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TSAWWASSEN FIRST NATION

Land Use Planning and Development Act

BUILDING REGULATION

Date Enacted: 17 September 2015

Order Number: O.064-2015

Last Amended: 26 November 2024

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Table of Regulation Changes

Section(s) Amended	Date	Order number	Come Into Force Date
s.6(2) amended s.8 amended s.9(1)(b) amended s.28 amended Appendix Form 1 repealed	21/09/2021	O.057-2021	21/09/2021
s.2 Definitions amended s.5(2) amended s.13(e) added s.20 repealed and replaced	28/06/2022	O.061-2022	28/06/2022
s.2(2) amended s.5(2) amended s.10(3) amended s.12(4) amended	26/11/2024	O.076-2024	26/11/2024

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Citation

- 1 This regulation may be cited as the *Building Regulation, 2015*.

Definitions

- 2 (1) Unless specifically defined herein, words and phrases used in this regulation shall be construed in accordance with the meanings assigned to them in the Tsawwassen First Nation Final Agreement, the *Land Use Planning and Development Act* (Tsawwassen), and the Building Code as the context and circumstances require.
 - (2) In this regulation:
 - “**building**” means any structure used or intended for supporting or sheltering and use or occupancy;
 - “**building height**” means the number of storeys contained between the roof and the floor of the first storey;
 - “**Building Code**” means the current edition of the *British Columbia Building Code*, as amended or replaced from time to time;
 - “**building official**” includes the director, and their designates, and the building inspector designated under section 84 (1) of the *Land Use Planning and Development Act*;
 - “**complex building**” includes any building subject to Division B, Part 3 of the Building Code;
 - “**construction**” means the process or activity by which any building or structure is erected, altered, renovated, added to, installed, demolished, removed or moved, or for which preparation is made by way of shoring or excavation;
 - “**constructor**” means a person who contracts with an occupier or their authorized agent to undertake a project, and includes an occupier who contracts with more than one person for the work on a project or undertakes the work on a project or any part thereof;
 - “**decks**”, “**patios**” and “**terraces**” means an uncovered platform or floor on or above grade;
 - “**designer**” means the person responsible for design;
 - “**field review**” means a review of the work: i) at a building site, and ii) where applicable, at locations where building components are fabricated for use at the building site that a registered professional in their professional discretion considers necessary to ascertain whether the work substantially complies in all material respects with the plans and supporting documents prepared by a registered professional;
 - “**fire safety system**” includes fire sprinkler systems, foam systems, wet and/or dry chemical fire suppression equipment, non-residential fire alarm systems, and any other suppression or extinguishing system, but does not include smoke alarms as defined in the Building Code;
 - “**first storey**” means the uppermost storey having its floor level not more than 2m above grade;

- “**grade**” means the lowest of the average levels of finished ground adjoining each exterior wall of a building, except that localized depressions need not be considered in the determination of average levels of finished ground;
- “**housing and small buildings**” includes any building that is subject to Division B, Part 9 of the Building Code;
- “**mercantile occupancy**” means the occupancy or use of a building or part thereof for the displaying or selling of retail goods, wares or merchandise;
- “**occupancy**” means the use or intended use of a building or part thereof for the shelter or support of persons, animals or property;
- “**occupier**” means a leaseholder or sub-leaseholder of Tsawwassen Lands or the holder of a Tsawwassen Fee Simple Interest;
- “**plumbing system**” means a drainage system, a venting system and a water system or parts thereof;
- “**registered professional**” means a person who is registered or licensed to practice as an architect under the *Architects Act* (British Columbia) or a person who is registered or licensed to practice as a professional engineer under the *Engineers and Geoscientists Act* (British Columbia);
- “**residential occupancy**” means the occupancy or use of a building or part thereof by persons for whom sleeping accommodation is provided but who are not harboured for the purpose of receiving care or treatment and are not involuntarily detained;
- “**storey**” means that portion of a building that is situated between the top of any floor and the top of the floor next above it, and if there is no floor above it, that portion between the top of such floor and the ceiling above it;
- “**structure**” means a construction or portion thereof of any kind, whether fixed to, supported by or sunk into land or water, including, but not limited to decks, patios and terraces exceeding 0.6 meters above grade, but specifically excludes landscaping, fences, and paving;
- “**temporary building**” means a building that is intended to be used for a period of time not exceeding one year from the date of issuance of a building permit, but does not include construction site temporary buildings;
- “**Tsawwassen Member**” means a Tsawwassen Individual who is enrolled as a member of Tsawwassen First Nation in accordance with the *Membership Act*.

