SUMMARY:

The Building Bylaw sets out regulations regarding the construction, alteration, repair, or demolition of buildings and structures within the City of Kelowna. The bylaw sets out the information required to apply for a building permit, the permit fees and the conditions under which a building permit may not be required. The bylaw also outlines the powers and duties of the building inspectors and the issuance of occupancy permits.

This bylaw is a 'consolidated' version and includes amendments up to the date listed in the bylaw heading. It is placed on the Internet for convenience only, is not the official or legal version, and should not be used in place of certified copies which can be obtained through the Office of the City Clerk at City Hall. Plans, pictures, other graphics or text in the legal version may be missing or altered in this electronic version.
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CITY OF KELOWNA

BYLAW NO. 7245

REVISED: May 13, 2019

CONSOLIDATED FOR CONVENIENCE TO INCLUDE

BYLAW NOS. 7381, 7633, 7687, 8032, 8164, 8213, 8279, 8306, 8808, 9011,

10632, 10712 & 11823

CITY OF KELOWNA BUILDING BYLAW

BL10632 replaced as follows:
WHEREAS the Community Charter allows Council, by bylaw, to regulate, prohibit and impose requirements in relation to building and other structures;

AND WHEREAS the Province of British Columbia has adopted a Building Code to govern standards in respect of the construction, alteration, repair and demolition of buildings and structures in municipalities;

AND WHEREAS the Province by enactment has authorized Council, for the health, safety, and protection of persons and property, to regulate the construction, alteration, repair, or demolition of buildings and structures by bylaw;

NOW THEREFORE the Council of the City of Kelowna, in open meeting assembled, enacts as follows:

PART 1 - INTERPRETATION

Application

1.1 This bylaw applies to the geographical area of the City and to land, water, air space, buildings, and structures in the City.

1.2 This bylaw is enacted to set standards in the general public interest.

Definitions

1.3 In this bylaw,

"Agent" includes a person representing the owner by written consent;

BL7633 added the Definition "Architect":

"Architect" means a person registered or licensed under the Architects Act as a member of the Architectural Institute of British Columbia.

BL8306 replaced definition:

"Building" means any construction used or intended for supporting or sheltering any use or occupancy and includes a mobile home;
"Building Code" means the current edition of the British Columbia Building Code established by regulation under Section 692 of the Local Government Act;

BL10632 & BL11823 amended definition:
"Building Official" means the Director of Development Services or designate;

BL7633 added the definition "Certified Professional" BL9011 deleted the definition of "Certified Professional"

"City" means the City of Kelowna;

"Construct" includes build, erect, install, repair, alter, add, enlarge, move, locate, relocate, reconstruct, demolish, remove, excavate, or shore;

"Construction" includes building, erection, installation, repair, alteration, addition, enlargement, moving, locating, relocating, reconstruction, demolition, removal, excavation, or shoring;

"Council" means the Council of the City of Kelowna;

BL7633 added the Definition "Engineer":
"Engineer" means a person registered or licensed as a Professional Engineer pursuant to the provisions of the Engineers’ and Geoscientists’ Act of British Columbia.

BL7633 added the Definition "Field Reviews" and BL11823 amended definition:
"Field Reviews" means such reviews of the work at the project site and at fabrication locations, where applicable, as the Architect or Engineer in their professional discretion considers to be necessary in order to ascertain that the work substantially conforms in all material respect to the plans and supporting documents prepared by the Architect or Engineer and accepted by the City for the project. This includes keeping records of all site visits and any corrective actions taken as a result thereof.

BL8213 added the following definition:
"Heritage Alteration Permit" means a permit authorizing alterations or other actions in relation to protected heritage property or property within a heritage conservation area pursuant to Section 972 of the Local Government Act.

BL8306 added the Definitions “Mobile Home” and “Mobile Home Park”:
"Mobile Home" means a transportable single family dwelling unit meeting minimum Canadian Standards Association Z-240 or A-277, or National Building Code Standards, suitable for long term occupancy, and designed to be transported on wheels;

"Mobile Home Park" means land use or occupied by any person for the purposes of providing spaces for the accommodation of two or more mobile homes and for imposing a charge or rental for the use of such space;

BL10632 replaced definition:
"Owner" means, in respect of real property,
   a) The registered owner of an estate in fee simple,
   b) The tenant for life under a registered life estate,
   c) The registered holder of the last registered agreement for sale,
   d) The holder or occupier of land held in the manner referred to in section 228 [taxation of Crown land used by others] or section 229 [taxation of municipal land used by others], and
e) An Indian who is an owner under the letters patent of the municipality incorporated under Section 12 (incorporation of reserve residents as a village) of the Local Government Act.

"Permit" means permission or authorization in writing by the Building Official under this bylaw to perform work regulated by this bylaw;

BL11823 amended definition:

"Person" means a natural person, their heirs, executors, administrators, or assigns, a firm, corporation, municipal or quasi-municipal corporation, society or party, school board, hospital board or other government or government agency;

"Registered Professional" means:
(a) a person who is registered or licensed to practice as an architect under the Architects Act, or
(b) a person who is registered or licensed to practice as a professional engineer under the Engineers and Geoscientists Act.

"Retaining Wall" means a wall constructed of concrete, steel, wood, stone, masonry, brick, concrete block, or a combination thereof, designed so as to support, confine, retain, or keep in place earth material;

"Site" means a lot or lots upon which buildings and structures are constructed or placed or intended to be constructed or placed;

BL8306 replaced the Definition "Structure":

"Structure" means any construction fixed to, supported by, or sunk into land or water and, without limiting the generality of the foregoing, includes retaining walls, paving, signs, tanks, swimming pools, canopies, awnings and hoarding; and further includes sewage, water, drainage and highway facilities, other than off-street parking facilities, and providing and improving parkland that services, directly or indirectly, a development within the meaning of Section 932 of the Local Government Act.

"Swimming Pool" means a structure capable of being filled with water, used or intended to be used for swimming, bathing, wading or soaking having a surface area exceeding 14 m² or a depth of more than 600 mm;

BL7633 added the Definition "Value of Building Construction"

"Value of Building Construction" means the completed building value of all construction or work related to the building including finishes, roofing, electrical, plumbing, heating, air-conditioning, fire extinguishing systems, elevators and any other building service equipment and materials, the current monetary worth of all plans and specifications, labour and fees for design, testing, consulting, management, contractors’ profit and overhead, and current monetary worth of all contributed labour and material and site works.

