



Surrey Building Bylaw, 2012, No. 17850

A bylaw to regulate the construction of buildings and
other structures in the City of Surrey in accordance with the
British Columbia Building Code

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CITY OF SURREY

BYLAW NO. 17850

A bylaw to regulate the construction of buildings and other structures in the City of Surrey in accordance with the British Columbia Building Code

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As amended by By-law No: 18123, 01/13/14; 18347, 01/12/15; 18579, 12/14/15; 18645, 02/22/16; 18971, 12/19/16; 19417, 12/18/17; 19524, 04/23/18

THIS IS A CONSOLIDATED BY-LAW PREPARED BY THE CITY OF SURREY FOR CONVENIENCE ONLY. THE CITY DOES NOT WARRANT THAT THE INFORMATION CONTAINED IN THIS CONSOLIDATION IS CURRENT. IT IS THE RESPONSIBILITY OF THE PERSON USING THIS CONSOLIDATION TO ENSURE THAT IT ACCURATELY REFLECTS CURRENT BY-LAW PROVISIONS.

- A. WHEREAS Section 694 of the *Local Government Act*, R.S.B.C. 1996, c. 323, as amended, authorizes the City of Surrey, for the health, safety and protection of persons and property, to regulate the construction, alteration, repair, or demolition of buildings and structures by bylaw;
- B. AND WHEREAS the Province of British Columbia has adopted a Building Code to govern standards in respect of the construction, alteration, repair and demolition of buildings in municipalities and regional districts in the Province;
- C. AND WHEREAS it is deemed necessary to provide for the administration of the Building Code.

The Council of the City of Surrey, in open meeting assembled, ENACTS AS FOLLOWS:

Part 1 – Introductory Provisions

Title

- 1. This Bylaw may be cited for all purposes as the "Surrey Building Bylaw, 2012, No. 17850".

Definitions

- 2. In this Bylaw:

"adequate vehicular access"

means a maintained public road meeting the applicable City Engineering Department standard, from which a boulevard crossing can be approved to serve the lot in question. The road shall be located within a highway allowance dedicated by plan or deed registered in the Land Title Office. Lanes shall not be considered adequate vehicular access unless a maintained public road serves the lot and vehicular access to the said lot is specifically permitted only from a lane abutting the lot.

"architect"

means an individual registered or licensed as a professional architect pursuant to the provisions of the *Architects Act*, R.S.B.C. 1996, c. 17, as amended.

"building"

means any structure used or intended for supporting or sheltering any use or occupancy either of a temporary or permanent nature.

"building area"

means "building area" as this term is defined in the Building Code.

"Building Code"

means the *British Columbia Building Code* as adopted by the Minister pursuant to Section 692 of the *Local Government Act*, R.S.B.C. 1996, c. 323, as amended or re-enacted from time to time.

"Building Official"

means the person appointed by Council as the General Manager of Planning and Development or the General Manager's duly authorized representative. The Building Official is the authority having jurisdiction for the purpose of this Bylaw.

"building review"

means a spot check by the Building Official of representative elements of a building or structure under construction.

"building value"

means the complete current worth of all construction related to a development, including, but not limited to foundations, structural members, framing, finishes, roofing, electrical, plumbing, drains, heating, air-conditioning, fire extinguishing systems, elevators and any other equipment and materials, all plans and specifications, labour and fees for design, testing, consulting, management,

contractors' profit and overhead, sales taxes, and insurance, all contributed labour and materials and site works and improvements not included in other permits.

"Certified Professional"

means a registered professional practising under the Surrey Certified Professional Program.

"City"

means the City of Surrey.

"complex building"

means:

- (a) a building used for a major occupancy classified as defined in the British Columbia Building Code as:
 - (i) assembly occupancy;
 - (ii) care or detention occupancy;
 - (iii) high hazard industrial occupancy; or

- (b) a building exceeding 600 square metres in building area or exceeding three storeys in building height classified as defined in the British Columbia Building Code as:
 - (i) residential occupancy;
 - (ii) business and personal services occupancy;
 - (iii) mercantile occupancy;
 - (iv) medium hazard industrial occupancy;
 - (v) low hazard industrial occupancy.

"construction"

means the process or activity by which any building or structure is erected, repaired, altered, renovated, added to, installed, demolished, removed or moved, or for which preparation is made by way of shoring or excavation.

"constructor"

means a person who contracts with, or otherwise agrees with or is obligated to an owner or his authorized agent to undertake a development and includes an owner who contracts for the work on a development or undertakes the work on a development or any part thereof.

"coordinating registered professional"

means a registered professional retained pursuant to the Building Code to coordinate all design work and field reviews of the registered professionals required for a development.

"Council"

means the municipal Council of the City of Surrey.

"designer"

means the person responsible for the design of a building.

"development"

means the carrying out of building, rebuilding, engineering, structural alterations of or additions to buildings or structures, in, on, over or under land, or the making of any material change in the use of any buildings, structures or land.

"engineer"

means a person registered or licensed as a professional engineer or geoscientist pursuant to the provisions of the *Engineers and Geoscientists Act*, R.S.B.C. 1996, c. 116, as amended.

"farm building"

means a building or part thereof which does not contain a residential occupancy and which is associated with and located on land devoted to the practice of farming and used for the housing of equipment or livestock, or the production, storage or processing of agricultural and horticultural produce or feeds.

"field review"

means a review of the work related to a building permit that a registered professional in his or her professional discretion considers necessary to ascertain as to whether the work substantially complies in all material respects with the drawings and supporting documents prepared by the registered professional for which a building permit is issued.

"General Manager, Engineering"

means the person appointed by Council as the General Manager of Engineering or a duly authorized representative.

"General Manager, Planning and Development"

means the person appointed by Council as the General Manager of Planning and Development or a duly authorized representative.

"hazardous lands"

means one or more of the following:

- (a) all areas of land designated as floodplain by the Provincial Government;
or
- (b) any lot or portion of a lot containing land within steep slopes that are a minimum of twenty percent (20%) gradient or greater; or
- (c) any lot or portion of a lot that falls horizontally within 30 m of the top or within 10 m of the bottom of a steep slope that is a minimum of twenty percent (20%) gradient or greater.

