

AGENDA

Regular Meeting of Council

Tuesday, December 9, 2025, 6:00 p.m.
Council Chambers, 400 Centre Road, Lions Bay
And Via Zoom Video Conference

Zoom Invite Link: <https://us02web.zoom.us/j/2780145720>
To join via phone, dial 778-907-2071 | Meeting ID: 278 014 5720

We are privileged to be meeting and doing work on behalf of the residents of Lions Bay on the traditional unceded territory of the Squamish and Musqueam Nations.

Pages

1. Call to Order

2. Closure of Council Meeting

Proposed topics for discussion in the absence of the public:

1. Contract

Recommendation:

THAT the meeting be closed to the public on the basis of matters to be considered under the following sections of the Community Charter and where required, the Council does consider that the matters could reasonably be expected to harm the interests of the municipality if they were held in public:

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

3. Reporting out from Closed portion of Meeting

4. Adoption of Agenda

Recommendation:

That the Agenda of December 9, 2025, be adopted.

5. Public Participation

6. Delegations

6.1 Charlie Bradbury - Draft Building Bylaw and Bird Friendly Provisions

Ms. Bradbury has been invited to speak to the commitments of the Municipality's Bird Friendly designation and how they may relate to the draft Building Bylaw.

- For information

7. Approval of Minutes of Prior Meetings

7.1 Regular Meeting of Council - December 2, 2025

Recommendation:

THAT the Regular Meeting of Council Minutes of December 2, 2025, be approved.

8. Business Arising from the Minutes

9. Unfinished Business

9.1 Building Bylaw No. 649, 2025 14

Draft Building Bylaw for Third reading.

- For decision

Recommendation:

THAT Building Bylaw No. 649, 2025, be granted Third reading.

9.2 Fees Bylaw No.497, 2016, Amendment Bylaw No.656, 2025 76

Schedule 6 – Community Facility Rentals has been amended in response to community feedback and an internal review which identified unintended discrepancies in the recently updated fee structure.

- For adoption

Recommendation:

THAT Fees Bylaw No. 497, 2016, Amendment Bylaw No. 656, 2025 be adopted.

9.3 Action Items Log 108

A list of ongoing action items.

- For information

10. Reports

10.1 Staff

10.1.1 Development Variance Permit Application 25-04 109

Development Variance Permit Application presented by Chief Administrative Officer Ross Blackwell.

- For decision

(1) Applicant Rationale

(2) Sketch Plans

Recommendation:

THAT Council approve the issuance of Development Variance Permit No. DVP 25-04 to vary Section 7.8.1 of Zoning and Development Bylaw No. 520, 2017 to permit the maximum permitted height for a flat roof to be varied from 7.5 metres to 8.7 metres for the property located at 242 Panorama Place, as generally in accordance with the plans attached to this report.

10.1.2 Solid Waste Collection 123

Recommendation:

THAT Council endorse the BEARCART OPTIONAL approach for

inclusion in the draft *Solid Waste and Recycling Collection Bylaw No.455, 2013, Amendment Bylaw No.652, 2025.*

10.1.3 Community Amenity Contributions - Zoning Bylaw 128

Report presented by Chief Administrative Officer Ross Blackwell on technical planning, and legal analysis of the minimum parcel size provisions within the Single Family Residential (RS-1) Zone, and the references to Community Amenity Contributions (CACs) in *Zoning and Development Bylaw No. 520, 2017.*

- *For direction*

Recommendation:

THAT Council direct staff to bring forward, for Council consideration, an amendment to Section 7.2 of *Zoning and Development Bylaw No. 520, 2017* to establish a uniform minimum parcel size of 700 m² in the RS-1 Zone.

10.1.4 Snow and Ice Policy Reassurance Report 133

An overview of the Snow and Ice clearing Policy by Director of Operations Karl Buhr.

- *For information*

10.2 Committees

10.2.1 Climate Action Committee

- *None*

10.2.2 Infrastructure Committee

- *None*

10.2.3 Finance Committee

- *None*

10.3 Mayor and Councillors

- *None*

10.4 Emergency

- *None*

11. Resolutions

- *None*

12. Bylaws

- *None*

13. Correspondence

A list of correspondence received from November 28 - December 4, 2025.

- *For information*

14. New Business

15. Public Questions and Comments

16. Adjournment

Recommendation:

142

THAT the Council Meeting be adjourned.



MINUTES

REGULAR MEETING OF COUNCIL

VILLAGE OF LIONS BAY

**December 2, 2025, 6:00 p.m.
Council Chambers, 400 Centre Road, Lions Bay
And Via Zoom Video Conference**

In Attendance: Mayor Ken Berry
Councillor Neville Abbott
Councillor Michael Broughton
Councillor Jaime Cunliffe (Via Zoom)
Councillor Ron McLaughlin

Staff In Attendance: Chief Administrative Officer, Ross Blackwell
Financial Officer, Joe Chirkoff
Deputy Corporate Officer, Kristal Kenna (Recorder)

1. **Call to Order**

Mayor Berry called the meeting to order at 6:01 PM

2. **Closure of Council Meeting**

Moved by: Councillor Broughton

Seconded by: Councillor McLaughlin

THAT the meeting be closed to the public on the basis of matters to be considered under the following sections of the Community Charter and where required, the Council does consider that the matters could reasonably be expected to harm the interests of the municipality if they were held in public:

(c) labour relations or other employee relations;

CARRIED

3. **Reporting out from Closed portion of Meeting**

The Open session resumed at 7:02 PM

The Mayor reported that there was nothing to report out at this time and that Council will recess back to the Closed session at the conclusion of the Open agenda.

4. Adoption of Agenda

Moved by: Councillor Broughton

Seconded by: Councillor Cunliffe

THAT the Agenda of December 2, 2025, be adopted with the following amendments:

Item 7.1 *Councilor Motion* from the Closed agenda be discussed under Item 10.3 *Council Reports*

Item 10.3.1 *Ombudsperson's Recommendations for Closed Meetings to Residents* from the November 4, 2025, agenda be reconsidered for discussion under Item 10.3 *Council Reports*.

Item 10.5 *2024 Annual Report* be struck from the agenda.

CARRIED

5. Public Participation

- *None*

6. Delegations

- *None*

7. Approval of Minutes of Prior Meetings

7.1 Regular Meeting of Council - November 4, 2025

Moved by: Councillor McLaughlin

Seconded by: Councillor Abbott

THAT the Regular Meeting of Council Minutes of November 4, 2025, be approved with the following amendments:

Item 10.1.2 *Christmas Holiday Closure Schedule*

That the holiday period be clarified to simply state office closure between December 22, 2025 - January 5, 2026.

CARRIED

7.2 Regular Meeting of Council- November 18, 2025

Moved by: Councillor McLaughlin
Seconded by: Councillor Broughton

THAT the Regular Meeting of Council Minutes of November 18, 2025, be approved.

CARRIED

7.3 Special Meeting of Council - November 20, 2025

Moved by: Councillor McLaughlin
Seconded by: Councillor Broughton

THAT the Special Meeting of Council Minutes of November 20, 2025, be approved.

CARRIED

8. Business Arising from the Minutes

Discussion regarding use of funds from the Local Government Climate Action Program in relation to the purchase of an electric vehicle and associated infrastructure and how this matter should be reflected in the budget.

9. Unfinished Business

9.1 Zoning and Development Bylaw No.520, 2017, Amendment Bylaw No.641, 2025 - Short Term Rentals

Councillor Abbott is seeking clarification on which sections of the Policy and the existing Bylaw are ultra vires, and would like to see this prior to adoption.

Discussion ensued about moving the Bylaw forward on the basis that it provides the technical and legal corrections required and that a future discussion with the community be held on short term rentals in general.

Moved by: Councillor McLaughlin
Seconded by: Councillor Broughton

THAT *Zoning and Development Bylaw No.520, 2017, Amendment Bylaw No.641, 2025 - Short Term Rentals* be adopted.

Opposed (1): Councillor Abbott

CARRIED (4 to 1)

9.2 Zoning and Development Bylaw No.520, 2017, Amendment Bylaw No. 650, 2025 - Setbacks

Staff confirmed that the Bylaw amendment is a change to more accurate language.

Moved by: Councillor McLaughlin

Seconded by: Councillor Abbott

THAT *Zoning and Development Bylaw No.520, 2017, Amendment Bylaw No. 650, 2025 - Setbacks* be adopted.

CARRIED

9.3 2026 Budget

Staff confirmed that no changes have been made since the First and Second readings and that the *5 Year Financial Plan* will be adopted in April 2026, once the Greater Vancouver Regional District Mill rates have been released.

Moved by: Councillor McLaughlin

Seconded by: Councillor Abbott

THAT the *2026 – 2030 Five Year Financial Plan Bylaw No. 655, 2025*, be granted Third reading.

CARRIED

9.3.1 Capacity Funding for Local Government Housing Initiatives

Staff reported that grant money has been received to deal with the legislative changes to support housing initiatives. Official Community Plan (OCP) work also qualifies under this grant. Staff is seeking direction from Council on using the funds to assist with up front OCP work, like community visioning sessions to discuss density.

Moved by: Councillor Broughton

Seconded by: Councillor McLaughlin

THAT Staff be directed to create a plan for discussing the use of the Ministry of Housing grant funds at a Committee of the Whole in January 2026.

CARRIED

9.4 Action Items Log

- Received for information

10. Reports

10.1 Staff

10.1.1 Electric Fleet Vehicles

Staff presented a report on electric fleet vehicles. Discussion ensued and it was suggested that this item be discussed in tandem with the Climate Action Committee's recommendations on the subject matter at a future Committee of the Whole meeting.

Moved by: Councillor Abbott
Seconded by: Councillor Broughton

THAT a Committee of the Whole meeting be scheduled in 2026 for Staff, Council and the Climate Action Committee to discuss the electrification of the Municipality's fleet vehicles.

CARRIED

10.1.2 Council Strategic Priorities Plan Draft

Staff reported that the Council Strategic Priorities Plan was developed through facilitated workshop sessions held during the Special Meetings of October 17 and November 20, 2025, where Council identified key priorities and established a shared framework to guide decision-making for the remainder of the current term.

A request was made to update the front page photo.

Moved by: Councillor McLaughlin
Seconded by: Councillor Broughton

THAT the 2025-2026 Council Strategic Priorities Plan be adopted.

CARRIED

10.1.3 Fees Bylaw No.497, 2016, Amendment Bylaw No.656, 2025

Staff presented a report on the amendments of the *Fees Bylaw*, Schedule 6 – Community Facility Rentals, in response to community feedback and an internal review that identified unintended discrepancies in the recently updated fee structure.

Discussion ensued and it was suggested that a larger discussion at a Committee of the Whole take place on facility use, solicit feedback from users and the potential for the formation of a Recreation Fees Committee.

Moved by: Councillor McLaughlin
Seconded by: Councillor Abbott

THAT *Fees Bylaw No. 497, 2016, Amendment Bylaw No. 656, 2025* be read a First, Second, and Third time.

CARRIED

10.1.4 Active Transport Plan

Staff presented a report seeking Council's direction to initiate the development of an Active Transportation (AT) Network Plan for the Village of Lions Bay and to authorize staff to proceed with securing available external funding support from TransLink.

Discussion ensued and Councillor Abbott expressed concerns that grant funding is not without additional financial commitments.

Staff emphasized that creating an Active Transport Plan will allow Council to act strategically in their grant spending for future projects. Final numbers and scope are in progress.

Moved by: Councillor Broughton

Seconded by: Councillor Abbott

THAT Council direct Staff to initiate the development of an Active Transportation Network Plan and authorize staff to apply for and accept TransLink's cost-sharing contribution,

AND THAT Staff report back to Council with a proposed scope of work and procurement plan.

CARRIED

10.1.5 Municipal Planning Overview

Staff presented a report on various aspects of municipal planning. Suggestion to hold a workshop for Council on the topic.

- Received for information

10.1.6 2024 Annual Report Draft

Staff presented the draft 2024 Annual Report. Items of note include timely completion of the audit and that some of the committee content needs updating.

10.2 Committees

10.2.1 Climate Action Committee

10.2.1.1 Climate Action Committee Year in Review

- Received for information

10.2.2 Infrastructure Committee

- None

10.2.3 Finance Committee

- None

10.3 Mayor and Councillors

- None

10.3.1 Councillor Motion

Councillor Abbott made a motion regarding the disclosure of Closed meeting records to all Council Members. Discussion ensued regarding how to ensure legal and confidentiality issues are appropriately considered.

Moved by: Councillor Abbott

Seconded by: Councillor McLaughlin

THAT Council direct the Chief Administrative Officer and Mayor to disclose closed meeting records to all Council Members, including agenda packages, reports and minutes, as well as correspondence arising from Closed Meeting decisions.

CARRIED

10.3.2 Ombudsperson's Recommendations for Closed Meetings to Residents

Mayor Berry brought Item No.10.3.1 *Ombudsperson's Recommendations for Closed Meetings to Residents* from the November 4, 2025 Regular Meeting of Council to the agenda as an on-table item, regarding correspondence sent to all municipalities suggesting the regular release of Closed Council meeting content when legally appropriate.

Moved by: Councillor Broughton

Seconded by: Councillor Cunliffe

THAT Staff conduct a 30-day rolling review of Closed session minutes and reports and bring forward items for public release (with redactions where lawful).

Opposed (2): Councillor Abbott, and Councillor McLaughlin

CARRIED (3 to 2)

10.4 Emergency

- None

11. Resolutions

- None

12. Bylaws

- None

13. Correspondence

Councillor Abbott discussed the correspondence from Social Planning and Research Council of BC and asked that Staff review accessible parking to consider applying for the grant. It was suggested that a report on the matter be incorporated into a larger parking plan discussion in 2026.

Moved by: Councillor McLaughlin

Seconded by: Councillor Abbott

THAT Staff be directed to complete an accessible parking audit, assess the grant funding opportunities available through SPARC and incorporate the findings in an overall future parking plan.

CARRIED

14. New Business

15. Public Questions and Comments

Norm Barmeier - Spoke to funding through the Federation of Canadian Municipalities, specifically the Green Municipal Fund's "Municipal Fleet Electrification" by which Municipalities can pursue either a fleet transition study or a capital fund which would fund electric vehicles and infrastructure.

16. Closed

Moved by: Councillor Broughton

Seconded by: Councillor Abbott

THAT the Open session recess and return to Closed for the continuation of the earlier session.

The Open session recessed at 8:33 PM

CARRIED

17. Reporting Out & Adjournment

The Mayor had nothing to report out from the second Closed session.

Moved by: Councillor McLaughlin

Seconded by: Councillor Abbott

THAT the Council Meeting be adjourned.

The meeting concluded at 8:53 PM

CARRIED

Mayor

Corporate Officer

Date Adopted by Council:

DRAFT

STAFF REPORT

DATE: 2025-08-12 **FILE:** CAO-2025-019
TO: Council
FROM: Ross Blackwell, MAP, MCIP, RPP, CAO
RE: **DRAFT BUILDING BYLAW NO. 649, 2025**

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PURPOSE:

The purpose of this report is to present a modernized Building Bylaw to replace the existing *Building Bylaw No. 234, 1994*, which is outdated and increasingly challenging to administer effectively. A building bylaw establishes the local regulatory framework governing the construction, alteration, repair, and demolition of buildings and structures. It defines permitting processes, inspection protocols, and compliance requirements that collectively safeguard public health, safety, and welfare.

BACKGROUND:

Municipalities in British Columbia derive authority to enact building bylaws through the *Community Charter* and *Local Government Act*, which enable them to supplement the provincial building regulatory regime with local requirements and enforcement provisions. Given that building inspection and enforcement represent one of the most significant sources of liability for municipalities, it is critical that the bylaw governing these functions reflects current best practices, clear and enforceable language, and up-to-date technical standards. An obsolete or ambiguous bylaw can lead to enforcement inconsistencies, increased legal risk, and diminished public confidence. The proposed updated bylaw ensures the Village's regulatory framework remains robust, clear, and aligned with modern standards.

Building Bylaw No. 234 was adopted in 1994 and has undergone various amendments over the years, with the most recent changes occurring on June 6, 2017. While these amendments have provided some updates, the foundational bylaw itself has not been comprehensively reviewed or modernized for nearly three decades.

Since the original adoption, provincial building codes, construction technologies, and best practices for municipal building regulation have evolved substantially. In particular, advances

in geotechnical science and an increased understanding of local hazards, including slope instability and flood risk, require a more tailored and explicit regulatory approach.

Staff, in partnership with the municipal solicitor, initiated a thorough review and update of the Bylaw to ensure it aligns with current legislation, provincial codes, and industry best practices, while addressing Lions Bay's unique geographic and geotechnical challenges.

DISCUSSION:

The replacement of the existing *Building Bylaw* is both necessary and prudent to ensure the municipality's building regulation framework remains effective, clear, and legally defensible. The current bylaw, while functional, contains outdated terminology and procedural gaps that complicate administration and may inadvertently expose the municipality to legal risk.

Building inspection and enforcement continue to be among the highest risk activities municipalities undertake. An outdated bylaw elevates this risk by increasing the potential for misinterpretation, inconsistent enforcement, and disputes that can impact public safety and result in liability claims. The updated bylaw addresses these risks by incorporating clear, enforceable provisions, modernizing terminology to align with the current *British Columbia Building Code*, and integrating enhanced geotechnical requirements reflective of the Village's steep terrain and hazard profile.

These geotechnical provisions mandate professional assessments for developments in identified high-risk areas, specify reporting standards, and establish protocols for peer review when necessary. Such measures are critical to minimizing risks related to slope stability, drainage, and seismic hazards, thereby protecting both residents and municipal infrastructure.

In addition to risk mitigation, the updated bylaw improves transparency and efficiency. Streamlined administrative procedures, clearer definitions, and improved application and inspection processes will facilitate smoother interactions between applicants, builders, and municipal staff. This clarity benefits all parties, fostering greater compliance and reducing operational burdens on municipal staff.

Importantly, the proposed bylaw enhances the Village's standing as a municipality committed to contemporary regulatory best practices, community safety, and sustainable development. Conversely, failure to modernize risks perpetuating regulatory inefficiencies, increasing liability exposure, and undermining public trust.

In summary, the updated *Building Bylaw* provides a comprehensive, coherent, and legally sound framework that balances operational practicality with robust protections, enabling the municipality to effectively oversee building activities well into the future.

FINANCIAL IMPLICATIONS:

The adoption of the updated *Building Bylaw* is not expected to have significant direct financial implications for the municipality. Any administrative or enforcement costs associated with the bylaw will continue to be recovered, in whole or in part, through building permit fees. The clearer structure and updated provisions are anticipated to result in operational efficiencies, potentially reducing staff time spent on interpretation and enforcement matters.

LEGAL IMPLICATIONS:

The updated bylaw has been drafted and reviewed in collaboration with the municipal solicitor to ensure full compliance with applicable provincial legislation, including the *Community Charter*, *Local Government Act*, and the *Building Act*. It is consistent with the *British Columbia Building Code* and integrates recognized standards and practices for municipal building regulation.

Enhanced geotechnical provisions reflect the municipality's duty of care and risk management obligations in consideration of local conditions, thereby reducing potential liability exposure. Adoption of a modernized, legally robust building bylaw strengthens the Village's regulatory authority and enforcement capacity, providing a clearer basis for municipal decision-making and potential legal defense.

OPTIONS:

Council may consider the following options:

1. THAT first and second Reading be granted to *Building Bylaw No. 649, 2025*, and that a Public Hearing be Scheduled.
2. Refer the Bylaw back to staff for additional revisions.
3. Take no action and continue operating under *Bylaw No. 234, 1994* (not recommended).

RECOMMENDATION:

THAT first and second Reading be granted to *Building Bylaw No. 649, 2025*.



Respectfully submitted,

A handwritten signature in black ink, appearing to be "R. Blackwell", with a horizontal line extending to the right.

Ross Blackwell, CAO
Chief Administrative Officer

Attachments:

(1) Draft Building Bylaw No.649, 2025

VILLAGE OF LIONS BAY

BUILDING BYLAW NO. 649, 2025

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Village of Lions Bay

BUILDING BYLAW No. 649, 2025

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

GIVEN that the Village Council:

- A. may by bylaw regulate, prohibit and impose requirements in respect to *buildings* and *structures* under sections 8(3)(g) and (l) of the *Community Charter* for the following matters under section 53(2):
 - (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;
 - (d) the health, safety or protection of persons or property;
- B. is enacting this bylaw to regulate *construction* and administer the British Columbia *Building Code* in Lions Bay in accordance with the *Community Charter* and the *Building Act*;
- C. has employed trained *building officials* for the purposes of this bylaw;

NOW THEREFORE the Council of the Village of Lions Bay enacts as follows:

PART 1: TITLE

Citation

- 1.1 This bylaw may be cited as “Building Bylaw No. 649, 2025”.

PART 2: PURPOSE OF BYLAW

- 2.1 Despite any other provision in this bylaw, this bylaw must be interpreted in accordance with this Part.
- 2.2 Every *permit* issued under this bylaw is issued expressly subject to the provisions of this Part.

- 2.3 This bylaw is enacted to regulate, prohibit, and impose requirements with respect to *construction* in the Village in the public interest.
- 2.4 The purpose of this bylaw does not extend to:
- (a) the protection of *owners*, subsequent owners, designers, or *constructors* from economic loss;
 - (b) the assumption by the Village or any *building official* of any responsibility for ensuring the compliance by any *owner* or his or her representatives, 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, workmanship, or compliance with this bylaw, other bylaws of the Village, or the *building code* with respect to any *building* or *structure* for which a *building permit* or *final inspection notice* is issued under this bylaw;
 - (d) providing any person or subsequent owner a warranty or assurance that *construction* undertaken under *building permits* issued by the Village is free from latent, or any, defects or complies with the *building code*; or,
 - (e) the protection of any other real property from incidental damage or nuisance.

PART 3: SCOPE AND EXEMPTIONS

Application

- 3.1 This bylaw applies to the geographical area of the Village and to land, the surface of water, air space, *buildings*, or *structures* in the Village.
- 3.2 This bylaw applies to the design, *construction*, or *occupancy* of new *buildings* or *structures*, and the *alteration*, reconstruction, demolition, removal, relocation, *occupancy*, change of use, or change of *occupancy* of existing *buildings* and *structures*.
- 3.3 This bylaw does not apply to:
- (a) except as set out in Part 11: of this bylaw, a fence;
 - (b) an accessory *building* with a floor area of less than 10 square metres;
 - (c) a trellis, an arbour, a wall supporting soil that is less than 1.22 metres in height, or other similar landscape *structures* on a parcel zoned for single-family residential *occupancy* uses under the Village's zoning bylaw;

- (d) 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.

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 *final inspection notice*, 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* or *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 Village, 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

- 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 Village on and into 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

- 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, technical specifications, letters of assurance, or any other supporting documents, nor any inspections made by or on behalf of the Village 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, orders issued, inspections, and tests made, and may retain copies of all papers and documents connected with the administration of this bylaw;
 - (c) establish or require an *owner* to establish whether a method or type of *construction* or material used in the *construction* of a *building* or *structure* complies with the requirements and provisions of this bylaw and the *building code*; and,

- (d) direct that tests of materials, equipment, devices, *construction* methods, structural assemblies, or *foundations* be carried out, or that sufficient evidence or proof be submitted by the *owner*, at the *owner's* sole expense, where such evidence or proof is necessary to determine whether the material, equipment, device, *construction*, or *foundation* condition complies with this bylaw and the *building code*.

Refusal and Revocation of Permits

- 6.3 A *building official* may refuse to issue a *permit* if the proposed work will contravene the requirements of the *building code* or the provisions of this or any other bylaw of the Village 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 section 16 of the *Community Charter*, a *building official* may enter on and into 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 Village 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, an easement, or a setback or yard required under an enactment;
 - (d) an *owner* to remove any *building* or *structure*, or any part of a *building* or *structure*, constructed in contravention of a provision of this bylaw;
 - (e) an *owner* to have work inspected by a *building official* prior to covering;
 - (f) an *owner* to uncover any work that has been covered without inspection contrary to this bylaw or an order issued by a *building official*;

- (g) a person to cease any *occupancy* in contravention of a provision of this bylaw;
 - (h) a person to cease any *occupancy* if any *unsafe condition* exists because of work being undertaken but not complete and where the *building official* has not issued a final inspection notice for the work;
 - (i) an *owner* to correct any *unsafe condition*; and,
 - (j) an *owner* to correct any work that contravenes this bylaw, the *building code*, or any other enactment.
- 6.7 Every reference to “*owner*” in section 6.6 includes a reference to the *owner’s* agent or *constructor*.
- 6.8 Every person served with a notice under this Part must comply with that notice:
- (i) within the time ordered, or,
 - (ii) if no time is ordered, immediately.

PART 7: OWNER’S RESPONSIBILITIES

Permit Requirements

- 7.1 Subject to Part 10 of this bylaw, every *owner* must apply for and obtain a *permit*, prior to:
- (a) *constructing*, repairing, or altering a *building* or *structure*, including a *retaining wall* and the structural elements of a pool;
 - (b) moving a *building* or *structure* into or within the Village;
 - (c) demolishing a *building* or *structure*;
 - (d) *occupying* a new *building* or *structure*;
 - (e) *constructing* a masonry fireplace or installing a wood-burning appliance or chimney, whether attached to, part of, or detached from a *building*;
 - (f) 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*, plans, specifications, and supporting documents on which a *permit* was based, and all municipal inspection certificates, and all professional field reviews are available at the site of the work for inspection during working hours by the *building official*, and that all *permits* are posted conspicuously on the site during the entire execution of the work; and,
- (c) prior to the issuance of a *building permit*, execute and submit to the Village an *owner's* undertaking in the form attached as Appendix A.

- 7.4 Every *owner* 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 Village and neither 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.
- 7.6 Every *owner* to whom a *permit* is issued must, during *construction* 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 Municipal Works

- 7.7 Every *owner* to whom a *permit* is issued is responsible for the cost to repair any damage to municipal works or land that occurs during and arises directly or indirectly from the work authorized by the *permit*.
- 7.8 In addition to payment of a security deposit under sections 10.7 to 10.12, every *owner* must pay to the Village, within 30 days of receiving an invoice for same from the Village, the cost to repair any damage to public property or works located on public property arising directly or indirectly from work for which a *permit* was issued.

Demolition

- 7.9 Prior to obtaining a *permit* to demolish a *building* or *structure*, the *owner* must:
- (a) provide to the Village a vacancy date;

- (b) pay capping and inspection chamber installation fees as set out in the Village's bylaws governing fees for waterworks and sewer; and
 - (c) ensure that all municipal services and other services are capped and terminated at the property line in a Village standard inspection chamber and valve arrangement.
- 7.10 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

- 7.11 Every *owner* must, at least 2 *days* 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.
- 7.12 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.
- 7.13 If an owner or a *registered professional* terminates the engagement of a *registered professional*, including a *coordinating registered professional*, the owner must terminate all work under a 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.
- 7.14 Without limiting the requirements of sections 10.27 to 10.33, every *owner* must give at least 2 *days* 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 an inspection can be made.
- 7.15 Every *owner* must give notice in writing to a *building official* and pay the non-refundable fee set out in the Village's bylaws governing fees immediately upon any change in ownership or change in the address of the *owner* which occurs prior to the issuance of a final inspection notice.

- 7.16 Every *owner* must give such other notice to a *building official* as may be required by the *building official* or by a provision of this bylaw.

PART 8: OBLIGATIONS OF OWNER'S CONSTRUCTOR

- 8.1 Every *constructor* must ensure that all *construction* is done in compliance with all requirements of the *building code*, this bylaw, and all other applicable, codes, standards, and enactments.
- 8.2 Every *constructor* must ensure that no *excavation* or other work is undertaken on public property, and that no public is disturbed, no *building* or *structure* erected, and no materials stored thereon, in whole or in part, without first having obtained approval in writing from the appropriate authority over such public property.
- 8.3 For the purposes of the administration and enforcement of this bylaw, every *constructor* is responsible jointly and severally with the *owner* for all work undertaken.