"Work" means the same as "Construct" as defined in this bylaw.

1.4 Duty of Care

1.4.1 This bylaw does not create a duty of care in respect of the City, Council members, the Building Official, or employees or Agents of the City in respect of:

(a) issuance of a permit under this bylaw;
(b) review of the plans and supporting documents;
(c) inspections made by the Building Official or failure to make such inspections; or
(d) enforcement or failure to enforce the building code or the provisions of this bylaw.
1.5 Cause of Action

1.5.1 Neither a failure to administer or enforce, nor incomplete or inadequate administration or enforcement of the building code or the provisions of this bylaw, nor any error, omission, or other neglect in relation to the issuance of a permit under this bylaw, the review of the plans and supporting documents, or inspections made by the Building Official, shall give rise to a cause of action in favour of any person, including the owner.

1.6 Warranty or Representation

1.6.1 Neither the issuance of a permit under this bylaw, the review of the plans and supporting documents, nor inspections made by the Building Official shall, in any way, constitute a representation, warranty, or statement that the building code or this bylaw has been complied with and no person shall rely on any of the above listed matters as establishing compliance with the building code or this bylaw.

BL11823 amended Section 1.7:

1.7 Owner's Responsibility

1.7.1 It shall be the full responsibility of the owner or their agent to carry out the work or have the work carried out in substantial accordance with the requirements of the building code, this bylaw, and other bylaws of the City, and neither the issuance of a permit under this bylaw, the review of plans and supporting documents, nor inspections made by the Building Official shall relieve the owner or their agent from this responsibility.

1.8 Administrative Directions

1.8.1 Words defining the responsibilities and authority of the Building Official shall be construed to be internal administrative directions and not as creating a duty.

PART 2 - PROHIBITIONS

2.1 Conformity with Building Code and Bylaw

2.1.1 No building or structure shall be constructed, except in conformity with the requirements of the building code, this bylaw, and all other bylaws of the City.

2.1.2 Section 2.1(1) applies whether or not in any case it is expressly stated that the doing of, or failure to do the thing mentioned shall be unlawful.

2.2 General Prohibitions

2.2.1 No person shall:

(a) commence construction or continue to construct a building or structure without first obtaining a permit for that purpose from the Building Official;

(b) unless authorized by the Building Official, reverse, alter, deface, cover, remove, or in any way tamper with a stop work order notice, certificate, card, or notice posted on or affixed to a building or structure pursuant to the provisions of this bylaw;
(c) do any work at variance with the description, plans, and supporting documents for the building, structure, or work for which a permit has been issued, unless the Building Official has authorized the change;

(d) interfere with or obstruct the entry of the Building Official onto land or premises as authorized by the provisions of this bylaw;

(e) erase, alter, or modify plans and supporting documents after the same have been reviewed by the Building Official, or plans and supporting documents which have been filed for reference with the Building Official after the permit has been issued;

(f) submit false or misleading information in relation to a permit or an application for a permit under this bylaw;

(g) repair a building or structure damaged by fire, decay, storm, or otherwise to an extent greater than 75% of its assessed value as of the date of damage above its foundation, unless in every respect the entire building or structure is made to comply with the building code subject to the provisions of this bylaw;

(h) occupy or use a building or portion thereof after construction of that building or portion thereof without first obtaining an Occupancy Permit;

(i) occupy or use a building or portion thereof following a change in class of occupancy of a building or portion thereof without first obtaining an Occupancy Permit;

(j) continue to do any work upon a building or structure or any portion thereof after the Building Official has ordered cessation of work thereon;

(k) construct on a site unless the civic address is conspicuously posted on the front of the premises or on a sign post so it may be easily read from the public highway from which it takes its address;

(l) change in class of occupancy of a building or a portion thereof without first applying for and obtaining a building permit under this bylaw.

PART 3 - THE BUILDING OFFICIAL

3.1 Administration of Bylaw

3.1.1 The Building Official may:

(a) keep records of applications received, permits and orders issued, inspections and tests made, and retain copies of all papers and documents connected with the administration of this bylaw; and

(b) establish whether any method or type of construction or material used in the construction of any building conforms with the requirements and provisions of the building code.
Consolidated Bylaw No. 7245 - Page 6.

3.2 Refusal to Issue Permit

BL11823 amended 3.2.1:

3.2.1 The Building Official may refuse to issue a permit where in their opinion the proposed construction will contravene the requirements of the building code or the provisions of this or any other bylaw of the City.

3.3 Correction Orders

3.3.1 The Building Official may order the correction of any work which contravenes the building code or the provisions of this or any other bylaw of the City.

3.4 Revocation of Permit

BL11823 amended 3.4.1:

3.4.1 The Building Official may revoke a permit where, in their opinion, the results of tests on materials, devices, construction methods, structural assemblies, or foundation conditions contravene the building code or the provisions of this bylaw or both, or where all permits required under this bylaw have not been obtained.

3.5 Conformity to Building Code

3.5.1 The Building Official may establish or require the 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 of the building code.

3.6 Right of Entry

3.6.1 The Building Official is authorized to enter on property at any time in order to ascertain whether the requirements of this bylaw are being met.

PART 4 - BUILDING PERMITS

4.1 Requirements

BL10632 and BL10712 amended the following:

4.1.1 It is the duty of the owner to make application for and to obtain a building permit prior to commencement of the following work:

(a) construction of buildings and structures;
(b) repair and alterations of buildings and structures;
(c) additions to buildings and structures;
(d) construction of accessory buildings greater than 10.0 m² in building area;
(e) demolition of buildings and structures;
(f) moving of buildings and structures;
(g) placement of buildings and structures;
(h) construction of retaining walls greater than 1.2 m in height;
(i) construction of swimming pools;
(j) construction of parking lots;
(k) [deleted]
(l) installation of building canopies, marquees, and awnings;
(m) [deleted]
(n) installation of solid fuel burning appliances;
(o) installation of extinguishing equipment over cooking appliances; and
(p) installation of canopies over cooking appliances;
(q) addition of a secondary suite within a single family dwelling

or prior to a change in class of occupancy of a building or part thereof.

