls above concrete)	\$53
Crawlspace foundation complete with concrete ground seal	\$41
Main floor including roof	\$73
Basement with 8ft ceiling height and foundation (includes combination concrete walls with wood framed pony walls above concrete)	\$53
Crawlspace foundation complete with concrete ground seal	\$41
Main floor including roof	\$73
Second or upper floor	\$41
Sundecks, balconies, sundeck or balcony roof, and carports	\$25
Attached garage	
Complete with electrical service only	\$39
Finished interior	\$45
Detached garage	
Complete with electrical service only	\$49
Finished interior	\$53

2. Modular Home Values

In the case of pre-manufactured *modular* home being installed with a foundation in a mobile home park, the following construction value shall apply:

single wide	\$4,900
double wide	\$6,900

3. Building Permit Fees

The following base Building Permit fee shall be charged for Building Permit issuances as calculated by the construction value set out in sections 1 and 2 above; or, where accepted by the Building Inspector, by construction costs submitted by the applicant:

Construction Value	Permit fee
\$1,000 and under	\$80
\$1,001 to \$200,000	\$80 + \$12 per \$1,000 or portion thereof
\$200,000 and over	\$2,500 + \$10 per \$1,000 or portion thereof

4. Refundable Security Deposit

The following amount, refundable upon completion of work and occupancy permit issuance, shall be held by Yakweakwioose pursuant to subsection 17(2):

- (a) single family or duplex dwelling and accessory buildings over 500 square feet shall post \$1,250 security;
- (b) for all other buildings, 1.5% of the building permit fee with a minimum of \$1,250 to a maximum of \$6,250.

5. Supplementary Fees

The following items shall be charged the stipulated fee as and where applicable:

Description of Construction	Fee
Chimney construction, addition, alteration and repair	\$80
Building Permit – Retaining Wall, Revetment or Rip Rap	\$10 per square meter; min \$100
Demolition of buildings	\$300 plus \$10 per \$1,000 of demo cost
Demolition or removal of modular/pre manufactured homes	\$150
Permit extension	Greater of 10% of the first permit or \$150
Re-inspection (after 2nd inspection)	\$80 each
Fee to Amend a Permit	\$200 per hour
Sub soil drainage system	\$70
Pre development inspection or change of occupancy class	\$150
Change of address	\$175
Remove “Notice on Title”	\$275
Moving Permit	\$300 per building

Work without required Permit and Stop Work posted

Double the Permit Fee

6. Plumbing Permit Fees

The following items shall be charged the stipulated fee as and where applicable:

Description of Construction	Fee
Minimum fee for any plumbing permit	\$80
Site services (including installation or capping)	
Per sanitary building drain	\$35
Per storm building drain	\$35
Per water service	\$35
For each fixture (including hot water tank and floor drains)	\$12
Misc.: including but not limited to manholes, sumps, sewage pump, sand/grease/oil interceptors, parking lot catch basins, etc. (per unit)	\$100
Fire Sprinklers	
First ten heads	\$80
Each additional	\$3
Other than single family dwelling, each floor shall be considered as separate installation for purpose of calculating the fees above	
Fire fighting supply Siamese connection hose cabinet, etc.	\$30
Backflow prevention device	\$30
Scuppers/roof storm water drains and associated interior piping (per unit)	\$35
(Commercial/Industrial/Institutional)	\$80
Re-inspection (after 2 nd inspection)	

7. Refund and Reduction of Building Permit Fees

- 7.1 When professional plan certification is required and the City relies on certification provided by a professional, fees will be reduced by 5% up to a maximum reduction of \$1,000.
- 7.2 At any time up to 3 months from the date of permit issuance and before work has commenced in respect of which a permit has been issued, the permit holder may apply in writing for cancellation of the permit. The Building Official, if satisfied no work has commenced, shall cancel the permit and refund 50% of all permit fees to the permit holder.