

CITY OF BURNABY

BYLAW NO. 14586

A BYLAW to amend Burnaby Building Bylaw 2016

The Council of the City of Burnaby ENACTS as follows:

1. This Bylaw may be cited as **BURNABY BUILDING BYLAW 2016, AMENDMENT BYLAW NO. 1, 2023.**

2. Burnaby Building Bylaw 2016, as amended, is further amended:

(a) at Section 3 Definitions, by adding the following in alphabetical order:

“**Building Code CP Provisions**” means Division A, Division B, Parts 1 and 3 and Division C of the Building Code;

“**Burnaby CP Supplement**” means the Certified Professional Supplement published by the City, as the same may be amended, modified or replaced from time to time;

“**Certified Professional**” means an Architect or Professional Engineer who:

(a) is registered to practice in British Columbia; and

(b) has taken and passed the Certified Professional Course and been recognized as a Certified Professional by either The Architectural Institute of British Columbia or Engineers and Geoscientists British Columbia;

“**Certified Professional Program**” means the alternative process for obtaining a permit and related occupancy certificate under this Bylaw;

“**CP Guide**” means the Guide to the Certified Professional Program published jointly by The Architectural Institute of British Columbia and Engineers and Geoscientists British Columbia;”

- (b) by renumbering “Section 9A Energy Step Code” to “Section 9B Energy Step Code”;
- (c) by adding the following as Section 9A:

“9A CERTIFIED PROFESSIONAL PROGRAM

- (1) If an owner elects to apply for a permit under the Certified Professional Program, then this Part 9A applies to the design and construction of the building, in addition to the other provisions of this Bylaw.
- (2) The Building Inspector may accept an application for a permit for processing under the Certified Professional Program, provided that:
 - (a) the building document plans have been reviewed by the Certified Professional for compliance with requirements of the Building Code CP Provisions;
 - (b) the permit application has been prepared in accordance with the CP Guide as supplemented by the Burnaby CP Supplement, and includes all required letters of assurance, and any required confirmations with respect to the development and Building Code coordination; and
 - (c) proof of insurance for the Certified Professional has been provided in accordance with the requirements set out in the Burnaby CP Supplement.
- (3) A Certified Professional shall maintain the insurance as set out in the Burnaby CP Supplement for the duration of the permit.
- (4) The Building Inspector may suspend a registered professional from practicing as a Certified Professional in the City if the registered professional:
 - (a) is no longer licensed as a registered professional in the Province of British Columbia;
 - (b) submits any required documentation, which is in any material way inaccurate or misleading;

- (c) fails to notify the Building Inspector in a timely manner of any significant known, unresolved contraventions of the Building Code or permit requirements;
 - (d) fails to perform any duties or obligations required by this Bylaw;
or
 - (e) fails to maintain the insurance as set out in the Burnaby CP Supplement.
- (5) A Certified Professional must, in respect of the development for which a permit was issued under the Certified Professional Program, and in addition to any other applicable responsibilities:
- (a) comply and carry out the duties of a Certified Professional, including the duties and obligations of a Certified Professional set out in the CP Guide and the Burnaby CP Supplement;
 - (b) advise the Building Inspector , in writing, if any matter of design, construction or field review does not meet the requirements of the Building Code CP Provisions;
 - (c) at least once every 30 days from the date of issuance of a permit, submit to the Building Inspector a written progress report in the form set out in the Burnaby CP Supplement; and
 - (d) advise the Building Inspector promptly, in writing, if the Certified Professional ceases to be retained by the owner, resigns or is otherwise unable or unwilling to carry out field reviews or other duties related to the development.
- (6) The Building Inspector may post a “Notice of Suspension” in the form set out in Schedule “H” or revoke a permit under the Certified Professional Program in any of the following circumstances:
- (a) if the Certified Professional ceases to be retained by the owner, resigns or is otherwise unable or unwilling to carry out field reviews or other duties related to the development for which a permit was issued under the Certified Professional Program;

- (b) if the Certified Professional is no longer licensed as a registered professional in the Province of British Columbia or is suspended from practicing as a Certified Professional in the City pursuant to subsection (4);
 - (c) if the Certified Professional fails to perform any of their duties or obligations under this Bylaw; or
 - (d) if a document required by this Bylaw or under the Certified Professional Program is not delivered by the Certified Professional within the time frame specified in this Bylaw or as required by the Building Inspector.
- (7) Where a “Notice of Suspension” has been posted or where a permit is revoked pursuant to subsection (6), the owner shall comply with subsections 24(5) and 24(6) of this Bylaw, and work on the development must not resume until the Building Inspector has received written notice from a Certified Professional that the Certified Professional:
- (a) has been retained by the owner for the continuation of construction of the building;
 - (b) has reviewed the building and confirmed that the building, as constructed up to that point, substantially complies with the Building Code CP Provisions, and has been constructed in accordance with the approved plans; and
 - (c) will carry out the duties of the Certified Professional that are required in order to bring the building to completion and to certify substantial compliance with the Building Code, this Bylaw and other applicable enactments and that construction will be in accordance with the previously approved plans.
- (8) Nothing in this Section 9A in any way relieves the owner from full responsibility for ensuring that a Certified Professional is engaged during construction of the building, and that the building or structure is in substantial compliance with the Building Code, this Bylaw and other applicable enactments.

- (9) Where the Building Inspector accepts a permit application and letters of assurance from a Certified Professional for a development, the Building Inspector will rely on the letters of assurance issued by the Certified Professional and other registered professionals:
- (a) that the drawings meet the requirements of the Building Code for the issuance of a permit under this Bylaw; and
 - (b) that the construction substantially conforms to the design, plans and specifications and that the construction complies with the Building Code and this Bylaw for the issuance of an occupancy certificate under this Bylaw.
- (10) Every provision of this Bylaw and the Building Code that applies to a registered professional also applies to a Certified Professional.”

3. This Bylaw comes into force and effect on September 1, 2023.

FIRST READING this 10th day of July, 2023

SECOND READING this 10th day of July, 2023

THIRD READING this 10th day of July, 2023

ADOPTED this 24th day of July, 2023


MAYOR


CORPORATE OFFICER