4.2 Exception

4.2.1 No construction shall commence or continue unless a building permit for the construction has been issued by the Building Official, except construction of a temporary on-site construction building or structure for a project being constructed under valid permits.

4.3 Separate Application for Each Building and Each Tenant

4.3.1 Subject to Sections 4.1 and 4.4 construction of every building, structure, or tenant space shall be the subject of a separate building permit application and building permit and shall be assessed a separate building permit fee based on Schedule "A".

4.4 Permit Application

4.4.1 An application for a permit filed with the Building Official shall:

(a) be made in the form prescribed by the Building Official;
(b) be signed by the owner;
(c) state the intended use or uses of the building or part thereof;
(d) state the true value of the proposed work;
(e) when required by the Building Official, include a minimum of two (2) complete sets of plans (three (3) complete sets if Development Permit is issued by the Planning and Development Services Department) drawn to scale, and supporting documents of the building or structure or part thereof to be constructed, and shall indicate the nature and extent of the work or proposed construction in sufficient detail to establish that, when completed, the work and the proposed construction complies with the building code and this and every other applicable City bylaw; and
(f) contain any other information necessary to satisfy the Building Official that the proposed building or structure complies with the requirements of the building code and this and every other applicable City bylaw.

4.5 Application Expiration

4.5.1 Subject to Section 4.6, a building permit application shall expire within six (6) months of application date if the building permit has not been issued.

4.6 Extension of Application

4.6.1 Where the building permit has not been issued, the permit application may be extended for a period not greater than six (6) months from the date of expiry of the original building permit application, provided:

(a) the extension request is made in writing within fifteen (15) days of permit application expiration; and
(b) any City fees and cost charges which have increased since the original building permit application have been paid.
4.7 Building Permit Fees and Other Charges

Before receiving a building permit for a building or structure, the owner shall first pay to the City the appropriate building permit fee set out in Schedule A and any other applicable charges including development cost charges as specified in the "Kelowna Development Cost Charge Bylaw No. 7728".

No fee or part of a fee paid to the City shall be refunded if a start has been made on construction of the building or structure.

A building permit fee may be partially refunded as set out in Schedule "A" when the owner has submitted a written request for a refund, the Building Official has certified a start has not been made on the construction of the building or structure and the permit has not expired.

A building permit fee is not refundable after the permit has been extended under Section 4.11.

Where an issued building permit is active and the owner proposes a modification to the building design whereby the value of construction does not increase or the value of construction decreases, the owner shall first pay to the City a building permit fee based on the plan checker's hourly rate set out in Sentence 13 of Schedule "A".

In every case where, due to non-compliance with the provisions of the Building Code, unsatisfactory workmanship or work not ready when inspection called for, more than two inspections are necessary, then each inspection after the second inspection, a fee as set out in Schedule A must be paid prior to any further inspections.

For inspections not specifically described in section 5.1.1 the owner shall first pay to the City the appropriate fee set out in Schedule A.

Fee for a secondary suite within a single family dwelling shall be set out in SCHEDULE "A" – SCHEDULE OF PERMIT FEES.

4.8 Issuance of Permit

If the Building Official is satisfied that the building or structure which is the subject of a building permit application will comply with the building code, the provisions of this and every applicable City bylaw, a building permit shall be issued to the owner.

The Building Official may refuse to issue a permit when the owner has been notified of a violation of this bylaw with regard to the construction of another building for which a permit has been issued and the violation has not been remedied.

The Building Official may issue a building permit for the construction of a part of a building or structure before the plans and supporting documents for the whole building or structure have been submitted or reviewed provided that the necessary information and detailed statements pertaining to the building or structure have been filed conforming with the requirements of this bylaw.

Notwithstanding the issuance of a permit referred to in Section 4.8.3, the requirements of this bylaw apply to the remainder of the building as if the permit had not been issued.
BL8213 added the following:

4.8.5 Notwithstanding the provisions of this section, should a Heritage Alteration Permit be required for the work that is the subject of the building permit application, the issuance of the building permit may be withheld pending issuance of the required Heritage Alteration Permit.

4.9 **Conditions of a Building Permit**

4.9.1 After issuance of the building permit, the owner shall post a sign on the construction site, visible from the road, clearly identifying the civic address and legal description of the site.

4.9.2 The owner shall keep a copy of the reviewed plans and supporting documents on the site for which the building permit has been issued.

4.9.3 A building permit or an application for a building permit that is in process shall not be transferred or assigned until the owner has notified the Building Official in writing, the Building Official has authorized the transfer or assignment, and the owner has paid the fee required under Schedule "A". The transfer or assignment of a building permit does not constitute an extension of a building permit.

4.9.4 The review of plans and supporting documents and issuance of a building permit shall not prevent the Building Official from thereafter requiring the correction of errors in the said plans and supporting documents, or from prohibiting building construction or occupancy being carried on when in violation of the building code or of this or another City bylaw.

4.9.5 Any owner of property for which a permit has been issued shall be responsible for keeping the site in a clean and tidy condition and shall be required to provide containers for waste material.

4.9.6 (a) Any owner of property for which a permit is issued shall be responsible for the cost of repair and/or clean up of any damage to City works or property that occurs as a result of the work covered by the permit, and for the purpose of this clause:

   (i) "City property" includes all road allowances, land and easements, with all works, utilities, structures, and appurtenances therein and thereon; and

   (ii) "Damage" includes, but is not limited to, the placement, dropping or deposit of any dirt, debris, materials, objects or substances upon City property.

(b) It shall be the responsibility of the owner to observe the conditions of all City properties adjacent to and surrounding the building site and report any existing damage to the Building Official prior to commencing work. Any damage observed by the Building Official during the construction process or as part of the final inspection of the building will be assumed to have resulted from the subject building construction and therefore the owner's responsibility to resolve unless reported as outlined above.
(c) In the event that the **owner** does not repair and/or clean up the damage to City Property within the time limit set by the **Building Official**, the **City**, by its workmen or others may repair and/or clean up the damage at the expense of the **owner**. The **owner** shall, within thirty (30) days of invoice from the **City**, pay the costs of the repair and/or clean up and, if the said costs are unpaid on the thirty-first day of December in the year that the repair and/or clean up takes place, the same shall be added to and form a part of the taxes payable in respect to the building **site** concerned as taxes in arrears.