[Amended by Order number O.061-2022]

[Amended by Order number O.076-2024]

Purpose of regulation

- 3** (1) Despite any other provision herein, this regulation must be interpreted in accordance with this section.
- (2) This regulation has been enacted for the purpose of regulating construction on Tsawwassen Lands in the general public interest. The purpose of this regulation does not extend to:
- (a) the protection of occupiers, builders or constructors from economic loss;

- (b) the assumption by Tsawwassen First Nation or any building official of any responsibility for ensuring compliance by any occupier, their authorized agents or any employees, constructors or designers retained by him or her, with the Building Code, the requirements of this regulation or other applicable enactments;
- (c) providing any person a warranty of design or workmanship with respect to any building or structure for which a building permit or occupancy permit is issued under this regulation;
- (d) providing a warranty or assurance that construction undertaken pursuant to building permits issued by the Tsawwassen First Nation is free from latent, or any, defects; or,
- (e) improvement, alteration, or deterioration of views.

Permit conditions

- 4 (1) No person shall undertake work under this regulation without first obtaining a valid permit.
- (2) Neither the issuance of a permit under this regulation nor the acceptance or review of plans, drawings or supporting documents, nor any inspections made by or on behalf of Tsawwassen First Nation, shall in any way relieve the occupier, or their authorized agent, from full and sole responsibility to perform work in accordance with this regulation, the Building Code, and other applicable enactments.

Scope and exemption

- 5 (1) This regulation applies to the design, construction and occupancy of new buildings and structures, including temporary buildings, and the alteration, reconstruction, demolition, removal, relocation and occupancy of existing buildings and structures.
- (2) Notwithstanding subsection (1), this regulation does not apply to:
 - (a) buildings or structures exempted by the Building Code, except as expressly provided herein;
 - (b) retaining structures less than 1.22 metres in height, subject to Section 20 (Retaining structures);
 - (c) fences;
 - (d) concrete, asphalt, or similar surfacing of land;
 - (e) portable swimming pools not anchored to the ground;
 - (f) decks, patios and terraces not exceeding 0.6 meters above grade on premises zoned for residential occupancy;
 - (g) portable construction site buildings.

[Amended by Order number O.061-2022]

[Amended by Order number O.076-2024]

Prohibitions

- 6 (1) A person must not commence or continue any construction, alteration, reconstruction, demolition, removal, relocation or change the occupancy of any

building or structure or other work related to construction unless a building official has issued the applicable permit for the work.

- (2) A person must not commence or continue the installation or alteration of a plumbing system unless a plumbing official has issued a building permit for the work.
[Amended by Order number O.057-2021]
- (3) A person must not occupy or use a building or structure unless an occupancy permit has been issued by a building official under section 19 (2) of this regulation, or contrary to the terms of any permit issued or any notice given by a building official.
- (4) A person must not knowingly submit false or misleading information to a building official in relation to any building permit application or construction undertaken pursuant to this regulation.
- (5) A person must not, unless authorized in writing by a building official, reverse, alter, deface, cover, remove or in any way tamper with any notice, permit or certificate posted upon or affixed to a building or structure pursuant to this regulation.
- (6) A person must not do any work that is substantially at variance with the accepted design or plans of a building, structure or other works for which a building permit has been issued, unless that modification has been accepted in writing by a building official.
- (7) A person must not obstruct the entry of a building official or other authorized official of Tsawwassen First Nation on property in the administration of this regulation.