PART 9: REGISTERED PROFESSIONAL'S RESPONSIBILITIES

Professional Design and Field Review

- 9.1 The provision by the *owner* to the Village 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 Village with letters of assurance in the form of Schedules C-A or C-B, as appropriate, referred to in subsection 2.2.7, Division C, of the *building code*.
- 9.2 If a *registered professional* provides letters of assurance in accordance with the *building code*, they must also provide proof of professional liability insurance to the *building official* in the form and amount set by Appendix B to this bylaw.

Requirement for a Registered Professional

- 9.3 The *owner* must retain a *registered professional* to provide a *professional design* and plan certification and letters of assurance in the form of Schedules A, B, C-A and C-B referred to in subsection 2.2.7, Division C, of the *building code*, in respect of a *permit* application:
- (a) prior to the pre-occupancy site review coordinated by the coordinating *registered professional* or other *registered professional* for a complex *building*,
 - (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 Village with letters of assurance in the form of Schedules C-A or C-B, as appropriate, referred to in subsection 2.2.7, Division C, of the *building code*;
 - (c) for *foundation* and excavation components of new simple *buildings* and additions greater than 55 square metres to simple *buildings* in accordance with the *building code* and for *retaining walls* and construction or structural alterations of pools but not for garages, carports, and garden structures;
 - (d) a *building* that is designed with common egress systems for the occupants and requires the use of firewalls in accordance with the *building code*;
 - (e) prior to alterations to a *building*, or to a structural component of a *building* described in paragraph (b) in this section;
 - (f) for a *building* in respect of which the *building official* determines that site conditions, size, or complexity so warrant in the interests of safety of persons or protection of property under the *building code*;
 - (g) if the *building* envelope components of the *building* fall under Division B Part 3 of the *building code*, the *building* contains more than two dwellings, or if the *building* envelopes do not comply with the prescriptive requirements of Division B Part 9 of the *building code*; and,
 - (h) for a parcel of land on which a *building* or *structure* is proposed if the *building official* believes the parcel is or is likely to be subject to flooding, mud flows, debris flows, debris torrents, erosion, land slip, rock falls, subsidence, or avalanche, and the requirement for a *professional design* is in addition to a requirement under Division 8 of Part 3 of the *Community Charter*:
 - (i) for a report certified by a professional engineer with experience in geotechnical engineering that the parcel may be used safely for the use intended; and,
 - (ii) that the plans submitted with the application comply with the relevant provisions of the building code and applicable bylaws of the Village.

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

Professional Plan Certification

- 9.5 The letters of assurance in the form of Schedules A and B as referred to in subsection 2.2.7, Division C, of the *building code* referred to in sections 9.1 and 9.3 are:
- (a) relied upon by the Village 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,
- and acceptance of the same does not:
- (b) constitute in any way a representation, warranty, or assurance that the Village has reviewed the same;
 - (c) constitute in any way a representation, warranty, or assurance that the lands, *building*, or *structure* can be safely used or occupied; or,
 - (d) constitute in any way a representation, warranty, or assurance that the *construction* and works on the lands, *building*, or *structure* do not pose a hazard, danger, or *unsafe condition* for any other lands, *buildings*, or *structures*.
- 9.6 Letters of assurance must be in the form of Schedules A and B referred to in subsection 2.2.7, Division C, of the *building code*.
- 9.7 For a *building permit* issued for the *construction* of a *complex building*, the *building official* shall provide the *owner* with a notice that the *building permit* is issued in reliance on the certification of the *registered professional* that the *professional design* and plans submitted in support of the application for the *building permit* comply with the *building code* and other applicable enactments. Any failure on the part of the *building official* to provide the *owner* with the notice will not diminish or invalidate the reliance by the Village or its *building officials* on the *registered professionals*.
- 9.8 If a *building permit* is issued for a *construction* of a *complex building*, the *permit fee* is reduced by 5% of the fees payable under the Village's bylaws governing fees, up to a maximum reduction of \$500.00 (five hundred dollars).

PART 10: BUILDING APPLICATION REQUIREMENTS

Requirements Before Applying for a Building Permit

- 10.1 Prior to issuance of a *building permit*, the *owner* must satisfy the following requirements or conditions:
- (a) the *owner* must apply for and obtain a development *permit* if the *building* or *structure* is in an area designated by the Village'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 Village, 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 Village's sewage disposal system, the *owner* must apply for and obtain approval from other applicable public authorities for an alternate private sewage disposal system and provide the Village with a copy of such approval before a building permit can be issued;
 - (f) if the parcel that is the subject of the *building permit* application is not intended to be connected to the Village's waterworks system, the *owner* must apply for and obtain approval from other applicable public authorities for an alternate water supply system and provide the Village with a copy of such approval before a building permit can be issued;
 - (g) if the parcel that is the subject of the *building permit* application is not intended to be connected to The Village's storm water drainage system, the *owner* must apply for and obtain approval from the Village 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 Village bylaw or other enactment have not been completed in accordance with the enactments, the *owner* must enter into a completion agreement with the Village and deliver to the Village 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 using the form prescribed by the *building official*, and signed by the *owner*, or a signing officer if the *owner* is a corporation;
- (b) be accompanied by the *owner's* acknowledgement of responsibility and undertaking made in the form attached as Appendix A to this bylaw 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, *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, 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 watercourse;
 - (vi) north arrow;
 - (vii) if applicable, location of an approved existing or proposed private or other alternative sewage disposal system, water supply system, and 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 and water courses;
- (xviii) 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 Village's land use regulations 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; 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 Village 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 all other requirements of sections 2.2.1, 2.2.3, 2.2.4, 2.2.5, 2.2.6, and 2.2.9, Division C of the *building code*;
- (l) include copies of approvals required under any enactment relating to health or safety, including, without limitation, sewage disposal permits, highway access permits, and ministry of health approvals;
- (m) include a letter of assurance in the form of Schedule A referred to in subsection 2.2.7 Division C, of the *building code*, signed by the *owner*, or a signing officer if the *owner* is a corporation, and the coordinating *registered professional*;
- (n) include letters of assurance in the form of Schedule B referred to in subsection 2.2.7 Division C, of the *building code*, each signed by such *registered*

professionals as the *building official* or *building code* may require to prepare the design for and conduct field reviews of the *construction* of the *building*;

- (o) include two sets of drawings at a suitable scale of the design prepared by each *registered professional* containing the information set out in (g) to (k) of this section; and,
- (p) include illustration of any slopes on the subject parcel that exceed 30%.

10.3 In addition to the requirements of section 10.2 of this 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, prepared and sealed by a *registered professional*, in accordance with the Village's subdivision and development servicing bylaw;
- (b) a section through the site showing grades, *buildings*, *structures*, parking areas, and driveways; and,
- (c) any other information required by the *building official* or the *building code* to establish substantial compliance with this bylaw, the *building code*, and other bylaws and enactments relating to the *building* or *structure*.

Building Permit Applications for Simple Buildings

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

- (a) be made in the form prescribed by the *building official* and signed by the *owner*, or a signing officer if the *owner* is a corporation;
- (b) be accompanied by the *owner's* acknowledgment of responsibility and undertaking made in the form attached as Appendix A 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, 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 watercourse;
- (vi) north arrow;
- (vii) if applicable, location of an approved existing or proposed alternative private or other sewage disposal system, water supply system, or storm water drainage system;
- (viii) the location, dimensions and gradient of parking and parking access;
- (ix) proposed and existing setbacks to property lines;
- (x) natural and finished grade at *building* corners and datum determination points;
- (xi) *first storey* floor elevation;
- (xii) location, setbacks, and elevations of all *retaining walls*, steps, stairs, and decks;
- (xiii) line of upper floors;
- (xiv) location and elevation of curbs, sidewalks, manholes, and service poles;
- (xv) location of existing and proposed service connections;
- (xvi) location of top bank and water courses;
- (xvii) *accessible* paths of travel from the street to the *building*;
- (xviii) zoning compliance summary;
- (xix) 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 Village'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, location, size, and swing of doors; the location, size and opening of windows; floor, wall, and ceiling finishes; plumbing fixtures; structural elements; and stair dimensions;
- (g) include 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 Village zoning and, if applicable, 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, Ministry of Transportation and Infrastructure approvals, and Ministry of Health approvals;
- (k) except for garages, carports, and garden *structures* located on land, include a *foundation* and *excavation* design prepared by a *registered professional* in accordance with the *building code*;
- (l) include geotechnical letters of assurance, in addition to a required geotechnical report, if the *building official* determines that the site conditions so warrant;
- (m) include two sets of drawings at a scale of ¼ inch to 1 foot including the information set out in (f) to (i) of this section; and,
- (n) include a *building code* compliance summary including the applicable edition of the *building code*, such as, without limitation, whether the *building* is designed under Part 3 or Part 9 and compliance with article 2.2.2.1(2), Division C of the *building code*.

10.5 In addition to the requirements of section 10.4 of this Part, if a *project* involves

- (a) two or more *buildings*, the gross floor areas of which in the aggregate total more than 1000 square metres;
- (b) two or more *buildings* that will contain four or more dwelling units; or
- (c) otherwise if the complexity of the proposed *building* or *structure* or siting circumstances warrant,

a *building official* may require the following be submitted with a *permit* application for the *construction* of each simple *building* in the project:

- (d) a section through the site showing grades, *buildings*, *structures*, parking areas, and driveways;
- (e) a roof plan and roof height calculations;
- (f) structural, electrical, plumbing, mechanical, and fire suppression drawings prepared and sealed by a *registered professional*;

- (g) letters of assurance in the form of Schedule B referred to in Division C of the *building code*, signed by a *registered professional*; and
- (h) 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 the requirements of 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, during and upon 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 At the time of submitting a building permit application the *owner* must submit:

- (a) the building permit application fee prescribed in the Village's bylaws governing fees; and,
- (b) the security deposit in the amounts set out in the Village's bylaws governing fees.

10.8 Before receiving a *building permit* for a *building* or *structure*, the *owner* must first pay to the Village:

- (a) the *building permit* fee prescribed in the Village's bylaws governing fees; and,

- (b) any fees, charges, levies, or taxes imposed by the Village and payable under an enactment at the time of issuance of the *building permit*.

10.9 The security deposit required by section 10.7:

- (a) will be applied to the cost borne by the Village to maintain, restore, or replace any public works or public lands which are destroyed, damaged, or otherwise impaired in the carrying out of the work referred to in any *building permit* held by the applicant;
- (b) will be applied to the cost borne by the Village to make the site safe if the *permit* holder abandons or fails to complete the work as designated on the *permit*;
- (c) serves as the security deposit for provisional *occupancy* when the final inspection notice makes provision for a security deposit; and,
- (d) serves as a security deposit to effect compliance with any condition under which the *permit* was issued.

10.10 The security deposit or applicable portion must be returned to the applicant:

- (a) when the *building official* is satisfied that no further damage to public works or public lands will occur;
- (b) when the inspections required by this bylaw are complete and acceptable to the *building official*; and,
- (c) when the conditions or provisions of a provisional certificate of *occupancy* are completed to the satisfaction of the *building official*;

only if the applicant has requested the return of the security.

10.11 Any credit greater than the amount of the security deposit used by the Village for the purposes described in sections 10.9 to 10.10 of this Part will be returned to the *permit* holder upon the request of the applicant unless otherwise so directed by the *permit* holder. Any amount in excess of the security deposit required by the Village to complete corrective work to public lands, public works, or the site is recoverable by the Village from any or all of the *permit* holder, the *constructor*, or the *owner* of the property.

10.12 The *owner* must deliver to the *building official* an executed Appendix A under which the *owner* acknowledges and agrees that any damage to municipal works or services arising from the *construction* associated with the *building permit* will be repaired at the *owner's* expense and to the satisfaction of the Public Works Superintendent, and the *owner*

must deposit with the Village security in accordance with sections 10.7 to 10.10 of this Part.

Permit Fee Refunds

10.13 No fee or part of a fee paid to the Village may be refunded if *construction* of the *building* has started or if the *permit* has expired.

10.14 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.

10.15 A *building permit* or other *permit* fee is not refundable after the *permit* has been extended under section 10.45 of this Part.

Design Modification

10.16 If an issued *building permit* or other *permit* is active and the *owner* proposes modification to the *building* design whereby the value of the work does not increase or the value of the work decreases, the *owner* must pay to the Village a *building permit* fee based on the plan review hourly rate set out in the Village's bylaws governing fees.

Construction Before Permit Issued

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

Expiration of Application for a Permit

10.18 A *building permit* 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 Village.

Issuance of a Building Permit

10.19 If:

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

the *building official* shall 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 Village gives written notice to the *owner* that the *permit* is ready to be picked up by the *owner*.

Compliance with the Homeowner Protection Act

10.20 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.

10.21 Section 10.20 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*.

10.22 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

10.23 If a site has been *excavated* under a *building permit* for *excavation* issued under this bylaw and a *building permit* is not subsequently issued or a subsisting *building permit* has expired under section 10.44, 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 from the Village to do so.

- 10.24 If a *building permit* has expired and partial *construction* has progressed, with no extension requested of the *building official* under section 10.45, permanent type fencing with privacy screen complying with the Village's Zoning Bylaw, must be erected around the *building* site for protection to the public.

Conditions of a Building Permit

- 10.25 A *building permit* or an application for a *building permit* that is in process may not be transferred or assigned to a new *owner*.
- 10.26 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 or another bylaw.

Inspections

- 10.27 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*.
- 10.28 A *building official* may attend periodically at the site of the *construction 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.
- 10.29 Every *owner* or *constructor* shall give at least two *days'* notice to the *building official* to obtain an inspection and written acceptance of the work and at the stages set out in section 10.30.
- 10.30 Every *owner* or *constructor* must obtain inspection and written acceptance from the *building official* or, where a *registered professional* has been retained, the *registered profession* 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) within 24 hours of the start of *excavation*;

- (c) where concrete footings and foundations are being used, after forms for footings and foundations are completed but prior to placing any concrete therein;
- (d) where concrete footings and foundations are being used, after removal of form work from the footings and foundations;
- (e) after installation of perimeter drains and damp proofing but prior to backfilling against the building;
- (f) the preparation of ground, including ground cover when required, perimeter insulation on inside of concrete *foundation* walls and reinforcing steel;
- (g) hydronic heating pipes, below slab insulation, and radon pipes;
- (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), bracing, chimney and ductwork, 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) *construction* of an exterior deck if the deck serves as a roof;
- (m) on-site *constructed* tub or shower bases before being covered with a finishing material;
- (n) 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,
- (o) the *health and safety aspects of the work* and the conservation, GHG emission reduction and accessibility aspects of the work when the *building or structure* is substantially complete and ready for *occupancy* but prior to *occupancy*,

10.31 A *building official* will only carry out an inspection under section 10.30 if the *owner* or the *owner's agent* has requested the inspection online or in writing in accordance with this bylaw, and without limiting the foregoing, the *building official* has no obligation or duty to carry out an inspection in the absence such a request.

10.32 Despite the requirement for the *building official's* acceptance of the work outlined in section 10.30, or a *building official's* attendance at a *construction* site as authorized by this bylaw, if a *registered professional* provides letters of assurance, the Village 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.

10.33 No person may conceal any aspect of the work referred to in section 10.30 of this bylaw until a *building official* or the *registered professional* has *accepted* it in writing.

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

- (a) convene a preconstruction meeting prior to the start of *construction* and of the preconstruction meeting and the *owner* or their representative must ensure that the *coordinating registered professional*, the *constructor*, and representatives of major trades are in attendance at the preconstruction meeting;
- (b) convene a pre-occupancy site review coordinated by the *coordinating registered professional* or other *registered professional* for the purposes of having 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 Village requirements, and other enactments respecting safety and the conservation, GHG emission and accessibility aspects of the work; and
- (c) cause the *coordinating registered professional* to deliver to the *building official* the Confirmation of Required Documentation described in Appendix C, complete with all documentation in a hard covered three ring binder and in digital pdf format on a memory stick at least 2 *days* prior to the pre-occupancy coordinated site review coordinated by the *coordinating registered professional*;
- (d) provide the Village with written notice of the meeting and site review referenced in this section at least 2 *days* in advance of such events.

Stop Work Order

10.35 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 in the form prescribed by the *building official* on the premises whenever it is found that the work is not being performed in accordance with the requirements of the *building code*, any applicable bylaw of the Village, or the applicable provisions of the *Homeowner Protection Act*.

10.36 The *coordinating registered professional* may request, in writing, that the *building official* post a stop work order notice on the premises and order the immediate

suspension or correction of all or a portion of the *construction* on a *building* or *structure*. 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 for denying the request.

- 10.37 If a *registered professional's* services are terminated, the *owner* must immediately stop any work that is subject to *registered professional's design* or *field review* and the *building official* is deemed to have issued a stop work order under section 10.35.
- 10.38 Immediately after the posting of a notice under section 10.35 or stoppage pursuant to section 10.37, the *owner* must 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 Village.
- 10.39 Subject to the terms of the stop work notice issued pursuant to section 10.35, no work other than the required remedial measures may be carried out on the parcel affected by the notice referred to in section 10.35 until the stop work order notice has been removed by the *building official*.
- 10.40 The notice referred to in section 10.35 must remain posted on the premises until that which is contrary to the enactments has been remedied.

Do Not Occupy Notice

- 10.41 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*.
- 10.42 If a notice is posted under section 10.41, 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

- 10.43 In addition to the fees required under other provisions of this bylaw, the *owner* must pay the non-refundable fee set out in the Village's bylaws governing fees 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 Village'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; or,
- (c) inspection required under this bylaw which cannot be carried out during the Village's normal business hours.

Permit Expiration

10.44 Every *permit* is issued on the condition that the *permit* expires and the rights of the *owner* under the *permit* terminate if:

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

Permit Extension

10.45 A *building official* may extend the period set out under section 10.44 for only one period, not to exceed twelve 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 the Village's bylaw governing fees has been paid.

Building Permit Revocation

10.46 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 Village, 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

- 10.47 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*.
- 10.48 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".
- 10.49 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".
- 10.50 If a *building permit* application or *permit* is cancelled, and *construction* has not commenced under the *permit*, the *building official* must return to the *owner* any fees deposited under the Village's bylaws governing fees, less:
- (a) any non-refundable portion of the fee; and,
 - (b) 15% of the refundable portion of the fee.

Occupancy

- 10.51 No person may occupy a *building* or *structure* or part of a *building* or *structure* for which a *building permit* was issued until a final inspection notice has been issued by a *building official* for the *building* or *structure* or that part of a *building* or *structure* for which a *building permit* was issued.
- 10.52 A final inspection notice will not be issued unless:
- (a) all letters of assurance have been submitted as required in accordance with this bylaw;
 - (b) all certifications of inspections and approvals for plumbing rough in, plumbing, sprinkler systems, sewerage, and drainage works have been received and accepted by the *building official*;
 - (c) all aspects of the work requiring inspection and acceptance pursuant to sections 10.30 to 10.34 of this bylaw have both been inspected and *accepted* or the inspections and acceptance are not required in accordance with this bylaw;

- (d) where requested by the *building official*, the *owner* has delivered to the Village as-built plans of works and *services* in digital format;
- (e) where requested by the *building official*, the *owner* has provided to the Village a *building* survey prepared by a British Columbia Land Surveyor showing the *building* height, size, location, and elevation determined in accordance with the Village's land use regulations;
- (f) the *owner* has executed and delivered to the Village every agreement, instrument, or form required by the Village in relation to the work or the site;
- (g) all other documentation required under applicable enactments has been delivered to the Village; and,
- (h) the *owner* has delivered to the Village as-built drawings of the *building* or *structure* in digital format if *construction* have varied significantly from the approved plans and are requested by the *building official*.

10.53 When a *registered professional* provides letters of assurance, the Village will rely solely on the letters of assurance when issuing a final inspection 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.

10.54 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 and conservation; and,
- (b) the requirements set out in section 10.52 have been met with respect to it.

Temporary Buildings

10.55 Subject to the bylaws of the Village and orders of Council, 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 year; and,
- (b) the *temporary building* or *structure* is located in compliance with the Village's zoning bylaw, built in compliance with the *building code* and this bylaw, and connected to Village utility services.

10.56 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 *temporary building* or *structure* on the parcel;
- (b) plans and supporting documents showing *construction* details of the *temporary building* or *structure*;
- (c) a statement by the *owner* indicating the intended use and duration of the use of the *temporary building* or *structure*;
- (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 temporary manufactured building, a CSA label in respect of manufacture and, without limitation, a Quonset or other steel *building* must be certified in accordance with CSA Standard A660;
- (h) a report or drawing by an engineer, architect, or designer confirming compliance with the *building code*, this bylaw, the Village's zoning bylaw, and other applicable bylaws, and, without limiting the generality of the foregoing, confirming that the *temporary building* or *structure* can be safely used ;
- (i) security in the form of cash or a letter of credit for 10% of the value of the *temporary building* or *structure*, which security
 - (i) may be used by the Village to remove the *temporary building* or *structure* 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* or *structure* within one year of the date of the final inspection of the *temporary building* or *structure* required under this bylaw; and,
- (j) in the case of a *temporary building*, information to comply with article 1.1.1.1(2)(f), Division C of the *Building Code*.

10.57 Before receiving a *building permit* for a *temporary building* or *structure* for occupancy, the *owner* must pay to the Village the applicable *building permit* fee.

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

Sanitary Facilities

10.59 During the time a *building permit* has been issued and remains valid under this bylaw, the *owner* must provide on the parcel of land in respect of which the *permit* has been issued, sanitary facilities for the disposal of human waste from persons, which facilities must be accessible and unlocked when not occupied while work is being carried out on the parcel under this bylaw, and every sanitary facility that is not connected to a:

- (a) sanitary sewer; or,
- (b) septic disposal system approved under the *Health Act*,

by plumbing that complies with the *Building Code* and this bylaw, must be provided, at all times with toilet paper, a locking door for privacy, and ventilation, and must be kept in sanitary condition without leaking or overflowing. Such facilities must be located on the construction site in a manner so as not to create a nuisance to neighbouring parcels or highways.

PART 11: 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 or excavations creating surface slope exceeding a ratio of one linear unit vertically to two linear units horizontally, must be restrained by *retaining walls*.
- 11.3 Without limiting section 11.2, no person may occupy a *building* unless the finished *grade* complies with all applicable enactments and recommended requirements of a professional engineer with expertise in geotechnical engineering.

PART 12: BUILDING MOVE

- 12.1 No person may move a *building* or *structure* into or within the Village:
 - (a) except where certified by a *registered professional* that the *building*, including its *foundation*, will substantially comply with the current version of the *building code*; and,
 - (b) a *building permit* has been issued for the *building* or *structure*.

PART 13: POOLS

Swimming Pool Permit and Fencing

- 13.1 A person must not construct, or structurally repair, a swimming *pool* without a valid *building permit*.
- 13.2 A swimming *pool*, including a spa or hot tub must be enclosed within a fence constructed without footholds or grips that children may use to climb into the enclosed area, having a minimum height of 1.22 metres and no openings other than gates greater than 100 mm at their greatest dimension.

Pool Gate

- 13.3 Access through a fence enclosing a swimming *pool*, spa, or hot tub must be only through a self-closing and self-latching gate designed and constructed or installed so as to cause the gate to return to a closed position when not in use and secured by a latch located on the swimming *pool*, spa, or hot tub side of the gate.

Spa or Hot Tub Lid

- 13.4 In lieu of a fence, a spa or hot tub may be covered with a locking cover, which would prevent unauthorized access to the water.

Maintenance

- 13.5 A person may not use a swimming *pool*, including a spa or hot tub unless the *owner* or *occupier* of property on or in which a *pool*, spa or hot tub is located maintains every fence or cover required under sections 13.2 to 13.4 in good order, and without limiting the foregoing, maintains and repairs to good order at all times all sagging gates, loose parts, torn mesh, missing materials, worn latches, locks, or broken or binding members.

Leaks or Other Failures

- 13.6 A person may not obtain a valid and subsisting *building permit* for or use a swimming *pool* without first delivering to the *building official* at the time of the *building permit* application an opinion of a *registered professional* that the *design* of the *pool* will not cause or result in leaks or other failures of the *pool*.

PART 14: ENERGY CONSERVATION AND GHG EMISSION REDUCTION

- 15.1 In relation to the conservation of energy and the reduction of greenhouse gas emissions, the Village incorporates by reference the British Columbia Energy Step Code in accordance with sections 15.2 through 15.4.
- 15.2 A *building* regulated by Part 3 of the *Building Code* must be designed and constructed to meet the minimum performance requirements specified in Step 3 of the Energy Step Code.
- 15.3 A *building* regulated by Part 9 of the *Building Code* must be designed and constructed to meet the minimum performance requirements specified in Step 3 of the Energy Step Code.
- 15.4 Any *building* regulated by Part 3 or Part 9 of the *Building Code* that is located on property that is rezoned must be designed and constructed to meet the minimum performance requirements specified in Step 3 of the Energy Step Code.

PART 15: OFFENCES

Violations

- 15.1 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; or,
 - (c) neglects to do anything required to be done under any provision of this bylaw, commits an offence and on summary conviction by a court of competent jurisdiction, the person is subject to a fine of not more than \$10,000.00, or a term of imprisonment not exceeding three months, or both, in addition to the costs of prosecution. Each day during which a violation, contravention or breach of this bylaw continues is deemed to be a separate offence.
- 15.2 Every person who fails to comply with any requirement issued by a *building official*, or who allows a violation of this bylaw to continue, contravenes this bylaw.
- 15.3 Every person who commences work requiring a *building permit* without first obtaining such a *permit* must, if a Stop Work notice is issued and remains outstanding for 30 days, pay an additional charge as outlined in the Village's bylaws governing fees.

Deemed Offence

- 15.4 An *owner* is deemed to have knowledge of and be liable under this bylaw in respect of any *construction* on the parcel the *owner* owns and any change in the use, *occupancy*, or both of a *building* or *structure* or part of a *building* or *structure* on that parcel.
- 15.5 No person is deemed liable under section 15.4 who establishes, on a balance of probabilities, that the *construction* or change of use or *occupancy* occurred before he or she became the *owner* of the parcel.
- 15.6 Nothing in section 15.5 affects:
- (a) the Village'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

- 15.7 The offences in Appendix D are designated for enforcement under s. 264 of the *Community Charter*.
- 15.8 The following persons are designated as bylaw enforcement officers under section 264(1) (b) of the *Community Charter* for enforcing the offences in Appendix D: *building officials*, fire inspectors and persons designated by Council as bylaw enforcement officers.
- 15.9 The words or expressions set forth in Column 1 of Appendix D are authorized pursuant to s. 264(1)(c) of the *Community Charter* to designate the offence committed under the bylaw section number appearing in Column 2 opposite the respective words or expressions.
- 15.10 The amounts appearing in Column 3 of Appendix D are the fines established pursuant to s. 265(1)(a) of the *Community Charter* for the corresponding offence designated in Column 1.

