

HUU-AY-AHT FIRST NATIONS



DEVELOPMENT AND BUILDING PERMITS REGULATION

OFFICIAL CONSOLIDATION
Current to December 18, 2014

Provisions of the *Community Planning and Development Act*, HFNA 10/2011, relevant to the enactment of this regulation: sections 22, 27, 34 and 57.

REGISTRY OF LAWS CERTIFICATION

Certified True Copy


I certify that the *Development and Building Permits Regulation* was passed by Executive Council on:

Mar 28/2013


Chief Councillor Jeff Cook


I certify that the *Development and Building Permits Regulation* is enacted as law on:

Mar 28/2013


Ta'yii Hawilth Derek Peters

I certify that the *Development and Building Permits Regulation* came into force on:

Mar 28/2013


per Law Clerk Connie Waddell

DEVELOPMENT AND BUILDING PERMITS REGULATION

Contents

PART 1 – PURPOSE AND DEFINITIONS

- 1 Purpose
- 2 Definitions

PART 2 – COMMUNITY PLANNING AMENDMENT APPLICATIONS

- 3 Application to amend land use plan, zoning or subdivision regulation
- 4 Director acknowledgement of application
- 5 Public notice and director review
- 6 Consultation
- 7 Notice of decision
- 8 Reapplication

PART 3 – DEVELOPMENT PERMIT APPLICATIONS

- 9 Application for development permit
- 10 Director acknowledgement of application
- 11 Notification sign
- 12 Requirement for reports
- 13 People's Assembly
- 14 Notice of decision
- 15 Development permit expires
- 16 Reapplication

PART 4 – BOARD OF VARIANCE APPLICATIONS

- 17 Application for variance
- 18 Director acknowledgement of application
- 19 Variance board review
- 20 Decision

PART 5 – SUBDIVISION APPLICATIONS

- 21 Application for subdivision approval
- 22 Approving officer acknowledgement of application
- 23 Executive Council notice
- 24 Approving officer review
- 25 Preliminary approval of subdivision
- 26 Rejection of subdivision
- 27 Reapplication
- 28 Final approval of subdivision

PART 6 – BUILDING PERMIT APPLICATIONS

- 29 Application for building permit
- 30 Building inspector acknowledgement of application
- 31 Executive Council notice
- 32 Issuance of building permit
- 33 Building permit for part of building
- 34 Professional plan certification
- 35 Expiry of building permit
- 36 Professional design and field review
- 37 Disclaimer of warranty

PART 7 – GENERAL PROVISIONS

- 38 Agents
- 39 Forms and permits
- 40 Application fees
- 41 Appeals

SCHEDULE

PART 1 – PURPOSE AND DEFINITIONS

Purpose

- 1 The purpose of this regulation is to set out the process for an interest holder to apply for
 - (a) an amendment to a land use plan, zoning regulation or subdivision servicing regulation,
 - (b) a development permit,
 - (c) a variance,
 - (d) subdivision approval, or
 - (e) a building permit,and to establish fees for those applications.

Definitions

- 2 In this regulation:
 - “**Act**” means the *Community Planning and Development Act*;
 - “**building**” has the meaning set out in section 1.4.1.2. of the building code;
 - “**building code**” means the British Columbia Building Code;
 - “**Building Code Appeal Board**” means the Building Code Appeal Board established under section 693 of the *Local Government Act* (British Columbia);
 - “**building permit**” means a permit approving construction of a building;
 - “**constructor**” has the meaning set out in section 1.4.1.2. of the building code;
 - “**co-ordinating registered professional**” has the meaning set out in section 1.4.1.2. of the building code;
 - “**field review**” has the meaning set out in section 1.4.1.2. of the building code;
 - “**registered professional**” has the meaning set out in section 1.4.1.2. of the building code;
 - “**residential occupancy**” has the meaning set out in section 1.4.1.2. of the building code;
 - “**subdivision servicing regulation**” means a subdivision servicing regulation established under section 29 of the Act;
 - “**variance**” means the relief granted by the variance board under section 26 of the Act.