Building official authority

- 7 (1) Each building official may:
 - (a) administer this regulation;
 - (b) withhold or refuse to issue a permit where results of tests of materials, devices, construction methods, structural assemblies of foundations do not, in the sole opinion of the building official, demonstrate substantial compliance in all material respects with the Building Code or any other applicable enactment;
 - (c) subject to section 7 (2) (b), enter any land, building, structure, or premises at any reasonable time for the purpose of administering this regulation.
- (2) A building official shall:
 - (a) retain copies of all documents related to the administration of this regulation or digitized copies of such documents including, but not limited to, building permit applications, building permits and related documents, notices and orders issued, inspection and records of tests made;
 - (b) where a residence is occupied, obtain the consent of the occupant or provide written notice to the occupant 24 hours in advance of entry, unless there is an urgent safety hazard in the residence in the sole opinion of the building official;
 - (c) carry proper credentials of their status as a building official.
- (3) A building official may order the correction of any work that is being done or has been done in contravention of this regulation.

- (4) The director may prescribe the form of building permits, building permit applications, orders and notices, except to the extent that they are specifically prescribed by this regulation.

Permit application

- 8 (1) Every person shall apply for and obtain a building permit before commencing any of the following:
 - (a) constructing, repairing or altering a building or structure;
 - (b) constructing or altering any plumbing system or fire safety system, unless the works are encompassed by a valid building permit;
 - (c) construction of a masonry fireplace, wood stove, or chimney;
 - (d) construction of a temporary building.
- (2) Every person shall apply for and obtain a plumbing permit before constructing or altering any plumbing system, except for the clearing of stoppages or repair of leaks in pipes, valves, or fixtures, or the replacement of fixtures when such repairs do not exceed \$1,000 in value and do not require the rearrangement of valves and pipes.
- (3) Every person shall apply for and obtain a moving permit before moving a building or structure.
- (4) Every person shall apply for and obtain a demolition permit before demolishing a building or structure.
- (5) Every person shall apply for and obtain such other permits as may be required by the BC Safety Authority including, but not limited to, permits for electrical work, gas installations, boilers and pressure vessels and elevating devices
- (6) All plans submitted with permit applications shall bear the name and address of the designer of the building or structure.
- (7) Each building or structure to be constructed on a site requires a separate building permit and shall be assessed a separate building permit fee based on the value of that building or structure as determined in accordance with Schedule A of this regulation.
- (8) No application, building permit, plumbing permit, demolition permit, or moving permit fees shall be payable by a Tsawwassen Member applying for a permit in regards to a single family home or duplex on their land holding for their personal or family residence.
- (9) For greater certainty, despite being exempt from the permit fees specified in subsection (8), Tsawwassen Members shall apply for and obtain a permit prior to undertaking any work under this regulation.

[Amended by Order number O.057-2021]

Application requirements

- 9 (1) Every application for a permit shall:
 - (a) be signed by the occupier, or a signing officer if the occupier is a corporation;
 - (b) be accompanied by the occupier's acknowledgment of responsibility and undertakings made in a form prescribed by the Director of Lands, signed by the occupier, or a signing officer if the occupier is a corporation;

[Amended by Order number O.057-2021]