PART 16: INTERPRETATION

Definitions

- 16.1 In this bylaw
- accepted* means reviewed by the *building official* under the applicable provisions of the *building code* and this bylaw;

addition means an *alteration* to any *building* which will increase the total aggregate floor area or the *building height* (in storeys), and includes the provision of two or more separate *buildings* with openings between each other for intercommunication;

agent includes a firm, corporation or other person representing the *owner*, by written designation or contract, and includes a hired tradesperson or *constructor* who may be granted a *permit* for work within the limitations of his or her licence;

alternative solution means an alternative solution authorized under the *building code*;

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

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 Village, and includes a *building* inspector, or plan checker, designated or appointed by the Village, and for certainty the *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) *treatment occupancy*; or
- (iv) *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;

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

constructor means a person who *constructs*;

day means a full day that is a day that the Village offices are open;

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*;

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, or an *agent* duly authorized by the *owner* in writing in the form prescribed by the *building official*;

permit means permission or authorization in writing by the *building official* to perform work regulated by this bylaw and, in the case of a final inspection notice, to occupy a *building* or part of a *building*;

pool means a *structure* or *constructed* depression used or intended to be used for swimming, bathing, wading or diving which is designed to contain water and has a depth, at any point, exceeding 0.6 m, including an in-ground *pool* and hot tub;

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

Professional Governance Act means the *Professional Governance Act*, S.B.C. 2018, c. 47 as amended from time to time;

project means any *construction* operation;

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

roof slope means low slope or flat roofs have a pitch of 3/12 or lower, conventional roofs have a pitch between 4/12 and 9/12, while steep roofs have a pitch of 10/12 or higher.

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 1.22 meters in height;

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

16.2 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, 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*.

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

16.4 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.

16.5 Definitions of words and phrases used in this bylaw that are not included in the definitions in this Part have the meanings commonly assigned to them in the context in which they are used in this bylaw, considering the specialized use of terms with the various trades and professions to which the terminology applies.

Appendices

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

Severability

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

PART 17: REPEAL

20.1 VILLAGE OF LIONS BAY BUILDING BYLAW NO. 234, 1994, AS AMENDED, IS REPEALED.

PART 18: IN FORCE

18.1 This bylaw comes into force on [Insert date, unless intent is TO COME INTO force on adoption].

READ A FIRST TIME this 7 day of October 2025.

READ A SECOND TIME this 18 day of November 2025.

READ A THIRD TIME this ____ day of _____, 2025.

ADOPTED this ____ day of _____, 2025.

Mayor _____

Corporate Officer _____

Village of Lions Bay

BYLAW No. 649, 2025

Appendix A – Owner’s Undertaking

Property Address: _____

Legal Description: _____

Building Permit #: _____

1. This undertaking is given by the undersigned, as the *owner* of the property described above, with the intention that it be binding on the *owner* and that the Village will rely on same.
2. I confirm that I have applied for a *building permit* pursuant to “Village of Lions Bay Building Bylaw 2025, No. XXXX” (the “Bylaw”) and that I have carefully reviewed the provisions of the Bylaw and in particular, **I understand, acknowledge, and accept** the provisions describing the purpose of the Bylaw set out in Part 2 of the Bylaw , the conditions under which *permits* are issued, the disclaimer of warranty or representation, and the limited extent of the scope of the Bylaw and inspections thereunder.
3. Without in any way limiting the foregoing, I acknowledge fully that it is my responsibility to ensure compliance with the Building Code and the Bylaw whether any work to be performed pursuant to the *permit* applied for is done by me, a contractor, or a *registered professional* and the issuance of a *building permit* does not constitute any representations, assurances, or warranties regarding any actual or potential geotechnical matters that do or could be related to the development of the building site and lot to which the *building permit* applies.
4. I am not in any way relying on the Village or its *building officials*, agents, or employees to protect me or any other persons as set out in Part 3 of the Bylaw and I will not make any claim alleging any such responsibility or liability on the part of the Village or its *building officials*.
5. I hereby agree to indemnify and save harmless the Village and its employees from all claims, liability, judgments, costs, and expenses of every kind which may result from

negligence or from the failure to comply fully with all bylaws, statutes, and regulations relating to any work or undertaking in respect of which this application is made.

6. I acknowledge and agree that if I damage any Village works or services, I will repair such damages to the satisfaction of the Village if requested by the Village to do so, or pay for the costs of such repairs if the costs exceed the value of any security deposit paid to the Village

I am authorized to give these representations, warranties, assurance and indemnities to the Village.

Owner's Information:

Name: _____

(PRINT)

Address: _____

Tel. No.: _____ Cell No.: _____ Fax No.: _____

Email: _____

These undertaking covenants and agreements are executed under seal by the *owner* this _____ day of _____, _____.

(Day)

(Month)

(Year)

1. Where *owner* is an individual:

Owner's Signature

Signed, sealed, and

delivered in the presence

of:

Witness's Signature

Witness's Name

(PRINT)

Witness's Address

Signed, sealed, and
delivered in the presence
of:

Witness's Signature

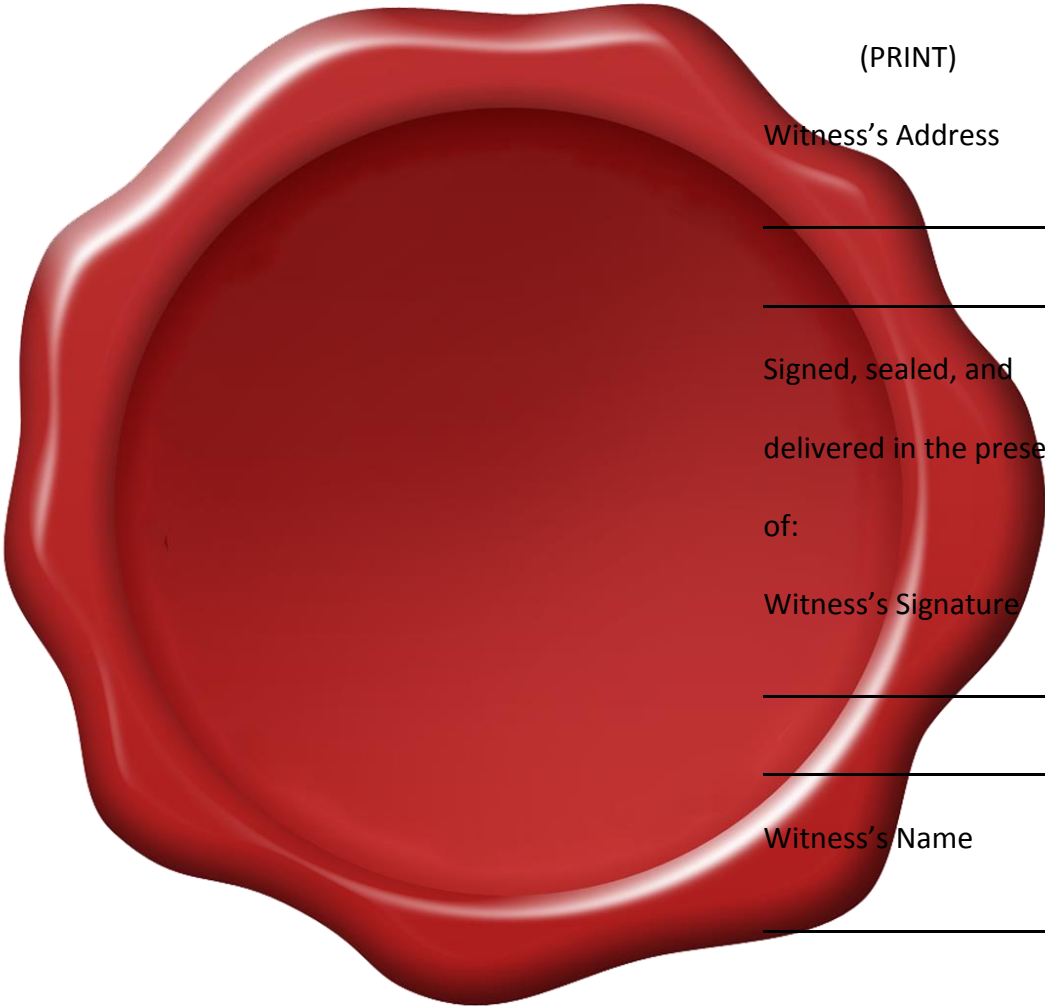
Witness's Name

(PRINT)

Witness's Address

Owner's Name

(PRINT)



2. Where *owner* is a corporation:

Name of Corporation

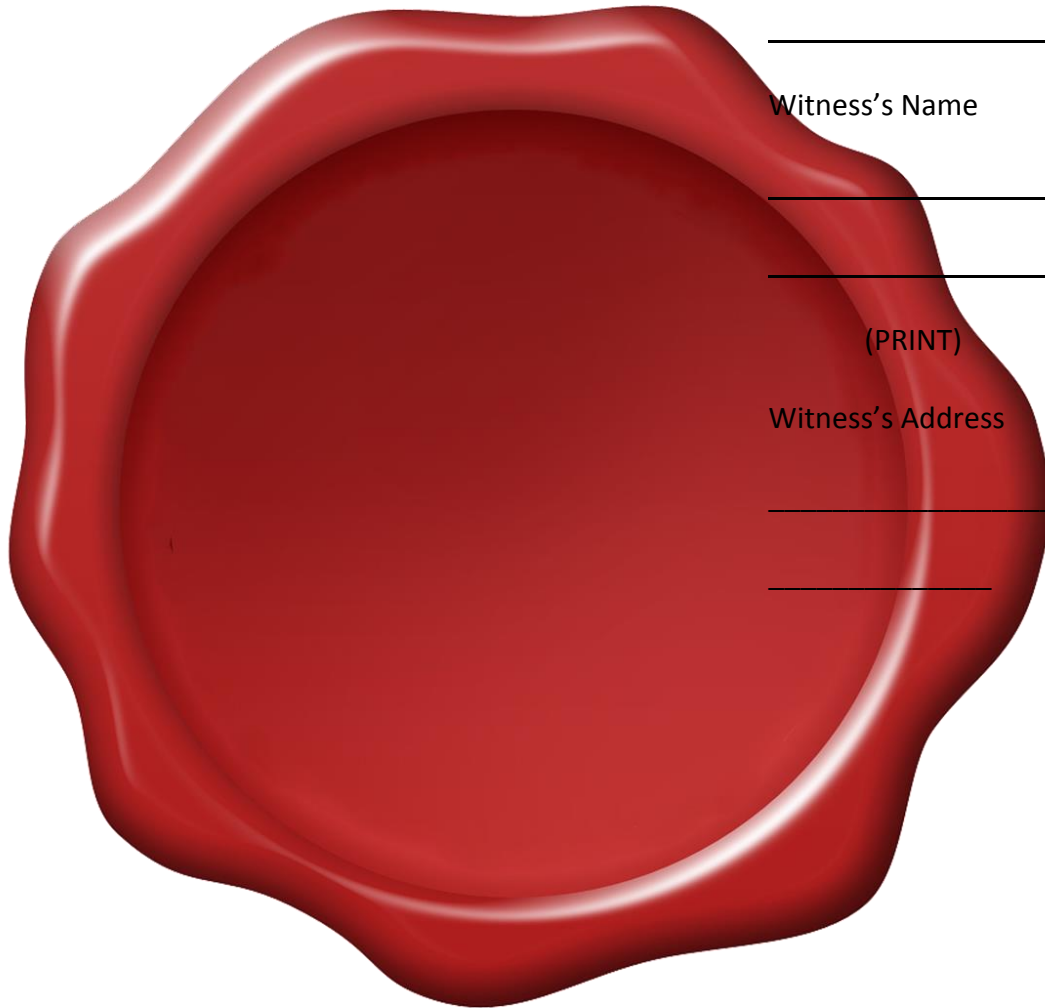
Signed, sealed, and
delivered in the presence
of:

Witness's Signature

Witness's Name

(PRINT)

Witness's Address



Per:

Authorized Signatory

Name

(PRINT)

3. Where *owner* is a partnership:



Name of Partnership

Per:

Authorized Signatory

Name _____ (PRINT)

Village of Lions Bay

BYLAW No. 649, 2025

Appendix B – Confirmation of Professional Liability Insurance

1. *This Confirmation letter must be submitted along with each BC Building Code Schedule A and Schedule B before issuance of a building permit. A separate Confirmation Letter must be submitted for each registered professional.*
2. *This Confirmation Letter must be submitted with each BC Building Code Schedule C after completion of the building but before a final inspection is made by the building official. A separate Confirmation Letter must be submitted for each registered professional.*
3. *Only an original Confirmation Letter, printed by the Village or an unaltered photocopy of this document is to be completed and submitted.*

Attention: Manager, Inspections

Property Address: _____

Legal Description: _____

The undersigned hereby gives assurance that:

- a) I have fulfilled my obligation for insurance coverage as outlined in the Village of Lions Bay Building Bylaw 2025, No. XXXX;
- b) I am insured by a policy of insurance covering liability to third parties for errors and omissions in respect to the above project, in the amount of at least One Million Dollars (\$1,000,000.00);
- c) I have enclosed a copy of my certificate of insurance coverage indicating the particulars of such coverage;
- d) I am a *registered professional*; and
- e) I will notify the *building official* in writing immediately if the undersigned's insurance coverage is reduced or terminated at any time during *construction*.

Signature

Name (PRINT)

Date

Address (PRINT)

(Affix professional seal here)

Phone

(If the *registered professional* is a member of a firm, complete the following)

I am a member of this firm:

Name of Firm (PRINT)

Address (PRINT)

I sign this letter on behalf of myself and the firm.

Note: This Confirmation letter must be signed by a registered professional. The BC Building Code defines a registered professional as a person who is registered or licensed to practice (a) as an architect under the Professional Governance Act, S.B.C. 2018, c. 47, or (b) as a professional engineer under the Professional Governance Act, S.B.C. 2018, c. 47.

Village of Lions Bay

BYLAW No. 649, 2025

Appendix C – Confirmation of Required Documentation

Building Permit Number: _____

Note:

- 1. The Confirmation of Required Documentation and all required documentation must be submitted to the Chief Building Inspector 2 days prior to the Pre-Occupancy Coordinated Review.*
- 2. The Confirmation of Required Documentation and all required documentation must be submitted in a tabbed ringed binder, with tab sections as per this Appendix.*

	Provided	N/A	
TAB 1	<input type="checkbox"/>	<input type="checkbox"/>	CONFIRMATION OF REQUIRED DOCUMENTATION
TAB 2	<input type="checkbox"/>	<input type="checkbox"/>	DIRECTORY OF PRINCIPALS (Role/Firm/Name/Telephone)
	<input type="checkbox"/>	<input type="checkbox"/>	Owner
	<input type="checkbox"/>	<input type="checkbox"/>	Co-ordinating Registered Professional
	<input type="checkbox"/>	<input type="checkbox"/>	Registered Professionals
	<input type="checkbox"/>	<input type="checkbox"/>	Warranty Provided
	<input type="checkbox"/>	<input type="checkbox"/>	Licensed Builder
	<input type="checkbox"/>	<input type="checkbox"/>	Sub-Contractors
TAB 3	<input type="checkbox"/>	<input type="checkbox"/>	LETTERS OF ASSURANCE (A, B, C-A, C-B)
	<input type="checkbox"/>	<input type="checkbox"/>	Co-ordinating Registered Professional
	<input type="checkbox"/>	<input type="checkbox"/>	Architectural
	<input type="checkbox"/>	<input type="checkbox"/>	Structural
	<input type="checkbox"/>	<input type="checkbox"/>	Mechanical
	<input type="checkbox"/>	<input type="checkbox"/>	Geotechnical Temporary
	<input type="checkbox"/>	<input type="checkbox"/>	Geotechnical Permanent
	<input type="checkbox"/>	<input type="checkbox"/>	Fire Suppression

	<input type="checkbox"/> <input type="checkbox"/>	_____ (other)
TAB 4	<input type="checkbox"/> <input type="checkbox"/>	PROFESSIONAL REVIEW LETTERS
	<input type="checkbox"/> <input type="checkbox"/>	Alternative Solution (Confirmation of Field Review – sealed)
	<input type="checkbox"/> <input type="checkbox"/>	Site Services – Civil Engineer
	<input type="checkbox"/> <input type="checkbox"/>	Building Envelope Specialist
	<input type="checkbox"/> <input type="checkbox"/>	Roofing Consultant
	<input type="checkbox"/> <input type="checkbox"/>	Generator Test Report / Certificate
	<input type="checkbox"/> <input type="checkbox"/>	(Other - specify) _____
	<input type="checkbox"/> <input type="checkbox"/>	(Other - specify) _____
TAB 5	<input type="checkbox"/> <input type="checkbox"/>	FIRE ALARM
	<input type="checkbox"/> <input type="checkbox"/>	Fire Alarm Verification Certificate (include field work sheets)
	<input type="checkbox"/> <input type="checkbox"/>	Letter of Signed Contract from ULC Listed Monitoring Agency
TAB 6	<input type="checkbox"/> <input type="checkbox"/>	SPRINKLER SYSTEMS
	<input type="checkbox"/> <input type="checkbox"/>	Material and Test Certificate – Above ground piping
	<input type="checkbox"/> <input type="checkbox"/>	Material and Test Certificate – Underground piping
	<input type="checkbox"/> <input type="checkbox"/>	Fire Pump Test Report
TAB 7	<input type="checkbox"/> <input type="checkbox"/>	PROVINCIAL APPROVALS
	<input type="checkbox"/> <input type="checkbox"/>	Certificate to Operate Elevating Device (one per each device)
	<input type="checkbox"/> <input type="checkbox"/>	Health Approval (on-site sewage disposal)
	<input type="checkbox"/> <input type="checkbox"/>	Health Approval (food services)
TAB 8	<input type="checkbox"/> <input type="checkbox"/>	VILLAGE APPROVALS
	<input type="checkbox"/> <input type="checkbox"/>	Sprinkler Permit – Pre- <i>occupancy</i> Co-ordinated Review
	<input type="checkbox"/> <input type="checkbox"/>	Fire Department Acceptance (Fire Safety Plan)
	<input type="checkbox"/> <input type="checkbox"/>	Final Inspection (Building Inspector– pre- <i>occupancy</i> review)
	<input type="checkbox"/> <input type="checkbox"/>	Developmental Engineering Final Inspection
	<input type="checkbox"/> <input type="checkbox"/>	Planning Technicians Final Inspection

TAB 9 ☐ ☐ DEFICIENCY LIST

Submitted by Coordinating Registered Professional

Name (PRINT)

Signature

Date

Address (PRINT)

Phone

Village of Lions Bay
BYLAW No. 649, 2025

Appendix D – Offences

COLUMN 1	COLUMN 2	COLUMN 3
DESIGNATED EXPRESSION	SECTION	FINE
Interference with <i>building official's</i> right of entry		
Construction without <i>building permit</i>		
Demolition without <i>building permit</i>		
Moving <i>building</i> without <i>building permit</i>		
Failure to having <i>permit</i> and supporting documents on site		
Unsafe site		
Failure to post civic address		
Failure to comply with <i>permit</i> conditions		
Failure to obtain final inspection notice		
Unsafe condition		
Failure to clear all debris and fill		
Failure to obtain <i>building official's</i> written acceptance prior to concealing work		
Failure to stop work after a <i>registered professional's</i> services are terminated		
Violation of Stop Work Order		
Violation of Do Not Occupy Notice		

STAFF REPORT

DATE: 2025-11-18 **FILE:** Admin-2025-004
TO: Ross Blackwell, CAO
FROM: Dave Butler, Building Official
RE: **Draft Building Bylaw – Bird Friendly Considerations**

PURPOSE:

To set out considerations regarding mandatory bird-friendly glass and lighting requirements in the draft Building Bylaw.

BACKGROUND:

The Bird Friendly group requested that bird friendly provisions be included in the new Building Bylaw.

DISCUSSION:

The Building Official sits on the Lower Mainland Technical Committee (LMTC) and has sought advice from many members in regard to letters addressed to Council on Bird Friendly glass in new construction and major renovations, along with bird friendly lighting to our new building bylaw.

It appears only the City of Vancouver has a requirement for bird friendly glass in all new high-rise buildings and low-rise condos. The City of North Vancouver and District of North Vancouver, along with the District of West Vancouver does not have bird friendly glass in any single-family dwelling. Most window manufacturers do not offer bird friendly glass, and I was advised that it would be a special order, making this route cost prohibitive in many cases. So, unless building owners and designers decide at the onset that bird friendly glass would be an integral part of building, bird friendly glass will always be on the list of potential cuts when a project exceeds budget.

Notwithstanding the above, the municipality does not perform electrical inspections – these fall under B.C Safety Authority, so if bird friendly lights were added to the bylaw, they would not be inspected by municipal staff.

Given that Lions Bay has approximately 506 single family dwellings and build approximately four new homes a year, that is less than 1% of new buildings that would require bird friendly glazing,

leaving 99% of structures vulnerable to bird strikes. This hardly seems reasonable to put in a bylaw and enforce with such small numbers here in the municipality.

Education on how to protect birds with decals and shades on glazing would be a better approach. It covers a greater ground and would include all single-family dwellings within the municipality and not just new builds.

References:

Municipalities

City of Coquitlam – does not require

City of North Vancouver – does not require

District of North Vancouver – does not require

District of West Vancouver – does not require

District of Squamish – does not require

City of Vancouver – required on all new high-rise buildings and low-rise condos

Window Manufacturing Companies

A-1 Window Manufacturing – does not supply

Ventanas Windows and Doors – does not supply

Vinyltek Windows – does not supply

OPTIONS:

For information.

RECOMMENDED OPTION:

None.

FINANCIAL CONSIDERATIONS:

None.

LEGAL CONSIDERATIONS:

None.

RECOMMENDED RESOLUTION:

For information.

Respectfully submitted,

A handwritten signature in cursive script that reads "Dave Butler".

Dave Butler
Building Official

Report Approved By,

A handwritten signature in cursive script that reads "Ross Blackwell".

Ross Blackwell
Chief Administrative Officer

Attachments:

None.

STAFF REPORT

DATE: 2025-11-25 **FILE:** Admin-2025-005
TO: Ross Blackwell, CAO
FROM: Shawna Driscoll, Administrative Assistant
RE: ***Fees Bylaw No. 497, 2016, Amendment Bylaw No. 656, 2025***

PURPOSE:

To amend the *Fees Bylaw*, Schedule 6 – Community Facility Rentals, in response to community feedback and an internal review that identified unintended discrepancies in the recently updated fee structure.

BACKGROUND:

The most recent revisions to Schedule 6 – Community Facility Rentals were developed by benchmarking against other neighboring municipalities. The intention was to streamline the numerous rental categories into a clearer and more consistent framework. However, following adoption, it became apparent that we had not fully considered the significant increase faced by long-standing users – for example, the shift from \$25 per month for “non-profit groups meeting once per week” to \$100 per month for “weekly recurring groups,” representing a four-fold increase.

The newly proposed amendments are intended to bridge the gap between the antiquated rate of \$25 per month and a more sustainable, reasonable fee structure, while still ensuring that community needs are met. Staff have approached this review thoughtfully and in good faith, aiming not to be punitive or exclusionary, but to balance affordability with fiscal responsibility. While generating revenue is not the purpose of facility rentals, fees must reasonably cover staff time, utilities, and facility upkeep.

In the proposed amendments, we have condensed the bylaw schedule to make clear, concise, and reasonable facility rates for all facility users bearing in mind, that qualifying groups already benefit from in-kind use, care of Grants in Aid. Paying users include recreation use, non-profit weekly recurring community groups, and break-even for-profit facilitators offering community programming. As these activities provide community benefit, the distinction between profit and non-profit organizations has been removed and streamlined to two rental options: an hourly or full-day rate. The streamlined approach simplifies the bylaw and narrows the gap in fees between

user types, while mitigating the impact of the significant increase for weekly groups and adjusting outdated rates.

DISCUSSION:

In summary, the objective is to simplify rates and create equitable access for all users while balancing administrative and facility costs. The previous two schedules are attached for reference; the 2024 version which was recently amended by the 2025 version. The amending bylaw with proposed changes is also attached.

OPTIONS:

- (1) Give three readings to the *Fees Bylaw* Amendment.
- (2) Provide no decision or direction.
- (3) Refer the matter to staff with specific direction.

RECOMMENDED OPTION:

Option (1) – give three readings to the *Fees Bylaw* Amendment.

FINANCIAL CONSIDERATIONS:

None.

LEGAL CONSIDERATIONS:

None.

RECOMMENDED RESOLUTION:

THAT *Fees Bylaw No. 497, 2016, Amendment Bylaw No. 656, 2025* be read a first, second, and third time.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "S Driscoll".

Shawna Driscoll
Administrative Assistant

Report approved by,

A handwritten signature in black ink, appearing to read "Ross Blackwell".

Ross Blackwell, CAO
Chief Administrative Officer

Attachments:

- (1) Schedule 6 of *Fees Bylaw No. 497, 2016, Amendment Bylaw No. 631, 2024*
- (2) Schedule 6 of *Fees Bylaw No. 497, 2016, Amendment Bylaw No. 647, 2025*
- (3) *Fees Bylaw No. 497, 2016, Amendment Bylaw No. 656, 2025*
- (4) *Fees Bylaw No. 497, 2016, Amendment Bylaw No. 656, 2025* – Consolidation with tracked changes.

SCHEDULE 6 – COMMUNITY FACILITY RENTALS

Rental fee includes use of kitchen, tables, chairs and music player.

Description	Fee*
Hall Rental for private events: Examples of use: dances, weddings, ceremonies, parties, etc. Prior day hall rental set-up fee (subject to availability):	\$125 if liquor being served \$110 if no liquor being served \$55 <i>If event occurs over multiple days, the rate above applies per day</i>
Hall Rental for Activities Examples of use: children's birthday parties, drop-in, casual	\$50 per event (maximum 4 hours) \$25 per event (maximum 2 hours)
Hall Rental for program use: Examples of use: programs run by an instructor for a fee	20% of revenue per session, or minimum payment amount of \$40 per month, whichever is greater.
Hall Rental for non-profit groups: Community group activities, meeting a maximum of once per week to a maximum of 12 hours per month. Example of use: badminton, volleyball for community members Additional fee for events exceeding the maximum Non-profit community groups (single event) Example of use: strata/ board meetings	\$25 per month \$25 per event \$25 per event <i>This is the fee rate applicable to requests for fee waivers under the Municipal Grant program. Youth under 19 years of age must be supervised by an adult while using Village facilities.</i>
Rental of Tennis Courts for Program Use (max 2 hours per day)	20% of revenue per session or minimum payment amount of \$40 per month, whichever is greater.
Cancellation Fee:	Refer to policy: POL-1408 Refunds & Cancellations
Staff Assistance (assemble & disassemble equipment on-site) Sound System: <i>No offsite rental for sound equipment.</i>	\$50 set up \$50 take down \$50

Equipment Rental Rates (for off-site use): Table rental Chair rental (No outside use of chairs without explicit written authorization) <i>Equipment not returned within 72 hours will result in forfeiture of deposit.</i>	\$10 each \$1 each (\$10 minimum)
Deposit for facility / equipment rental:	\$100 / \$150 if alcohol being served or sold Refundable in accordance with policy POL-1407 Community Facility Rentals. <i>Note: Liability for damage or loss is not limited to the deposit amount.</i>

*plus deposit

[Amended by Bylaw No. 551]
 [Amended by Bylaw No. 554]
 [Amended by Bylaw No. 567]
 [Amended by Bylaw No. 585]
 [Amended by Bylaw No. 602]
 [Amended by Bylaw No. 623]

SCHEDULE 6 – COMMUNITY FACILITY RENTALS (includes use of kitchen, tables, chairs and equipment), subject to availability. For liability insurance and refund policy refer to POL-1407 Community Facility Rentals. For cancellation refer to POL-1408 Refunds & Cancellations.

