

**TO:** CITY MANAGER 2004 January 14  
**FROM:** DIRECTOR PLANNING & BUILDING  
**SUBJECT:** CITY BUILDING BYLAW  
**PURPOSE:** To recommend the enactment of a new City Building Bylaw.

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**Recommendation:**

1. **THAT** Council authorize the enactment of a new Building Bylaw for the City.

**R E P O R T**

Council adopted a new City Plumbing Bylaw effective 2000 October 02. In the report submitted to Council regarding this new Bylaw, staff indicated that they would also be developing new Building, Electrical and Gas bylaws to replace the existing bylaws with more contemporary versions.

Bylaw No. 6333, which is Burnaby's current Building Bylaw has been in place since 1973. In order to effectively deal with changes in construction practices and technology to clarify the respective roles and responsibilities of the owner and the City Building Department, and to mitigate growing liability concerns, we are recommending that this bylaw be replaced with an updated version.

The Chief Building Inspector, Senior Building department staff and the City Solicitor have reviewed the existing Building Bylaw in detail and believe that it should be replaced with a new, concise and effective bylaw which deals with construction in terms of current practices. The new bylaw will retain the majority of the City's existing administrative requirements including those which pertain to the consumer with respect to building permitting and inspection processes. It will also clarify the respective roles and responsibilities of the Building Inspector and the property owner, update much of the language and definitions, deal with administrative deficiencies of the current bylaw, and provide a contemporary format which will be clearer and simpler to read and apply.

Some of the references suggested in the draft Building Bylaw prepared for the Municipal Insurance Association are intended to be incorporated into the proposed new bylaw. These references clarify the roles and responsibilities of the Building Inspector and the owner, and may help reduce the liability exposure of the City with respect to the City's building permitting and inspection processes. In order to preserve Burnaby's existing standards of health and life safety, the full scope of the City's plan review and inspection processes have been retained.

Requirements pertaining to swimming pools and site drainage will be removed as they are now contained in the Swimming Pool Bylaw and the Plumbing Bylaw respectively. The new Building Bylaw will not restate requirements already set out in the Provincial Building Code.

The new bylaw will provide more specifically with respect to permit applications, extensions and renovations, in some cases incorporating what is now only departmental policy.

A notable new section to be added to the new Bylaw will address increasing concerns about unfinished houses and buildings. The current bylaw allows the permit to remain valid, providing work is not discontinued for a period exceeding 90 days. This can be extremely difficult to monitor and creates situations where construction is intermittent and permits can be outstanding for several years. Such unfinished construction projects often result in public nuisance and unsightly premise complaints and are a constant concern for the surrounding residents. The proposed wording for the new bylaw will provide time limits on all construction with penalties of permit expiry, loss of fees and repayment of fees for a new permit. The bylaw will also provide the authority to require the demolition of an incomplete building or structure if application for a new permit is not made and a new permit not obtained within a specified time frame.

Adoption of the new bylaw will not result in any significant changes in the day to day operation of the Building Department, or in the service provided to owners and builders.

To: City Manager  
Re: New City of Burnaby Building Bylaw

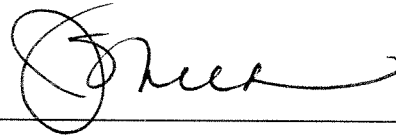
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**Conclusion:**

The age of the existing Building Bylaw does not adequately provide for the application of many policies and procedures used to effectively conduct our business. Building Department staff have been working with the City Solicitor to develop a draft of an up-to-date and effective Building Bylaw for the City. With Council approval, a new bylaw will be presented to Council for adoption.

Once this project has been completed, staff will be continuing to develop new Electrical and Gas Bylaws to replace the existing bylaws.



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J.S. Belhouse,  
DIRECTOR PLANNING & BUILDING

  
JSB/GRH/DM:mdw  
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c.c. City Solicitor  
City Clerk

