

THIS IS EXHIBIT "1"
Referred to in the Affidavit of
Osama Moin
Affirmed before me this 26th
day of November A.D. 2021



A COMMISSIONER FOR OATHS
IN AND FOR BRITISH COLUMBIA

SYLVIA ROWAT
ARTICLING STUDENT
OSLER, HOSKIN & HARCOWT LLP

CITY OF BURNABY**BYLAW NO. 13658****UNOFFICIAL CONSOLIDATION**

(Consolidated for Convenience with Bylaw 13791, 13978, 14038 and 14171)

A BYLAW to provide for the administration of the British Columbia Building Code and to provide certain additional building regulations.

WHEREAS the Community Charter authorizes the City, for health, safety and protection of persons and property, to regulate the construction, alteration, repair or demolition of buildings and structures by bylaw;

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 cities, municipalities and regional districts in the Province;

AND WHEREAS it is deemed necessary to provide for the administration of the Building Code;

The Council of the City of Burnaby ENACTS as follows:

This Bylaw may be cited as **BURNABY BUILDING BYLAW 2016**.

1. PURPOSE

- (1) This Bylaw shall, notwithstanding any other provision herein, be interpreted in accordance with this section.
- (2) This Bylaw is enacted for the purpose of regulating construction within the City in the general public interest. The activities undertaken by or on behalf of the City pursuant to this Bylaw are for the sole purpose of providing a limited and interim spot checking function for reasons of health, safety and the protection of persons and property. It is not contemplated nor intended that this Bylaw shall provide, nor shall this Bylaw be interpreted as providing:
 - (a) protection to owners, builders, constructors or any other persons from economic loss;
 - (b) the assumption by the City or the Building Inspector of any responsibility for ensuring the compliance by any owner, agent of an owner or any employees, builders, constructors or designers retained by an owner, with the Building Code, the requirements of this Bylaw or any other bylaws or enactments;

- (c) a warranty to any person of design or workmanship or materials with respect to any building, structure or part thereof for which a permit or occupancy certificate is issued under this Bylaw;
- (d) a warranty or assurance to any person that construction undertaken pursuant to a permit issued under this Bylaw is free from any defects, whether patent or latent.

2. SCOPE AND EXEMPTIONS

- (1) This Bylaw applies to the design, construction and occupancy of new buildings and structures, and the alteration, reconstruction, demolition, removal, relocation and change of occupancy of existing buildings and structures.
- (2) This Bylaw does not apply to buildings or structures exempted by Part 1 of the Building Code except as expressly provided herein.
- (3) This Bylaw applies to all land, water, air space, buildings and structures within the City of Burnaby.

3. DEFINITIONS

- (1) Unless otherwise defined herein, words and terms used in this Bylaw shall have the same meanings as set out in the Building Code.
- (2) In this Bylaw, unless the context otherwise requires:

“agent” includes a person, firm or corporation representing the owner by designation or contract and includes a hired tradesman or contractor who may be granted a permit for work within the limitation of his or her licence;

“building” means a structure or portion thereof, which is used or intended to be used for supporting or sheltering any use or occupancy;

“Building Code” means the British Columbia Building Code established from time to time by the Province of British Columbia;

“building envelope professional” means a member of the Architectural Institute of British Columbia or the Association of Professional Engineers and Geoscientists of British Columbia who has:

- (a) completed a program in building envelope studies offered by that Institute or endorsed by that Institute or that Association;
- (b) not less than five years of previous working experience in the design of building envelopes and field review of building envelope construction;

- (c) not less than one year of previous working experience in the design of building envelopes and field review of building envelope construction in the Province of British Columbia; and
- (d) provided to the Building Inspector documentary proof of the completion of the program referred to in subsection (a) and the design and field review experience referred to in subsections (b) and (c);

“Building Inspector” means the Chief Building Inspector of the City and such other person or persons as he or she may designate from time to time as his or her assistants;

“City” means the City of Burnaby;

“construct” or “construction” means to build, erect, install, repair, alter, add, enlarge, move, locate, relocate, reconstruct, demolish, remove, excavate or shore, with respect to a building or structure;

“Energy Step Code” means the system of energy performance requirements set out in Division B, Parts 9 and 10 of the Building Code;
(BYLAW 13978, 14038)

“owner” includes the registered owner of an estate in fee simple of land, and also 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 mentioned in sections 228 and 229 of the Community Charter.
- (d) a lessee with authority to build on land;

and in respect of water includes an occupier, tenant or holder of an interest in respect of the surface of the water;

“parcel” means a lot, block or other area in which land is held, or into which land is legally subdivided;

“permit” means permission or authorization in writing by the Building Inspector under this Bylaw to perform work regulated by this Bylaw;

“person” includes a natural person, a firm, corporation, municipal corporation, school board, hospital board or other government or government agency;

“professional design” means the plans and supporting documents bearing the date, seal or stamp, and signature of a registered professional;

“registered professional” includes a qualified professional as defined in section 55 (1) of the *Community Charter*’;

“retaining wall” means a structure designed to hold back, stabilize or support water, soil, rocks, or similar geotechnical materials; (BYLAW 14171)

“structure” means a construction or portion thereof of any kind, whether fixed to, supported by, sunk into or located in, land, water or airspace, and includes foundations or supporting framework for exterior signs, equipment and machinery, interior storage racking greater than 2.6 m in height and swimming pools as defined in the Swimming Pool Enclosure Bylaw, 2000, but specifically excludes paving, fences, retaining walls other than those retaining walls described in section 11(1)(c)(i), (ii), (iii), (iv), or (v), and landscaping. (BYLAW 14171)

4. PERMIT CONDITIONS

- (1) A permit is required to undertake any work regulated under this Bylaw.
- (2) Neither the issuance of a permit under this Bylaw nor the review of plans, drawings or supporting documents, nor any inspections made by or on behalf of the City shall in any way relieve the owner or the owner’s agent from full and sole responsibility to perform the work in strict accordance with this Bylaw, the Building Code, and any applicable codes, standards, bylaws and enactments.
- (3) The word “Reviewed” on a City document related to a permit, permit application or a procedure under this Bylaw
 - (a) does not mean, signify or imply that the City has confirmed, sanctioned or approved the design or construction;
 - (b) means only that the City has reviewed for the purposes of this Bylaw.
- (4) It shall be the sole responsibility of the owner, and where the owner is acting through an agent, both the owner and the agent, to carry out the work in respect of which a permit is issued in compliance with the Building Code, this Bylaw and any other applicable codes, standards, bylaws and enactments.
- (5) No person shall rely upon any permit as establishing compliance with this Bylaw or assume or conclude that this Bylaw has been administered or enforced according to its terms.
- (6) A permit or an application for a permit that is in process may not be transferred or assigned until the owner has notified the Building Inspector in writing, and paid the fee specified in the Burnaby Planning and Building Fees Bylaw. The transfer or assignment of a permit is not an extension of a permit. (BYLAW 13791)

- (7) The review of plans and supporting documents and issuance of a permit do not prevent the Building Inspector from thereafter requiring the correction of errors in those plans and supporting documents, or from prohibiting building construction or occupancy being carried on when in violation of this or any other bylaw or enactment.

5. RESPONSIBILITIES OF THE OWNER

- (1) Every owner to whom or to whose agent a permit is issued shall ensure that all construction complies with the Building Code, this Bylaw and any other applicable bylaws or enactments.
- (2) Every owner to whom or to whose agent a permit is issued shall pay for the cost of repair of any damage to City property or works that occurs in the course of the work authorized by the permit.
- (3) Every owner to whom or to whose agent a permit is issued shall during construction:
 - (a) keep a copy of the reviewed designs, plans and specifications on the property;
 - (b) post the civic address on the property in a location visible from any adjoining streets, and
 - (c) provide adequate permanent or portable washroom facilities on the construction site until the construction is complete.
- (4) Every owner shall obtain, prior to the occupancy of a building or part thereof, written permission from the Building Inspector to occupy the building or part thereof, pursuant to section 22.

6. NO WARRANTY OR REPRESENTATION

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

7. GENERAL PROHIBITIONS

- (1) No person shall commence or continue construction or change the occupancy of any building, structure or part thereof, unless the Building Inspector has issued a permit for the construction and that permit remains in force.
- (2) No building or structure shall be constructed except in conformity with the requirements of the Building Code and this Bylaw.

- (3) No person shall occupy or use any building, structure or part thereof unless a valid and subsisting occupancy certificate has been issued by the Building Inspector for the building, structure or part thereof, or contrary to the terms of any permit issued or any notice given by the Building Inspector.
- (4) No person shall, unless authorized in writing by the Building Inspector, reverse, alter, deface, cover, remove or in any way tamper with any notice, permit or certificate posted upon or affixed to a building, structure or part thereof pursuant to this Bylaw.
- (5) No person shall commence or continue any construction that is substantially at variance with the reviewed design, plans or specifications of a building, structure or part thereof or other works for which a permit has been issued, unless that variance has been accepted in writing by the Building Inspector.
- (6) No person shall obstruct the entry of the Building Inspector or other authorized employee of the City onto any land or into any building or structure in the administration of this Bylaw.
- (7) No person shall knowingly submit false or misleading information to the Building Inspector in relation to any permit application or construction undertaken pursuant to this Bylaw.
- (8) No person shall commence or continue any construction on or to, or change the occupancy of an existing building or structure unless that existing building or structure is brought into compliance with the Building Code.
- (9) No person shall change, modify or alter drawings or specifications reviewed by the City as a condition of a permit without authorization from the Building Inspector.
(BYLAW 13791)
- (10) No person shall undertake any construction, the architectural design of which would in the determination of the Building Inspector, not be compatible with other buildings or structures in the area in which it is proposed to be erected or moved.
- (11) No person shall commence or continue any construction in respect of which a permit is required under any other bylaw unless a permit is obtained under that bylaw.
- (12) No person shall commence or continue any construction when that construction has been suspended by the Building Inspector, without first obtaining permission in writing from the Building Inspector to do so.

8. ROLE OF THE BUILDING INSPECTOR

- (1) The Building Inspector:
 - (a) may administer this Bylaw;

- (b) may keep records of permit applications, permits, notices and orders issued, inspections and tests made, and copies of documents related to the administration of this Bylaw on microfilm or in an acceptable electronic format;
- (c) may establish, or direct the owner to establish, by tests, at the owner's expense, whether methods or types of construction, and types of materials, devices or assemblies used in the construction of a building or structure substantially conform to the requirements of the Building Code;
- (d) may require that tests be carried out in accordance with recognized standard test methods or in the absence of such standard test methods, may specify the test procedure to be followed. A copy of the results of such tests shall be provided to the Building Inspector and also kept available on-site during the construction of the building or structure;
- (e) may require the owner to uncover and replace at the owner's expense any construction that has been covered without inspection contrary to this Bylaw or an order issued by the Building Inspector;
- (f) may enter any land, building or structure at any reasonable time for the purpose of ascertaining that the requirements of this Bylaw are being observed, or if the Building Inspector has any reason to believe that an unsafe condition exists;
- (g) may order in writing the correction of any construction that is being or has been done in contravention of this Bylaw.
- (h) may, where application is made for a permit to construct non-market housing for families or persons of low income, persons suffering from a disability or with special needs or seniors, operated on a not-for-profit basis, defer payment of the permit fees payable under this Bylaw until the earlier of:
 - (a) the date which is 24 months after the date upon which the permit for the construction is issued; of the building
 - (b) the date upon which an occupancy certificate for the building is issued;and on such terms and conditions as the Building Inspector may require.

9. APPLICATION REQUIREMENTS

- (1) The owner shall apply for and obtain a permit:
 - (a) prior to the construction of a building or structure, or part thereof;
 - (c) prior to the construction of a masonry fireplace or the installation of a wood burning appliance or chimney unless the works are included in an existing valid permit;

- (d) prior to the installation of a forced air heating system in a single-family dwelling, two-family dwelling or any other residential use building with an individual self-contained forced air heating system for each dwelling unit.
- (2) An application for a permit shall:
- (a) be made in the form as prescribed by the Building Inspector;
 - (b) be accompanied by the fee for a permit application specified in the Burnaby Planning and Building Fees Bylaw; (BYLAW 13791)
 - (c) be signed by the owner or agent, or a signing officer if the owner or agent is a corporation;
 - (d) include plans bearing the name and address of the designer of the building or structure;
 - (e) state the intended use or uses of the building or structure, or part thereof;
 - (f) when required by the Building Inspector, include a minimum of two complete sets of plans conforming to requirements set out in the Building Code, drawn to scale, and include supporting documents for the building, structure, or part thereof, to be constructed and shall indicate the nature and extent of the work or proposed construction;
 - (g) be accompanied by the owner's acknowledgement of responsibility and undertaking in the form set out in Schedule "F" signed by the owner, or a signing officer if the owner is a corporation;
 - (h) contain other information required by the Building Inspector or the Building Code to establish substantial compliance with this Bylaw, the Building Code and any other applicable enactments relating to the building or structure;
 - i) in the case of a factory-built building or building components, be accompanied by:
 - (iii) a design certificate of a professional engineer registered in the Province of British Columbia, and
 - (ii) certification that the fabrication and field assembly or erection of the building or components has been reviewed by a professional engineer registered in the Province of British Columbia and found to be in substantial compliance with the Building Code and any other applicable enactments;
 - (j) in the case of a forced air heating system, be accompanied by proof:

- (i) of design by a professional engineer registered in the Province of British Columbia; or
 - (ii) that the designer and installer of the system has the “Quality First” course certification or other certification in the design and installation of forced air heating systems approved by the Building Inspector.
- (3) The Building Inspector may require an application for a permit to:
 - (a) include a copy of a Land Title Office search of the land made within 30 days of the date of the application;
 - (b) include a current posting and topographic survey of the land prepared by a land surveyor registered in the Province of B.C.;
 - (c) include a statutory declaration outlining the purpose for which the building, structure, or part thereof, is to be used.
- (4) An application for a permit may be refused when:
 - (a) any of the requirements of subsections (2) or (3) have not been satisfied;
 - (b) the proposed construction would contravene the requirements of the Building Code or the provisions of this or any other bylaw of the City;
 - (c) the applicant or owner has been notified of a violation of this or any other bylaw of the City with regard to the construction, occupancy or use of any building, structure or part thereof, and such violation has not been remedied.
- (5) The Building Inspector may cancel an application if the permit has not been issued after 30 days of the date of written notification of intent to cancel has been provided to the owner.
- (6) When an application is cancelled under subsection (5):
 - (a) the application fee is forfeited to the City; and
 - (b) the plans and related documents submitted with the application may be destroyed.

9A. ENERGY STEP CODE

- (1) A building regulated by Part 3 of the Building Code and containing residential, business and personal services or mercantile occupancies, as defined in the Building Code, shall be designed and constructed to meet the minimum performance requirements specified in Step 1 of the Energy Step Code. (BYLAW 13978)

- (2) A building regulated by Part 9 of the Building Code and containing residential occupancies, as defined in the Building Code, shall be designed and constructed to meet the minimum performance requirements specified in Step 1 of the Energy Step Code. (BYLAW 14038)

10. ALTERNATIVE SOLUTIONS

- (1) An owner who wishes to provide alternative solutions to satisfy one or more of the requirements of the Building Code or this Bylaw must submit sufficient evidence 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 the Burnaby Planning and Building Fees Bylaw. (BYLAW 13791)

11. PROFESSIONAL DESIGN AND FIELD REVIEW

- (1) The owner shall obtain the design and field review services of a registered professional in respect of a permit when required by the Building Code and for:
- (a) a building or structure in respect of which the Building Inspector considers that the site conditions, size or complexity of a building or a group of buildings or an aspect of a building or buildings so warrant;
 - (b) the building envelope for all buildings where required under section 12; and
 - (c) a retaining wall:
 - (i) that is greater than 1.2 m (3.94 ft.) in height; or
 - (ii) that is part of a group of two or more terraced retaining walls, any of which is greater than 1.2 m (3.94 ft.) in height; or
 - (iii) that is terraced at a ration steeper than 1 to 1 vertical to horizontal with an adjacent retaining wall; or
 - (iv) that is part of a group of two or more terraced retaining walls, where the average slope of the entire group of terraced retaining walls is steeper than the ratio of 1 to 1 vertical or horizontal; or
 - (v) in respect of which the Building Inspector considers that the site conditions, size or complexity of the design or construction of the retaining wall or group of retaining walls or an aspect of the retaining wall or group of retaining walls, so warrant to ensure the safety and protection of persons, the property or adjacent properties.