- (c) include a copy of a title search made within 30 days of the date of the application and a copy of all covenants, easements, and rights of ways registered against the property;
 - (d) include three copies of a survey plan prepared by a British Columbia Land Surveyor at a legible scale, showing:
 - (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 any and all statutory rights of way, easements and setback requirements;
 - (iv) the location and dimensions of all existing and proposed buildings or structures on the parcel, including setbacks to property lines, and all wells and on-site sewage disposal systems;
 - (v) setbacks to the natural boundary of any lake, swamp, pond or watercourse where Tsawwassen First Nation land use regulations establish siting requirements relating to flooding;
 - (vi) the existing and proposed finished grade levels to an established datum at or adjacent to the site and the geodetic elevation of the proposed underside of the floor system of a building or structure where Tsawwassen First Nation land use regulations establish siting requirements related to minimum floor elevation; and,
 - (vii) the proposed location, dimension and gradient of parking and driveway access.
 - (e) include a grading plan;
 - (f) include geotechnical, structural, mechanical, electrical, landscape, civil, and architectural drawings and reports, as required by the building official;
 - (g) include copies of approvals required under any enactment relating to health or safety including, without limitation, sewage disposal permits, highway access permits, and approvals from the British Columbia Ministry of Health;
 - (h) for an application for a complex building, include letters of assurance in the form of Schedule A and Schedule B as referred to in Division C, Part 2 of the Building Code;
 - (i) for an application for a complex building, include four sets of drawings, at an appropriate scale sufficient to show required details of the design, prepared by each registered professional and including the information set out in sections 9 (1) (e) and 9 (1) (f) of this regulation.
 - (j) for an application for housing and small buildings, include two sets of drawings, at scale sufficient to show required details of the design and including the information set out in sections 9 (1) (e) and 9 (1) (f) of this regulation.
- (10) The building official may waive any of the application requirements listed in paragraphs 9 (1) (c)-(g) where, in the sole opinion of the building official, they are not required given complexity or nature of the proposed work.
- (11) In addition to the requirements of subsection (1), the following shall be submitted with a building permit application where, in the sole opinion of the building

official, the complexity of the proposed building or structure or siting circumstances warrant:

- (a) site service 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 *Subdivision Development Regulation* (Tsawwassen);
- (b) a cross-section through the site showing grades, buildings, structures, parking areas and driveways;
- (c) an analysis by a registered professional showing conformance of the proposed building or structure to the Building Code;
- (d) an analysis by an architect showing conformance of the proposed building or structure to the *Zoning Regulation* (Tsawwassen) and any applicable development permit;
- (e) any other information required by the building official or the Building Code to establish substantial compliance with this regulation, the Building Code, and other applicable enactments.

Letters of assurance

- 10** (1) Letters of assurance in the form prescribed by the Building Code may be relied upon by Tsawwassen First Nation and its building officials as certification that the design, plans, construction, structure, or other works to which the letters of assurance relate substantially comply with the Building Code and other applicable enactments.
- (2) A building permit for which a building official requires letters of assurance pursuant to section 9 (1) (h) may include a notice to the occupier that the building permit is issued in reliance upon the certification of the registered professionals that the design and plans submitted in support of the building permit application substantially comply with the Building Code and other applicable enactments.
- (3) When a registered professional provides letters of assurance pursuant to subsection (1) and (2), they shall also provide proof of at least two million dollars (\$2,000,000.00) of professional liability insurance per occurrence and in the aggregate to the building official.

[Amended by Order number O.076-2024]

Fees and charges

- 11** (1) In addition to applicable fees and charges required under other regulations, a permit fee, calculated in accordance with Schedule A to this regulation, shall be paid in full prior to the issuance of any permit under this regulation.
- (2) A non-refundable portion of the permit fee, as set out in Schedule A, must be paid when the permit application is submitted.
- (3) An application shall be deemed cancelled if the permit fee is not paid within 60 calendar days of the date of written notification to the occupier that the permit is ready to be issued.
- (4) An application may be cancelled, if the permit cannot be issued within 180 calendar days of the date of written notification to the occupier regarding deficiencies.

- (5) When an application is cancelled, the plans and related documents submitted with the application may be destroyed by the building official.
- (6) The occupier may obtain a refund of their permit fee, less the non-refundable portion, as set out in Schedule A, when a permit is surrendered and cancelled before any construction begins.
- (7) An extra inspection fee as set out in Schedule A shall be paid prior to any subsequent inspections.