"Letters of Assurance"

means those letters of registered professionals in the forms set out in the Schedules of the Building Code.

"lot"

means land designated as a separate and distinct parcel of land on a registered subdivision plan or description filed in the records of the Land Title Office.

"major occupancy"

means the principal occupancy for which a building or part thereof is used or intended to be used and shall be deemed to include the subsidiary occupancies which are an integral part of the principal occupancy.

"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 the permission or authorization in writing by the Building Official to occupy a building for the accepted occupancy.

"owner"

means the registered owner in fee simple of a lot and includes:

- (a) the strata corporation in the case of a lot under strata ownership;
- (b) a registered holder of the last registered agreement of sale; and
- (c) all persons authorized to act for or on behalf of the registered owner of the lot.

"permit"

means a building permit.

"person"

means a person, proprietor, partnership, society, incorporated association, corporation or strata corporation.

"registered professional"

means an architect or engineer.

"simple building"

means any building other than a complex building.

"structure"

means construction of any kind whether fixed to, supported by or sunk into land, including, but not limited to, stadiums, sheds, platforms, display signs, tanks, poles, towers, swimming pools, windmills, chimney towers, communication equipment, fabric structures, satellite dishes, spires, decks over 600 millimetres above finished grade, and retaining walls and similar structures over 1.2 metres in height.

"Surrey Certified Professional Program"

means the program by which to administer a construction development whereby an owner retains a certified professional as set out in the Surrey Certified Professional Program manual.

"Zoning Bylaw"

means Surrey Zoning Bylaw, 1993, No. 12000, as may be amended or replaced from time to time.

Part 2 - Purpose of this Bylaw

3. This Bylaw has been enacted for the purpose of regulating construction within the City in accordance with the Building Code and in the interest of the general public. The activities undertaken by or on behalf of the City pursuant to this Bylaw are for the purpose of promoting the health, safety and protection of persons. The activities undertaken by or on behalf of the City pursuant to this Bylaw are not intended to include, nor does the purpose of this Bylaw extend to:
 - (a) the protection of persons, owners or constructors from economic loss;
 - (b) the assumption by the City or the Building Official of any responsibility for ensuring that any person, owner, or any employees, constructors or designers retained by the owner, build or construct in compliance with the Building Code, the requirements of this Bylaw or other applicable enactments;
 - (c) providing any person a warranty of design, materials or workmanship with respect to any building for which a permit or occupancy permit is issued;
 - (d) providing a warranty or assurance that construction undertaken pursuant to permits issued by the City is free from latent, or any, defects; and
 - (e) providing a warranty or assurance that any design or construction undertaken pursuant to permits issued by the City complies with the Building Code, the requirements of this Bylaw or other applicable enactments.
4. This Bylaw shall be interpreted in accordance with this Part.
5. The headings in this Bylaw have been inserted for reference only and are not intended to interpret, define, limit, alter or enlarge the meaning of any provision of this Bylaw.

Part 3 - Scope and Exemptions

6. This Bylaw applies to the design, construction and occupancy of new and existing buildings or structures in the City.
7. This Bylaw does not apply to buildings exempted by the Building Code, except as expressly provided herein.

Part 4 - Prohibitions

8. No person shall commence or continue any construction unless the Building Official has issued a valid and enduring permit for the work.
9. No person shall occupy or use any building unless a valid and enduring occupancy permit has been issued by the Building Official for the building, nor shall any person occupy or

use any building contrary to the terms of any occupancy permit issued or any notice given by the Building Official.

10. No person shall knowingly submit false or misleading information to the Building Official in relation to any application for a permit or any construction undertaken pursuant to this Bylaw.
11. No person shall, unless authorized in writing by the Building Official, reverse, alter, deface, cover, remove or in any way tamper with any notice, permit or certificate posted upon or affixed to a building pursuant to this Bylaw.
12. No person shall carry out any construction that is substantially at variance with the accepted design or permit drawings of a building, or other work for which a permit has been issued, unless that variance has been accepted in writing by the Building Official.
13. No person shall obstruct the entry of the Building Official, or other person authorized by the City, to any lot or building in relation to the administration of this Bylaw.

Part 5 - The Building Official

14. The duties created under this Part are internal, administrative duties only and create no obligation to any person.
15. The Building Official may keep records of permit applications, permits, notices and orders, which have been issued, and site visits and tests, which have been made, and may retain copies of all documents related to the administration of this Bylaw. Copies of such documents may be microfilmed or stored as electronic data.
16. The Building Official:
 - (a) may enter any lot or unoccupied building, at any reasonable time for the purpose of determining that the provisions of this Bylaw have been fulfilled;
 - (b) may enter an occupied building upon obtaining the consent of the occupant or upon providing written notice to the occupant 48 hours in advance of entry; and
 - (c) shall carry identification confirming his/her status as the Building Official.
17. The Building Official may withhold, or refuse to issue a permit where the results of tests of materials, devices, construction methods, structural assemblies or foundation conditions do not, in the opinion of the Building Official, demonstrate substantial compliance in all material respects with the Building Code or any other applicable enactment.
18. The Building Official may revoke a permit for one or more of the following reasons:
 - (a) violation of any of the conditions under which the permit was issued;

- (b) violation of any provisions of this or any other Bylaw;
 - (c) violation of any provisions of the Building Code;
 - (d) if any reason is found to exist which would have been cause for denial of such permit had it been known at the time of issuance of the building permit; or
 - (e) if any person has prevented or obstructed, or sought or attempted to prevent or obstruct, the entry of the Building Official onto the lot or into the premises in the course of carrying out his/her duties in relation to the administration of this Bylaw.
19. The Building Official may order the correction of any construction that is being or has been carried out in contravention of this or any other Bylaw.