PART 2 – COMMUNITY PLANNING AMENDMENT APPLICATIONS

Application to amend land use plan, zoning or subdivision servicing regulation

- 3 An interest holder may apply for an amendment to a land use plan, a zoning regulation or a subdivision servicing regulation by submitting to the director
 - (a) a complete application, in the form and including the information specified by the director, and
 - (b) the fee as set out in the Schedule.

Director acknowledgement of application

- 4** (1) As soon as practicable after receiving an application under section 3 and the required fee, the director must review the application and notify the applicant that the application
- (a) is complete, or
 - (b) is incomplete and will not be reviewed further until specified information is provided.
- (2) The applicant is responsible for submitting a complete application.

Public notice and director review

- 5** (1) The director must, as soon as practicable,
- (a) give public notice of a complete application under section 4 (1) (a),
 - (b) prepare a report for Executive Council on the complete application, and
 - (c) forward that complete application with the director's report to Executive Council.
- (2) The notice under subsection (1) (a) must include the matters set out in section 23 (2) or 35 (2), as applicable, of the Act.

Consultation

- 6** (1) Before deciding an application under this Part, Executive Council
- (a) must consult with the persons, organizations and authorities it considers will be affected by the proposed amendment, and
 - (b) may present a proposed amendment of a land use plan or zoning regulation at a session of the People's Assembly.
- (2) If a proposed amendment is presented under subsection (1) (b), the applicant, members of the public, authorities and other interested parties must be given an opportunity to speak on the proposed amendment at the session.
- (3) The People's Assembly may make a recommendation to Executive Council on a proposed amendment presented under subsection (1) (b).

Notice of decision

- 7** (1) The director must, as soon as practicable, provide the applicant with written notice of Executive Council's decision on a proposed amendment under this Part.
- (2) A notice mailed under subsection (1) is deemed to have been received by the applicant 8 days after mailing.

Reapplication

- 8** An interest holder may not reapply for an amendment refused under this Part until 12 months after the date on which a refusal is deemed to have been received under section 7 (2) unless Executive Council specifies a shorter period of time.

PART 3 – DEVELOPMENT PERMIT APPLICATIONS**Application for development permit**

- 9** (1) This Part applies to the issuance of development permits under sections 12 and 17 (7) of the Act.

- (2) An interest holder may apply to the director for a development permit by submitting to the director
 - (a) a complete application, in the form and including the information specified by the director, and
 - (b) the fee as set out in the Schedule.

Director acknowledgement of application

- 10** (1) As soon as practicable after receiving an application under section 9 and the required fee, the director must review the application and notify the applicant that the application
 - (a) is complete, or
 - (b) is incomplete and will not be reviewed further until specified information is provided.
- (2) The applicant is responsible for submitting a complete application.

Notification sign

- 11** (1) Subject to subsection (5), an applicant for a development permit must, within 10 days of making a complete application, post a notification sign on land that is the subject of the application under this Part, and inform the director that the sign has been posted.
- (2) The notification sign must conform to specifications issued by the director for such signs and must include all of the following information:
 - (a) the type of application and application number;
 - (b) the applicant's name;
 - (c) the civic address and legal description, if applicable, of the affected property;
 - (d) a brief description of the proposal including all proposed uses, floor areas and building heights in metric units, and number of dwelling units;
 - (e) a phone number to call for more details;
 - (f) any other information specified by the director.
- (3) The applicant must keep the notification sign posted and in good repair until the application has been approved or refused under this Part.
- (4) The notification sign must
 - (a) be placed in a conspicuous location,
 - (b) be clearly legible from adjoining roadways, and
 - (c) not be obstructed by vegetation or structures on the land.
- (5) A notification sign is not required if the director determines that the development that is the subject of the application is so minor as to have minimal impact on adjoining lands.

Requirement for reports

- 12** The director may require an applicant for a development permit to provide, at the applicant's expense, a report prepared by a qualified person acceptable to the director, to determine any conditions or requirements that the director may impose under section 12 (3) of the Act.

People's Assembly

- 13** (1) The director may present a development permit application made under this Part at a session of the People's Assembly.

- (2) If an application is presented under subsection (1), the applicant, members of the public, authorities and other interested parties must be given an opportunity to speak on the application at the session.
- (3) The People's Assembly may make a recommendation to the director on the proposed development permit.