Alternative solutions

- 12** (1) This regulation is not intended to limit the appropriate use of materials, equipment or methods of construction. An occupier may use an alternative solution not specifically described in this regulation or the Building Code provided the occupier supplies the building official with evidence that, in the building official's sole opinion, is sufficient to demonstrate the proposed alternative solution will provide the level of performance required by this regulation and the Building Code.
- (2) The evidence required by subsection (1) shall be in the form of a report from an engineer, architect, or other Building Code specialist, and in addition to the information and arguments presented to support the alternative solution, shall state:
 - (a) the name of the occupier, and the name and address of the construction project;
 - (b) the background of the individual or firm proposing the alternative solution including their qualifications and experience in the field;
 - (c) the sections of this regulation or the Building Code for which the alternative solution is proposed; and
 - (d) the author of the report is a registered professional, and is providing professional assurances in a form acceptable to the building official in respect of the design of the building or structure, and will provide Schedule C-B of the Building Code on completion of the work.
- (3) Alternative solution reports shall be accompanied by the fee for their review as set out in Schedule A to this regulation.
- (4) Where alternative solutions are relied upon, the occupier may be required by the building official to provide Tsawwassen First Nation with a covenant, registrable under section 219 of the *Land Title Act* (British Columbia) that, without limitation, includes a promise by the occupier not to build, use, alter, modify, maintain or repair except in accordance with conditions established in a report prepared by a registered professional and to reimburse Tsawwassen First Nation for any expenses it may incur as a result of a breach of the covenant.

[Amended by Order number O.076-2024]

Site drainage

- 13** The occupier of land on which a building or structure is being constructed must control site drainage such that other sites are not affected and in particular:
 - (a) each lot must be graded to drain into a Tsawwassen First Nation drainage system or a natural watercourse without draining onto adjacent lots;
 - (b) areas adjacent to buildings shall be graded away from the foundations to prevent flooding;

- (c) lots lower than adjacent roadways shall have storm water management facilities to direct storm runoff to a drainage system approved by a building official;
- (d) in the case of storm runoff not directed to a Tsawwassen First Nation drainage system, storm runoff shall occur to a natural watercourse by means of sheet flow only and not by means of swales, pipes or any other artificial means; and.
- (e) the minimum geodetic elevation for the floor of a non-habitable space, such as a crawl space or garage slab, must be 2.5 meters for protective measure against flooding.

[Amended by Order number O.061-2022]

Essential services

- 14** No building permit for any building for an assembly, business and personal services, treatment, care, detention, industrial, mercantile, or residential occupancy shall be issued unless the following essential services are provided, at the applicant's cost:
- (a) A road and driveway of sufficient strength, grade and width to provide ready access to the building by fire and emergency vehicles at all times;
 - (b) A water service or other source of potable water supply approved by the authority having jurisdiction;
 - (c) A sanitary sewer service connection approved by Tsawwassen First Nation; and,
 - (d) An approved method of storm drainage disposal, designed by a registered professional, which may be a storm sewer, ditch or engineered rock pit.

Building permits

- 15** (1) A building official shall issue the building permit for which an application is made on being satisfied the following requirements have been met:
- (a) a completed application including all required supporting documentation has been submitted;
 - (b) the proposed work set out in the application substantially conforms with the Building Code, this regulation and all other applicable enactments;
 - (c) the occupier or their authorized agent has paid all fees and charges and met all requirements of this regulation and any other applicable enactment;
 - (d) no enactment, covenant, agreement, or regulation of, or in favour of, Tsawwassen First Nation requires the permit to be withheld;
 - (e) the occupier has retained a professional engineer or geoscientist, if required by the provisions of this regulation, the Building Code, or the *Engineers and Geoscientists Act* (British Columbia); and,
 - (f) the occupier has retained an architect, if required by the provisions of this regulation, the Building Code, or the *Architects Act* (British Columbia).
- (2) When the application is in respect of a building that includes, or will include, a residential occupancy, the building permit must not be issued unless the occupier provides evidence pursuant to the *Homeowner Protection Act* (British Columbia) that:
- (a) the proposed building is covered by home warranty insurance; and,