Part 6 - Required Permits

20. A permit is required whenever construction regulated under this Bylaw is to be undertaken, except as otherwise provided in this Bylaw.
21. Every owner shall apply for and obtain:
- (a) a permit before carrying out any construction;
 - (b) a permit before moving a building;
 - (c) a permit before installing mechanical equipment or carrying out construction related to mechanical equipment;
 - (d) a permit prior to excavating, moving or removing any soil where such activity is not already covered by a soil permit, or exempted, in accordance with Surrey Soil Conservation and Protection Bylaw, 2007, No. 16389, as amended; and
 - (e) a permit and an occupancy permit to occupy a new or existing building, or part thereof, where a change of use is proposed.
22. When it is proposed to alter or replace materials or equipment which fall within the scope of this Bylaw or the Building Code, it is the responsibility of the owner to ensure that the proposed changes are in compliance with this Bylaw and the Building Code and also to obtain the necessary written acceptance or permits prior to commencement of the work.
23. Each building to be constructed on a lot requires a separate permit and shall be assessed a separate permit fee based on the building value as determined in accordance with the fee schedule set out in Schedule "A".
24. Prior to the issuance of a permit to erect or demolish a building on a lot that has previously been used for industrial or commercial purposes, the Building Official may

require the applicant to provide a site profile of the lot in accordance with the requirements of the *Environmental Management Act*, S.B.C. 2003, c. 53, as amended.

Part 7 - Permit Applications

25. An application for a permit with respect to a building or structure, shall be made on the permit application form, signed by the owner and shall include:
 - (a) a copy the of State of Title Certificate obtained from the Land Title Office for the lot on which the construction is proposed, and the said State of Title Certificate shall be dated no more than 30 days prior to the date of application;
 - (b) legible and reproducible design drawings at an appropriate scale;
 - (c) any additional design information, as may be deemed necessary by the Building Official;
 - (d) copies of approvals required under any applicable enactments; and
 - (e) a "Disposal of Excavated Materials" letter that documents the amount of excess soil that will be generated by the proposed building construction and the location, acceptable to the City, where the excess soil from the lot will be deposited.
26. When the Building Official considers that the site conditions, size or complexity of a development, or other aspect of a development so warrants, the Building Official may require that a registered professional provide Letters of Assurance, assuring the design, drawings and field reviews of the development.
27. The Building Official may waive the requirement to provide any of the design drawings referenced in Section 25(b) where, in the opinion of the Building Official, such drawings are not necessary for the application under consideration.
28. The Building Official may waive the submission of design drawings if the construction is sufficiently described in the building permit application, provided the building value of such construction does not exceed \$2,000.

Part 8 - Professional Plan Certification

29. Letters of Assurance shall be submitted to the City in accordance with provisions of the Building Code, as amended.
30. Where, in support of the application for the permit, Letters of Assurance have been submitted pursuant to Sections 26 or 29 and in accordance with Subsection 290(1) of the *Local Government Act*, R.S.B.C. 1996, c. 323, as amended, the Building Official will rely upon the certification of the registered professional that the design and plans submitted in support of the application for the permit comply with the Building Code and other applicable enactments.

31. Where Letters of Assurance have been submitted pursuant to Sections 26 or 29 and in accordance with Subsection 290(1) of the *Local Government Act*, R.S.B.C. 1996, c. 323, as amended, the permit shall include a written notice to the owner that the permit is issued in reliance upon the certification of the registered professional that the design and drawings submitted in support of the application for the permit comply with the Building Code and other applicable enactments. In accordance with Subsection 290(3) of the *Local Government Act*, R.S.B.C. 1996, c. 323, as amended, where such Letters of Assurance have been submitted the permit fee shall be reduced as set out in Schedule "A".
32. When a registered professional provides Letters of Assurance in accordance with Sections 26 or 29, he or she shall also provide written proof of professional liability insurance to the Building Official in the form provided by the Building Official, except that proof of professional liability insurance in respect of building envelope matters need not be provided if the owner grants to the City a covenant registerable under Section 219 of the *Land Title Act*, R.S.B.C. 1996, c. 250, as amended, requiring that the building envelope, in respect of which the registered professional of record has provided design or field review services, be monitored, maintained and repaired in accordance with the recommendations of the registered professional of record as set out in the covenant, and containing a full release and indemnity of the City in respect of claims of any nature arising from any defect in design, installation or performance of the building envelope.
33. Notwithstanding Sections 29, 30, 31 and 32 neither the granting of a permit, nor the acceptance of the designs submitted, nor any building reviews made by the Building Official, shall in any way relieve the owner of full responsibility for ensuring that the construction be in substantial compliance with the requirements of the Building Code, this Bylaw and other applicable enactments.

Part 9 – General Permit Conditions

34. Neither the issuance of a permit under this Bylaw nor the review or acceptance of drawings or specifications or supporting documents by the Building Official constitute in any way a representation, warranty, assurance or statement that the Building Code, this Bylaw and other applicable enactments have been complied with.
35. Neither the issuance of a permit under this Bylaw, nor the review or acceptance of drawings or specifications or supporting documents, nor building reviews made by the Building Official, shall in any way relieve the owner of such building from full responsibility for carrying out the construction or having the construction carried out in full accordance with the requirements of the Building Code, this Bylaw and other applicable enactments.

Part 10 – Drainage and Fill Conditions

36. When the Building Official designates that a given lot must have a zero increase in the rate of storm water run-off for any development, an engineer shall:

- (a) provide a professional assurance to the City of the rate of run-off on the lot, prior to any development;
 - (b) show clearly on drawings submitted for a permit, how it is proposed to attain and maintain a zero increase in the rate of run-off on the lot;
 - (c) where required by the Building Official, produce engineering calculations showing that a zero increase in the rate of run-off can be attained by developing the lot in the manner set out in the application for a permit; and
 - (d) design and carry out field reviews of the construction as it relates to necessary on-site facilities and/or detention in order to maintain a zero increase in the rate of run-off, and provide a professional assurance that a zero increase in the rate of run-off will be achieved.
37. The owner shall be responsible for maintaining any drainage system referred to under Section 36 and a restrictive covenant to this effect shall be registered at the Land Title Office against the title of the lot.
38. Where fill is placed upon a lot for any reason, the owner shall construct drainage controls to prevent an increase in the discharge of storm water run-off onto adjacent properties.
39. Where fill is placed upon a lot for preload purposes, the owner shall deposit with the City a security at the same rate as required by the Surrey Soil Conservation and Protection Bylaw, 2007, No. 16389, as amended, to ensure that preload is disposed of in accordance with the said Bylaw.
40. All lots zoned for single family residential use, as defined in the Zoning Bylaw, shall discharge all rainwater leaders to an approved splash pad at grade. No rainwater leaders shall discharge directly into the foundation drain or main storm discharge system unless approved by the Building Official.