Description	Fee*
<p>Broughton Hall</p> <p>Failure to pay monthly fees on time may result in forfeiture of damage deposit, and future bookings revoked.</p> <p>Weekly recurring groups are to a maximum of two hours per week.</p> <p>Drop ins are for children’s birthday parties and activities only.</p>	<p>Drop In: \$25 (two-hour maximum) \$50 (four-hour maximum)</p> <p>Community Private/Public Event (for profit): \$150/day</p> <p>Community Private/Public Event (non-profit): \$125/day</p> <p>Weekly Recurring Group (profit/non-profit): \$100/month</p> <p>Commercial: \$350/day</p> <p>Prior Day Set-up Fee (subject to availability): \$55</p>
<p>Council Chambers</p> <p>Meeting use only. Maximum of four hours.</p>	<p>First two hours - \$25</p> <p>One hour increments thereafter - \$10</p>
<p>Tennis Courts for Recurring Program Use</p> <p>Two-hour max per day. These bookings are for recurring program use only.</p>	<p>\$100/month</p>
<p>Off-site Equipment Rental</p> <p>No outdoor use of chairs. Equipment not returned within 72 hours will result in forfeiture of deposit. Pick-up/drop-off is the renters’ responsibility. Maximum of 10 tables and 30 chairs. Subject to availability.</p>	<p>Tables: \$10 each</p> <p>Indoor Chairs: \$2 each (\$10 minimum)</p>
<p>Damage Deposit</p> <p>Deposits are refundable in accordance with Policy <i>POL-1407: Community Facility Rentals</i>. Liability for damage, loss, or mess is not limited to the deposit amount.</p>	<p>\$150</p> <p>Events including alcohol are subject to an additional \$100 deposit with an approved liquor license.</p>

[Amended by Bylaw No. 551]
[Amended by Bylaw No. 554]
[Amended by Bylaw No. 567]

[Amended by Bylaw No. 585]
[Amended by Bylaw No. 602]
[Amended by Bylaw No. 623]
[Amended by Bylaw No. 647]



Fees Bylaw No. 497, 2016

Amendment Bylaw No. 656, 2025

Adopted: XXX

PO Box 141, 400 Centre Road, Lions Bay, BC V0N 2E0
Phone: 604-921-9333 Fax: 604-921-6643
Email: office@lionsbay.ca Web: www.lionsbay.ca

Fees Bylaw No. 497, 2016

Amendment Bylaw No. 656, 2025

The Council of the Village of Lions Bay, in open meeting assembled, enacts as follows:

1. This bylaw may be cited for all purposes as “Fees Bylaw No. 497, 2016, Amendment Bylaw No. 656, 2025.
2. Fees Bylaw No. 497, 2016, Amendment Bylaw No. 656, 2025, is hereby amended as follows:
 - a) Replaces Schedule 6 “Community Facility Rentals”

SCHEDULE 6 – COMMUNITY FACILITY RENTALS (includes use of kitchen, tables, chairs and equipment), subject to availability. For liability insurance and refund policy refer to POL-1407 Community Facility Rentals. For cancellation refer to POL-1408 Refunds & Cancellations.

Description	Fee*
Broughton Hall Failure to pay fees on time may result in forfeiture of damage deposit, and future bookings revoked. All bookings include a grace period of 30-minutes before and after scheduled booking time for set-up/clean-up. Any extra set-up/clean-up time requested will be charged at the standard hourly rate.	Hourly Community Rate: \$10/hour (up to a maximum of 4-hours) Full Day Community Rate: \$100/day Commercial: \$350/day Prior Day Set-up Fee: \$55 (subject to availability; applies to full day bookings only)
Council Chambers Meeting use only. Some limitations may apply.	\$10/hour (maximum 4-hours)
Tennis Courts for Recurring Program Use These bookings are for recurring program use only.	\$10/hour (maximum 2-hours)

Off-site Equipment Rental No outdoor use of chairs. Equipment not returned within 72 hours will result in forfeiture of deposit. Pick-up/drop-off is the renters' responsibility. Maximum of 10 tables and 30 chairs. Subject to availability.	Tables: \$10 each Indoor Chairs: \$2 each (\$10 minimum)
Damage Deposit Deposits are refundable in accordance with Policy <i>POL-1407: Community Facility Rentals</i> . Liability for damage, loss, or mess is not limited to the deposit amount.	\$150 Events including alcohol are subject to an additional \$100 deposit with an approved liquor license.

3. This bylaw shall come into force and take effect upon adoption.

READ A FIRST TIME	December 2, 2025
READ A SECOND TIME	December 2, 2025
READ A THIRD TIME	December 2, 2025
ADOPTED	XXX, 2025

Mayor

Corporate Officer

**Certified a true copy of Fees Bylaw No. 497, 2016,
Amendment Bylaw No. 656, 2025, as adopted.**

Corporate Officer



Fees Bylaw No. 497, 2016

Office Consolidation

This document is an office consolidation of Fees Bylaw No. 497, 2016 with subsequent amendments adopted by the Village of Lions Bay.

All persons making use of this consolidation are reminded that it has no Council sanction, and that amendments have been incorporated only for convenience of reference, and that for all purposes of interpretation and application, the original bylaws should be consulted. The Village of Lions Bay will in no event be liable or responsible for damages of any kind arising out of the use of this consolidation.

This is not the official version of Fees Bylaw No. 497, 2016, as amended, nor is it admissible in a court of law. For such purposes, official certified copies of the original bylaws can be obtained from the Village Office or by contacting us at: office@lionsbay.ca

List of Amending Bylaws

Bylaw No.	Section	Description	Adopted
519	3	Deletes section 5.1.13	April 4, 2017
526	2.1	Amends schedule 1	May 5, 2017
530	2(a)	Adds metered parking fees to schedule 5	July 4, 2017
534	2.1	Replaces Schedules 1-10	December 19, 2017

544	2(a) 2(b)	Adds soil deposit and removal fees in schedule 2 Amends parking meter rates in schedule 5	May 11, 2018
547	2(a)-(c)	Amends text in Schedules 2 and 5	June 5, 2018
551	2(a)-(d) 3	Amends birthday party rental fees and non-profit rental fees in schedule 6 Deletes insurance costs from the table	September 18, 2018
554	2(a)-(f)	Amends text and fees in schedules 1, 2, 3, 5, 6 and 7	December 18, 2018
563	2(a)-(b)	Amends Extra Annual Parking Permit description and Parking Meters Fees in schedule 5	May 14, 2019
567	2(a)-(h) 3	Amends schedules 1-8 Punctuational changes	December 17, 2019
584	2 & 5	Amends text in Schedule 2 Amends fees in Schedule 5 for Sunset Trailhead	July 28, 2020
585	Part 5 & Schedule 1, 5 & 6	Amends text in Part 5, section 4A Amends text in Schedule 1 Amends text in Schedule 5 Amends text and fees in Schedule 6	December 15, 2020
590	Schedule 1	Amends the cost of Biodegradable Organics Bags	February 9, 2021
599	Schedule 5	Adds fees for paid on street parking	April 13, 2021
606	Schedule 1	Change fee for Lions Bay Flags	June 15, 2021
602	Schedule 1, 2, 5, 6, and 9	Amends text in Schedules 1,2 and 5; adds fee for garbage tag in Schedule 1; amends text for Schedule 6; amends fee for Schedule 9	December 14, 2021
623	Section 3.1 and Schedule 1, 2, 3, 5, 6, 7, 9, & 10	Clarifies that all application fees are non-refundable; lessens the financial impact of a Building Permit renewal; removes Council Chambers as a rentable space until further notice; identifies Brunswick Pit as a separate filming zone; updates bench dedication and boat seizure fees; miscellaneous clarifications.	December 20, 2022
631	Schedule 5 – 6 th paragraph, Schedule 5 – 8 th paragraph	Various wording	February 20, 2024

647	2 (a) (b)	Updates all schedules	October 7, 2025
<u>656</u>	<u>2 (a)</u>	<u>Replaces Schedule 6 - Community Facility Rentals</u>	

Fees Bylaw No. 497, 2016

A bylaw to provide for the imposition of fees.

WHEREAS, pursuant to the provision of the *Community Charter and the Local Government Act*, the Village of Lions Bay may impose municipal fees in respect of all or part of a service of the municipality, the use of municipal property, the exercise of authority to regulate, prohibit or impose requirements, or in respect of such other matters permitted by an enactment;

NOW THEREFORE the Council of the Village of Lions Bay in open meeting assembled enacts as follows:

Part 1 – CITATION:

1.1 This Bylaw may be cited for all purposes as "Fees Bylaw No. 497, 2016".

Part 2 – SEVERABILITY:

2.1 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, paragraph, subparagraph, clause or phrase.

Part 3 – FEES AND CHARGES

3.1 The municipality hereby imposes the fees for the provision of services and information as specified in Schedules 1 to 10 inclusive, which are attached hereto and form part of this bylaw. All application fees are non-refundable.

[Amended by Bylaw No. 623]

Schedules

Schedule 1: General Administration

Schedule 2: Development, Land and Building Services

Schedule 3: Public Works

Schedule 4: Animal Control & Licensing

Schedule 5: Traffic & Parking Fees

Schedule 6: Community Facility Rentals

Schedule 7: Filming

Schedule 8: Fire Rescue / Emergency Permits & Fees

Schedule 9: Memorials and Dedications

Schedule 10: General

[Amended by Bylaw No.647]

- 3.2 Fees imposed under this bylaw for the provision of services or information apply instead of any fees imposed under other bylaws for the same services or information, in the event of any conflict between this bylaw and any other bylaw.

Part 4 – REPEAL

- 4.1 The following bylaws are hereby repealed:

1. Security Alarm System Regulation Bylaw No. 272, 1997;
2. Fees and Charges Bylaw No. 462, 2014;
3. Repeal of Prior Fees and Charges Bylaw No. 465, 2014;
4. Fees and Charges Amendment Bylaw No. 480, 2014; and
5. Fees and Charges Amendment Bylaw No. 490, 2015.

Part 5 – CONSEQUENTIAL AMENDMENTS

- 5.1 The following bylaws are hereby amended as follows:

1. Water Rates and Regulation Bylaw No. 2, 1971, as amended:
 - (a) Section 4 is amended to read: “Fees for services that may be or are provided under this Bylaw shall be payable as set out in Fees Bylaw No. 497, 2016, as amended”; and
 - (b) Schedule A is amended by deleting section 2, Connection Charges.
2. Village of Lions Bay Sewer Bylaw #101, 1984, as amended:
 - (a) Section 3 is amended by striking the heading and substituting therefore the heading “Fees”;
 - (b) Section 3 is further amended by deleting the existing wording and substituting therefore: “Fees for services that may be or are provided under this Bylaw shall be payable as set out in Fees Bylaw No. 497, 2016, as amended”;
 - (c) Section 17 is hereby renumbered as Section 18; and
 - (d) The following is hereby inserted as Section 17:

“17. The tie-in of the building sewer shall be made into a wye at the property line. The owner shall be required to install this wye. A plug shall be inserted into the upper end of the wye to prevent any flow into the sewer system. After the acceptance of the house plumbing by the building inspector and after the building sewer from the wye to the house has been tested successfully, the plug shall be

”

removed in the presence of a representative of the Village. The wye branch shall then be plugged and the excavation backfilled with suitable material. Under no circumstances shall the building sewer be used for drainage purposes during construction.

(e) Schedule A is hereby deleted.

3. Subdivision Bylaw No. 141, 1985, as amended:

(a) Section 5 is amended to read: "Fees for services that may be or are provided under this Bylaw or Development Application Procedures and Fees Bylaw No. 431, 2011, as amended, shall be payable as set out in Fees Bylaw No. 497, 2016, as amended. These fees shall be in addition to any fees prescribed under the *Land Title Act*, RSBC 1996, Chapter 250".

4. Lions Bay Soil and Material Deposit Bylaw No. 157, 1987: [Bylaw 157 repealed]

[Amended by Bylaw No. 585]

5. Village of Lions Bay Blasting Bylaw No. 170, 1988:

(a) Section 5 is amended to read: "Fees for services that may be or are provided under this Bylaw shall be payable as set out in Fees Bylaw No. 497, 2016, as amended".

6. Building Regulation Bylaw 234, 1994:

(a) The heading for Section 21 is hereby amended by adding the words: "and Fees" to the word: "Schedules";

(b) The existing Section 21 is hereby renumbered as Section 21(b);

(c) The following shall be inserted as Section 21(a): "Fees for services that may be or are provided under this Bylaw shall be payable as set out in Fees Bylaw No. 497, 2016, as amended"; and

(d) Schedule D, Village of Lions Bay Permit Fees, is hereby deleted.

7. Animal Control and Licencing Bylaw No. 461, 2014:

(a) All references in Sections 5, 11 and 12 to Village of Lions Bay Fees and Charges Bylaw No. 462, 2014 are hereby deleted and replaced with references to Fees Bylaw No. 497, 2016, as amended.

8. Village of Lions Bay Trees, Views and Landscapes Bylaw No. 393, 2007, as amended:

(a) The reference in Section 3.4.1.4 to Fees and Charges Bylaw No. 462, 2014 is hereby replaced with a reference to Fees Bylaw No. 497, 2016, as amended.

9. Traffic and Parking Bylaw No. 413, 2009, as amended:
- (a) The following is inserted as Section 35: “Fees for services that may be or are provided under this Bylaw shall be payable as set out in Fees Bylaw No. 497, 2016, as amended”.
10. Fire Bylaw No. 428, 2011, as amended:
- (a) Section 53 is hereby renumbered as Section 54;
 - (b) The following is hereby inserted as Section 53: “Additional fees for services that may be or are provided under this Bylaw shall be payable as set out in Fees Bylaw No. 497, 2016, as amended”.
 - (c) Appendix B is hereby deleted.
11. Development Application Procedures and Fees Bylaw No. 431, 2011, as amended:
- (a) All references in Sections 3 and 12 to Village of Lions Bay Fees and Charges Bylaw No. 462, 2014 are hereby deleted and replaced with references to Fees Bylaw No. 497, 2016, as amended.
12. Village of Lions Bay Outdoor Water Use Bylaw No. 484, 2015:
- (a) The reference in Section 4 of Schedule B to the Village of Lions Bay Fees and Charges Bylaw is hereby deleted and replaced with a reference to Fees Bylaw No. 497, 2016, as amended.

Part 6 – EFFECTIVE DATE

6.1 This bylaw shall come into force and take effect on January 1, 2017.

READ A FIRST TIME	December 15, 2015
READ A SECOND TIME	December 15, 2015
READ A THIRD TIME	December 6, 2016
ADOPTED	December 20, 2016

Mayor

Corporate Officer

**Certified a true copy of Fees
Bylaw No. 497, 2016 as adopted.**

Corporate Officer

SCHEDULE 1 – GENERAL ADMINISTRATION

Description	Fee
Requests under the <i>Freedom of Information and Protection of Privacy Act and Regulation</i>	As per <i>Freedom of Information and Protection of Privacy Act and Regulation</i> , Schedule of Maximum Fees For commercial applicants, for each service listed below, cost shall be determined at the rate of \$10.00 per ¼ hour.
Locating, retrieving, producing or preparing records for disclosure	\$7.50 per ¼ hour
Photocopying / printing / scanning documents (applies to 8 pages and more)	\$0.25 per page (black & white) \$0.50 per page (colour)
Copy of house plans	\$75 plus actual costs of printing
Property Tax and Utility Information:	
Property Tax Certificate	\$30 (no charge to owners)
Reprinted Property Tax/Utility Fee Notice	\$20 (no charge to owners)
Property Title Search from Land Title Office	\$25
Property Ownership Transfer Tax on tax sale properties	As per Land Title Office fees
Property Tax Sale, registration and removal of Liens	As per Land Title Office fees
Lions Bay flag	\$110 + GST
Community Garden	\$25 per plot annually
Biodegradable compostables/organics bags	At cost + GST
Garbage bag tags	\$5

[Amended by Bylaw No. 554]

[Amended by Bylaw No. 567]

[Amended by Bylaw No. 585]

[Amended by Bylaw No. 590]

[Amended by Bylaw No. 606]

[Amended by Bylaw No. 602]

[Amended by Bylaw No. 623]

[Amended by Bylaw No. 647]

SCHEDULE 2 – DEVELOPMENT, LAND AND BUILDING SERVICES

Description	Fee
Official Community Plan amendment (residential)	\$2,500 or \$3,000 if combined with rezoning application, plus actual advertising cost, plus 10% thereof, with \$700 refunded if no public hearing.
Zoning Bylaw amendment (residential)	\$2,500, plus actual advertising cost, plus 10% thereof, with \$700 refunded if no public hearing.
OCP or Zoning amendment (non-residential)	\$2,500 for first 465 square meters of building area plus \$500 for each additional 100 square meters or part thereof.
Request for preliminary review of Development Application proposal for subdivision, rezoning or OCP amendment	\$2,000 plus \$300 for each additional lot after first lot created. Additional expenses may apply per Bylaw as amended.
Land Subdivision (Final Approval) application	\$1,000 plus \$200 for each additional lot or strata lot after first lot or strata lot created
Development Variance Permit	\$750
Temporary Use Permit application fee	\$250
Inspection fee for Temporary Use Permit for Short Term Rentals	\$250 for initial inspection plus one further inspection. Each additional inspection \$80/hour
Temporary Use Permit	\$1,000 plus \$750 for renewal application
Board of Variance application	\$500
Building Permit application processing fee	\$150
Pre-Building Permit application consultation	\$80 per hour
Building Permit, New construction - \$300 per sqft Minor / major renovations – declared value	\$150
Minimum fee (<\$1,000)	\$150 plus \$12 per \$1,000
• \$1,000-\$9,999	\$250 plus \$11 per \$1,000
• \$10,000-\$49,999	\$300 plus \$10 per \$1,000
• \$50,000-\$99,999	\$400 plus \$9 per \$1,000
• \$100,000 and greater	
	Minimum for a new dwelling: \$3100 (a construction value of \$300,000)
Permit renewals (a building permit expires after two years, but may be renewed once in accordance with Building Bylaw, as amended)	The balance of construction outstanding, based on the completion of inspections at time of renewal, determined by the Building Inspector: <ul style="list-style-type: none"> • 75% - excavation, foundation, drain tile, damp proofing • 50% - framing • 25% - insulation • 10% - final/safety items

Damage Deposit for Building Permit	
• Up to \$10,000	\$500
• Up to \$50,000	\$1,500
• Up to \$250,000	\$3,000
• Greater than \$250,000	\$5,000
Damage Deposit for Demolition Permit	\$5,000 (deposit, or balance, will be rolled over to cost of Building Permit, once inspection by Public Works has been completed)
Damage Deposit for other works, including but not limited to those requiring an engineer's certificate or material deposited on a Highway or a Soil Deposit/Removal/ Land Alteration Permit	\$5,000
Demolition Permit	
Accessory building or structure	\$100 per building
All other buildings	\$1,000 per building
Change of Address	\$500
Blasting permit application fee	\$250
Secondary Suite surcharge	40% of Annual Utility Billing
Secondary Suite inspection fee	Initial inspection plus one additional inspection free. Each additional inspection \$80/hour
Tree cutting permit application	\$75
Lawn sprinkling permit application	\$40
Driveway Crossing permit application	\$100
Fire Sprinkler permit:	
New construction and renovations requiring sprinkling under Fire Bylaw	\$250 plus \$2.50 per sprinkler head
Alternate solutions:	
Code Professional (additional charge if required on more involved issues, per Building Bylaw	Actual cost plus 10%
Extra inspections (after second inspection)	\$100 per inspection
Pre-inspection of a building being moved within the Village	\$500 per structure
Written notification that the project will not be undertaken and request for cancellation of permit before any construction begins	50% of the permit fee paid and 100% of deposit(s) shall be refunded
Plan review for building design modifications	\$80 per hour
Transfer of Building Permit to new owner	\$125
Encroachment Agreement application	\$400
Encroachment Agreement production if approved by Council	\$2000
Review & registration of Section 219 covenant placed according to the Land Title Act	\$1000

Discharge of Section 219 covenant placed according to the Land Title Act	\$500
Application for soil deposit or removal	
Over 27 cubic meters (m ³) and up to 45 m ³ of in any one year	\$100
More than 45 m ³ and up to 90 m ³ in any one year	\$200
More than 90 m ³ and up to 180 m ³ in any one year	\$400
More than 180 m ³ in any one year.	\$600

All permits include one inspection. Security and damage deposits are refunded, less costs incurred, after approval by the Building Inspector or Public Works Manager as the case may be, and in the case of a Building Permit, issuance of an Occupancy Certificate.

[Amended by Bylaw No. 547]
[Amended by Bylaw No. 554]
[Amended by Bylaw No. 567]
[Amended by Bylaw No. 584]
[Amended by Bylaw No. 602]
[Amended by Bylaw No. 623]
[Amended by Bylaw No. 647]

SCHEDULE 3 – PUBLIC WORKS

Description	Fee
Water service connection	\$600 plus actual costs
Sewer service connection	\$1200 plus actual costs
Locate water leak on private property, turn water on or off, clean up spills or deposits or remediate damage to a Highway including use of municipal equipment. Fuel, materials, turf, plants, storage in commercial premises and equipment rentals will be charged at 15% markup, based on invoices or receipts for materials or equipment. Work performed by contractors will be charged at cost plus a \$150 flat fee.	See Schedule 3 of LB Local 389 Collective Agreement for Public Works staff rates
Locate Sewer Pipes / Connection	See Schedule 3 for Public Works staff rates

[Amended by Bylaw No. 554]

[Amended by Bylaw No. 567]

[Amended by Bylaw No. 623]

[Amended by Bylaw No. 647]

SCHEDULE 4 – ANIMAL CONTROL & LICENCING

Description	Fee
Annual license for altered dog	\$30 if paid before February 28 th or within 30 days of becoming a new resident or obtaining a new dog \$45 thereafter
Annual license for unaltered dog	\$60 if paid before February 28 th or within 30 days of becoming a new resident or obtaining a new dog \$90 thereafter
Tag replacement	\$10

[Amended by Bylaw No. 567]

[Amended by Bylaw No. 647]

SCHEDULE 5 – TRAFFIC & PARKING FEES

Description	Fee
Extra resident parking permit: obtainable by a resident upon proof of more than 2 vehicles permanently registered at their address	\$40 (1 permit free to members of Lions Bay Fire Rescue, Lions Bay Search and Rescue, committees of Council and Village staff who do not otherwise receive permits as residents and non-resident school-attendeess with the school's authorization)
Contractor parking permit: valid for three months. Obtainable by homeowners and contractors working in Lions Bay. Allows parking in "permit parking" zones	\$40 for three months
Film company parking Film worker's personal vehicle Film company truck	Refer to Schedule 7: Filming
Visitor / Event parking permit – obtainable by residents, allows parking for one specified day for guests	\$0 per vehicle
Operating a vehicle or combination of vehicles in excess of 63,500 kgs licensed gross vehicle weight on highway	\$35 per vehicle load
Parking of Extraordinary Vehicle or trailer on a Highway or other Village property, with permission of Public Works Manager upon application in the requisite manner:	
Extraordinary Vehicle or trailer under 6.5 m in length	\$80/month or part thereof
Extraordinary Vehicle or trailer over 6.5 and under 7.7 m in length	\$110/ month or part thereof
Extraordinary Vehicle or Trailer over 7.7 m in length	\$135/month or part thereof
Upon approval of the Public Works Manager, daily fee for temporary placement of a moving container, a disposal container or construction material on a highway	\$35 per day
Placement on a highway or other Village property of an office trailer, storage container or other similar chattel reasonably required in respect of a building permit, with permission of Public Works Manager upon application in the requisite manner:	
Under 6.1 nominal meters (20 feet)	\$300 per month or part thereof
Over 6.1 nominal meters (20 feet)	\$600 per month or part thereof
Removal of chattels, obstructions and things from Highway	See Schedule 3 for Public Works staff costs

Towing of vehicle	Actual cost plus 15%
Sale of chattels, obstructions and things seized from highway	\$1,000 flat fee
Pay parking at Lions Bay Beach Park Lot	\$4/hour or portion thereof up to \$32 per calendar day
Pay parking at Kelvin Grove Beach & Marine Park Lot	\$3/hour or portion thereof up to \$24 per calendar day
4Pay parking at Sunset Trailhead Lot	\$3/hour or portion thereof up to \$24 per calendar day
Pay parking at Mountain Drive meter	\$2/hour or portion thereof up to \$16 per calendar day
Pay parking in street pay zones	\$2/hour or portion thereof up to \$16 per calendar day
Screening Officer Administrative Fee	\$25
<p>An administrative fee applies to the cancellation of any parking violation notice that is dismissed due to user error, including but not limited to:</p> <ul style="list-style-type: none"> • Entering the wrong license plate number • Selecting an incorrect vehicle during payment • Other data entry errors attributable to the user <p>This fee covers the administrative costs associated with reviewing, processing, and correcting the violation record. The fee is non-refundable and applies regardless of the outcome of the review process.</p>	

[Amended by Bylaw No. 530]
 [Amended by Bylaw No. 544]
 [Amended by Bylaw No. 547]
 [Amended by Bylaw No. 554]
 [Amended by Bylaw No. 563]
 [Amended by Bylaw No. 567]
 [Amended by Bylaw No. 584]
 [Amended by Bylaw No. 585]
 [Amended by Bylaw No. 599]
 [Amended by Bylaw No. 602]
 [Amended by Bylaw No. 623]
 [Amended by Bylaw No. 631]
 [Amended by Bylaw No. 647]

SCHEDULE 6 – COMMUNITY FACILITY RENTALS (includes use of kitchen, tables, chairs and equipment), subject to availability. For liability insurance and refund policy refer to POL-1407 Community Facility Rentals. For cancellation refer to POL-1408 Refunds & Cancellations.

Description	Fee*
Broughton Hall Failure to pay monthly fees on time may result in forfeiture of damage deposit, and future bookings revoked. <u>All bookings include a grace period of 30-minutes before and after scheduled booking time for set-up/clean-up. Any extra set-up/clean-up time requested will be charged at the standard hourly rate.</u> Weekly recurring groups are to a maximum of two hours per week. Drop ins are for children's birthday parties	<u>Hourly Community Rate: \$10/hour (up to a maximum of 4-hours)</u> Drop In: \$25 (two hour maximum) \$50 (four hour maximum) Community Private/Public Event (for profit): \$150/day Community Private/Public Event (non-profit): Full Day <u>Community Rate: \$100</u> 125 /day Weekly Recurring Group (profit/non-profit): \$100/month <u>Commercial: \$350/day</u> <u>Prior Day Set-up Fee: \$55</u> (subject to availability; <u>applies to full day bookings only</u>); \$55
Council Chambers Meeting use only. <u>Some limitations may apply.</u> Maximum of four hours.	\$10/hour (maximum 4-hours) <u>First two hours—\$25</u> One hour increments thereafter—\$10
Tennis Courts for Recurring Program Use Two-hour max per day. These bookings are for recurring program use only.	\$100/month <u>\$10/hour (maximum 2-hours)</u>
Off-site Equipment Rental No outdoor use of chairs. Equipment not returned within 72 hours will result in forfeiture of deposit. Pick-up/drop-off is the renters' responsibility. Maximum of 10 tables and 30 chairs. Subject to availability.	Tables: \$10 each Indoor Chairs: \$2 each (\$10 minimum)
Damage Deposit Deposits are refundable in accordance with Policy <i>POL-1407: Community Facility Rentals</i> . Liability for damage, loss, or mess is not limited to the deposit amount.	\$150 Events including alcohol are subject to an additional \$100 deposit with an approved liquor license.