- (b) the constructor is a licensed residential builder.
- (3) Subsection (2) does not apply if the occupier is not required to be licensed and to obtain home warranty insurance in accordance with the *Homeowner Protection Act*.
- (4) Every permit is issued on the condition that the permit shall expire and the rights of the occupier under the permit shall terminate if:
 - (a) the work authorized by the permit is not commenced within 6 months from the date of issuance of the permit; or
 - (b) work is substantially discontinued for a period of at least 12 months.
- (5) Subject to subsection (6), a building official may extend a building permit on payment of the extension fee specified in Schedule A, provided:
 - (a) An application to extend the permit is made within six months from the date of issuance of the permit;
 - (b) the permit remains issuable under this regulation and the Building Code;
 - (c) the Building Code has not changed editions;
 - (d) all fees and charges payable as of the date of extension have been paid; and
 - (e) all works and services required by Tsawwassen Law have been provided.
- (6) No building permit may be extended so as to expire more than 24 months from the original date of issuance of the permit.
- (7) A building official may revoke a building permit if there is a breach of any provision of this regulation or the Building Code in the construction authorized by the permit, or if the building official determines that any information on the basis of which the permit was issued is incorrect.

Disclaimer of warranty or representation

- 16** Neither the issuance of a permit under this regulation, the review and acceptance of the design, drawings, plans or specifications, nor inspections made by a building official, shall constitute a representation or warranty that the Building Code or this regulation have been complied with or the building or structure meets any standard of materials or workmanship, and no person shall rely on any of those acts as establishing compliance with the Building Code, this regulation, or any standard of construction.

Responsibilities of the occupier

- 17** Every occupier to whom a permit is issued shall, during construction:
- (a) post and maintain the permit in a conspicuous place on the property in respect of which the building permit was issued;
 - (b) keep a copy of the accepted design, plans and specifications on the property;
 - (c) post the civic address of the property in a location visible from any adjoining streets, if available; and,
 - (d) ensure appropriate site safety measures are taken to protect the public from any hazards which may result from construction activity.

Construction activities

- 18** (1) When a registered professional provides letters of assurance prescribed by the Building Code or this regulation, Tsawwassen First Nation may rely solely on field

reviews undertaken by the registered professional and the letters of assurance submitted pursuant to section 10 of this regulation as assurance the construction substantially conforms to the design and the construction substantially complies with the Building Code.

- (2) A building official may attend periodically at the site of the construction of housing and small buildings to ascertain whether the work is being carried out in substantial conformance with the Building Code, this regulation and any other applicable enactments.
- (3) The occupier or their authorized agents shall give at least 2 business days' notice to Tsawwassen First Nation when requesting an inspection and shall obtain a building official's acceptance of the following aspects of the work prior to concealing it:
 - (a) verification as to the location of forms for footings and foundation walls outside of setback areas, prior to the placing of concrete, and the occupier shall provide a survey certificate prepared by a British Columbia Land Surveyor as to the location of the forms in relation to parcel boundaries and other buildings and structures on the land;
 - (b) installation of perimeter drain tiles, drain rock and damp-proofing, prior to backfilling;
 - (c) the preparation of ground, including granular base materials, below-grade insulation, damp-proofing membrane, underground plumbing and any reinforcing steel, when required, prior to the placing of a concrete slab;
 - (d) installation of building services before a building drain, sanitary or storm sewer is covered, and when required by the building official, underground building drains, branches, storm drains, and sewers shall be retested after the completion of all backfilling and grading by heavy equipment;
 - (e) rough-in of factory built chimneys, fireplaces and solid fuel burning appliances;
 - (f) the framing and sheathing after the installation of any fire stopping, bracing, chimney and ductwork construction and the rough-in of the plumbing and electrical systems;
 - (g) the installation of fire safety systems;
 - (h) insulation and vapour barrier; and,
 - (i) when the building or structure is substantially complete and ready for occupancy, but before occupancy takes place of the whole or part of a building or structure.
- (4) None of the work referred to in subsection (3) shall be concealed until a building official has accepted it in writing, and it if is covered before it is inspected and accepted, then it shall be uncovered at the applicant's sole cost if a building official so directs.

Occupancy permit

- 19** (1) No person shall occupy a building or structure or part of a building or structure until an occupancy permit has been issued by a building official.
- (2) Where a building permit has been issued for a residence, a preliminary occupancy permit authorizing provisional or partial occupancy may be issued prior to

completion, provided the building or part thereof complies with Building Code and exterior finishes are substantially complete, and the occupier has provided security for the amount required for the completion of the work, such amount to be determined by the building official.