(BYLAW 14171)

- (2) Where the services of a registered professional are required under subsection (1), the registered professional shall provide design and field review supported by Letters of Assurance in the form prescribed in the Building Code and Schedules “E-1” and “E-2” for building envelopes.
- (3) Letters of assurance provided under subsection (2) will be relied upon by the City and the Building Inspector as certification that the design, plans and construction to which the letters of assurance relate comply with applicable requirements of the Building Code, this Bylaw and any other applicable enactments.
- (4) Where a permit is issued based on letters of assurance provided pursuant to this Section 11, the permit fees are reduced by an amount set out in the Burnaby Planning and Building Fees Bylaw. (BYLAW 13791)

12. BUILDING ENVELOPE PROFESSIONAL

- (1) In addition to, and without limiting any other provisions of this Bylaw, the construction of residential use buildings, except individual single family and two family dwellings, shall comply with this section.
- (2) The design of the building envelope of a building shall be reviewed and approved by a building envelope professional in compliance with the responsibilities for Enhanced Building Envelope Services, as established by the Architectural Institute of B.C. and the Association of Professional Engineers and Geoscientists of B.C.
- (3) The field review of the construction of the building envelope of a building shall be conducted by a building envelope professional in compliance with the responsibilities for Enhanced Building Envelope Services, as established by the Architectural Institute of B.C. and the Association of Professional Engineers and Geoscientists of B.C.
- (4) The application for a permit for the construction of a building shall be accompanied by a letter from a building envelope professional in the form set out in Schedule “E-1”.
- (5) The application for an occupancy certificate for, or the final inspection of the construction of, a building shall be accompanied by a letter from a building envelope professional in the form set out in Schedule “E-2”.

13. VALUATION FOR PERMIT

- (1) 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 construction insurance; and
 - (c) all mechanical, electrical, plumbing, drainage and gas installations necessary for the carrying out of the construction to its completed form.
- (3) The Building Inspector may place a value on the construction or work for the purpose of determining applicable permit fees by using an appropriate method from the "Marshall Valuation Services" publication with the updated "current cost multipliers," and "current Multipliers for Vancouver Regional Costs" or such other universal source of calculating valuation as the Building Inspector deems reasonable, practical and expedient.

14. FEES AND CHARGES

- (1) In addition to fees and charges required to be paid under any other bylaws, a permit fee, calculated in accordance with the Burnaby Planning and Building Fees Bylaw shall be paid in full upon issuance of any permit under this Bylaw. (BYLAW 13791)
- (2) The permit fee shall be doubled for every permit application where construction has started before the permit is issued.
- (3) 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 Inspector 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.
- (4) The application fee shall be credited against the permit fee when the permit is issued.
- (5) The Building Inspector may approve a refund of an application fee or portion thereof under subsection (6) only if plan checking has not commenced.
No refund shall be payable on an expired permit or on a permit for which an extension has been granted.
- (6) An owner may apply for a refund of the permit fee or a portion thereof calculated in accordance with the Burnaby Planning and Building Fees Bylaw when a permit is surrendered and cancelled if: (BYLAW 13791)
 - (a) the owner has submitted a written request for a refund to the Chief Building Inspector;
 - (b) the permit has not expired or been extended regardless of whether the work has started or not; and

- (c) the Building Inspector has determined that no construction has commenced and no inspection has been made.

No refunds will be given for permit extension fees. All refunds will be paid to the owner or as directed by the owner in writing.

- (7) Where an owner proposes modifications to the building design, the owner shall pay an additional permit fee based on the greater of the regular rates or the plan review hourly rate as set out in the Burnaby Planning and Building Fees Bylaw. (BYLAW 13791)
- (8) Where, as a result of non-compliance with this Bylaw, additional inspections are necessary when one inspection is normally required, for each inspection after the first inspection, a re-inspection charge as specified in the Burnaby Planning and Building Fees Bylaw shall be paid by the owner before any further inspections are carried out by the Building Inspector. (BYLAW 13791)
- (9) The owner shall pay the fee specified in the Burnaby Planning and Building Fees Bylaw where: (BYLAW 13791)
- (a) the owner requests an inspection which cannot be carried out during the City's normal business hours;
- (b) the owner requests a voluntary inspection during the City's normal business hours to establish the condition of a building structure or for provisional occupancy' (BYLAW 13791)
- (c) an inspection requires special arrangements because of length of time, frequency of visits, location, construction techniques or other reasons; and (BYLAW 13791)
- (d) an inspection is required for a strata title subdivision application. (BYLAW 13791)
- (10) Any person requesting confirmation of occupant load for liquor licence related purposes shall pay the fees specified in the Burnaby Planning and Building Fees Bylaw. (BYLAW 13791)
- (11) Except as otherwise provided in this Bylaw, all fees and charges paid or payable under this Bylaw shall be non-refundable. (BYLAW 13791)

15. REFUSAL TO ISSUE PERMIT

- (1) The Building Inspector may refuse to issue a permit where:

- (a) the proposed construction will contravene the requirements of the Building Code or the provisions of this or any other bylaw of the City;
- (b) the applicant or owner has been notified of a violation of this or any other bylaw of the City with regard to the construction, occupancy or use of any building, structure or part thereof, and such violation has not been remedied;
- (c) the results of the tests referred to in sections 8(1)(c) and 8(1)(d) are not satisfactory to the Building Inspector;
- (d) the parcel referred to in the permit application does not have:
 - (i) vehicular access;
 - (ii) service to the parcel boundary from a City water distribution system of sufficient size and capacity to supply the water required under enactments for potable domestic use and fire protection services; or
 - (iii) service to the parcel boundary by City sanitary and storm sewers or combined sewer system or approval for the installation of an alternative disposal system;
- (e) the application is in whole or in part for unfinished construction approved under an earlier permit that has since expired.

16. ISSUANCE OF PERMIT

- (1) 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.
- (2) The Building Inspector shall issue the permit for which the application is made when:
 - (a) a completed application in compliance with this Bylaw, including all required supporting documentation, has been submitted;
 - (b) the owner or the owner's agent has paid all of the required fees;
 - (c) the owner or the owner's agent has paid all charges and met all applicable requirements imposed by any other applicable bylaw;
 - (d) the owner has deposited a cash damage deposit in the sum specified in the Burnaby Planning and Building Fees Bylaw to guarantee payment to the City for all damage to City property unless the deposit is reduced or waived by the Building Inspector in his or her sole discretion; (BYLAW 13791)
 - (e) the owner has paid the public works or property damage inspection fee specified in the Burnaby Planning and Building Fees Bylaw; (BYLAW 13791)

- (f) the proposed work set out in the application conforms with the Building Code, this Bylaw and all other applicable bylaws and enactments; and
- (g) no enactment or covenant or agreement in favour of the City authorizes or requires the permit to be withheld.

17. PARTIAL PERMITS

- (1) The Building Inspector may issue a permit to excavate land in preparation for the construction of a building or structure.
- (2) The Building Inspector 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 reviewed provided sufficient information has been provided to the City to demonstrate to the Building Inspector that the portion authorized to be constructed substantially complies 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.
- (3) When a site has been excavated under a permit to excavate issued pursuant to subsection (1) and a further permit is not subsequently issued or a subsisting permit has expired, but without the construction of the building or structure having commenced, the owner shall fill in the excavation to restore the original gradients of the site within 60 days of being given notice by the Building Inspector to do so.

18. PERMIT EXPIRATION

- (1) Every permit is issued upon condition that the permit shall expire and the rights of the owner under the permit shall terminate if:
 - (a) the work authorized by the permit is not started within 90 days from the date the permit is issued unless extended under section 19;
 - (b) the work is discontinued or suspended for a period of more than 90 days from the date of the last inspection by the Building Inspector;
 - (c) work associated with a single or two family dwelling requiring a permit is started and not completed within two years of the original date of the permit or such lesser period of time as the Building Inspector may specify in the permit; or
 - (d) work other than as described in subsection (1)(c) and requiring a permit is started and not completed within two years of the original date of the permit or such lesser period of time as the Building Inspector may specify in the permit.

- (2) Where a permit has expired under subsection (1), the work shall cease and the construction shall be removed.
- (3) Where two or more permits are issued pursuant to section 17 for excavation in preparation of the building or structure or for a portion or portions of a building or structure, all such permits shall expire two years after the date of issuance of the first of the permits issued.

19. EXTENSION OF PERMIT

- (1) Where construction has not commenced within 90 days from the date the permit was issued, the Building Inspector may extend the permit for a period not more than 90 days from the date of expiry of the original permit, but the permit shall then be void if construction has not started within 180 days from the original date of the issuance of the permit.
- (2) Where construction has commenced and has not been discontinued or suspended for a period of more than 90 days, the Building Inspector may extend the expiry date for the permit for such period of time as the Building Inspector considers reasonable, where the Building Inspector is satisfied that there exists a reasonable excuse for the delay in completing construction.
- (3) Application for the extension of a permit shall be made prior to the date of permit expiration.
- (4) The fee specified in the Burnaby Planning and Building Fees Bylaw shall be paid for the granting of a permit extension under this section. (BYLAW 13791)

20. REVOCATION OF PERMIT

- (1) The Building Inspector may revoke a permit where:
 - (a) there is a violation of any condition under which the permit was issued;
 - (b) there is a violation of any provision the Building Code, this Bylaw or any other bylaw of the City;
 - (c) the permit was issued in error;
 - (d) the permit was issued on the basis of false or incorrect information; or
 - (e) the results of any tests carried out pursuant to section 8 are not satisfactory to the Building Inspector.
- (3) The Building inspector shall send a written notice of the permit revocation to the permit holder.

21. INSPECTIONS

- (1) In addition to field reviews required by subsection (2), the owner, or the owner's agent, shall give not less than 24 hours' notice to the City when requesting an inspection and shall obtain an inspection and receive acceptance of the Building Inspector of the following aspects of the construction prior to concealing it:
 - (a) the foundation and footing forms when complete, but before concrete is poured therein. Prior to approval of the forms, a licenced British Columbia Land Surveyor's certificate may be required to determine the location or elevation of the forms on-site;
 - (b) the forms for the floor slab, vapour barrier, perimeter insulation on the inside of concrete foundation walls, reinforcing steel, heating ductwork or pipes for radiant heat when complete, but prior to the placing of concrete. Plumbing located below the finished slab level must be inspected and approved prior to this inspection;
 - (c) the framing, sheathing, fire-stopping, bracing, chimney and duct-work, rough wiring, gas venting and rough plumbing when complete but before the insulation, or other interior finish which would conceal such work, is applied;
 - (d) the insulation and the vapour barrier when in place;
 - (e) the building or structure when substantially complete and ready for occupancy, but before occupancy of the whole or part of the building or structure takes place.
- (2) When a registered professional provides letters of assurance under this Bylaw, the City will rely on field reviews undertaken by the registered professional and the letters of assurance submitted as certification that the construction conforms to the design, and that the construction complies with the Building Code, this Bylaw and any other applicable enactments.
- (3) Notwithstanding subsections (1) and (2), the Building Inspector may attend on site from time to time during the course of construction to ascertain whether:
 - (a) the provisions of the Building Code, this Bylaw, any other bylaws of the City and any other applicable enactments are being complied with; and
 - (b) the required field reviews are taking place, and to monitor the field reviews by the registered professional.

22. OCCUPANCY CERTIFICATES

- (1) Except as provided in subsection (5), no person shall occupy a building or structure or part thereof until an occupancy certificate has been issued by the Building Inspector in the form set out in Schedule "C" for:

- (a) the first occupancy of a building or structure or part thereof after completion of construction; or
 - (b) any change in class of occupancy of any building or structure or part thereof.
- (2) An occupancy certificate shall only be issued when:
 - (a) all letters of assurance have been submitted when required under the Building Code or this Bylaw; and
 - (b) all aspects of the work requiring inspection and an acceptance pursuant to section 21 have both been inspected and accepted.
- (3) The Building Inspector may withhold an occupancy certificate until the building, structure or part thereof complies with this Bylaw, the Building Code and any other applicable bylaws or enactments.
- (4) Where any of the requirements for life and fire safety have been deemed to be satisfied by an equivalency pursuant to provisions of the Building Code, the owner shall submit to the Building Inspector, prior to use or occupancy of the building or structure, certification from the registered professional responsible for the equivalency, that the construction substantially complies with the requirements set out in the equivalency report.
- (5) The Building Inspector may issue an approval for provisional occupancy of a building, structure or part thereof when the building, structure or part thereof is self-contained, substantially complete with respect to the health and safety requirements of this Bylaw, the Building Code and other applicable bylaws and enactments, and the requirements of subsection (2) have been satisfied.
- (6) The owner shall ensure that no unsafe condition exists or will exist resulting from work being undertaken or not completed.
- (7) The Building Inspector may revoke an approval for provisional occupancy for failure to comply with any conditions of the approval.

23. CONDITIONS TO MOVE A BUILDING

- (1) No person shall move a building or structure into or within the City without first making an application under section 9 establishing compliance with section 7(10) for design compatibility, and obtaining a permit.
- (2) The Building Inspector may issue a permit for construction involved in the moving of any building, structure or part thereof into or within the City when the owner has:
 - (a) deposited with the City a security deposit in the sum of \$10,000.00 in the form of cash or a letter of credit to insure that the building, structure or part thereof is moved onto the new parcel within the City and all construction is completed as required by this Bylaw within 120 days from the date of issuance of the permit; and

- (b) paid for and obtained a moving permit from the City's Director Engineering and provided to the City:
 - i) proof of public liability and property damage insurance in the all-inclusive limits of \$5,000,000.00 to insure against damage or injury arising out of the moving of the building, structure or part thereof;
 - ii) cash or a letter of credit in the sum of \$5,000.00 to pay for all damage to City property of every kind howsoever caused or occasioned by the moving of the building, structure or part thereof;
 - iii) written approval of the Chief of Police of the Burnaby Detachment of the R.C.M.P., approving the date, time, and route of moving the building, structure or part thereof; and
 - iv) a copy of the notice to the utility companies having overhead wires along the route, informing them of the date, time and route of moving the building, structure or part thereof.
- (3) 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 subsection (2)(a), the Building Inspector may notify the owner in writing and direct the owner to complete that work within 30 days from the date of the notice. If the work is not completed within the 30 days, the security deposit shall be forfeited to the City.
- (4) A permit may only be issued under this section where the application is made more than 30 years after the building, structure or part thereof was constructed, if the Building Inspector is of the opinion that the building, structure or part thereof is in satisfactory structural condition and appearance.

