THE CORPORATION OF THE DISTRICT OF BURNABY

BY-LAW NO. 6333

A BY-LAW to provide for the administration and enforcement of the National Building Code of Canada Parts 2, 3, 4, 5, 6, 8, and 9 and the Building Regulations of British Columbia and to enact certain building regulations not contained in the said Code or Regulations and not inconsistent therewith.

The Council of The Corporation of the District of Burnaby ENACTS as follows:

- 1. This By-law may be cited as "BURNABY BUILDING BY-LAW 1973".
- 2. In this by-law, unless the context otherwise requires, by-law means the "Burnaby Building By-Law 1973", the National Building Code of Canada Parts 2, 3, 4, 5, 6, 8, and 9 and the Building Regulations of British Columbia.
- 3.(1) The Council may from time to time by resolution appoint a Building Inspector and assistants who shall:
  - (a) administer this By-law;
  - (b) keep proper records of all applications received, permits and orders issued, inspections and tests made, and shall retain copies of all papers and documents connected with the administration of his duties.
- (2) The Building Inspector may enter any building or premises at any reasonable time for the purpose of administering or enforcing this By-law.
- (3) It shall be unlawful for any person to prevent, obstruct or hinder the Building Inspector or any person authorized by him in the making of an entry or inspection or in the performance of any other duty or the exercise of any other power assigned to or vested in him under this By-law.
- (4) The Building Inspector shall decide any question arising as to whether any method or type of construction or material used in the construction of any building conforms with the requirements and provisions of this By-law.

- 3. (5) The Building Inspector may, where any building, structure or thing, in whole or in part is:
  - (i) in contravention of this or any other by-law of the Corporation; or
  - (ii) in the opinion of Council, in an unsafe condition; or
  - (iii) is being constructed without a permit having been issued by the Building Inspector;

order the immediate suspension of all or any portion of such construction by attaching a notice to that effect to the said building, structure, or thing. The Building Inspector shall send by return registered mail to the owner of the real property on which the said building, structure or thing stands, at his address as it appears on the records of the Land Registry Office or his last known address, a copy of such notice.

- (6) The Building Inspector may order that tests of materials, devices, construction methods, structural assemblies or foundation conditions be made, or sufficient evidence or proof be submitted at the expense of the owner, where such evidence or proof is necessary to determine whether the material, device, construction or foundation condition meets the requirements of this By-law.
- (7) The Building Inspector may, where in his opinion the results of the tests referred to in Section 3(6) are not satisfactory, refuse to issue a permit or recommend to Council the revocation of a permit.
- (8) The Building Inspector may, before issuing a permit, require of an applicant a statutory declaration as to purpose for which a building or part thereof is to be used.
- 4. (1) It shall be unlawful for any person to commence or continue the construction of any building or part thereof unless he has a valid and subsisting permit issued by the Building Inspector for such construction.
  - (2) The Building Inspector shall issue a permit when:
    - (a) an application for a permit has been made, and
      - (b) the applicant for a permit has deposited with the Corporation, when required by the Municipal Engineer, a cash bond in the sum of \$200.00 to guarantee:
        - (i) repair by the applicant of any damage to streets, public works or property of the Corporation that may occur as a result of work covered by the permit;

- removal by the applicant of all material and debris from the said work deposited on (ii)any street and the clean up of said street.
- (c) the proposed work set out in the application conforms with this By-law and all other By-laws of the Corporation, and
- (d) the applicant for a permit has paid to the Corporation the fee prescribed and as set out in Appendix "A" attached hereto.
- The application for a permit shall: (3) 4.