Part 11 - Permit Fees

41. In addition to applicable fees and charges required under other bylaws, a permit fee, calculated in accordance with the fee schedule set out in Schedule "A", shall be paid in full, prior to issuance of any permit.
42. The appropriate permit fee, as set out in Schedule "A", shall accompany a permit application. Where the appropriate permit fee cannot readily be determined at the time of application, a plan processing fee shall accompany a permit application. The plan processing fee, equal to 35% of the estimated building permit fee, is non-refundable and shall be credited against the permit fee, which shall be collected in full before the permit is issued.

43. The valuation of construction set out in the application for a permit shall be the total current monetary worth of all construction or work related to the building or structure, and shall include:
- (a) site preparation and civil work including excavation and the use of hoisting, pile driving, compaction or erection devices;
 - (b) all design documents, labour and fees involved in the design, investigative testing, consulting services, construction labour and management, even if provided by the owner, or donated voluntarily by others, contractor's profit and overhead, sales taxes and construction insurance; and
 - (c) all mechanical, electrical, plumbing, drainage and gas installations necessary for the carrying out of the construction to its completed form.
44. The Building Official shall use the "Marshall Valuation Services" publication with their updated "current cost multiplier", and "current multipliers for the Vancouver regional costs", or such other universal source of calculating valuation as the Building Official deems practical and expedient to assess the building value.
45. An application may be cancelled and the plan-processing portion of the permit fee forfeited, if the permit cannot be issued within 180 days of the date of written notification to the owner regarding deficiencies, which may include any outstanding permit fees.
46. When an application is cancelled, the plans and related documents submitted to the City with the application may be destroyed by the City.
47. A portion of the permit fees, as set out in Schedule "A", may be refunded when a valid permit is surrendered and cancelled before any construction begins, provided:
- (a) the refund shall not include the plan processing fee; and
 - (b) no refund shall be made where construction has begun.
48. For each stage of construction, as set out in Part 15, where more than two building reviews by the Building Official are necessary when one building review is normally required, for each building review after the second building review, a re-attendance fee, as set out in Schedule "A", shall be paid prior to the scheduling of each such additional building review.
49. For a required building review requested to be done after the hours during which the offices of the City are normally open, an attendance fee shall be payable based on the fees set out in Schedule "A".

Part 12 – Issuance of Permits

50. No permit shall be issued unless the building to be constructed will be located on a lot:

- (a) with adequate vehicular access;
 - (b) that is serviced by City sanitary sewer or where the installation of a private sewage disposal system has been authorized by the Province; and
 - (c) that is serviced with a water service from a City water main or has a proven private source of water on the lot, meeting the *Guidelines for Canadian Drinking Water Quality*, as amended.
51. The Building Official shall issue a permit when:
- (a) a completed permit application, including all required supporting documentation has been processed and accepted;
 - (b) the information submitted as part of the permit application adequately demonstrates that the proposed work will substantially conform with the Building Code, this Bylaw and other applicable enactments;
 - (c) all applicable fees have been paid; and
 - (d) no other applicable bylaws or enactments require that the City withhold the permit.
52. A permit shall lapse and the rights of the owner under the permit shall terminate if the building foundation is not poured within six months from the date of issuance of the permit. Where excavation on a site has occurred under a permit that has subsequently lapsed, the owner shall restore the site to its original grade with suitable fill within 60 days of the date when notice in writing was issued to the owner by the Building Official.
53. The Building Official may extend the period of time set out under Section 52 upon payment of the extension fee, as set out in Schedule "A". The permit may be extended under this section by intervals of six months; however, in no case shall such extensions exceed an aggregate of 24 months from the original date that the permit was issued.
54. The Building Official may issue a permit for a portion of a building before the documentation for the entire building has been accepted, provided sufficient information has been provided to the City to demonstrate to the Building Official that the portion of the building accepted for construction substantially complies with the Building Code, this Bylaw and other applicable enactments and the permit fee applicable to that portion of the building has been paid. Notwithstanding the issuance of the said permit, the requirements of this Bylaw apply to the remainder of the building as if a permit for any other portion of the building had not been issued.

55. A permit shall not be issued under this Bylaw if a building or other structure, the use of which does not conform to the provisions of the Zoning Bylaw, is damaged or destroyed to the extent of 75% or more of its value above its foundations as determined by the Building Official, and it must not be repaired or reconstructed, except for a conforming use in accordance with the Zoning Bylaw, in which case a permit may be issued for the repair or reconstruction that is a conforming use in accordance with the Zoning Bylaw.

Part 13 - Disclaimer of Warranty or Representation

56. Neither the issuance of a permit under this Bylaw, the acceptance of the documentation, the undertaking of plan reviews and building reviews made by the Building Official, nor acceptance arising there from, shall constitute a representation or warranty regarding the building's compliance with the Building Code, this Bylaw and other applicable enactments or that the building meets any standard of materials or workmanship and no person shall rely on any of those acts as having established compliance with the Building Code, this Bylaw and other applicable enactments.