24. ORDERS AND NOTICES

- (1) The Building Inspector may issue such written notices or orders as the Building Inspector considers necessary to inform the owner of a contravention of this Bylaw.
- (2) A notice or order shall state the nature of the contravention and the date or phase of construction before which the contravention must be remedied.
- (3) A copy of the notice or order shall be sufficiently served if mailed to the owner at the address appearing on the records of the Assessment Authority of British Columbia for the parcel to which the notice or order relates.
- (4) The Building Inspector may order the suspension of any construction or work that is proceeding in contravention of the Building Code, this Bylaw or any other bylaw of the City by posting a "Notice of Suspension" in the form set out in Schedule "H".

- (5) The owner of land on which a “Notice of Suspension” has been posted, and every other person, shall cease all construction work immediately and shall not restart construction or work until the provisions of the Building Code, this Bylaw or any other bylaw of the City have been complied with and the “Notice of Suspension” has been rescinded by the Building Inspector.
- (6) The owner shall within 48 hours of the posting of a “Notice of Suspension” under subsection (4) 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 of British Columbia or any of its agencies.
- (7) Where a person occupies a building, structure or part thereof in contravention of section 7(3), the Building Inspector may post a “Do Not Occupy” notice in the form set out in Schedule “G” on the occupied part of the building or structure.
- (8) Every person occupying a building structure or part thereof on which a “Do Not Occupy” notice has been posted, shall cease occupancy of the building, structure or part thereof immediately and shall refrain from further occupancy until the provisions of the Building Code and this Bylaw have been complied with and the “Do Not Occupy” notice has been rescinded in writing by the Building Inspector.
- (9) Every person to whom an order is issued pursuant to this Section shall comply with that order.

25. PENALTIES AND ENFORCEMENT

- (1) Every person who contravenes any provision of this Bylaw commits an offence punishable on summary conviction and shall be liable to a fine of not more than \$10,000.00 in addition to the cost of prosecution, or to imprisonment for not more than six months, or both.
- (2) Every contravention of this Bylaw that continues for more than one day constitutes a separate offence for each day that it continues.

26. UNSAFE CONDITIONS

- (1) If the supply of electricity or natural gas to a building has been disconnected due to a hazardous or potentially hazardous situation existing in the building or structure or part thereof, the supply of electricity or natural gas to the building or structure shall not be re-connected, the building shall not be occupied, and the Building Inspector may withhold a permit to re-connect the supply of electricity or natural gas to the building or structure until:
 - (a) the owner has applied to the Building Inspector for a special safety inspection pursuant to this Section and has paid the fee specified in the Burnaby Planning and Building Fees Bylaw; (BYLAW 13791)

- (b) the building, structure or part thereof has been inspected by the Building Inspector and, if considered necessary by the Building Inspector, by the City Fire Chief for compliance with this Bylaw and any other bylaws or Provincial statutes or regulations relating to building, electrical, gas or fire safety;
- (c) the owner has obtained permits required to carry out the works necessary to bring the building, structure or part thereof into compliance with the bylaws, statutes, and regulations referred to in subsection (1)(b); and
- (d) all of the works referred to in subsection (1)(c) have been completed and the building or structure has been brought into compliance with the bylaws, statutes and regulations referred to in subsection (1)(b).

27. SEVERABILITY

- (1) The provisions of this Bylaw are severable and the invalidity of any section or part of this Bylaw shall not affect the validity of the remainder of this Bylaw.

28. SCHEDULES (BYLAW 13791)

- (1) Schedules “A” through “H” attached to this Bylaw form a part of this Bylaw:

Schedule A	-	Repealed
Schedule B	-	Repealed
Schedule C	-	Certificate of Occupancy of a Building
Schedule D	-	Repealed
Schedule E-1	-	Commitment for Building Envelope Professional Review
Schedule E-2	-	Completion of Building Envelope Professional Review
Schedule F	-	Owner(s) Undertaking
Schedule G	-	Do Not Occupy
Schedule H	-	Notice of Suspension

29. REPEAL OF EXISTING BYLAW

- (1) Bylaw No. 11729, being the Burnaby Building Bylaw 2004, is repealed.

30. EFFECTIVE DATE

(1) This Bylaw comes into force and effect on January 1, 2017.

Read a first time this 24th day of October 2016

Read a second time this 24th day of October 2016

Read a third time this 24th day of October 2016

Reconsidered and adopted this 7th day of November 2016

MAYOR

CLERK

SCHEDULE "A"
SCHEDULE OF BUILDING PERMIT AND INSPECTION FEES
Repealed (BYLAW 13791)

SCHEDULE "B"
REFUND OF BUILDING PERMIT AND INSPECTION FEES
Repealed (BYLAW 13791)

SCHEDULE "C"

CITY OF BURNABY

4949 Canada Way
Burnaby, BC V5G 1M2

CERTIFICATE OF OCCUPANCY
OF A BUILDING

ISSUE PURSUANT TO SECTION 22 of BYLAW NO. _____

ADDRESS OF BUILDING:

ZONING:

LEGAL DESCRIPTION:

APPROVED OCCUPANCY:

The building constructed under the authority of Building Permit No. _____ may now be occupied.

It is unlawful to change the class of occupancy of any building or part thereof without first obtaining an occupancy permit from the Building Inspector.

CHIEF BUILDING INSPECTOR

PER: _____

DATE: _____

SCHEDULE “D”
SCHEDULE OF DAMAGE DEPOSITS AND INSPECTION FEES
Repealed (BYLAW 13791)

BURNABY BUILDING BYLAW

SCHEDULE E-1

Building Permit No.¹

**ASSURANCE OF BUILDING ENVELOPE PROFESSIONAL DESIGN
REVIEW AND COMMITMENT FOR ENHANCED FIELD REVIEW**

- Notes:
1. This letter must be submitted prior to issuance of a building permit.
 2. In this letter the words in italics have the same meaning as in the British Columbia Building Code and the Burnaby Building Bylaw.

To: The *Building Inspector*

RE: _____
Address of Project (Print)

The undersigned *Building Envelope Professional* has been retained with respect to the above referenced project, and gives a commitment of responsibility for *Building Envelope Professional* design review and enhanced *field review* for components and assemblies as required in Sections 5.4, 5.5 and 5.6 in Part 5 of Division B, of the British Columbia Building Code, and as the *Building Envelope Professional* in their professional discretion considers to be necessary, for the project designed by,

Name of *registered professional of record* signing for 'Architectural' components of Schedule B letter (Print)

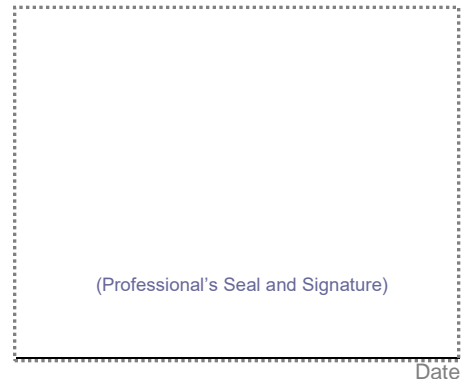
who is providing the *Building Inspector* with the Schedule B 'ASSURANCE OF PROFESSIONAL DESIGN AND COMMITMENT FOR FIELD REVIEW' letter covering 'Architectural' components. The undersigned will sign and provide copies of all reports to the *registered professional of record* responsible for 'Architectural' components, and copies of these reports shall also be available on site for review by the City of Burnaby Building Inspector. The undersigned undertakes to notify the *Building Inspector* in writing as soon as practical if their contract is terminated at any time.

Building Envelope Professional's Name (Print)

Address (Print)

City (Postal Code)

Telephone (____) _____



(If the *Building Envelope Professional* is a member of a firm, complete the following.)

I am a member of the firm; _____ and I sign this letter on behalf of the firm.
(Print Name of Firm)

NOTE: The above letter must be signed by a *Building Envelope Professional* defined herein as an architect (member of the Architectural Institute of BC) or a professional engineer (member of the Association of Professional Engineers and Geoscientists of BC), who is competent by virtue of education and experience to provide Enhanced Building Envelope Services and whose practice is focussed accordingly. The Burnaby Building Bylaw defines the education and experience as having:

- (i) completed a program in building envelope studies offered or endorsed by that Institute or that Association.
- (ii) not less than five (5) years of previous working experience in the design of building envelopes and *field review* of building envelope construction.
- (iii) not less than one (1) year of previous working experience in the design of building envelopes and *field review* of building envelope construction in the Province of British Columbia.

Enhanced *field review* is defined as *field review* supplementary to that undertaken by the *registered professional of record* who signed for the "Architectural" components of the Schedule B. Enhanced *field review* requires that the *Building Envelope Professional* performs reviews of sufficient frequency and extent at the discretion of the *Building Envelope Professional* in order to ascertain whether the work substantially complies in all material respects to Sections 5.4, 5.5 and 5.6 in Part 5 of Division B of the British Columbia Building Code.

CRP's Initials

¹ For Building Official's use only

BURNABY BUILDING BYLAW

SCHEDULE E-2

Building Permit No.¹

**ASSURANCE OF BUILDING ENVELOPE PROFESSIONAL
ENHANCED FIELD REVIEW**

- Note:
1. This letter must be submitted after completion of the project but prior to official occupancy.
 2. In this letter the words in italics have the same meaning as in the British Columbia Building Code and the Burnaby Building Bylaw.

To: The *Building Inspector*

RE: _____
Address of Project (Print)

I have fulfilled my obligations for *Building Envelope Professional* design review and enhanced *field review* as per my previously submitted ASSURANCE OF BUILDING ENVELOPE PROFESSIONAL DESIGN REVIEW AND COMMITMENT FOR ENHANCED FIELD REVIEW. The components and assemblies of the project reviewed substantially comply with Sections 5.4, 5.5 and 5.6 in Part 5 of Division B, of the British Columbia Building Code, and with the plans and supporting documents, including all amendments thereto, which were accepted by the City of Burnaby in support of the application for the building permit.

Building Envelope Professional's Name (Print)

Address (Print)

City (Postal Code)

Telephone (____) _____



(Professional's Seal and Signature)

Date

(If the *Building Envelope Professional* is a member of a firm, complete the following.)

I am a member of the firm; _____ and I sign this letter on behalf of the firm.
(Print Name of Firm)

NOTE: The above letter must be signed by a *Building Envelope Professional* defined herein as an architect (member of the Architectural Institute of BC) or a professional engineer (member of the Association of Professional Engineers and Geoscientists of BC), who is competent by virtue of education and experience to provide Enhanced Building Envelope Services and whose practice is focussed accordingly. The Burnaby Building Bylaw defines the education and experience as having:

- (iv) completed a program in building envelope studies offered or endorsed by that Institute or that Association.
- (v) not less than five (5) years of previous working experience in the design of building envelopes and *field review* of building envelope construction.
- (vi) not less than one (1) year of previous working experience in the design of building envelopes and *field review* of building envelope construction in the Province of British Columbia.

Enhanced *field review* is defined as *field review* supplementary to that undertaken by the *registered professional of record* who signed for the "Architectural" components of the Schedule B. Enhanced *field review* requires that the *Building Envelope Professional* performs reviews of sufficient frequency and extent at the discretion of the *Building Envelope Professional* in order to ascertain whether the work substantially complies in all material respects to Sections 5.4, 5.5 and 5.6 in Part 5 of Division B of the British Columbia Building Code.

¹ For Building Official's use only

SCHEDULE “F”**OWNER(S) UNDERTAKING**

Re: *Property Address:* _____
Legal Description: _____
Building Permit # (for office use only): _____

This undertaking is given by the undersigned, as the owner of the property described above, and in relation to the application for the building permit described above.

The Owner acknowledges that the Burnaby Building Bylaw (the “Bylaw”) regulates building construction in the City of Burnaby and, among other things, describes the responsibilities of the Owner and the role of the Building Inspector in that process.

The Owner will comply with the Bylaw and all bylaws and enactments in force in the City of Burnaby with respect to the works for which this building permit is applied for.

The Owner specifically acknowledges having reviewed Sections 1(2) and 5(1) of the Bylaw which state:

1. PURPOSE

- (2) This Bylaw is enacted for the purpose of regulating construction within the City in the general public interest. The activities undertaken by or on behalf of the City pursuant to this Bylaw are for the sole purpose of providing a limited and interim spot checking function for reasons of health, safety and the protection of persons and property. It is not contemplated nor intended that this Bylaw shall provide, nor shall this Bylaw be interpreted as providing:
- (a) protection to owners, builders, constructors or any other persons from economic loss;
 - (b) the assumption by the City or the Building Inspector of any responsibility for ensuring the compliance by any owner, agent of an owner or any employees, builders, constructors or designers retained by an owner, with the Building Code, the requirements of this Bylaw or any other bylaws or enactments;
 - (c) a warranty to any person of design or workmanship or materials with respect to any building, structure or part thereof for which a permit or occupancy certificate is issued under this Bylaw;
 - (d) a warranty or assurance to any person that construction undertaken pursuant to a permit issued under this Bylaw is free from any defects, whether patent or latent.

5. RESPONSIBILITIES OF THE OWNER

- (1) Every owner to whom or to whose agent a permit is issued shall ensure that all Construction complies with the Building Code, this Bylaw and any other applicable bylaws or enactments.

1) **Owner(s) Information:**

Name: _____

Address: _____

Telephone: _____ Contact Person: _____

Date: _____ Signature: _____

2) **Owner(s) Information:**

Name: _____

Address: _____

Telephone: _____ Contact Person: _____

Date: _____ Signature: _____

3) **Owner(s) Information:**

Name: _____

Address: _____

Telephone: _____ Contact Person: _____

Date: _____ Signature: _____

SCHEDULE "G"

BUILDING DEPARTMENT

**DO NOT
OCCUPY**

DATE POSTED: _____

ADDRESS OR LOCATION: _____

In accordance with Subsection 7(3) of the Burnaby Building Bylaw, NO ONE SHALL OCCUPY this building or designated part of this building until the Building Inspector authorizes such occupancy.

BUILDING INSPECTOR

Per: _____

IT IS UNLAWFUL TO REMOVE OR DEFACE THIS NOTICE

SCHEDULE "H"

PLANNING & BUILDING DEPARTMENT
OFFICE OF THE CHIEF BUILDING INSPECTOR

NOTICE OF SUSPENSION

TO WHOM IT MAY CONCERN:

All work on the building whereon this notice is posted is suspended by order of the Building Inspector, pursuant to Subsection 24.(4) of the Burnaby Building Bylaw. Particulars may be obtained at the above office in Burnaby City Hall, 4949 Canada Way, Burnaby, BC, V5G 1M2.

Any person who fails to comply with this order will be guilty of an offence and may be subject to penalties, as outlined in Section 25 of the Burnaby Building Bylaw.

ADDRESS OF SUSPENSION

_____ BURNABY, BC

REASON FOR SUSPENSION

CONSTRUCTION WITHOUT PERMIT

Burnaby Building Bylaw #: _____ (Section _____)

DEVIATION FROM APPROVED PLAN

Burnaby Building Bylaw #: _____ (Section _____)

OTHER

Bylaw _____ Sec. _____

DATE _____ TIME _____

Building Inspector

THIS IS EXHIBIT "2"
Referred to in the Affidavit of
Osama Moin
Affirmed before me this 26th
day of November A.D. 2021



A COMMISSIONER FOR OATHS
IN AND FOR BRITISH COLUMBIA

SYLVIA ROWAT
ARTICLING STUDENT
OSLER, HOSKIN & HARCOURT LLP

UNOFFICIAL CONSOLIDATION (2017)

CITY OF BURNABY

BYLAW NO. 11148

A BYLAW to provide for the administration and enforcement of the Plumbing Code and for the regulation of plumbing works in the City of Burnaby.