4.9.7 The exterior finish shall be completed within one year from the date of start of construction for one- and two-family residential **buildings** and residential accessory **buildings**, and within two years from the date of start of construction for all other **buildings**.

4.10 Permit Expiration

4.10.1 Subject to Section 4.11, a **building permit** shall expire such that it is invalid and of no force and effect when, to the knowledge of the **Building Official**, **construction** pursuant to the **permit** has not commenced within six (6) months of the date of issuance.

4.10.2 A **building permit** shall expire when **construction** is discontinued or suspended for a period of more than one year from the date of the last inspection by the **Building Official**.

4.11 Extension of Permit

4.11.1 Where **construction** has not commenced, the **building permit** may be extended for a period not greater than six (6) months from the date of expiry of the original **building permit**, provided:

(a) application for extension is made in writing within fifteen (15) days of **permit** expiration;
(b) a non-refundable fee set out in Schedule "A" has been paid; and
(c) any **City** fees and cost charges which have increased since the original **permit** was issued have been paid.

4.12 Permit Revocation

4.12.1 The **Building Official** may revoke a **building permit** where there is a violation of:

(a) a condition under which the **permit** was issued; or
(b) a requirement of the **building code** or of this or another bylaw of the **City**.

4.13 Changes By Permit Holder

4.13.1 No **construction** which is at variance with the plans and supporting documents for a **building** or **structure** for which a **building permit** has been issued shall take place, unless the change has been reviewed and authorized by the **Building Official**.
4.14 Requirements for Registered Professional

4.14.1 Notwithstanding any other provision of the building code or this bylaw, whenever the Building Official determines that site conditions, size, or complexity of construction or aspects of construction warrant specialized technical knowledge, it may be required as a condition of issuance of any permit that plans and supporting documents, or any part thereof, be undertaken, signed, and sealed by and construction carried out under field review of a Registered Professional.

4.14.2 The Building Official may require that an application for a permit for a retaining wall greater than 1.2 m in height be accompanied by plans and supporting documents designed, signed, and sealed by a Registered Professional.

4.14.3 Where the owner submits Letters of Assurance as required by the building code or this bylaw, the owner shall submit a Letter of Assurance in the form of Schedule "D" the Registered Professional's certificate of insurance confirming that the Registered Professional possesses insurance which includes errors and omissions and the particulars of such coverage.

4.15 Release from Liability

4.15.1 Notwithstanding the other provisions in this bylaw, the Building Official may require as a condition of the issuance of a building permit that the owner execute and submit to the City a release in the form set out in Schedule B.

BL7633 added Section 4.16 and BL9011 deleted Section 4.16

PART 5 - INSPECTIONS

5.1 Inspection Schedule

BL11823 amended 5.1.1:

5.1.1 The owner shall give at least twenty-four (24) hours notice to the Building Official in order to obtain their inspection at each of the following stages of construction:

(a) after the forms for footings are complete, but prior to placing of concrete therein;

BL10632 amended the following:

(b) after reinforcing steel for Flat Insulating Concrete Form Foundation walls is placed but prior to placing concrete therein;

(c) after removal of form work from concrete foundation wall and the installation of foundation drains, damp proofing, and drain rock, but prior to backfilling of foundations;

(d) after the installation of underslab polyethylene and granular fill but prior to the pouring of concrete slabs;

(e) when framing and sheathing of the building are complete, including all exterior doors, windows, roof membrane, fire-stopping, bracing, chimney, duct work, rough plumbing, gas venting, rough wiring, but before any insulation, lath or other interior or exterior finish is applied which would conceal such work;

(f) when insulation and vapour barriers have been installed but prior to interior finish;
5.1.2 The owner shall make all required corrections and shall not undertake further construction until authorized to do so by the Building Official.

5.1.3 Where a Registered Professional is engaged by the owner for the inspection of construction of the building or structure and where the prior approval of the Building Official has been obtained, sealed certificates of compliance with the reviewed plans and the Building Code submitted by the Registered Professional, may be accepted in lieu of inspections made by the Building Official.

5.2 Occupancy Permit

5.2.1 The owner shall obtain an Occupancy Permit from the Building Official prior to:

(a) occupancy of a building or part thereof after construction of that building or part thereof; or
(b) change in class of occupancy of any building or part thereof.

5.2.2 The occupancy permit may be withheld until the entire building or part thereof complies with this and all applicable bylaws of the City, all applicable laws of the Province, and any regulations made pursuant thereto, including all provisions of the Building Code.

5.3 Provisional Occupancy Permit

5.3.1 Upon the written request of the owner of a building for which a building permit has been issued, the Building Official may issue a provisional occupancy permit with a fixed expiry date where such provisional occupancy will not jeopardize the health or safety of the occupants of the building and where the exterior finishes have been substantially completed.

5.3.2 The owner shall complete the building and obtain an occupancy permit prior to the expiry date of the provisional occupancy permit.

5.4 Stop Work Order

5.4.1 The Building Official 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 on the premises whenever it is found that the work is not being performed in accordance with the requirements of the building code or of this or any bylaw of the City.

5.4.2 The owner shall, within 48 hours of the posting of a notice under Section 5.4.1, 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.
5.4.3 Subject to Section 5.4.2, no work other than the required remedial measures shall be carried out on the parcel affected by the notice referred to in Section 5.4.1 until the stop work order notice has been removed by the Building Official.

5.4.4 The notice referred to in Section 5.4.1 shall remain posted on the premises until that which is contrary to the regulations has been remedied to the satisfaction of the Building Official.

PART 6 - FOUNDATIONS AND SLABS-ON-GROUND

6.1 Residential Carport and Garage Floor Slab Levels

6.1.1 Carports or garages attached to residential buildings shall not be constructed with their floor level below the adjacent curb of a City street or crown of pavement of a City street, unless:

(a) as authorized by the Director of Works and Utilities, the drainage of the driveway serving the carport or garage is connected by gravity to the City storm sewer;
(b) the run-off water from the driveway may flow through or past the carport without accumulating and/or entering into the residence; or
(c) the drainage of the driveway serving the carport or garage is designed by a Registered Professional where a storm sewer connection is not available.

