

Staff Report for Decision

DATE OF MEETING May 14, 2018

AUTHORED BY DARCY FOX, MANGER OF BUILDING INSPECTIONS

SUBJECT BUILDING BYLAW AMENDMENT

OVERVIEW

Purpose of Report

To introduce an amendment to the Building Bylaw for Council's consideration.

Recommendation:

1. That "Building Amendment Bylaw 2018 No. 7224.01" (To bring Building Bylaw 2016 No. 7224 into conformance with the *Building Act*) pass first reading;
2. That "Building Amendment Bylaw 2018 No. 7224.01" pass second reading; and,
3. That "Building Amendment Bylaw 2018 No. 7224.01" pass third reading.

BACKGROUND

Through legislation passed through an amendment to the *Building Act* as of 2017-DEC-15, the Province of British Columbia has removed the ability for local governments to implement technical Building Code requirements through its bylaws.

The City of Nanaimo currently employs a provision in our Building Bylaw that is affected by this legislation.

Additionally, Staff seek to affect a wording change that will impact the overall meaning regarding exemptions to work and services requirements.

DISCUSSION

The proposed amendments, if adopted, will allow the City's Building Bylaw to better conform to changes in the *Building Act*, and provide a better interpretation of allowed exemptions from works and services requirements.

Conformance to the *Building Act* Amendment

Currently Building Bylaw 7224, Section 6.8 states:

"No person shall repair a building damaged by fire, decay, storm, or otherwise to an extent greater than 75% of its assessed value above its foundations unless in every respect the whole of the building is made to comply with the Building Code."

The effect of the *Building Act* amendment means this particular provision in our Building Bylaw no longer has any legal effect. Staff propose to remove this provision.

Works and Services Exemption

Current wording in Section 25.1 of the Building Bylaw – Exemptions to Works and Services, if left unchanged, could be interpreted to mean the applicant would need to meet each point in Section 25.1 in order to qualify for the works and services exemption. Staff propose to clarify this section to conform to the current interpretation that if the applicant meets any of the points in Section 25.1, they would qualify for exemption from works and services requirements.

Proposed Change

The change from “and” to “or” in subsection 25.1.4 clarifies that only one of the subsections needs to be met to exempt a development from works and services. This amendment would be consistent with the current interpretation of the bylaw.

“25. Exemptions to Works and Services

25.1 The requirements in Section 24 shall not apply where:

25.1.1 the value of construction does not exceed \$150,000;

25.1.2 where the construction will take place on a parcel of land which is zoned:

25.1.2.1 “I-1” (Highway Industrial) and the value of construction does not exceed \$150,000;

25.1.2.2 “I-2” (Light Industrial) and the value of construction does not exceed \$250,000;

25.1.2.3 “I-3” (High Tech Industrial); or

25.1.2.4 “I-4” (Industrial).

25.1.3 the construction will result in the addition to an existing building and the additional floor area will not exceed 25% of the existing floor area;

25.1.4 the construction will result in the creation and/or location of no more than a total of four residential units on the site being developed; and or

25.1.5 the construction will consist only of interior renovations related to an existing building or structure.”

SUMMARY POINTS

- The *Building Act* has removed the ability for local governments to implement technical Building Code requirements.
- The proposed amendment, if adopted, will allow the City's Building Bylaw to better conform to changes in the *Building Act*.
- Current wording in Building Bylaw could be interpreted to mean the applicant would need to meet each point in Section 25.1 in order to qualify for the works and services exemption.
- The proposed amendment will be consistent with current interpretation.

ATTACHMENTS

“Building Amendment Bylaw 2018 No. 7224.01”

Submitted by:

Darcy Fox
Manager of Building Inspections

Concurrence by:

Dale Lindsay
Director of Community Development