

DISTRICT OF FORT ST. JAMES
POLICY AND PROCEDURE MANUAL

POLICY GROUP:	Bylaw Enforcement
POLICY #:	8.1
SUBJECT:	BUILDING INSPECTION PROCEDURES
ADOPTED:	June 15, 2005
REVISED:	March 26, 2014
ADMINISTERED BY:	Building Inspector/Administration

Objective

To provide for the consistent application, administration, and enforcement of the District of Fort St. James Building Bylaw No. 932, 2014.

Procedures

1. Building Permit Applications

Application forms, as provided by the District of Fort St. James, shall be completed by the applicant and contain all information cited in sections 9, 10 and 11 of the Building Bylaw.

2. Building Permits

Where a building permit is issued on the basis of the certification of a registered professional pursuant to section 290(1) of the Local Government Act, the District of Fort St. James's reliance upon that certification shall be noted on the building permit.

3. Inspections

The owner of a property to which a building permit is issued is responsible for requesting and obtaining all required inspections, as noted in the Building Bylaw. Failure to request the required inspections and subsequently concealing the work may result in the work being rejected by the building official.

Building officials shall endeavor to make weekly inspection trips to Fort St. James each Tuesday. This schedule may be altered if the level of building activity warrants either more or fewer trips.

If a property owner requests an inspection for anytime other than a regularly scheduled trip, the building official will attempt to accommodate the property owner. However, if the building official is unable to travel to the building site on the date requested, the building official may alternatively ask questions over the telephone relating to the method of construction utilized, record responses and determine whether it is acceptable to conceal the work based upon the telephone responses. In all cases, photographs of the work shall be taken prior to the work being concealed and shall subsequently be submitted to the building official for review.

4. Record Keeping

The building official will keep records of any application received, permits and orders issued, inspections and tests performed and retain copies of all papers and documents connected with the administration of the Building Bylaw for a minimum of 30 years.

5. Construction Without a Building Permit

It is common for building officials to become aware of buildings or structures which are under construction without the required building permit. In such cases, because critical components of the construction have often been concealed, such as footings and plumbing, it is very time consuming for building officials to determine whether compliance with the Building Code has been achieved. Property owners are often reluctant to expose the critical components after they have been concealed. The District of Fort St. James is limited in its capacity to inspect and accept construction which has occurred without the required building permit. The primary means of enforcement of the Building Bylaw shall be to notify future prospective purchasers of the non-compliant status of the building or structure.

6. Notification to Property Owner of Non-Compliance

Depending upon the circumstances involved with individual cases of such non-compliance, the building officials may pursue either of the following options to resolve the issue:

- a) A "Stop Work Order" may be posted on a building or structure. The "Stop Work Order" shall remain on the building or structure until a building permit has been issued, all required inspections have been performed and compliance with all related regulations has been achieved (e.g. zoning, sewage disposal, etc.), or
- b) A "Do Not Occupy" notice may be posted on a building or structure. Every person, shall cease occupancy of the building or structure immediately and shall refrain from further occupancy until a building permit has been issued, all required inspections have been performed, compliance with all related regulations has been achieved (e.g. zoning, sewage disposal, etc.) and has secured a written notice from the building official that the "Do Not Occupy" notice has been removed, or
- c) The building official may send the registered owner of the property a letter informing him/her of the bylaw infractions. The letter should state that further action will be taken if a building permit is not obtained within 30 days. If, after 30 days, a building permit has not been obtained, a registered letter shall be sent to the property owner stating that the District of Fort St. James will be considering filing notice on the property title, pursuant to section 57 of the Community Charter, if all required information (building permit application, third party certification, etc.) is not received within 30 days.

7. Inspections

Where construction work has been performed without the required building permit and the work requiring inspection has been concealed, the property owner may either:

- a) remove the concealing elements (e.g. backfill, gyproc, etc.) for the benefit of the building official, or

- b) seek third party certification by a registered professional, lawfully authorized to practice in the Province of British Columbia, that the concealed work conforms in all respects to the B.C. Building Code.