6.2 Lowest Floor Level Height Above Ground Water

6.2.1 When required by the Building Official, the owner shall provide a test hole for each project which shall show the depth of ground water.

6.2.2 Unless the floor slabs and foundation walls are waterproofed as per the requirements in the building code, all floor slabs and crawl space ground covers shall be placed a minimum of 600 mm above the established high ground water table level.

BL8808 replaced subsection 6.3:

6.3 Survey Certificates

6.3.1 Except as exempted in subsection 6.3.3, the owner, after the foundation of a building has been placed and prior to constructing any portion of the building on the foundation, shall submit a Survey Certificate to the Building Official certifying:

(a) the location of all exterior foundation walls and columns with reference to the nearest property lines;
(b) the location of all easements, right-of-ways and restrictive covenant lines; and
(c) the geodetic elevation of the top of the finished concrete foundation wall or in the case of a building constructed on a concrete slab, the geodetic elevation of the top of the concrete slab. This geodetic elevation is not required for buildings in Agricultural Zones.
6.3.2 The Survey Certificate shall be prepared by a British Columbia Land Surveyor or other person(s) as permitted by the Land Surveyors Act.

6.3.3 Survey Certificates are not required for:

(a) Single storey detached accessory buildings less than 55 square metres in building area; and

(b) Buildings constructed in Agricultural Zones with setbacks 2 metres or greater than the required setback of the City of Kelowna Zoning Bylaw No. 8000 as amended or replaced from time to time.

PART 7 - TEMPORARY BUILDINGS AND STRUCTURES

7.1 Issuance of Permit

7.1.1 Subject to the bylaws of the City, the Building Official may issue a building permit for the erection or placement of a temporary building or structure if:

(a) the permit is for a period not exceeding twelve (12) months; and

(b) the building or structure is connected to municipal utility services as required by the Building Official.

7.2 Permit Application

7.2.1 The application for a building permit for the erection or placement of a temporary building or structure shall be in writing, signed by the owner, and accompanied by:

(a) plans showing the location of the proposed temporary building or structure and construction details thereof;

(b) a statement by the owner indicating the intended use and duration of the use, and

(c) a security deposit in cash or certified cheque in the sum of $1,000.00 so as to guarantee that the building or structure will be removed entirely from the site and the site left in a safe, tidy, and sanitary condition.

7.3 Security Deposit

7.3.1 The security deposit, as required in Section 7.2, will be held by the City until the building or structure is removed and the site left in a safe, tidy, and sanitary condition, as determined by the Building Official.

7.3.2 If, upon the expiration of the temporary building permit, the owner fails to remove the building or structure and leave the site in a safe, tidy, sanitary condition, the City may do so at the owner's expense and may deduct the costs of so doing from the security deposit.
7.3.3 If the security deposit is insufficient to cover the costs of removing the building or structure and tidying the site to the satisfaction of the Building Official, the owner shall, within thirty (30) days of invoice from the City, pay the balance of the costs over the amount of the security deposit and, if the said costs are unpaid on the thirty-first day of December in the year in which the removal of the building or structure takes place, the same shall be added to and form a part of the taxes payable in respect of the site concerned as taxes in arrears.

PART 8 - CLIMATIC DATA

BL10632 replaced the following:

8.1 Climatic data for the design of building in the City shall be:

- Ground Snow load
  - SS 1.8 kPa
  - SR 0.1 kPa

- Depth of frost penetration 600 mm

All other climatic data should be obtained from the current edition of the Building Code.

BL10632 deleted PART 9 - BUILDING MOVE in its entirety

PART 10 - DEMOLITION

10.1 Security Deposit

10.1.1 Before the issuance of a permit for the removal or demolition of a building or structure comprising more than 65 m² in ground floor area or 15 m in height, the owner shall deposit with the City the sum of $1,000.00 for each building or structure to be removed or demolished. The deposit shall be provided in a form satisfactory to the Treasurer of the City. The deposit shall be held by the City until all construction material and debris, including concrete foundations and septic tanks, are removed from the site and all services have been disconnected at the property line, and the site left in a clean and tidy condition to the satisfaction of the Building Official. The site shall be left in a clean and tidy condition within ninety (90) days from the commencement of the demolition or removal of any building or structure. If the owner fails to leave the site in a clean and tidy condition to the satisfaction of the Building Official within the aforesaid ninety (90) days the City, by its workmen or others, may enter, clean and tidy the site at the expense of the owner and the costs for so doing shall be deducted from the deposit. If the deposit is insufficient to cover the costs of cleaning and tidying the site to the satisfaction of the Building Official, the owner shall, within thirty (30) days of invoice from the City, pay the balance of the costs over the amount of the deposit. If the said costs are unpaid on the thirty-first day of December in the year in which the cleaning and tidying takes place the same shall be added to and form a part of the taxes payable in respect to the said site concerned as taxes in arrears.
10.2 Delayed Demolition

BL10632 replaced the following:

10.2.1 Where an owner wishes to continue to use an existing dwelling as a residence while constructing another dwelling on the same parcel, the owner shall deposit with the City the sum of $20,000.00 for each building or structure to be demolished. The deposit shall be provided in a form satisfactory to the Financial Services Director of the City. Prior to issuance of the building permit, the owner shall enter into an agreement with the City undertaking upon completion of the new dwelling to:

(a) remove the existing dwelling; or

(b) convert the existing dwelling into a non-residential use to the satisfaction of the Building Official.

PART 11 - PRIVATE SWIMMING POOLS

11.1 Permits

11.1.1 No person shall construct a swimming pool on any lot without first obtaining a building permit to do so.

11.2 Drawings

11.2.1 Every application for construction of a swimming pool shall be accompanied by a plan showing:

(a) the location of the proposed pool in relation to all existing buildings on the premises and the property boundaries;

(b) the location of the accessory building housing the pool equipment in relation to all existing buildings on the premises and the property boundaries;

(c) the type of construction;

(d) the water supply and proposed method of drainage; and

(e) the proposed method of fencing.