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[Amended by Bylaw No. 551]
[Amended by Bylaw No. 554]
[Amended by Bylaw No. 567]
[Amended by Bylaw No. 585]
[Amended by Bylaw No. 602]
[Amended by Bylaw No. 623]
[Amended by Bylaw No. 647]
[Amended by Bylaw No. 656]

SCHEDULE 7 – FILMING

Description	Fee
Filming Application Fees	
Filming application fee	\$500
Filming fees (per day):	
Residential Zone	\$1,000
Brunswick Pit	\$500
Additional Location Fees (per day):	
Undeveloped Municipal Land	\$500
Tennis Courts, Wade Park, Trails (eg: Centennial, Pride, Marjorie Meadows)	\$750
Lions Bay Beach Park, Kelvin Grove Beach Park, Brunswick Beach Park/Esplanade	\$1,000
Broughton Hall	\$500
Council Chambers	\$250
Parking fees (per set up/filming/strike):	*Price break for number of days
Car (all types)	\$30/day
Truck (includes generator) (all types)	\$120/day
Filming Liaison	\$80/hour (regular hours)
Public Works Services	\$80/hour per person (regular hours)
Fire Hydrant Use (only to be operated by Municipal employees)	\$80 per hour - regular hours (7am – 3pm) \$120 per hour (3 hours minimum) outside regular hours
Damage deposit	\$10,000 (refundable) for permits over \$20,000 \$5,000 (refundable) for permits under \$20,000

[Amended by Bylaw No. 554]

[Amended by Bylaw No. 567]

[Amended by Bylaw No. 623]

[Amended by Bylaw No. 647]

SCHEDULE 8 – FIRE RESCUE/EMERGENCY

Description	Fee
Fire investigation	\$200/person/hour or portion plus actual site security costs
Fire Safety Plan review	\$100
Inspection of buildings other than routine inspections (after first inspection*) under the Fire Safety Act	\$100
Inspection of buildings other than routine inspections (after second inspection*) under the Fire Safety Act	\$200
Inspections – special request	\$150
Special events fire permit/inspection	\$100/person/hour or portion thereof
Fireworks Permit (valid only Oct 31 & New Year's Eve)	\$50
Cost recovery for work performed in removal or remediation of a fire hazard at or around a building or premises	<p>\$100 per person per hour or portion thereof to cover time plus use of municipal equipment.</p> <p>Actual extra costs for items such as equipment rentals required for clean up or remediation work will also be charged. Actual costs of a commercial contractor under contract to the municipality will be charged in addition to a flat fee of \$150 for municipal administration.</p>

**Note: all permits include one inspection*

[Amended by Bylaw No. 567]

[Amended by Bylaw No. 647]

SCHEDULE 9 – MEMORIALS AND DEDICATIONS

Description	Fee
Bench dedication	\$3,000 for provision and installation of bench and brass plaque up to 30 X 10 cm and maintenance for 10 years (after which plaque is removed for return to proponent)

[Amended by Bylaw No. 623]

[Amended by Bylaw No.647]

SCHEDULE 10 – GENERAL

Description	Fee
Boat rack rental, first year, if available	Pro-rated (based on \$150 rate)
Renewal of boat rack rental, Lions Bay Beach Park (<i>no refunds for permits terminated during the year</i>) (Stickers must be displayed to avoid seizure)	\$120 per calendar year before Mar. 31 \$150 per calendar year between Mar. 31 and May 31 (after May 31, boat is seized)
Recovery of seized boat from Public Works Yard (boats unclaimed after 120 days of seizure are discarded)	\$200

[Amended by Bylaw No. 623]

[Amended by Bylaw No. 647]

VILLAGE OF LIONS BAY FOLLOW-UP ACTION ITEM LIST

ACTION NO.	DATE	ITEM/ACTION/DESCRIPTION	PERSON	STATUS
311	Nov 7, 2023	Proceed with wayfinding signage project subject to community input		Deferred
316	Feb 20, 2024	Water Shortage Policy	DO	In Draft
339	May 6, 2025	Proposed Lions Bay trail race event for 2026 referred to staff and search and rescue	DOO & LBSAR	Followed up on Oct.22, 2025
355	September 16, 2025	Staff to investigate Village connectivity via existing trail networks, right-of-way etc...	CAO	Ongoing
361	September 2, 2025	Staff to report back with proposed locations for public toilets in the centre of the Village	DOO & CAO	Ongoing
363	November 18, 2025	CAO to outline DCC's and for Council at the next regular meeting.	CAO	Complete
364	December 2, 2025	Staff to look at completing an accessible parking audit and potential grant funding via SPARC, due March 2026	Bylaw Schedule a CotW for discussion	New
365				

STAFF REPORT

DATE: 2025-11-26 **FILE:** CAO-2025-031
TO: Council
FROM: Ross Blackwell, MAP, MCIP, RPP, CAO
RE: **Development Variance Permit Application 25-04**

PURPOSE:

The purpose of this report is to present Council with a Development Variance Permit (DVP) application requesting a variance to Section 7.8.1 of the Zoning and Development Bylaw to increase the maximum permitted height for a flat roof from 7.5 metres to 8.7 metres for approximately 33% of the roof area.

The intent of this report is to evaluate the proposal in accordance with the relevant regulatory, technical, and planning considerations, including massing, shading, and view impacts.

OWNER: Kevin & Caroline Tyson

APPLICANT: Kim Smith, Helliwell & Smith Blue Sky Architecture

LOCATION: 242 Panorama Place

LEGAL DESCRIPTION: Lot 45, Block 7, DL 1575, Plan 10595 (PID: 009-122-346).

ZONING: RS-1 (Residential - Single Detached)

BACKGROUND:

The subject property is characterized by steep terrain, irregular grade conditions, and substantial vertical separation from surrounding properties. The nearest residence is located to the south, separated by approximately 30 feet of elevation, and there are no immediately adjacent neighbours in close proximity to the proposed building area.

The applicant is proposing to demolish the existing residence on the property and construct a new one. Pursuant to Section 7.8.1 of the *Zoning and Development Bylaw*, the maximum permitted height for a flat roof is 7.5 metres. Due to existing site grade conditions, the applicant is seeking relief from this regulation to accommodate architectural design and functional habitable floor space preferences.

The applicant's written rationale is included as Attachment 'A'.



View to the south (existing structure)



View to the north

DISCUSSION:

Applicant Rationale

The applicant states that the primary factor necessitating the variance is the natural site grade, which results in portions of the structure measuring higher than permitted when assessed from grade. The design seeks to balance the functional layout of the dwelling while minimizing overall massing and maintaining a flat roof profile. Approximately one-third of the roof area would exceed the height limit, to a maximum of 8.7 metres.

Planning and Design Considerations

1. Building Massing

The requested height increase affects only 33% of the roof area and does not materially alter the perceived mass of the structure due to the site's topography and limited visibility from surrounding properties. The flat roof minimizes volumetric impact and maintains an overall low-profile form.

2. Height and Massing Analysis

Staff have assessed building elevations and cross-sections and conclude that the increased height occurs at localized portions of the structure due to grade differentials rather than overall building bulk. The variance does not introduce additional storeys or create an appearance of overbuilding on the lot.

3. Shading and Solar Access

Given the height increase is modest, the building is positioned on a steep site, and the nearest dwelling is located significantly below the subject property, there will be no adverse shading or loss of solar access to neighbouring lots.

4. View Impacts

Due to the substantial vertical separation from lower properties and the absence of immediate neighbours upslope, the proposal does not obstruct or interfere with established view corridors. Staff assessment confirms that the height increase is unlikely to generate any perceptible change in view impact.

5. Neighbourhood Character and Compatibility

The proposed building height variance is consistent with the general scale of development in Lions Bay's hillside neighbourhoods, where variations in grade routinely produce height measurement challenges. The design remains compatible with surrounding homes and does not introduce massing that would be out of character with the streetscape.

6. Rationale and Practical Necessity

Given the steep grade and the technical constraints associated with achieving functional interior spaces on sloped terrain, staff consider the variance to be practical, necessary, and reasonable. The applicant has minimized the area requiring height relief, and the request is not considered excessive.

Summary

The subject property's topography and isolation from adjacent development significantly reduce the potential for neighbourhood impacts. The variance applies to a limited portion of the structure, will not affect views, shading, or neighbourhood character, and is supported by clear rationale related to grade conditions. From a Planning perspective, the request is reasonable and the application is supported as proposed.

FINANCIAL CONSIDERATIONS:

None.

LEGAL CONSIDERATIONS:

This variance application is submitted under Section 499 of the *Local Government Act*, which authorizes Council to issue a Development Variance Permit to vary provisions of *Zoning and Development Bylaw No. 520, 2017*, other than use or density. In reviewing variance applications, Council must consider whether the intent of the regulation remains substantially met, and

whether any negative impacts on surrounding properties or the public interest are mitigated. The requested variance does not unduly conflict with the intent of the *Bylaw*.

All public notification requirements have been met.

OPTIONS:

Option 1:

Development Variance Permit No. DVP 25-04 be approved for the property located at 242 Panorama Place (*Lot 45, Block 7, DL 1575, Plan 10595* (PID: 009-122-346) to vary section 7.8.1 of *Zoning and Development Bylaw No. 520, 2017* permitting the maximum permitted height for a flat roof to be varied from 7.5 metres to 8.7 metres for approximately 33% of the roof area.

Option 2: Approve the DVP with Amendments.

Option 3: Deny the Development Variance Permit DVP 25-04

Option 4: Defer consideration of Development Variance Permit DVP 25-04 and request additional information.

RECOMMENDATION:

THAT Council approve the issuance of Development Variance Permit No. DVP 25-04 to vary Section 7.8.1 of *Zoning and Development Bylaw No. 520, 2017* to permit the maximum permitted height for a flat roof to be varied from 7.5 metres to 8.7 metres for the property located at 242 Panorama Place, as generally in accordance with the plans attached to this report.

Respectfully submitted,

A handwritten signature in black ink, appearing to be "R. Blackwell".

Ross Blackwell, MAP, MCIP, RPP, CAO

Attachments:

- (1) Applicant Rationale
- (2) Sketch Plans



DEVELOPMENT VARIANCE APPLICATION

Instructions:

1. This form must be completed in full. Incomplete applications will not be processed.
2. Submit the completed form, along with all required documents and the application fee, to the Village of Lions Bay municipal office.
3. For assistance, contact the Municipal Office at 604-921-9333 or reception@lionsbay.ca

1. Applicant/Agent Information

- **Applicant/Agent Name:** Kim Smith
- **Company Name (if applicable):** Helliwell + Smith Blue Sky Architecture
- **Mailing Address:** 4090 Bayridge Avenue
- **City:** West Vancouver **Province:** BC
- **Postal Code:** V7V 3K1
- **Phone Number:** 604 921 8646
- **Email Address:** bsa@blueskyarchitecture.com

2. Registered Owner Information

(Complete if different from Applicant)

- **Owner Name(s):** Kevin & Caroline Tyson
- **Mailing Address:** [REDACTED]
- **City:** Lions Bay **Province:** BC
- **Postal Code:** V0N2E0
- **Phone Number:** [REDACTED]
- **Email Address:** [REDACTED]

3. Property Information

- **Civic Address:** 242 Panorama Place, Lions Bay
- **Legal Description (Lot, Block, Plan, Section, Township):**
Lot 45, Block 7, DL 1575, Plan 10595

- **OCP Designation:** Low Density Residential
- **Zoning:** RS1
- **Existing Use:** single family
- **Proposed Use:** single family

4. Application Details

- **Variance(s) Requested:** (describe the nature and extent of variances requested and provide a detailed and scaled sketch plan showing the proposed variances):

A variance to Bylaw 520, Part VII, RS1, 7.8. Bylaw height of flat roof is 7.5 m and we are requesting a height of flat roof to 8.67 meters for 33% of the roof.
Please see attached A303 Elevation and A100a Site Plan

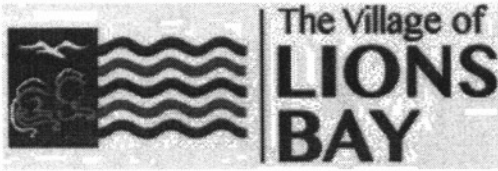
Proposed Variance Information Summary (e.g. front, rear, side yard setbacks, building height, lot coverage etc.

Variance Item:	Bylaw Requirement:	Proposed:	Difference:
Bylaw 520, RS1 7.8	Flat Roof Height 7.5 m	Flat Roof Height 8.67m	1.17 meters

5. Required Attachments

The following documents must accompany your application. Check the boxes to confirm that the required documents are included:

- ☒ Recent certificate of title (within past 30 days)
- ☒ Completed Application signed by the registered owners, or written authority for an agent to act on behalf of the owner and written Strata Council approval (if applicable)
- ☒ Certificate of Title * dated no more than 5 business days prior to the date of the application *
Copy of Certificate of Title shall also include copies of any easements and covenants (this information is available from the Land Title Office).
- ☒ Application Fee
- ☒ BC Land Surveyors/ Architectural sketch plan in metric showing proposed variances, including any existing buildings on the property in relation to legal property boundaries



DEVELOPMENT VARIANCE APPLICATION

- ☒ Separate written summary, including description of proposed development and reasons/rationale for the proposal.
- ☒ Electronic submissions of all drawings to be provided with all applications (must be in PDF format)

6. Applicant Declarations

- I/We declare that all information provided in this application is accurate to the best of my/our knowledge.
- I/We acknowledge that submission of this application does not guarantee approval, and that additional information may be requested during the review process.
- I/We authorize Village staff to enter the subject property for the purpose of reviewing this application.

Applicant/ Agent Signature: Kim Smith

Date: June 12 2025

Owner Signature (if different): Kim Tjorn C. Tjorn

Date: June 16th, 25

7. Office Use Only

- Application Received By: _____
- Date Received: _____
- Fee Paid: _____
- File Number: _____
- Comments: _____

Submit your application to:
Village of Lions Bay
400 Centre Road, PO Box 141
Lions Bay, BC, V0N 2E0

Contact Information:
Phone: 604-921-9333
Email: reception@lionsbay.ca



Development Variance for 242 Panorama Place for Roof Height on Flat Roof

July 15 2025

We are requesting a variance to Bylaw 520, Part VII, RS1, 7.8. Bylaw height of flat roof is 7.5 m and we are requesting a height of flat roof to 8.67 meters for 33% of the roof.

The building site is extremely steep, on the north and west sides, dropping to a ravine and creek (see A303). On the site, an existing 2-story building with a sloped roof has fallen into disrepair and is to be demolished. A new two-story building is proposed in its place.

The building site falls within NHAA 2C, 3A, and 3C, as identified in "The Village of Lions Bay, Natural Hazards Development Permit Area Strategy: Coastal, Creek and Hillslope Hazards" (Cordilleran Geoscience; dated January 18, 2018). In an effort to minimize site disturbance and limit any potential adverse impacts new construction might have on slope stability, the majority of the proposed building is located on top of the footprint of the existing building and the access to the proposed building retains the use of the existing driveway.

To efficiently utilize the footprint of the existing building, the proposed building is two stories in height. The portion of the proposed building that exceeds the existing building's footprint extends in a narrow finger parallel with the slope topography and the existing driveway, in an effort to create minimal disturbance to the slope. The proposed building with a flat roof is lower in overall height than the existing building with a sloped roof.

Because of the steepness of the site, the average natural grade calculation is 0.81 meters below the lower floor level. Therefore, 66% of the proposed roof conforms to a 7.5 meter roof height for flat roofs. 33% of the roof is raised and sloped at 4-1/2" in 12'. The high point of the raised roof conforms to the allowable height for sloped roofs (9.0) meters, but is a low slope roof, at 8.67 meters (See elevations A300-A302). It sits over the main living spaces of the house, and by raising this roof above the lower low-slope roof a series of clerestory windows are created, which allow balanced natural light and passive cooling of the space. The design reduces energy loads required for cooling and ventilating the house, particularly as temperatures continue to rise in summers.

The site is large (6,076.79 sq m), secluded and has no overlook from neighbours. Most of the site is covered in mature forest, which obscures views of the proposed building from the street. The proposed design with a height variance will have no effect on neighbour views nor light and shading over adjacent properties.

Sincerely,

Kim Smith
Architect AIBC

<p>Civic Address: 242 Panorama Place, Lions Bay, BC V0N 2E0</p>	<p>Project Description: New Single Family Residence</p>
<p>Legal Description: of 45 Block 7 District Lot 575 Gp1 NWD Plan 10595 Village of Lions Bay, BC PID: 009-122-346</p>	<p>Acting Authority: Village of Lions Bay PO Box 141, 400 Centre Road, Lions Bay, BC, V0N 2E0 Building Services</p>

ZONING RESTRICTIONS:

Zone: RS1

Setbacks:
Front Parcel: 7.5m (24.6')
Rear Parcel: 7.5m (24.6')
Side Parcel: 2.4m (7.87')

Parcel Area: 6076.79m² (65410 ft²)

Parcel Area Coverage

<i>Allowable:</i>	1823.94m² (0.3 parcel area) (19623 ft ²)
<i>Proposed: Principle Building:</i>	306.77 ² (3302 ft ²)
<i>Total Proposed PAC:</i>	369.20m² (0.06 parcel area) (3974 ft ²)

Proposed Floor Areas:		
<i>Allowable FAR:</i>	0.35	
<i>Proposed:</i>		
<i>Principle Building:</i>		
Lower Floor:	246.38m ²	(2652ft ²)
Garden Shed:	10.78m ²	(116ft ²)
Main Floor:	252.42m ²	(2717ft ²)
Garage:	54.35m ²	(585ft ²)
	<u>563.93m²</u>	<u>(6070ft²)</u>
Garage Exemption:	40.0m ²	(430.56ft ²)
Total Proposed GFA:	<u>523.93m²</u>	<u>(5640.44ft²)</u>
Proposed FAR:	0.086	

Building Height:	
<i>Max. Allowable (flat roof):</i>	7.5m (24.6')
<i>Max. Allowable (sloped roof):</i>	9m (29.53')
<i>Proposed Height:</i>	8.67m (28.46')
Average Natural Grade (See A100b):	
<i>Principle Building:</i>	84.00m (275.58')

OWNER:
Kevin and Caroline Tyson
PO Box 626 - 175 Isleview Place,
Lions Bay, BC V0N2E0
t (604) 323 6199
ktyson618@gmail.com

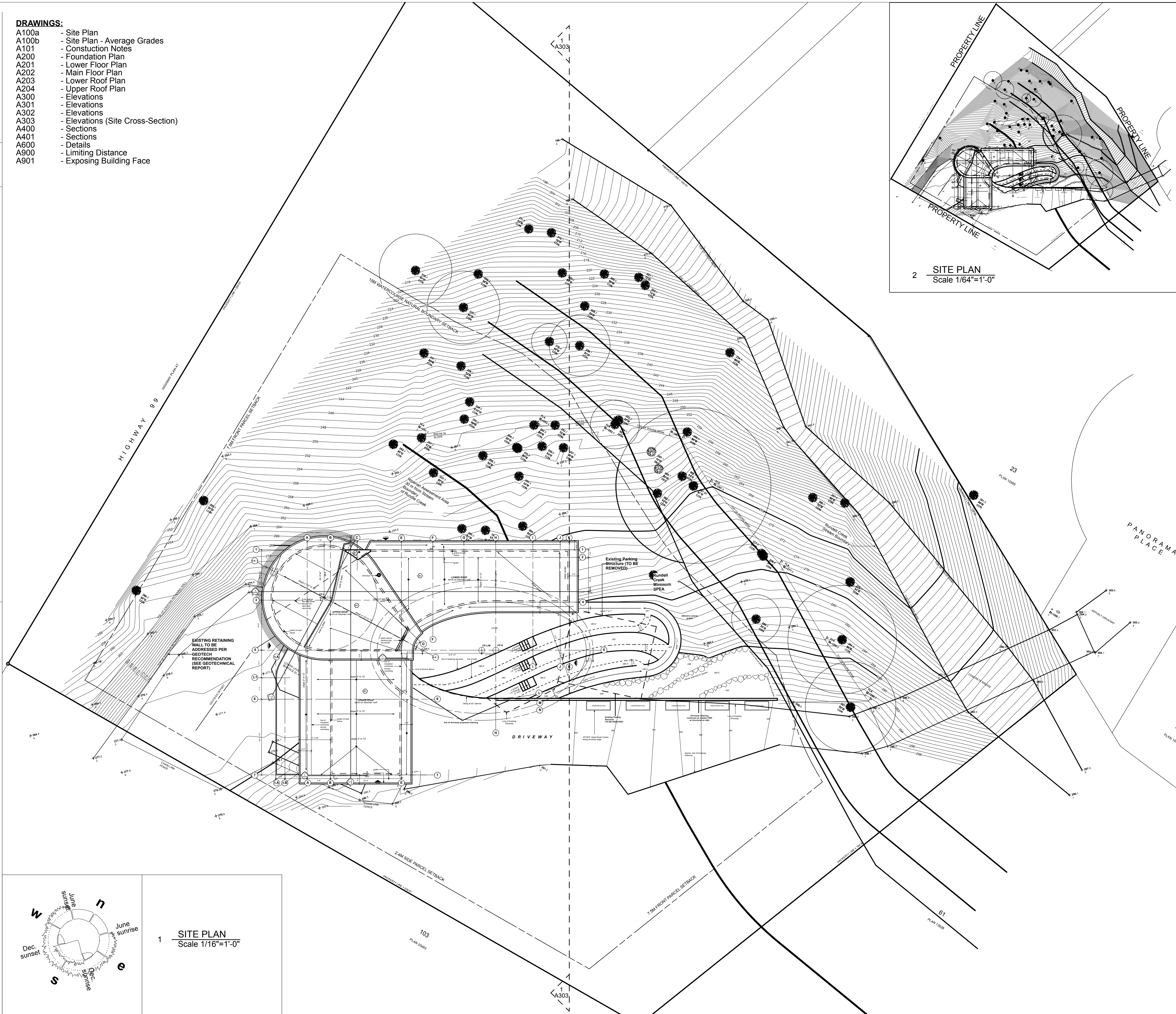
ARCHITECT
Helliwell + Smith Blue Sky Architecture
4090 Bayridge Avenue
West Vancouver, BC V7V 3K1
t (604) 921-8646
bsa@blueskyarchitecture.com

SURVEY
Dennis Sherman
Bennett Land Surveying Ltd.
#201 - 275 Fell Avenue
North Vancouver, BC V7P 3R5
c: (604) 833 8492 ext.211
t (604) 980 4868
bennettsurveys.com

ENVIRONMENTAL
 Roe Environmental*
 Unit 106-185, Forester Street
 North Vancouver, BC
 V7H 06A, Canada
 t (604) 987 5588

**formerly Sartori Assessment*

- A100a - Site Plan
- A100b - Site Plan - Average Grades
- A101 - Constuction Notes
- A200 - Foundation Plan
- A201 - Lower Floor Plan
- A202 - Main Floor Plan
- A203 - Lower Roof Plan
- A204 - Upper Roof Plan
- A300 - Elevations
- A301 - Elevations
- A302 - Elevations
- A303 - Elevations (Site Cross-Section)
- A400 - Sections
- A401 - Sections
- A600 - Details
- A900 - Limiting Distance
- A901 - Exposing Building Face

[illegible]

Date: 2025 Jun 12

NOTE:
This set of drawings and the design as shown remain the property of Helliwell + Smith Blue Sky Architecture Inc.. Contractor and all sub-trades shall verify all dimensions on site. Do not scale these drawings. Report any discrepancies to Helliwell + Smith Blue Sky Architecture Inc.

Contractor shall be responsible for all conditions on the job and shall notify this office of any variations of the conditions immediately. All work completed on site to conform to the British Columbia Building Code 2012.

PROJECT

TYSON
242 Panorama
Place
Lions Bay, BC

SHEET TITLE

Site Plan

DRAWN BY

SGR

SCALE 1/16"=1'-0"
(1/32"=1'0" on 11x17")

SHEET FIRST ISSUED

CHECKED BY

ks, bh



2025-06-12

**HELLIWELL + SMITH
BLUE SKY
ARCHITECTURE
INC.**

**4090 BAYRIDGE AVE.
WEST VANCOUVER
BRITISH COLUMBIA
CANADA, V7V 3K1**

PHONE (604) 921-8646
FAX (604) 921-0755

SHEET NO.

A100a

Date: 2025 Jun 12

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PROJECT

TYSON
242 Panorama
Place
Lions Bay, BC

SHEET TITLE

Elevations

DRAWN BY

SGR

SCALE

1/4"=1'-0"
1'0" on 11x17")

