

CITY OF WEST KELOWNA

BYLAW NO. 0086.07

A BYLAW TO AMEND THE BUILDING REGULATION BYLAW

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WHEREAS the Council of the City of West Kelowna desires to amend “CITY OF WEST KELOWNA BUILDING REGULATION BYLAW NO. 0086, 2009”;

THEREFORE BE IT RESOLVED that the Council of the City of West Kelowna in open meeting assembled, hereby enacts as follows:

1. Title

This Bylaw may be cited as the “CITY OF WEST KELOWNA BUILDING REGULATION AMENDMENT BYLAW NO. 0086.07, 2023”.

2. Amendments

The “CITY OF WEST KELOWNA BUILDING REGULATION BYLAW NO. 0086, 2009” is hereby amended as follows:

2.1 By deleting from Section 7. PROHIBITIONS: 7.10 that reads:

“No owner, agent or tenant shall allow use of a project or portion of a project for which a permit is required under this bylaw, without first obtaining an occupancy permit.”

and replace it with:

“No owner, agent or tenant shall allow use of a project or portion of a project for which a permit is required under this bylaw, without first obtaining:

7.10.1 a passed occupancy inspection with no deficiencies, or,

7.10.2 written permission from the building inspector for provisional use or occupancy of the project or portion of the project for which the permit is issued.”

2.2 By deleting Section 8. PERMITS, sub-section 8.3 that reads:

“8.3 A permit shall be considered to be expired if:

8.3.1 The construction on a project authorized by the permit is not started within 6 (six) months from the date of issuance of the permit; or,

8.3.2 The work, once started, is suspended or discontinued for a period of one year.”

and replace it with:

8.3 A permit shall be considered expired if:

8.3.1 The construction on a project authorized by the permit is not started within 6 (six) months from the date of issuance of the permit.

8.3.2 The work, once started, is suspended or discontinued for a period of one year; or,

8.3.3 A period of two years has lapsed since the permit issuance date.

8.3.4 Notwithstanding subsection 8.3.3, a building permit may be extended, at the discretion and conditions of the building inspector, for up to one year when application for permit renewal is made within one month of the expiration of the original permit and the paid the fees outlined in the Fees and Charges Bylaw.

8.3.5 The building inspector may require the temporary screening outlined in section 8.4 as a condition for permit extension.

2.3 By adding a new section 8.4 that reads:

“8.4 Where a building permit has been extended, expired or cancelled with construction incomplete, the building inspector may require that temporary solid screening be installed around the property in part or in whole in conformance with the following:

8.4.1 a continuous solid screen at least 2.0m (6.6 ft) in height, measured from grade to the top of the solid screen and include an access gate acceptable to the Fire Department and all materials used for construction of the solid screen shall not consist of untreated plywood, corrugated metal or chain link fencing, except for chain link fencing that contain slat inserts to create a visual barrier,

8.4.2 temporary screening must be installed so as not to obstruct traffic sight lines, and

8.4.3 temporary screening must be added, removed and or adjusted in whole or in part at the written order of the Building Inspector.”

and renumbering subsequent sections.

- 2.4 By deleting in its entirety Section 9. APPLICATION FOR PERMITS, 9.2 that reads:

“A permit application shall expire 6 (six) months after the application date if the permit has not been issued. The materials in support of such application may be destroyed by the City where the applicant has failed to retrieve them within 2 (two) years of the date of application.”

And replace it with:

9.2 A permit application may, at the discretion of the building inspector, expire 6 (six) months after the application date if the permit has not been issued.

- 2.5 By deleting in its entirety Section 10 GENERAL PROVISIONS, 10.9 that reads:

“Except where prior arrangements have been made by the owner due to the size of the project, the exterior finish of a project shall be completed within 24 (twenty four) months from the date of issuance of the permit for the project.”

- 2.6 By deleting from Section 17 BUILDING INSPECTOR 17.1.4 the words “the District’s zoning bylaw” and replacing them with “other City bylaws”;

- 2.7 By adding a new section 19.7.4 that reads:

“19.7.4 Soil Gas Control (Radon) – after placement of the depressurization pipe, clean granular fill and the air/vapour barrier but prior to pouring the concrete slab or otherwise concealing the work;”

and renumbering subsequent sections.

- 2.8 By adding a new Section 20 ENERGY CONSERVATION AND REDUCTION OF GREENHOUSE GAS EMISSIONS that reads:

“20 ENERGY CONSERVATION AND REDUCTION OF GREENHOUSE GAS EMISSIONS

20.1 Pursuant to the Building Act Regulation, BC, Reg. 131/2016 2.10 Ministerial Order M40, Subsection 2.2.(4) buildings can be constructed in conformance with Subsections 9.36.2. to 9.36.4. of Division B of the BC Building Code.”

and renumber the subsequent sections.

- 2.9 By deleting in its entirety Section 21 PENALTIES that reads:

“Any person who breaches any provision of this bylaw commits an offence and is liable, upon prosecution, to the penalties provided under the Offence Act.”

And replace it with:

21 PENALTIES

21.1 Any person who violates any provision of this Bylaw, or who causes, suffers or permits any act or thing to be done in contravention of this Bylaw, or who refuses, omits or neglects to fulfill, observe, carry out or perform any duty or obligation imposed by this bylaw, shall be liable on summary conviction to a fine not exceeding Fifty Thousand Dollars (\$50,000.00).

21.2 For the purposes of enforcement under this bylaw, each day the offense continues may be considered a separate punishable offense.

READ A FIRST TIME  
READ A SECOND TIME  
READ A THIRD TIME THIS DAY OF  
ADOPTED THIS DAY OF

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MAYOR

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CORPORATE OFFICER