

**RESORT MUNICIPALITY OF WHISTLER**

**BUILDING REGULATION BYLAW NO. 2482, 2025**

**A BYLAW FOR THE ADMINISTRATION OF THE BRITISH COLUMBIA BUILDING CODE  
AND THE REGULATION OF CONSTRUCTION**

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**WHEREAS** the Resort Municipality of Whistler (RMOW) Council may by bylaw regulate, prohibit and impose requirements in respect to buildings and structures under the *Community Charter* for the following:

- (a) the provision of access to a building or other structure, or to part of a building or other structure, for a person with disabilities;
- (b) the conservation of energy or water;
- (c) the reduction of greenhouse gas emissions;
- (d) the health, safety or protection of persons or property;

**AND WHEREAS** the Council is enacting this bylaw to regulate construction and administer the British Columbia *Building & Plumbing Code* in the RMOW in accordance with the *Community Charter* and the *Building Act*;

**AND WHEREAS** the RMOW has employed trained building officials for the purposes of this bylaw;

**NOW THEREFORE** the Council of the RMOW, in open meeting assembled, **ENACTS AS FOLLOWS:**

**PART 1 TITLE**

- 1.1 This bylaw may be cited as “Building Regulation Bylaw No. 2482, 2025”.
- 1.2 The RMOW Building and Plumbing Regulation Bylaw No. 1617, 2002 and all amendments thereto are hereby repealed.

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### **PART 3 SEVERABILITY**

- 3.1 If a section, subsection, paragraph, subparagraph or phrase in this bylaw is for any reason declared invalid by a court of competent jurisdiction, the decision will not affect the validity of the remaining portions of this bylaw.

### **PART 4 PURPOSE OF THE BYLAW**

- 4.1 Despite any other provisions in this bylaw, this bylaw must be interpreted in accordance with this part.
- 4.2 Every Permit issued under this bylaw is issued expressly subject to the provisions of this part.
- 4.3 This bylaw is enacted to regulate, prohibit, and impose requirements in regard to Construction in the Resort Municipality of Whistler in the public interest.
- 4.4 The purpose of this bylaw does not extend to:
- (a) the protection of Owners, designers, Constructors, or any other persons from economic loss;
  - (b) the assumption by the Resort Municipality of Whistler or any Building Official of any responsibility for ensuring the compliance by any Owner, Owner's Agents or any employees, Constructors or designers retained by the Owner, with the Building Code, the requirements of this bylaw, or other applicable enactments, codes or standards;
  - (c) providing any person with a warranty of design or workmanship with respect to any Building or Structure for which a Building Permit, Occupancy Permit or file completion notice is issued under this bylaw;
  - (d) providing any person with a warranty or assurance that Construction undertaken under Building Permits issued by the Resort Municipality of Whistler is free from latent, or any, defects; or
  - (e) the protection of adjacent real property from incidental damage or nuisance.

## **PART 5 SCOPE AND EXEMPTIONS**

### **Application**

- 5.1 This bylaw applies to the geographical area of the Resort Municipality of Whistler and to land, the surface of water, air space, Buildings, or Structures in the Resort Municipality of Whistler.
- 5.2 This bylaw applies to the design, Construction, and or occupancy of new Buildings or Structures; and the Alteration, reconstruction, demolition, removal, relocation, or occupancy or change of use or occupancy of existing buildings and Structures, including Farm Buildings as regulated by the National Farm Code.
- 5.3 Metric units are used for all measurements in this bylaw; however, where necessary the approximate equivalent of those units in commonly used units of imperial measure (feet, inches, etc.) are shown in brackets following each metric measurement and such bracketed figures are included for convenience only and do not form part of this bylaw. Any ambiguity, conflict, or inconsistency between the metric measurements and the imperial measurements will be resolved by giving precedence to the metric measurements.
- 5.4 This bylaw does not apply to:
- (a) a fence, except as set out in **Part 19** of this bylaw;
  - (b) an accessory building with a floor area of less than 10m<sup>2</sup> and does not contain electrical or plumbing facilities;
  - (c) a trellis or arbour;
  - (d) a Retaining Wall supporting soil that is:
    - i. less than 1.2m in height;
    - ii. a sequence of Retaining Walls, where each Retaining Wall is less than 1.2m in height and is spaced greater than two horizontal to one vertical; or
    - iii. in the opinion of the Building Official does not constitute a potentially unsafe condition;
  - (e) landscaping or other surfacing of land, except when creating a public parking lot;
  - (f) bridges other than pedestrian and vehicular bridges attached to Buildings;
  - (g) docks or wharves;
  - (h) decks or patios which are less than 600mm from the ground or finished grade, which are not attached to a Building and have no walls or roofs;
  - (i) pre-fabricated housing and components complying with CAN/CSA-Z240 MH Series standard, but this exemption does not extend to on-site preparations (Foundations, anchorage), connection to services and installation of appliances;
  - (j) repair and maintenance of lawfully conforming Structures where the level of life safety and building performance shall not be decreased below a level that already exists;
  - (k) repair and maintenance of roofing, cladding and the limited replacement of

- fenestration;
- (l) the cleaning or repair of mechanical heating and ventilation systems other than commercial ventilation systems; and
  - (m) the clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, or the replacement of tubs, showers, toilets, lavatories or sinks if the Work does not involve or require the rearrangement of valves, pipes or fixtures, or hot water tanks
  - (n) a Storage Racking system less than 2.4m in height that is not machine loaded for commercial or industrial uses.

### **Limited Application to Existing Buildings**

- 5.5 Except as provided in the Building Code or to the extent an Existing Building is under Construction or does not have an occupancy Permit, when an Existing Building has been constructed before the enactment of this bylaw, the enactment of this bylaw shall not be interpreted to require the building be reconstructed or altered, unless it is expressly so provided by this or another bylaw, regulation, or statute.
- 5.6 This bylaw applies if the whole or any part of an Existing Building is moved either within or into the Resort Municipality of Whistler, including relocation relative to parcel lines created by subdivision or consolidation.
- 5.7 If an Alteration is made to an Existing Building, the Alteration shall comply with this bylaw and the Building Code and the entire Building shall be made to comply with this bylaw and the Building Code, but only to the extent necessary to address any new health and safety issues in the remainder of the Building as a result of the Alteration.
- 5.8 If an Alteration creates an Addition to an Existing Building, the Alteration or Addition shall comply with this bylaw and the Building Code and the entire Building shall be made to comply with this bylaw and the Building Code, but only to the extent necessary to address any new health and safety issues introduced in the remainder of the Building as a result of the Alteration or Addition.
- 5.9 If an Alteration is made to an Existing Building, its plumbing system or fire suppression system, the Alteration shall comply with this bylaw and the building code.
- 5.10 Where a building is damaged by fire, decay, storm, or otherwise to an extent greater than 75% of its assessed value upon its Foundations unless in every respect the whole of the building is made to comply with the current Building Code.

## **PART 6 PROHIBITIONS**

- 6.1 A person shall not commence or continue any Construction, Alteration, excavation, reconstruction, demolition, removal, relocation, or change the use or occupancy of any Building or Structure, including other Work related to Construction:
  - (a) except in conformity with the requirements of the Building Code and this

bylaw; and

- (b) unless a Building Official has issued a valid Permit for the Work under this bylaw.
- 6.2 A person shall not occupy or Permit the occupancy of any Building or Structure or part of it thereof:
- (a) unless a valid occupancy inspection notice has been issued by a Building Official; or
  - (b) in contrary to the terms of any Permit issued or any notice given by a Building Official.
- 6.3 A person shall not knowingly submit false or misleading information to a Building Official in relation to any Permit application or Construction undertaken pursuant to this bylaw.
- 6.4 Except in accordance with this bylaw, a person shall not erase, alter, or modify plans and supporting documents filed for reference with the Building Official, including acceptance of revised plans or supporting documents after the same has been accepted by the Building Official or a Permit has been issued.
- 6.5 A person shall not reverse, alter, deface, cover, remove, or in any way tamper with any notice, Permit, or certificate posted or affixed to a Building or Structure pursuant to this bylaw unless authorized in writing by a Building Official.
- 6.6 A person shall 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 Permit has been issued unless that variance has been authorized in writing by a Building Official.
- 6.7 A person shall not interfere with or obstruct the entry of a Building Official or other authorized Resort Municipality of Whistler official on property in the administration of this bylaw.
- 6.8 A person shall not Construct on a parcel unless the civic address is conspicuously posted on the front of the premises or on a signpost so it may be easily read from the public highway from which it takes its address.
- 6.9 A person shall not change the use, occupancy or both of a Building or Structure or a part of it without first applying for and obtaining a Building Permit under this bylaw.
- 6.10 A person shall not cover or conceal any Works required to be inspected under this bylaw without first obtaining written acceptance from a Building Official.
- 6.11 A person shall not continue any Work if a Stop Work Order is posted by a Building Official or Building Bylaw Officer other than the remedial actions required by the notice.
- 6.12 A person shall not occupy a Building, Structure, or part of it if a Do Not Occupy Notice is posted by a Building Official, Building Bylaw Officer or Fire Chief.

- 6.13 A person shall not allow loose or blowing debris and all projects shall be subject to a continuous and effective program of dust control during the various phases of Construction.
- 6.14 A person shall not alter, allow or cause damage to municipal Works or property.
- 6.15 A person shall not allow Work to extend outside the boundaries of the property on which the Work is or has been permitted to be located and ensure that the Work does not adversely affect adjacent properties.
- 6.16 A person shall not place water within a Pool until a swimming Pool fence or equivalent temporary barrier inspected and Accepted by a Building Official is put in place.
- 6.17 A person shall not allow a direct connection to be made between any sewer or any other drainage system and any line connected to a Pool.
- 6.18 A person shall not allow a Pool to be designed with a direct connection from the domestic water supply below the flood level of the Pool unless protected by an approved backflow prevention device.
- 6.19 A person shall cease work or request a Permit extension within 30 days of a Permit expiration.

## **PART 7 POWERS OF A BUILDING OFFICIAL**

### **Administration**

- 7.1 Words defining the authority of Building Officials are to be construed as internal administrative powers and not as creating a duty.
- 7.2 A Building Official may:
  - (a) administer this bylaw, but owes no public duty to enforce or administer this bylaw;
  - (b) keep records of applications received, Permits, notices; and orders issued, inspections, and tests made, and may retain copies of all digital, or hard copy papers, and documents connected with the administration of this bylaw;
  - (c) establish or require an Owner to establish whether a method or type of Construction or material used in the Construction of a Building or Structure complies with the requirements and provisions of this bylaw and the Building Code;
  - (d) direct that tests of materials, equipment, devices, Construction methods, structural assemblies or Foundations be carried out, or that sufficient evidence or proof be submitted by the Owner, or at the Owner's sole expense, where such evidence or proof is necessary to determine whether the material, equipment, device, Construction or Foundation condition complies with this bylaw and the Building Code; and
  - (e) carry proper credentials confirming their status as a Building Official.

- 7.3 In instances where a Building Permit is applied for on land having no access to a Resort Municipality of Whistler approved water supply system, the Building Official may require that a covenant be registered against the property as a condition of issuance of a Building Permit.

### **Refusal and Revocation of Permits**

- 7.4 A Building Official may refuse to issue a Permit where:

- (a) the proposed Work will contravene the requirements of the Building Code or the provisions of this or any other bylaw of the Resort Municipality of Whistler, and must state the reasons in writing;
- (b) the results of the tests on materials, devices, Construction methods, structural assemblies or Foundation conditions are not satisfactory to the Building Official;
- (c) the parcel referred to in the Permit application does not
  - (i) have vehicular access; or
  - (ii) meet requirements of other Resort Municipality of Whistler bylaws: or
- (d) the applicant or Owner has been notified of a violation of this or any other bylaw of the Resort Municipality of Whistler regarding the Construction, occupancy or use of any Building, Structure or part thereof, and such violation has not been remedied.

- 7.5 A Building Official may:

- 8.5.1 revoke a Permit for reasons of a violation of:

- (a) a condition under which the Permit was issued;
- (b) any requirement of the Building Code or of this or another bylaw of the Resort Municipality of Whistler;
- (c) the Permit was issued in error;
- (d) cancellation or termination of Homeowner Protection Office Registration occurs prior to finalization of Permit;
- (e) the Permit was issued based on false or incorrect information; or
- (f) the results of any tests carried out pursuant are not satisfactory to the Building Official.

- 8.5.2 deliver the revocation of such Permit by a written notice to the Owner.

### **Right of Entry**

- 7.6 Subject to Section 16 of the *Community Charter*, a Building Official has the authority to enter on or into any property at any time to ascertain whether the requirements of



this bylaw are being met, or has any reason to believe that an unsafe condition exists.

## **Powers**

7.7 Subject to applicable enactments, a Building Official may, by notice in writing, require:

- (a) a person or Owner who contravenes any provision of this bylaw to comply with that provision within the time ordered;
- (b) an Owner to stop Work on a Building or Structure, or any part thereof, if the Work is proceeding in contravention of this bylaw, the Building Code, or any other enactment of the Resort Municipality of Whistler or other applicable enactments, or if there is deemed to be an unsafe condition, and may enter any property to affix or post a stop Work order in the prescribed form;
- (c) an Owner to remove or prevent any unauthorized encroachment on a public parcel, a statutory right of way or easement, or a setback or yard required under any enactment;
- (d) an Owner to remove any Building or Structure, or any part thereof, constructed in contravention of a provision of this bylaw;
- (e) an Owner to have Work inspected by a Building Official prior to covering;
- (f) an Owner to uncover and replace, at the Owner's expense, any Work that has been covered without inspection contrary to this bylaw or an order issued by a Building Official;
- (g) a person to cease any use or occupancy in contravention of a provision of this bylaw;
- (h) a person to cease any use or occupancy if any unsafe condition exists because of Work being undertaken but not complete and where the Building Official has not issued an occupancy inspection notice for the Work;
- (i) an Owner to correct any unsafe condition; and
- (j) an Owner to correct any Work that contravenes this bylaw, the Building Code, or any other enactment.

7.8 Every reference to "owner" in section 7.7 includes a reference to the owner's agent or constructor.

7.9 Every person served with a notice under this part must comply with that notice:

- (a) within the time ordered, or
- (b) if no time is ordered, immediately.