Notice of decision

- 14** (1) The director must, as soon as practicable, provide the applicant with written notice of the director's decision to issue or refuse to issue a development permit.
- (2) A notice mailed under subsection (1) is deemed to have been received by the applicant 8 days after mailing.
- (3) If the director refuses to issue a development permit, the director must deliver written notice as soon as practicable advising the applicant of the rejection and giving brief reasons for that rejection.

Development permit expires

- 15** (1) Subject to subsection (2), a development permit issued under this Part expires one year after it is issued if the holder of the permit does not complete construction or alteration of the land under the development permit to the stage specified by the director in the development permit.
- (2) The director may
 - (a) specify a shorter or longer period for the start of the work under the development permit, or
 - (b) extend the period of time for the start of the work under the development permit.
- (3) The period of time specified by the director under subsection (2) must not exceed 24 months.

Reapplication

- 16** An interest holder may not reapply for a development permit refused by the director until 12 months after the date on which a refusal is deemed to have been received under section 14 (2) unless Executive Council specifies a shorter period of time.

PART 4 – BOARD OF VARIANCE APPLICATIONS**Application for variance**

- 17** An interest holder may apply to the variance board for a variance by submitting to the director
 - (a) a complete application, in the form and including the information specified by the director, and
 - (b) the fee as set out in the Schedule.

Director acknowledgement of application

- 18** (1) As soon as practicable after receiving an application under section 17 and the required fee, the director must review the application and notify the applicant that the application
 - (a) is complete, or

- (b) is incomplete and will not be forwarded to the variance board until specified information is provided.
- (2) The applicant is responsible for submitting a complete application.
- (3) The director must forward a complete application to the variance board as soon as practicable.

Variance board review

- 19**
- (1) The variance board must consider an application under section 17 within 30 days of receiving the complete application from the director.
 - (2) If the variance board decides to hold a hearing,
 - (a) the Executive Director must
 - (i) give at least 10 days' notice to the applicant of the date, place and time of the variance board hearing, and
 - (ii) mail notice of the variance board hearing, by regular mail at least 10 days before the date of the hearing, to adjacent interest holders and occupiers of the subject property and adjacent properties.
 - (b) The notice under paragraph (a) (ii) must include the date, place and time of the hearing and a copy of the variance application, and
 - (c) The variance board must convene on the date of the hearing, at the time and place set out in the notice, and must hear all representations made to the variance board.

Decision

- 20**
- (1) The variance board must give its written decision, including any restrictions, limitations or conditions imposed, within 7 days of
 - (a) considering an application, or
 - (b) holding a hearing.
 - (2) The Executive Director must deliver by regular mail a copy of the variance board decision to the applicant, Executive Council, and all persons who made representations to the variance board.

PART 5 – SUBDIVISION APPLICATIONS

Application for subdivision approval

- 21**
- (1) An interest holder may apply to the approving officer for subdivision approval.
 - (2) An application under subsection (1) must be made in the form specified by the director and include all of the following:
 - (a) a copy of a title search for the land, made within 30 days of the date of the application;
 - (b) copies of any covenants, easements, rights of way, or other non-financial charges registered against the property title;
 - (c) one original plus 5 copies of a sketch plan drawn to a scale of 1:200 and prepared by a British Columbia land surveyor or other qualified person, and showing the following information:
 - (i) an outline of the lands being subdivided, in heavy blackline;

- (ii) the dimensions and areas of all proposed lots, remainders, parks, rights of way, easements, and dedicated roads;
- (iii) any existing property lines or roads proposed to be removed, closed or relocated;
- (iv) the location of existing buildings on the property and adjacent properties within 30 m of the property;
- (v) the location of all water bodies or watercourses on or adjacent to the property;
- (vi) the location of all existing and proposed utility services;
- (d) a storm water management plan;
- (e) any other information specified by the approving officer;
- (f) the fee as set out in the Schedule.