8. Notification on Title of Non-Compliance

The primary means of providing notification that a building permit has not been issued for the building and structures found to be under construction or to be recently constructed (within the previous 12 months) without a building permit is to register notice on the land title pursuant to section 57 of the Community Charter. The building official shall make a recommendation to the Council of the District of Fort St. James to begin the process of registering notice on title as prescribed under section 57 of the Community Charter.

Due to limited available staff and fiscal resources, the District of Fort St. James will not pursue the registration of notice on property titles where it is discovered that a building or structure constructed 12 months or more prior was constructed without a required building permit, unless there are safety considerations or considerations relating to other regulations (e.g. zoning) which are impacted by the non-compliant building or structure.

If the condition of a building or structure which was constructed without a required building permit is determined by the building official to be unsafe, regardless of its age and that determination is confirmed by a:

- a) registered professional; or
- b) electrical inspector; or
- c) gas inspector; or
- d) environmental health officer; or
- e) Local Assistant to the Fire Commissioner

the building official shall make a recommendation to the Council of the District of Fort St. James to begin the process of registering notice on title as prescribed under section 57 of the Community Charter.

9. Prohibiting Occupancy of an Existing Building

With regard to the authority of the building official, provided under the Building Bylaw, to require that a building, or portion thereof, be vacated or its occupancy or use be prohibited due to an unsafe condition, the following procedures shall be followed:

The building official shall give 24 hours written notice of entry in respect of an occupied dwelling and shall carry identification and credentials on entry.

After reviewing the potentially unsafe condition(s), the building official shall obtain a second opinion relating to the nature and degree of the unsafe condition(s) from one or more of the following:

- a) registered professional;
- b) electrical inspector;
- c) gas inspector;
- d) environmental health officer; or

e) Local Assistant to the Fire Commissioner.

If the unsafe condition(s) is confirmed by the second opinion, a registered letter shall be sent to the property owner stating the nature of the unsafe condition(s). "Condemned" notices shall then be posted at all conspicuous entries to the building or structure.

Remediation of the unsafe condition(s) and removal of the notices shall be in conformity with the Building Bylaw.

10. Release of Building Inspection Information

The District of Fort St. James will release information relating to the status of buildings on a property to the owner of the property, an authorized agent or any other person requesting the information, subject to the restrictions of the Freedom of Information and Protection of Privacy Act. Both requests for information and the information provided by the building official shall be provided in written form. When required, the building official may require a fee for each property information request. This fee represents the cost, to be borne by the user of the information, of researching the status of buildings on a property and providing a written response.

Where, as a result of a request for information regarding the status of buildings on a property, it is discovered that an existing building or structure was constructed without a required building permit or occupancy permit, the Building Inspection Department is often asked if any enforcement action is proposed.

Where the building or structure was constructed 12 months or more prior to the request for information was received, the building official shall respond in writing that "A building permit (or occupancy permit) was not issued for the subject building (or structure) and no enforcement action regarding this non-compliant situation is anticipated at this time," unless there are safety considerations or considerations relating to other regulations (e.g. zoning) which are impacted by the non-compliant building or structure.

Where the building or structure was constructed within 12 months of the receipt of the request for information, or if there are safety considerations or considerations relating to other regulations (e.g. zoning) which are impacted by the non-compliant building or structure, the building official shall respond in writing that "A building permit (or occupancy permit) was not issued for the subject building (or structure) and enforcement action may be pursued in relation to the non-compliant situation."

SEE ALSO:

- FORT ST. JAMES BUILDING BYLAW, BYLAW NO. 932, 2014
- FORT ST. JAMES POLICY NO. 8.2 (Dangerous Structures)
- FORT ST. JAMES POLICY NO. 8.3 (Filing Notice in Land Title Office of Building Bylaw Contraventions)
- FORT ST. JAMES POLICY NO. 8.5 (Secondary Suites)
- FORT ST. JAMES POLICY NO. 8.6 (Formula For Estimated Value Of Construction)
- PART 3, DIVISION 8 OF COMMUNITY CHARTER S.54-58
- PART 3, DIVISION 12 OF COMMUNITY CHARTER S.72-80
- PART 21, DIVISION 1 OF LOCAL GOVERNMENT ACT S. 692-698