(Consolidated for convenience with BYLAW Nos. 11193, 11330, 11486, 11671, 11845, 12034, 12188, 12373, 12417, 12549, 12633, 12728, 12886, 12894, 13044, 13167, 13269, 13407, 13536, 13661 and 13795)

The Council of the City of Burnaby ENACTS as follows:

1. This Bylaw may be cited as **BURNABY PLUMBING BYLAW, 2000.**

2. PURPOSE AND SCOPE

- (1) This Bylaw is enacted to provide for the administration and enforcement of the Building Code and to regulate plumbing works in the City of Burnaby for the health and safety of the public.
- (2) This Bylaw applies to all land, water, air space, buildings and structures within the City of Burnaby.

3. DEFINITIONS

- (1) Words and expressions used in this Bylaw shall have the same meaning as provided for in the Building Code unless inconsistent with this Bylaw or unless the context otherwise requires. (BYLAW 12417)

- (2) In this Bylaw, unless the context otherwise requires:

"agent" includes a person, firm or corporation representing the owner by designation or contract and includes a hired tradesman or contractor who may be granted a permit for work within the limitation of his or her licence;

"Building Inspector" means the Chief Building Inspector of the City and such other person or persons as he or she may designate from time to time as his or her assistants;

"City" means the City of Burnaby;

"City Engineer" means the City's Director Engineering;

"contractor" means a plumbing contractor or a person who carries on a business which includes the installation or alteration of a hydronic heating system or a fire protection system;

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"drain tile" means drainage tile or perforated pipe laid adjacent to the foundation wall or walls of a building to control sub soil drainage;

"dwelling, single family" and "dwelling, two family" shall have the meanings ascribed to them in Burnaby Zoning Bylaw No. 1965.

"fire protection system" means any system used or intended to be used for the suppression of fire and that is connected to a water system, and includes a sprinkler system;

"lot" means a parcel of land designated as a separate and distinct parcel on a registered subdivision plan or description filed or recorded in the Land Title Office;

"owner" means the registered owner of an estate in fee simple of land, and shall include, 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 mentioned in sections 356 and 357 of the Local Government Act R.S.B.C. 1996, ch.323;
- (d) a lessee with authority to build on land;

and in respect of water means an occupier, tenant or holder of an interest in respect of the surface of water;

"permit" means permission or authorization in writing issued by the Plumbing Inspector under this Bylaw to perform work regulated by this Bylaw;

"permit holder" means the person to whom a permit is issued;

"person" includes a natural person, a firm, corporation, municipal corporation, school board, hospital board or other government or government agency;

"Plumbing Code" means the current edition of Part 7 of the British Columbia Building Code;

"Plumbing Inspector" means the Supervisor of Plumbing & Gas Inspections as designated by the Chief Building Inspector and includes such other person or persons as he or she may designate from time to time as his or her assistant;

"rough-in" means the installation of all parts of a plumbing system including bath tubs and fixture carriers that can be installed prior to completion or expansion of the system;

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"sprinkler system" means a system of piping designed for fire protection, and includes control valves and alarm devices.

"work" includes the construction, installation, placement, repair, alteration, enlargement, relocation, replacement or reconstruction of a plumbing system, hydronic heating system or fire protection system.

4. PROHIBITIONS

- (1) No person shall construct, install or otherwise commence or carry out any work on a plumbing system, hydronic heating system, or fire protection system:
 - (a) except in conformity with this Bylaw and the Plumbing Code;
 - (b) without a valid and subsisting permit.
- (2) No person shall
 - (a) cause, suffer or permit the disposal of sewage or other liquid waste in any place or manner except through and by means of a plumbing system conforming to the Plumbing Code and this Bylaw;
 - (b) use or maintain any private sewage disposal system on any lot which abuts any public street or sewer easement in which a public sewer exists and is available for use;
 - (c) deposit by any means whatsoever into any plumbing fixture, floor drain, interceptor, sump, receptacle or device, which is connected to any drainage system, public sewer, private sewer, septic tank or cesspool, any ashes, cinders, solids, rags, or inflammable, poisonous or explosive liquids or gases, oils, grease or anything which would, or could, cause damage to the drainage system or public sewer;
 - (d) connect a vacuum cleaner or other mechanical device for removal of dust to a plumbing system or sewer;
 - (e) unless otherwise permitted under this Bylaw, use any materials, fixtures or devices for the construction or installation of a plumbing system, hydronic heating system, or fire protection system, or any part thereof, unless such materials, fixtures or devices conform to the minimum applicable standards as set forth in this Bylaw or the Plumbing Code, or to other mandatory or generally accepted standards for fitness and safety;
 - (f) prevent, obstruct or hinder the Plumbing Inspector from entering any land, building or premises to make an inspection or to perform any other duty, or exercise any other power assigned to or vested in him or her under this Bylaw;

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- (g) do any work at variance with the description of or plans for any work for which a permit has been issued, unless the Plumbing Inspector has authorized the change and issued any subsequent permit or permits that may be required;
- (h) erase, alter or modify plans or supporting documents filed with a permit application after the same have been accepted by the Plumbing Inspector, or plans or supporting documents which have been filed for reference with the Plumbing Inspector after the permit has been issued;
- (i) submit false or misleading information in relation to a permit or an application for a permit;
- (j) fail to comply with a notice or order issued by the Plumbing Inspector under this Bylaw;
- (k) use or maintain any plumbing system or part thereof constructed, installed or placed in contravention of this Bylaw, Burnaby Plumbing Bylaw 1973 or Burnaby Plumbing Bylaw 1966.

5. ADMINISTRATION

- (1) The Plumbing Inspector
 - (a) may keep records of applications received, permits, notices and orders issued, inspections and tests made, and retain copies of any papers and documents connected with the administration of this Bylaw; and
 - (b) shall have the authority to determine whether any method or type of plumbing system, hydronic heating system, or fire protection system, or materials, fixtures or devices used in the construction thereof, conforms to the requirements of this Bylaw, the Plumbing Code or other generally accepted or mandatory standard.
- (2) The Chief Building Inspector
 - (a) shall appoint a person to be Plumbing Inspector; and
 - (b) may enforce the provisions of this Bylaw.
 - (c) Deleted. (BYLAW 13795)
- (3) The Plumbing Inspector shall at all times be subject to the control and direction of the Chief Building Inspector.
- (4) The Plumbing Inspector shall have authority to enforce this Bylaw, and may

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-
- (a) require the submission of plans and specifications of any proposed, partly completed or completed plumbing system, hydronic heating system, or fire protection system;
 - (b) require the performance of, and attend, tests of any plumbing system, hydronic heating system or fire protection system and inspect or cause to be inspected any plumbing system, hydronic heating system or fire protection system during the course of installation, alteration, repair or after completion thereof; and
 - (c) issue permits
 - (5) The Plumbing Inspector may enter any lands, building or premises at any reasonable time for the purpose of administering or enforcing this Bylaw, or if he or she has any reason to believe that an unsafe condition exists.
 - (6) The Plumbing Inspector may, in addition to any inspection provided for in this Bylaw, make additional inspections at any reasonable time deemed necessary to ensure that the provisions of this Bylaw and other bylaws of the City are being complied with.

6. ORDERS AND NOTICES

- (1) The Plumbing Inspector may order, in writing, the correction of any plumbing system, hydronic heating system, or fire protection system or part thereof which is defective, unsanitary, inadequate, unsafe, or in violation of this Bylaw.
- (2) A notice or order issued under subsection (1) shall state the nature of the contravention or deficiencies and the date or phase of construction before which the contravention or deficiencies must be corrected.
- (3) A copy of the notice or order shall be mailed or delivered to the owner at the address of the property, appearing on the records of the Assessment Authority of British Columbia, where the system is located, and to the permit holder, if someone other than the owner, at the permit holder's address shown on the permit.
- (4) The Plumbing Inspector may order the immediate suspension of any work on any plumbing system, hydronic heating system, or fire protection system by posting a notice or order to that effect on the premises where the work is being undertaken whenever:
 - (a) the work is not being performed in accordance with a permit or the requirements of this Bylaw, the Plumbing Code or any other bylaw of the City; or
 - (b) the Plumbing Inspector considers that an unsafe condition exists.

- (5) The owner and permit holder shall immediately upon the posting of the notice or order under subsection (4) cease the work and secure the area surrounding the work in compliance with all mandatory safety requirements.
- (6) Subject to subsection (5), after the posting of a notice or order under subsection (4), no work shall be carried out or continued, other than the remedial work as specified in the notice or order, until the notice or order has been removed by the Plumbing Inspector.
- (7) A notice or order posted under subsection (4) shall remain posted on the premises until the deficiency or contravention has been remedied to the satisfaction of the Plumbing Inspector.
- (8) Where a notice or order is posted under subsection (4), a copy of the notice or order shall nevertheless be mailed or delivered to the owner and permit holder as provided for in subsection (3).

7. INSPECTIONS AND TESTS

- (1) The owner shall ensure that the accepted plans and supporting documents on which, the issuance of a permit is based are available at the site of the work at the time of rough-in inspection by the Plumbing Inspector.
- (2) A new plumbing system and such portion of an existing plumbing system as may be affected by new work, or by any change, shall be tested in accordance with the requirements of the Plumbing Code.
- (3) When a plumbing system has been constructed, repaired, renewed or altered, such system shall not be put into use until it has been inspected by the Plumbing Inspector and found to conform with this Bylaw and the Plumbing Code.
- (4) No plumbing system or part thereof shall be covered until it has been inspected and approved by the Plumbing Inspector. If any plumbing system or part thereof is covered before being inspected or approved, it shall be uncovered to permit inspection.
- (5) The permit holder shall arrange for the inspection of any work by the Plumbing Inspector before it is covered and after it is completed and ready for inspection. A minimum twenty-four (24) hour advance request for inspection shall be given to the Plumbing Inspector.
- (6) All equipment, materials, power and labour necessary for testing shall be furnished by the permit holder and any test shall be conducted to the satisfaction of the Plumbing Inspector.
- (7) A plumbing system installed in a building that has been constructed in another municipality, and has been inspected and approved by the authority having

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jurisdiction in that municipality, may be accepted provided copies of all permits and inspection documents are provided to the satisfaction of the Plumbing Inspector.

- (8) Repealed. (BYLAW 12417)
- (9) Work that is not approved must be retested and reinspected until it is approved.
- (10) In all single and two family dwellings and in all apartments, condominiums, townhouses, or other multi-family residential buildings with individual self-contained heating systems, hydronic heating inspections are required for:
 - (a) in-slabpiping;
 - (b) baseboard piping installation; and
 - (c) completion of hydronic heating installations.

8. PERMITS

- (1) A permit shall be obtained by the owner or his agent prior to the construction, extension, alteration, renewal, repair or maintenance of a plumbing system, individual residential hydronic heating system or fire protection system.
- (2) A permit is not required to replace or repair a subsoil drainage system, a plumbing fixture, fixture outlet pipe, valve, faucet, sprinkler head or for the clearing of plugged soil or waste pipes or the repair of water pipe leaks.
- (3) An application for a permit shall be made to the Plumbing Inspector before any work is undertaken. The application shall be on a form provided for that purpose and shall be accompanied by the fee prescribed in the Burnaby Planning and Building Fees Bylaw. (BYLAW 13795).
- (4) An application for a permit shall be signed by the owner or his agent.
- (5) An application for a permit shall contain or be accompanied by such other information as is necessary to satisfy the Plumbing Inspector that the proposed work complies with this Bylaw, the Plumbing Code and all other bylaws of the City.
- (6) The Plumbing Inspector may require the applicant for a permit to submit a schematic drawing of the proposed plumbing system with the permit application.
- (7) The Plumbing Inspector may require a separate permit application for each individual plumbing system on a lot or in a building.
- (8) When the information contained in a permit application satisfies the requirements

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of this Bylaw, the Plumbing Inspector may issue a permit.

- (9) No person, except a plumbing contractor or sprinkler contractor, shall be granted a permit to do work on or within a building, except that an owner may be granted a permit to do work on a single family dwelling which the owner owns and occupies or intends to occupy.
- (10) A permit shall be granted only for a specific address and is not transferable to another address.
- (11) A permit may be granted to a building or drainage contractor for underground site piping work outside of a building.
- (12) The Plumbing Inspector may refuse to issue a permit where:
 - (a) the applicant has demonstrated insufficient knowledge to undertake the work;
 - (b) information submitted in the application is incorrect or inadequate to determine compliance with the requirements of the Plumbing Code, this Bylaw or any other bylaw of the City;
 - (c) the issuance of a permit would result in any construction or facilitate any occupancy that would be prohibited by any bylaw of the City or other law.
- (13) The Plumbing Inspector shall stamp the drawings and specifications for which a permit is issued for any new construction, other than a single or two family dwelling, as "accepted".
- (14) A permit or an application for a permit may not be transferred or assigned until the owner has applied to the Plumbing Inspector in writing, the Plumbing Inspector has authorized the transfer or assignment in writing, and the owner has paid the fee required under the Planning and Building Fees Bylaw. The transfer or assignment of a permit shall not constitute an extension of time for which the permit is valid. (BYLAW 13795)
- (15) The review of plans and supporting documents and issuance of a permit shall not prevent the Plumbing Inspector from thereafter requiring the correction of errors in the plans or supporting documents, or from suspending the work or refusing occupancy.
- (16) A permit shall expire and be invalid and of no force or effect if:
 - (a) the work for which the permit was issued has not commenced within ninety (90) days from the date of the issuance of the permit; or

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- (b) the work is discontinued or suspended for a period greater than ninety (90) days from the date of the last inspection by the Plumbing Inspector.
- (17) Where the work for which a permit has been issued has not commenced, the Plumbing Inspector may grant an extension for a period of not greater than ninety (90) days from the date of expiry of the permit, provided:
- (a) an application for the extension is made to the Plumbing Inspector prior to the date of the expiration of the permit;
- (b) the application is accompanied by the extension fee as specified in the Burnaby Planning and Building Fees Bylaw; and
- (c) only one such extension may be granted for each permit.
- (BYLAW 13795)
- (18) The Plumbing Inspector may revoke a permit where:
- (a) there is a violation of any condition under which the permit was issued;
- (b) there is a violation of any provision of the Plumbing Code, this Bylaw or any other bylaw of the City;
- (c) the permit was issued in error;
- (d) the work done, or the materials used, do not conform to the requirements of this Bylaw;
- (e) the permit was issued on the basis of false or incorrect information;
- (f) the results of any test referred to in section 7 are not satisfactory.
- (19) Where the Plumbing Inspector revokes a permit:
- (a) the Plumbing Inspector shall send a written notice of revocation of the permit to the permit holder by certified mail;
- (b) no further permits may be granted for the property in respect of which the permit was issued until all the deficiencies have been remedied to the satisfaction of the Plumbing Inspector;
- (c) any contractor to whom the permit was issued shall not be issued further permits for any other work in the City until such time as any deficiencies in the work have been remedied to the satisfaction of the Plumbing Inspector.