Part 14 - Responsibility of the Owner

57. It is the full and sole responsibility of the owner to carry out the construction for which a permit was issued, in compliance with the Building Code, and this Bylaw and other applicable enactments.
58. The owner shall:
- (a) obtain, where applicable, permits relating to construction, prior to the commencement thereof; and
 - (b) allow the Building Official to enter any lot, building or premises at any reasonable time for the purpose of administering this Bylaw.
59. The owner to whom a permit is issued shall be responsible for the cost of repair of any damage to City property that occurs as a result of anything associated with that construction.
60. Where the building value exceeds \$20,000.00, or where the permit is issued for the demolition of a building, prior to receiving such permit the owner shall deposit with the City a damage deposit of \$2,500.00 per permit, to a maximum of \$10,000.00 per lot, as security against damage incurred to City property or services caused by or as a result of anything associated with that construction.
- 60.1 Unless otherwise agreed to between the City and the owner, the owner, at the time of making the damage deposit, agrees that the City property and services abutting the owner's lot are free from debris, dirt, damage or defect and that any subsequent debris or dirt upon, or damage or defect to, City property or services is the owner's responsibility

- 60.2 The damage deposit provided to the City pursuant to Section 60 does not relieve the owner of responsibility for the cost of repairing damage to City property or services in excess of the deposit amount held by the City. Should the cost of any repair work to City property or services exceed the deposit amount held by the City, the owner shall submit to the City an amount equal to the excess costs incurred by the City in repairing the damages
61. The deposit of any debris or dirt upon, or damage or defect to, City property or services, shall be remedied, removed or repaired to the satisfaction of the General Manager, Engineering. Failure by the owner to carry out all work deemed necessary by the City shall cause the withholding of the occupancy permit and/or forfeiture of such amounts of the damage deposit as is necessary to complete such work.
62. Subject to Section 62.2, upon completion of construction, the amount of the damage deposit not used by the City for repairs to City property or services shall be returned to the party from whom the damage deposit was received.
- 62.1 The owner to whom a permit is issued shall be responsible for:
- (a) arranging for an inspection by the City to determine if there has been any damage to City property or services;
 - (b) carrying out all work deemed necessary by the City to repair any damage to City property or services;
 - (c) obtaining all applicable permits prior to commencing the work; and arranging for subsequent inspections by the City to determine if the damages have been repaired to the satisfaction of the General Manager, Engineering.
- 62.2 If an occupancy permit has not been issued for the construction or if the owner does not fulfill the requirements of Section 62.1, then the full amount of the damage deposit will be forfeited to the City four years from the date the deposit was received by the City and the City will be under no obligation to notify the owner or any other person of this forfeiture. The City will be under no obligation to use the forfeited monies to repair the damage to City property or services
- 62.3 In the case of a permit issued for a complex building or a phased development, or a permit that has been extended under Section 53, the owner may request and the Building Official may extend the period of time set out in Section 62.2.
63. During construction, the owner shall:
- (a) post and maintain the address card in a conspicuous place on the lot in respect of which the permit was issued; and
 - (b) have a copy of the accepted permit plans, specifications and any alternative solution reports related to the permit on the site and available at the time of a building review by the Building Official.
64. Prior to occupying the building, or part thereof, the owner shall post the civic address in a conspicuous place on the front of the premises, or on a sign post, so that it may be easily

read from the street. For lots with a coach house the owner shall also post the civic address on a conspicuous place on the rear of the premises, or on a sign post, so that it may be easily read from the lane.

Part 15 - Construction

65. For simple buildings, regardless of whether or not a registered professional has provided Letters of Assurance for the development, the Building Official's acceptance of the following stages of construction is required before commencement of the subsequent stage:
- (a) after the forms for the footings or foundation walls are complete, but prior to the placing of any concrete;
 - (b) after the installation of perimeter foundation drain piping, and damp proofing, but prior to backfilling;
 - (c) after preparation of the subgrade, but prior to pouring the concrete floor slab;
 - (d) after the rough in of factory-built chimneys and fireplaces and solid fuel burning appliances;
 - (e) when the framing, sheathing, exterior doors, windows and roof membrane are completed, including the installation of any fire stopping, bracing, chimney and duct work construction, rough wiring, gas venting and rough plumbing, but before installation of the insulation or the application of an interior or exterior finish which would conceal such work;
 - (f) when the insulation has been installed and the vapour barrier applied, but before any interior or exterior finish is applied that would conceal the insulation and vapour barrier; and
 - (g) when the building is substantially complete and ready for occupancy, but before occupancy of any part of the building.
66. For simple buildings, the owner shall give at least 24 hours (one working day) notice to the City when requesting that the Building Official attend the site. No aspect of the work listed in Section 65 shall be concealed until the Building Official has accepted that aspect of the work in writing.
67. For simple buildings, whether or not a registered professional has provided Letters of Assurance for the development, the Building Official will conduct an occupancy building review before issuing an occupancy permit for the building.
68. For complex buildings, no aspect of the work referred in Section 65 of this Bylaw shall be concealed until the registered professional responsible for that aspect of the work has

approved the work in writing, submitted the necessary documentation to the City, and the Building Official has accepted the approval of that aspect of the work in writing.

69. For any building or structure, for which a registered professional provides Letters of Assurance in accordance with this Bylaw and the Building Code, the City shall rely solely on field reviews undertaken by the registered professional as assurance that the design and construction of the components of the drawings and supporting documents prepared by the registered professional in support of the application for the permit, substantially comply with the Building Code and other applicable enactments.
70. Notwithstanding Section 69 of this Bylaw, the Building Official may attend the site from time to time during the course of construction to observe the progress of the construction in the context of the field reviews provided by the registered professionals.

Part 16 - Occupancy Permits

71. The owner shall give at least 48 hours (two working days) notice and provide Letters of Assurance, where required, and supporting documents to the City when requesting that the Building Official issue an occupancy permit for a building or part of a building.
72. The owner shall give at least 48 hours (two working days) notice and provide Letters of Assurance, where required, and supporting documents to the City when requesting that the Building Official issue a letter of acceptance with respect to substantial completion of a shell building.
73. No person shall use or occupy a building or part of a building until an occupancy permit has been issued.
74. The Building Official may issue an occupancy permit for a building, or part of a building, prior to completion of the building provided:
 - (a) the occupancy of the building, or part of the building, would not jeopardize the lives, property or the health of any persons;
 - (b) the exterior cladding of the building is complete; and
 - (c) the owner has deposited a security with the City, in a form satisfactory to the City, which is equivalent to two times the estimated cost of completing all the unfinished work as determined by the Coordinating Registered Professional or as otherwise accepted by the City, and provided a guarantee through submission of an acceptable declaration that the unfinished work will be completed within a specific time frame.
- 74.1. The deposit provided to the City pursuant to Section 74(c) does not relieve the owner of responsibility for completing all unfinished work within the specified time frame.