11.3 Fencing

11.3.1 The owner or occupier of lands on which a swimming pool is to be constructed shall provide fencing or equivalent barrier from grade of not less than one point zero seven metres (1.07 m) in height, with any openings through or under said fence or barrier to be of a size as to prevent the passage of a spherical object having a diameter of ten centimetres (10 cm). The fence or barrier shall be designed so that no member, attachment or opening located between ten centimetres (10 cm) and ninety centimetres (90 cm) above grade will facilitate climbing. Access to the pool, other than through a dwelling unit, shall be equipped with a self-closing gate or door designed to return to a locked position when not in use and secured by a spring lock located on the pool side of the fence at least ninety centimetres (90 cm) above grade.
11.3.2 Pools one point zero seven metres (1.07 m) or more above surrounding ground shall only be required to enclose the ladder or other access points to the pool by a fence conforming to the requirements of Section 11.3.1 of this bylaw.

11.3.3 Chain link fencing may be used for a pool enclosure provided the openings do not exceed five centimetres (5 cm).

11.3.4 The owner or occupier of any property on which the swimming pool is situated shall maintain the required fence and gate in good repair at all times.

BL8279 replaced sub-section 11.3.5 with the following:

11.3.5 Fences or barriers for swimming pools are not required on properties zoned Agricultural or Rural Residential, as established by the "City of Kelowna Zoning Bylaw, No. 8000", where the pool is located forty-five metres (45 m) or more from the nearest property line.

11.4 Piping

11.4.1 All piping shall be installed to an acceptable standard for piping and fittings.

11.4.2 Where piping of fixtures drain to interceptors that are connected to a sewage system, such interceptors and water piping for filling pools with potable water shall be plumbed to a standard equal to the Province of British Columbia Plumbing Code for house plumbing.

11.5 Filling

11.5.1 No pool shall be filled until all requirements of Section 11.3.1 of this Bylaw have been met.

11.6 Draining

11.6.1 Prior to draining or backwashing of a pool, approval must be obtained from the City Public Operations Department when water will be discharged on City streets or public property.

PART 12 - CANOPIES AND MARQUEES

12.1 Regulations

12.1.1 Any canopy or marquee projecting over public property shall:

(a) be designed by a Registered Professional;
(b) be supported entirely from the structure to which it is attached;
(c) be capable of bearing a live load of not less than one point nine kilopascals (1.9 kPa);
(d) consist of non-combustible or protected combustible material;
(e) not project over a lane or a roadway where a sidewalk or curb does not exist;
(f) be not less than two point five metres (2.5 m) above the sidewalk;
(g) be not less than one metre (1 m) from the curb line of the sidewalk; and
(h) not interfere with standpipes, fire escapes, traffic lights, traffic signs, traffic, utilities or City works.

12.2 Indemnification Agreement

12.2.1 Every owner of a canopy which is installed or erected over public property shall enter into an agreement with the City in the form set out in Schedule C to this bylaw to indemnify against and save the City harmless from any and all liability resulting from injury to persons or damage to property which results from the presence, collapse, or failure of the canopy.

PART 13 - AWNINGS

13.1 Regulations

13.1.1 Any awning projecting over public property shall:

(a) have the support structure designed by a Registered Professional;

(b) be constructed on a metal frame supported entirely from the structure to which it is attached;

(c) be not less than two point two metres (2.2 m) above the sidewalk if located greater than one point five metres (1.5 m) from the curb line of the sidewalk or not less than two point five metres (2.5 m) above the sidewalk if located less than one point five metres (1.5 m) from the curb line of the sidewalk;

(d) be not less than one metre (1 m) from the curb line of the sidewalk;

(e) not project over a lane or a roadway where a sidewalk or curb does not exist; and

(f) not interfere with standpipes, fire escapes, traffic lights, traffic signs, traffic, utilities or City works.

13.2 Indemnification Agreement

13.2.1 Every owner of a awning which is installed or erected over public property shall enter into an agreement with the City in the form set out in Schedule C to this bylaw to indemnify against and save the City harmless from any and all liability resulting from injury to persons or damage to property which results from the presence, collapse, or failure of the awning.

BL.11823 added a new PART 14 and re-numbered subsequent PARTs.

PART 14 – ENERGY STEP CODE

14.1 Regulations

14.1.1 Effective December 1, 2019, any Part 9 residential building, as set out in the Building Code, must be designed and constructed to meet the minimum performance requirements specified in Step 1 of the BC Energy Step Code.

14.1.2 Effective June 1, 2021, any Part 9 residential building, as set out in the Building Code, must be designed and constructed to meet the minimum performance requirements specified in Step 3 of the BC Energy Step Code.
PART 15 - VIOLATIONS

15.1 Violations

15.1.1 Every person who violates or causes or allows to be violated a requirement of this bylaw shall be guilty of an offence and of a separate offence each day the violation is caused or allowed to continue.

BL7381 replaced Section 14.2.1:

15.2 Penalty

15.2.1 Every person guilty of an offence against this bylaw shall be liable under summary conviction to a penalty not to exceed $2,000.00 for each offence in addition to the costs of the prosecution."

PART 16 - MISCELLANEOUS

16.1 Severability

16.1.1 If a section, subsection, paragraph, subparagraph, or phrase of this bylaw is for any reason declared invalid by a Court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of this bylaw.

BL8213 added the following section and re-numbered the subsequent sections:

16.2 Enactments

16.2.1 Any enactment referred to herein is a reference to an enactment of British Columbia and regulations thereto, as amended revised, consolidated or replaced from time to time, and any bylaw referred to herein is a reference to an enactment of the Council of the City of Kelowna, as amended, revised, consolidated or replaced from time to time."

16.3 Repeal

15.3.1 The following bylaws are hereby repealed:

"City of Kelowna Building Bylaw No. 5082, 1982."
"Bylaw No. 5998-86, Being Amendment No. 1 to City of Kelowna Building Bylaw No. 5082, 1982."
"Bylaw No. 7204, Being Amendment No. 2 to City of Kelowna Building Bylaw No. 5082, 1982."