Approving officer acknowledgement of application

- 22** (1) As soon as practicable after receiving an application under section 21 and the required fee, the approving officer must review the application and notify the applicant that the application
- (a) is complete, or
 - (b) is incomplete and will not be considered until specified information is provided to the approving officer.
- (2) The applicant is responsible for submitting a complete application.

Executive Council notice

- 23** The approving officer must deliver a copy of an application to subdivide Treaty Lands to Executive Council for information purposes within 10 days of receiving the complete application.

Approving officer review

- 24** (1) The approving officer must approve or reject a subdivision application within 2 months of the date of receiving the complete application.
- (2) The approving officer may
- (a) at the applicant's cost, personally examine or have an examination carried out and a report made on the subdivision described in an application, and
 - (b) hear from all persons who, in the approving officer's opinion, may be affected by the subdivision described in the application.

Preliminary approval of subdivision

- 25** (1) If the approving officer gives preliminary approval for a subdivision application, the approving officer must deliver written notice advising the applicant of the conditions that must be satisfied before the subdivision application can be given final approval, including any conditions requiring the provision of works and services by the interest holder whose land is subject to subdivision.
- (2) If the approving officer considers that the land is, or could reasonably be expected to be, subject to flooding, erosion, land slip or avalanche, the approving officer may require, as a condition to preliminary approval of an application for subdivision, that the applicant, at the applicant's expense, do either or both of the following:

- (a) provide the approving officer with a report certified by a professional engineer or geoscientist experienced in geotechnical engineering that the land may be used safely for the use intended;
 - (b) take the required steps to enter into one or more covenants under section 219 of the *Land Title Act* (British Columbia) in respect of any of the parcels that are being created by the subdivision.
- (3) A preliminary approval under subsection (1) is valid for a period of 6 months from the date of the approval.
- (4) If final approval is not given within 6 months, the application must be resubmitted and is considered a new application that is subject to any changes in conditions, regulations or policies that may have occurred.
- (5) Preliminary approval must not be construed as final approval of a subdivision application.

Rejection of subdivision

- 26** (1) The approving officer may refuse to approve a subdivision if the approving officer considers that any of the following apply:
- (a) the subdivision adversely affects Huu-ay-aht interests;
 - (b) the subdivision is contrary to section 3 of the Act;
 - (c) the subdivision does not conform to all applicable Huu-ay-aht legislation concerning subdivision and zoning, including any applicable subdivision servicing regulation;
 - (d) the subdivision does not conform to applicable subdivision laws of British Columbia;
 - (e) a highway provided for in a subdivision plan or otherwise legally established on lands adjoining, lying beyond or around the land subdivided is, in the approving officer's opinion, not sufficient;
 - (f) the land has inadequate drainage installations;
 - (g) the land is subject, or could reasonably be expected to be subject, to flooding, erosion, land slip or avalanche;
 - (h) after due consideration of all available environmental impact and planning studies, the anticipated development of the subdivision would adversely affect the natural environment or the conservation of Huu-ay-aht heritage or cultural property to an unacceptable level;
 - (i) the cost to government of providing public utilities or other works or services would be excessive;
 - (j) the cost to the regional district of providing public utilities or other works or services would be excessive;
 - (k) the subdivision is unsuited to the configuration of the land being subdivided or to the use intended, or makes impracticable future subdivision of the land within the proposed subdivision or of land adjacent to it.
- (2) If the approving officer rejects a subdivision application, the approving officer must deliver written notice as soon as practicable advising the applicant of the rejection and giving brief reasons for that rejection.

Reapplication

- 27** An interest holder may not reapply for approval of the subdivision until 12 months after the date on which the approving officer delivered written notice under section 26 (2) unless the approving officer specifies a shorter period of time.

Final approval of subdivision

- 28** (1) Upon completion of all conditions required by the approving officer under section 25, the applicant may apply for final subdivision approval by submitting the following:
- (a) six paper prints and one mylar copy of the approved subdivision plan, prepared by a British Columbia land surveyor;
 - (b) one copy of the approved subdivision plan in electronic format, appropriate for electronic filing in the land title office and the Huu-ay-aht Land Registry;
 - (c) a state of title certificate for each parcel of land being subdivided;
 - (d) those documents required under section 83 (2) of the *Land Title Act* (British Columbia);
 - (e) any final subdivision approval fee required by regulation under section 29 (1) (g) of the Act;
 - (f) other information specified the approving officer.
- (2) The subdivision plan must conform substantially to the outline plan to which the approving officer gave preliminary approval.