- (a) be accompanied by 50% of the fee prescribed and as set out in Appendix "A" attached hereto up to a maximum amount of \$25.00, which said sum shall not
- be refundable, and be made in the form prescribed by the building (b) inspector and signed by the applicant, and state the intended use of the building, and
- (c)
- (d) include copies in duplicate of the specifications and scale drawings of the building with respect to which the construction is to be carried out showing:
  - the dimensions of the building,
  - the proposed use of each room or floor area, (ii)
  - (iii) the dimensions of the real property on which the building is, or is to be situated, as shown on a British Columbia Land Surveyor's Certificate of Posting, or other form of plan of subdivision of the real property acceptable to the Building Inspector, the grades of the streets and sewers abutting
  - (iv) the real property referred to in subclause (iii), as well as a grade of main floor or foundation of the building related to the street grades called for in this clause, and
  - the dimensions, location and size of all (v) structural members in sufficient detail to enable the design to be checked by the Building Inspector,
  - (vi)sufficient detail to enable the loads due to materials of construction incorporated in the building to be determined by the Building Inspector,
  - (vii) all loads, other than those due to materials of construction incorporated in the building used in the design of the structural members;
  - (e) in the case of factory-built building or buildings or building component or components be accompanied by:
    - a Design Certificate by a qualified Structural Engineer acceptable to the Building Inspector, and (i)
    - an undertaking by a qualified Structural Engineer, acceptable to the Building Inspector, under-(ii) taking to inspect the fabrication and field assembly or erection of the building or building component; and
  - (f) contain any other information required by this By-law or by the Building Inspector.
- (4)No fee or part thereof paid to the Corporation for a permit shall be refunded if the construction authorized by the permit has been commenced, but if no construction has been commenced, and the Building

### 4. (4) (continued)

Inspector so certifies, the Corporation may refund to the applicant 90% of the said fee less that portion of the fee referred to in clause (a) of subsection (3) of Section 4.

- (5) Every permit shall be void:
  - (a) if construction has not been started within 90 days from the date of issuance of the permit; provided however, that if before the expiration of the said 90 days an application is made to the Building Inspector for an extension of time for commencement of construction, the Building Inspector may grant such an extension for a further period of 90 days, and the permit shall then be void if construction has not been started within 180 days from the date of issuance of the permit,
  - (b) if construction is discontinued or suspended for a period of 90 days or more.
- (6) The Building Inspector may refuse to issue a permit where the applicant has been notified of a violation of this By-law with regard to the construction of another building or part thereof for which a permit had been issued to him and such violation has not been remedied.
- (7) The Building Inspector may recommend to Council the revocation of a permit where is a violation of:
  - (a) any condition under which the permit was issued, or
  - (b) any provision of this By-law.
- (8) When the Building Inspector issues the permit he shall endorse in writing or stamp on both sets of drawings and specifications "approved".
- (9) Approved drawings and specifications shall not be changed, modified or altered without authorization from the Building Inspector, and all work shall be done in accordance with the approved drawings and specifications.
- (10) The approval of drawings and specifications and the issuance of a permit shall not prevent the Building Inspector from thereafter requiring the correction of errors in the said drawings and specifications, or from suspending construction where there is a violation of this or any other By-law of the Corporation.
- (11) One set of approved drawings and specifications shall be returned to the applicant, which set shall be kept on such building or construction

at all times during which the construction authorized thereby is in progress. One set of approved drawings, specifications and computations shall be retained by the Building Inspector as part of the permanent files of the Building Department.

#### 5. (1) Every owner of real property shall:

- (a) obtain from the Building Inspector permits relating to demolition, excavation, building, zoning, change in class of occupancy, swimming pools, sewers, water mains, plumbing, signs, canopies, awnings, marquees, blasting, street occupancy, electricity, building to be moved, and all other permits required in connection with the proposed work prior to the commencement of such work.
- (b) allow the Building Inspector to enter any building or premises at any reasonable time for the purpose of administering or enforcing this By-law.
- (c) prior to obtaining a permit for a sign, canopy, awning, marquee or other form of street occupancy, obtain public liability and property damage insurance in respect of the said sign, canopy, awning, marquee or other form of street occupancy and file with the Building Inspector a Certificate of Insurance in the form prescribed in Appendix B attached hereto.
- (d) give at least one days notice to the Building Inspector and obtain his inspection and approval of the construction:
  - (i) after the forms for footings and foundations are complete, but prior to placing of any concrete therein;
  - (ii) after removal of formwork from concrete foundation and installation of perimeter drain tiles, but prior to back-filling against foundation;
  - (iii) when framing of building is complete, including roofing, fire-stopping, bracing, chimney, rough plumbing, gas venting, rough wiring, but before any insulation, lath or other interior finish is applied to conceal the structural frame:
  - (iv) after the building or portion thereof is complete and ready for occupancy, but before occupancy takes place of the whole or a portion of the building.
- (e) obtain, prior to the completion of a building or part thereof, written permission from the Building Inspector to occupy the building or part thereof.
- (f) obtain from the Building Inspector, prior to any occupancy of a building or part thereof, after completion of construction of said building or part thereof, or prior to any change in class of occupancy of any building or part thereof, an occupancy permit in the form set out in Appendix "C", which permit may be withheld by the Building Inspector until the building or part thereof complies with the health and safety requirements of the By-laws of the Corporation or of any Statute.
- (g) affix the Occupancy Certificate referred to in clause (f) of subsection (l) of section 5 to a conspicuous and permanent place in the building and shall henceforth not

