



## **COWICHAN VALLEY REGIONAL DISTRICT**

### **BUILDING REGULATION BYLAW NO. 4433, 2023**

*A Bylaw for the Administration of the Building Code and Regulation of Construction*

(Consolidated for Convenience)



## **COWICHAN VALLEY REGIONAL DISTRICT**

### **Bylaw No. 4433**

**(As Amended by Bylaw No. 4543)**

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#### **CVRD Bylaw No. 4433 – Building Regulation Bylaw**

**CONSOLIDATED FOR CONVENIENCE ONLY**

**(January 24, 2024)**

The amendment bylaw(s) listed below have been incorporated into enactment Bylaw No. 4433 for convenience purposes only. Persons making use of the consolidated version of Bylaw No. 4433 are advised that it is not a legal document and that for the purpose of interpreting and applying the law, the original bylaw(s) must be consulted. Certified copies of original bylaws are available through the Corporate Officer's office.

**AMENDMENT BYLAW**  
**Bylaw No. 4543**

**EFFECTIVE DATE**  
**January 24, 2024**

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# COWICHAN VALLEY REGIONAL DISTRICT

## BYLAW No. 4433, 2023

### A Bylaw for the Administration of the *Building Code* and Regulation of Construction

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**WHEREAS** the Cowichan Valley Regional District (CVRD) has established a building regulation service and is authorized, by bylaw, to regulate, prohibit and impose requirements in respect of buildings and structures for the following:

- (a) the provision of access to a building or other structure, or to part of a building or other structure, for a person with disabilities;
- (b) the conservation of energy or water;
- (c) the reduction of greenhouse gas emissions; and
- (d) the health, safety or protection of persons or property.

**WHEREAS** the CVRD is authorized to administer the *British Columbia Building Code* in accordance with the *Local Government Act* and *Building Act*, both as amended from time to time;

**WHEREAS** the CVRD is authorized to assign civic address numbers to buildings, suites and units;

**AND WHEREAS** the CVRD may impose fees and penalties for the purpose of administering the building regulation service;

**NOW THEREFORE** the CVRD Board, in open meeting assembled, enacts as follows:

### **PART 1**

#### **TITLE**

##### **Citation**

- 1.1 This bylaw may be cited for all purposes as “**CVRD Bylaw No. 4433 – Building Regulation Bylaw, 2023**”.

### **PART 2**

#### **PURPOSE OF BYLAW**

##### **Purpose**

- 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 CVRD 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 CVRD or any *building official* of any responsibility for ensuring the compliance by any *owner, owner* 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 *building permit* or *occupancy permit* is issued under this bylaw;
  - (d) providing any person, a warranty or assurance that *construction* undertaken under *building permits* issued by the CVRD 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**

##### **Scope**

- 3.1 This bylaw applies to the geographical area of Electoral Areas A through I of the CVRD and to land, the surface of water, air space, and all *buildings* and *structures* in the Electoral Areas.
- 3.2 This bylaw applies to the design, construction or *occupancy* of new *buildings* or *structures*, including *farm buildings* of other than *low human occupancy*, the *alteration*, reconstruction, demolition, removal, relocation, *occupancy* or change of use or *occupancy* of *existing buildings* and *structures*, and the construction, *alteration* or placement of *pools* and *shipping containers*.
- 3.3 This bylaw does not apply to:
- (a) a fence, except as set out in Part 11 *Retaining Walls* of this bylaw;
  - (b) an accessory *building* sited in compliance with the applicable Zoning Bylaw with a *building area* of less than 10 square metres; except where the *building* contains an unsafe condition, hazard, plumbing, sleeping unit or home occupation;
  - (c) fabric covered seasonal shelters sited in compliance with the applicable Zoning Bylaw used within the limitations of the manufacturer with a floor area up to 25 square metres, typically having tube frames and no foundation;
  - (d) an open roof pergola sited in compliance with the applicable Zoning Bylaw with no roof membrane including glass;
  - (e) a trellis, an arbour, a wall supporting soil that is less than 1.20 metres in height, or other similar landscape *structures* on a parcel zoned for single-family *residential occupancy* uses under the CVRD's Zoning Bylaw;

- (f) 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*;
- (g) *farm buildings* less than 600 m<sup>2</sup> in *building area* located on land classed as “farm” under the *Assessment Act* that are designed for *low human occupancy* as defined in the *National Farm Building Code of Canada* provided they are constructed and sited in compliance with all applicable bylaws, enactments and regulations affecting the property;
- (h) decks or patios that are not connected to a *building* and do not serve as a means of egress, where the travelled area is less than 24” from the ground;
- (i) docks and wharves, except where the dock or wharf supports a *building* or *structure*;
- (j) with respect to plumbing, when a valve, faucet, fixture or service water heater is repaired or replaced, a stoppage cleared, or a leak repaired if no change to the piping is required;
- (k) minor repairs or alterations to non-structural components of a *building* including:
  - (i) re-covering existing roofs;
  - (ii) repainting;
  - (iii) recovering existing floors;
  - (iv) replacing windows and doors in existing openings;
  - (v) installation or replacement of gas or electric powered space or water heating or cooling fixtures or appliances, such as heat pumps but not including fireplaces inserts that burn fuel;
  - (vi) replacing kitchen cupboards, cabinets or countertops;
  - (vii) installation of a well in compliance with relevant health or environmental regulations or;
  - (viii) replacement or repair of existing sewage disposal facilities in compliance with relevant health or environmental regulations.
- (l) children’s play equipment; and
- (m) areas outside of Electoral Areas A through I of the Cowichan Valley CVRD.