- 74.2. The owner to whom a permit is issued pursuant to Section 74 shall be responsible for arranging for subsequent inspections by the City to determine if the unfinished work has been completed to the satisfaction of the Building Official. The applicable re-inspection fees must be paid to the City in advance of the inspection.
- 74.3. If the unfinished work has not been completed within the specified time frame, the City may, but is not obligated, to carry out all or any portion of the unfinished work at the expense of the owner. Should the cost of any work carried out by the City exceed the deposit amount held by the City, the owner shall submit to the City an amount equal to the excess costs incurred by the City in carrying out the work.
- 74.4. Subject to Section 74.5, upon completion of all unfinished work, the amount of the deposit not used by the City to carry out any of the work shall be returned to the party from whom the deposit was received.
- 74.5. If the unfinished work has not been completed within the specified time frame or if the owner does not fulfill the requirements of Sections 74.1 or 74.2, then the full amount of the deposit will be forfeited to the City 12 months after the specified time frame has lapsed and the City will be under no obligation to notify the owner or any other person of this forfeiture. The City will be under no obligation to use the forfeited monies to remedy any default of the owner.
75. The occupancy permit may not be issued until all required Letters of Assurance and other applicable documents have been received and accepted by the Building Official.

Part 17 - Certified Professional Program

76. The Building Official may designate a registered professional as a Certified Professional subject to the registered professional satisfying the following:
- (a) completion of a course or courses recognized by the Building Official concerning the Building Code, this Bylaw, other bylaws and applicable standards of building design, construction and site review; and
 - (b) demonstration, through examination or as otherwise directed by the Building Official, of a level of competency in respect of the matters to which Section 76(a) refers.
77. A Certified Professional providing the City with forms of assurance, in accordance with the City of Surrey Certified Professional Program Insert or Certified Professional Letters of Assurance, shall also provide proof of insurance in an amount and form satisfactory to the City.
78. The Building Official may decertify a registered professional from practicing as a Certified Professional in the City if the registered professional:

- (a) is no longer licensed as a registered professional in the Province of British Columbia;
 - (b) fails to demonstrate the level of competence required for qualification;
 - (c) submits any required documentation, which is in any material way inaccurate or misleading;
 - (d) fails to disclose in a timely manner to the Building Official any significant variation or change to the design or construction of a building; or
 - (e) fails to satisfactorily perform any duties or obligations required by this or other bylaws.
79. The Building Official may accept a construction development for processing under the Surrey Certified Professional Program, provided that:
- (a) the building document plans have been reviewed by the Certified Professional for compliance with requirements of Division A, Division B, Parts 1 and 3 and Division C of the Building Code, relevant bylaws and standards; and
 - (b) the permit application has been prepared as stated in the Certified Professional Program Manual and includes all required Letters of Assurance, any required confirmations with respect to the development and certification of Building Code coordination.
80. A Certified Professional shall, in respect of the development for which a permit was issued under the Certified Professional Program and in addition to any other applicable responsibilities:
- (a) review, in advance of any tenant improvement permit application, any tenant improvement work constructed prior to substantial completion of the shell of the building;
 - (b) review for adequacy and acceptability, any report concerning testing and field reviews related to the development and maintain a detailed record of such reports and, if requested, make these available to the Building Official;
 - (c) advise the Building Official promptly, in writing, if any matter of design, construction or field review does not meet the requirements of the Building Code, this Bylaw and/or other applicable enactments; and
 - (d) at least once every 30 days from the date of issuance of a permit, submit to the Building Official a written progress report together with copies of the field review reports from each registered professional involved in the development.

81. The Building Official may post a stop work notice or revoke a permit under the Certified Professional Program in any of the following circumstances:
- (a) if the Certified Professional ceases to be retained by the owner, resigns or is otherwise unable or unwilling to carry out field reviews or other duties related to the development for which a permit was issued under the Certified Professional Program. Under such circumstances the certified professional shall promptly notify the Building Official in writing of the date upon which he/she will cease his/her involvement;
 - (b) if the Certified Professional is no longer licensed as a registered professional in the Province of British Columbia;
 - (c) if the Certified Professional fails to perform any of his/her duties or obligations under this Bylaw; or
 - (d) if a document required by this Bylaw or under the Certified Professional Program is not delivered by the Certified Professional within the time frame specified in this Bylaw.
82. Where a permit is revoked pursuant to Section 81, only work necessary, as authorized by the Building Official to remove any hazards or to mitigate damage arising from exposure to the elements, shall be undertaken on the development unless otherwise specifically authorized by the Building Official. Work on the development shall not resume until the Building Official has received written notice from a Certified Professional that:
- (a) the Certified Professional has been retained by the owner for the continuation of construction of the building;
 - (b) the Certified Professional has reviewed the building and certifies that the building, as constructed up to that point, substantially complies with the Building Code, this Bylaw and other applicable regulations and has been constructed in accordance with the approved plans; and
 - (c) the Certified Professional will carry out the duties of the Certified Professional that are required in order to bring the building to completion and to certify substantial compliance with the Building Code, this Bylaw and other applicable regulations and that construction will be in accordance with the previously approved plans.
83. Nothing herein contained shall in any way relieve the owner, or the Certified Professional of record for the development, from full responsibility for ensuring that the building or structure is in substantial compliance with the Building Code, this Bylaw and other applicable enactments.

84. Where the Building Official accepts a permit application and assurance from a Certified Professional for a development, the Building Official will rely on the certifications issued by the Certified Professional and other registered professionals, that the drawings will meet the requirements of the Building Code.