5. (1) (g) (continued)

remove same.

- (h) when construction has been suspended by the Building Inspector, obtain permission in writing from the Building Inspector before recommencing construction.
- (a) Where tests of any materials are made to ensure conformity with the requirements of this By-law, records of the test data shall be kept available for inspection by the Building Inspector during the construction of the building and for such a period thereafter as required by the Building Inspector.
  - (b) Where factory built components or structures are used, there shall be filed with the Building Inspector certification that the fabrication and field assembly or erection of such components or structures has been inspected by a qualified Structural Engineer acceptable to the Building Inspector, and found to be in compliance with the requirements of this By-law.
- 5. (3) In addition to the called inspections specified in clause (d) of subsection (1) of section 5, the Building Inspector may make additional inspections at any time he deems it necessary to ascertain that the provisions of this By-law and other By-laws of the Corporation are being complied with.
- (4) If an owner requests an inspection for which no fee is herein prescribed, he shall pay to the Corporation a fee based on the time taken to make such inspection at the rate of \$10.00 per hour for the first hour or part thereof and \$5.00 per hour for each additional hour or part thereof.
- 6. The approval of drawings and specifications, and the issuance of a permit for the construction of a building, and any inspection thereof made by the Building Inspector or his assistants shall not in any way relieve the owner or his agents from full responsibility for the carrying out of the construction in accordance with the provisions of this By-law.
- 7. (1) If any construction for which a permit is required by this By-law has been commenced before a permit has been issued by the Building Inspector the owner of the real property on which the construction is being done shall pay to the Corporation double the fee prescribed and set out in Appendix "A" attached hereto.

- 7. (2) No person shall commence or continue any construction in respect of which a permit is required under any other By-law unless he has obtained a permit under that By-law.
- 8. (1) It shall be unlawful for any person to move any building or any part thereof on or onto or remove any building or part from any property in the Municipality unless he has first obtained a permit thereof from the Building Inspector. The Building Inspector shall not issue such a permit until:
  - (a) he is satisfied that the building can be moved or removed safely, and
  - (b) he is satisfied that the architectural design of the building will not adversely affect the general design of buildings in the district to which the building is to be moved, and
  - (c) the applicant for moving permit has deposited with him:
    - (i) a policy of public liability and property damage insurance in the all-inclusive limits of \$250,000.00 to insure against damage arising out of the moving of the said building
    - ing out of the moving of the said building,
      (ii) a surety bond in the sum of \$5,000.00 issued
      by a guaranty company approved by the District
      Registrar of the Supreme Court and in form
      satisfactory to the Municipal Solicitor, to
      indemnify the Municipality against all damages
      to public and Municipal property of every kind
      howsoever caused, or occasioned by the moving
      of the said building.
    - (iii) approval in writing from the Chief of Police, approving the date, time and route of moving the building.
    - (iv) a copy of the notice to the utility companies having overhead wires along the route informing them of the date, time and route of moving the building.
  - (d) the owner of the building being moved or removed has deposited with him a surety bond in the sum of \$500.00 issued by a guaranty company approved by the District Registrar of the Supreme Court and in form satisfactory to the Municipal Solicitor to insure that the building shall be moved onto the new property and all construction on the said building completed as required by this By-law within 120 days from the date of issuance of the said moving permit, and
  - (e) the owner of the building being moved or removed has paid the Corporation the fee of \$5.00.
- 8. (2) If the owner does not comply with clause (d) of subsection (1) of section 8 the Building Inspector shall notify the owner in writing stating how the building does not comply with this By-law and directing him to remedy such noncompliance within 30 days from the date of the said notice. If the non-compliance is not remedied within the said period of

#### 8. (2) (continued)

30 days the surety bond in the sum of \$500.00 shall be forfeited to the Corporation.