(20) No permit fee or part thereof paid pursuant to this Bylaw shall be refunded if the **Disclaimer** The City of Burnaby documents contained in this system are for convenience reference only and their accuracy and currency is not guaranteed. To verify the accuracy and currency of this information please contact the City of Burnaby at 604-294-7290.

work authorized by the permit has commenced. If no work has commenced, the refund shall be calculated in accordance with the Planning and Building Fees Bylaw, subject to the Chief Building Inspector receiving a request for refund in writing. (BYLAW 13661 and 13795)

- (21) If any work for which a permit is required by this Bylaw has been commenced before a permit has been issued by the Plumbing Inspector the permit applicant for the proposed work shall pay double the fee prescribed and set out in the Planning and Building Fees Bylaw. (BYLAW 12894 and 13795)
- (22) The fees specified in the Burnaby Planning and Building Fees Bylaw apply in respect to:
- (a) review of preliminary and modified drawings and specifications;
 - (b) re-inspection of any work due to non-compliance with bylaw or incomplete work;
 - (c) special inspections in the following circumstances:
 - (i) the permit holder requests an inspection which cannot be carried out during the City's normal business hours;
 - (ii) the permit holder requests a voluntary inspection during the City's normal business hours to establish the condition of a building or structure or for provisional occupancy;
 - (iii) an inspection requires special arrangements because of length of time, frequency of visits, location, construction techniques or other reasons; and
 - (iv) an inspection is required for a strata title subdivision application.
- (23) Where application is made for a permit to construct non-market housing for families or persons of low income, persons suffering from a disability or with special needs or seniors, operated on a not-for profit basis, the Chief Building Inspector may defer payment of the permit fees payable under this bylaw until the earlier of:
- (a) the date which is 24 months after the date upon which the permit for the construction of the building is issued;
 - (b) The date upon which an occupancy certificate for the building is issued;

and on such terms and conditions as the Chief Building Inspector may require.
(BYLAW 13795)

9. HYDRONIC HEATING

- (1) Hydronic heating systems installed in residential use buildings with individual self-contained heating systems shall be installed to the standards prescribed in the latest edition of "Guidelines for the Design and Installation of Hydronic Heating Systems", published by the Residential Hot Water Heating Association of B.C., or other standard acceptable to the Plumbing Inspector.
- (2) The following information shall be submitted to the Plumbing Inspector by the contractor installing any hydronic heating system:
 - (a) "Worksheets for Heat Loss Calculations";
 - (b) a "Hydronic Heating System Design Summary"; and
 - (c) a boiler room layout indicating the method of boiler and system temperature controls;

all as completed by a professional engineer or a qualified heating designer recognized by the Residential Hot Water Heating Association of B.C.

- (3) The contractor installing a hydronic heating system shall provide to the Plumbing Inspector a certificate confirming that the system, as installed, conforms to the approved design, and the installation is in accordance with the B.C. Building Code and accepted design practices for hydronic heating systems.

10. SEWERS

- (1) No person shall connect any building sewer to a public sewer without first obtaining written permission to do so from the City Engineer, whether the public sewer is on public or private property.
- (2) A person applying for permission to connect a building sewer to a public sewer shall furnish such information as the City Engineer may require, including:
 - (a) the area of the roofs and open spaces to be drained;
 - (b) the occupancy of the building;
 - (c) any other information that the City Engineer considers necessary to determine whether the public sewer is of sufficient capacity to provide for the discharge from that building sewer; and
 - (d) any other information that the City Engineer may require to ensure that the proposed building sewer and surface drains will be laid at such a depth and in such a position as to connect properly to the public sewer .

- (3) Except with the prior written permission of the City Engineer, no person shall

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- excavate any portion of public property for the purpose of connecting any building sewer to any public sewer or for the purpose of repairing or replacing any public sewer connection.
- (4) The sanitary and storm drainage systems of all buildings shall be constructed so as to be entirely separate, and separate building sewers shall be constructed to the property line.
 - (5) Where a person applies for a permit to connect a building sewer to a public sewer the City Engineer shall determine:
 - (a) which public sewer the building sewer shall be connected to;
 - (b) the location and depth of the public sewer connection; and
 - (c) any plumbing fixture elevation restrictions that must be observed.
 - (6) Except where approved in writing by the Plumbing Inspector and where any required easement has been obtained and registered, no drainage system, or private sewage disposal system, or any part thereof, shall be located in any lot other than the lot which is to be served by such system.
 - (7) Public sewers shall not be used for temporary drainage purposes unless temporary sumps to catch sediment and strainers to catch floating solids have been installed to the satisfaction of the Plumbing Inspector.
 - (8) Where both public storm sewer and sanitary sewer connections are available to a lot, no storm water drainage shall be conveyed into a sanitary sewer, and no sewage shall be conveyed into a storm sewer.
 - (9) Notwithstanding any other provisions of this Bylaw, all buildings constructed after the coming into force of this Bylaw shall be connected to the sanitary and storm sewer connections that are provided for the lot upon which the building is constructed.
 - (10) Upon application, the Plumbing Inspector may approve the use of an existing building sewer, recorded in the records of the City as having been installed in 1970 or thereafter, provided that the building sewer has not been disturbed and has been tested to the satisfaction of the Plumbing Inspector.
 - (11) If any part of a lot that is used or intended to be used for human occupancy abuts a street in which there exists a public sewer, the plumbing system therein shall be connected to a public sewer intended to receive either sewage alone or sewage and storm water.
 - (12) Where a public sanitary or storm sewer is at too great an elevation to facilitate building or lot drainage by gravity, a pumped system shall be provided and maintained by the owner.

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- (13) A plumbing system requiring a storm sewer pump and sump shall be designed by a professional engineer and approved by the Plumbing Inspector prior to installation.
 - (14) The design of a plumbing system requiring a sanitary pump and sewage sump shall be based on the number of fixture units draining to the sewage sump and the manufacturers installation instructions.
 - (15) Only that portion of a storm or sanitary drainage system that is unable to be drained by gravity shall be pumped.
 - (16) No person shall discharge into a public sewer any prohibited or restricted wastes as defined in the Regulations Governing the Admission of Wastes into Sewers under the Greater Vancouver Sewage and Drainage District Act.
 - (17) The owner of any premises lawfully discharging industrial wastes into a public sewer shall install a test chamber suitable for the inspection and sampling of the discharged wastes.
 - (18) If the City Engineer determines that a public sewer or any portion thereof has insufficient capacity for existing or proposed flow rates, the City Engineer may limit the amount of storm water or sewage that can be discharged into the public sewer from a private drainage system.
 - (19) If any part of a building not connected to a public sewer and in which one or more persons reside or work or carry on any occupation, trade or calling is situated within one hundred fifty (150) feet of any public sewer, the owner of that building shall connect the building to the public sewer within one hundred and eighty (180) days of being ordered to do so by the City Engineer.
 - (20) Where installation of an oil interceptor is required, an acceptable type of oil interceptor shall be installed and so located as to receive the drainage of surface water from paved parking surfaces.
 - (21) Roof storm water may discharge to an oil interceptor provided that the interceptor is of sufficient size to accept the total amount of water draining into it.
 - (22) A building constructed after the coming into force of this Bylaw shall be constructed so that the roof storm water is conducted to a drainage system connected through a sump to a storm sewer, combined sewer, street ditch or lane ditch, or to an engineer designed rock pit in a manner approved by the Plumbing Inspector so as to protect the walls, basements and foundations of the building from damage.
 - (23) Where a lot is not serviced by a public storm sewer or there is no ditch adjacent to the lot to facilitate the surface, sub-surface and roof drainage, the storm drainage

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system for the lot shall be designed by a professional engineer. The design criteria shall be approved by the Chief Building Inspector prior to the issuance of a building permit.

- (24) No owner or occupier of any land shall permit any drainage water or surface water to flow from that land on to any public street, lane, highway or sidewalk.
(BYLAW NO. 13795)

11. FOUNDATION DRAINAGE SYSTEMS

- (1) Interior building floors constructed below grade shall be protected from sub-soil water infiltration by the installation of a perimeter drainage system consisting of drain tile approved for use by the Plumbing Inspector laid around the perimeter of the foundation of all types of buildings and laid so that the top of the drain tile at the high point is at least three (3) inches below the top of the lowest floor slab or crawl space floor of the building.
- (2) Drain tile shall be laid so as to provide gravity drainage at a minimum of 0.5% grade or otherwise to the satisfaction of the Plumbing Inspector on undisturbed soil or on a gravel bedding.
- (3) The top and sides of drain tile shall be covered with at least six (6") inches of minimum three-quarter (3/4") inch drain rock or gravel.
- (4) The minimum diameter of the drain tile for foundation drainage systems shall be:
 - (a) four (4") inches for a building not exceeding 15,000 square feet in floor area;
 - (b) six (6") inches for a building exceeding 15,000 square feet in floor area, or sized to an engineered design.
- (5) Where drain tile is laid along the foundation wall inside a building, weep holes at least three (3) inches in diameter shall be installed through the wall, at intervals of no more than ten (10') feet, together with a minimum of six (6") inches depth of gravel along the outside and inside of the wall to facilitate drainage.
- (6) A floor drain located adjacent to a hot water heater in a single or two family dwelling, if not connected to the sanitary sewer, may be connected directly to a storm sewer sump.
- (7) Where storm water from a driveway or patio area enters a storm drainage system, a sand-trap interceptor with a minimum inside area of one hundred (100) square inches and a minimum liquid depth of twelve (12") inches shall be provided together with a trapping hood or 90° bend on the outlet pipe and a suitable steel or concrete cover on top of the interceptor.
- (8) The minimum inside diameter of a storm water sump or catch basin for single family and two family dwellings shall be:

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- (a) twenty-four (24 ") inches where the sump depth is no greater than six (6') feet from the ground surface to the bottom of sump, or
 - (b) thirty (30") inches where sump depth is greater than six (6') feet from the ground surface to the bottom of the sump, or sized to an engineered design.
 - (9) The minimum inside diameters of a storm water sump or catch basin for commercial properties shall be:
 - (a) for a four (4") inch outlet, twenty-four (24") inches where the sump depth is no greater than six (6') feet from the ground surface to the bottom of the sump and thirty (30") inches where the sump depth is greater than six (6') feet from the ground surface to the bottom of the sump;
 - (b) for a six (6") inch outlet, thirty-six (36") inches;
 - (c) for an eight (8") inch or larger outlet, forty-two (42") inches.
 - (10) A storm water sump may be located at any convenient location on a lot. The walls of the sump shall be extended to the ground level and the sump shall be fitted with a concrete or steel plate cover. Where the sump is located in a driveway or parking area, the lid construction must be to H-20 highway loading standards.
 - (11) Subject to subsection (12), the backwater valve inside a storm water sump may be omitted and a 90° degree bend installed in its place where the Plumbing Inspector is satisfied that storm sewer surcharge is unlikely.
 - (12) A backwater valve shall be provided in all storm water sumps where the sump outlet is connected to a combined sewer.

12. FOUNDATION WALL DAMPPROOFING

- (1) An inspection by the Plumbing Inspector of the dampproofing work on the foundation of any building or structure under construction shall be requested and the work approved by the Plumbing Inspector before backfilling may occur.
- (2) Backfilling of the foundation drainage system shall be completed within ten (10) days of the dampproofing work being approved by the Plumbing Inspector.

13. BACKFLOW PREVENTERS

- (1) For the purposes of this section "CSA Manual" means the Canadian Standards Association Manual for Maintenance and Field Testing of Backflow Prevention Devices B64.10.1 – 01 or such other manual that may be adopted by Canadian Standards Association in substitution or replacement thereof.

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- (2) Backflow preventers required to be installed pursuant to the Building Code or Burnaby Waterworks Regulation Bylaw 1953 shall be selected and installed in accordance with the Building Code and maintained and field tested in accordance with this Bylaw.
 - (3) Backflow preventers shall be of a type approved for use under, and installed in accordance with, the Building Code.
 - (4) Every backflow preventer shall at all times be maintained in proper working order and in accordance with the CSA Manual.
 - (5) Every backflow preventer shall be field tested:
 - (a) upon installation;
 - (b) when cleaned, repaired, reinstalled, or overhauled;
 - (c) when relocated;
 - (d) annually not later than the anniversary date of its previous testing; and
 - (e) as otherwise required by the Plumbing Inspector;in accordance with the testing process and procedures set out in the CSA Manual.
 - (6) Backflow preventer field test results shall be reported to the Plumbing Inspector in writing on the form set out in the CSA Manual not less than 10 days following completion of the field test.
 - (7) Backflow preventers shall be field tested and the results reported only by a person certified to do so by the British Columbia Water and Waste Association or by such other certifying organization as the Plumbing Inspector may approve.
 - (8) No backflow preventer shall be modified from its manufactured state.
 - (9) No backflow preventer shall be repaired except with parts and materials supplied by the manufacturer for that make and model of backflow preventer.
 - (10) No backflow preventer shall be removed following its installation without prior written notice to the Plumbing Inspector setting out the reason for its removal.
 - (11) Every premises isolation backflow preventer shall be installed adjacent to the property line of an abutting City Street, unless otherwise permitted in writing by the Plumbing Inspector.
 - (12) Every backflow preventer shall be installed so as to be easily accessible for inspection, testing, maintenance, repair and replacement.

14. WORKMANSHIP

- (1) A plumbing system shall be installed in as straight and direct an alignment and configuration as possible, placed and arranged in a workmanlike manner to the satisfaction of the Plumbing Inspector, and shall be subject to inspection and testing, where required, in the presence of the Plumbing Inspector.
- (2) No cracks, holes or imperfections in the materials or fixtures used in any work shall be concealed by welding, brazing or soldering or by paint, wax, tar, cement or other repair agents, or by any other material or method.
- (3) All valves, pipes and fittings shall be installed in the correct relationship to the direction of flow.

15. RESPONSIBILITY

- (1) Notwithstanding the issuance of a permit to an agent, the owner of the property in respect of which the permit was issued shall ensure that the work is carried out in accordance with this Bylaw.
- (2) Nothing in subsection (1) shall relieve the permit holder from its responsibility to carry out the work authorized by the permit in accordance with this Bylaw.
- (3) Neither the issuance of a permit, the approval of plans and specifications, nor the inspection of the work, by the Plumbing Inspector or otherwise pursuant to this Bylaw, shall in any way relieve the permit holder and the owner from ensuring that all work is carried out in accordance with this Bylaw and any other law, bylaw, regulation, order or standard.
- (4) Neither the issuance of a permit, the approval of plans and specifications, nor the inspection of work, by the Plumbing Inspector or otherwise pursuant to this Bylaw, shall in any way constitute a representation or warranty by the Plumbing Inspector or the City that the work complies with the requirements of this Bylaw or any other law, bylaw, regulation, order or standard.

16. OFFENCES AND PENALTIES

- (1) Every person who violates any of the provisions of this Bylaw, or who causes, suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this Bylaw, or who neglects or refrains from doing anything required to be done by any of the provisions of this Bylaw, or who carries out or who suffers, causes or permits to be carried out any work in a manner prohibited by or contrary to any of the provisions of this Bylaw or who fails to comply with any order, direction or notice given under this Bylaw shall be guilty of an offence. Each day that a violation or contravention of this Bylaw continues to exist shall constitute a separate offence.

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- (2) Any person who violates any of the provisions of this Bylaw or who suffers or permits any act or thing to be done in violation of any of the provisions of this Bylaw is guilty of an offence punishable on summary conviction and is liable to a fine of not less than Two Thousand (\$2,000.00) Dollars and not more than Ten Thousand (\$10,000.00) Dollars for each violation. (BYLAW 13795)

17. Bylaw No.6335, being Burnaby Plumbing Bylaw 1973, is repealed.

Read a first time this 25th day of September 2000

Read a second time this 25th day of September 2000

Read a third time this 25th day of September 2000

Reconsidered and adopted this 2nd day of October 2000

MAYOR

CITY CLERK

APPENDIX “A”
SCHEDULE OF PLUMBING PERMIT AND INSPECTION FEES
Deleted. (BYLAW 13795)

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THIS IS EXHIBIT "3"
Referred to in the Affidavit of
Osama Moin
Affirmed before me this 26th
day of November A.D. 2021



A COMMISSIONER FOR OATHS
IN AND FOR BRITISH COLUMBIA

SYLVIA ROWAT
ARTICLING STUDENT
OSIGN, HOSKIN & HAZCOWET LLP

THE CORPORATION OF THE DISTRICT OF BURNABY
BYLAW NO. 6494

A BYLAW to regulate and control the installation, alteration, repair, use, operation and maintenance of electrical wiring and equipment.