### **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 CVRD, 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 addresses 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**

#### **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 CVRD 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 *building permit* under this bylaw.

## **PART 5**

### **PERMIT CONDITIONS**

#### **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 CVRD 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 No person shall rely on any *permit* as 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*;
  - (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* including *alternative solutions* or peer review; and
  - (e) authorize the routine release of certain building permit records in accordance with the *Freedom of Information and Privacy Protection of Privacy Act* when such requests do not warrant a comprehensive review and the *building official* may recoup the cost of such services in accordance with Schedule A upon each request.

#### **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 CVRD, and must state the reason in writing.
- 6.4 A *building official* may revoke a *permit* if, in their opinion, the results of tests on materials, devices, construction methods, structural assemblies or *foundation* conditions contravene the *Building Code* or the provisions of this bylaw, or both, or if all *permits* required under this bylaw have not been obtained.

#### **Right of Entry**

- 6.5 Subject to applicable enactments, a *building official* may enter on a 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 CVRD or other applicable enactments, or if there is deemed to be an *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:
- (a) within the time ordered, or
  - (b) 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 *permit*, prior to:
- (a) *constructing*, repairing or *altering* a *building* or *structure*;
  - (b) *constructing*, repairing or *altering* a *retaining wall*;
  - (c) *constructing*, repairing or *altering* a *pool*;
  - (d) moving a *building* or *structure* into or within the CVRD;
  - (e) demolishing a *building* or *structure*;
  - (f) *occupying* a new *building* or *structure*;
  - (g) *constructing* a masonry fireplace or installing a wood-burning appliance or chimney, whether attached to, part of or detached from a *building*;
  - (h) siting or locating a *shipping container* within the CVRD; or
  - (i) changing the use or *occupancy* of a *building*, unless the works are the subject of another valid and subsisting *building 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*.

#### **Owner's Obligations**

- 7.3 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 CVRD 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) where required by the *building official* prior to the issuance of a *building permit*, execute and submit to the CVRD an *owner's* undertaking in the form specified by the *Chief Building Official*.

- 7.4 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 CVRD 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.
- 7.5 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; and
  - (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.

#### **Damage to CVRD Infrastructure**

- 7.6 Every *owner* to whom a *permit* is issued is responsible for the cost to repair any damage to CVRD infrastructure or land that occurs during and arises directly or indirectly from the *work* authorized by the *permit*.

#### **Demolition**

- 7.7 It is the *owner's* responsibility to cancel any curbside collection service provided by the CVRD by way of communicating with the Recycling and Waste Management Division in writing.
- 7.8 During demolition, every *owner* must ensure that all services are capped or otherwise terminated at the property line in or at a standard inspection chamber, valve arrangement, power pole, or other to the satisfaction of the CVRD or other governing authority including the payment of fees if applicable.
- 7.9 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**

- 7.10 Every *owner* must, at least 24 hours prior to commencing work at a *building site*, give written or online notice to a *building official* of the date on which the *owner* intends to begin such *work*.
- 7.11 Every *owner* must give written or online 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.

- 7.12 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 *building 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.
- 7.13 Without limiting sections 10.28 to 10.44, every *owner* must give at least 24 hours online 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.
- 7.14 Every *owner* must give notice in writing to a *building official* and pay the non-refundable permit and service fees set out in Schedule A immediately upon any change in ownership or change in the address of the *owner* which occurs prior to the issuance of an *occupancy permit*.
- 7.15 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.
- 7.16 Every *owner* must provide for safe working conditions in adherence with applicable provincial enactments such as installing temporary guard rails or maintaining a safe excavation, prior to summoning a *building official* to the project for inspection.

## **PART 8**

### **OBLIGATIONS OF OWNER'S CONSTRUCTOR**

#### **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 including the *Riparian Areas Protection Regulation*.
- 8.2 Every *constructor* must ensure that no *excavation* or other *work* is undertaken on Crown or public property, and that no Crown or 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 Crown or 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 CVRD 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 CVRD with letters of assurance as referred to in 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 set by the *Chief Building Official*.

#### **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 as referred to in 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 CVRD with letters of assurance as referred to in the *Building Code*;
  - (c) for a *building* that is designed with common egress systems for the occupants and requires the use of *firewalls* in accordance with the *Building Code*;
  - (d) prior to *alterations* to a *building*, or to a structural component of a *building* described in paragraph (b);
  - (e) 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*;
  - (f) 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

- (g) 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 applicable requirements 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*, applicable bylaws of the CVRD and other applicable enactments.
- 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 as specified in the *Building Code* and as referred to in this Part are relied upon by the CVRD 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 specified by 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 CVRD or its *building officials* on the *registered professionals*.
- 9.8 If a *building permit* is issued which includes approval of certified building plans as referred to in the *Local Government Act*, the *permit* fee shall be reduced as described in Schedule A.