SHEET FIRST ISSUED

CHECKED BY

s, bh

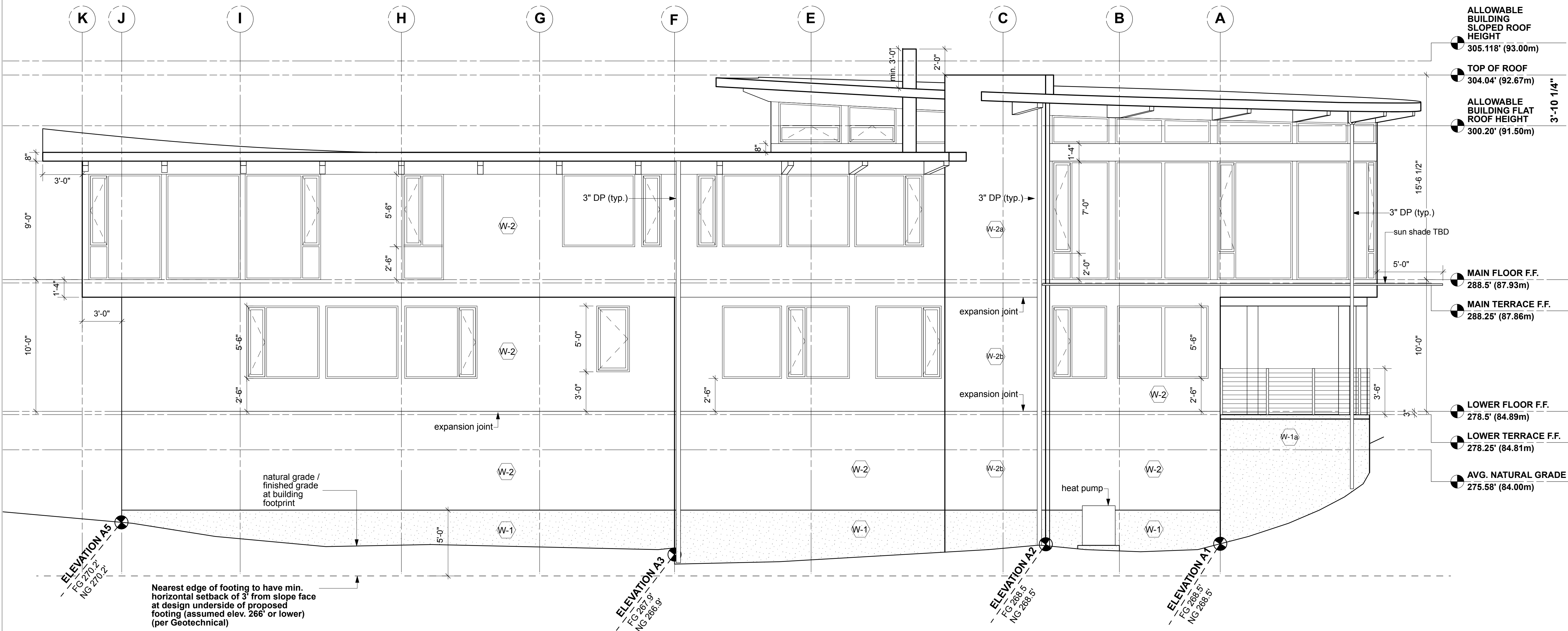


**4090 BAYRIDGE AVE.
WEST VANCOUVER
BRITISH COLUMBIA
CANADA, V7V 3K1**

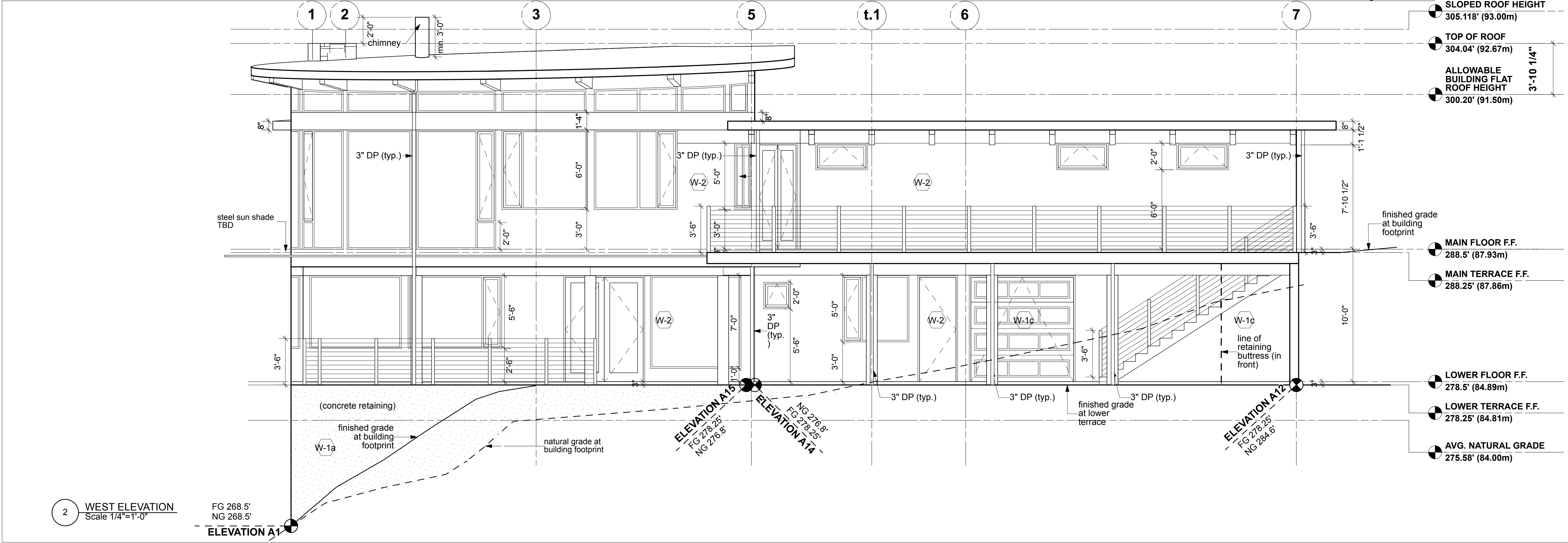
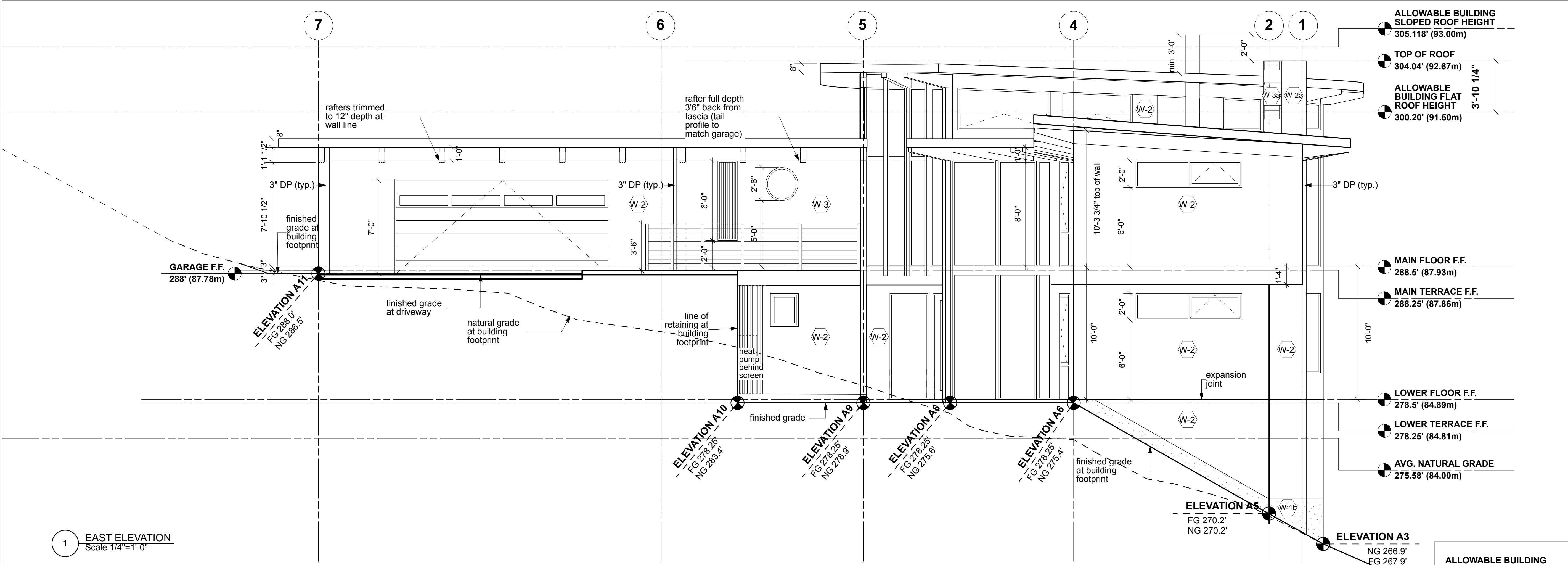
PHONE (604) 921-8646
FAX (604) 921-0755

SHEET NO.

A300



1 NORTH ELEVATION
Scale 1/4"=1'-0"



NO.	REVISION	DATE
1	Floor Plan revisions	07/24/2024
2	Floor Plan revisions	08/06/2024
3	Floor Plan revisions	08/15/2024
4	Floor Plan revisions	09/03/2024
5	Pre-design Set	09/25/2024
6	Pre-design (Rev. 1)	10/25/2024
7	Building Permit	03/05/2025
8	BP Print Set	06/03/2025

Date: 2025 Jun 12

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PROJECT
TYSON
242 Panorama Place
Lions Bay, BC

SHEET TITLE
Elevations

DRAWN BY
SGR

SCALE
1/4"=1'-0"
(1/8"=1'-0" on 11x17")

SHEET FIRST ISSUED

CHECKED BY
ks, bh



**HELLIWELL + SMITH
BLUE SKY
ARCHITECTURE
INC.**

4090 BAYRIDGE AVE.
WEST VANCOUVER
BRITISH COLUMBIA
CANADA, V7V 3K1

PHONE (604) 921-8646
FAX (604) 921-0755

SHEET NO.

A301

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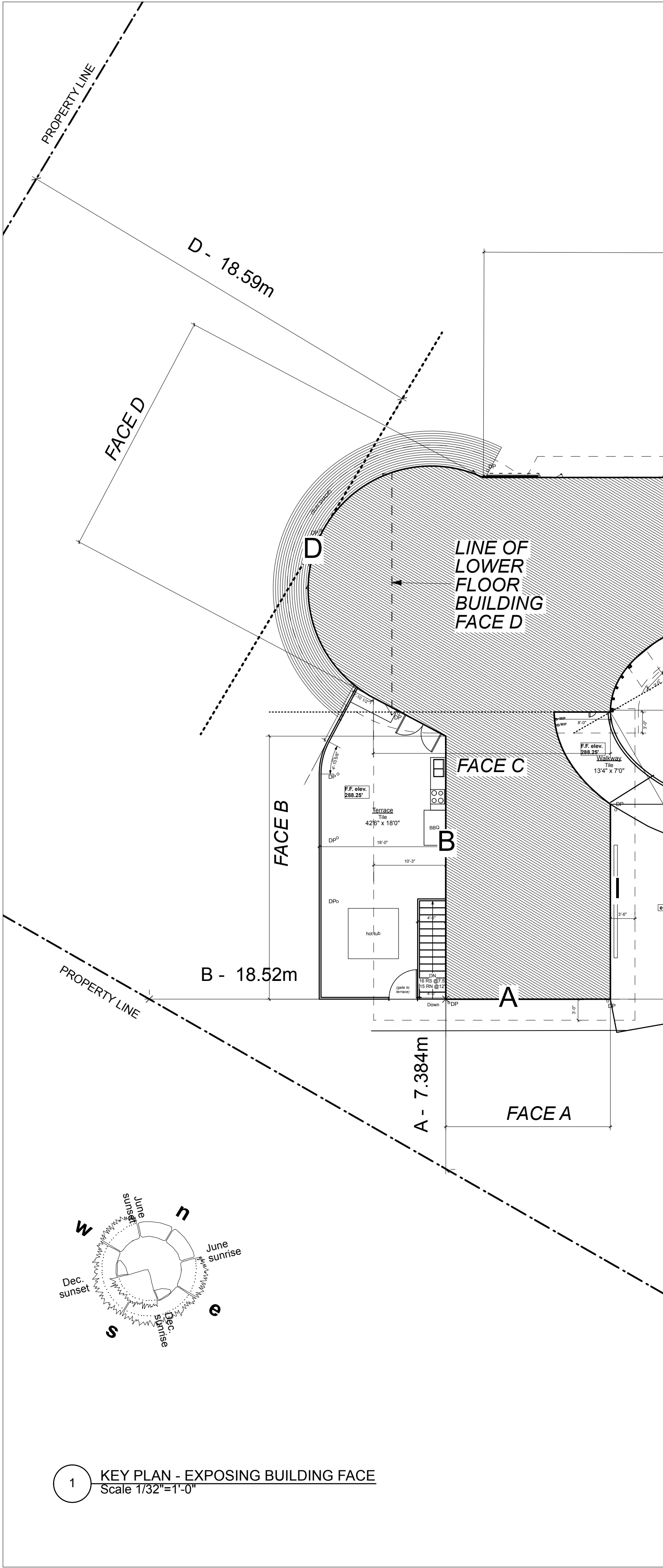
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PROJECT

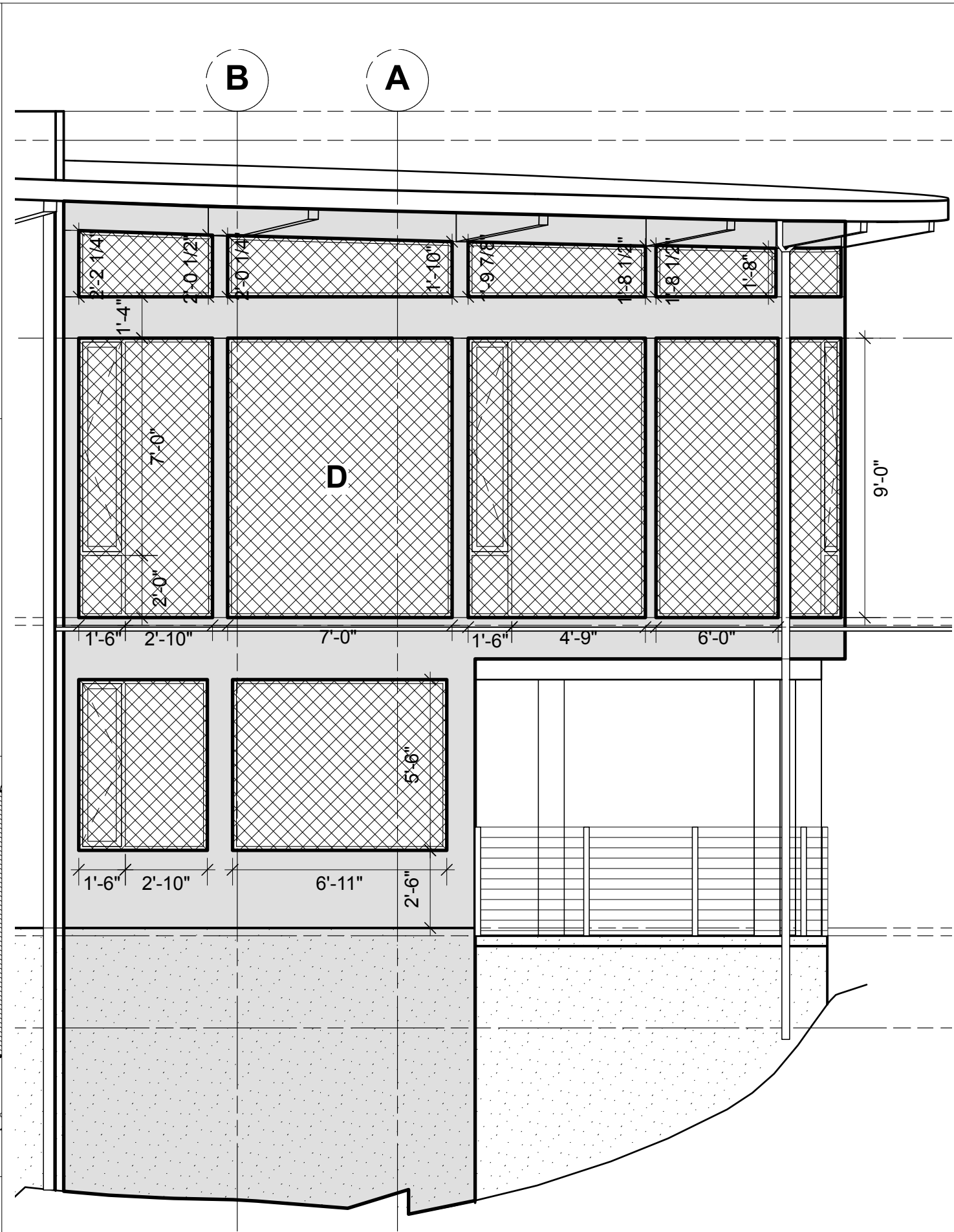
TYSON
242 Panorama
Place
Lions Bay, BC

A400

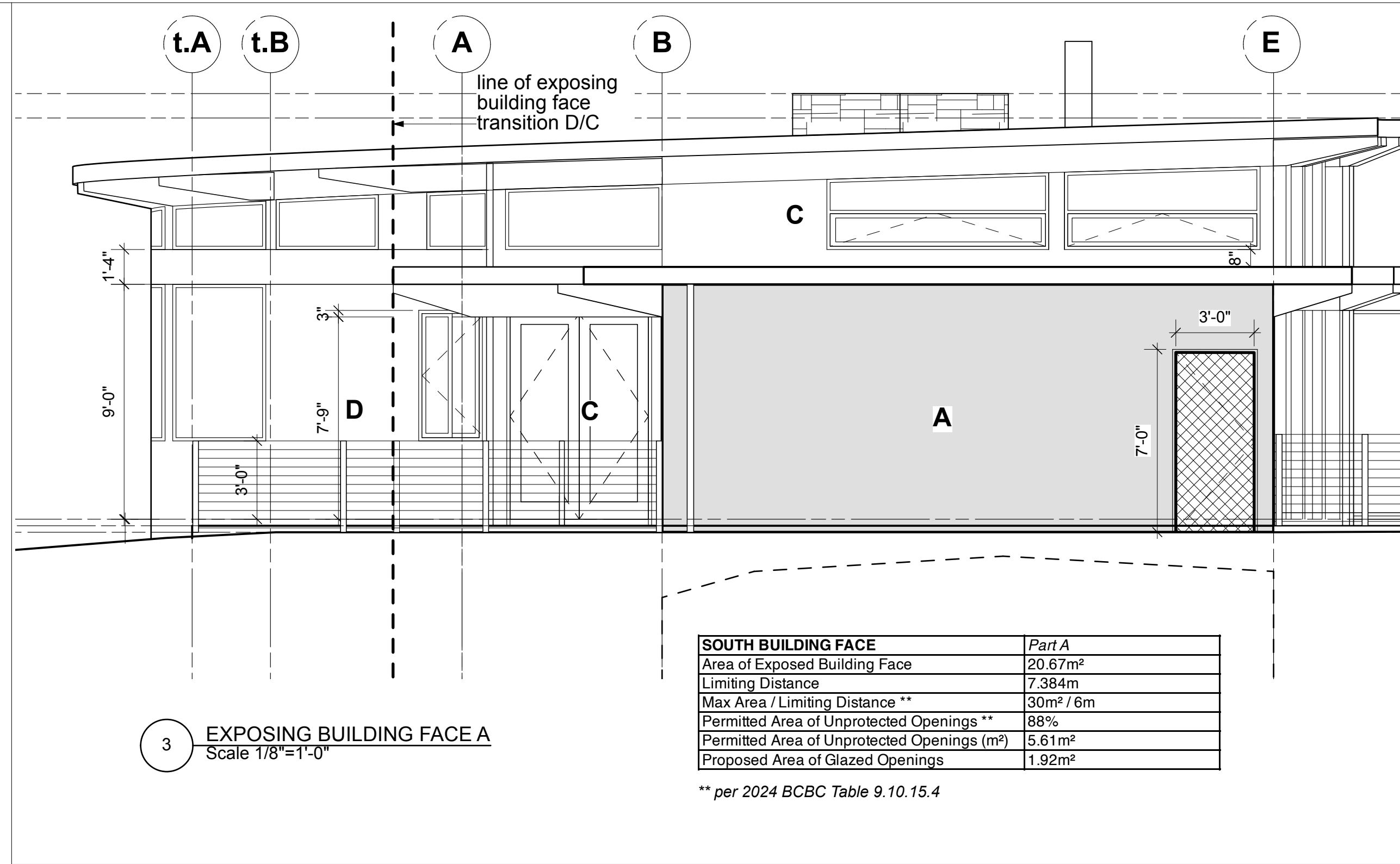




1 KEY PLAN - EXPOSING BUILDING FACE
Scale 1/32"=1'-0"



2 EXPOSING BUILDING FACE D - WNW PORTION OF CURVE
Scale 1/8"=1'-0"



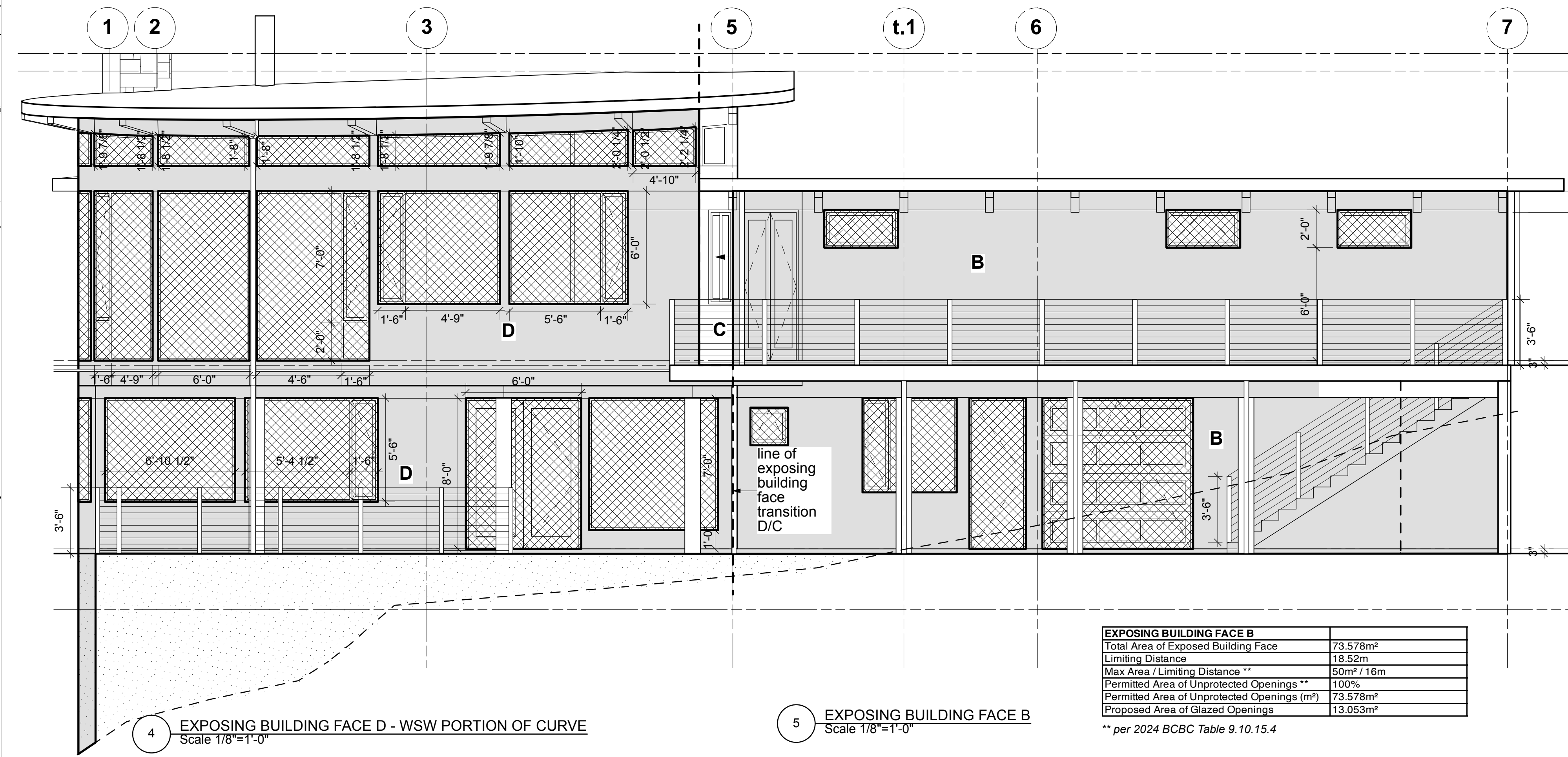
3 EXPOSING BUILDING FACE A
Scale 1/8"=1'-0"

EXPOSING BUILDING FACE D	
Total Area of Exposed Building Face	122.39m²
Limiting Distance	18.59m
Max Area / Limiting Distance **	>100m² / 16m
Permitted Area of Unprotected Openings **	92%
Permitted Area of Unprotected Openings (m²)	112.6m²
Proposed Area of Glazed Openings	62.09m²

** per 2024 BCBC Table 9.10.15.4

SOUTH BUILDING FACE	
Area of Exposed Building Face	20.67m²
Limiting Distance	7.384m
Max Area / Limiting Distance **	30m² / 6m
Permitted Area of Unprotected Openings **	88%
Permitted Area of Unprotected Openings (m²)	5.61m²
Proposed Area of Glazed Openings	1.92m²

** per 2024 BCBC Table 9.10.15.4



4 EXPOSING BUILDING FACE D - WSW PORTION OF CURVE
Scale 1/8"=1'-0"

5 EXPOSING BUILDING FACE B
Scale 1/8"=1'-0"

EXPOSING BUILDING FACE B	
Total Area of Exposed Building Face	73.578m²
Limiting Distance	18.52m
Max Area / Limiting Distance **	50m² / 16m
Permitted Area of Unprotected Openings **	100%
Permitted Area of Unprotected Openings (m²)	73.578m²
Proposed Area of Glazed Openings	13.053m²

** per 2024 BCBC Table 9.10.15.4

NO.	REVISION	DATE
1	Floor Plan revisions	07/24/2024
2	Floor Plan revisions	08/06/2024
3	Floor Plan revisions	08/15/2024
4	Floor Plan revisions	09/03/2024
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7	Building Permit	03/05/2025
8	BP Print Set	06/03/2025

Date: 2025 Jun 12

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Contractor shall be responsible for all conditions on the job and shall notify this office of any variations of the conditions immediately. All work completed on site to conform to the British Columbia Building Code 2012.

PROJECT

TYSON
242 Panorama
Place
Lions Bay, BC

SHEET TITLE

Limiting Distance
+ Unprotected
Openings

DRAWN BY

SGR

SCALE

1/4"=1'-0"
(1/8"=1'-0" on 11x17")

SHEET FIRST ISSUED

CHECKED BY

ks, bh



HELLIWELL + SMITH
BLUE SKY
ARCHITECTURE
INC.

4090 BAYRIDGE AVE.
WEST VANCOUVER
BRITISH COLUMBIA
CANADA, V7V 3K1

PHONE (604) 921-8646
FAX (604) 921-0755

SHEET NO.

A901

STAFF REPORT

DATE: 2025-12-05 **FILE:** PW-2025-012

TO: Ross Blackwell MAP, MCIP, RPP, CAO

FROM: Karl Buhr, DOO

RE: **REQUEST FOR DECISION: SOLID WASTE COLLECTION FOR LIONS BAY**

BACKGROUND:

Lions Bay provides residential solid waste curbside collection for a flat annual utility charge (\$423 for single family residences in 2025). Unlimited weekly collection of recyclable hard plastic, metal and glass consumer containers is contracted to Recycle BC, which utilises the same contractor that the municipality uses for unlimited weekly food and yard waste (“compostables”) and up to 154 L (40 gal.) of landfill waste bi-weekly per address.

During periods of high wildlife activity compostable and landfill waste is required by Garbage and Recycling Collection Bylaw No. 455, 2013 to be put out during stipulated timeslots to reduce the length of time wildlife is exposed to it. Higher elevation streets backing onto the forest are assigned a 7:30 – 9 am timeslot. Mid-level streets are assigned a 9 – 10 am timeslot, and lower streets are assigned a 10 am - 1 pm timeslot. The high wildlife activity period is currently year-round. The Public Works Yard is open 6 - 9 on Fridays and 8 - 11 on Saturdays as an option for residents to drop off attractants.

Many residents report regular difficulty in meeting their assigned curbside timeslot (mostly due to work schedules), and do not chose to avail of Yard drop-off (mostly because of an unsuitable vehicle). Midyear audits by Bylaw Services on bi-weekly landfill days reveal pronounced non-compliance for 10 – 1 timeslot streets:

TIMESLOT	NON-COMPLIANT ADDRESSES	
	JUNE 19-20	JULY 17-18
7:30 – 9 (185 houses)	5 (2.7%)	4 (2.2%)
9 – 10 (163 houses)	4 (2.5%)	3 (1.8%)
10 – 1 (232 houses)	35 (15.1%)	51 (22.0%)
580 houses	39 (6.7%)	58 (10.0%)

SUMMARY: a significant proportion of Lions Bay residences cannot or do not comply with curbside timeslots, making them ineffective. An alternative to timeslots is required.

DISCUSSION:

In the Fall staff proposed amendments to the garbage regulations that would provide an option of anytime put-out in approved bear-resistant carts. Staff met with current service provider Waste Control Services (WCS) in October to work through options:

1. WCS is breakeven at best on Lions Bay curbside collection, which has been priced at the original price uplifted by CPI + 1% for ten years. If we weren't utilising the same trucks and crews that West Van does four days a week, our pricing would be double today's, if they even wanted our small, distant account.
2. No other Bearsmart community makes as many demands, and has as many issues with its garbage. Timeslots are particularly problematic, given realities of constantly changing truck staffing. Starting earlier than 7:30 is certainly not feasible (trucks come from Coquitlam and often need to detour to pick up a "swamper," the operator on the back).
3. Lions Bay offered residents unlimited green waste collection 20 years ago as quid pro quo for banning outdoor burning. WCS's request for a 6 yardbag limit 5-6 years ago was rejected on that basis, but WCS now indicates that unlimited green waste pickup cannot go on because they have no way of scoping demand week to week, and having to make two runs due to a full truck is a dealbreaker.
4. The majority of Lions Bay houses present landfill garbage in 120 L (32 gal.) Rubbermaid-type cans, which can usually be manually lifted into the truck hopper by one swamper:



Only a few of the hundred 120 L (32 gal.) Bearcarts offered to residents by the municipality ten years ago remain in use. They either have to be picked out by hand if contents are in bags or lifted and dumped by the swamper assisted by the driver.

Compostables are mostly presented in liftable 50 L bins.



Discussion during and after the meeting presents two options to continued curbside collection using non-permanent containers:

<i>OPTION</i>	<i>COSTS</i>	<i>DETAILS</i>	<i>BENEFITS</i>	<i>DISADVANTAGES</i>
ALL BEARCART. All curbside accounts are supplied two 64 gal. (240 L) bear-resistant carts for weekly compostables and bi-weekly landfill. WCS will (reluctantly) unclip lids to offer max. bear protection. Green waste limited to what fits into the cart. Further yardbags can be taken at the Yard (on Friday and Saturday mornings).	At \$210 each, a \$252,000 capital cost for 600 compostable and 600 landfill carts. 4-6 month lead-time. Cost could be amortised to users over 5 years at an additional \$91 (20%) a year.	3 WCS trucks would be fitted with tuck-away ¹ tippers to lift the large carts (\$36k to be paid by VOLB over three years). Moving to a different supplier would require them to offer tipper service	No further need for collection timeslots: all users could be put out any time after 05:00 (per bylaw).	Some users will find it difficult to move full (even empty) 240 L carts up and down driveways. Storage of large units compliant with bylaw ² difficult. Utilising 120 L cans instead is problematic for green waste volumes.
BEARCART OPTIONAL. Residents may put out compostable and landfill	Residents opting in buy two approved Bearcarts	WCS confirms willingness to use tipper selectively. Non-Bearcart users limited to	Smaller carts mean more residents can use them.	Timeslots remain. Bearcarts use will have to be enforced.