(Consolidated for convenience with Bylaw Nos. 6637, 6772, 6815, 6966, 7148, 7265, 7490, 7643, 7857, 9861, 10578, 10888, 11061, 11192, 11328, 11488, 11673, 11842, 12031, 12190, 12376, 12552, 12631, 12731, 12889, 13047, 13170, 13265, 13411, 13537, 13660 and 13792)

The Council of The Corporation of the District of Burnaby ENACTS as follows:

1. This bylaw may be cited as "**BURNABY ELECTRICAL BYLAW 1974**".
2. The Canadian Electrical Code, Part I (13th Edition) with supplements, amendments, and revisions thereto made from time to time (hereinafter called "The Electrical Code") is adopted and made applicable within the Municipality of Burnaby.
3. In this bylaw, unless the context otherwise requires,
 - (a) "Construct" includes install, alter, repair, maintain, use, operate.
 - (b) "Owner" shall have the same meaning as in the Municipal Act R.S.B.C.
 - (c) "Municipality" means the Municipality of Burnaby.
 - (d) "Person" shall have the same meaning as in the Interpretation Act R.S.B.C.
 - (e) "Inspector" includes the Chief Building Inspector, Supervisor - Electrical Inspections and Electrical Inspectors of The Corporation of the District of Burnaby.
4. The Chief Building Inspector shall
 - (a) require that all the provisions of this bylaw be enforced;
 - (b) maintain and keep records of all electrical installations and electrical works undertaken and the inspection thereof.
5. The Inspector is authorized to enter at all reasonable times into and upon any property in the municipality in order to ascertain whether or not this bylaw or the regulations contained therein are being obeyed or to enforce and carry the same into effect.
6. Any person obstructing the entry or attempted entry of the Inspector into or upon any property in the municipality in pursuance of his duties under this bylaw or other lawful enactment shall be guilty of an offence.
7. No person shall hinder or prevent the Inspector from entering into or upon or inspecting

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- any property in the municipality whenever necessary to secure compliance with or prevent a violation of the provisions of this bylaw or other lawful enactment.
8. The Inspector shall decide whether any method, type of equipment, material or wiring used in any electrical installation or electrical work conforms to the requirements and provisions of this bylaw.
 9. The Inspector shall suspend or order the correction, or suspend and order the correction, of all or any portion of any electrical installation or electrical work, including any alteration or repair of same, by attaching a notice to that effect on the said electrical installation or said electrical work or on the premises where the said electrical installation or said electrical work is being done or has been done or by serving a notice to that effect on the owner, tenant or occupier of the said premises whenever the Inspector finds that all or any portion of such electrical installation or electrical work
 - (a) is not being performed in accordance with this bylaw, or
 - (b) has not been performed in accordance with this bylaw, or
 - (c) is in an unsafe condition, or
 - (d) is in contravention of this bylaw.
 10. Whenever the Inspector is of the opinion that any electrical installation or electrical work installed, used in, or being altered or repaired in any premise, or any premise, is for any reason dangerous to person or to property he may, by notice in writing given to the owner of the premises or the electrical installation or electrical work order, within a time to be stated in the notice, discontinuance of the use of the premises or the electrical installation or electrical work, or the making of such alterations or repairs. If, in the opinion of the Inspector, such electrical installation or electrical work are of immediate danger to persons or property, he may cause same to be disconnected.
 11. In the event of fire, storm or other emergency, if, in the opinion of the Inspector, life or property is likely to be endangered by the existence or operation of any electrical installation or electrical work, he may require the owner of such electrical installation or electrical work forthwith to disconnect or remove the same as directed and in the event of the owner failing or declining to do so then the Inspector may cause the same to be disconnected or removed.
 12. The Inspector may notify the owner of any property on or in which there are any dead wires, unused poles or unused electrical works, to remove the same within a time to be stated in the notice.
 13. All new electrical installations or electrical works and such portions of existing electrical installations and electrical works as may be affected by new electrical installations or electrical works or by any changes shall be subject to inspection by the Inspector.

14. No electrical installation or electrical work which has been installed, altered, or repaired shall be used or operated until it has been inspected by the Inspector and found to conform to provisions of this bylaw.
15. No electrical installation or electrical work or part thereof shall be covered or concealed until it has been inspected and approved by the Inspector. If any electrical installation or electrical work or part thereof is covered or concealed before being inspected and approved, it shall be uncovered upon direction of the Inspector.
16. No person shall connect or reconnect or cause to be connected or reconnected any electrical installation or electrical work to any source or medium of electrical energy, without first obtaining the written approval of the Supervisor - Electrical Inspections.
17. The Inspector shall not approve the connection of any electrical installation or electrical work to any source or medium of electrical energy until
 - (a) A Certificate of Occupancy for the building, where the electrical installation or electrical work has been installed, has been issued by the Chief Building Inspector, or
 - (b) A Temporary Current Permit has been obtained pursuant to the provisions of this bylaw.
18. A good standard of workmanship must be used in the installation of all electrical installations or electrical works, and the Electrical Inspector may order the correction of any electrical installation or electrical work which he considers is being or has been improperly done.
19. Before any person shall install, construct, alter or repair any electrical installation or electrical work in the municipality, or shall commence doing any construction work in relation to or in connection with any such electrical installation or electrical work, he shall obtain a permit for such electrical installation or electrical work from the Chief Building Inspector or Supervisor - Electrical Inspections, after first having made application in writing therefore.
20.
 - (a) No person shall commence any electrical installation or electrical work for a commercial or industrial premise until he has submitted electrical plans and specifications for such electrical installation or electrical work to the Supervisor - Electrical Inspections and obtained from him approval of such plans and specifications.
 - (b) The approval of plans and specifications and the issuance of a permit shall not prevent the Supervisor - Electrical Inspections from thereafter requiring the correction of errors in the said plans and specifications or from correcting the electrical installation or electrical work or from suspending the electrical

installation or electrical work where there is a violation of this bylaw.

21. The Regulation made by Order in Council 1999, June 12, 1973, governing permits and fees with supplements, amendments and revisions thereto made from time to time is adopted with the only exception of fee schedules.
22. (1) The application for permit shall
 - (a) be accompanied by fee prescribed as set out in the Burnaby Planning and Building Fees Bylaw;
(BYLAW NO. 13792)
 - (b) be made in the form prescribed by the Chief Building Inspector and signed by the applicant.
- (2) If any electrical installation for which a permit is required by this bylaw has been commenced before a permit has been issued by the Chief Building Inspector, or Supervisor Electrical Inspections, the permit applicant for the proposed installation shall pay to the Municipality double the fee specified in the Burnaby Planning and Building Fees Bylaw.
(BYLAW NO. 13792)
- (3) The fees specified in the Burnaby Planning and Building Fees Bylaw apply in respect to:
 - (a) review of preliminary and modified drawings and specifications;
 - (b) transfer or assignment of a permit issued pursuant to this bylaw;
 - (c) extension of a permit issued pursuant to this bylaw;
 - (d) re-inspection of any work due to non-compliance with bylaw or incomplete work;
 - (e) special inspections in the following circumstances:
 - (i) the permit holder requests an inspection which cannot be carried out during the City's normal business hours;
 - (ii) the permit holder requests a voluntary inspection during the City's normal business hours to establish the condition of a building or structure or for provisional occupancy;
 - (iii) an inspection requires special arrangements because of length of time, frequency of visits, location, construction techniques or other reasons; and
 - (iv) an inspection is required for a strata title subdivision application.
- (4) No permit fee or part thereof paid pursuant to this Bylaw shall be refunded if the work authorized by the permit has commenced. If no work has commenced, the refund shall be calculated in accordance with the Burnaby Planning and Building Fees Bylaw, subject to the Chief Building Inspector receiving a request for refund in writing.

- (5) Where application is made for a permit to construct non-market housing for families or persons of low income, persons suffering from a disability or with special needs or seniors, operated on a not-for-profit basis, the Chief Building Inspector may defer payment of the permit fees payable under this bylaw until the earlier of:
- (a) the date which is 24 months after the date upon which the permit for the construction of the building is issued;
 - (b) the date upon which an occupancy certificate for the building is issued, and on such terms and conditions as the Chief Building Inspector may require.
- (BYLAW NO. 13792)
23. The Chief Building Inspector or Supervisor - Electrical Inspections may refuse to issue a permit or an annual permit
- (a) for any addition, alteration or repairs or an extension to any wiring system, in, on, or through any building or place where the existing wiring is not in accordance with the provisions of this bylaw.
 - (b) where the applicant has been notified of a violation of any part of this bylaw in regard to the electrical installation or electrical work of another building or place for which he has been responsible and such violation has not been remedied.
24. The Chief Building Inspector or Supervisor - Electrical Inspections may revoke a permit where:
- (a) there is a violation of
 - (i) any condition under which the permit was issued, or
 - (ii) any provision of this bylaw.
 - (b) the permit holder has not remedied violation of any part of this bylaw in regard to other electrical installations or electrical works in or on another building or place.
- 24A. Deleted. (BYLAW NO. 13792)
- 24B. Deleted. (BYLAW NO. 13792)
25. Nothing contained in this bylaw shall be deemed or construed to relieve any person owning, operating, constructing, installing, altering, or repairing any electrical installation or electrical work from any liability for damage to any person injured by the construction, installation, alteration, repair or operation of the same, nor shall the Corporation be deemed to have assumed any liability by the reason of the inspection hereinbefore authorized.

26. It shall be unlawful for any person to construct or maintain or cause to be constructed or maintained any electrical installation or electrical work in a manner contrary to any direction, instruction, specification or provision contained in or adopted by this bylaw or any notice lawfully given or posted pursuant to the provisions of this bylaw or without any permit hereby required or contrary to the condition upon which any permit has been issued pursuant to this bylaw; or to fail or refrain from doing or taking, any act of precaution required to be done or taken prior to or in doing anything permitted by this bylaw or by any notice lawfully given or posted pursuant to the provisions of this bylaw.
27. Every person who violates any of the provisions of this bylaw, or who causes, suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this bylaw, or who neglects or refrains from doing anything required to be done by any of the provisions of the bylaw or who neglects or refrains from doing anything required to be done by any notice given pursuant to the provisions of this bylaw or who carries out or who suffers, causes or permits to be carried out any electrical installation or electrical work in a manner prohibited by or contrary to any of the provisions of this bylaw or who fails to comply with any order, direction or notice given under this bylaw shall be deemed to be guilty of an infraction of this bylaw and shall be liable to the penalties hereby imposed. For each day that a violation is permitted to exist, it shall constitute a separate offence.
28. Any person who violates any of the provisions of this bylaw or who suffers or permits any act or thing to be done in violation of any of the provisions of this bylaw is guilty of an offence punishable on summary conviction and is liable to a fine of not less than Two Thousand (\$2,000.00) Dollars and not more than Ten Thousand (\$10,000.00) Dollars for each violation.
(BYLAW NO. 13792)
29. Repealed. (BYLAW NO. 13792)
30. This bylaw shall come into force and take effect on the 31st day of October 1974.

Read a first time this 7th day of October 1974.

Read a second time this 7th day of October 1974.

Read a third time this 7th day of October 1974.

Reconsidered and adopted this 15th day of October 1974.

T.W. CONSTABLE
MAYOR

JAMES HUDSON
MUNICIPAL CLERK

APPENDIX “A”

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SCHEDULE OF ELECTRICAL PERMIT AND INSPECTION FEES

Repealed. (BYLAW NO. 13792)

THIS IS EXHIBIT "4"
Referred to in the Affidavit of
Osama Moin
Affirmed before me this 26th
day of November A.D. 2021



A COMMISSIONER FOR OATHS
IN AND FOR BRITISH COLUMBIA

SYLVIA ROWAT
ARTICLING STUDENT
OSLER, HOSKIN & HARLOWE LT

UNOFFICIAL CONSOLIDATION

CITY OF BURNABY

BYLAW NO. 11860

A **BYLAW** respecting the prevention and suppression of fire, the regulation of fire hazards and the preservation of life and property

(Consolidated for convenience with Bylaw No. 11987, 13174, 13488, 13629, 13696 and 14342)

The Council of the City of Burnaby ENACTS as follows:

1. This Bylaw may be cited as **BURNABY FIRE SERVICES BYLAW, 2004.**

DEFINITIONS

2. In this Bylaw, unless the context otherwise requires:

“building” means any structure used or intended to be used for supporting or sheltering any use or occupancy;

“bulk storage facility” means a facility where petroleum and petroleum products are stored in bulk, and includes a petroleum tank farm;

“City” means the City of Burnaby;

“Department” means the Burnaby Fire Department;

“false alarm” means the activation of a fire alarm system that results in a response from the Department where a situation requiring such response does not exist or does not appear to exist, and includes a situation where:

- (i) the fire alarm system has malfunctioned,
- (ii) the fire alarm system has been activated in error, or
- (iii) the fire alarm system has been activated during testing,

but does not include a situation where it is substantiated that the activation was caused by severe storm conditions or the disruption or disturbance of the equipment of facilities of any utility company;” (Bylaw No. 13174)

“family pack” (Bylaw No. 13629)

“fire alarm system” means any system, device or equipment intended to signal the presence of fire or any other situation to which the Fire Department is or could reasonably be expected to respond;

“Fire Chief” means a person appointed by the Council to be in charge of the Department and the fire fighting personnel of the City, and includes a Deputy Fire Chief, Assistant Fire Chief, and any other person authorized to act on behalf of the Fire Chief;

“Fire Code” means the British Columbia Fire Code 1998, enacted by B.C. Regulation 285/98 under the Fire Services Act, R.S.B.C. 1996, c.144 as amended or replaced from time to time;

“firecrackers” means small fireworks with fuses used primarily as noise makers and not for pyrotechnic effect;

“fire lane” means an access route on private property provided for Fire Department vehicle access pursuant to the Fire Code or this Bylaw;

“fire protection” means all aspects of fire safety including, without limitation, fire prevention, fire suppression, fire safety planning, fire investigation, public education, the training and development of members, and providing information and advice to other organizations and to the public on matters related to fire;

“fireworks” means any products or devices manufactured to intentionally produce an explosion, detonation or pyrotechnic effect;

“high hazard fireworks” means fireworks that are included in Class 7.2.2. under the Explosives Regulations to the Explosives Act R.S.C. 1985, c. E-17;

“incident” means a fire, explosion or other event or occurrence that presents or may present a danger to life or property to which the Department responds or attends;

“indoor fireworks” means fireworks that are included in Class 7.2.5. under the Explosives Regulations to the Explosives Act;

“Inspector” means a member who has been authorized by the Fire Chief to carry out inspections of buildings or other property under this Bylaw or the Fire Services Act;

“institutional occupancy” means the occupancy or use of a building or part thereof by persons who are involuntarily detained, or detained for penal or correctional purposes, or whose liberty is restricted, or require special care or treatment because of age, mental or physical limitations;

“low hazard fireworks” means fireworks that are included in Class 7.2.1. under the Explosives Regulations to the Explosives Act;

“member” means a person employed in the Department;

“noisemaker” (Bylaw No. 13629)

“occupancy” means the use or intended use of a building or premises or part thereof for the shelter or support of persons, animals or property;

“occupant” includes the owner and any tenant, lessee, licensee or resident of any building or premises;

“private hydrant” means a fire hydrant that is installed on private property as part of a system of fire protection for that property;

“public building” has the same meaning as in the Fire Services Act ;

“Roman candle” (Bylaw No. 13629)

“suite” means a single room or series of rooms of complementary uses, operated or used as a single occupancy and includes individual guest rooms in motels, hotels, boarding houses, rooming houses and dormitories, and individual stores and individual or complementary rooms for business and personal service occupancies.