## **PART 10**

### **BUILDING PERMIT 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 CVRD'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 CVRD, 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) if the parcel that is the subject of the *building permit* application is not intended to be connected to the CVRD's sewage disposal system, the *owner* must apply for and obtain approval from the CVRD and other applicable public authorities for an alternate *private sewage disposal system*;
  - (f) if the parcel that is the subject of the *building permit* application is not intended to be connected to the CVRD's waterworks system, the *owner* must apply for and obtain approval from the CVRD and other applicable public authorities for an alternate water supply system;
  - (g) if the parcel that is the subject of the *building permit* application is not intended to be connected to the CVRD's storm water drainage system, the *owner* must apply for and obtain approval from the CVRD and other applicable public authorities for the alternate storm water drainage and detention system; and
  - (h) if all on site and off site works and services required by a CVRD bylaw or other enactment have not been completed in accordance with the enactments, the *owner* must enter into a completion agreement with the CVRD and deliver to the CVRD letters of credit or cash security for completion of the works and service.

## 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 specified by the *Chief 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 specified by the *Chief 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 including 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 prepared by a British Columbia land surveyor;
- (f) include a site plan prepared by a *registered professional* showing:
  - (i) the bearing and dimensions of the parcel taken from the registered subdivision plan;
  - (ii) the legal description and civic address of the parcel;
  - (iii) the location and dimensions of *existing* and proposed statutory rights of way, easements and setback requirements, adjacent street and lane names;
  - (iv) the location and dimensions of *existing* and proposed *buildings* or *structures* on the parcel;
  - (v) setbacks to the natural boundary of any lake, swamp, pond or watercourse;
  - (vi) north arrow;
  - (vii) if applicable, location of an approved *existing* or proposed private or other alternative sewage disposal system, water supply system or storm water drainage system;
  - (viii) zoning compliance summary;
  - (ix) the location, dimensions and gradient of parking and parking access;
  - (x) proposed and *existing* setbacks to property lines;
  - (xi) natural and finished grade at *building* corners and significant breaks in the building plan and proposed grade around the *building* faces in order to ascertain *foundation* height;
  - (xii) first storey floor elevation;

- (xiii) location, setbacks and elevations of all *retaining walls*, steps, stairs and decks;
  - (xiv) line of upper floors;
  - (xv) location and elevation of curbs, sidewalks, manholes, and service poles;
  - (xvi) location of *existing* and proposed service connections;
  - (xvii) location of top bank, anticipated excavation area and water courses;
  - (xviii) access routes for firefighting;
  - (xix) *accessible* paths of travel from the street to the *building*; and
  - (xx) geodetic elevation of the underside of a wood floor system or the top of a finished concrete slab of a *building* or *structure* where the CVRD's bylaws or provincial flood mapping regulations establish siting requirements related to minimum floor elevation, except that 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* or *structure*;
- (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; radon depressurization infrastructure, structural elements; and stair dimensions;
  - (h) include a cross-section through the *building* or *structure* in sufficient detail and locations to illustrate *foundations*, drainage, ceiling heights and constructions systems;
  - (i) include elevations of all sides of the *building* or *structure* showing finish details, roof slopes, windows, doors, natural and finished *grade*, spatial separations and ridge height to comply with the *Building Code* and to illustrate that the *building* or *structure* conforms with the CVRD Zoning Bylaw and development permit;
  - (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 Energy Step Code compliance documentation in;
  - (l) include all other requirements of Division C of the *Building Code*;
  - (m) 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;
  - (n) include a letter of assurance in the form of Schedule A referred to in the *Building Code*, signed by the *owner*, or a signing officer if the *owner* is a corporation, and the *coordinating registered professional*;
  - (o) include letters of assurance in the form of Schedule B referred to in 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*;

- (p) include two sets of hard copy drawings at a suitable scale and a digital .pdf set of the design prepared by each *registered professional* containing the information set out in paragraphs (g) to (k) of this section;
  - (q) include illustration of any slopes on the subject parcel that exceed 30%;
  - (r) include preliminary Development Services review approval; and
  - (s) the CVRD designed declaration forms respecting riparian areas, contaminated sites, sensitive habitat or ecosystems, intention to blast, intention to import fill, knowledge of flood hazard or intent to occupy a recreational vehicle during construction.
- 10.3 In addition to the requirements of section 10.2 of this bylaw, a *building official* may require the following to be submitted with a *permit* application for the construction of a *complex building* if the complexity of the proposed *building* or *structure* or siting circumstances warrant:
- (a) site servicing drawings, including sufficient detail of off-site services to indicate locations at the property line;
  - (b) a stormwater management plan which may include the collection, discharge and infiltration details associated with stormwater collected or generated by the site and *buildings* or *structures*;
  - (c) a plan with calculations that demonstrates compliance with providing an adequate supply of water for firefighting as prescribed by Subsection 3.2.5. of the *Building Code*;
  - (d) a section through the site showing grades, *buildings*, *structures*, parking areas and driveways; and
  - (e) 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 specified by the *Chief 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 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 showing:

- (i) the bearing and dimensions of the parcel taken from the registered subdivision plan;
- (ii) the legal description and civic address of the parcel;
- (iii) the location and dimensions of *existing* and proposed statutory rights of way, easements and setback requirements, adjacent streets and lanes;
- (iv) the proposed driveway access location;
- (v) the location and dimensions of *existing* and proposed *buildings* or *structures* on the parcel;
- (vi) setbacks to the natural boundary of any lake, swamp, pond or watercourse;
- (vii) north arrow;
- (viii) if applicable, location of an approved *existing* or proposed alternative private or other sewage disposal system, water supply system or storm water drainage system;
- (ix) the location, dimensions and gradient of parking and parking access;
- (x) proposed and *existing* setbacks to property lines;
- (xi) natural and finished grade at *building* corners and datum determination points;
- (xii) *first storey* floor elevation;
- (xiii) location, setbacks and elevations of all *retaining walls*, steps, stairs and decks;
- (xiv) line of upper floors;
- (xv) location and elevation of curbs, sidewalks, manholes and service poles;
- (xvi) location of *existing* and proposed service connections;
- (xvii) location of top bank, anticipated excavation area and water courses;
- (xviii) access routes for firefighting;
- (xix) *accessible* paths of travel from the street to the *building*;
- (xx) zoning compliance summary; and
- (xxi) the geodetic elevation of the underside of a wood floor system or the top of a finished concrete slab of a *building* or *structure* where the CVRD's land use regulations or provincial flood mapping regulations establish siting requirements related to minimum floor elevation,

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; radon depressurization infrastructure and stair dimensions;
  - (g) include a cross-section through the *building* illustrating *foundations*, drainage, ceiling heights and construction systems;
  - (h) include elevations of all sides of the *building* showing finish details, roof slopes, windows, doors, the *grade*, the maximum *building height* line, ridge height, spatial separations and natural and finished *grade* to comply with the *Building Code* and to illustrate that the *building* or *structure* conforms with the CVRD zoning and development permit;
  - (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) include a *foundation* and *excavation* design that describes the size, shape and dimensions of all footings, pads, columns, knockouts, bucks and walls and includes details regarding steel reinforcement and concrete strength;
  - (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 energy and Zero Carbon Step Code compliance documentation;
  - (n) include two sets of hard copy drawings at a suitable scale and a digital .pdf set of design including the information set out in (f) to (i) of this section;
  - (o) 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*;
  - (p) include preliminary Planning Department review approval; and
  - (q) the CVRD designed declaration forms respecting riparian areas, contaminated sites, sensitive habitat or ecosystems, intention to blast, intention to import fill, knowledge of flood hazard or intent to occupy a recreational vehicle during construction.
- 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) a stormwater management plan which that includes the collection, discharge and infiltration details associated with storm water collected or generated by the site and *buildings* or *structures*, both before and after *construction* of the *buildings* or *structures*;
  - (iv) structural, electrical, plumbing, mechanical or fire suppression drawings prepared and sealed by a *registered professional*;
  - (v) letters of assurance in the form of Schedule B referred to in Division C of the *Building Code*, signed by a *registered professional*; 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(f) 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.

**Building Permit Fee**

- 10.7 Before receiving a *building permit* for a *building* or *structure*, the *owner* must first pay to the CVRD:
- (a) the *building permit* fee prescribed in Schedule A; and
  - (b) any fees, charges, levies or taxes imposed by the CVRD and payable under an enactment at the time of issuance of the *building permit*.

**Application Fee with Building Permit Application**

- 10.8 An applicant for a *building permit* must pay to the CVRD, at the time of the application, application fees described under Schedule A.

**Permit Fee Refunds**

- 10.9 No fee or part of a fee paid to the CVRD may be refunded if construction of the *building* has started.
- 10.10 A *building permit* or other *permit* 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*; and
  - (c) the *permit* has not expired.
- 10.11 A *building permit* or other *permit* fee is not refundable after the *permit* has been extended under section 10.43 of this Part.
- 10.12 Despite the aforementioned; a refund may be granted at the discretion of the Manager, Building Inspection.

**Design Modification**

- 10.13 If an issued building permit or other permit is active and the owner proposes modification to the building design whereby the value of the work does not increase or the value of the work decreases, the owner must pay to the CVRD a building permit fee based on the plan review hourly rate set out in Schedule A.

**Construction Before Permit Issued**

- 10.14 The *building permit* or other *permit* fee is doubled for every *permit* application if construction commenced before the *building official* issued a *permit*, to a maximum of \$10,000.00.

**Expiration of Application for a Permit**

- 10.15 A *building permit* or an application expires 180 days from the date a complete application is received under this Part if the *building permit* is not issued by the application expiration date, unless the *permit* is not issued only due to delays caused by the CVRD.

### Issuance of a Building Permit

10.16 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 10.14 of this Part and Schedule A;
- (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 CVRD 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 CVRD gives written notice to the *owner* that the *permit* is ready to be picked up by the *owner*.

10.17 Despite section 10.16, 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* on the same parcel.

### Compliance with the *Homeowner Protection Act*

10.18 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*.

10.19 Section 10.18 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*.

10.20 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

- 10.21 If a site has been *excavated* and a *building permit* is not subsequently issued or a subsisting *building permit* has expired under section 10.45, but without the construction of the *building* or *structure* for which the *building 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 CVRD to do so.
- 10.22 If a *building permit* has expired and partial construction has progressed, with no extension requested of the *building official* under section 10.43, permanent type fencing with privacy screen complying with the CVRD's Zoning Bylaw, must be erected around the *building* site for protection to the public.