## **PART 8      OWNER'S RESPONSIBILITIES**

### **Owner's Obligations**

- 8.1 Subject to Part 12 of this bylaw, every Owner must apply for and obtain a Permit, prior to
- (a) Construction or replacement of new Buildings and Structures;
  - (b) Additions to Buildings or Structures;
  - (c) Interior and exterior Alterations of Buildings and Structures, including racking;
  - (d) Construction of Foundations for, and installation of, Manufactured Homes;
  - (e) Installation of plumbing systems;
  - (f) Alterations and Additions to plumbing systems, including the installation of solar hot water systems;
  - (g) Installation and Alteration of fire alarm systems and fire protection sprinkler systems;
  - (h) Installation of Temporary Buildings, including fabric-covered structures;
  - (i) Installation or Alteration of mechanical exhaust and fire protection systems for commercial cooking equipment pursuant to NFPA 96 Ventilation Control and Fire Protection of Commercial Cooking Operations;
  - (j) Installation or Alteration of spray booths or spray room equipment pursuant to NFPA 33 and wood dust collection to systems to NFPA 664;
  - (k) Installation or alteration of residential mechanical systems;
  - (l) Construction, installation, Alteration, or removal of chimneys or fireplaces;
  - (m) Installation of solid fuel burning appliances;
  - (n) Installation of a Pool, Retaining Walls, and site grading;
  - (o) Installation of an onsite freestanding Crane;
  - (p) Construction, Additions, or Alterations of On-site Services for Manufactured Home parks;
- 8.2 Every Owner shall:
- (a) comply with the Building Code, the requirements of this bylaw, and the conditions of a Permit, and shall not omit any Work required by the Building Code, this bylaw, or the conditions of a Permit;
  - (b) ensure that all Permits, plans, specifications, and supporting documents on which a Permit is based; all municipal inspection certificates; and all professional field reviews are available at the site of the Work for inspection during working hours of the Building Official, and that all Permits are posted conspicuously on the site during the entire execution of the Work; and
  - (c) prior to the issuance of a Building Permit, execute and submit to the Resort Municipality of Whistler an Owner's undertaking in the prescribed form, where

required by the Building Official.

- 8.3 None of the issuance of a Permit under this bylaw, the review of plans and supporting documents, or inspections made by a Building Official or a registered professional shall relieve the Owner from full and sole responsibility to perform the Work in strict accordance with this bylaw, the Building Code, and all other applicable codes, standards, and enactments.
- 8.4 Every Owner shall allow a Building Official to enter any Building or premises at any reasonable time to administer and enforce this bylaw.
- 8.5 Every Owner to whom a Permit is issued shall, during Construction:
- (a) post a civic address on the property so that it may be easily read from the public highway from which the property takes its address;
  - (b) post the Permit placard on the property so that it may be easily read from the public highway from which the property takes its address;
  - (c) provide Building Officials with safe access to the Work site and all areas requiring inspection; and
  - (d) ensure the Construction site is maintained free of loose or blowing debris and is subject to a continuous and effective program of dust control during the various phases of Construction.
  - (e) Ensure that any applicable fire exemption permits are in place at the required fire rating restriction times

#### **Damage or Alteration to Municipal Works**

- 8.6 Every Owner to whom a Permit is issued shall be responsible for the cost to repair any damage or non-authorized alterations to municipal works or land that occurs during and arises directly or indirectly from the Work authorized by the Permit.
- 8.7 Every Owner shall be responsible for the cost of repairing and cleaning up of any damage to the Resort Municipality of Whistler's municipal Works or property that occurs during and arises directly or indirectly from the Work authorized by the Permit. In the event of damage:
- (a) the Owner shall pay to the Resort Municipality of Whistler, within 30 days of receiving an invoice for same from the Resort Municipality of Whistler and prior to Occupancy, the cost to repair any damage to public property or Works located on public property arising directly or indirectly for which a Permit was issued; and
  - (b) if the invoice for the cleanup is not paid within 30 days, the amount may be added to the Owner's property taxes.

**Notice**

- 8.8 Every Owner shall provide a written or online notice to a Building Official of the date on which the Owner intends to begin such Work at least 24 hours prior to commencing Work at a Building site.
- 8.9 Every Owner shall provide a written or online notice to a Building Official of any change in or termination of engagement of a registered professional, including Coordinating Registered Professional, during Construction, within 24 hours of when the change or termination occurs.
- 8.10 If an Owner or a Registered Professional terminates the engagement of the Registered Professional, including a Coordinating Registered Professional, the Owner shall cease all Work under a Building Permit until the Owner has engaged a new Registered Professional, including a Coordinating Registered Professional, and has delivered to a Building Official new letters of assurance in the form of a Schedule A and or B as outlined in the Building Code.
- 8.11 Without limiting Sections 13.38 to 13.44 of this bylaw, every Owner shall provide at least 24 hours of online or written notice to a Building Official:
- (a) of intent to do Work that is required or ordered to be corrected during Construction;
  - (b) of intent to cover Work that is required under this bylaw to be, or has been ordered to be inspected prior to covering; and
  - (c) when Work has been completed so that an occupancy inspection can be made.
- 8.12 Every Owner shall provide a notice in writing to a Building Official and pay the non-refundable fee set out in the Building Permit Fees Bylaw, as amended or re-enacted from time to time, immediately upon any change in ownership or change in the address of the Owner, which occurs prior to the issuance of an occupancy Permit.
- 8.13 Every Owner shall provide such other notice to a Building Official as may be required by the Building Official or by a provision of this bylaw.
- 8.14 Every Owner shall obtain, prior to the occupancy of a Building or part thereof, written permission from the Building Official to occupy the building or part thereof, pursuant to Part 13.

**PART 9 OBLIGATIONS OF OWNER'S CONSTRUCTOR**

- 9.1 Every Constructor shall ensure that all Construction is done in compliance with all requirements of the Building Code, this bylaw and all other applicable codes, standards, and enactments.
- 9.2 Every Constructor shall ensure that no excavation or other Work is undertaken on public property and that no public property is disturbed, no Building or Structure erected, and no materials or equipment stored thereon, in whole or in part, without

first having obtained approval in writing from the appropriate authority over such public property.

- 9.3 For the purposes of the administration and enforcement of this bylaw, every Constructor is responsible jointly and severally with the Owner for all Work undertaken.

## **PART 10 REGISTERED PROFESSIONAL'S RESPONSIBILITIES**

### **Professional Design and Field Review**

- 10.1 The provision by the Owner to the Resort Municipality of Whistler of letters of assurance in accordance with the requirements of the Building Code shall occur prior to:
- (a) the pre-occupancy site review coordinated by the Coordinating Registered Professional or other Registered Professional for a Part 3 Building; or
  - (b) an occupancy inspection for a Part 9 Building in circumstances where letters of assurance have been required in accordance with the requirements of the Building Code, in which case the Owner shall provide the Resort Municipality of Whistler with letters of assurance in the form of Schedules C-A or C-B, as appropriate, as outlined in the Building Code.
- 10.2 If a Registered Professional provides letters of assurance in accordance with the Building Code, they must also provide proof of professional liability insurance to the Building Official.

### **Requirement for a Registered Professional**

- 10.3 The Owner must retain a Registered Professional to provide a Professional Design and plan certification and letters of assurance in the form of Schedules A, B, C-A and C-B as referred to in the Building Code, in respect of a Permit application:
- (a) for a Part 3 Building, prior to the pre-occupancy site review coordinated by the Coordinating Registered Professional or other registered professional; or
  - (b) for a Part 9 Building, prior to an occupancy inspection in circumstances where letters of assurance have been required in accordance with the requirements of the Building Code;
  - (c) except for garages, carports, and garden Structures, Foundation, and excavation components of new Part 9 Buildings and Additions greater than 55 m<sup>2</sup> to Part 9 Buildings in accordance with the building.
  - (d) for a building that is designed with common egress systems for the occupants and requires the use of firewalls in accordance with the Building Code;
  - (e) prior to Alterations to a Building, or to a structural component of a Building described in paragraph (b);

- (f) for a Building in respect of which the Building Official determines that site conditions, size or complexity so warrant in the interests of safety of persons or protection of property under the Building Code;
  - (g) if the building envelope components of the Building fall under Division B Part 3 of the Building Code, the Building contains **more than 5 (five) dwellings**, or if the building envelopes do not comply with the prescriptive requirements of Division B Part 9 of the Building Code; and
  - (h) for a parcel of land on which a Building or Structure is proposed if the Building Official believes the parcel is or is likely to be within the flood plain , subject to flooding (including high groundwater), mudflows, debris flows, debris torrents, erosion, landslip, rock falls, subsidence or avalanche, and the requirements for a Professional Design is in addition to a requirement under Division 8 of Part 3 of the *Community Charter*
- 10.4 The Building Official may require any registered professional carrying out the Professional Design and field review required under Sections 11.1 to 11.3 to provide evidence that they have experience and expertise in respect of the Professional Design and field review of the context and scope required and at the discretion of the Building Official, a peer review may be required prior to the acceptance of any design or field reviews conducted by a registered professional.
- 10.5 Where there are three (3) or more registered professionals involved in a Permitted project, a Schedule A – Confirmation of Commitment by Owner and Coordinating Registered Professional shall be provided at time of Permit application.

### **Certified Professional Program**

10.6 (Reserved)

**PART 11 CONDITIONS OF PERMIT**

- 11.1 A Permit is required if Work regulated under this bylaw is to be undertaken.
- 11.2 A Building Permit or an application for a Building Permit that is in process may not be transferred or assigned until the Owner has notified the Building Official in writing, the Building Official has authorized the transfer or assignment in writing and the Owner has paid the non-refundable fee required in the **Building Permit Fees Bylaw**. The transfer or assignment of a Building Permit is not an extension of a Building Permit.
- 11.3 The review of plans and supporting documents and issuance of a Building Permit do not prevent the Building Official from subsequently requiring the correction of errors in the plans and supporting documents, or from prohibiting building Construction or occupancy being carried on when in violation of this or another bylaw.
- 11.4 The Owner shall ensure that all Work is confined within the boundaries of the property on which the Work is or is to be located and does not adversely affect adjacent properties.
- 11.5 Neither the issuance of a Permit under this bylaw, nor the acceptance or review of plans, drawings, specifications or supporting documents, nor any inspections made by or on behalf of the Resort Municipality of Whistler will in any way
- (a) relieve the Owner from full and sole responsibility to perform the Work in respect of which the Permit was issued in strict compliance with this bylaw, the Building Code, and all other applicable codes, standards and enactments;
  - (b) constitute a representation, warranty, assurance or statement that the Building Code, this bylaw or any other applicable enactments respecting safety, protection, land use and zoning have been complied with; or
  - (c) constitute a representation or warranty that the Building or Structure meets any standard of materials or workmanship.

**Alternative Solutions**

- 11.6 An Owner who wishes to provide an alternative solution to satisfy one or more of the requirements of the Building Code or this bylaw shall submit sufficient evidence, certified by a professional Engineer or Architect for Part 3 buildings and qualified person(s) for Part 9 buildings, to demonstrate that the proposed alternative solutions will provide the level of performance required by the Building Code or this bylaw and pay the fee specified in **Building Permit Fees Bylaw**.

**PART 12 PERMIT APPLICATION REQUIREMENTS FOR PART 3 AND PART 9 BUILDINGS**

- 12.1 Every Owner shall apply for and obtain a Permit before constructing, altering, repairing, demolishing or moving a Building or Structure.
- 12.2 The Resort Municipality of Whistler shall provide application forms, in hardcopy or digital format, for all application processes required under this bylaw. Forms shall be adopted by the Resort Municipality of Whistler through policy from time to time.

**Additional Permits**

- 12.3 Where required, separate Permits and inspections may be required in the following cases:
- (a) Building Move or Placement in accordance with Part 14;
  - (b) Demolition or partial demolition of Buildings in accordance with Part 15;
  - (c) Fire Alarms in accordance with Part 16;
  - (d) Mechanical Ventilation and Heating Permits in accordance with Part 17;
  - (e) Plumbing and Fire Suppression Systems in accordance with Part 18;
  - (f) Pool Permit in accordance with Part 19;
  - (g) Retaining Walls in accordance with Part 20;
  - (h) Solar Hot Water and Photovoltaic Solar Panel Systems in accordance with Part 21;
  - (i) Temporary Buildings in accordance with Part 22.
  - (j) Crane Permits in accordance with Part 23.
  - (k) Storage Racking Permits with Part 24
  - (l) Solid fuel-burning appliances with Part 25
  - (m) Exterior Envelope Renovation Permits with Part 26
  - (n) Site Alteration Permits with Part 27
- 12.4 Prior to an application for a Building Permit, the Owner shall satisfy the following requirements or conditions:
- (a) may apply for a Development Permit if the proposed Works is in an area designated by the Resort Municipality of Whistler's Official Community Plan



as a Development Permit Area and the proposed Work is not eligible for an exemption as may be specified in the Official Community Plan or Zoning Bylaw;

- (b) ensure the proposed Building or Structure complies with all bylaws of the Resort Municipality of Whistler, except to the extent a variance of a bylaw is authorized by a Development Permit, Development Variance Permit or order of the Board of Variance;
- (c) obtain the approval of an approving officer for the subdivision plan, registered with the Land Title and Survey Authority that, once registered, would create the parcel on which the proposed Building or Structure will be constructed;
- (d) provide evidence to the Building Official showing that the person applying for the Building Permit is either the Owner of the parcel that is the subject of the proposed Building Permit, or is the Agent of the Owner, in which case, the Agent must provide the name and contact information of the Owner;
- (e) address the subject property or Building in accordance with Resort Municipality of Whistler bylaws;
- (f) show proof of application for registration or exemptions for home warranty for Projects governed under the *Homeowner Protection Act*;
- (g) apply for and obtain approval from the Resort Municipality of Whistler and other applicable public authorities for an alternate private sewage disposal system where the parcel that is the subject of the Building Permit application is not able to be connected to the Resort Municipality of Whistler's sewage disposal system;
- (h) apply for and obtain approval from the Resort Municipality of Whistler, applicable waterworks district, and other applicable public authorities for an alternate water supply system where the parcel that is the subject of the Building Permit application is not able to be connected to the Resort Municipality of Whistler's water system;
- (i) provide a design for an on-site stormwater drainage system where the parcel that is the subject of the Building Permit application is not connected to the Resort Municipality of Whistler's stormwater drainage system unless the Owner applies for and obtains approval from the Resort Municipality of Whistler to connect the Resort Municipality of Whistler's stormwater system;
- (j) enter into a completion agreement with the Resort Municipality of Whistler and deliver to the Resort Municipality of Whistler letters of credit or cash security for completion of the Works and service if all on-site and off-site Works and services required by the Resort Municipality of Whistler bylaws and other enactments have not been completed in accordance with the enactments.