- (3) Notwithstanding anything herein contained, the Building Inspector shall not issue a permit to move any building into the Municipality or from one property to another in the Municipality if application is made more than thirty years after the building has been constructed; provided that if the building has been reconstructed to the extent of seventy-five per cent of its value above its foundation, the date of such reconstruction shall be deemed to be the date of construction for the purpose of this clause.
- (4) Where application is made for a moving permit for a building of age greater than that specified in subsection (3) of section 8, and where the Building Inspector is of the opinion that the building is in satisfactory structural condition and appearance, the Building Inspector may refer such application with recommendation to the Council, who shall determine whether the permit shall be granted.
- 9. (1) The person to whom a permit is issued shall, during construction, keep or cause to be kept:
  - (a) posted in a conspicuous place on the real property in respect of which the permit was issued a copy of the said building permit or a poster or placard in lieu thereof; and
  - (b) a copy of the approved drawings and specifications on the real property in respect of which the said permit was issued; and
  - (c) posted in a conspicuous place on the real property in respect of which the said building permit was issued the street address of the building to be constructed thereon.
  - (2) The Building Inspector shall not issue a building permit for the construction of a swimming pool unless provision is made that the said pool shall be enclosed within a fence on the property. Such fence shall comply with the Burnaby Zoning By-law and in no case shall it be less than 3.6" in height. For the purpose of this subsection swimming pool shall include any constructed or prefabricated pool used or intended to be used for swimming, bathing or wading, having a surface area

9. (2) (continued) exceeding 150 square feet and a depth of more than 18".

- (3) A good standard of workmanship must be used in the construction and erection of all buildings, and the Building Inspector may order the correction of any work which he considers is being or has been improperly done.
- 10. (1) It shall be unlawful for any person to erect any building or other structure, the architectural design of which would depreciate the value of other buildings or structures in the area in which it is proposed to be erected. The Building Inspector, upon any application for a building permit for a building or structure of a design which, in his opinion, depreciates the value of other buildings or structures in the area in which it is proposed to be erected may, without issuing such permit, refer the application to the Council and the Council shall decide whether or not a building permit shall be issued.
- (2) It shall be unlawful for any person to change the class of occupancy of any building or part thereof without having first obtained the written permission of the Building Inspector so to do.
- (3) It shall be unlawful for any person to construct or maintain any building or to do anything contrary to or in a manner contrary to any direction, instruction, specification or provision contained in or adopted by this By-law or any notice lawfully given or posted pursuant to the provisions of this By-law or without any permit hereby required or contrary to the conditions upon which any permit has been issued pursuant to this By-law; or to refrain from doing or taking, or to fail to do or take any act or precaution required to be done or taken prior to or in doing anything permitted, as in this By-law or in any regulation or specification adopted by this By-law provided or by any notice lawfully given or posted pursuant to the provisions of this By-law; and whether or not in any such case it is expressly stated that the doing of or failure to do the thing mentioned shall be unlawful.

- (4) Every person who violates any of the provisions of this By-law, or who causes, suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this By-law, or who neglects or refrains from doing anything required to be done by any of the provisions of this By-law, or who carries out or who suffers, causes or permits to be carried out any development in a manner prohibited by or contrary to any of the provisions of this By-law or who fails to comply with any order, direction or notice given under this By-law shall be deemed to be guilty of an infraction of this By-law and shall be liable to the penalties hereby imposed. For each day that a violation is permitted to exist, it shall constitute a separate offence;
- (5) It shall be unlawful for any person to use or occupy or permit to be used or occupied any building constructed in a manner prohibited by this By-law.
- (6) It shall be unlawful for any person, unless authorized by the Building Inspector, to reverse, alter, deface, cover, remove or in any way tamper with any notice or certificate posted upon or affixed to any building pursuant to any provision of this By-law.
- (7) It shall be unlawful to occupy or use any building or part thereof contrary to the terms of any notice or certificate given by the Building Inspector under this By-law.
- (8) Earth from excavation and rubbish from buildings shall not be stored in or upon any street, but shall be removed as rapidly as possible, and in order to avoid dust and inconvenience to the public, such methods of handling shall be provided as are considered necessary by the Building Inspector.
- (9) Every person who commits an offence against this By-law is liable to a fine and penalty not exceeding Five Hundred (\$500.00) Dollars and costs, or in default of payment thereof, or in the alternative, to imprisonment for any period not exceeding two months.
- (10) Where an offence against this By-law is of a continuing nature, it shall be lawful for a judge, in his discretion, to impose a fine against the offender, not exceeding fifty dollars for each day such