### Conditions of a Building Permit

- 10.23 A *building permit* or an application for a *building 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 and the *owner* has paid the non-refundable fee required under Schedule A. The transfer or assignment of a *building permit* is not an extension of a *building permit*.
- 10.24 The review of plans and supporting documents and issuance of a *building 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 bylaw, another bylaw or other applicable enactment.

### Inspections

- 10.25 If a *registered professional* provides letters of assurance in accordance with this Part, the CVRD 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.
- 10.26 Despite section 10.25 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*.
- 10.27 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.
- 10.28 For all work in respect of *simple buildings* the *owner* must give at least 24 hours' notice to the CVRD 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*, if that time frame is stipulated by the *building official*;

- (c) footing forms, before concrete is poured;
  - (d) plumbing located below the finished slab level;
  - (e) the preparation of ground, including ground cover when required, perimeter insulation on inside of concrete *foundation* walls and reinforcing steel;
  - (f) hydronic heating pipes, radon depressurization infrastructure and below slab insulation;
  - (g) installation of rough-in plumbing before it is covered;
  - (h) installation of *building* services before being covered;
  - (i) rough in of factory-built chimneys and fireplaces and solid fuel burning appliances;
  - (j) framing, sheathing, fire stopping (including drywall in fire separations), fire blocking, 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;
  - (k) insulation and vapour barrier;
  - (l) gypsum board in a fire separation prior to mudding and taping;
  - (m) *construction* of an exterior deck whether or not the deck serves as a roof;
  - (n) on-site *constructed* tubs or showers and tub or shower trap tests;
  - (o) the installation of wall sheathing membrane, externally applied vapour or air barrier, stucco wire or lath, and flashings, but prior to the installation of exterior finishes which could conceal such work; and
  - (p) the *health and safety aspects of the work* and the energy 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*.
- 10.29 A *building official* will only carry out an inspection under section 10.28 if the *owner* or the *owner's agent* has requested the inspection online or in writing in accordance with this bylaw.
- 10.30 Despite the requirement for the *building official's* acceptance of the work outlined in section 10.28, if a *registered professional* provides letters of assurance, the CVRD 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.
- 10.31 No person may conceal any aspect of the work referred to in section 10.28 of this bylaw until a *building official* has *accepted* it in writing.

10.32 For work in respect of *complex buildings*, the *owner* must:

- (a) give at least 24 hours of online or written notice to the CVRD 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 24 hours of online or written notice to the CVRD 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 CVRD requirements and other enactments respecting safety, energy conservation, *GHG* emission and accessibility aspects of the work; and
- (c) cause the *coordinating registered professional*, at least 24 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 the form specified by the *Chief Building Official*, complete with all documentation in a hard covered three ring binder and in digital .pdf format.

### **Stop Work Order**

- 10.33 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 specified by the *Chief 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 CVRD or the applicable provisions of the *Homeowner Protection Act*.
- 10.34 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.
- 10.35 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 10.33.
- 10.36 The *owner* must immediately, after the posting of a notice under section 10.33, 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 CVRD.
- 10.37 Subject to section 10.33, no work other than the required remedial measures may be carried out on the parcel affected by the notice referred to in section 10.33 until the stop work order notice has been removed by the *building official*.
- 10.38 The notice referred to in section 10.33 must remain posted on the premises until that which is contrary to the enactments has been remedied.

### **Do Not Occupy Notice**

- 10.39 If a person occupies a *building* or *structure* or part of a *building* or *structure* in contravention of this bylaw, 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*.
- 10.40 If a notice is posted under section 10.39, 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**

- 10.41 In addition to the fees required under other provisions of this bylaw, the *owner* must pay the non-refundable fee set out in Schedule A 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 CVRD'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 CVRD's normal business hours.

### **Permit Expiration**

- 10.42 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 (2) years of the date of issuance of the *permit*.

### **Permit Extension**

- 10.43 A *building official* may extend the period set out under section 10.42 for only one period, not to exceed twelve (12) months, 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 Schedule A has been paid.

### **Building Permit Revocation**

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

### **Building Permit Cancellation**

- 10.45 A *building permit*, or a *building 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*.
- 10.46 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".
- 10.47 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".
- 10.48 If a *building permit* application or *permit* is cancelled, and construction has not commenced under the *permit*, the *building official* must refund to the *owner* any fees deposited under Schedule A, less:
- (a) any non-refundable portion of the fee; and
  - (b) 15% of the refundable portion of the fee.

### **Occupancy**

- 10.49 No person may occupy a *building* or *structure* or part of a *building* or *structure* until a final inspection notice has been issued by a *building official*.
- 10.50 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 7.10 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 CVRD as-built plans of works and *services* in digital format as required by the CVRD;
  - (d) the *owner* has provided to the CVRD a *building* survey prepared by a British Columbia Land Surveyor showing the *building* height, size, location and elevation determined in accordance with the CVRD's land use regulations;
  - (e) all other documentation required under applicable enactments has been delivered to the CVRD; and
  - (f) the *owner* has delivered to the CVRD as-built drawings of the *building* or *structure* in

digital format as required by the CVRD.