**Building Permit Applications for Part 3 Buildings**

12.5 An application for a Building Permit with respect to a Part 3 Building shall:

- (a) be made in the prescribed form and signed by the Owner or a signing officer if the Owner is a corporation;
- (b) be made upon payment of applicable application fee as prescribed in the Building Permit Fees Bylaw;
- (c) be accompanied by the Owner's acknowledgement of responsibility and undertaking in the prescribed form and signed by the Owner, or a signing officer if the Owner is a corporation;
- (d) ensure that plans submitted with a Permit application bear the name, phone number, address and email address of the designer of the building or Structure;
- (e) include a Building Code compliance summary including the applicable edition of the Building Code, such as without limitation the Building is designed under Part 3 of the Building Code, major occupancy classification(s) of the Building, building area, building height, number of streets the building faces, accessibility requirements, Work areas, washrooms, firewalls and facilities;
- (f) include a copy of a survey plan prepared by a British Columbia land surveyor or a certified member of the Applied Science Technologists and Technicians of British Columbia who is registered in site improvement surveys (RSIS) except that the Building Official may waive the requirement for a survey plan, in whole or in part, where conditions warrant;
- (g) include a Construction fire safety plan as per Section 5.6 of the British Columbia Fire Code, a material staging plan and a trucking route plan;
- (h) include a site plan prepared by a registered professional showing: (all dimensions are to be shown in metric and imperial measurements)
  - (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 existing and proposed statutory rights of way, easements, covenant boundaries, and setback requirements, adjacent street and lane names;
  - (iv) the location and dimensions of existing and proposed Buildings or Structures on the parcel;
  - (v) setbacks to the natural boundary of any lake, swamp, pond, stream or watercourse;

- (vi) north arrow;
- (vii) if applicable, location of an approved existing or proposed private or other alternative sewage disposal system, water supply system or stormwater drainage system;
- (viii) zoning analysis checklist in the form prescribed;
- (ix) the location, dimensions and gradient of parking and parking access;
- (x) proposed and existing setbacks to property lines for all Buildings, Structures and parking spaces;
- (xi) natural grade along the property line;
- (xii) natural and finished grades in geodetic elevations at Building corners and significant breaks in the Building plan and proposed grade around the building faces in order to ascertain Foundation height;
- (xiii) on-site stormwater management plan;
- (xiv) first storey floor elevation in geodetic elevation;
- (xv) location, setbacks to property lines, setbacks between Retaining Walls, and elevations of all Retaining Walls, steps, stairs and decks;
- (xvi) line of upper floors and maximum building height in geodetic elevations;
- (xvii) location and geodetic elevations of curbs, driveways, sidewalks, manholes, and service poles;
- (xviii) location and depth of existing and proposed service connections;
- (xix) location of top bank for streams and water courses;
- (xx) on-site access routes for firefighting and closet hydrants(s);
- (xxi) accessible paths of travel from the street to the Building;
- (xxii) geodetic elevation of the underside of a wood floor system or the top of a finished concrete slab of a Building or Structure where the Zoning Bylaw, registered covenants or provincial flood mapping regulations establish siting requirements related to minimum floor elevation, and
- (xxiii) Where the parcel of land contains slopes in excess of 15%, and upon the request of the Building Official, be accompanied by:
  - (A) 0.5 m contours of the existing ground surface of the parcel;
  - (B) 0.5 m contours of the proposed final grading;

- (C) the elevation of all floor areas of the Building, the location of all retaining, driveways, parking areas and other Structures on the parcel; and
  - (D) the drainage provisions as outlined in the approved subdivision grading plans, if any, or the approved sedimentation control and stormwater management plans;  
  
except that the Building Official may waive, in whole or in part, the requirements for a site plan, if the Permit is sought for repair or Alteration of an existing Building or Structure;
- (i) include key plan
  - (j) include floor plans showing the dimensions and uses and occupancy classification of all areas, including the dimensions and height of crawl and roof spaces; the location, size and swing of doors; the location, size and opening of windows; floor, wall and ceiling finishes; fire separations; plumbing fixtures; structural elements; and stair dimensions;
  - (k) include a minimum of two cross-sections through the Building or Structure in sufficient detail and locations to illustrate Foundations, drainage, ceiling heights and Construction systems, including thermal and building envelope assemblies;
  - (l) include elevations of all sides of the Building or Structure showing finish details, roof slopes, windows, doors, natural and finished grade, spatial separations and ridge height to comply with the Building Code and to illustrate that the Building or Structure conforms with the Zoning Bylaw and any issued Development Permit that is still valid;
  - (m) include cross-sectional details drawn at an appropriate scale and sufficient locations to illustrate that the Building conforms to the Building Code;
  - (n) include all other requirements of Sections 2.2.1., 2.2.3, 2.2.4, 2.2.5, 2.2.6 and 2.2.9, Division C of the Building Code;
  - (o) include copies of approvals required under any enactment relating to health and safety, including, without limitations, sewage disposal Permits, highway access Permits and Ministry of Health approvals;
  - (p) include a letter of assurance in the form of Schedule A referred to in the Building Code, signed by the Owner, or a signing officer if the Owner is a corporation, and the Coordinating Registered Professional;
  - (q) include letters of assurance in the form of Schedule B referred to in the Building Code, each signed by such registered professionals as the Building Official or Building Code may require to prepare the design for and conduct field reviews of the Construction of the Building;
  - (r) include two sets of drawings, at a suitable scale, of the design prepared by

each registered professional containing the information set out in (g) to (m) of this section;

- (s) include calculations confirming proof of adequate water supply for firefighting as per Section 3.2. of the Building Code;
- (t) include all documentation required by Resort Municipality of Whistler procedures, as amended from time to time; and
- (u) include Alternative Solution as per Section 12.6.

12.6 In addition to the requirements of Section 13.5 of this bylaw, a Building Official may require the following to be submitted with a Permit application for the Construction of a Part 3 Building if the complexity of the proposed Building or Structure or siting circumstances warrant:

- (a) site servicing and on-site stormwater management 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 Resort Municipality of Whistler's subdivision servicing guidelines available through Engineering Department;
- (b) a section through the site showing grades, Buildings, Structures, parking areas and driveways where any slopes on the subject parcel exceed 10%; and
- (c) any other information required by the Building Official or the Building Code to establish substantial compliance with this bylaw, the Building Code and other bylaws and enactments relating to the Building or Structure.

**Building Permit Applications for Part 9 – Houses and Simple Buildings**

12.7 An application for a Building Permit with respect to a Part 9 Building shall:

- (a) be made in the prescribed form and signed by the Owner, or a signing officer if the Owner is a corporation;
- (b) upon payment of applicable application fee as prescribed with **the** Resort Municipality of Whistler's Building Permit Fees Bylaw;
- (c) be accompanied by the Owner's acknowledgement of responsibility and undertaking in the prescribed form and signed by the Owner, or a signing officer if the Owner is a corporation;
- (d) ensure that plans submitted with a Permit application bear the name, phone number, address and email address of the designer of the Building or Structure;
- (e) include a copy of a survey plan prepared by a British Columbia land surveyor or a certified member of the Applied Science Technologists and Technicians of British Columbia who is registered in site improvement surveys (RSIS) except that the Building Official may waive the requirement for a survey plan, in whole or in part, where conditions warrant;
- (f) include a site plan showing: (all dimensions are to be shown in metric and imperial measurements)
  - (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 existing and proposed statutory rights of way, easements and setback requirements, adjacent street and lane names;
  - (iv) the location and dimensions of existing and proposed Buildings or Structures on the parcel;
  - (v) setbacks to the natural boundary of any lake, swamp, pond, stream or watercourse;
  - (vi) north arrow;
  - (vii) if applicable, location of an approved existing or proposed alternative private or other sewage disposal system, water supply system or storm water drainage system;
  - (viii) the location, dimensions and gradient of parking and driveway access;
  - (ix) proposed and existing setbacks to property lines;

- (x) natural grade along the property line;
- (xi) natural and finished grades in geodetic elevations at building corners and datum determination points;
- (xii) on-site storm water management;
- (xiii) first storey floor elevation in geodetic elevations;
- (xiv) location, setbacks and elevations of all Retaining Walls, steps, stairs and decks;
- (xv) line of upper floors and maximum building height in geodetic elevations;
- (xvi) location and geodetic elevation of curbs, driveways, sidewalks, manholes and service poles;
- (xvii) location and depth of existing and proposed service connections;
- (xviii) location of top bank and water courses and or streams;
- (xix) on-site access routes for firefighting and closet hydrant;
- (xx) accessible paths of travel from the street to the Building, when applicable;
- (xxi) zoning analysis checklist in the form prescribed;
- (xxii) the geodetic elevation of the underside of a wood floor system or the top of a finished concrete slab of a Building or Structure where the Resort Municipality of Whistler's land use regulations or provincial flooding mapping regulations establish siting requirements related to minimum floor elevation; and
- (xxiii) where the parcel of land contains slopes in excess of 15%, and upon the request of the Building Official, be accompanied by:
  - (A) 0.5 m contours of the existing ground surface of the parcel;
  - (B) 0.5 m contours of the proposed final grading;
  - (C) The elevation of all floor areas of the Building, the location of all retaining, driveways, parking areas and other Structures on the parcel;
  - (D) The drainage provisions as outlined in the approved subdivision grading plans, if any, or the approved sedimentation control and stormwater management plans.

except that for a Part 9 Building the Building Official may waive, in whole or in part, the requirements for a site plan if the Permit is sought for the repair or Alteration of an existing Building;

- (g) include floor plans showing the dimensions and uses of all areas, including the dimensions and height of crawl and roof spaces; the location, size and swing of doors; the location, size and opening of windows; floor, wall and ceiling finishes; plumbing fixtures; solar-ready provisions, structural elements; and stair dimensions;
  - (h) include a minimum of two cross-sections through the Building illustrating Foundations, drainage, ceiling heights and Construction systems, including thermal and building envelope assemblies;
- a.1. include elevations of all sides of the Building showing finish details, roof slopes, windows, doors, the grade, the maximum building height line, ridge height, spatial separations and natural and finished grade to comply with the Building Code and to illustrate that the Building or Structure conforms with the Zoning Bylaw and any issued Development Permit that is still valid ;
- (i) include roof plan and roof height calculation
  - (j) include cross-sectional details drawn at an appropriate scale and at sufficient locations to illustrate that the Building or Structure substantially conforms to the Building Code;
  - (k) include copies of approvals required under any enactment relating to health and safety, including, without limitations, sewage disposal Permits, highway access Permits and Ministry of Health approvals;
  - (l) include an excavation and storm water management plan design prepared by a registered professional in accordance with the Building Code;
  - (m) include geotechnical letters of assurance, in addition to a required geotechnical report, if the Building Official determines that the site conditions so warrant;
  - (n) include two sets of drawings at a suitable scale of design including the information set out in (f) to (i) of this section;
  - (o) include a Building Code compliance summary including the applicable edition of the Building Code, such as, without limitation, the Building is designed under Part 9 and compliance with article 2.2.2.1. (2), Division C of the Building Code;
  - (p) Alternative Solution as per Section 12.6, when applicable;
  - (q) include all documentation required by Resort Municipality of Whistler procedures, as amended from time to time,
  - (r) include calculations confirming proof of adequate water supply for firefighting



as described in Part 28, and

- (s) include a Construction fire safety plan, a material staging plan, and a trucking route plan.

12.8 In addition to the requirements of Section 13.7 of this part, if a Project involves:

- (a) two or more Buildings, the gross floor areas of which in the aggregate total more than 1000 m<sup>2</sup>;
- (b) two or more Buildings that will contain four or more dwelling units; or
- (c) otherwise if the complexity of the proposed Building or Structure or siting circumstances warrant, a Building Official may require the following be submitted with a Permit application for the Construction of each Part 9 Building in the Project:
  - (i) 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 Resort Municipality of Whistler's Bylaws;
  - (ii) Include a Construction fire safety plan as per Section 5.6 of the British Columbia Fire Code, material staging and trucking route plan as per British Columbia Fire Code 5.6 a;
  - (iii) a section through the site showing grades, Buildings, Structures, parking areas and driveways;
  - (iv) a roof plan and roof height calculations in geodetic elevations;
  - (v) structural, electrical, plumbing, mechanical or fire suppression drawings prepared and sealed by a registered professional;
  - (vi) letters of assurance in the form of Schedule A & Schedule B referenced in the Building Code, signed by a registered professional;
  - (vii) 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 Resort Municipality of Whistler's subdivision servicing bylaw
  - (viii) any other information required by the Building Official or the Building Code to establish substantial compliance with this bylaw, the Building Code and other bylaws and enactments relating to the Building or Structure

### Site and Location Information

12.9 Without limiting Sections 13.5(g) or 13.7(g) of this part, the Building Official may in writing require an Owner to submit an up-to-date plan or survey prepared by a

registered British Columbia Land Surveyor or a certified member of the Applied Science Technologists and Technicians of British Columbia who is registered in site improvement surveys (RSIS) which contains sufficient information respecting the site and location of any Building to:

- (a) establish, before Construction begins, that all the provisions of this bylaw in relation to this information will be complied with;
- (b) verify, on completion of the Construction, that all provisions of this and other applicable bylaws have been complied with;
- (c) in relation to an existing Building, substantiate its location, size, including appurtenances whether above, at or below ground level, relative to the site or its relationship to neighboring grades; and
- (d) in relation to Construction of a new Building, or Addition to an existing Building, prior to the placement of concrete for Foundations, show the elevation at proposed top of concrete on all Building elevations and at all significant changes of elevation to substantiate its size, location and elevation,
- (e) The site improvement surveys required in sections 10.6 (a) through (d) of this bylaw shall show;
  - a. The shortest distances from the outer surfaces of the foundations of the building or structure on the property to the adjacent property lines, easements, or right of ways; and
  - b. The elevation of the applicable aspect of the floor system in relation to a flood reference, where the Resort Municipality of Whistler land use regulations establish siting requirements related to flooding.

and every person served with a written requirement under this section must comply with this requirement.