PART 6 – BUILDING PERMIT APPLICATIONS**Application for building permit**

- 29** (1) An interest holder may apply to the building inspector for a building permit by submitting to the director
- (a) a complete application, in the form and including the information specified by the director, and
 - (b) the fee as set out in the Schedule.
- (2) The application under subsection (1) (a) must be signed by the interest holder, and include all of the following:
- (a) the interest holder's acknowledgement of responsibility and undertaking in the form specified by the director, signed by the interest holder;
 - (b) one copy of a title search for the land, made within 30 days of the date of the application;
 - (c) a site plan showing the following:
 - (i) the bearing and dimensions of the parcel, taken from the registered subdivision plan;
 - (ii) the legal description and civic address of the parcel;
 - (iii) the location and dimensions of all statutory rights of way, easements, and setback requirements;
 - (iv) the location and dimensions of all existing and proposed buildings and structures on the parcel;

- (v) setbacks to the natural boundary of any lake, swamp, pond or watercourse where Huu-ay-aht zoning regulations establish siting requirements related to flooding;
 - (vi) the existing and finished ground levels to an established geodetic elevation of the underside of the floor system of a building if Huu-ay-aht zoning regulations establish siting requirements related to minimum floor elevation;
 - (vii) the location, dimensions, and gradient of parking and driveway access;
- (d) floor plans showing the following:
- (i) the dimensions and uses of all areas;
 - (ii) the dimensions and height of crawl and roof spaces;
 - (iii) the location, size and swing of doors;
 - (iv) the location, size and opening of windows;
 - (v) floor, wall and ceiling finishes;
 - (vi) plumbing fixtures;
 - (vii) structural elements;
 - (viii) stair dimensions;
- (e) a cross section through the building, illustrating foundations, drainage, ceiling heights and construction systems;
- (f) elevations for all 4 aspects of the building, showing finish details, roof slopes, windows, doors and finished grade;
- (g) a roof plan and roof height calculations;
- (h) cross-sectional details drawn to an appropriate scale and at sufficient locations to show that the building substantially conforms to the building code;
- (i) copies of approvals required under any enactment relating to health or safety, including, without limitation, sewage disposal permits, highway access permits, and Ministry of Health approval;
- (j) two sets of design drawings to a suitable scale, prepared to the satisfaction of the building inspector, and including any required information set out in paragraphs (d) to (h);
- (k) other information as specified by the building inspector.
- (3) The building inspector may, in his or her sole discretion, wholly or partly waive the requirements under subsection (2) (c) to (h), if the permit is sought for the alteration of an existing building.
- (4) In addition to the requirements of subsection (2), if the complexity of the proposed building or siting circumstances warrants it, as determined by the building inspector, the building inspector may require an interest holder to submit any or all of the following:
- (a) site servicing drawings, including sufficient detail of off-site services to indicate locations at the property line, prepared and sealed by a registered professional, in accordance with the standards set out in the subdivision servicing regulation;
 - (b) a section through the site showing grades, buildings, structures, parking areas and driveways;
 - (c) structural, electrical, mechanical or fire suppression drawings prepared and sealed by a registered professional;

- (d) a confirmation of commitment signed by the interest holder and a co-ordinating registered professional in the form of Schedule A referred to in section 2.2.7.2 (1) of Division C, Part 2 of the building code;
- (e) letters of assurance in the form of Schedule B referred to in section 2.2.7.2 (1) of Division C, Part 2 of the building code, each signed by such registered professionals as the building inspector or building code may require;
- (f) a storm water management plan;
- (g) other information required by the building inspector or the building code to establish compliance with all building regulations relating to the building.

Building inspector acknowledgment of application

- 30** (1) As soon as practicable after receiving an application under section 29, and the required fee, the building inspector must review the application and notify the applicant that the application
- (a) is complete, or
 - (b) is incomplete and will not be considered until specified information is provided to the building inspector.
- (2) The applicant is responsible for submitting a complete application.