16.4 Schedules

15.4.1 Schedules A to D are attached hereto and form part of this bylaw.

16.5 Citation

15.5.1 This bylaw may be cited for all purposes as "Building Bylaw, 1993, No. 7245."

16.6 Effective Date

15.6.1 The effective date of this bylaw shall be December 1, 1993.
Read a first time by the Municipal Council this 4th day of October, 1993.

Read a second time by the Municipal Council this 4th day of October, 1993.

Read a third time by the Municipal Council this 4th day of October, 1993.

Reconsidered, finally passed and adopted by the Municipal Council of the City of Kelowna this 12th day of October, 1993.

__________________________  
"J.H. Stuart"  
Mayor

__________________________  
"D.L. Shipclark"  
City Clerk
### SCHEDULE "A"

**CITY OF KELOWNA BUILDING BYLAW NO. 7245**

**SCHEDULE OF PERMIT FEES**

<table>
<thead>
<tr>
<th>1.</th>
<th>VALUE OF BUILDING CONSTRUCTION</th>
<th>FEES</th>
</tr>
</thead>
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<tr>
<td></td>
<td>$1.00 - $10,000.00</td>
<td>$175.00 non-refundable</td>
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<tr>
<td></td>
<td>$10,001.00 - $100,000.00</td>
<td>$175.00 + $9.55 per $1000.00 or portion thereof</td>
</tr>
<tr>
<td></td>
<td>$100,001.00 - $500,000.00</td>
<td>$1034.50 + $8.05 per $1000.00 or portion thereof</td>
</tr>
<tr>
<td></td>
<td>$500,001.00 + and up</td>
<td>$4254.50 + $7.20 per $1000.00 or portion thereof</td>
</tr>
</tbody>
</table>

**VALUATION SCHEDULE**

Multiple dwellings, Commercial, Industrial, Institutional and all other categories:

Contract price or the current edition of the Marshall Valuation Service may be used by the Building Official to determine the value of construction for the purpose of assessing permit fees.

Where the submitted value of building construction is lower than the value determined by using the Marshal Valuation Service Publication, the value of building construction determined by the Marshall Valuation Service shall be used in calculating the building permit fees.

| 2. | MOBILE HOMES | $175.00 + $11.00 per $1000.00 of construction value of the foundations, mountings, skirting and blockings. |
| 3. | AWNINGS AND CANOPIES | Based on value stated in (1) above. |
| 4. | RETAINING WALLS | Based on value stated in (1) above. |
| 5. | DEMOLITION | $175.00 each building |
6. **HEATING AND VENTILATING SYSTEMS**

   (a) Masonry/Metal Chimneys
   
   Based on value stated in (1) above.

   (b) Solid Fuel burning appliances including chimneys
   
   $175.00 each

   (c) Canopies for commercial cooking appliances
   
   $175.00 each

   (d) Spray Booths
   
   Based on value stated in (1) above.

7. **CONSTRUCTION COMMENCED PRIOR TO ISSUANCE OF PERMIT**

If any **construction** for which **permit** is required by this by-law has commenced before a **permit** has been issued by the **Building Official**, the **Owner** of the real property on which the **construction** is being done, shall pay to the **City** double the value of the building construction fee based on the value stated in (1) above. To a maximum $1000.00

8. **RE-INSPECTION**

   $150.00

9. **ADDITIONAL PLAN CHECKING FEES**

   If the initial plans submitted are not satisfactory or a change of design is proposed to the Building Official and revised plans are required, there may be an additional minimum fee of $60.00 per hour or part thereof charged for all subsequent re-examination of such plans:

   (a) due to non-compliance with the provisions of the **Building Code** more than two plan checks are necessary; and

   (B) due to the submission of inaccurate heat loss calculations more than one plan check is necessary.
10. INSPECTIONS NOT SPECIFICALLY DESCRIBED IN SECTION 5.1.1 OF THIS BYLAW $60.00

11. PERMIT TRANSFER OR ASSIGNMENT FEE $150.00

12. PERMIT EXTENSION FEE $100.00

13. PERMIT FEE REDUCTION

Where the City has stated in writing that it is relying on the Certification by a Professional Engineer or Architect, registered as such under Provincial Legislation, that the plans or the aspects of the plans, complied with the Building Code or other applicable enactment, the building permit fee shall be reduced by 5%.

14. ALTERNATIVE SOLUTION FEE

For examination of requests for alternatives to Building Code requirements, a fee of $200.00 per alternative solution will be charged.

15. PERMIT FEE REFUND

Where work has not commenced in the specified time as stated in Part 4.7.3 of this bylaw, the permit fee less the greater of $175.00 or 25% of the permit fee may be refunded on presentation of the original receipt to the Building Official.

16. SECONDARY SUITE FEE

Secondary suites within a single family dwelling shall be charged a flat fee of $510.00.
BL10632 deleted SCHEDULE "B" - OWNER'S UNDERTAKINGS in its entirety.
WHEREAS __________________________ has applied to the City of Kelowna for a permit to install or erect a canopy or awning over public property pursuant to Bylaw No. 7245,

I hereby agree to release, indemnify and save harmless the City, its Council members, employees and Agents from and against all claims, liability, judgements, costs and expenses of every kind, including negligence which I, Persons employed by me or any other Person, partnership or corporation or our respective heirs, successors, administrators or assigns may have or incur in consequence of or incidental to:

(a) the issuance of this building permit;

(b) the review of the plans and supporting documents prepared by __________________________ (insert name of Registered Professional, if applicable);

(c) inspections made by the Building Official or failure to make such inspections;

(d) the enforcement or failure to enforce the current edition of the Building code or the Building Bylaw;

and I agree that the City owes me no duty of care in respect of these matters whether or not an officer or employee of the City, including a Registered Professional, has knowledge of the professional design or field review.

___________________________________________
Owner's Name (Print)

___________________________________________
Signature

___________________________________________
Address (Print)
CONFIRMATION OF INSURANCE COVERAGE
BY REGISTERED PROFESSIONAL

NOTE 1: This letter shall be submitted along with letters of assurance required by the Building Code or this bylaw before issuance of a building permit. A separate letter shall be submitted for each Registered Professional.