- (3) An occupancy permit shall not be issued unless:
 - (a) all required letters of assurance in the form prescribed by the Building Code have been submitted;
 - (b) all aspects of the work requiring inspection and acceptance pursuant to section 18 of this regulation have been both inspected and accepted, if required;
 - (c) the occupier has provided Tsawwassen First Nation a building survey prepared by a British Columbia Land Surveyor which demonstrates the building's conformance with the *Zoning Regulation*; and,
 - (d) other supporting documentation as required by the building official to demonstrate sufficiency for occupancy.
- (4) The requirements of subsection (3) (c) may be waived by a building official if compliance with the land use regulations can be ascertained without such a survey being prepared.
- (5) A building official may issue an occupancy permit for part of a building or structure when the part of the building or structure is self-contained and provided with essential services and the requirements set out in section 14 of this regulation have been met with respect to it.

Retaining structures

- 20** A registered professional shall undertake the design and conduct field reviews of the construction of a retaining structure if the retaining structure:
- (a) is 1.22 meters or more in height; or
 - (b) supports or protects a structure or building, regardless of the height of soil or fill retained; or
 - (c) will be built on land the Building Official considers to be subject to or likely to be subject to hazardous conditions such as mud flows, debris flows, debris torrents, erosion, land slip, rockfalls, subsidence or avalanche regardless of the height of soil or fill material retained.

Sealed copies of the design plan and field review reports prepared by a registered professional for all such retaining structures shall be submitted along with a letter of assurance to a building official prior to acceptance of such works.

[Amended by Order number O.061-2022]

Swimming pools

- 21** (1) Every pool must be completely enclosed within a building or fence, or combination of a building and fence, not less than 1.2 metres in height and forming a continuous enclosure. No opening in any such fence shall exceed 100 mm and the fence shall be constructed in such a manner as to prevent unauthorized entry to the pool, with gates equipped with a spring hinge and latch mounted on the pool side.

- (2) Every pool enclosure shall be maintained by the occupier or resident in good order and all inoperative gates, latches, hinges and locks shall be promptly repaired or replaced.
- (3) Pool plumbing shall be so arranged that pool water cannot enter any water supply line and, once having been drained from the pool, cannot be returned to the pool without filtering, and so that sewage from any sanitary sewer or sewage disposal system cannot enter the pool or the pool filtering system. Pool wastewater shall be drained to a sanitary sewer system.
- (4) In addition to the information otherwise required by this regulation, an applicant for a permit to construct a pool shall provide a plan at a legible scale showing the location, enclosure details, depth and dimensions of the pool and its structural details, and all water supply piping, waste piping and appurtenances.

Fire safety systems

- 22 (1) The design of every fire safety system, including modifications to existing systems, shall be prepared by a registered professional in the form prescribed by the Building Code.
- (2) All fire safety systems shall be installed in accordance with the National Fire Protection Association standards, the Building Code, and any other applicable enactment by a person who possesses a British Columbia tradesman's qualification as a certified sprinkler installer

Damage to Tsawwassen First Nation works

- 23 (1) Prior to receiving a building, demolition, or moving permit, the occupier shall deposit with Tsawwassen First Nation a damage deposit, in an amount listed in Schedule A, as security against damage incurred to Tsawwassen First Nation property, works, or services caused by, or as a result of, anything associated with that construction. This security does not relieve the occupier of responsibility for damage in excess of the amount held by Tsawwassen First Nation.
- (2) Should the cost of any repair work related to Tsawwassen First Nation property exceed the amount of security, the occupier shall submit to Tsawwassen First Nation an amount equal to such deficiency for the additional costs incurred in repairing the damages. Unless otherwise agreed, the occupier, at the time of making the damage deposit, agrees that the road allowance abutting the occupier's lot is free from debris, dirt, damage or defect and that subsequent debris, dirt or damage during the construction period is the occupier's responsibility.
- (3) Except to the extent that the security has been used by Tsawwassen First Nation to carry out such repair or replacement, it shall be returned to the person who provided it, following an inspection of Tsawwassen First Nation property after completion of the work authorized by the permit and any final lot grading work.
- (4) Any repair or replacement of Tsawwassen First Nation property, the cost of which exceeds the amount of the security, is the responsibility of the occupier.