Part 18 - Moving of a Building

85. No person shall move any building without first obtaining a permit.
86. Every application for a permit to move a building shall identify the lot from which the building is to be moved and the lot to which the building is to be moved. Authorization to use the public streets for such a move shall be obtained from the General Manager, Engineering, prior to the issuance of a permit.
87. A demolition permit is required for the removal of the existing foundation and the disconnection of City services.
88. An electrical permit is required for disconnection of the electrical service connection to the building to be moved.
89. No building or portion of a building that is to be used for a residential occupancy may be moved into the City unless the building:
- (a) has never been occupied;
 - (b) is a manufactured home as defined in the Zoning Bylaw; and
 - (c) is placed on a lot that lists manufactured homes as a permitted use in the Zoning Bylaw.
90. A building may be moved within the City provided:
- (a) the building is not older than the majority of the buildings situated on lots within 155 metres of the lot to which the building is proposed to be located; and
 - (b) the building is architecturally compatible, in the opinion of the Building Official, with the majority of the buildings situated on lots within 155 metres of the lot to which the building is proposed to be located.
91. A building that does not conform to the requirements of Section 90(b) may be moved pursuant to the provisions of this Part if the owner:
- (a) submits plans showing the changes required in order to make the building architecturally compatible with the majority of the buildings situated on lots within 155 metres of the lot on which the building is proposed to be located; and

- (b) deposits with the City, security in the amount of the estimated cost of changes required to make the building compatible as hereinbefore provided and to complete any other work required under this section. In the event that the required work is not completed within one year from the date of the permit, such deposit shall be forfeited to the City and the City may give the owner notice to have the premises vacated and to move the building from the lot to which it had been moved.
92. The provisions of Sections 90 and 91 shall not apply if:
- (a) the building being moved is to be used as a dwelling;
 - (b) the lot onto which the building is to be moved is:
 - (i) located within the Agricultural Land Reserve;
 - (ii) designated "Agricultural" in Surrey Official Community Plan Bylaw, 2013, No. 18020, as amended, ;
 - (iii) zoned to permit agricultural uses;
 - (iv) a minimum of 2.0 hectare in area; and
 - (c) the moved building is sited such that it has a minimum separation of 100 metres from every point along the boundary separating lands designated "Agricultural" in the Surrey Official Community Plan Bylaw, 2013, No. 18020, as amended from lands with any other Official Community Plan designation.
93. No building shall be moved unless the owner of such building has entered into an agreement with the City to complete all required work at its new location in compliance with the Building Code, this Bylaw and all other applicable enactments and provides to the City a security in a form satisfactory to the City equal to the value of such work. All work shall be completed within one calendar year from the date of the permit.
94. Notwithstanding Sections 90, 91 and 93, a building that is the subject of a heritage revitalization agreement, which contemplates the move of the building, may be moved in accordance with the conditions of the heritage revitalization agreement to a location within the City.

Part 18A Hazardous Lands

- 94.1 Prior to the issuance of a building permit for work within *hazardous lands*, where the proposed work constitutes a subdivision, land alteration or land clearing activity, or construction of, addition to, or alteration of, *buildings* or *structures*, the owner shall:
- (a) provide a copy of any required Hazard Land Development Permit; and

- (b) register and provide a copy of any required covenants, pursuant to Section 219 of the *Land Titles Act*, ensuring any issues regarding construction on steep slopes or in floodplains are addressed and are acceptable to the City of Surrey.
- 94.2 Notwithstanding Section 94.1, it is the responsibility of the property owner to ensure that *buildings* or *structures* will be safe from water, including, but not limited to, any infiltration or water action caused by surface runoff or underground seepage etc.
- 94.3 Notwithstanding Section 94.1, it is the responsibility of the owner to ensure that *buildings* or *structures* will be safe from unstable slope conditions, either above or below the proposed development, and whether caused by development or not.
- 94.4 No habitable *building* shall be constructed, reconstructed, moved or extended so as to have a minimum floor elevation of less than 0.3 metres (0.98 feet) above the 100 year return hydraulic grade level (as determined by a registered member of the Association of Professional Engineers and Geoscientists (APEG) of British Columbia) of the storm sewer, ditch, pond or other drainage facility to which it drains.
- 94.5 The minimum elevation of a *building* or *structure* shall be taken at the underside of the lowest floor joists or the top of slab elevation for slab-on-grade construction, or whichever is lower, supporting any space or room, that is used for:
- (a) habitable purposes:
 - (b) public assembly; or
 - (c) business.
- 94.6 For buildings housing livestock, the following regulations apply:
- (a) open-sided livestock *buildings* or *structures*: do not require flood proofing by elevation; and
 - (b) closed-sided livestock *buildings* or *structures*: shall be located with the underside of the wooden floor system or the top of the pad no lower than one metre (1.0 m) above the natural ground elevation surrounding the building or structure.
- 94.7 The installation of major electrical switchgear, furnaces or other fixed equipment susceptible to damage by water must be at or above the floodplain elevation, as designated by the Provincial Government.

Part 19 - Penalties and Enforcement

95. Any person who contravenes any provision of this Bylaw commits an offence punishable on summary conviction and shall be liable to a fine of not more than \$10,000.00 or to imprisonment for not more than six months.

96. Any person who fails to comply with any order or notice issued by the Building Official, or who allows a violation of this Bylaw to continue, contravenes this Bylaw.
97. The Building Official may post a stop work notice where work is proceeding in contravention of the Building Code or this Bylaw.
98. The owner of a lot on which a stop work notice has been posted, and every other person, shall cease all construction activities on the lot immediately. No work shall be done on the lot except that which the Building Official agrees, in writing, is necessary to remove hazards or to mitigate undue damage arising from exposure to the elements. Work on the site, in general, may only resume once compliance has been achieved in respect of all applicable provisions of this Bylaw and the Building Official has rescinded, in writing, the stop work notice on the lot.
99. Where a person occupies a building or part of a building in contravention of this Bylaw, the Building Official may post a no occupancy notice on the affected part of the building.
100. No owner or person shall occupy a building or part of a building upon which a no occupancy notice has been posted, or a building that has not received an occupancy permit.
101. Every person who commences construction that requires a permit pursuant to this Bylaw without first obtaining the permit shall, in advance of the issuance of the permit by the Building Official and in addition to the normal permit fee payable in accordance with Schedule "A", pay an additional charge equal to 100% of the permit fee.
102. Fees or charges assigned under this Bylaw which remain outstanding for 60 days may then be assigned to the lot and recovered in like manner as municipal taxes.