¹ Tuck away is required since the same trucks are required 4 days a week to service WestVan, which does not offer cart service

² Garbage and Recycling Collection Bylaw No. 455, 2013: "6. The receptacles required under this by-law shall at all times be securely housed to ensure that the contents do not attract and are not accessible to wildlife."

OPTION	COSTS	DETAILS	BENEFITS	DISADVANTAGES
pickup in approved (branded) 120 L clipped Bearcarts any time after 5 am. All others continue to avail of timeslot pickup.	through the municipality.	one 50 L compostables bin and plus 6 yardbags; unlimited yardbags (and compostables) taken at the Yard Friday and Saturday.		
Curbside recycling collection, and commercial and multi-family accounts unchanged.				

It is acknowledged that Bearcarts are not bear *proof*, but they are the best that can be achieved if Council wishes to continue curbside collection without Whistler- or Tofino-style bear-proof metal boxes permanently installed on the property line. This approach will be difficult to implement in Lions Bay's steep terrain and require a full revision of the current contract due to the additional labour required for collection. This option is not recommended by staff. Various Bearcart sizes are modelled by the mayor of North Cowichan, a universal Bearcart community:



OPTIONS:

- (1) Direct staff to implement a BEARCART OPTIONAL approach (recommended)
- (2) Other

FINANCIAL CONSIDERATIONS:

Various, as laid out above.

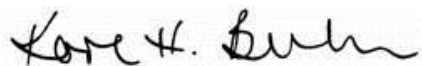
LEGAL CONSIDERATIONS:

None.

RECOMMENDED RESOLUTION:

THAT Council endorse the BEARCART OPTIONAL approach for inclusion in the draft *Solid Waste and Recycling Collection Bylaw No.455, 2013, Amendment Bylaw No.652, 2025*.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Karl H. Buhr".

Karl Buhr
Director of Operations

Report Approved By,

A handwritten signature in black ink, appearing to be a stylized "R" followed by a horizontal line.

Ross Blackwell, CAO
Chief Administrative Officer

STAFF REPORT

DATE: 2025-12-02 **FILE:** CAO-2025-033
TO: Council
FROM: Ross Blackwell, MAP, MCIP, RPP, CAO
RE: **Community Amenity Contributions – Zoning Bylaw**

PURPOSE:

The purpose of this report is to provide Council with a technical planning, and legal analysis of the minimum parcel size provisions within the Single Family Residential (RS-1) Zone, and the references to Community Amenity Contributions (CACs) in *Zoning and Development Bylaw No. 520, 2017*. Staff consider this provision to be problematic and recommend amending Section 7.2 of the *Bylaw* to establish a uniform minimum parcel area of 700 m² and to consider the use of alternative mechanisms, such as Development Cost Charges (DCCs) or Amenity Cost Charges (ACCs) to achieve cost contributions, through a future Official Community Plan (OCP) update process.

BACKGROUND:

Zoning and Development Bylaw No. 520, 2017 currently establishes two minimum parcel area standards in the RS-1 Zone:

- **Base Minimum Parcel Area:** 8,000 m² (approx. 2 acres)
- **Reduced Parcel Area with CAC Reference:** Minimum 700 m², with an average of 800 m², “where amenities identified in the Community Amenity Contribution framework are provided” (Section 7.3)

The municipality does not have a formal CAC policy, nor does it negotiate CACs outside of this Bylaw reference not least of which is because of the nearly non-existent amount of rezoning and subdivision within the municipality. Therefore, there is no mechanism by which a tacitly permitted smaller lot size could be realized is through the *Bylaw’s* text itself.

CACs are voluntary amenity driven contributions, negotiated during rezoning, and are implicitly tied to an increase in land value or “land lift” generated through rezoning. However, in this community, subdivision rarely (if ever) involves rezoning, meaning that the current *Bylaw* reference does not reflect an actual increase in parcel value or entitlement. The provision therefore raises both planning and legal concerns.

Recent jurisprudence, including *Lorval Developments Ltd. v. Langley (Township)*, 2025 BCSC 1148, reinforces the risk of tying development approvals to amenity payments. In that case, the Court invalidated the Township of Langley's CAC policy because it effectively imposed mandatory payments as a condition of rezoning, exceeding statutory authority. The Court highlighted that municipalities cannot require CACs as a condition of subdivision or rezoning; any contributions must be voluntary or negotiated, and statutory tools under the *Local Government Act* (LGA), including density bonus bylaws, phased development agreements, or ACC bylaws, are the proper mechanisms.

DISCUSSION:

Technical Assessment of Minimum Lot Size

The determination of minimum parcel size in the RS-1 Zone is a combination of factors including the minimum permitted lot size as set out in the *Bylaw*, the ability to demonstrate a viable building envelope for each proposed lot and the ability to manage sewage disposal (septic system versus community sewer). There is a clear rationale justifying smaller lots sizes in Kelvin Grove (on community sewer) versus the rest of the community (on septic). In this community, the principal factors affecting minimum lot size include:

- **Building Envelope Requirements:** Each proposed new lot must accommodate a viable footprint for a single-family dwelling and associated accessory structures while complying with zoning setbacks, slope stability requirements, and allowable lot coverage. Even with a minimum lot size of 700 m², the ability to achieve a buildable envelope that meets these requirements, particularly on steep or irregularly shaped parcels can be expected to be difficult to achieve in most cases.
- **On-Site Sewage Disposal Systems:** While all RS-1 lots are serviced by municipal water, most rely on on-site sewage disposal systems (i.e. other than Kelvin Grove). Subdivision feasibility is constrained by provincial standards for septic systems, including primary and reserve fields, per the *BC Sewerage System Regulation*. Lots smaller than 700 m² may preclude compliant septic field installation.
- **Water Supply and Access:** All RS-1 lots are serviced by municipal water, ensuring adequate domestic supply and fire protection. Road access and emergency vehicle access (driveway) remain key considerations that must be accommodated on each lot.
- **Environmental and Topographic Constraints:** Steep slopes, geotechnical hazards, riparian setbacks, or ecological features may reduce the developable area of most parcels in the community.

- **Neighbourhood Character and OCP Alignment:** The Official Community Plan envisions single-family residential development with sufficient spacing to maintain the visual and functional character of the neighbourhood. A 700 m² minimum lot reinforces infill that respects the existing pattern of development (similarly to the mls) without creating excessive density or contravening OCP policies.

Limitations of the Current *Bylaw* CAC Reference

Section 7.3 of the *Bylaw* currently permits a reduced minimum lot size (700 m²) contingent upon a Community Amenity Contribution as informed by a CAC policy (which has not been created). In the absence of a formal CAC policy and notwithstanding how CAC are contemplated in the *Bylaw*, this creates several planning and legal concerns:

- **No Mechanism for Negotiation or Voluntariness:** Unlike statutory DCC, or ACC frameworks, the current *Bylaw* offers no mechanism to ensure that contributions are voluntary, proportionate to land lift, or negotiated with the applicant. This introduces a potential claim of administrative unfairness and inconsistency.
- **Disconnection from Planning Rationale:** The current 8,000 m² base minimum and CAC-linked reduction are not tied to technical, environmental, or servicing considerations, which should be the primary determinants of lot size. Linking lot size to a financial contribution without a change in zoning or tangible land value increase lacks defensible planning rationale.
- **Legal Risk and Precedent:** As demonstrated by *Lorval Developments Ltd. v. Langley (Township)*, 2025 BCSC 1148, policies or bylaw provisions that impose mandatory payments as a condition of approval, even if couched as guidance, can be struck down. Retaining a CAC-linked minimum lot size risks interpretation as an unlawful conditional requirement for subdivision.

Planning Rationale for a Uniform Minimum Lot Size

Based on technical, environmental, and servicing analyses, a uniform minimum parcel size of 700 m² is recommended as an interim step. This size is justified because it:

- **Satisfies Building and Servicing Requirements:** 700 m² provides sufficient area for a compliant building envelope and on-site sewage system on most subdividable parcels and it currently exists in the *Bylaw*.
- **Reflects Physical Constraints:** Notwithstanding a prescribed technical mls, the practical minimum lot size is constrained by slopes, geotechnical hazards, environmental

protection requirements, and servicing needs, and should not be prescribed by arbitrary financial contributions.

- **Development Potential and Neighbourhood Character:** A 700 m² minimum allows for modest infill opportunities while maintaining the established single-family residential character and respecting OCP policies. That said, there are few opportunities in Lions Bay for subdivision even at 700m².
- **Mitigates Legal Risk:** Removing the CAC-linked lot size reduces exposure to potential claims of arbitrariness or mandatory payment, aligning with provincial statutory frameworks and the guidance from the Langley decision.
- **Provides Administrative Clarity:** A single, uniform minimum parcel size removes ambiguity for applicants and staff, streamlining subdivision review and ensuring defensible, consistent decision-making.

Broader Policy Considerations

While CACs are referenced in the current *Bylaw*, this mechanism is ineffective in practice, in achieving intended objectives, given that no formal CAC framework exists and there are almost no subdivisions or rezoning applications in the municipality. Alternative tools such as DCCs, ACCs, density bonusing, or phased development agreements can provide legally viable mechanisms for capturing community benefit from development and should be considered within the context of a comprehensive OCP review. However, given the limited subdivision and rezoning activity in the

FINANCIAL CONSIDERATIONS:

- The existing bylaw provides no practical source of revenue, since the municipality does not have a CAC policy and subdivision activity is limited.
- Amending the bylaw to a uniform 700 m² minimum parcel size would not materially affect municipal finances but would marginally increase the size of the tax role.
- DCCs or ACCs could provide a more sustainable, legally defensible source of funding for infrastructure and amenities.

LEGAL CONSIDERATIONS:

- CACs must be voluntary or negotiated; the municipality does not have statutory authority to require CACs as a condition of subdivision.
- Retaining the current bylaw reference risks being interpreted as a mandatory requirement, similar to the regime struck down in *Lorval Developments Ltd. v. Langley*.

- Aligning the bylaw with a 700 m² minimum parcel size removes this legal risk and ensures compliance with the Local Government Act and applicable case law.

OPTIONS:

Option 1 (Recommended): direct staff to bring forward, for Council consideration, an amendment to Section 7.2 of *Zoning and Development Bylaw No. 520, 2017* to establish a uniform minimum parcel size of 700 m² in the RS-1 Zone, removing references to CACs as a condition for reduced lot size.

Option 2: Retain the current bylaw language. Not recommended due to legal, planning, and administrative risks.

Option 3: Remove the CAC reference but retain 8,000 m² minimum lot size. This addresses legal risk but may unreasonably restrict feasible subdivision opportunities.

RECOMMENDATION:

THAT Council direct staff to bring forward, for Council consideration, an amendment to Section 7.2 of *Zoning and Development Bylaw No. 520, 2017* to establish a uniform minimum parcel size of 700 m² in the RS-1 Zone.

Respectfully submitted,

A handwritten signature in black ink, appearing to be "R. Blackwell".

Ross Blackwell, CAO
Chief Administrative Officer

STAFF REPORT

DATE: 2025-12-04 **FILE:** PW-2025-011
TO: Ross Blackwell MAP, MCIP, RPP, CAO
FROM: Karl Buhr, DOO
RE: **Further on Snow Removal Policy**

BACKGROUND:

Meeting notes, minutes and video since the Snow & Ice Policy and its cover report were presented to Council on Sep. 2 (agenda extract attached) were reviewed at length. Such review does not indicate the Policy being referred to staff. This report nevertheless attempts to further address the intent and effect of the Policy.

DISCUSSION:

1. The grounds for having a Policy at all, rather than simply relying on best practice by experienced crews, is to have a policy defense against liability and damage claims. No change in process or procedure is contemplated by the Policy. It merely, and only, puts in writing what is done today.
2. The fundamental and primary purpose of ice control and snow removal in Lions Bay is to offer continued road access for emergency services and utility providers. That purpose informs the Policy's street priorities unchanged from pre-Policy days. No special or preferential treatment of any street occurs.
 - a. Streets are salted when cold weather is expected, usually but not always regardless of elevation and possible temperature differential. In some cases, for example if it is raining hard, salt may not be applied because it will wash away uselessly, even though the municipality knows that a rapid freeze may unfortunately in consequence produce black ice. In all cases, the municipality does the best possible, informed by long experience of Lions Bay's unique microclimates and challenging topography.
 - b. If there is no snow on a primary road (as now defined by Policy) it will not be plowed, nor will the municipality wait until there is before plowing secondary and tertiary roads. Stating the obvious, only streets with snow are plowed, the ones

with more first and more often. In practice this means higher streets are likely to see plows earlier and more than lower streets.

3. There never was, nor is there now, a guarantee that all roads will be kept clear all the time, especially when snow is still coming down. The Policy's "as resources allow" clause is to cover circumstances when the municipality is short people or equipment, but with the usual three plows running, given usual temperatures and snowfall rates, Public Works expects to be able to pre- and post-salt and remove snow fast enough to prevent significant accumulation everywhere in the Village, 24/7 within the limits of WorkSafe personnel hours.

For avoidance of doubt, Public Works has indeed considered brine as an alternative to road salt, rejecting it on the basis of reported lower effectiveness for our mild temperatures and wet snow, and due to the added equipment and labour required. I am pleased to be able to assure Council that three plow trucks had their tires changed to winters, and required maintenance on plows, truck mounts, floodlights and salters was completed by late October. One plow has been ready to go since Nov. 6, when some weather models indicating rain and freezing down to 400 meters on Nov. 8 (in the event the temperature never went below 3).

The public can rest assured: Public Works continues Lions Bay's usual exemplary snow removal.

OPTIONS:

- (1) Receive this report (recommended)
- (2) Other.

FINANCIAL CONSIDERATIONS:

None.

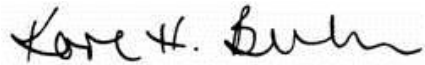
LEGAL CONSIDERATIONS:

None.

RECOMMENDED RESOLUTION:

THAT Council receive this report for information.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Karl H. Buhr".

Karl Buhr
Director of Operations

Report Approved By,

A handwritten signature in black ink, appearing to be a stylized "R" followed by a horizontal line.

Ross Blackwell, CAO
Chief Administrative Officer

Attachments:

- (1) 27Jul2025 Staff Report: SNOW AND ICE POLICY ON MUNICIPAL LANDS
- (2) Village of Lions Bay Snow and Ice Policy

STAFF REPORT

DATE: 2025-07-25 **FILE:** PW-2025-006
TO: Ross Blackwell, MAP, MCIP, RPP, CAO
FROM: Karl Buhr, DOO
RE: **SNOW AND ICE POLICY ON MUNICIPAL LANDS**

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PURPOSE

To provide Council with a comprehensive overview of legal, financial, and operational risk management considerations related to snow and ice control on municipal lands, and to recommend adoption of a formal Snow and Ice Management Policy to protect the Village from liability while promoting public safety.

BACKGROUND:

Municipalities are responsible for maintaining roads, sidewalks, and public spaces in a reasonably safe condition. Snow and ice accumulation present significant risks, including slip and fall incidents, motor vehicle accidents, and impaired emergency access. Adverse events resulting from inadequate winter maintenance can expose municipalities to legal liability.

Other high-risk municipal operations include sidewalk maintenance, tree management, and maintenance of play equipment. In each case, the adoption of formal, Council-approved policies provides legal protection and guidance for operational decision-making.

The Municipal Insurance Association of British Columbia (MIABC) recommends that municipalities implement clearly defined, Council-approved policies to establish levels of service and resource allocation decisions, thereby enabling access to policy defence in the event of litigation.

DISCUSSION:

Legal Context and Policy Defence

British Columbia courts recognize that municipalities must balance competing demands and allocate limited resources. Under the principle of policy defence, a municipality is not liable for damages arising from core policy decisions made in good faith by elected officials or senior administrators. These may include decisions regarding service levels, budget allocations, and operational priorities.

To invoke policy defence successfully, municipalities must:

1. Adopt a formal policy approved by Council;
2. Demonstrate that the policy reflects reasoned consideration of financial, operational, and public interest factors;
3. Implement the policy in good faith, even if not perfectly executed.

Without such policies, municipalities are at increased risk of liability for injuries or damages related to snow and ice.

Risk Management and Operationalization

The Village faces specific challenges, including steep terrain, limited access routes, and a constrained budget and staffing level. The Snow and Ice Management Policy establishes a risk-based, prioritized approach to winter maintenance operations. Key features of the policy include:

- Defined priority routes for snow and ice control;
- Criteria for initiating plowing and sanding/salting operations;
- Operational procedures tailored to staffing and equipment capacity;
- Clear delineation of public responsibilities (e.g., sidewalk clearing by adjacent property owners);
- Commitment to documentation of conditions and actions taken.

The policy does not guarantee bare pavement but provides reasonable, risk-informed standards that the Village can achieve with available resources.

FINANCIAL CONSIDERATIONS:

Snow and ice management activities are funded through the Village's annual operating budget. The adoption of the Snow and Ice Management Policy does not impose new or additional financial obligations but provides a framework for allocating existing resources more effectively.

Extreme weather events may necessitate supplemental funding, which would require Council approval. Future budgets should continue to reflect the Village's risk management priorities.

LEGAL CONSIDERATIONS:

Adopting the attached Snow and Ice Management Policy will achieve a number of objectives including:

- Support the legal position in defending against potential liability claims;
- Align with MIABC best practices;
- Demonstrate due diligence and responsible governance;
- Provide clarity to staff, residents, and external contractors regarding service levels and responsibilities.

Failure to adopt a policy may expose the Village to avoidable legal risks.

OPTIONS:

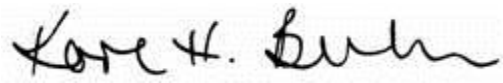
Council may consider the following options:

1. Approve the Snow and Ice Management Policy (Recommended)
2. Request Revisions to the Draft Policy
3. Take No Action

RECOMMENDED OPTION:

THAT Council approve the Snow and Ice Management Policy as attached to this report.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Karl H. Buhr".

Karl Buhr, DOO

Report Approved By,

A handwritten signature in black ink, appearing to be a stylized "R" followed by a horizontal line.

Ross Blackwell, CAO

Attachments:

- 1) Draft Snow and Ice Management Policy (Schedule A)

POLICY NO.	POL-2502	DEPARTMENT	Public Works
TITLE	Village of Lions Bay Snow and Ice Policy		
DATE ADOPTED	XXXX		
DATE AMENDED	XXXX		

1.0 PURPOSE

This policy establishes standards for the management of snow and ice in the Village of Lions Bay to promote public safety and minimize municipal liability in accordance with legal obligations and consistent with risk management guidelines provided by the Municipal Insurance Association of British Columbia (MIABC).

Municipalities have a duty of care to maintain roads and sidewalks in a reasonably safe condition for public use. Adopting a snow and ice management policy establishes management principles for the prioritization of resources towards areas with the highest potential risk to public safety. Snow and ice accumulation on roads, sidewalks, and public spaces can lead to slips, falls, motor vehicle accidents and delays to emergency services. Accordingly, the Village will apply the following guiding principles:

- 1) Focus on high-traffic areas, emergency access routes, and known problem areas.
- 2) Apply proactive monitoring and timely response within reasonable resource constraints
- 3) Maintain clear documentation of actions taken, including weather conditions, staff deployment and materials used.

2.0 SCOPE

This policy applies to all public roads, sidewalks, pathways, parking areas and other municipally owned or maintained infrastructure subject to snow and ice accumulation. This policy does not apply to:

- i) Provincial highways and interchanges maintained by the Ministry of Transportation and Transit and its contractors.
- ii) Private roads, driveways and other non-municipal lands.

3.0 SNOW AND ICE MANAGEMENT STANDARDS

3.1 Levels of Service

Prioritization of resources will be directed to areas with the highest potential risk to public safety. Snow and ice accumulation on roads, sidewalks, and public spaces can lead to slips, falls, motor vehicle accidents, and delays to emergency services. Accordingly, the Village will apply the following guiding principles:

1. Focus on high-traffic areas, emergency access routes, and known problem areas.
2. Apply proactive monitoring and timely response within reasonable resource constraints.
3. Maintain clear documentation of actions taken, including weather conditions, staff deployment, and materials used.

4. The Village may employ contracted services as needed to supplement municipal staff.

Priority 1 (Highest Priority):

- a. Municipal infrastructure (including but not limited to the Klatt Public Safety Building, the Smith Public Works Yard, municipal offices, water and wastewater treatment plant access roads)
- b. Primary streets: Oceanview from Highway 99 to Crosscreek, Crosscreek, Centre, Bayview from Centre to Mountain.
- c. Major evacuation routes, bus routes and school access routes

Priority 2:

- a. Secondary streets: Mountain, Upper Bayview, Oceanview, Lions Bay Ave., Kelvin Grove, Tidewater, Brunswick Beach.

Priority 3 (As Resources Permit):

- a. Tertiary streets: all remaining
- b. formal pedestrian sidewalks and transit stops
- c. Municipal parking lots

Note: The Village does not guarantee bare pavement and will respond based on the severity of conditions, forecast, and resource availability. Service calls from utility providers and emergency services may change the priorities above.

3.2 Operational Procedures

- 1) Snow plowing will commence when snow accumulation reaches approximately 5 cm or when conditions warrant.
- 2) Ice control measures (e.g., sand or salt application) will be applied as needed, particularly on hills, intersections, and high pedestrian traffic areas.
- 3) Plowing may be conducted outside of regular work hours during significant events.
- 4) The Village may employ contracted services as needed to supplement municipal staff.

7.0 RESPONSIBILITIES

- 1) Public Works staff are responsible for implementing this policy and maintaining operational readiness.
- 2) The Chief Administrative Officer (CAO) or assign is responsible for policy oversight and ensuring resources are allocated appropriately.
- 3)

7.2 Residents:

- 1) Shall move all property, including vehicles, off the road during periods where ice formation and/ or snowfall can be reasonably expected.

8.0 COMMUNICATION

The Municipality may, subject to capacity:

- 1) Post notices and updates during significant snow events.
- 2) Provide public education on snow clearing responsibilities and best practices.
- 3) Maintain a record of public complaints and service requests for documentation and follow-up.

9.0 BUDGET AND RESOURCES

Snow and ice management operations is subject to annual budget allocations. Service levels may be adjusted based on available funding and staff capacity. Council may approve temporary additional resources during extreme weather events.

10.0 REVIEW AND AMENDMENTS

This policy shall be reviewed every three years or as needed to respond to changing conditions, legal precedents, or best practices.

Certified a true copy of Policy No. 2502: Snow and Ice Policy adopted by Council **DATE ADOPTED**.

Corporate Officer

General Correspondence		
Date Rec'd	FROM	TOPIC
25-11-26	UBCM	Resolution Denied – Regional Emergency Management
25-11-26	UBCM	Resolution Endorsement – Emergency water Treatment Plants
25-12-01	City of Surrey	Monthly SIT Report
25-12-03	District of Central Saanich	Re: <i>Professional Reliance Act</i>
25-12-03	Radium Hotsprings	Re: <i>Professional Reliance Act</i>
25-12-03	City of Quesnel	Re: <i>Professional Reliance Act</i>
25-12-04	Town of View Royal	Re: Bills 44, 47, 13, 15, and M216

November 26, 2025

Mayor Ken Berry
Village of Lions Bay
Box 141
Lions Bay, BC V0N 2E0



Dear Mayor Berry:

Re: 2025 Resolution(s) Referred to UBCM Executive

A resolution(s) sponsored by your community was included in the 2025 Resolutions Book for consideration at the annual UBCM Convention.

Due to a lack of time at the Convention, delegates did not have an opportunity to consider your resolution(s). UBCM Policies provide that all resolutions not considered at Convention are referred automatically to the UBCM Executive for their consideration and action.

At the recent November Executive meeting, the Executive considered the resolutions referred to them from the 2025 Convention, including your resolution(s). The Executive were provided with the Resolutions Committee comments and recommendations, as outlined within the Resolutions Book, to assist them in their deliberations.

Upon review, the Executive chose to not endorse NR81 Strengthening Regional Emergency Management Capacity.

Should you have any questions, please contact Jamee Justason, Resolutions and Policy Analyst, at 604-270-8226 Ext. 100 or jjustason@ubcm.ca

Sincerely,

A handwritten signature in black ink, appearing to be "Cori Ramsay".

Councillor Cori Ramsay
UBCM President

Enclosure

Whereas regional districts in British Columbia are responsible for providing only a limited number of mandated services, including emergency management for electoral areas, regional solid waste planning, and governance for electoral areas, as outlined in the *Local Government Act*;

And whereas many small municipalities lack the financial and staff resources necessary to effectively undertake emergency planning and response, including the ability to operationalize an Emergency Operations Centre during a crisis, leaving them vulnerable during major emergencies or disasters:

Therefore be it resolved that UBCM ask the Province of British Columbia to amend the *Local Government Act* and *Community Charter*, as necessary, to authorize regional districts to provide emergency planning and response services not only to electoral areas but also to member municipalities that choose to opt in, ensuring a centralized and coordinated approach to emergency management.

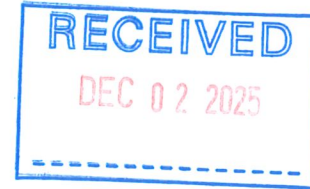
CONVENTION DECISION: REFERRED TO UBCM EXECUTIVE

EXECUTIVE DECISION: NOT ENDORSED



November 26, 2025

Mayor Ken Berry
Village of Lions Bay
Box 141
Lions Bay, BC V0N 2E0



Dear Mayor Berry:

Re: 2025 Resolution(s) Referred to UBCM Executive

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At the recent November Executive meeting, the Executive considered the resolutions referred to them from the 2025 Convention, including your resolution(s). The Executive were provided with the Resolutions Committee comments and recommendations, as outlined within the Resolutions Book, to assist them in their deliberations.

Upon review, the Executive chose to endorse with an amendment NR72 Emergency Water Treatment Plants. As such, it will be conveyed to the appropriate order of government or organization.

Should you have any questions, please contact Jamee Justason, Resolutions and Policy Analyst, at 604-270-8226 Ext. 100 or jjustason@ubcm.ca

Sincerely,

A handwritten signature in black ink, appearing to be "CR", written over a light blue horizontal line.

Councillor Cori Ramsay
UBCM President

Enclosure

2025 NR72 Emergency Water Treatment Plants

Lions Bay

Whereas forested-watershed communities face increasing risks of wildfire-related contamination of their drinking water sources due to the increasing impacts associated with climate change, with wildfires introducing ash, sediment, and other pollutants that can render water supplies unusable for extended periods;

And whereas the cost of advanced water treatment infrastructure required to address such contamination far exceeds the financial capacity of small communities, leaving them vulnerable to prolonged water supply disruptions that pose significant public health and community sustainability risks:

Therefore be it resolved that UBCM request that the Province of British Columbia acquire and maintain portable water treatment plants to be held in reserve for emergency deployment to communities experiencing significant wildfire-related water contamination, ensuring rapid response and long-term water security for vulnerable communities.