offence is continued by him.

- 11. All buildings hereafter erected shall be provided with proper leaders for conducting water from the roof to the ground and such leaders connected with a sewer, street ditch or dry-well in such a manner to protect the walls, basements and foundations of any building from damage.
- 12. (a) A drainage system consisting of concrete or clay tile, or perforated bituminous fibre pipe, of approved manufacture, shall be laid around the perimeter of foundations of all types of buildings so that the top of the tile or pipe at the high point is at least 3" below the top of the floor slab or crawl space cover of the building.
- Where a concrete slab foundation is constructed on grade the (b) elevation of which is above the surrounding ground, drain tile may be omitted on written application of the owner or his agent.
- (c) Drainage from the drainage system shall enter a municipal storm or combined sewer, but where such sewer is not available, then drainage may enter a ditch or dry well.
- (d) Drain tile or pipe installed to provide gravity drainage at a minimum slope of 1" to 8'0" shall be laid on undisturbed or well compacted soil, with the butt ends of tile  $\frac{1}{4}$ " to 3/8" open and covered over the top half perimeter with a minimum 3" wide 15 lbs. per 100 sq. ft. asphalt or tar-saturated felt. Top and sides of drain pipe or tile shall be covered with 6 inches or more of minimum 3/4" diameter drainage rock. Manufactured tile corner fittings and tile leader connections are to be installed at all corners and where rain water leaders drain into drain tile.
- (e) Drain tile lines to rock=pits or ditches shall have a minimum of 12" of cover over tile or shall be a pipe having sealed joints.
- (f) Sizing of perimeter drainage tile, based on a minimum slope of 1/8" to 1'-0", shall be as follows:

For Ground Seepage and Roof Drainage:

4" & up to 2,500 sq. ft. maximum area

6" & up to 7,000 sq. ft. maximum area 8" & up to 15,000 sq. ft. maximum area 10" & up to 28,000 sq. ft. maximum area

#### 12. (f) (continued)

For Ground Seepage only:

4" & up to 3,750 sq. ft. maximum area 6" & up to 10,500 sq. ft. maximum area 8" & up to 22,500 sq. ft. maximum area 10" & up to 42,000 sq. ft. maximum area

- (g) Where drainage from driveways enters into perimeter drain tile, a sand-trap interceptor of minimum inside dimensions of  $18" \times 18" \times 18"$  shall be provided.
- (h) Back-filling of drain tile shall take place within 10 days from the time it is inspected and acceptance posted, otherwise acceptance of the system shall be withdrawn and re-inspection required. The requirements of subsection (i) shall apply where backfill does not take place and re=inspection is required. Where a portion of a system has been accepted the foregoing requirements of back-filling shall be applicable to that portion.
- (i) For all inspections required after the second inspection, or for examining corrections or errors on any foregoing inspections, the permit holder shall be charged the amount of ten (\$10.00) dollars for each subsequent inspection.
- (j) With every sub-surface drain tile system there shall be installed a concrete sump of approved size and shape to effectively trap sediment from the system before drainage enters a municipal storm or combined sewer.
- (k) Sizing of rock-pits or dry-wells shall be based on 1 cu. yd. of minimum 3/4" drainage rock per 1000 sq. ft. drainage area.
- 13. Climatic data for the design of building in the Municipality of Burnaby shall be:

January 1 per cent Design Temperature	15° F
July $2\frac{1}{2}$ per cent Design Drybulb Temperature (°F)	84° F
July $2\frac{1}{2}$ per cent Design Wetbulb Temperature (°F)	66° F
Maximum one day Rainfall (in.)	4.0in./24 hr.
Maximum Snow Load on the Ground (1b. per sq. ft.)	40 psf
Wind Effects:	
Probability 1/10	22 psf
Probability 1/30	90 psf

14. By-Law No. 5557, being the "Burnaby Building By-Law 1969", and amendments thereto, are hereby repealed.

Earthquake R-factor

15. This By-law shall come into force and effect on the 1st day of September, 1973.

Read a first time this 20th day of AUGUST, 1973.