Demolition permits and moving permits

- 24 (1) In addition to the other requirements of this regulation, an applicant for a moving permit or a demolition permit shall arrange with Tsawwassen First Nation for

water and sewer services to be capped at the applicants cost prior to the issuance of the permit.

- (2) No person shall move or cause any building to be moved onto, off of, or within Tsawwassen Lands without first obtaining a moving permit for the site(s) on Tsawwassen Lands.
- (3) Every application for a moving permit shall identify the site of the building to be moved and the site to which the building is to be moved. Evidence of permission from all authorities having jurisdiction to regulate use of the public highways over which the building is to be moved and a route map shall be provided.
- (4) No building shall be moved onto Tsawwassen Lands unless the building will comply with the requirements of the Building Code, the *Zoning Regulation* and other applicable enactments upon completion of construction at its new location.
- (5) The occupier shall dispose of all demolition and moving debris in accordance with all applicable enactments, leave the site in a safe and sanitary condition, and arrange for a building official to inspect the site prior to removing all demolition or moving equipment away from the site.
- (6) An applicant for a demolition permit or moving permit shall pay the permit fee and damage deposit set out in Schedule A. The deposit will be released after the approval of final inspection.

Notices

- 25**
- (1) Every person who fails to comply with any order or notice issued by a building official, or who allows a violation of this regulation to continue, contravenes this regulation.
 - (2) A building official may order the cessation of any work that is proceeding in contravention of the Building Code or this regulation by delivering a Stop Work notice to the occupier.
 - (3) The occupier of property that has received a Stop Work notice, and every other person, shall cease all work immediately and shall not do any further work until all applicable provisions of this regulation have been substantially complied with and the Stop Work notice has been rescinded in writing by a building official.
 - (4) Where a person occupies a building or structure or part of a building or structure in contravention of section 19, a building official may deliver a Do Not Occupy notice to the occupier.
 - (5) The occupier of property that has received a Do Not Occupy notice, and every person, shall cease occupancy of the building or structure immediately and shall refrain from further occupancy until all applicable provisions of the Building Code and this regulation have been substantially complied with and the Do Not Occupy notice has been removed and rescinded in writing by a building official.
 - (6) If a Stop Work notice is issued and remains outstanding for 30 days, the occupier shall pay an additional charge as outlined in Schedule A of this regulation.

Contravention, penalty and enforcement

- 26**
- (1) Any person who contravenes, violates or permits any act or thing to be done in contravention of, or neglects or refrains from doing anything required to be done

pursuant to the provisions of this regulation, commits a contravention and shall, in addition to any other provision of this regulation, be liable:

- (a) to a penalty as set out in the *Ticket Regulation, 2013*; or,
 - (b) if no penalty is set out for the contravention in the *Ticket Regulation, 2013*, then to a fine not exceeding \$10,000.
- (2) Every day that a contravention continues under this regulation constitutes a separate and distinct contravention.
 - (3) Contraventions of this regulation are designated for enforcement under the *Land Use Planning and Development Act* (Tsawwassen) or the *Laws Enforcement Act* (Tsawwassen).
 - (4) In addition to the designated Enforcement Officer appointed by Executive Council pursuant to section 3 1) (a) of the *Laws Enforcement Act* (Tsawwassen), building officials are appointed as enforcement officers for the purposes of this regulation.

Severability

- 27** If any part of this regulation is deemed unenforceable by a Court of competent jurisdiction, the provisions of this regulation are severable and the invalidity of any part of this regulation shall not affect the validity of the remainder of this regulation.

Forms and schedules

- 28** Schedule A to this regulation form a part of this regulation.

[Amended by Order number O.057-2021]

SCHEDULE A – Fees and Charges

- 1** The fees and charges payable under this Regulation are set out in the *Consolidated Planning and Development Application Fees Regulation* (Tsawwassen).