### **Building Permit Fee**

12.10 Before receiving a Building Permit for a Building or Structure, the Owner must first pay to the Resort Municipality of Whistler:

- (a) the Building Permit fee prescribed in the Resort Municipality of Whistler's **Building Permit Fees Bylaw**;
- (b) the securities as prescribed in the Resort Municipality of Whistler's **Building Permit Fees Bylaw**; and
- (c) any fees, fines, charges, levies or taxes imposed by the Resort Municipality of Whistler and payable under an enactment at the time of issuance of the Building Permit.

**Valuation for Permit**

- 12.11 The valuation of Construction set out in the application for a Permit shall be the total current monetary worth of all Construction or Work related to the Building or Structure, and shall include:
- (a) site preparation and civil Work including excavation and the use of hoisting, pile driving, compaction or erection devices;
  - (b) all design documents, labour and fees involved in the design, investigative testing, consulting services, Construction labour and management, even if provided by the Owner, or donated voluntarily by others, contractor's profit and overhead, sales taxes and the Construction insurance; and
  - (c) all mechanical, electrical, plumbing, drainage and gas installations necessary for the carrying out of the Construction to its completed form.
- 12.12 The Building Official may place a value on the Construction or Work for the purposes of determining applicable Permit fees by using an appropriate method from the "Marshall Valuation Services" publications with the updated "current cost multipliers," or such universal source of calculating valuation, as the Building Official deems reasonable, practical and expedient.

**Permit Fee Refunds**

- 12.13 A building permit or other permit fee may be partially refunded as set out in the Resort Municipality of Whistler's Building Permit Fees bylaw.
- 12.14 A Building Permit or other Permit fee may be partially refunded as set out in the Resort Municipality of Whistler bylaws, only if:
- (a) the Owner has submitted a written request for a refund;
  - (b) the Building Official has certified a start has not been made on the Construction of the Building or Structure; and
  - (c) the Permit has not expired.
- 12.15 A Building Permit or other Permit fee is not refundable after the Permit has been extended under Section 13.61 of this part.
- 12.16 Except as otherwise provided in this bylaw or the Building permit fee bylaw, all fees and charges paid or payable under this bylaw shall be non-refundable.

**Design Modification**

- 12.17 If a Building Permit or other Permit is active and the Owner proposes modifications to the building design whereby the value of the Work does not increase or the value of the Work decreases, the Owner must pay to the Resort Municipality of Whistler a Building Permit fee based on the plan review hourly rate set & the Building Permit fee amount based on the revised Construction value of the modifications, as set out

in Resort Municipality of Whistler's Development and Land Use Application Fees Bylaw.

### **Construction Before Permit Issued**

- 12.18 The Building Permit or other Permit fee will be doubled for every Permit application where Construction commenced before the Building Official issued a Permit, to a maximum of \$10,000.
- 12.19 If Construction has advanced without inspection to a stage where compliance with this bylaw or other applicable bylaws or enactments cannot be readily determined, the Building Official may require tests and investigations by an independent agency at the Owner's expense to establish compliance or provide recommended remedial measures to be taken, prior to the issuance of a Permit.

### **Expiration of Application for a Permit**

- 12.20 A Building Permit application expires 90 days from the date the application is Accepted unless the Permit is **not** issued or the delay is caused by the Resort Municipality of Whistler.
- 12.21 A Building Permit application expires 120 days from the date that an initial deficiency list has been communicated unless the permit is issued during this time or a delay is caused by the Resort Municipality of Whistler.

### **Building Permit Re-Instatement**

- 12.22 A building permit, or a building permit application, may be re-instated by the owner, or his or her agent, on delivery of written notification of the re-instatement to the building official.
- 12.23 On receipt of the written re-instatement notice, the building official must review the application, and the permit if applicable. If there has been any changes to the building code, this bylaw or another bylaw of the Resort Municipality of Whistler, then a building permit cannot be reinstated.

### **Cancellation of Application**

- 12.24 When an application is cancelled:
- (a) the administrative application process fee is forfeited to the Resort Municipality of Whistler; and
  - (b) the applicant will be notified in writing confirming the cancellation of the application and that plans and related documents submitted with the application will be held for a period of 10 business days, and then destroyed.

**Confirmation of Permit Application Reviews**

- 12.25 Upon receiving a completed Permit application, the Building Official shall provide written confirmation to the Owner / Owners Agent that the Resort Municipality of Whistler will either issue a Permit, or refuse issuance with reasons for the denial within:
- (a) 60 working days for Part 9 Building Permit applications; or
  - (b) 100 working days for Part 3 Building Permit applications.
- 12.26 If notice is not provided within the timeframes outlined in Section 13.27 (a) or (b), the Permit fee is to be reduced as prescribed within the Resort Municipality of Whistler's Building Permit Application Fees Bylaw.

**Issuance of a Building Permit**

- 12.27 Each Building, Structure or part thereof constructed on a site requires a separate Permit and shall be assessed a separate Permit fee based on the value of that Building, Structure or part thereof.
- 12.28 If:
- (a) a completed application in compliance with Sections 13.4 and 13.5 to 13.6 or 13.7 to 13.8, including all required supporting documentation, has been submitted;
  - (b) the Owner has paid all applicable fees set out in this bylaw and the Resort Municipality of Whistler bylaws;
  - (c) the Owner or their representative has paid all charges and met all requirements imposed by any other statute or bylaw;
  - (d) the Owner has retained a professional engineer or geoscientist if required under this bylaw;
  - (e) the Owner has retained an architect if required under this bylaw;
  - (f) no covenant, agreement, resolution or regulation of the Resort Municipality of Whistler requires or authorizes the Permit to be withheld; and
  - (g) the Owner has provided a hazardous materials assessment and remediation compliance letter for Additions or Alterations to Buildings constructed prior to 1990;

the Building Official must issue the Permit, in the prescribed form, for which the application is made, and the date of issuance is deemed to be the date the Resort Municipality of Whistler gives written notice to the Owner that the Permit is ready to be picked up by the Owner.

**Compliance with the *Homeowner Protection Act***

- 12.29 If the application in respect of a Building that includes, or will include, a residential occupancy governed by the Homeowner Protection Act, the Building Permit must not be issued unless the Owner provides evidence under Section 30(1) of the Homeowner Protection Act, that the proposed Building
- (a) is covered by home warranty insurance; and
  - (b) the Constructor is a licensed “residential builder” as defined in that Act.
- 12.30 Section 13.31 of this part does not apply if the Owner is not required to be licensed and to obtain a home warranty in accordance with Sections 20(1) or 30(1) of the *Homeowner Protection Act*
- 12.31 Every Permit is issued subject to the Owner and Constructor maintaining compliance with the *Homeowner Protection Act* and negotiations under it during the term of the Permit.

**Issuance of Partial Permits**

- 12.32 The Building Official may issue a Permit for a portion of a Building or Structure before the design, plans and supporting documents for the entire Building or Structure have been Accepted provided sufficient information has been provided to the Resort Municipality of Whistler to demonstrate to the Building Official that the portion authorized to be constructed substantially complies with this and any other applicable Resort Municipality of Whistler bylaws and the Permit fee applicable to that portion of the Building or Structure has been paid. Notwithstanding the issuance of the Permit, the requirements of this bylaw shall apply to the remainder of the Building or Structure as if the Permit for the portion of the Building or Structure had not been issued.
- 12.33 If a site has been excavated under a Building Permit for excavation issued under this bylaw and a Building Permit is not subsequently issued or a subsisting Building Permit has expired under Section 13.56, but without the Construction of the Building or Structure for which the Building Permit was issued having commenced, the Owner must fill in the excavation to restore the original gradients to the site within 60 days of being served notice by the Resort Municipality of Whistler to do so.
- 12.34 If a Building Permit has expired and partial Construction has progressed, with no extension requested of the Building Official under Section 13.58, permanent type fencing with a privacy screen complying with the Zoning Bylaw , must be erected around the building and/or property for protection to the public.

**Sanitary Facilities during Construction**

- 12.35 During the time a Building Permit has been issued and remains valid under this bylaw, the Owner must provide on the parcel of land in respect of which the Permit has been issued, sanitary facilities for the disposal of human waste from individual persons who enter on the parcel in relations to the Work referred to in the Permit,

which facilities must be accessible and unlocked when not occupied while Work is being carried out on the parcel under this bylaw, and every sanitary facility that is not connected to a

- (a) sanitary sewer; or
- (b) septic disposal system approved under the Public Health Act, by plumbing that complies with the Building Code and this bylaw, must be provided, at all times the facility is required under this bylaw, with toilet paper, a locking door for privacy, and ventilation, and must be kept in sanitary condition without leaking beyond the facility and without overflowing within the facility. Such facilities must be located so as not to create a nuisance to neighboring parcels or highways.

### **Inspections for Part 9 Buildings**

- 12.36 Despite the requirement for the Building Official's acceptance of the Work outlined in Section 13.41, if a registered professional provides letters of assurance, the Resort Municipality of Whistler will rely solely on field reviews undertaken by the registered professional and the letters of assurance submitted pursuant to this bylaw as assurance that the aspects of the Construction referenced by those letters of assurance substantially conform to the design, plans and specifications and that the Construction complies with the Building Code, this bylaw and other applicable enactments respecting safety. Copies of all field reviews must be submitted to the Resort Municipality of Whistler.
- 12.37 Despite Section 13.45 of this part, a Building Official may attend the site from time to time during the course of Construction to ascertain that the field reviews are taking place and to monitor the field reviews undertaken by the registered professionals.
- 12.38 A Building Official may attend periodically at the site of the Construction of Part 9 Buildings or Structures to ascertain whether the Work is being carried out in substantial conformance with the Building Code, this bylaw and any other applicable enactments concerning safety.
- 12.39 For all Work in respect of Part 9 Buildings the Owner must give notice in compliance with the Resort Municipality of Whistler's current policies when requesting an inspection and must obtain an inspection and receive a Building Official's written acceptance of the following aspects of the Work prior to concealing them:
- (a) Pre-Construction on-site orientation - site review when required by the Building Official;
  - (b) Footings/excavation - after preparation for footings is complete, prior to placement of concrete;
  - (c) Foundation - after forms for Foundation walls are completed, the location certificate is submitted and Accepted by a Building Official, prior to placement of concrete;
  - (d) Damp proofing/drain tile/roof drains - after damp-proofing and Foundation

drainage is in place, prior to backfilling;

- (e) Sewer services - sanitary sewer service, after the sewer line is in place and under test, prior to backfilling;
- (f) Domestic water service - after the water service lines are in place and water has been turned on, prior to backfilling;
- (g) Plumbing under-slab - plumbing and underground fire suppression supply lines, prior to covering;
- (h) Radon/Soil Gas Control - after slab preparation for soil gas requirements, the preparation of ground, including ground cover when required, perimeter insulation of inside of concrete Foundation walls are in place, prior to covering;
- (i) Foundation/ Under Slab Insulation – prior to backfilling Foundation walls or pouring slabs where required insulation would be covered;
- (j) Plumbing Rough-in - installation of rough-in plumbing, on-site constructed tubs or showers and tub or shower trap tests when complete and under test, prior to covering;
- (k) Framing - framing, sheathing, fire stopping, bracing, with installation of chimney and ductwork, rough wiring, rough plumbing, rough heating, gas venting, exterior doors and windows, but prior to the installation of insulation, interior finishes, sheathing paper or exterior finishes which would conceal such Work;
- (l) Fire Separations/fire blocking – installation of required fire separations prior to covering
- (m) Insulation Vapour / Air Barrier - insulation, air and vapour barrier, after all insulation and vapour barrier is in place but prior to interior finish being applied which conceal the Work;
- (n) Plumbing Final – all plumbing requirements for occupancy;
- (o) Building Final (Partial Occupancy) - Subject to Sections 13.65 to 13.68, after the health and safety aspects of the Work and applicable accessibility aspects of the Work are complete as determined by the Building Official; and
- (p) Occupancy or Completion – when all aspects of the Work, including Energy conservation and GHG emissions reduction requirements, of a Building or Structure is substantially complete, ready for occupancy or use.

12.40 A Building Official will only carry out an inspection under Section 13.41 if the Owner or the Owner's Agent has requested the inspection online or in writing in accordance with this bylaw.

12.41 No person may conceal any aspect of the Work referred to in Section 13.41 of this bylaw until a Building Official has accepted it in writing.



- 12.42 Where applicable, additional inspections may be required for permit types outlined in accordance from Part 15 to 27.

### **Part 3 Building Commissioning**

- 12.43 For Work in respect of Part 3 Buildings, the Owner must

- (a) give at least 48 hours online or written notice, exclusive of Saturdays, Sundays or statutory holidays to the Resort Municipality of Whistler when requesting a preconstruction meeting with the Building Official prior to the start of Construction, and the Owner or their Agent must ensure that the Coordinating Registered Professional, the Constructor, as well as representatives of major trades, are in attendance;
- (b) give at least 48 hours online or written notice, exclusive of Saturdays, Sundays or statutory holidays to the Resort Municipality of Whistler when requesting a pre-occupancy review coordinated by the Coordinating Registered Professional or other registered professional to have the Owner, the Constructor, and the registered professionals demonstrate to the Building Official and The Whistler Fire Rescue Service the compliance with the health and safety aspects of the Work, the coordination and integration of the fire and life safety system, applicable Resort Municipality of Whistler requirements and other enactments respecting safety and the conservation, GHG emissions and accessibility aspects of the Work; and
- (c) cause the Coordinating Registered Professional, at least 48 hours prior to the pre-occupancy coordinated site review coordinated by the Coordinating Registered Professional, to deliver to the Building Official the Confirmation of Required Documentation described in the prescribed form, complete with all documentation in digital pdf format on a memory stick.