Executive Council notice

- 31** The building inspector must deliver a copy of a complete building permit application to Executive Council for information purposes within 10 days of receiving the application.

Issuance of building permit

- 32** (1) Subject to this section, the building inspector must issue a building permit if the applicant has met all of the following requirements:
- (a) a complete application has been submitted, including all required supporting documentation;
 - (b) the proposed work, as set out in the application, substantially conforms to all building regulations;
 - (c) if the application is in respect of a building that includes, or will include, a residential occupancy, the interest holder has provided evidence pursuant to section 30 (1) of the *Homeowner Protection Act* (British Columbia) that
 - (i) the proposed building is covered by home warranty insurance, and
 - (ii) the constructor is a licensed residential builder;
 - (d) the interest holder has paid all applicable fees as set out in the Schedule;
 - (e) the interest holder has paid all charges and met all requirements imposed by any other applicable enactment or regulation;
 - (f) no covenant or agreement in favour of, or legislation of, the *Huu-ay-aht* requires the permit to be withheld;
 - (g) the interest holder has retained a professional engineer or geoscientist if required to do so by the *Engineers and Geoscientists Act* (British Columbia);
 - (h) the interest holder has retained an architect if required to do so by the *Architects Act* (British Columbia).

- (2) The director may exempt an interest holder from one or both requirements under subsection (1) (c) if
 - (a) the exemption does not adversely affect the interests of the HUU-ay-aht, and
 - (b) the exemption does not conflict with Federal or Provincial Law.
- (3) If Executive Council has notified the building inspector of any required conditions regarding the provision of works and services under section 40 of the Act and the requirements of subsection (1) of this section have been met, the building inspector must grant preliminary approval for a building permit.
- (4) If the building inspector grants preliminary approval for a building permit, the building inspector must advise the applicant of the conditions for the provision of works and services that must be satisfied before the building permit can be issued.
- (5) After all conditions under subsection (3) have been fulfilled, the building inspector must issue the building permit for which the application was made.

Building permit for part of building

- 33**
- (1) The building inspector may issue a building permit for part of a building before the plans and specifications for the entire building have been accepted, if
 - (a) the building inspector is provided with sufficient information to demonstrate to the building inspector that the part of the building authorized for construction substantially complies with all building regulations, and
 - (b) the permit fee applicable to that part of the building is paid.
 - (2) Despite the issuance of a permit under subsection (1), the requirements of this regulation apply to the remainder of the building as if the building permit for part of the building had not been issued.

Professional plan certification

- 34**
- (1) Letters of assurance in the form of Schedule B referred to in section 2.2.7.2. (1) of Division C, Part 2 of the building code provided pursuant to sections 29 (4) and 36 (2) of this regulation are relied upon by the HUU-ay-aht and the building inspector as certification that the design and plans to which the letters of assurance relate comply with all building regulations.
 - (2) A building permit issued for the construction of a building for which a building inspector required registered professional design and letters of assurance pursuant to section 29 (4) must be in the form specified for that purpose by the director.
 - (3) A building permit referred to in subsection (2) must include a notice to the interest holder that the building permit is issued in reliance upon the certification of the registered professional that the design and plans submitted in support of the application for the building permit comply with all building regulations.

Expiry of building permit

- 35**
- (1) Every building permit issued under this Part is issued upon the condition that the permit expires and the rights of the interest holder under the permit terminate if
 - (a) the work authorized by the permit is not started within 12 months of the date of issuance of the permit,
 - (b) the work is discontinued for a period of 12 months, or

- (c) the work is not substantially completed within 24 months of the date of issuance of the permit, unless that period is extended by the building inspector.
- (2) The building inspector may extend the period of time under subsection (1) (a) or (b) if construction
 - (a) has not started, or
 - (b) has been discontinued due to adverse weather, strikes, material or labour shortages or similar hardship beyond the interest holder's control.
- (3) If a building permit expires before the work specified in the permit is completed, the interest holder must obtain a new permit to complete that work.