Part 20 - Severability

103. If a portion of this Bylaw is held invalid by a court of competent jurisdiction, then the invalid portion must be severed and the remainder of this Bylaw is deemed to have been adopted without the severed section, subsection, clause or phrase.

Part 21 - Commencement and Transitional Provisions

104. This Bylaw will come into force on January 15, 2013.
105. If a complete application for a permit, including, among other requirements, all necessary plans, documentation and fees, has been received by the City prior to January 15, 2013, then the provisions of Surrey Building Bylaw, 1987, No. 9011, as amended, will apply to the construction that is the subject of the permit, provided that the construction is started within six months from the date of issuance of the permit. If the construction is not started within six months from the date of issuance of the permit, then the permit will

become void and the provisions of this Bylaw will apply to any subsequent application for a permit.

Part 22 - Repealed Bylaws

106. The following bylaws are hereby repealed:

"Surrey Building By-law, 1987, No. 9011" and all amending by-laws thereto.

107. Despite the repeal of the bylaws set out in Section 106, if this Bylaw provides for the continued application of the bylaws, the bylaws are deemed to be continued for this purpose.

PASSED FIRST READING on the 10th day of December, 2012.

PASSED SECOND READING on the 10th day of December, 2012.

PASSED THIRD READING on the 10th day of December, 2012.

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk and sealed with the Corporate Seal on the 14th day of January, 2013.

_____MAYOR

_____CLERK

Schedule "A"
"Surrey Building Bylaw, 2012, No. 17850"

(All fees are subject to applicable taxes)

A. Building Fees

<u>1. Building Permits</u> Before receiving a building permit for any building or structure, the owner shall pay to the City the following fee:	
(a) Minimum permit fee for the first \$1,000 of building value for other than tenant improvement permits	\$50.00
(b) Minimum permit fee for commercial and industrial tenant improvement permits for the first \$1,000 of building value	\$182.00
(c) For each subsequent \$1,000 of building value or portion thereof over \$1,000 and up to a value of \$200,000	\$11.12
(d) (For each subsequent \$1,000 of building value or portion thereof over \$200,000 and up to a value of \$500,000	\$9.16
(e) For each subsequent \$1,000 of building value or portion thereof over \$500,000	\$8.37
<u>2. Ancillary Permits and Services</u>	
(a) For site visit, inquiry or feasibility study prior to the moving of a building or structure	\$175.00
(b) For demolishing a building or structure	\$178.00
(c) For the erection of any auxiliary space heating appliances and appurtenances or chimney	\$94.00
(d) For transfer of a building permit owner or builder	\$88.00

(e) Where a permit has been released and the owner desires to make changes to the drawings:	\$261.00 per hour (one hour minimum)
(f) For review of alternative solution reports	\$531.00
(g) Extension of building permits	\$88.00
(h) Replacement of building permit drawings	\$17.82 per sheet
(i) Comfort Letters	
(i) Residential	\$189.00
(ii) Multi-residential/Commercial/Industrial Base	\$270.00
(iii) Per Unit (Additional)	\$151.00
(iv) Others (i.e., Environmental)	\$205.00
(j) Building Records research	
(i) Copy of Building Permit (Includes Issuance Date)	\$20.00
(ii) Square footage of building	\$20.00
(iii) Final occupancy date	\$20.00
(iv) Copy of Survey Certificate	\$20.00
(v) Oil/Gas/Septic tank	\$20.00
(vi) Inspection Notes	\$20.00
(vii) Access to Plans/Drawings (Commercial/Industrial/Multi-family)	\$20.00 \$37.00
	per hour (1 hour minimum)
(k) Strata Conversions	\$863.00
(l) Permit Fee – Tent: For Event tents larger than 20' x 20' (400 square feet)	\$150.00
(m) Permit Fee – Solar Panel	\$150.00

(n) Minor building field design/construction revisions	\$50.00
(i) Submission of <i>revised drawings</i> Prior to <u>issuance of permit</u> :	\$150.00
(ii) New drawings submitted when a Permit is <u>“ready for issuance” (or issued)</u> :	
a) Where only 35% of the estimated Building Permit Fees have been paid, an additional 15% of the total permit fees owing on the “ready for issuance” permit will be collected. If new Drawings are submitted, a new Building Permit fee estimate will be calculated and the minimum 35% of this amount will be required as payment, prior to review;	
b) Where the full amount of the estimated Building Permit Fee has been paid, a credit of 50% of the paid amount will be credited towards the estimated amount owing for issuance of a new Building Permit. The required minimum payment will be 35% of the net amount owing after the credit has been applied, and;	
c) Where a permit application is cancelled, the 35% fee is non-refundable.	

B. Fee Reduction Pursuant to Subsection 290(3) of the *Local Government Act*, R.S.B.C. 1996, c. 323, as amended

Building permit fees will be divided into two portions, plan review for 35% of the estimated building permit fees and attendance charges for 65% of the estimated building permit fees. Where one or more letters of assurance from a registered professional are required, the plan review portion is to be reduced by 10% to a maximum deduction of \$500.00.

C. Site Visit Fees

1. <u>Site Visit Requests</u> Where an owner requests a building review not provided for in the fee schedule, the fee shall be:	
(a) during normal working hours	\$160.00 per hour (one hour minimum)

(b) after hours during which the offices of the City hall are normally open, the fee, in addition to other required fees, to be based on the time actually spent in making such site visit, including travelling time	\$654.00 plus \$162.00 per hour for each hour or part thereof beyond the first four hours
<u>2. Site Re-Visit Requests</u> (a) A site re-visit fee will be imposed whenever a building review was called for and the work to be reviewed was not ready for building review. Building reviews not ready shall be deemed to include any review called for where the work to be reviewed was not complete or where there was a substantial number of deficiencies which indicated that the work was not checked over prior to calling for review	\$160.00
(b) For second and further site visit subsequent to a site re-visit in paragraph (a)	\$160.00 per site visit
<u>3. Community Care Facilities</u>	\$122.00

D. Refunds

Where a building permit or application is cancelled, a refund on permit fees will be issued on the following basis:

1. Where a permit has been applied for, but not issued and the plans have been reviewed:	65%
2. Where a permit has been issued, but where construction has not started:	50%