Read a second time this 20th day of AUGUST, 1973.

Read a third time this 20th day of AUGUST, 1973.

Reconsidered and adopted this 27th day of AUGUST,

1973.

MAYOR

DEPUTY CLERK

APPENDIX "A"

Building Permit Fee Payable by Applicant for a Permit for the Construction of a building or any part thereof.

Value of the Work to be done	Fee for a Building or part thereof other than an Apartment Building	Fee for an Apartment Building or part thereof
\$0 - \$200	\$3.00	
\$201 - \$500	\$5.00	\$10.00
\$501 - \$1,000	\$7.50	\$20.00
\$1,001 - \$15,000	\$7.50 plus \$0.75 for every \$1,000 or part thereof over \$1,000.	\$20.00 plus \$2.50 for every \$1,000 or part thereof over \$1,000
\$15,001 - \$50.000	\$50.00 plus \$1.50 for every \$1,000 or part thereof over \$15,000.	\$55.00 plus \$2.50 for every \$1,000 or part thereof over \$15,000.
\$50,001 and over	\$102.50 plus \$1.00 for every \$1,000 or part thereof over \$50,000.	\$142.50 plus \$1.00 for every \$1,000 or part thereof over \$50,000.

## APPENDIX "" INSURANCE CERTIFICATE

The
peing an Insurance Company licensed to conduct business in the Prov- nce of British Columbia hereby certify that:
a.
he holder of a Bodily Injury and Property Damage Liability Policy <b>No</b>
which has been issued in respect of
located at:
and is in full force and effect and shall not be cancelled, expire or be terminated without 30 (thirty) days prior notice in writing has been filed with The Corporation of the District of Burnaby, B.C. hereinafter re- ferred to as the Corporation.
A permit having been granted by the Corporation for the instal
ation and maintenance of a
the insurer's liability shall not in any event exceed in amount the limits named in this policy.
The legal liability shall be:
Public Liability: One Person: \$ 50,000.00
Two or More Persons: \$100,000.00
Property Damage: \$ 10,000.00
Any terms, conditions, gareements, or exclusions contained in the police

Any terms, conditions, agreements, or exclusions contained in the policy shall not be held applicable to the prejudice of the said Corporation.

Policy shall remain in full force and effect and shall not be cancelled, credited, or be terminated without 30 (thirty) days prior notice in writing having been filled with the Corporation.

NOTE: (1) If more than one sign, company or metal awning is involved, their names and locations must appear on an attached listing.

#### APPENDIX "C"

# THE CORPORATION OF THE DISTRICT OF BURNABY BUILDING DEPARTMENT CERTIFICATE OF OCCUPANCY OF A BUILDING

ISSUED PURSUANT TO SECTION 5(1)(f) OF BY-LAW NO. 6333.

Municipal Hall 4949 Canada Way Burnaby 2, B.C.

ADDRESS OF BUILDING:
LEGAL DESCRIPTION:
APPROVED OCCUPANCY:
THE BUILDING CONSTRUCTED UNDER AUTHORITY OF BUILDING
PERMIT NOMAY NOW BE OCCUPIED.
IT IS UNLAWFUL TO CHANGE THE CLASS OF OCCUPANCY OF ANY
BUILDING OR PART THEREOF WITHOUT FIRST OBTAINING AN
OCCUPANCY PERMIT FROM THE BUILDING INSPECTOR.
THIS CERTIFICATE MUST BE AFFIXED TO A CONSPICUOUS AND
PERMANENT PLACE IN THE SAID BUILDING AND SHALL NOT BE
REMOVED.
M. J. JONES, Chief Building Inspector

Per..... Date.....