### **Stop Work Orders**

- 12.44 The Building Official or Building Bylaw Officer may direct the immediate suspension or correction of all or a portion of the Construction on a Building or Structure by attaching a stop work order notice in the prescribed form on the premises when it is found that the Work is not being performed in accordance with the requirements of the Building Code, any applicable bylaw of the Resort Municipality of Whistler or the applicable provisions of the *Homeowner Protection Act*.
- 12.45 The Building Official or Building Bylaw Officer may direct the immediate suspension or correction of all or a portion of the Construction on a Building or Structure by attaching a stop work order notice in the prescribed form on the premises when it is found that the Work is not being performed in accordance with the requirements of the Building Code, any applicable bylaw of the Resort Municipality of Whistler or the applicable provisions of the *Homeowner Protection Act*.
- 12.46 The Coordinating Registered Professional may request, in writing, that the Building Official order the immediate suspension or correction of all or a portion of the Construction on a Building or Structure by attaching a stop work order notice on the premises. The Building Official must consider such request and, if not acted upon,

must respond, in writing, to the Coordinating Registered Professional and give reasons.

- 12.47 If a registered professional's services are terminated, the Owner must immediately stop any work that is subject to their design or field review and the Building Official is deemed to have issued a stop work order under Section 13.47.
- 12.48 The Owner must immediately, after the posting of a notice under Section 13.47, secure the Construction and the lands and premises surrounding the Construction in compliance with the safety requirements of every statute, regulation or order of the Province or of a Provincial agency and of every applicable bylaw of the Resort Municipality of Whistler.
- 12.49 Subject to 13.47, no work other than the required remedial measures may be carried out on the parcel affected by the notice referred to in Section 13.47 until the stop work order notice has been removed by the Building Official.
- 12.50 The notice referred to in Section 13.47 must remain posted on the premises until that which is contrary to the enactments has been remedied.

### **Do Not Occupy Notice**

- 12.51 If a person occupies a Building or Structure or part of a Building or Structure in contravention of this bylaw, a Building Official, Fire Chief or Building Bylaw officer may post a Do Not Occupy Notice in the prescribed form on the affected part of the Building or Structure.
- 12.52 If a notice is posted under Section 13.52, the Owner of a parcel on which a Do Not Occupy Notice has been posted, and every other person, must cease occupancy of the Building or Structure immediately and refrain from further occupancy until all applicable provisions of the Building Code and this bylaw have been substantially complied with and the Do Not Occupy Notice has been rescinded in writing by a Building Official.

### **Inspection and Other Fees**

- 12.53 In addition to the fees required under other provisions of this bylaw, the Owner must pay the non-refundable fees set out in Resort Municipality of Whistler's Building Permit Fees Bylaw for:
- (a) a third and each subsequent re-inspection where it has been determined by the Building Official that due to non-compliance with the provisions of this bylaw or due to non-complying Work, more than two visits are required for any required inspection;
    - i. a special inspection during the Resort Municipality of Whistler's normal business hours to establish the condition of a Building, or if an inspection requires special arrangements because of time, location, or Construction methods; and

- ii. an inspection required under this bylaw which cannot be carried out during the Resort Municipality of Whistler's normal business hours.

### **Permit Expiration**

12.54 Every Permit is issued on the condition that the Permit expires and the rights of the Owner under the Permit terminate if:

- (a) the Work authorized by the Permit is not commenced within 180 days from the date of issuance of the Permit unless extended under Part 12;
- (b) Work is discontinued for a period of 180 days; or
- (c) the Work is not completed within
  - i. 36 months, for a new Part 9 building
  - ii. 24 months, for a new Part 3 building
  - iii. 12 months, for an addition to existing structure
  - iv. 12 months, for an interior renovation or tenant improvement;

Of the date of issuance of the permit.

12.55 Where a Permit has expired, the Work shall cease and the Construction may be required to be removed, unless a new Permit application is made within 90 days of the expiry date of the Permit.

12.56 Where a Permit has expired, and a new Permit application is made, all Construction shall comply with this bylaw, the Building Code and any other Resort Municipality of Whistler bylaws and enactments in force at the time of the new application.

### **Permit Extension**

12.57 Where Construction has not commenced within 180 days from the date the Permit was issued, the Building Official may extend the Permit for a period not more than 180 days from the date of expiry of the original Permit, but the Permit shall then be void if Construction has not started within 360 days from the original date of the issuance of the Permit, if:

- (a) application for the extension is made at least 30 days prior to the date of Permit expiration; and
- (b) the non-refundable fee set out in the Resort Municipality of Whistler's Building Permit Fees Bylaw has been paid.

- 12.58 Where Construction has commenced and has not been discontinued or suspended for a period of more than 180 days, the Building Official may extend the expiry date for the Permit for a period of time as the Building Official considers reasonable, to a maximum of one year, where the Building Official is satisfied that there exists a reasonable excuse for the delay in completing Construction, if:
- (a) application for the extension is made at least 30 days prior to the date of Permit expiration; and
  - (b) the non-refundable fee set out in the Resort Municipality of Whistler's Building Permit Fees Bylaw has been paid.

### **Building Permit Cancellation by Owner**

- 12.59 A Building Permit, or a Building Permit application, may be cancelled by the Owner, or Owner's Agent, on delivery of written notification of the cancellation to the Building Official.
- 12.60 On receipt of the written cancellation notice, the Building Official must mark on the application, and a Permit if applicable, the date of cancellation and the word "cancelled".
- 12.61 If the Owner, or Owner's Agent, submits changes to an application after a Permit has been issued and the changes, in the opinion of the Building Official, substantially alter the scope of Work, design or intent of the application in respect of which the Permit was issued, the Building Official may cancel or amend the Permit and mark on the Permit the date of cancellation or amendment and the Work "cancelled" or "amended".
- 12.62 If a Building Permit application or Permit is cancelled, and Construction has not commenced under the Permit, the Building Official must return to the Owner any refundable fees deposited under the Resort Municipality of Whistler's Permit Fees Bylaw. The Owner must return any Permit documents issued within 14 days of notification of the cancelled Building Permit & any documents submitted for a Building Permit application that has been cancelled will be held for 14 days from the date of cancellation for the Owner to pick up, after which they may be destroyed.

### **Partial Occupancy**

- 12.63 Upon written request by the Owner or Owner's Agent, a Building Official may issue a partial occupancy inspection notice for a portion of a Building or Structure under Construction when:
- (a) that portion of the Building or Structure is self-contained and provided with essential services respecting health and safety aspects of the Work, and if applicable, accessibility when applicable;
  - (b) the requirements set out in Section 13.70 have been met with respect to it; and

- 12.64 The Owner, developer or Constructor shall ensure that no unsafe condition exists or will exist resulting from the work being undertaken or not completed.
- 12.65 The Building Official may withhold an occupancy Permit until the Building, Structure or part thereof complies with this bylaw, the Building Code and any other applicable bylaws or enactments.
- 12.66 The Building Official may revoke an approval for partial occupancy for failure to comply with any conditions of the approval.

### **Occupancy**

- 12.67 No person may occupy a Building or Structure or part of a Building or Structure until an occupancy inspection or file completion notice has been issued by a Building Official for:
- (a) occupancy of a Building or Structure or part thereof after completion of Construction; or
  - (b) any change of class of occupancy of any Building or Structure or part thereof.
- 12.68 An occupancy inspection notice will not be issued unless:
- (a) all letters of assurance have been submitted when required in accordance with this bylaw;
  - (b) all aspects of the Work requiring inspection and acceptance pursuant to Sections 13.38 to 13.45 and 13.47 of this bylaw have both been inspected and Accepted or the inspections and acceptance are not required in accordance with this bylaw;
  - (c) the Owner has provided to the Resort Municipality of Whistler a building survey prepared by a British Columbia Land Surveyor or a certified member of the Applied Science Technologists and Technicians of British Columbia who is registered in site improvement surveys (RSIS) showing the building height, size, location and elevation determined in accordance with the Resort Municipality of Whistler's land use regulations;
  - (d) all other documentation required under applicable enactments has been delivered to the Resort Municipality of Whistler;
  - (e) all outstanding fees and fines owed to the Resort Municipality of Whistler through applicable bylaws have been paid; and
  - (f) where any of the requirements for life and fire safety have been deemed to be satisfied by an alternative solution pursuant to provisions of the Building Code, the Owner shall submit to the Building Official, prior to use or occupancy of the Building or Structure, certification from Qualified Person(s)

responsible for the alternative solution, that the Construction substantially complies with the requirements set out in the alternative solution report.

- 12.69 When a registered professional provides letters of assurance in accordance with this bylaw, the Resort Municipality of Whistler may rely solely on the letters of assurance when issuing a certificate authorizing occupancy as assurance that the items identified on the letters of assurance substantially comply with the design, the Building Code, this bylaw and other applicable enactments respecting safety.

**Completion (for types of projects not issued an Occupancy)**

- 12.70 A Completion inspection will stand for Projects such as demolition, renovation, fire alarm, commercial kitchen mechanical ventilation, plumbing and fire suppression, Pools, Retaining Walls, solar hot water and photovoltaic solar panels, Cranes, and CSA Z-240 Manufactured Homes.

**PART 13 BUILDING MOVE & PLACEMENT PERMIT**

- 13.1 Without limiting Section 12.1 of this bylaw, no person shall relocate or place a Manufactured Homes, Structure, Building or part thereof into the Resort Municipality of Whistler or from one property to another within the Resort Municipality of Whistler unless the Owner or Agent has first obtained a Building Permit for that purpose as provided for in this bylaw.
- 13.2 An application for a Building Permit with respect to a Building move or placement Permit must:
- (a) be made in the prescribed form and signed by the Owner, or a signing officer if the Owner is a corporation;
  - (b) pay applicable application fee as prescribed in the Resort Municipality of Whistler's Building Permit Fees Bylaw;
    - i. provide a site plan showing:
    - ii. the location of the proposed Building and any accessory Buildings in relation to existing Buildings on the property in the form of a site plan drawn to scale;
    - iii. distances from the proposed Building and all existing Buildings to the property boundaries;
  - (c) provide drawings showing Construction details for on-site Construction as outlined in Section 13.5 or 13.7; and
  - (d) provide written approval from the Manufactured Home Park Owner or authorized representative.
  - (e) obtain a demolition permit as outlined in Part 15 for the removal of foundations for a Manufactured Home, Structure, Building or part thereof.

- (f) Apply for a renovation permit as outlined in Part 13 for portions of a building or structural partially relocated with a building or structure remaining.
- 13.3 The relocation of Manufactured Homes factory constructed and assembled more than 30 years prior to the date of Permit application is prohibited. The year, make, model and serial numbers shall be determined by the CSA Rating Plate and/or the Province of British Columbia Mobile home Registry.
- 13.4 A Building Official may require a report from an accredited restoration company or registered professional with experience in environmental engineering stating that there are no environmental issues or hazards regarding health and safety to occupants prior to issuing a Building Permit to relocate a Manufactured Home, Modular Home or other Building.
- 13.5 Where a Manufactured Home or Mobile Home is less than five years old, the building evaluation may be waived by the Building Official.

#### **Permit Issuance**

- 13.6 The Building Official may issue a Permit for Construction involved in the moving of any Building, Structure or part thereof into or within the Resort Municipality of Whistler when the Owner has
  - (a) finalized disconnection of services;
  - (b) finalized any outstanding taxes owing and utility billing accounts to the Resort Municipality of Whistler;
  - (c) have approval for safe route transport in the form of Schedule G as prescribed by the Resort Municipality of Whistler's Engineering department;
  - (d) provided a hazardous assessment and clearance letter for the demolition of any existing on-site Construction for Buildings constructed prior to 1990, and

#### **Completion Conditions**

- 13.7 All Construction including relocations, Alterations and Additions for relocated Manufactured Homes, Mobile Homes or other Buildings shall be completed within 180 days of the date the Permit was issued.
- 13.8 If the Owner does not move the Building, Structure or part thereof for which a Permit is issued and complete Construction within the time specified in Section 14.7, the Building Official may notify the Owner in writing and direct the Owner to complete that Work within 30 days from the date of the notice.
- 13.9 If the Work is not completed within 30 days, the Resort Municipality of Whistler or its Agent may enter, clean and tidy the site at the expense of the Owner if the invoice for the cleanup is not paid within 30 days, the amount may be added to the Owner's property taxes.

- 13.10 If the Building, Structure or part thereof to be moved is located on a property in the Resort Municipality of Whistler, then the property must be returned to a safe, clean and tidy condition within 120 days from the date of issuance of the Permit.

## **PART 14 DEMOLITION PERMITS**

- 14.1 Without limiting Section 12.1 of this bylaw, a person must not demolish or partially demolish a Building or Structure without making an application and receiving a valid Building Permit.

### **Application Requirements**

- 14.2 An application for a Building Permit with respect to a demolition Permit must
- (a) be made in the prescribed form and signed by the Owner, or a signing officer if the Owner is a corporation;
  - (b) pay applicable application fee as prescribed in the Resort Municipality of Whistler's Building Permit Fees Bylaw;
  - (c) provide a site plan showing servicing locations and all Buildings / Structures indicating habitable, livable, operational floor areas for determining applicable Development Cost Charges credit;
  - (d) provide vacancy date;
  - (e) provide a hazardous materials assessment and remediation clearance letter for Buildings constructed prior to 1990;
  - (f) ensure that all municipal services and other services are capped and terminated at the property line to Resort Municipality of Whistler standards.
  - (g) provide a demolition fire safety plan, and a trucking route plan.
  - (h) apply for a renovation permit as outlined in Part 13 for portions of a building or structure that are to remain as part of a partial demolition.

### **Demolition sites**

- 14.3 The following items shall be required at demolition sites to the satisfaction of the Building Official:
- (a) the demolition of Buildings and Structures shall be in accordance with Part 8 of the Building Code "Safety Measures at Construction and Demolition Sites";
  - (b) approved Fire Safety Plan, approved by the Whistler Fire Rescue Service
  - (c) all Construction material and debris, including concrete Foundations and septic tanks are to be removed from the site;
  - (d) all services and utilities are to be disconnected at the property lines;



- (e) the site shall be left in a clean and tidy condition within 90 days from the date of issuance of the demolition Permit;
- (f) should demolition not have commenced by the 90 day expiry date the Building Official may at their discretion cancel the Permit by written notification. There shall be no refund for the demolition Permit
- (g) any request to extend the 90-day time limit shall be received 30 days prior to the date of expiry. The request shall be in writing from the Owner, or Owner's Agent, and approved in writing by the Building Official; and
- (h) where required for industrial and commercial demolition sites the Environmental Management Act shall apply.

