

DATE OF MEETING July 6, 2020

AUTHORED BY JEREMY HOLM, DIRECTOR, DEVELOPMENT APPROVALS

**SUBJECT EXTENSION TO BUILDING PERMIT APPLICATION EXPIRY  
TIMELINE**

## **OVERVIEW**

### **Purpose of Report**

To introduce amendments to “Building Bylaw 2016 No. 7224” to allow for the extension of building permit application expiry timeline. ]

### **Recommendation**

That:

1. “Building Amendment Bylaw 2020 No. 7224.03” (To allow for the extension of building permit application expiry timeline) pass first reading;
2. “Building Amendment Bylaw 2020 No. 7224.03” pass second reading; and
3. “Building Amendment Bylaw 2020 No. 7224.03” pass third reading.

## **BACKGROUND**

Under the City of Nanaimo “Building Bylaw 2016 No. 7224” (the “Building Bylaw”), a building permit application expires 12 months after the date of application if the requirements for issuance of the permit have not been met. The COVID-19 pandemic has challenged a number of owners/developers to meet the requirements for issuance of a building permit within 12 months of permit application.

There is currently no discretion in the Building Bylaw to provide additional time for a developer to meet the requirements of building permit issuance. If the requirements for issuance are not met within 12 months, the building permit application will expire and the owner/developer would have to submit a new building permit application in order to proceed with the development. ]

## **DISCUSSION**

Following the issuance of a building permit, the Building Bylaw provides discretion to the Building Official to extend timelines for the commencement of construction and discontinuance of construction due to adverse weather, strikes, material or labour shortages, or similar hardship beyond the owner’s control. Similar discretion is not provided for building permit applications, which expire within 12 months of the date of the application unless the requirements to issue a building permit have been met.

The COVID-19 pandemic has created challenges for owners/developers to meet the requirements for issuance of a building permit application within 12 months of the date of permit application. It is understood these challenges primarily relate to delays in securing financing

and lease commitments from prospective tenants; however, some applicants are also experiencing delays in submission of material due to challenges coordinating professionals.

Typically, 12 months is more than sufficient for an owner/developer to meet the requirements for issuance of a building permit application; however, it would be appropriate to provide some discretion to allow a reasonable extension of the building permit application expiry timeline in cases where an owner/developer is unable to meet the requirements of permit issuance due to hardship beyond the owner's control.

The proposed Building Bylaw amendment would provide a Building Official the discretion to extend the building permit application expiry timeline to 18 months from the date of application where it has been determined that the owner/developer has been unable to meet the requirements to have a building permit issued due to adverse weather, strikes, material or labour shortages, or similar hardship beyond the owner's control. This amendment would improve the City's flexibility to respond to unforeseen events beyond the owner's control (such as pandemic) that impact the ability of the owner to meet the requirements of building permit issuance. More broadly, this amendment would enable the City to respond more flexibly and support the building industry as it struggles with the impacts of the COVID-19 pandemic and future similar large-scale disruptions.

## OPTIONS

1. That
  1. "Building Amendment Bylaw 2020 No. 7224.03" (To allow for the extension of building permit application expiry timeline) pass first reading;
  2. "Building Amendment Bylaw 2020 No. 7224.03" pass second reading;
  3. "Building Amendment Bylaw 2020 No. 7224.03" pass third reading.
    - Advantages: Provides for clear and reasonable extension of time to meet requirements to issue building permit applications due to events determined to be beyond the owner's control. Enables the City to respond more flexibly to events that result in industry-wide disruptions. The 18-month application expiry timeline would not be inconsistent with the spirit of protection from change in the BC Building Code provided by the Province.
    - Disadvantages: Minor additional administrative burden in evaluating requests for extension to application expiry and managing files with longer approval timelines. May provide for some additional protection from changes to City bylaws and the BC Building Code
    - Financial Implications: May result in minor delay in the collection of building permit fees, development cost charges, and the like for applications that are impacted by hardship beyond the owner's control.
2. That Council deny first, second, and third reading of "Building Amendment Bylaw 2020 No. 7224.03"
  - Advantages: Provides definitive timeline for completion of building permit application requirements. Slightly lower administrative burden. Limits protection

from change in bylaw and the BC Building Code provided by permit application to 12 months from the date of application.

- Disadvantages: Provides no flexibility to extend the time to meet requirements to issue building permit application due to events determined to be beyond the owner's control. Does not enable the City to respond more flexibly to events that result in industry-wide disruptions. Is likely to lead to building permit applications expiring and development projects possibly not proceeding.
- Financial Implications: May lead to loss of building permit fees, development cost charges, and the like due to applications expiring and projects not proceeding. |

### **SUMMARY POINTS**

- The COVID-19 pandemic has created challenges for owners to meet the requirements for issuance of a building permit application within 12 months of the date of application after which time the permit application expires.
- The proposed Building Bylaw amendment would provide discretion to extend the building permit application expiry timeline to 18 months from the date of application where it has been determined the owner/developer has been unable to meet the requirements to have a building permit issued due to adverse weather, strikes, material or labour shortages, or similar hardship beyond the owner's control.
- The proposed Building Bylaw amendment would increase the City's flexibility to respond to unforeseen events beyond the owner's control that impact the ability of the owner to meet the requirements of building permit issuance.
- The proposed Building Bylaw amendment would enable the City to respond more flexibly and support the building industry as it struggles with the impacts of the COVID-19 pandemic and future similar large-scale disruptions.

### **ATTACHMENTS:**

"Building Amendment Bylaw 2020 No. 7224.03"

#### **Submitted by:**

Jeremy Holm  
Director, Development Approvals |

#### **Concurrence by:**

Dale Lindsay  
General Manager, Development Services