FIRE DEPARTMENT

3. (1) The Burnaby Fire Department is hereby continued under the Fire Chief, who shall be head of the Department.

(2) The Department shall be responsible for fire protection in the City.
4. Every member is authorized to exercise within the City all of the powers under section 21 to 23 of the Fire Services Act.
5. The Fire Chief shall be appointed by the Council.
6. The Fire Chief may appoint one or more Deputy Fire Chiefs or Staff Officers.
7. The Deputy Fire Chiefs shall report to the Fire Chief, and the Deputy designated by the Fire Chief to act in his absence has all the powers and shall perform the duties of the Fire Chief in his absence.
8. The Fire Chief shall:
 - (a) manage, control and supervise the Department;
 - (b) have the care, custody and control of all buildings, apparatus, and equipment of the Department; and
 - (c) report annually to the Council on the efficiency of the Department and the condition of the buildings, apparatus and equipment of the Department.

9. The Fire Chief may:
- (a) take whatever measures or actions the Fire Chief considers appropriate or necessary for fire protection in the City, including the enforcement of the provisions of this Bylaw and the exercise of the powers and authority provided under the Fire Services Act;
 - (b) make rules and operational guidelines for the property and efficient administration of the operation of the Department and for the conduct and discipline of members, and may vary, alter or repeal those rules and guidelines;
 - (c) appoint or designate a member to exercise any of the Fire Chiefs' powers on such terms and conditions as the Fire Chief considers appropriate, and revoke any such appointment or designation; and
 - (d) establish policies and rules relating to the response by the Department to incidents or situations that do not or may not involve fire protection, but where the safety of life or property may otherwise be at risk, including incidents involving hazardous or potentially hazardous materials, rescue operations, and medical emergencies.
10. (1) An applicant is qualified to be appointed as a member of the Department for fire fighting duties who:
- (a) has successfully completed high school or has equivalent academic qualifications;
 - (b) is of good character;
 - (c) passes such written, oral and practical examinations as may be required by the Fire Chief;
 - (d) is medically fit to be a member as certified by a physician designated by the Fire Chief; and
 - (e) has been recommended for appointment by the Fire Chief.
- (2) The Fire Chief may require a member who applies for promotion to take such examinations as the Fire Chief considers appropriate.
- (3) Every member shall comply with all rules established under section 9(b) and in effect and the Fire Chief shall deal with and dispose of any failure to comply or contravention by a member.

CONDUCT OF PERSONS AT FIRES OR EMERGENCIES

11. (1) The Fire Chief or member in charge at a fire, emergency, or other incident

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- may establish limited entry areas in the vicinity of the fire, emergency or incident, and no person shall enter that area without the permission of the Fire Chief or member in charge.
- (2) The Fire Chief may order the demolition of any building or structure to prevent the spread of fire.
12. No person shall impede, hinder or obstruct the Department or any member in the extinguishment of a fire, or in the control of an emergency, an incident involving hazardous materials or any other incident.
13. Every person at or near a fire, emergency, or other incident shall:
- (a) comply with the orders or directions of any member; and
 - (b) provide any information that person may have relating to the fire, emergency or other incident to any member who requests that information.
14. No person shall refuse to permit a member to enter into or upon any premises from which a fire alarm or other report of an emergency has been received or where the member believes that a fire, fire hazard, or other circumstance which poses or may pose a risk to life safety or property exists.
15. No person other than a member shall ride on any fire truck or other Department vehicle or apparatus at any time unless authorized by the Fire Chief.
16. No person shall drive a motor vehicle upon or over a hose in use at a fire, drill or other incident unless so authorized by a member.

RIGHT TO ENTER

17. The Fire Chief and every member attending at an incident may enter into or upon any lands, premises or property with apparatus or equipment in order to combat, control, deal with, or investigate the incident.

INSPECTIONS

18. In addition to the powers vested in them by the Fire Services Act, every member may enter into or upon any lands, premises, yards or building to ascertain whether:
- (a) the requirements of this Bylaw are being complied with;
 - (b) conditions exist which may cause or increase the risk of fire.
19. Every owner and occupant of premises shall provide all information and shall render all assistance required by the Fire Chief or an Inspector in connection with the inspection of such premises.

20. No person shall obstruct, hinder or prevent an Inspector from entering into or upon any land, premises or property for the purpose of inspecting the same.
21.
 - (1) The Fire Chief may establish and supervise a self inspection program for any class of occupancy;
 - (2) If a self inspection program is established the owner of premises in the specified occupancy class shall:
 - (a) perform or cause to be performed the inspection of the premises in accordance with the requirements of the Fire Chief; and
 - (b) complete and return to the Fire Chief a report in the form specified by the Fire Chief and within the time specified by the Fire Chief.
22. Every person providing private self inspection services to owners or otherwise providing private inspection, testing or maintenance of fire safety systems must be approved by the Fire Chief and registered with the Department as a provider of those services.

FIRE SAFETY PLANNING

23.
 - (1) The owner of a building or part thereof that is newly constructed or renovated or that has had a change of occupancy, and that is required to have a fire alarm system or in which any hazardous activities will occur, shall within 60 days of the completion of such construction, renovations or change of occupancy submit to Fire Chief a written fire safety plan, in a form acceptable to the Fire Chief, for that building or part thereof and covering fire prevention activities, fire drills, fire safety training, maintenance of fire safety systems and equipment, and such other fire safety matters as the Fire Chief may require.
 - (2) A copy of a fire safety plan must at all times be made available by the owner on the premises to which it applies.
 - (3) Every fire safety plan submitted under subsection (1) shall be upgraded by the current owner of the building and the upgraded plan submitted to the Fire Chief, in a form acceptable to the Fire Chief, every ten years thereafter. (Bylaw No. 13174)
24.
 - (1) The Fire Chief may establish a pre-incident plan program for any class of occupancy.
 - (2) If a pre-incident plan program is established every owner of premises in the specified occupancy class shall prepare and submit to the Fire Chief, in a form approved by the Fire Chief, a pre-incident plan for the premises

with a diagram of each level of occupancy of the premises together with such other information as the Fire Chief may require.

- (3) A pre-incident plan shall be filed by the owner of the premises for which it is required not later than 60 days after:
- (a) the date the Fire Chief establishes a pre-incident plan program for that class of occupancy; and
 - (b) any alterations to the premises that affect the pre-incident plan or change of occupancy of the premises or any part thereof.

ORDERS

25. (1) Without limiting the power and authority vested in them by the Fire Services Act, the Fire Chief or any Inspector may, in writing, order:
- (a) the correction or removal of any condition or thing in or about any building which is in contravention of this Bylaw;
 - (b) an owner, or the agent of an owner, of a vacant building to secure a building against entry as provided for in section 26.
- (2) An order shall be sufficiently served if delivered by hand to the person to whom it is issued and, in the case of an owner, if delivered by registered mail to the address of the owner as it appears on the records of the Assessment Authority of British Columbia, and by posting a copy of it on the building, structure or thing to which it relates.
- (3) An order issued under this section shall state a date by which the order shall be complied with or carried out, which date shall, at the discretion of the discretion of the Fire Chief or Inspector, have regard to the degree of urgency involved in correcting or removing conditions which may tend to increase the hazard of fire or danger to life and property.

VACANT BUILDINGS

26. The owner of a vacant building shall at all times ensure that the building is adequately secured against entry by unauthorized persons.
27. If an owner fails to comply with an order issued under section 25(1)(b), the Fire Chief may cause the building to be secured against unauthorized entry and all costs of doing so may be recovered from the owner in the same manner as municipal property taxes.

HAZARDOUS ACTIVITIES

28. The Fire Chief may charge the owner or occupant of lands or premises for the

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cost of cleaning, repairing or replacing Department equipment where such equipment has been contaminated, damaged, or destroyed by a hazardous substance or dangerous goods or otherwise rendered unusable as a result of an incident involving a hazardous substance or dangerous goods on or about those lands or premises.

29. Where the Fire Chief is made aware of an activity or situation which, in the opinion of the Fire Chief, is hazardous to life or property, the Fire Chief may:
- (a) require that a fire watch in accordance with section 30(2) be provided by the owner or occupier of any lands or buildings where that activity or situation is occurring;
 - (b) order that the activity be stopped;
 - (c) require that the activity be carried out only in compliance with a permit issued by the Fire Chief;
 - (d) evacuate the lands or buildings until such time as the hazard to life or property has been rectified;
 - (e) order the owner, owner's agent or occupant to remove the hazard in a manner approved by the Fire Chief, in default of which the Fire Chief may have the hazard removed at the owner's expense.

FIRE WATCH

30. (1) The owner or owner's agent of an occupied public building in which any of the fire alarm system, sprinkler system, or emergency power system is not operating shall institute and maintain in that building a fire watch in accordance with subsection (4) until that system is in operation. (Bylaw No. 13174)
- (2) The member in charge at an incident may have one or more members at the scene of the incident remain at the scene of the incident on standby until the owner or owner's agent secures the building or premises. The owner shall pay to the Department all of its personnel, equipment and other costs of maintaining the standby, as determined by the Fire Chief, for all standby time in excess of one hour. (Bylaw No. 13174)
- (3) If the member in charge at an incident is unable to contact the owner or owner's agent after one hour of standby the Department may retain the services of a private security company to maintain a fire watch until the owner or owner's agent assumes the fire watch. All costs and expenses thereby incurred shall be paid by the owner of the building or premises; (Bylaw No. 13174)
- (4) A fire watch shall include the following activities: (Bylaw No. 13174)

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- (a) posting of written notices at all entrances and exits on each floor stating that a fire watch is in effect and its expected duration;
- (b) a physical inspection of all public areas equipped with a fire alarm detection device;
- (c) notation in an entry book at least every hour of the conditions in the building by the person or persons performing the fire watch;
- (d) provision on site of a communications device capable of making a 911 call; and
- (e) posting of instructions in the building as to the alternate actions to be taken in the case of an emergency. If a fire safety plan exists for the building, the instructions shall be in accordance with the fire safety plan.

OPEN AIR FIRES

31. (1) No person shall light, ignite, or start any fire in the open air or in any portable incinerator, outdoor fireplace or other portable outdoor burner without first obtaining a permit to do so from the Fire Chief.
- (2) Subsection (1) shall not apply to:
- (a) charcoal, natural gas or propane fires contained within barbecues, grills or other outdoor appliances for the sole purpose of cooking food; or
 - (b) natural gas or propane fuelled outdoor heating appliances used such as umbrella style heaters, fire pits and fire places; provided that any such appliance:
 - (c) is Canadian Standards Association or Underwriters Laboratory of Canada approved; and
 - (d) at all times used in accordance with the manufacturer's instructions; (Bylaw No. 13174)
- (3) The Fire Chief may issue a fire permit for open burning after considering all circumstances.
- (4) No person to whom a permit has been issued under subsection (1) shall burn any construction or demolition refuse or materials or any rubber tires, oil, tar, asphalt, shingles, battery boxes, plastic materials or any other materials that would produce heavy smoke.
- (5) Without limiting the discretion of the Fire Chief under this section, the Fire Chief may issue a permit for burning involved in a religious or ceremonial event.

- (6) Permits shall not be transferable and must be readily available upon request.
- (7) Every person to whom a permit has been issued under this section shall maintain a responsible adult person at all times in charge of the fire while it is burning or smouldering and until it is completely extinguished and shall provide that person with efficient appliances and equipment in order to prevent the fire from getting beyond control or causing damage or becoming dangerous to life and property.
- (8) The Fire Chief may refuse to issue, or withdraw a fire permit at anytime, when in the Fire Chief's opinion, burning would likely be hazardous or create a nuisance.
- (9) No permit shall be required by the Department for the purpose of training members in structural fire fighting methods, fire investigation procedures or for the purpose of the elimination of fire hazards. (Bylaw No. 13174)

SERVICE STATION SAFETY

- 32. A service station with a self-service outlet shall have a control console equipped to regulate the operation of each dispenser located at a self-service outlet, as required by the B.C. Fire Code.
- 33. Every service station operator shall post and keep continuously posted:
 - (a) conspicuous signs that clearly identify the location of each fire extinguisher;
 - (b) in the attendant's booth of every self-service station and in the office of any other service station, a sign providing instructions for dealing with any emergency involving a fire or potential fire, which sign shall include instructions to shut off all electrical power to the pumps, evacuate the area and notify the Fire Department.
- 34. A person carrying on the business of a gasoline service station shall only employ as an attendant a person that has successfully completed a training program in fire safety for service station attendants that has been approved by the Fire Chief.

REFINERIES

- 35. (1) A refinery capable of processing 20,000 barrels or more per day of crude petroleum or equivalent shall provide on the refinery premises for fire protection and fire fighting purposes the following:
 - (a) mobile fire fighting apparatus with a pumping capacity of 2,200 L per minute Class "A" and equipped with a 675 L foam concentrate

- tank, 150 m of 38 mm hose, 300 m of 65 mm hose, all with B.C. standard fire-hose thread, foam producing equipment capable of producing 2,200 L per minute of foam, and a monitor, either fixed or portable, capable of discharging 2,200 L per minute of water;
- (b) fixed water-foam monitors complete with combination straight stream fog nozzles located at railcar loading racks, truck loading racks, loading platforms and process units;
 - (c) an automatic fire detecting and extinguishing system complying with National Fire Protection Association Codes and Standards installed where, in the opinion of the Fire Chief, it is required at rail tank car loading racks, tank truck loading racks, shipboard loading facilities, and all flammable liquid dispensing areas;
 - (d) portable electrical generating units with a minimum of 3,000 Watts, 115 Volts, alternating current, and sufficient number, in the opinion of the Fire Chief, of plug-in lighting units, and extension cables 45 m in length , to effectively illuminate the area;
 - (e) a sufficient number, in the opinion of the Fire Chief, of telescoping hydraulic foam towers, foam cannons or crane mounted foam monitors, with 65 mm hose connections;
 - (f) a sufficient number, in the opinion of the Fire Chief, of mechanical foam play pipes, either spray-straight stream or straight stream;
 - (g) a sufficient number, in the opinion of the Fire Chief, of fixed pipe mechanical foam makers and foam chambers as set out in the National Fire Protection Association Codes and Standards affixed to all cone roofed bulk storage tanks having a diameter in excess of 9 m;
 - (h) fire hydrants, approved as to number and type by the Fire Chief, on a minimum 150 mm looped water main which shall be located not more than 90 m apart in process areas and not more than 150 m apart in tank field areas;
 - (i) well-maintained access roads and fire lanes throughout the refinery premises that meet the requirements of the Fire Chief;
 - (j) where hydrants are 90 m apart a 38 mm or 65 mm hose with a minimum length of 30 m, and where hydrants are 150 m apart a 38 mm or 65 mm hose with a minimum length of 45 m, complete with combination fog and straight stream nozzle, housed in hose station boxes in locations designated by the Fire Chief throughout the refinery premises;

- (k) a sufficient number, in the opinion of the Fire Chief, of portable fire extinguishers; and
 - (l) a connection to the refinery water supply system that meets the requirements of the Fire Chief for a fire boat; and
 - (2) The sufficiency, capacity and location of fire protection and fire fighting equipment, if not specifically provided for in this Bylaw shall be determined by the Fire Chief.
 - (3) Every refinery shall have a Fire Safety Officer and fire equipment personnel trained to the standard approved by the Fire Chief.
36. The owner of a refinery shall maintain at all times at the refinery, and make available upon request to any member, plans showing the piping system for the refinery.
37. All loading racks and dispensing or distribution facilities constructed or installed at a refinery after the coming into force of this Bylaw shall incorporate automatic fire suppression and detection systems deemed necessary by the Fire Chief.