## **PART 15 FIRE ALARM PERMITS**

- 15.1 Without limiting Section 12.1 of this bylaw, a person must not install, replace or alter a fire alarm system without making application and receiving a valid Building Permit.

### **Application Requirements**

- 15.2 An application for a fire alarm Permit with respect to any occupancy must
- (a) be made in the prescribed form and signed by the Owner, or a signing officer if the Owner is a corporation;
  - (b) pay applicable application fee as prescribed with the Resort Municipality of Whistler's Building Permit Fees Bylaw, and
  - (c) include a set of design drawings and specifications prepared by a registered professional along with letters of assurance in either hard copy or in PDF digital format as prescribed by the RMOW.

### **Professional Design and Commissioning**

- 15.3 The design, installation, commissioning and maintenance shall conform to:
- (a) the B.C. Building Code; and
  - (b) all relevant standards of the National Fire Protection Agency (NFPA) pertaining to fire alarm systems.
- 15.4 Where a Permit is required, no engineered system shall be put into use until it has been tested and accepted by the registered professional who is responsible for its design, as applicable.

**PART 16      MECHANICAL VENTILATION AND HEATING PERMITS**

- 16.1 Without limiting Section 12.1 of this bylaw, a person must not install, replace or alter a mechanical ventilation or heating system without making application and receiving a valid building permit.

**Application Requirements**

- 16.2 An application for a mechanical permit with respect to a residential occupancy for Part 9 buildings must
- (a) be made in the prescribed form and signed by the owner, or a signing officer if the owner is a corporation;
  - (b) pay applicable application fee as prescribed in the Resort Municipality of Whistler's Building Permit Fees Bylaw;
  - (c) provide heat load worksheet, appliance selection worksheet, and ventilation checklist.
- 16.3 An application for a commercial mechanical ventilation system, spray booth operation or wood dust collection system Permit shall:
- (a) be made in the prescribed form and signed by the Owner, or a signing officer if the Owner is a corporation;
  - (b) pay applicable application fee as prescribed in the Resort Municipality of Whistler's Building Permit Fees Bylaw; and
  - (c) include a set of design drawings, prepared by a registered professional along with letters of assurance in either hard copy or PDF digital format as prescribed by the RMOW.

**Design Standards**

- 16.4 The design, installation and alteration of Part 9 heating systems, commercial cooking system, spray booth operation or wood dust collection system shall conform to:
- (a) The BC Building Code, Division B, Section 9.32 Ventilation and 9.33. Heating and Air-conditioning;
  - (b) the B.C. Building Code, Division B, Part 6 Heating, Ventilation and Air-conditioning;
  - (c) the B.C. Building Code, Division B, Part 3, Section 3.2.5 Provisions for Fire Fighting; and
  - (d) all relevant standards of the National Fire Protection Agency (NFPA) pertaining to fire suppression systems.

**Inspections and Commissioning**

16.5 Where a mechanical and ventilation system has been installed or altered under permit for Part 9 residential use, an inspection shall be requested before:

- (a) the system is covered up; or
- (b) the system is used.

16.6 Where a mechanical system has been installed or altered under Permit for a commercial mechanical ventilation system, spray booth or wood dust collection system, it shall not be put into use until it has been tested and accepted by the registered professional who is responsible for its design and installation, as applicable.

**PART 17 PLUMBING AND FIRE SUPPRESSION PERMITS**

17.1 Without limiting Section 12.1 of this bylaw, a person must not install, replace or alter a water meter, service water heaters, plumbing or fire suppression system without making application and receiving a valid Building Permit.

**Application Requirements**

17.2 An application for a plumbing or fire suppression Permit shall

- (a) be made in the prescribed form and signed by the Owner, or a signing officer if the Owner is a corporation;
- (b) pay applicable application fee as prescribed in the Resort Municipality of Whistler's Building Permit Fees Bylaw;
- (c) provide a set of isometric drawings where Works are not performed by a Qualified Plumber for single-family dwellings Projects; or
- (d) where applicable provide a set of design drawings, including storm water management systems, prepared by a registered professional along with letters of assurance.

17.3 The design, installation and maintenance of plumbing and fire suppression systems shall conform to:

- (a) the B.C. Building Code, Division B, Part 7;
- (b) the B.C. Building Code, Division B, Part 3, Section 3.2.5 Provisions for Fire Fighting; and
- (c) all relevant standards of the National Fire Protection Agency (NFPA) pertaining to fire suppression systems.

**Inspections and Commissioning**

- 17.4 Where a plumbing system has been installed or altered under Permit for a Part 9 Building, an inspection shall be requested before:
- (a) the system is covered up; and/or
  - (b) the system is used.
- 17.5 Where a plumbing system or fire suppression system has been installed or altered under Permit for a Part 3 Building it shall not be put into use until it has been tested and accepted by the registered professional who is responsible for its design, as applicable.

**PART 18 POOL PERMITS**

- 18.1 Without limiting Section 12.1 of this bylaw, a person must not Construct, or structurally repair, a Pool without making application and receiving a valid Building Permit.

**Application Requirements**

- 18.2 An application for a Building Permit with respect to a Pool Permit must:
- (a) be made in the prescribed form and signed by the Owner, or a signing officer if the Owner is a corporation;
  - (b) pay applicable application fee as prescribed in the Resort Municipality of Whistler's Building Permit Fees Bylaw;
  - (c) include a set of design drawings, site plan showing location and distance from property lines to the proposed Pool and any accessory Buildings in relation to existing Building on the property in hard copy or in PDF digital format as prescribed by the RMOW.
  - (d) Construction details for the Pool and the proposed method of enclosure of the Pool area; and
  - (e) approval of design from the Local Health Authority having jurisdiction, if the Pool is accessible for public use.

**Professional Design**

- 18.3 In accordance with Section 11.1 of this Bylaw, Professional Design and field reviews may be required, subject to the complexity of the design and the condition of soils where the Pool is to be located.

**Fencing**

- 18.4 A swimming Pool must be enclosed within a fence, a Building, or a combination of fence and Building constructed without footholds or grips that children may use to climb into the enclosed area, having a minimum height of 1.5 m and no openings greater than ten centimeters (10 cm) at their greatest dimension. Where the access to the swimming Pool is from a dwelling located on the same property as the swimming Pool, the access may be directly from the dwelling.
- 18.5 The fence or equivalent barrier referred to in Section 19.4 shall be of chain link type material, provided the openings do not exceed five centimeters (5 cm) and the wire is not less than no. 11 gauge, solid material with a flat vertical surface, or vertically oriented material.
- 18.6 A swimming Pool fence or equivalent temporary barrier shall be in place, inspected and approved prior to placing the water in a Pool.
- 18.7 Fences or barriers for swimming Pools are not required on properties zoned Agricultural, Future Development, Resource Extraction or Country Residential, as established by the Resort Municipality of Whistler Zoning and Parking regulation Bylaw 303, where the Pool is located forty-five metres (45 m) or more from the nearest property line.

**Pool Gate**

- 18.8 Access through a fence enclosing a swimming Pool must be only through a self-closing and self-latching gate designed and constructed or installed so as to cause the gate to return to a closed position when not in use and secured by a latch located on the swimming Pool side of the gate.
- 18.9 All openings or gates in the fence or barrier shall be locked closed when not in use.

**Spa or Hot Tub Lid**

- 18.10 In lieu of a fence, a spa or Hot Tub may be covered with a locking cover, which would prevent unauthorized access to the water.

**Below Grade Pools**

- 18.11 Every below grade Pool shall be surrounded by a non-slip walkway, designed so that the surface water shall drain away from the Pool.

**Above Ground Pools**

- 18.12 A swimming Pool which is located above ground and has vertical sides of at least 1.5m may be protected from access by fencing the access ladder to limit access, with a child-resistant self-closing and self-latching gate through the fence.

**Maintenance**

- 18.13 A person may not use or occupy a swimming Pool unless the Owner or occupier of property on or in which a Pool, spa or Hot Tub is located maintains every fence or cover required under Sections 19.4 to 19.11 in good order, and without limitation maintains and repairs in good order at all times all sagging gates, loose parts, torn mesh, missing materials, worn latches, locks or broken or binding members.

**Leaks or Other Failures**

- 18.14 A person may not obtain a valid and subsisting Building Permit for or use or occupy a Pool without first delivering to the Building Official at the time of the Building Permit application an opinion of a registered professional that the design of the Pool will not cause or result in leaks or other failures of the Pool.

**Drainage**

- 18.15 Drainage from Pools must be discharged via sanitary sewer connection on the property or other means acceptable to the Building Official. Exceptions may be made for properties on private septic systems.
- 18.16 No direct connection shall be made between any sewer or any other drainage system and any line connected to a swimming Pool.

**Backflow Prevention**

- 18.17 No Pool shall be designed with a direct connection from the domestic water supply below the flood level of the Pool unless protected by an approved backflow prevention device.

**Public Pools**

- 18.18 Pools intended for public use shall not be occupied until an Operating Permit for the Pool has been issued by the Local Health Authority.

**PART 19      RETAINING WALLS AND GRADES**

- 19.1 Without limiting Section 12.1 of this bylaw, a person must not Construct, or structurally repair, a Retaining Wall without making an application and receiving a valid Building Permit.

**Application Requirements**

- 19.2 An application for a Building Permit with respect to a Retaining Wall Building Permit must
- (a) be made in the prescribed form and signed by the Owner, or a signing officer if the Owner is a corporation;

- (b) pay applicable application fee as prescribed in the Resort Municipality of Whistler's Building Permit Fees Bylaw;
- (c) include a set of design drawings, a site plan showing all Buildings, Structures & servicing and specifications prepared by a registered professional along with letters of assurance in hard copy or PDF digital format as prescribed by the RMOW.

### **Professional Design and Permit Closure**

19.3 A registered professional shall undertake the design and conduct field reviews of the Construction and drainage of a retaining Structure;

- (a) greater than 1.2 m in height;
- (b) where a sequence of walls, regardless of height, are located closer than 2 horizontal to 1 vertical;
- (c) where site drainage is impacted as determined by the Resort Municipality of Whistler;
- (d) where other geotechnical concerns exist as determined by the Resort Municipality of Whistler; or
- (e) where the Retaining Wall is supporting another Building or Structure,

### **Site Safety Conditions**

19.4 If a Building Official determines that an unsafe condition exists as the result of the Construction of a Retaining Wall requiring a Building Permit, a guard or fence may be required.

### **Finished Grades and Slope Retention**

19.5 Except as certified by a professional engineer with expertise in geotechnical engineering registered in the Province of British Columbia, fill material placed or excavation into the natural grade on a parcel must not have a surface slope exceeding a ratio of one linear unit vertically to two linear units horizontally, unless restrained by a Permitted Retaining Wall.

19.6 Retaining Walls are not Permitted to be constructed of stacked un-cemented rock or boulders or creosoted timbers.

19.7 No person may occupy a Building unless the finished grade complies with all applicable enactments.

### **Maximum slope of private driveways**

19.8 The maximum grade for a residential driveway shall not exceed 10%.

**Fire Fighting Requirements**

- 19.9 For the purposes of practical firefighting and safe egress in establishing grades, the following shall be provided for finished grades for single-family dwellings and duplexes
- a. Provide pedestrian access around the building. No special surfacing is required,
  - b. Maintain at least a 1.2m wide portion of level grade beyond the furthest structure on the lowest side of the building.
  - c. Encroachments of decks into the 1.2m wide level area may be permitted provided:
    - i. At least 15% of the length of the wall is clear of deck at each end, and
    - ii. A clear level area is available at each end of the deck to set up ladders. The clear area must be 1.2m wide and extend a distance of  $h/4 + 5'$  away from the deck. Where  $h$ =height of the guardrail above grade.
- 19.10 Failure to provide adequate grades for firefighting purposes will require the building to be provided with a sprinkler system designed with the appropriate NFPA standard and there must be assurance that the water supply pressure and quantity are unlikely to fail. (refer to Fire Department Access – 28.5 )

**PART 20 SOLAR HOT WATER & PHOTOVOLTAIC SOLAR PANEL PERMIT**

- 20.1 Without limiting Section 12.1 of this bylaw, a person must not install or alter a solar domestic hot water system or photovoltaic solar panel system without making an application and receiving a valid Building Permit.

**Application Requirements**

- 20.2 An application for a Building Permit with respect to a solar panel system must
- (a) be made in the prescribed form and signed by the Owner, or a signing officer if the Owner is a corporation;
  - (b) pay applicable application fee as prescribed in the Resort Municipality of Whistler's Building Permit Fees Bylaw;
  - (c) be accompanied by plans showing the location of the proposed solar panel system in relation to existing Buildings on the property in the form of a site plan drawn to scale;
  - (d) include Construction details for the attachment of the panels to the Building and provide a sealed drawing by a registered professional to confirm that structural members of the Building are designed to accommodate the



anticipated loads for solar domestic hot water systems and where photovoltaic solar systems incorporate a ballast system.

- 20.3 For hot water systems, compliance with CAN/CSA-F383-87, Installation Code for Solar Domestic Hot Water Systems, as referred to in the British Columbia Building Code is required.

### **Completion of Permit - Commissioning**

- 20.4 Prior to operating a solar panel system the Owner shall provide:

- (a) Verification from the registered professional of record, where applicable; and
- (b) For photovoltaic systems, a remote system disconnect switch location approved by BC Hydro & the RMOW Fire Rescue for shutdown in the event of an emergency.

## **PART 21 TEMPORARY BUILDING PERMIT**

- 21.1 Subject to the bylaws of the Resort Municipality of Whistler and order of Council, the Building Official may issue a Building Permit for the installation or placement of a Temporary Building or Structure for occupancy if:

- (a) the Permit is for a period not exceeding one year; and
- a.2. the Building or Structure is located in compliance with the Zoning Bylaw , built in compliance with the Building Code and this bylaw, and connected, as required by enactments, to Resort Municipality of Whistler utility services.

NOTE – intent for sales trailers, longer use special structures such as festival tents. See Part 29 for existing home remain in place during construction – removed/decommissioned prior to final occupancy of new building.