Professional design and field review

- 36** (1) When a building inspector considers that the site conditions, size or complexity of a development or an aspect of a development warrant it, the building inspector may require the registered professional design and plan certification and field review in the form of Schedules B, C-A and C-B, referred to in Division C, Part 2 of the building code.
- (2) Before occupying a building for which letters of assurance have been required in accordance with section 29 (4), the interest holder must provide the director with letters of assurance
 - (a) in the form of Schedules C-A or C-B, as appropriate, referred to in section 2.2.7.2 (1) of Division C, Part 2 of the building code, or
 - (b) if applicable, in the form specified by the director for the assurance of professional design and field review for site servicing.
- (3) When a registered professional provides letters of assurance in accordance with this regulation, he or she must also provide the building inspector with proof of insurance.

Disclaimer of warranty

- 37** (1) Neither the issuance of a building permit, nor the review and acceptance of drawings, plans and specifications constitutes a representation or warranty that any building regulations are complied with, or that a building meets any standards for materials and workmanship.
- (2) A person must not rely on any of the actions described in subsection (1) as establishing compliance with any building regulations.

PART 7 – GENERAL PROVISIONS

Agents

- 38** (1) An interest holder may authorize another person in writing to act on behalf of the interest holder for an application made under this regulation.
- (2) The person authorized under subsection (1) must submit that written authorization with the application.

Forms and permits

- 39** The director may specify application and permit forms for the purposes of this regulation and in doing so may specify different forms for different categories of applications based on the complexity of each application.

Application fees

- 40** Applications under this regulation must be accompanied by the applicable fee set out in the Schedule.

Appeals

- 41** (1) Subject to this section, a decision to deny or grant an application under this regulation may be appealed to the tribunal in accordance with the *Tribunal Act*.
- (2) A decision of the building inspector on a question of the interpretation or application of the building code may be appealed to the Building Code Appeal Board.
- (3) A decision of the approving officer may be appealed to the British Columbia Supreme Court in accordance with section 89 of the *Land Title Act* (British Columbia), provided that the decision is within the scope of that section.

SCHEDULE
APPLICATION FEES

TYPE OF APPLICATION	APPLICABLE FEE
Application to amend Land Use Plan	\$500
Application to amend Zoning Regulation (residential – under 2 hectares total area)	\$300
Application to amend Zoning Regulation (residential – over 2 hectares total area)	\$500 + \$2 per 0.1 ha. of total site area
Application to amend Zoning Regulation (cottage and seasonal residential, or vacation rental)	\$750
Application to amend Zoning Regulation (agriculture, forest, small holdings, guesthouse or duplex)	\$1 000
Application to amend Zoning Regulation (amend text to change or add a permitted use)	\$1 000
Application to amend Zoning Regulation (commercial, industrial, multi-family, institutional)	\$2 500
Application to amend Zoning Regulation (comprehensive development)	\$5 000
Application to amend Subdivision Servicing Regulation	\$1 000
Development Permit Application (single family residential zone)	\$100
Development Permit Application (commercial, institutional, industrial, multi-family zone)	\$750
Development Permit Application (comprehensive development zone)	\$1 500
Board of Variance Application	\$300
Subdivision Application (preliminary application review)	\$100 per lot (if 11 or more lots, \$100 per lot for lots 1 - 10, and \$50 per lot for each additional lot)
Subdivision Application (preliminary application review in a CD Zone)	\$200 per lot (if 3 or more lots, \$200 per lot for lots 1-3, and \$100 per lot for each additional lot)

TYPE OF APPLICATION	APPLICABLE FEE
Subdivision Application (Form P application review)	\$500
Subdivision Application (final approval)	\$50 per lot
Building Permit Application (value of proposed work \$1,000 or less)	\$30
Building Permit Application (value of proposed work greater than \$1,000 but less than \$100,000)	\$30 + \$6 for each \$1 000 or part thereof in excess of \$1 000
Building Permit Application (value of proposed work greater than \$100,000 but less than \$500,000)	\$624 + \$5 for each \$1 000 or part thereof in excess of \$100 000
Building Permit Application (value of proposed work greater than \$500,000)	\$2624 + \$3 for each \$1 000 or part thereof in excess of \$500 000