CONVENTION DECISION: REFERRED TO UBCM EXECUTIVE

EXECUTIVE DECISION: ENDORSED AS AMENDED



From: FHPrinting02@surrey.ca
To: [Agenda](#)
Subject: Monthly Sit Report of 2025-11
Date: December 1, 2025 4:33:07 PM
Attachments: [bf19248e-5544-4f6f-987d-d1ca435b84f5.png](#)
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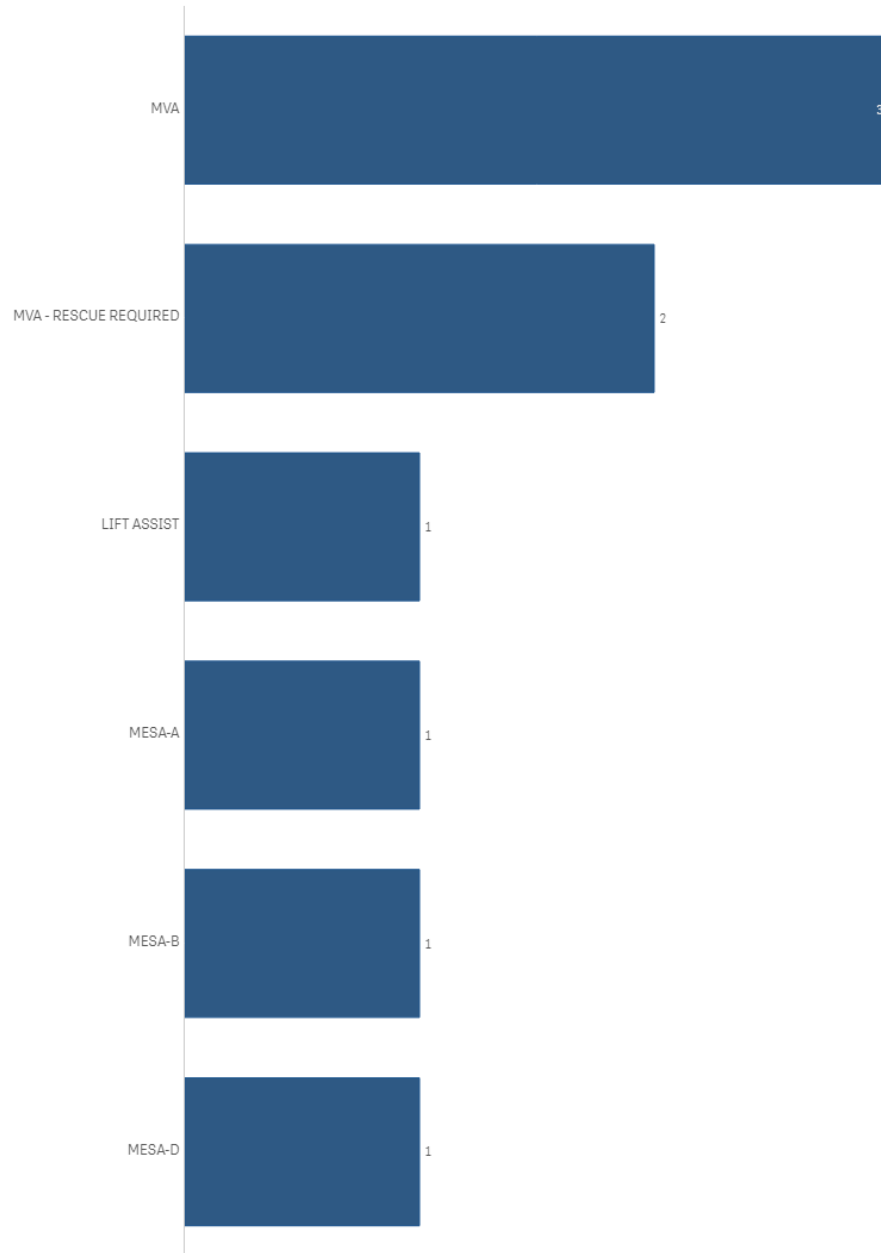
Surrey Regional Fire Dispatch Monthly Report

From 2025-11-01 To 2025-11-30

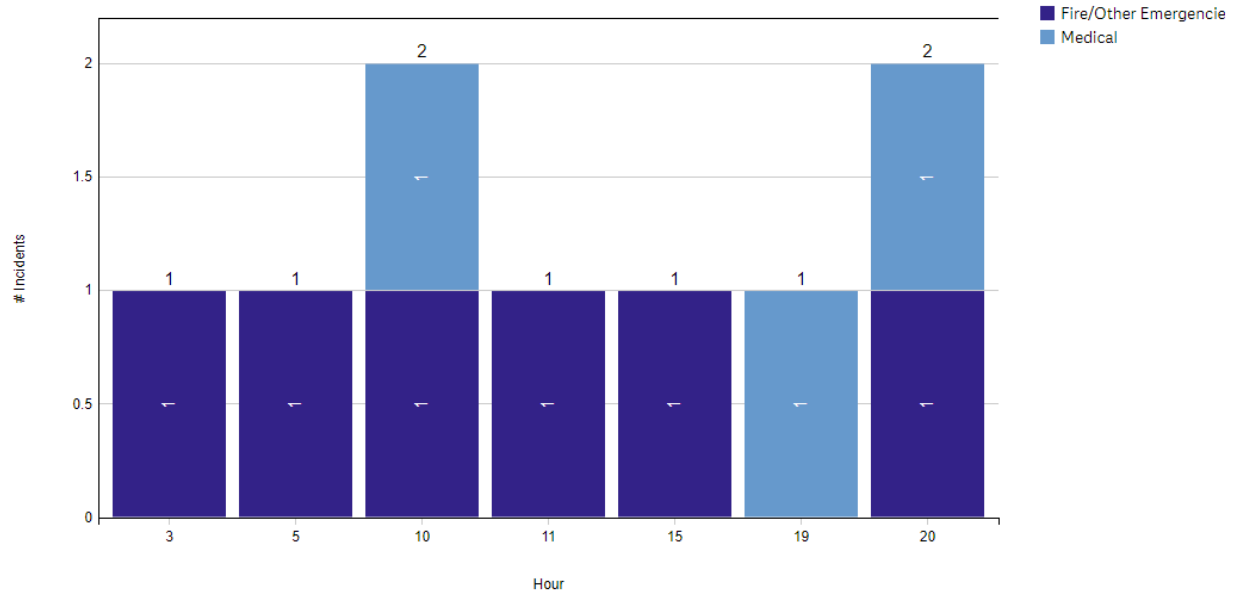
LIONS BAY FIRE RESCUE

# Incidents	# Incident Apparatus	# Incident Attendees
9	16	67

Incidents by Dispatch Type



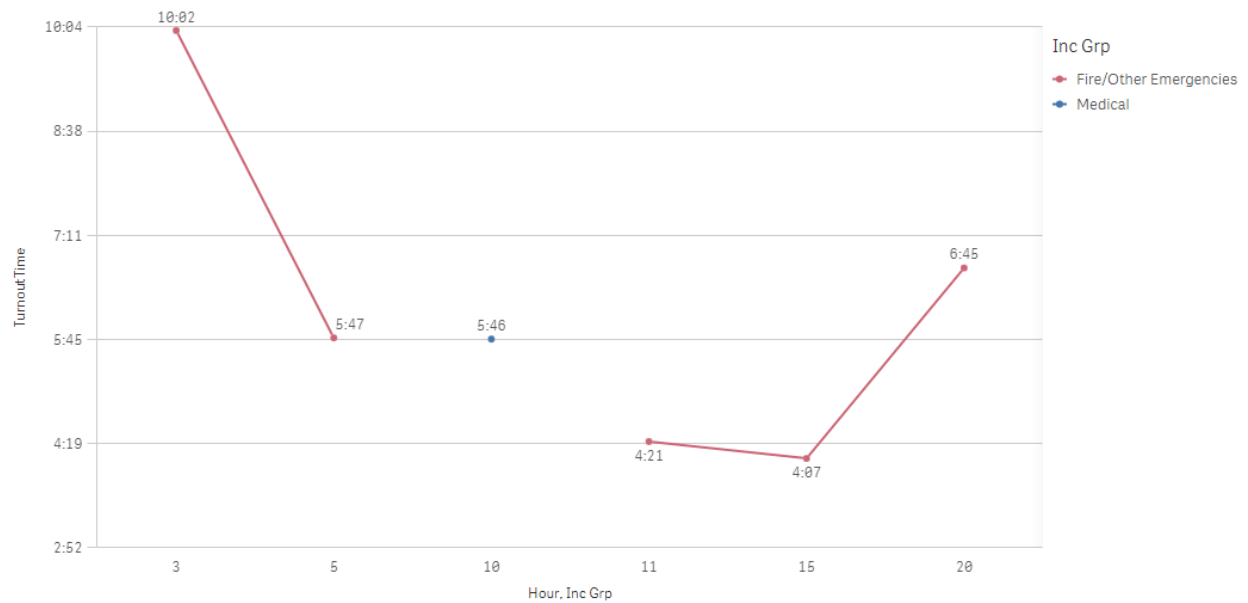
Incidents by Hour



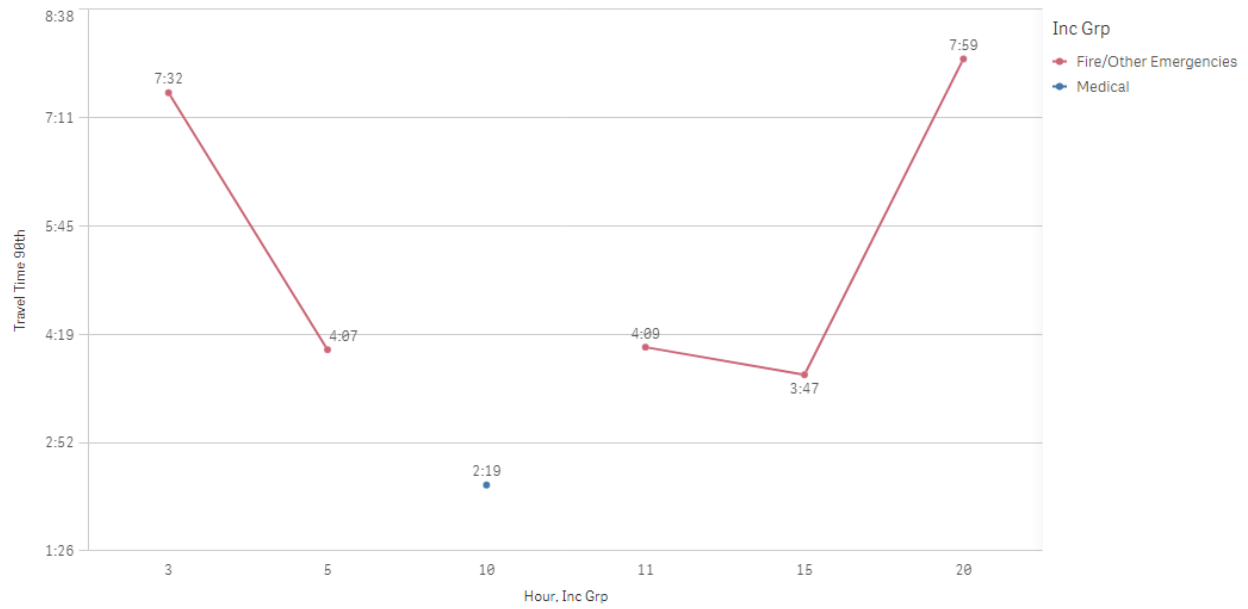
Performance for Emergency Incidents and First On-Scene Apparatus

Turnout Time	Travel Time	On-Scene Time
8:23	7:45	84:32

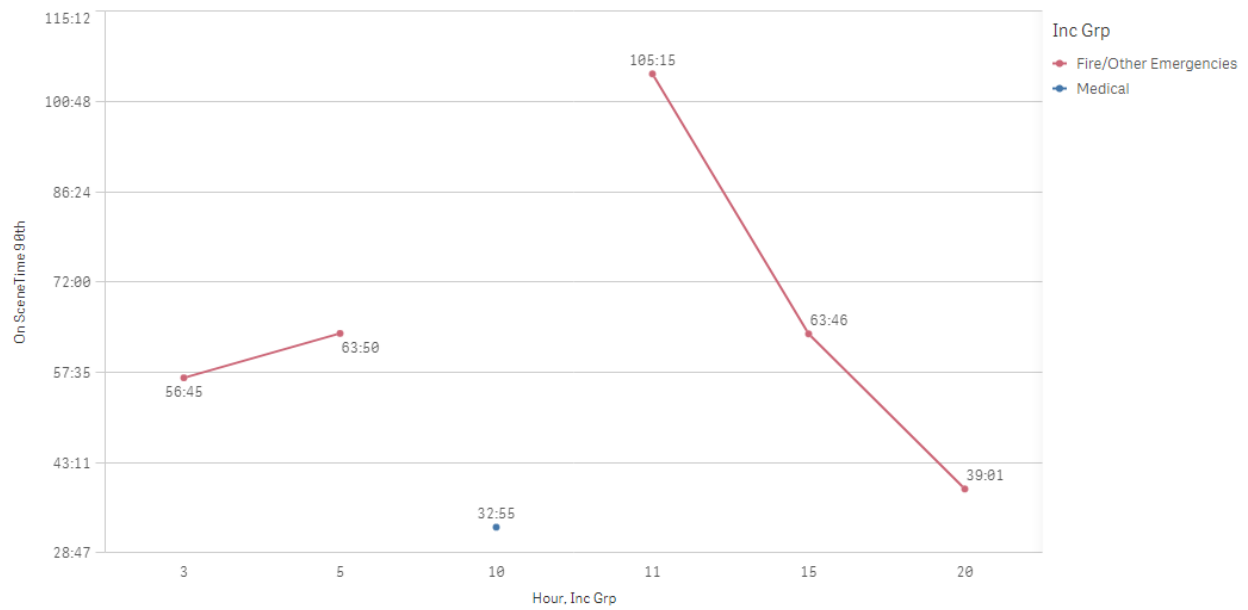
Turnout Time 90th Percentile for Emergency Incident and First On Scene Apparatus



Travel Time 90th Percentile for Emergency Incident and First On Scene Apparatus



On-Scene Time 90th percentile for Emergency Incident and First On Scene Apparatus



Truck Utilization

AppUnit	AppName	Hours Committed	Days Committed	# of Days selected	Hours Capacity	Utilization
LBR63	LB Rescue 63	8.3	0.3	9	216	4%
LBE62	LB Engine 62	4.6	0.2	9	216	2%
LBE61	LB Engine 61	0.0	0.0	9	216	0%



The Corporation of the
District of Central Saanich

November 28th, 2025

Honourable David Eby

Premier of British Columbia

Honourable Christine Boyle

Minister of Housing and Municipal Affairs

Honourable Lana Popham

Member of the Legislative Assembly, Saanich South

Honourable Rob Botterell

Member of the Legislative Assembly, Saanich North & the Islands

Subject: Bill M216 *Professional Reliance Act* – District of Central Saanich Comments

On behalf of the District of Central Saanich, following a motion passed by Council on November 24th, 2025, I am writing to express our strong opposition to Bill M216, the *Professional Reliance Act*. While we recognize the Province's commitment to addressing housing supply challenges, this legislation represents a significant overreach into municipal jurisdiction and undermines the democratic principles that guide local governance.

It appears to us that Bill M216 would erode the decision-making authority of locally elected councils, who are directly accountable to their communities and best positioned to address local needs. It also threatens to bypass the professional expertise of municipal planners and staff, whose knowledge of local context is essential for responsible and sustainable development.

Central Saanich has already met both provincially mandated and locally established housing targets, demonstrating that municipalities can effectively deliver housing solutions without sweeping provincial intervention. A one-size-fits-all approach disregards community diversity and penalizes municipalities that have acted responsibly.

Further, Bill M216 introduces risks to public interest by limiting municipal oversight of technical submissions and creating uncertainty through a dispute resolution process that relies on the Office of the Superintendent of Professional Governance—an entity without the mandate or capacity to adjudicate local planning matters.

We urge the Province to pause Bill M216 and engage in meaningful consultation with local governments and professional organizations before proceeding. Respecting municipal authority and democratic processes is critical to achieving housing goals while safeguarding public trust.

Thank you for your attention to this matter. We look forward to working collaboratively to advance housing solutions that respect local autonomy.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ryan Windsor', enclosed within a large, horizontal oval loop.

Mayor Ryan Windsor

cc: Christine Culham, Chief Administrative Officer

Jarret Matanowitsch, Director of Planning, Building and Bylaw Services

BC Municipalities & Regional Districts

November 25th, 2025

At the November 24th, 2025 Regular Council Meeting, the following resolution was adopted by Council:

Resolution #2025-175

THAT the Village of Radium Hot Springs Council resolve to oppose the provincial draft Professional Reliance Act bill (M216).

Certified a true copy of Resolution #2025-175 this 25th day of November, 2025.



Jill Logan
Corporate Officer
Village of Radium Hot Springs

Meeting Type and Date: Regular Council Meeting – November 24, 2025
Written by: Adrian Bergles, CAO
Reviewed and Approved by CAO: N/A
Subject: Suggested Village of Radium Hot Springs opposition to draft *Professional Reliance Act* bill (M216) and consultation period response

Recommendation: That the Village of Radium Hot Springs Council resolve to oppose the provincial draft *Professional Reliance Act* bill (M216)

Request for Decision ☒ **Department Report** ☐ **Information Report** ☐

Implications of Recommendation:

Asset Management: Y
Financial: Y
OCP: Y
Policy: Y
Strategic Plan: Y

SUMMARY INFORMATION

Recently the provincial NDP government has tabled a draft *Professional Reliance Act* bill (M216).

The draft legislation, which has received two readings and is open for public comment is intended to streamline development approvals in BC. Fundamentally it would end municipalities' – like the Village of Radium Hot Springs – ability to have planning documents prepared by licensed professionals undergo third party, peer review, which is fundamental to current processes.

This is seen as a method of speeding up development approvals, but it may have the opposite effect.

Groups like the Union of BC Municipalities, the Planning Institute of BC, and other professional organizations are either coming out in opposition to this proposed legislation, or are stating serious concerns with it.

Some of those concerns are:

- Deregulation of local government approvals via inability to provide peer review which routinely identifies deficiencies, leaving municipalities and taxpayers potentially on the hook to pay for reconstruction of something that could have been easily caught
- Slowing of development approvals, and introduction of uncertainties, as any deficiencies noted would have to be reported to the Office of the Superintendent for Professional Guidance
- Lack of innovation – local governments are currently empowered to employ professional reliance in instances that support community goals
- Creation of the draft bill in a vacuum – the bill lacks real-world ground truthing and nuance, unintended consequences are likely
- Part of a broader pattern of provincial overreach, building on provincial housing legislation that removes planning approval from municipalities
- Institutionalizing conflict of interest by which professionals hired by developers approve the projects by which they earn their income
- Erosion of municipal self-determination
- Centralization without affordability – removal of democratic checks does not guarantee affordability. On the contrary, it risks handing over unprecedented control to private actors and provincially appointed officials
- Inconsistency with professional programs already being implemented by local governments to streamline development processes
- The scope of bill (M216) is unnecessarily broad

At the very least, many of these groups request that the public comment period be extended beyond the beginning of December.

This is a significant piece of draft legislation, with far reaching and likely unintended consequences, some of which are likely to be negative.

Staff of the Village of Radium Hot Springs asks Council to consider the resolution to oppose this legislation. If this resolution is adopted, staff will forward this information and a corresponding letter to the provincial consultation portal which has been created to receive comments on the draft legislation.

Options for Council:

- 1) Adopt the resolution as presented (recommended)
- 2) Suggest changes to the resolution
- 3) Table and do not adopt the resolution

Respectfully submitted:

Adrian Bergles,

Chief Administrative Officer

December 3, 2025

Via email: HMA.Minister@gov.bc.ca

The Honourable Christine Boyle
Minister of Housing and Municipal Affairs
Parliament Buildings
Victoria, B.C. V8V 1X4

Re: Bill M 216 – 2025 Professional Reliance Act

Dear Minister Boyle;

I am writing to reinforce concerns other municipalities have raised about Bill M 216 – 2025 *Professional Reliance Act*, and to add additional ones that are contextual to rural and northern communities.

Allow me to express our ongoing support for the Province of B.C.'s efforts to modernize legislation that facilitates the timely development of housing in communities throughout British Columbia. The City of Quesnel has been a proactive collaborator to enable new housing development to occur throughout the city. In addition to the timely completion of our Housing Needs Assessment, the City was also the first municipality in the province to adopt policy to enable the construction of accessory dwelling units, including making available design plans, and has effectively utilized its Revitalization Tax Exemption bylaw and accessed Northern Development Initiative Trust's Northern Housing Incentive to spur the development of new units in the City.

Additionally, we want to thank the Province of B.C. for its continued partnership and investment in Quesnel, whether it be through Providence Living's proposed 288-bed long term care facility for West Quesnel, or support through BC Housing for women's transition housing, supportive housing at the Grace Inn site and shelter space. These investments are making a meaningful difference in our community.

Regarding Bill M 216 – 2025, our concerns fit within several broad categories as outlined below.

Misunderstanding of Municipal Review

There appears to be confusion in the province's supporting documents between the proposed Professional Reliance Act, the Certified Professional Program and the common practice of professional reliance.

To a large extent, smaller municipalities already rely on professionals as we do not complete a detailed review of an engineer's plans due to the lack of internal capacity. As such, municipal staff conduct only a high-level review that notes such things as whether a professional's plans meet the municipality's bylaw requirements, whether there is planned use of infrastructure materials the city does not prefer or if there is insufficient information or a lack of important



local information, among other things. It needs to be emphasized that these actions on the part of the municipality do not constitute a detailed technical review.

The Certified Professional Program refers to additional training professionals must obtain to ensure they are competent in the BC Building Code and can replace the building permit process under the Authority Having Jurisdiction. There is a significant lack of these certified professionals available in the north. The supporting documentation for the Bill lists the City of Prince George as a user of the Certified Professional Program. As far as we are aware, Prince George does not currently use this program and does not seem to be listed as a municipality under this program with the Architecture Institute of British Columbia, although it likely applies a high level of professional reliance.

Liability

It remains unclear at this time how the language within the Bill would limit or eliminate municipal liability. For example, if a professional organization ceases to operate, where would the liability for their decisions rest? As it is, municipalities are generally named as co-defendants in legal actions regarding liability. As it is, professional reports always contain a section that limits their own liability while still providing approvals, which necessitates an additional effort on the part of the municipality to ensure the organization does not completely erase accountability for its own work and approvals.

Limited Access to Professionals in the North

Quesnel, similar many other rural and remote municipalities, is experiencing an ongoing shortage of professionals located in or who are familiar with the community and its climate. We tend to see many professionals who provide reviews, approvals and reports in the community without ever being on site.

Related, this Bill would place additional pressure on professionals to take on competencies for which they do not have a scope of practice, which would necessitate further investment by the province in independent, professional regulatory oversight beyond what municipalities already do, which would result in additional costs, time and confusion.

Also, our experience has been that the quality of reports varies widely between professionals. Should this legislation proceed, we would urge the province to define the specific types of reports required for various levels of assurance. For example, the City was recently provided a technical memorandum instead of a geotechnical report for development – these are not the same and should not be relied upon as such to inform investment decisions.

An example of concern to our community is the West Quesnel Land Stability Area. In the past, municipal staff have engaged with several professionals willing to provide approved reports to support development in that area, which is fundamentally unsafe, and their reports frequently contain errors and omissions that would place undue burden on local taxpayers if the city were no longer able to intervene in the development process.



Infrastructure

The language the province has provided to support the Bill is not clear on how these changes would impact municipal discretion regarding infrastructure the municipality will or may eventually own, nor is it clear how professionals will review their reports with consideration to the municipality's growth and development goals, many of which are regulatory requirements set out by the province.

Conclusion

Finally, we are concerned that the use of registered professionals hired and paid for by a development applicant and working on their behalf creates a serious conflict of interest. While professional reliance can be a useful tool, we would remind you of the lessons learned in B.C.'s forestry sector that ultimately led to that structure being repealed to reinforce sustainable management of B.C.'s crown timber resources.

While we appreciate the haste with which the province wishes to move, notably in urban areas, we advise you to apply patience and due diligence when making changes that largely affect another order of government. The City of Quesnel was unaware of the Bill's introduction and has not had meaningful discussions with your ministry regarding it. At the same time, the market for multi-family developments, notably in urban areas, has softened, which suggests other more fundamental economic issues that need to be resolved to spur development, which should take priority over this bill.

We expect respectful treatment from the province regarding legislative changes that fit entirely within the scope of local government. We encourage you to engage with municipalities to create a more meaningful change that achieves provincial goals while safeguarding the liability placed upon local taxpayers.

Thank you for your time.

Mayor Ron Paul
City of Quesnel

Cc:

MLA Sheldon Clare
Cori Ramsay, President, Union of B.C. Municipalities
BC Municipalities



TOWN OF VIEW ROYAL

45 View Royal Avenue, Victoria, BC, Canada V9B 1A6
Ph. 250-479-6800 • E. info@viewroyal.ca • www.viewroyal.ca

December 4, 2025

Sent via Email

LETTER TO ALL BC MUNICIPAL COUNCILS

Dear Mayor and Council,

RE: Judicial Review of Provincial Housing Laws — Bills 44, 47, 13, 15, and M216

Municipalities across British Columbia are now subject to a suite of provincial housing laws — Bills 44, 47, 13, 15, and M216 — introduced and passed at remarkable speed, with limited consultation and, in some cases, under non-disclosure agreements that prevented open discussion. The timing of these Bills, released after the UBCM resolution deadline, removed the only coordinated opportunity for local governments to provide input or seek policy direction. As a result, councils were left without a meaningful role in shaping legislation that fundamentally alters their authority.

These Bills are not simply about housing supply. Individually and collectively, they alter how local democracy functions. Powers traditionally exercised by elected councils have shifted to prescriptive provincial requirements and external decision-makers. The cancellation of public hearings for many zoning decisions has further limited residents' ability to participate in community planning. Taken together, these changes raise serious questions about whether local governments can continue to operate as accountable democratic institutions.

View Royal Council has authorized the Mayor and CAO to explore a coordinated Judicial Review and to invite other municipalities to consider joining. The purpose of such a review is not to oppose housing, but to obtain clarity on whether the Province acted within lawful limits and whether proper democratic and procedural safeguards were respected.

A Judicial Review would seek answers to key questions:

- Whether these Bills, individually or combined, have eroded councils' capacity to govern and consult their residents.
- Whether eliminating public hearings is consistent with procedural fairness.
- Whether the Province exceeded its authority in reshaping core municipal land use powers.
- Whether the speed, secrecy, and timing of the legislative process met principles of responsible governance.
- What limits exist on unilateral changes to local democratic authority.

Without clarity, municipalities are left uncertain about their future role and accountability to their communities.

We invite your council to consider joining a coalition of municipalities to examine these issues together and to share the associated work and costs.

Sincerely,

A handwritten signature in black ink, appearing to be 'Sid Tobias', with a stylized, cursive script.

Mayor Sid Tobias
Town of View Royal

Email: mayortobias@viewroyal.ca

or

c/o View Royal Town Hall
45 View Royal Avenue, Victoria BC V9B 1A6

Email: mayorandcouncil@viewroyal.ca

Attached: **Appendix with Sample Resolutions**

RE: Judicial Review of Provincial Housing Laws — Bills 44, 47, 13, 15, and M216

- THAT Council express its interest in joining a coalition of British Columbia municipalities and regional districts to evaluate and potentially pursue a coordinated Judicial Review of provincial housing legislation, including Bills 44, 47, 13, 15, and M216;
- AND THAT Council note concerns regarding the lack of consultation, the use of non-disclosure agreements, the timing of legislative release after the UBCM resolution deadline, the removal of public hearings, and the cumulative erosion of local democratic authority;
- AND THAT Council support the creation of a joint municipal working group to identify shared legal issues, coordinate information, and explore cost-sharing;
- AND THAT Council authorize the Mayor or designate to engage with participating municipalities and report back on legal options, partnership structures, and financial implications.