- 10.51 When a *registered professional* provides letters of assurance in accordance with this bylaw, the CVRD 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.
- 10.52 A *building official* may issue a final inspection notice 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 reduction and energy conservation; and
  - (b) the requirements set out in section 10.50 have been met with respect to it.
- 10.53 A final inspection notice may not be issued unless:
- (a) all letters of assurance and the Confirmation of Required Documentation 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 section 9 and sections 10.25 through 10.29 of this bylaw have both been inspected and *accepted*;
  - (c) the *owner* has executed and delivered to the CVRD every agreement, instrument or form required by the CVRD in relation to the work or the site; and
  - (d) all required offsite works respecting safety have been completed.

### Temporary Buildings

- 10.54 Subject to the bylaws and orders of the CVRD, 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 one (1) year; and
  - (b) the *building* or *structure* is located in compliance with the CVRD's Zoning Bylaw, built in compliance with the *Building Code* and this bylaw, and connected, as required by enactments, to CVRD utility services or other approved services respecting health and other required services under health enactments.
- 10.55 An application for a *building permit* for the erection or placement of a *temporary building* or *structure* must be made in the form of a temporary *permit* application 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 Canadian Standards Association (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 CVRD's Zoning Bylaw and other applicable bylaws;
  - (i) security in the form of cash or a letter as described under Schedule A, which security:
    - (i) may be used by the CVRD to remove the *building* after one year 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 one year 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*.
- 10.56 Before receiving a *building permit* for a *temporary building* or *structure for occupancy*, the *owner* must pay to the CVRD the applicable *building permit* and service fees set out in Schedule A.
- 10.57 A *permit fee* for a *temporary building* or *structure* is not refundable.

### **Compliance with BC Zero Carbon Step Code**

- 10.58 Complete *building permit* applications for *simple buildings* within the scope of the application of the *Zero Carbon Step Code*, as prescribed in the *Building Code*, received on or after July 1, 2024, shall be designed to comply with Emission Level 4 (EL-4) of the *Zero Carbon Step Code*.
- 10.59 *Simple buildings* within the scope of the application of the *Zero Carbon Step Code*, as prescribed in the *Building Code*, that are issued *building permits* applied for under the conditions of article 10.58 shall be *constructed* to comply with Emission Level 4 (EL-4) of the *Zero Carbon Step Code*.

## **PART 11**

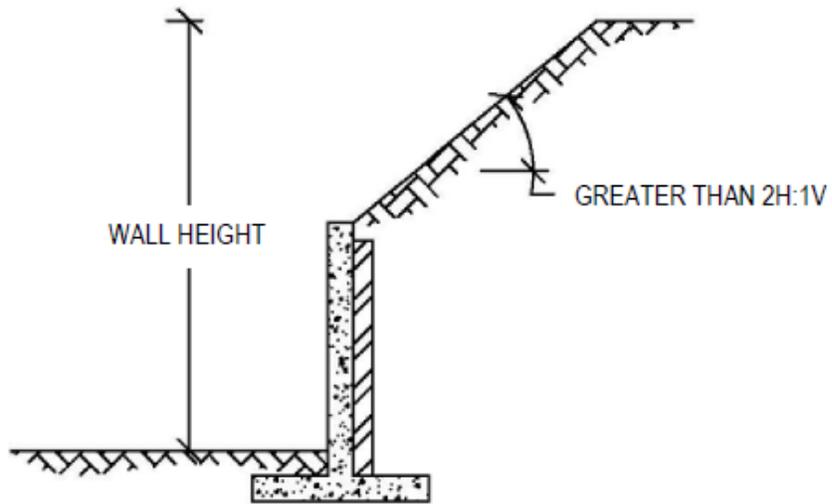
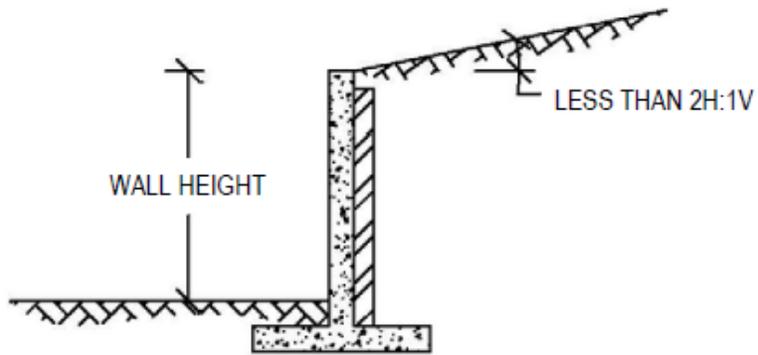
### **RETAINING WALLS AND GRADES**

#### **Retaining Walls and Grades**

- 11.1 No person may construct, or structurally repair, a *retaining wall* without a *building permit*.
- 11.2 Except as certified by a professional engineer with expertise in geotechnical engineering registered in the province of British Columbia, 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.