### **Application requirements**

- 21.2 An application for a Building Permit for the erection or placement of a Temporary Building or Structure must be made in the form of a temporary Permit application on the prescribed form, signed by the Owner or their Agent, and must include:

- (a) plans and supporting documents showing the location and building height of the building or Structure on the parcel;
- (b) plans and supporting documents showing Construction details of the Building or Structure;
- (c) pay the application fee as prescribed in the Resort Municipality of Whistler's Building Permit Fees Bylaw;
- (d) a statement by the Owner, or Owner's agent indicating the intended use and duration of the use;

- (e) plans and supporting documents showing proposed parking and loading spaces;
- (f) a written description of the Project explaining why the Building is temporary;
- (g) a copy of an issued Development Permit, if required;
- (h) in the case of a manufactured Building, a CSA label in respect of manufacture and, without limitation, a Quonset or other steel Building must be certified in accordance with CSA Standard A660;
- (i) a report or drawing by an engineer, architect or designer confirming compliance with the Building Code, this bylaw, the Zoning Bylaw, and other applicable bylaws;
- (j) in the case of a Temporary Building, information to comply with clause 1.1.1.1(2)(f), Division A of the Building Code; and
- (k) the security must be returned to the Owner if the Owner removes the Temporary Building within one year of the date of the occupancy inspection of the Temporary Building required under this bylaw.

21.3 Before receiving a Building Permit for a Temporary Building or Structure for occupancy, the Owner must pay the Resort Municipality of Whistler the applicable Building Permit fee set out in the Resort Municipality of Whistler's Building Permit Fees Bylaw. A Permit fee for a Temporary Building or Structure is not refundable.

### **Inspections**

21.4 Where a Permit is required, a Temporary building shall not be used until it has been accepted and a letter of assurance has been provided by the registered professional who is responsible for its design, as applicable

## **PART 22 CRANE PERMIT**

22.1 Without limiting Section 12.1 of this bylaw, a person must not erect a crane without making an application and receiving a valid Building Permit:

- (a) be made in the prescribed form and signed by the Owner, or a signing officer if the Owner is a corporation;
- (b) pay applicable application fee as prescribed in the he Resort Municipality of Whistler's Building Permit Fees Bylaw;
- (c) be accompanied by plans showing the location and swing of the proposed Crane location in relation to existing Buildings and properties in the form of a site plan drawn to scale.;
  - I. provide Crane Type credentials including;

- II. name of operator; and
  - III. valid certification from BC Crane Safety
- (d) provide formal acceptance from neighboring property owners that are affected by the swing of the crane;
  - (e) include a fire safety plan including a Technical High Angle Rope Rescue Agreement for review by Whistler Fire Rescue Service;
  - (f) provide a Geotechnical engineer's soils report for bearing capacity for a tower crane base; and
  - (g) include a set of sealed design drawings, prepared by a registered professional along with letters of assurance for the design of the crane base support.

### **Completion of Permit and Commissioning**

22.2 Where a Permit is required, no crane shall be put into use until it has been tested and accepted by the registered professional who is responsible for its design, as applicable.

## **PART 23 STORAGE RACKING PERMIT**

23.1 Without limiting Section 12.1 of this bylaw, a person must not install or use a storage racking system without making an application and receiving a valid Building Permit.

### **Application Requirements**

23.2 An application for a Building Permit with respect to a Storage Racking System must:

- (a) be made in the prescribed form and signed by the Owner, or a signing officer if the Owner is a corporation;
- (b) pay applicable application fee as prescribed in the Resort Municipality of Whistler's Building Permit Fees Bylaw;
- (c) include a detailed floor plan highlighting all racking, interior walls, exits, travel distances and aisle widths and clearances conforming the BC Fire code;
- (d) include an analysis indicating the commodities classification, area of the storage, height of storage and if the building is sprinklered or non-sprinklered;
- (e) when the building is sprinklered, provide verification of the existing sprinkler design conforms from a sprinkler engineer.

### **Professional Design and Commissioning**

23.3 The design, installation, commissioning and maintenance shall conform to the Building Code.

**Completion of Permit**

23.4 Where a Permit is required, a storage racking system shall not be used until it has been accepted and a letter of assurance has been provided by the registered professional who is responsible for its design, as applicable

**PART 24 SOLID FUEL BURNING APPLIANCE PERMIT**

24.1 Without limiting Section 12.1 of this bylaw, a person must not install, alter or use a solid fuel burning appliance without making an application and receiving a valid Permit.

**Application Requirements**

24.2 An application for a Building Permit with respect to a Solid fuel burning appliance must:

- (a) be made in the prescribed form and signed by the Owner, or a signing officer if the Owner is a corporation;
- (b) pay applicable application fee as prescribed in the Resort Municipality of Whistler's Building Permit Fees Bylaw;
- (c) be accompanied by plans showing the location of the solid fuel burning appliance including dimensions from walls or other interior structures, and
- (d) the appliance and flue manufacturers specifications.

**Inspections and Commissioning**

24.3 The design, installation, commissioning and maintenance shall:

- (a) conform to the manufacturers specifications;
- (b) the Building Code, and
- (c) be installed by a WETT certified installer

24.4 Where a solid fuel burning appliance has been installed or altered under Permit, an inspection shall be requested:

- (a) At framing inspection when the appliance and associated flue has been installed within a framed assembly.

**Completion of Permit**

24.5 Final inspection prior to the appliance being used and shall be provided with verification of installation from a WETT certified inspector.

**PART 25 EXTERIOR ENVELOPE RESTORATIONS**

25.1 Without limiting Section 12.1 of this bylaw, a person must not replace a roof, cladding or fenestration without making an application and receiving a valid Permit.

**Application Requirements**

25.2 An application for a Building Permit with respect to a exterior envelope restoration must:

- (a) be made in the prescribed form and signed by the Owner, or a signing officer if the Owner is a corporation;
- (b) pay applicable application fee as prescribed in the Resort Municipality of Whistler's Building Permit Fees Bylaw;
- (c) include a detailed floor plan and elevations highlighting changes to roofing, exterior cladding and fenestration
- (d) proposed work on a Part 3 Building must be administered by a registered professional with Letters of Assurance.

**PART 26 SITE ALTERATION PERMITS**

26.1 Without limiting Section 12.1 of this bylaw, a person must not clear trees, remove or deposit soil or site servicing for future construction prior to obtaining a valid and subsisting Building Permit without making and receiving a Site Alteration Permit.

**Application Requirements**

26.2 An application for a Building Permit with respect to a Site Alterations must:

- (a) be made in the prescribed form and signed by the Owner, or a signing officer if the Owner is a corporation;
- (b) pay applicable application fee as prescribed in the Resort Municipality of Whistler's Building Permit Fees Bylaw;
- (c) include a detailed site plan highlighting proposed works and location of temporary structures, and applicable information outlined in 13.5(h) for Part 3 or 13.7 (f) for Part 9 projects;
- (d) may apply for a Development Permit if the proposed Work is in an area designated by the Resort Municipality of Whistler's Official Community Plan as a Development Permit Area and the proposed Work is not eligible for an exemption as may be specified in the Official Community Plan or Zoning Bylaw;
- (e) include a Construction fire safety plan as per Section 5.6 of the British

Columbia Fire Code, a material staging plan and a trucking route plan;

## **PART 27 ACCESS ROUTE FOR FIRE DEPARTMENT ACCESS**

27.1 Prior to the issuance of a Building Permit for a Part 9 Building of multi-family or commercial occupancy under Part 9 of the Building Code, the Owner must satisfy the Building Official that the Building or Structure for which the Permit is issued will be served by a fire access route that satisfies the following:

- (a) Resort Municipality of Whistler's Fire Rescue Service vehicle access requirements, as amended from time to time, and
- (b) the Building Code.

### **Fire Department Access to Buildings**

27.2 Prior to the issuance of a building permit for Part 9 buildings, fire department personal access shall be provided:

- (a) for a building provided with a fire department connection, a fire department pumper vehicle can be located within 45m of a fire hydrant,
- (b) for a building not provided with a fire department connection, a fire department pumper vehicle can be located so that the length of the access route from a hydrant to the vehicle plus the unobstructed path of travel for the firefighter from the vehicle to the building is not more than 90m, and
- (c) the unobstructed path of travel for the firefighter from the vehicle to the building is not more than 45 m.

27.3 The unobstructed path of travel for the firefighter required by 28.2 from the vehicle to the building shall be measured from the vehicle to the fire department connection provided for the building, except that if no fire department connection is provided, the path of travel shall be measured to the principal entrance of the building.

27.4 If a portion of a building is completely cut off from the remainder of the building so that there is no access to the remainder of the building, the access routes required by 28.3 shall be located so that the unobstructed path of travel from the vehicle to one entrance of each portion of the building is not more than 45 m.

27.5 Where fire department access cannot be adequately provided, such as a building located on the sides of hills or not conveniently accessible by roads designed for firefighting, then the building shall be provided with a sprinkler system designed with the appropriate NFPA standard and there must be assurance that the water supply pressure and quantity are unlikely to fail.

**PART 28 FIRE FIGHTING WATER SUPPLY FOR PART 9 SIMPLE BUILDINGS**

28.1 Every simple Building shall be provided with adequate water supply for firefighting as described in the

- (a) be redesigned to meet the applicable fire flow rates; or
- (b) be fully sprinklered with a sprinkler system designed with the appropriate NFPA standard and there must be assurance that the water supply pressure and quantity are unlikely to fail.

**PART 29 WILDFIRE REQUIREMENTS**

(Reserved)

**PART 30 CLIMATIC DATA**

30.1 The climatic data for the design of Buildings in the Resort Municipality of Whistler shall be the data listed in the current edition of Division B - Appendix C to the Building Code for Whistler, British Columbia and the values noted in this part.

**30.2 Frost protection requirements**

- (a) 1.2m – are there more than one elevation parameters for frost??
- (b) 600mm -  
Plumbing services
- (d) Water service lines shall be installed at a minimum depth of 1.5 m (5 ft.)
- (e) Sanitary sewer service lines shall be installed at a minimum depth of 1.0 m (3.28 ft.).

**30.3 Ground snow load – confirm elevations for different RMOW snow loads**

- (a) -  $S_S * 2.4 \text{ kPa}$  -
- (b) -  $S_S * 1.8 \text{ kPa}$  -
- (c)  $S_R 0.2$

**30.4 Seismic****PART 31 ENERGY CONSERVATION and GHG EMISSIONS REDUCTION****Step Code Requirements**

31.1 Effective January 1, 2024, but subject to section 12 of this Bylaw:

- (a) Any Part 9, including auxiliary buildings must be designed and constructed to meet the minimum performance requirements specified in Step 4 of the Energy Step Code.
  - (b) Any Part 9 building, including auxiliary buildings which is located on land in respect of which Council has after January 1, 2024 approved an owner-initiated application to amend the Zoning Bylaw to increase permitted density of residential development, or permit additional uses, must be designed and constructed to meet the minimum performance requirements specified in Step 5 of the Energy Step Code.
  - (c) Any Part 9 building, including auxiliary buildings which includes the construction “in-ground basement floor area” that is excluded from gross floor area calculations under Part 5 of the Zoning Bylaw must be designed and constructed to meet the minimum performance requirements specified in Step 5 of the Energy Step Code.
  - (d) Any residential complex building including auxiliary buildings regulated by Part 3 of the BCBC must be designed and constructed to meet the minimum performance requirements specified in Step 3 of the Energy Step Code.
  - (e) Any residential complex building regulated by Part 3 of the BCBC, which includes the construction of “in-ground basement floor area” that is excluded from gross floor area calculations under Part 5 of the Zoning Bylaw, must be designed and constructed to meet the minimum performance requirements specified in Step 4 of the Energy Step Code.
  - (f) Any Part 9 building, including auxiliary buildings regulated by Part 9 of the BCBC must be designed and constructed to meet the minimum performance requirements specified by Emissions Level three (EL-3) of the Zero Carbon Step Code.
  - (g) Any complex building including auxiliary buildings regulated by Part 3 of the BCBC must be designed and constructed to meet the minimum performance requirements specified by Emissions Level three (EL-3) of the Zero Carbon Step Code.
- 31.3 For a Part 9 or Part 3 Building or Structure that is designed in compliance with the applicable step of the BC Energy Step Code but where the constructed Building or Structure does not meet the performance requirements of the applicable step of the energy Step Code, the Building Official may issue an inspection note for partial occupancy, or occupancy of the Building or Structure and a Section 57 of the *Community Charter* will be registered against the property title stating that the Building or Structure has not met the design requirements for the applicable step of the BC Energy Step Code.
- 31.4 The Owner of any Building subject to a requirement under section 27.1 or section 27.2 must do the following prior to the issuance of any occupancy Permit in respect of the Building:
- (a) submit to the Resort Municipality of Whistler a BC Energy Compliance Report – As built with all sections including section “F” completed; and
  - (b) affix one of the following home energy labels to the Building in a conspicuous location, upon or in close proximity to the electrical panel:



- (c) an EnerGuide Rating System label
  - (d) a Passive House Certification; or
  - (e) a comparable home energy label acceptable to the Building Official.
- 31.5 Prior to receiving a Building Official's written acceptance for subsection 13.41(m), the Owner shall submit a **mid-Construction** compliance report as prescribed within the Building Code.

## **PART 32 NUMBERING OF BUILDINGS**

- 32.1 Immediately upon issuance of a Building Permit governing the Construction, Alteration or repair of a Building, or prior to and during occupancy of a Building, the Owner or occupant must display the address number assigned to it by the Resort Municipality of Whistler:
- (a) on or over the entrance to the Building or where landscaping or Structures obscure the visibility of a Building entrance from the adjacent highway, on the Building property within sight of the adjacent highway; and
  - (b) until such time as the Building is removed from the site or has been demolished.
- 32.2 Despite Section 28.1 the Resort Municipality of Whistler's Engineering Services Department may renumber or alter the assigned numbers in respect of any Building or any parcel, including those already in existence or numbered.
- 32.3 Without limiting Sections 28.1 or 28.2, a Building Official must, on the issuance of a Building Permit, designate a house number or set of house numbers related to the Building authorized by the Permit. The Owner or occupier must post the number or numbers on the site immediately after obtaining the Building Permit and keep the numbers posted in a conspicuous location at all times during Construction.
- 32.4 Without limiting Sections 28.1 through 28.3, on issuance of an occupancy Permit, the Owner or occupier of the parcel must affix the numbers permanently in a conspicuous place on the Building such that the number is visible from an adjacent highway that is not a lane.