NOTE 2: Only an original Schedule printed by the City of Kelowna or an unaltered photocopy of this Schedule is to be completed and submitted.

City of Kelowna
1435 Water Street
Kelowna, B.C. V1Y 1J4

Attention: Inspection Services Manager

Dear Sir:

Re: Address of Project (Print)
Legal Description of Project (Print)

The undersigned hereby gives assurance that:

(a) I have fulfilled my obligation for insurance coverage as outlined in the City of Kelowna Building Bylaw, 1993, No. 7245.
(b) I have enclosed a copy of my certificate of insurance coverage indicating the particulars of such coverage,
(c) I am a Registered Professional as defined in the City of Kelowna Building Bylaw, 1993, No. 7245, and
(d) I will notify the Building Official in writing immediately if the undersigned’s insurance coverage is reduced or terminated at any time during construction.

Name (print) __________________________________________

Signed ___________________________ Date ________________

Address (print) __________________________________________

Phone ___________________________ (Affix professional seal here)
(If the Registered Professional is a member of a firm, complete the following:)

I am a member of this firm: 

______________________________
Name of Firm (print)

______________________________
Address (print)

______________________________
City

I sign this letter on behalf of the firm.

Note: 1. The City of Kelowna Building Bylaw, 1993, No. 7245 defines a Registered Professional to mean:

(a) a Person who is registered or licensed to practise as an architect under the Architects Act, or
(b) a Person who is registered or licensed to practise as a professional engineer under the Engineers and Geoscientists Act.
BL7633 added Schedules CP1, CP2, CP3 and CP4 and BL9011 deleted Schedules CP1, CP2, CP3 and CP4
SCHEDULE "E"

OWNER'S UNDERTAKINGS

NOTE 1: To be submitted prior to issuance of a building permit.
NOTE 2: Only an original Schedule printed by the City of Kelowna or an unaltered photocopy of this Schedule is to be completed and submitted.

City of Kelowna
1435 Water Street
Kelowna, BC
V1Y 1J4

Attention: Building & Permitting Branch Manager

Dear Sirs:

Re: Address
Building Permit Application No.
(the "Project"

In consideration of the City accepting and processing the above application for a building permit, and as required by the City's Building Bylaw No. 7245, the following representations, warranties, and indemnities are given to the City.

1. That I am:
   ( ) the Owner of the above property; or
   ( ) authorized by the Owner of the property described above to make this application

2. That I have authorized:

   Name (Print) __________________________________________________________
   Address (Print) ________________________________________________________

   to make application for the above permit on my behalf.

3. That I will comply with or cause those whom I employ to comply with the Building Code and all bylaws of the City and other statutes and regulations in force in the City relating to the development, work, undertaking or permission in respect of which this application is made.

4. That I understand and acknowledge that I am fully responsible for carrying out the work, or having the work carried out, in accordance with the requirements of the Building Code, the Building Bylaw and all other bylaws of the City.
5. That I understand and acknowledge that neither the issuance of a permit under this bylaw, the review of plans and supporting documents, nor inspections made by the Building Official shall in any way constitute a representation, warranty or statement that the Building Code, the Building Bylaw or any other bylaw of the City has been complied with.

6. That I confirm that I have relied only on the said Registered Professional for the adequacy of the plans and supporting documents submitted with this application.

7. That I confirm that I have been advised in writing by the City that it relied exclusively on the Letter of Assurance of “Professional Design and Commitment for Field Review” prepared by __________________________ (insert name of Registered Professional) in reviewing the plans and supporting documents submitted with this application for a building permit.

8. That I understand that where used herein the words "work" or "work or undertaking in respect of which this application is made" includes all electrical, plumbing, mechanical, gas and other works necessary to complete the contemplated construction.

9. That I am authorized to give these representations, warranties, assurance and indemnities to the City.

Owner's Information:  

Name: (Print)  

Name: (Print)

Signature  

Signature

Address (Print)  

Address (Print)  

Title (Print)

Agent for Owner Information:  

Name: (Print)

Name: (Print)

Signature  

Signature

Address (Print)  

Address (Print)  

Title (Print)
If Owner is company:

Party(ies) Signature(s) (FULL COMPANY NAME)
by its authorized signatory(ies):

___________________________________
(full name of signatory)

___________________________________
(full name of signatory)

Witness Information

___________________________________
Name (Print)

___________________________________
Signature

___________________________________
Address (Print)

___________________________________
Occupation (Print)

**BL111823 amended the following:**
The above must be signed by the **Owner** or their appointed **Agent**. The signature must be witnessed. If the **Owner** is a company, the authorized signatory(ies) must sign.

Please note the following provisions from the **Building** By-law:

1.4 **Duty of Care**

1.4.1 This bylaw does not create a duty of care in respect of the **City**, **Council** members, the **Building Official**, or employees or **Agents** of the **City** in respect of:

(a) issuance of a **permit** under this bylaw;
(b) review of the plans and supporting documents;
(c) inspections made by the **Building Official** or failure to make such inspections; or
(d) enforcement or failure to enforce the **building code** or the provisions of this bylaw.

1.5 **Cause of Action**

1.5.1 Neither a failure to administer or enforce, nor incomplete or inadequate administration or enforcement of the **building code** or the provisions of the bylaw, nor any error, omission or other neglect in relation to the issuance of a **permit** under this bylaw, the review of the plans and supporting documents, or inspections made by the **Building Official** shall give rise to a cause of action in favour of any **Person**, including the **Owner**.

1.6 **Warranty of Representation**

1.6.1 Neither the issuance of a **permit** under this bylaw, the review of the plans and supporting documents, nor inspections made by the **Building Official** shall in any way constitute a representation, warranty or statement that the **building code** or this bylaw has been complied with and no **Person** shall rely on any of the above listed matters as establishing compliance with the **building code** or this bylaw.
BL11823 amended Section 1.7:

1.7 Owner's Responsibility

1.7.1 It shall be the full responsibility of the Owner or his Agent to carry out the work or have the work carried out in substantial accordance with the requirements of the building code, this bylaw and the other bylaws of the City and neither the issuance of a permit under this bylaw, the review of plans and supporting documents, nor inspections made by the Building Official shall relieve the Owner or their Agent from this responsibility.