- 
- 11.3 Without limiting section 11.2, at the discretion of the *building official*, no person may occupy a *building* unless the finished *grade* complies with all applicable enactments.
  - 11.4 In the case of “terraced”, “offset” or “tiered” *retaining walls*, a *building official* may require that an *owner* retain a registered professional to determine the total height of the overall retaining structure. *Retaining walls* deemed to be structurally supporting other walls or structures or that support a fence may be considered as a singular wall.
  - 11.5 In the case of “revetment”, a *building official* may require that an *owner* retain a *registered professional* to determine whether or not the structure is a *retaining wall*.
  - 11.6 Plans or drawings submitted in support of an application to construct a *retaining wall* must include details regarding the inclusion of a proposed fence or guardrail if applicable that may be subject to wind or impact forces that would otherwise be relevant to engineering review and or calculations.
  - 11.7 The total height of a *retaining wall* for the purposes of this bylaw that is supporting an adjacent grade will be judged based on Detail A:

DETAIL A



## **PART 12**

### **BUILDING MOVE**

#### **Building Move**

- 12.1 No person may move a *building* or *structure* into or within the CVRD building regulation service areas:
- (a) except where a *registered professional* certifies that the *building* will substantially comply with the current version of the *building code* in its new location;
  - (b) a *building permit* has been issued for the *building* or *structure*; and
  - (c) all other affected governmental agencies or regulatory bodies have consented to the move if required under enactments.

## **PART 13**

### **NUMBERING OF BUILDINGS**

#### **Building Numbers**

- 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 CVRD:
- (a) on or over the entrance to the *building* or where the *building* construction is incomplete 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 CVRD 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 an address number or set of address 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 permanently in a conspicuous place on the *building* such that the number is visible from an adjacent highway that is not a lane.

## **PART 14**

### **OFFENCES**

#### **Violations**

- 14.1 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.
- 14.2 Each day during which a violation, contravention or breach of this bylaw continues is deemed to be a separate offence.
- 14.3 Every person who fails to comply with any order or notice issued by a *building official*, or who allows a violation of this bylaw to continue, contravenes this bylaw.
- 14.4 Every person who commences work requiring a *building permit* without first obtaining such a *permit* must, if a Stop Work Notice is issued, pay the additional fees as outlined in Schedule A of this bylaw.

#### **Deemed Offence**

- 14.5 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.
- 14.6 Nothing in this section affects:
- (a) the CVRD'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**

- 14.7 Addressed in accordance with Schedule 2 of "CVRD Bylaw No. 3209 – Ticket Information Authorization Bylaw, 2008", including all amendments or replacements, a bylaw to authorize the CVRD Bylaw Enforcement Officers to issue Ticket Information for Offences Against Bylaws.

## **PART 15**

### **INTERPRETATION**

#### **Definitions**

15.1 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** means 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 license;

**alternative solution** means an alternative solution authorized under the *Building Code*;

**alteration** means a change, repair or modification to the construction, arrangement or use any *building* or *structure*, including plumbing or mechanical systems, or to an *occupancy* regulated by this bylaw;

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

**building permit** means a permit for construction required or issued pursuant to this bylaw.

**chief building official** means the person designated or appointed by the Cowichan Valley Regional District for the purposes of enforcement and administration of this bylaw, is authorized and responsible for supervising, planning and coordinating the building inspection activities within the Cowichan Valley Regional District and for certainty the *chief building official* is the “building inspector” referred to in the *Community Charter* and *Local Government Act*;

**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;

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

**constructor** means a person who *constructs*;

**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;

**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;

**geotechnical materials** mean soil, rock, mineral ore, fill, pumice, bottom ash or any other naturally forming or man-made geological element;

**GHG** means greenhouse gas;

**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, a strata corporation in respect of the common property or *buildings*, a corporation or society having an ownership interest or an *agent* duly authorized by the *owner* in writing;

**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*;

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

**project** means any construction operation;

**pool** means any permanently constructed below-grade structure or construction intended primarily for recreation, that is, or is capable of, being filled with water to a depth of 0.6 metres or more. For the purpose of this definition a hot tub shall not be considered a pool, but, an above-grade pool with an adjacent walking surface greater than 0.6 m from grade shall be considered a pool.

**retaining wall** means a vertical or near-vertical structure exceeding 1.20 m in height constructed to hold back or support a structure or geotechnical materials and that safely deals with any drainage or hydrostatic pressure. Retaining walls can be created out of a variety of structural and geotechnical materials and typically stabilize soil and rock against downslope movement and provide lateral support for steep to vertical grade changes.

**shipping container** means a container with strength suitable to withstand shipment, storage, and handling. Shipping containers range from large reusable steel boxes used for intermodal shipments to the ubiquitous corrugated boxes. Shipping containers are not occupied by any persons except to temporarily access stored contents and are not to be considered a building or part of a building unless explicitly permitted by the CVRD through a building permit.

**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*,

**structure** means a *construction* or portion of *construction*, of any kind, whether fixed to, supported by or sunk into land or water, except landscaping, fences, paving and retaining *structures* less than 1.20 meters in height;

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

**value of the work** means that amount that is calculated as follows:

- (a) for the new 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 Schedule A.
- (b) for other than the new 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 declared *value of the work*.

**Work** means work or activity that is:

- (a) related to the matters described in Part 3 of this bylaw, and
- (b) regulated by this bylaw, the *Building Code*, or any other enactment applicable to the work or activity.