## **PART 33 TEMPORARY RESIDENCE DURING PERIOD OF CONSTRUCTION**

- 33.1 Where a temporary residence is required during the period of Construction of a new residence, the following conditions shall apply:
- (a) no more than one temporary residence shall be permitted on a lot and the lot shall be not smaller than 0.4ha (0.9884 acres);
  - (b) the temporary residence is an existing single-family dwelling, which can be occupied during construction of a new residence that is legally sited on the subject property;

- (c) the temporary residence shall be removed from the Owner's land within 30 days of the end of the period of Construction of the new residence
- (d) a covenant shall be registered pursuant to Section 219 of the Land Title Act to Permit the temporary residence during the period of Construction and to prohibit the temporary residential use from continuing after the period of Construction ends. The covenant shall also include an agreement by the Owner to indemnify and save harmless the Resort Municipality of Whistler against all costs and expenses incurred by the Resort Municipality of Whistler, in default by the Owner, in the conversion, demolition, or removal of the temporary residence, and/or legal costs incurred in pursuing such legal remedies as the Resort Municipality of Whistler sees fit. The covenant shall be registered as a condition precedent to the issuance of a Building Permit for the new residence;
- (e) a blanket statutory right-of-way shall be granted to the Resort Municipality of Whistler Permitting the Resort Municipality of Whistler to enter onto the Owner's land for the purpose of converting, demolishing, or removing the temporary residence in the event that the Owner defaults. The statutory right-of-way plan shall be registered as a condition precedent to the issuance of a Building Permit for the new residence;
- (f) an irrevocable unconditional letter of credit shall be drafted in favour of the Resort Municipality of Whistler, to be held as security for performance by the Owner of their covenants and obligations with respect to the conversion, demolition or removal of the temporary residence. The amount of the letter of credit shall be 1.5 times the estimated cost of conversion, demolition, or removal of the temporary residence, which estimate shall be obtained from a qualified Building, demolition, or moving contractor. The letter of credit shall be provided as a condition precedent to the issuance of a Building Permit for the new residence.
- (g) for the purposes of this section, "period of Construction" shall mean the period of time commencing when a Building Permit is issued for the new residence and ending either two years from the date of issuance of the Permit or when notice of conversion, demolition, or removal is delivered to the Owner, whichever event first occurs. The notice of conversion, demolition, or removal of the temporary residence shall be in writing and delivered from the office of the Building Official of the Resort Municipality of Whistler.

## **PART 34 OFFENCES AND ENFORCEMENT**

### **Violations**

34.1 Without limiting Part 7 of this bylaw, every person who:

- (a) violates a provision of this bylaw;
- (b) permits, suffers or allows any act to be done in violation of any provision of this bylaw; or

(c) neglects to do anything required to be done under any provision of this bylaw;

commits an offence and on summary conviction by a court of competent jurisdiction, the person is subject to a fine of not more than \$50,000.00, a term of imprisonment not exceeding three months, or both, in addition to the costs of prosecution. Each day during which a violation, contravention or breach of this bylaw continues is deemed to be a separate offence.

34.2 Every person who fails to comply with any order or notice issued by a Building Official, or who allows a violation of this bylaw to continue, contravenes this bylaw.

34.3 Every person who commences Work requiring a Permit without first obtaining such a Permit must, if a Stop Work Order is issued and remains outstanding for 30 days, pay an additional charge as outlined in the Resort Municipality of Whistler bylaws.

#### **Deemed Offence**

34.4 An Owner is deemed to have knowledge of and be liable for a violation of this bylaw and subject to the penalties under section 30.1 of this bylaw in respect of any Construction on the parcel the Owner owns and any change in the use, occupancy or both of a Building or Structure or part of a Building or Structure on that parcel.

34.5 No person is liable for a violation of this bylaw under Section 30.4 who establishes, on a balance of probabilities, that the Construction or change of use or occupancy occurred before they became the Owner of the parcel.

34.6 Nothing in Section 30.5 affects:

- (a) the Resort Municipality of Whistler's right to require an owner to correct work that was undertaken in violation of this bylaw before that person became the owner of the parcel;
- (b) the owner's obligation to obtain a Permit to correct work that was undertaken in violation of this bylaw before that person became the owner of the parcel; and
- (c) the obligation of the Owner to otherwise comply with this bylaw in respect of construction or a change of use or occupancy that occurred before they became the owner of the parcel.

#### **Ticketing**

34.7 The offences in the Resort Municipality of Whistler's Municipal Ticket Information Bylaw and the Bylaw Notice Enforcement Bylaw, as amended or replaced from time to time, are designated for enforcement under Section 264 of the *Community Charter*.

**PART 35      INTERPRETATION**

- 35.1 Every reference to this bylaw in this or another bylaw of the Resort Municipality of Whistler is a reference to this bylaw as amended to the date of the reference.
- 35.2 Every reference to:
- (a) the Building Code is a reference to the current edition as of the date of application for the Building Permit, and
  - (b) a section of the Building Code is a reference to the applicable successor sections, as the code or section may be amended or re-enacted from time to time.
- 35.3 Where any provincial act or regulation or any other Resort Municipality of Whistler bylaw may apply to any matter covered by this bylaw, compliance with this bylaw shall not relieve the Owner or their Agent from complying with provisions of such other act, regulation or bylaw.
- 35.4 Definitions of words and phrases used in this bylaw that are not included in the definitions in this part have the meanings commonly assigned to them in the context in which they are used in this bylaw, considering the specialized use of terms with the various trades and professions to which the terminology applies.

**Definitions**

- 35.5 In this bylaw the following words and terms have the meanings as set out in the Building Code as of the date of the adoption of this bylaw:
- (a) Section 1.2.1.1: alternative solutions;
  - a. Section 1.4.1.2.: accessible, assembly occupancy, building area, building height, business and personal services occupancy, care occupancy, Constructor, Coordinating Registered Professional, designer, detention occupancy, excavation, field review, firewall, first storey, grade, high hazard industrial occupancy, industrial occupancy, low hazard industrial occupancy, major occupancy, medium hazard industrial occupancy, mercantile occupancy, occupancy, post-disaster occupancy, private sewage disposal system, registered professional, residential occupancy, treatment occupancy, or unsafe condition.
- 35.6 In this bylaw, all words or phrases shall have their common meaning except where changed, modified, or expanded by the definitions set forth in this section.

“Accepted” means, in respect of the functions of the Building Official, reviewed by the Building Official under the applicable provisions of the Building Code and this bylaw.

“Addition” means an Alteration to any Building which will increase the total aggregate floor area or the building height (in storeys) and includes the provision of two or more separate buildings with openings between each other for intercommunication, as well as any addition to a plumbing system by adding any new plumbing fixtures, plumbing systems, or piping systems.

“Agent” includes a firm, corporation, or other person representing the Owner by written designation or contract and includes a hired tradesperson or Constructor who may be granted a Permit for Work within the limitations of their licence.

“Alteration” means a change, repair or modification of the Construction or arrangement of or use of any Building or Structure, or to an occupancy regulated by this bylaw, as well as any change, repair, relocation, removal, or modification of plumbing On-site Services, plumbing systems or piping systems.

“Building” means any Construction used or intended for supporting or sheltering any use or occupancy, including a Mobile Home.

“Building Official” means the person designated in or appointed to that position by the Resort Municipality of Whistler and other such person or persons as they may designate from time to time as their assistants.

“Change of Use or Occupancy” means changing the use of a Building, or portion of a building, to an alternative use, even if no Construction or Alterations are anticipated.

“Construct” or “Construction” includes to build, erect, install, repair, alter, add, enlarge, move, locate, relocate, reconstruct, demolish, remove, excavate, or shore.

“Crane” means a machine (either freestanding or self-erecting) for raising, shifting, and lowering heavy weights by means of a projecting swinging arm or with the hoisting apparatus supported on an overhead track

“Existing”, in respect of a Building, means the portion of a building constructed prior to the submission of a Permit application required under this bylaw.

“Expire” means a condition of Permit issuance where the rights of the Owner under that Permit are terminated, typically through the passage of time.

“Fenestration”, means the arrangement, proportioning, and design of windows and doors in a building.

“Flood Plain”, means a parcel of land or portion of any parcel of land lying at an elevation equal to or less than the flood Construction level as established by the RMOW bylaws.

“Foundation” means a system or arrangement of foundation units through which the loads from a Building are transferred directly to supporting soil or rock and includes any portion of the exterior walls of a Building that lie below the finished grade immediately adjacent to the Building.

“GHG” means greenhouse gas, which include a wide range gases that trap heat in the atmosphere increasing the average temperature and causing climate change.

“Health and Safety Aspects of the Work” means design and Construction regulated by Parts 3, 4, 5, 6, 7, 8, 9 and 10, Division B, of the Building Code; and subject to Parts 1 and 2 in relation to Parts 3 through 10, Division B.

“Hot Tub” means a Structure or Constructed depression used or intended to be used for swimming, bathing, or wading, which is designed to contain water and has a depth, at any point, exceeding 600mm, including an in-ground Pool and Hot Tub to a maximum area of 7.5 m<sup>2</sup>.

“Inter-modal Containers” means a large metal box, in the shape of a rectangular parallelepiped, designed and used to transport goods from one port to another by road, rail, sea, or air, also called freight shipping; except when used for storage it is considered a Structure, as defined by this bylaw.

“Manufactured Home” means a pre-manufactured Home constructed to the requirements of the CSA-Z240MH Series-16 or any preceding or replacement standard.

“Modular Home” means a home conforming to the requirements of the CSA A277, "Procedure for certification of prefabricated buildings, modules, and panels" or any preceding or replacement standard for certified factory-built homes.

“Monitored” means the method by which a Building Official may review the process of field reviews as conducted by registered professionals pursuant to the Building Code and this bylaw and other applicable enactments:

- (a) the monitoring function is satisfied by the Building Official's receipt of the applicable letters of assurance submitted by the registered professional and as referred to in Section 2.6 of Part 2 of the Building Code;
- (b) although a Building Official may review registered professionals' field inspection reports to ascertain field review frequency or visit a site from time to time to verify that registered professional field reviews are taking place, the Building Official is under no duty to do so;

monitoring does not include assessment of compliance with the Building Code, this bylaw or any other enactments, or the approval of any aspect of Construction.

“On-site Services” means utilities and features, which provide for servicing a Project within the property on which it is located and includes water service piping and distribution systems, storm and sanitary sewer collection, access roads, natural gas, electric, and cable.

“Off-site Services” means services required pursuant to the Resort Municipality of Whistler Subdivision Servicing Guidelines of the day that are required to be located on a public road, public land, or statutory right-of-way at final approval of the subdivision or development.

“Owner” means the registered Owner of an estate in fee simple of land, or an Agent duly authorized by the Owner in writing in the prescribed form, and where the context or circumstances so require:

- (a) a tenant for life under a registered life estate;
- (b) a registered holder of an agreement for sale;
- (c) a holder or occupier of land held in the manner in accordance with the *Community Charter*; or
- (d) a lessee with authority to build on land.

“Part 3 Building” means

- (a) a Building used for a major occupancy classified as:
  - (i) assembly occupancy;
  - (ii) care or detention occupancy;
  - (iii) high-hazard industrial occupancy;
  - (iv) treatment occupancy;
  - (v) or post-disaster building.
- (b) a Building exceeding 600m<sup>2</sup> in building area or exceeding three storeys in building height used for a major occupancy classified as:
  - (i) residential occupancy;
  - (ii) business and personal services occupancy;
  - (iii) mercantile occupancy; or
  - (iv) medium and low hazard industrial occupancy.

“Part 9 Building” means a Building of three storeys or less in building height, having a building area not exceeding 600m<sup>2</sup> and used for a major occupancy classified as:

- (a) residential occupancy;
- (b) business and personal services occupancy;
- (c) mercantile occupancy; or
- (d) medium and low hazard industrial occupancy.

“Permit” means permission or authorization in writing by the Building Official to perform Work regulated by this bylaw and, in the case of an occupancy inspection notice, to occupy a Building or part of a Building.

“Pre-fabricated Housing” means Manufactured Home or a Modular Home as defined in this bylaw.

“Pool” means a Structure or Constructed depression used or intended to be used for swimming, bathing, wading, or diving, which is designed to contain water and has a depth, at any point, exceeding 600mm, including an in-ground Pool and Hot Tub;

“Professional Design” means the plans and supporting documents bearing the date, seal or stamp, and signature of a registered professional.

“Project” means any Construction operation.

“Qualified Plumber” means a person who holds a current Certificate of Qualification issued by the Province of British Columbia as a journeyman plumber for which a statement of compliance and assurance is being provided pursuant to the Certificate of Plumbing Test.

“Retaining Wall” means any Structure other than a Building that holds or retains soil or other earth material behind it.

“Step Code” means the BC Energy Step Code as referenced in the British Columbia Building Code Section 9.36.6 as amended from time to time.

“Structure” means Construction or portion of Construction, of any kind, whether fixed to, supported by or sunk into land, airspace or water, and includes Foundations or supporting framework for exterior signs, equipment and machinery, interior storage racking greater than 2.6 m in height, tents, Retaining Walls, Inter-modal Containers, and Pool fences, but specifically excludes paving, fences and landscaping.

“Temporary Building” includes any temporary sales office, Construction office or a Structure in which tools are stored during Construction of a Building or other Structure.

“Work” means the same as Construct or Construction as defined in this bylaw.

“Zero Carbon” means

“Zoning Bylaw” means the Resort Municipality of Whistler Zoning and Parking Bylaw No. 303, 2015, as amended or replaced from time to time;

## **PART 36      IN FORCE**

36.1    This bylaw shall be effective from the date of adoption.

GIVEN FIRST, SECOND and THIRD READINGS this \_\_\_\_ day of \_\_\_\_\_, 2025



ADOPTED THIS \_\_\_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
Jack Crompton  
Mayor

\_\_\_\_\_  
Pauline Lysaght  
Corporate Officer

I HEREBY CERTIFY that this is a  
true copy of "Building Regulation  
Bylaw No. 2482, 2025".

\_\_\_\_\_