## Clarification

- 15.2 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, low hazard industrial occupancy, major occupancy, medium hazard industrial occupancy, mercantile occupancy, occupancy, post disaster occupancy, private sewage disposal system, registered professional, residential occupancy, 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*.
- 15.3 Every reference to this bylaw in this or another bylaw of the CVRD is a reference to this bylaw as amended to the date of the reference.
- 15.4 Every reference to:
- (a) the *Building Code* is a reference to the current edition as of the date of issuance of the *building 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.
- 15.5 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.

## Schedules

- 15.6 Schedules attached to this bylaw form part of this bylaw.

**PART 16**

**REPEAL**

16.1 “CVRD Bylaw No. 3422 – Building Regulation Bylaw, 2011” and all amendments thereto are hereby repealed.

READ A FIRST TIME this 22<sup>nd</sup> day of November, 2023.

READ A SECOND TIME this 22<sup>nd</sup> day of November, 2023.

READ A THIRD TIME this 22<sup>nd</sup> day of November, 2023.

ADOPTED this 22<sup>nd</sup> day of November, 2023.

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Corporate Officer

### Schedule A – Permit and Service Fees

The following values are to be used in calculating the *value of the work* as per s.10.7 of this Bylaw:

Non-refundable permit application fee (Value under \$50,000)	\$100
Non-refundable permit application fee (Value over \$50,000)	\$250
Main floor with full basement	\$165/sq ft
Main floor with crawlspace	\$135/sq ft
Main floor slab on grade	\$135/sq ft
Second floor	\$90/sq ft
Attached garage	\$50/sq ft
Accessory building	\$50/sq ft
Carport	\$30/sq ft
Deck	\$30/sq ft
Basement	\$60/sq ft
Farm Building of other than 'low human occupancy'	1% of total value
Farm Building of 'low human occupancy'	\$100
Manufactured homes, mobile homes and relocated buildings	\$80/sq ft
Plumbing Fixture	\$20 each
Storm, Sanitary or Water Service Inspection	\$35 per
Demolish or wreck a Building	\$100
Re-Inspection Fee	\$100
Campsite or Mobile Home Park Development	\$65/site
Renovations	1% of total value
Commercial, Industrial or Institutional project	1% of total value
Retaining Wall	1% of total value
LCRB Occupant Load Review	\$100
Routine Release of Building File Documents (Realtor Request)	\$25
Building File Review with Building Official	\$50 per hour or part thereof.
Revision or Amendment to an Existing Permit	\$50 per hour or part thereof.
Special Inspection described under Section 10.41	\$50 per hour or part thereof.
Permit Extension or Renewal	1% of the total value of work left to complete.
Fee to Remove Section 57 Bylaw Contravention Notice	\$300
Temporary Building	1% of total value
Security for Temporary Building	10% of total value
Fee applied to project started without Building Permit	Permit Fee x2
Fee reduction for certified building plans for a <i>simple building</i>	5% of total value
Fee reduction for certified building plans for a <i>complex building</i>	10% for total value

Schedule B – Climatic Data

Community	Climate Zone	Ss	Sr	Roof	Hr Wind	Hr Wind	Seismic	Degree Days below 18 <sup>c</sup>	High Water Mark	Flood Construction Level
		kPa/lbs	kPa/lbs	kPa/lbs	KpA 1/10	KpA 1/50				
Malahat/S.Shawn (300 m)	5	3.4 / 71	0.6 / 13	1.9 / 40	0.31	0.39	1.35	3,090	-	-
Mill Bay Village	4	2.3 / 48	0.4 / 8	1.7 / 35	0.31	0.40	1.35	2,980	-	-
Shawnigan Lake Village	5	2.4 / 50	0.3 / 6	1.6 / 34	0.31	0.40	1.25	3,040	116.5m	120.0m
Arbutus Ridge (65 m)	4	1.6 / 33	0.4 / 8	1.3 / 27	0.31	0.39	1.35	2,950	-	-
Cobble Hill	4	2.2 / 46	0.3 / 6	1.5 / 31	0.31	0.40	1.19	2,980	-	-
Cowichan Bay	4	2.0 / 42	0.4 / 8	1.5 / 31	0.31	0.40	1.18	2,980	-	See Flood Maps
Duncan	4	1.8 / 38	0.4 / 8	1.4 / 29	0.30	0.39	1.17	2,980	-	See Flood Maps
Sahtlam	5	2.7 / 56	0.4 / 8	1.9 / 40	0.28	0.36	1.17	3,050	-	See Flood Maps
Glenora	5	2.2 / 46	0.3 / 6	1.5 / 31	0.28	0.36	1.19	3,040	-	-
Paldi (230 m)	5	3.1 / 69	0.6 / 13	2.3 / 48	0.31	0.39	1.19	3,050	-	-
Honeymoon Bay	5	3.5 / 73	0.7 / 15	2.6 / 55	0.26	0.33	1.23	3,040	164.0m	167.33m
Youbou (185 m)	5	3.5 / 73	0.7 / 15	2.6 / 55	0.26	0.32	1.20	3,040	164.0m	167.33m
Saltair	4	2.4 / 50	0.4 / 8	1.8 / 37	0.31	0.40	1.10	2,920	-	-
North Oyster/Yellowpoint	4	2.3 / 48	0.4 / 8	1.7 / 35	0.31	0.40	1.07	2,920	-	-
Thetis Island	4	2.4 / 50	0.4 / 8	1.8 / 37	0.31	0.40	1.07	2,920	-	-