BULK STORAGE FACILITIES

38. (1) The owner of a bulk storage facility shall provide on the premises for fire protection and fire fighting purposes the following:
- (a) a sufficient number, in the opinion of the Fire Chief of telescoping hydraulic foam towers, foam cannons or crane mounted foam monitors with 65 mm hose connections, built-in foam maker and capable of delivering air foam to the top of the highest storage link;
 - (b) a water supply system for automatic sprinklers, other water-based fire extinguishing systems and private hydrants that is capable of muting the anticipated water demand for at least two hours in the event of a fire;
 - (c) foam-water deluge sprinkler systems and foam-water spray systems providing, in the opinion of the Fire Chief, a reasonable fire protection;
- (2) All additions, modifications and alterations to a bulk storage facility shall incorporate automatic fire suppression and detection systems deemed necessary by the Fire Chief; and
- (3) Whenever there is any change in the risk of a fire or explosion occurring at a bulk storage facility caused by a change in products stored, handling or storage processes, procedures or technology, or improvements, equipment or facilities on the site, the owner of the bulk storage facility shall

undertake a fire hazards management review and, if necessary, revise the fire safety plan for the bulk storage facility.

39. The Fire Chief may order the owner of a bulk storage facility to upgrade the fire detection and fire suppression systems at the bulk storage facility in accordance with the directions and requirements of the Fire Chief.

FIREWORKS AND FIRECRACKERS

40. No person shall use, detonate, explode, offer for sale, sell, or possess firecrackers.
41. No person shall sell or offer for sale fireworks. (Bylaw No. 13629)
42. Except as provided in this Bylaw, no person shall use, detonate, or discharge fireworks. (Bylaw No. 13629)
43. (Bylaw No. 13629)
- (1) Except as provided in subsection (3), fireworks shall not be set off, detonated or discharged at any time except on the 31st day of October.
 - (2) It shall be lawful for a person who is at least eighteen (18) years of age to use, set off or discharge low hazard fireworks on private property with the consent of the owner of the property.
 - (3) The Fire Chief may issue a permit to a person who is at least eighteen (18) years of age to use, detonate or discharge low hazard fireworks for a special occasion at any time of the year other than the date specified in subsection (1) on such terms and conditions as the Fire Chief may specify.
 - (4) No person shall set off or discharge fireworks on public property without a permit from the Fire Chief.
 - (5) No person shall point or direct a firework at any person, animal, motor vehicle, building or improvement where such firework is in the process of exploding or detonating, and where the firework is capable of projecting or discharging a charge or pyrotechnical effect.
 - (6) No person shall discharge a firework within thirty (30) meters of a gas station or service station, lumber yard, propane tank, or other location where flammable materials are stored.
 - (7) A local assistant under the *Fire Services Act* or a Peace Officer who observes any contravention of the requirements of subsection (1), (2), (4), (5), or (6) may confiscate the fireworks.

44. The Fire Chief may issue a permit to a person to use, detonate or discharge high hazard fireworks or indoor fireworks on such terms and conditions as the Fire Chief may specify, if the permit applicant:
- (a) is at least 18 years of age and holds a valid fireworks supervisor card;
 - (b) is the person who will supervise the use, detonation or discharge of the fireworks;
 - (c) provides the Fire Chief a site map, acceptable to the Fire Chief, showing where the fireworks will be used and stored, and the location of fire extinguishers; and
 - (d) provides to the Fire Chief proof of liability insurance coverage for the use of the fireworks with limits and on terms acceptable to the Fire Chief.
45. (1) No person shall conduct a public pyrotechnics display without a permit from the Fire Chief.
- (2) A permit issued under subsection (1) shall be on such terms and conditions as the Fire Chief may specify, including the attendance of members at the display for fire protection and emergency response.
- (3) No person shall conduct a flame effects display before an audience without a plan and a representative demonstration approved by the Fire Chief.

FIRE HYDRANT STANDARDS

46. All fire hydrants, including private hydrants, installed in the City shall:
- (a) be a slide gate or compression type hydrant;
 - (b) have two 65 mm hose outlets and one 100 mm pumper outlet;
 - (c) have an internal main valve opening of not less than 115 mm or 10,000 mm ;
 - (d) have main operating stem, hose and pumper outlet threads that conform to the British Columbia Standard fire hose thread for 65 mm fire hose couplings and allied fittings, with the threads of the 100 mm pumper outlet having an outside diameter of 115.625 mm and six threads per 25 mm;
 - (e) be self draining;
 - (f) have a clearance between the centre of the lowest outlet and the surface of

-
- the ground directly below of not less than 300 mm;
- and
- (g) have a main operating stem that opens in a counter-clockwise direction;
 - (h) conform to the American Water Works Association standards for dry barrel fire hydrants (AWWA C502).

TESTING, INSPECTION AND MAINTENANCE OF FIRE PROTECTION SYSTEMS

- 46A. (1) Only service agencies referred to in section 46B (1) may test, inspect or perform maintenance on a fire protection system, fire pump, emergency fire protection power system or commercial kitchen exhaust system.
- (2) Where a service agency has tested, inspected or performed maintenance as described in subsection (1) it shall affix to the equipment in respect of which its services were provided a tag showing its name, the date upon which the work was performed, and the signature, stamp and certification number of the technician doing the work and the date on which the work was performed.
- (3) Service agencies shall service portable fire extinguishers only in “A Standard for the Regulation of the Servicing of Portable Fire Extinguishers”. (Bylaw No. 13174)

APPROVED SERVICE AGENCIES

- 46B. (1) Only service agencies whose technicians are certified by the Applied Scientist Technologists and Technicians of BC or the Canadian Fire Alarm Association, or recognized certification agency for the specific type of fire protection equipment, may carry out any of the services described in Section 46A.
- (2) Notwithstanding subsection (1), where the work or services of any service agency has been improperly performed or carried out the Fire Chief may reject such work or servicing. (Bylaw No. 13174)

FALSE FIRE ALARMS

- 46C. (1) The owner or occupier of real property to which the services of the Department are provided in response to a false fire alarm shall pay to the City of Burnaby the fees set out in Schedule “A”.
- (2) Where a single parcel of real property has two or more occupiers of separate premises with separate fire alarm systems, the scale of fees provided for under this section shall be applied to those premises individually insofar as the individual alarm systems can be identified by

the Department as being the source of specific false alarms.

- (3) Any fee payable under this section that remains unpaid may be added to and form part of the taxes payable on the real property to which the services were provided as taxes in arrears. (Bylaw No. 13174)

LOCK BOXES

- 46D. (1) The Fire Chief may in his discretion require the installation of a lock box containing access keys to a building or premises for the use of the members in a location acceptable to the Fire Chief on the exterior of such building or premises.
- (2) A lock box may be opened only by a member and the keys placed in the lock box shall be clearly identifies as being for the sole use of the Department.
- (3) Unless otherwise approved by the Fire Chief all lock boxes shall be
- (a) recessed or flush mounted into the building;
 - (b) labelled with an “FD” marking or other signage approved by the Fire Chief; and
 - (c) located at a height of not less than 450 mm (18 in.) and not more than 1.8 m (6 ft.) above ground level.

(Bylaw No. 13174)

PRIVATE HYDRANTS

47. The owner or occupier of property that has a private hydrant shall ensure that the hydrant is maintained in good working condition at all times and that inspection, servicing and testing of the hydrant is carried out by a person qualified to perform these services.
48. The owner of a private hydrant shall:
- (a) not less than twice each year have the private hydrant flushed, drained and all threads, outlets and caps greased with waterproof grease;
 - (b) not less than once each year, have all components of the private hydrant inspected, serviced and tested to NFPA 25 Standard;
 - (c) on or before the 31st day of October each year, provide the Fire Chief with a written report of the inspection, servicing and testing performed on the private hydrant during the previous twelve months;
 - (d) keep the ground surface around the private hydrant clear of shrubs, trees, structures and other obstructions of any kind to within 1 metre in order to

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facilitate use of the hydrant by the Department; and

(e) maintain the servicing records for the private hydrant for not less than two years.

FIRE LANES

49. In addition to any requirements under any other statute or regulation, fire lanes shall:

- (a) be posted with visible signage indicating that they are fire lanes;
- (b) be not less than 7.3 m (24 ft.) wide;
- (c) provide for a turning radius of not less than 13 m (42.65 ft.);
- (d) be capable of supporting a vehicle of 36,288 kg (80,000 lbs.) G.V.W.

CONTACT

50. (1) The owner, owner's agent or occupier of any premises equipped with a fire alarm system or an automatic sprinkler system shall provide to the Fire Chief the name, address and telephone number of a person who is able to attend at and secure the premises immediately upon being contacted.
- (2) If the Department is unable to make contact with a person named pursuant to subsection (1) or, after having been contacted by a member, that person fails to attend and secure the premises within one hour of having been contacted, the owner of the premises shall reimburse and pay to the Department its personnel, equipment, and other related costs, as determined by the Fire Chief, for any members and equipment that remain at the premises thereafter.

STANDBY

51. If after responding to an incident involving broken, damaged, or displaced:

- (a) electrical or telecommunications cables, lines or ancillary equipment or works; or
- (b) natural gas or fuel mains, lines or ancillary equipment or works;

the Department is requested by the owner or operator of such cables, mains, lines, or ancillary equipment or works, or the member in charge at the incident deems it necessary, to have one or more members at the scene of the incident on standby for a period of more than one (1) hour, the owner or operator of such cables, mains, lines, or ancillary equipment or works shall reimburse and pay to the

Department its personnel, equipment, and other related costs, as determined by the Fire Chief, for any members and equipment that remain at the incident thereafter.

FEES AND CHARGES

52. (1) Every person applying for a permit, inspection or other service set out in Schedule “A” shall pay to the City the fee specified therefore in Schedule “A”.

(2) Where the Department is requested by a person to have any members or equipment present

(a) at a pyrotechnics display or flame effects; or

(b) to provide assistance to the film industry at the shooting or recording of a motion picture, television show, television advertisement or promotion, or any part thereof, or at any other film industry event;

that person shall reimburse and pay to the Department its personnel, equipment, and other related costs, as determined by the Fire Chief, of having any members or equipment present at that event.

(3) Where following an inspection of a building or premises by the Department the owner is ordered to rectify one or more contraventions of this Bylaw, the B.C. Fire Code or the Fire Services Act, the owner shall pay a re-inspection fee, as specified in Schedule “A”. (Bylaw No. 13174, 14342)

(4) Every owner of a building or structure destroyed or damaged by fire where the value of the loss exceeds \$ 5,000.00 and for which a fire investigation report must be completed in accordance with the Fire Services Act shall pay the fee specified therefore in Schedule “A”. (Bylaw No. 13174)

53. Fees or charges assessed or payable in respect of services provided to or in relation to any lands or improvements thereon that are unpaid on December 31 of the calendar year in which they are assessed, shall be added to and form part of the property taxes payable on those lands as taxes in arrears.

OFFENCE

54. (1) Every person who contravenes or violates any provision of this Bylaw or any permit or order issued pursuant to this Bylaw, or who suffers or permits any act or thing to be done in contravention or in violation of any

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provision of this Bylaw or any permit or order issued pursuant to this Bylaw, or who neglects to do or refrains from doing anything required to be done by any of the provisions of this Bylaw or any permit or order issued pursuant to this Bylaw, commits an offence and is subject to prosecution in accordance with the Offence Act R.S.B.C. 1996, ch.338; and

- (2) Every contravention or violation of this bylaw or any permit or order issued pursuant to this Bylaw that continues for more than one day constitutes a separate offence for each day that it continues.

REPEAL

55. Burnaby Fire Services Bylaw 1983 is repealed.

Read a first time this 29TH day of NOVEMBER 2004
Read a second time this 29TH day of NOVEMBER 2004
Read a third time this 29TH day of NOVEMBER 2004
Reconsidered and adopted this 6TH day of DECEMBER 2004

M A Y O R

C L E R K

SCHEDULE "A"
FEES
 (Bylaw #13488 AND #13696)

SERVICE	SECTION REFERENCE (if applicable)	FEE
Burning Permit	31(1)	\$100
False Alarm	46C	
(a) for the first two false alarms in the calendar year there shall be no fee		
(b) for the third false alarm in the calendar year		\$100
(c) for the fourth false alarm in the calendar year		\$150
(d) for each of the fifth and subsequent in the calendar year		\$300
Inspection at request of owner or occupier	52(1)	\$100
Film industry inspection request	52(1)	\$100
Re-inspection after first inspection (per re-inspection)	52(3)	
(a) first re-inspection and each subsequent re-inspection		\$500
(Bylaw No. 14342)		
Storage tank inspection:	52(1)	
(a) Commercial/Industrial		\$100
(b) Residential		\$50
Fireworks permit-sale	42(1)(d)	\$250
Fireworks permit-detonation	42(5)&(6)	\$100

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Fire safety plan review	23(1)	
(a) New construction or renovation		\$150
(b) Group 'B' or high building		\$300
Fire investigation report	52(4)	\$500
Copy of fire investigation report (Bylaw No. 13696)		\$200
Copy of motor vehicle incident report or medical incident report (Bylaw No. 13696)		\$100
Copy of any other report (Bylaw No. 13696)		\$150

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THIS IS EXHIBIT "5"

Referred to in the Affidavit of

Osama Moin

Affirmed before me this 26th

day of November A.D. 2021



A COMMISSIONER FOR OATHS
IN AND FOR BRITISH COLUMBIA

SYLVIA ROWAT
ARTICLING STUDENT
OSLER, HOSKIN & HARCOURT LLP

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**THE CORPORATION OF THE DISTRICT OF BURNABY
BYLAW No. 4742**

The Reeve and Council of The Corporation of the District of Burnaby, duly assembled, enacts as follows.

SECTION 1 SHORT TITLE

This Bylaw may be cited for all purposes as the "Burnaby Zoning Bylaw, 1965"

SECTION 2 PURPOSE

The Burnaby Zoning Bylaw regulates within the City of Burnaby, the development and use of land and the location and use of buildings and structures erected thereon, having due regard to:
(B/L No. 11032-99-12-13)

- (1) The promotion of health, safety, convenience, and welfare of the public.
- (2) The prevention of the overcrowding of land, and preservation of the amenities peculiar to any zone.
- (3) The securing of adequate light, air and access.
- (4) The value of the land and the nature of its present and prospective use and occupancy.
- (5) The character of each zone, the character of the buildings already erected and the peculiar suitability of the zone for particular uses.
- (6) The conservation of property values.

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- (5) The character of each zone, the character of the buildings already erected and the peculiar suitability of the zone for particular uses.
- (6) The conservation of property values.

SECTION 3 DEFINITIONS

In this Bylaw unless the context otherwise requires:

"ACCESSORY BUILDING" means

- (1) a building, the use or intended use of which is ancillary to that of a principal building situated on the same lot, or
- (2) a building which is ancillary to a principal use being made of the lot upon which such building is located.

"ACCESSORY USE" means

- (1) a use which is ancillary to a principal building, or use of a principal building, situated on the same lot, or
- (2) a use which is ancillary to a principal use being made of the lot upon which such accessory use is located.
- (3) Repealed (B/L No. 14184-20-09-14)
- (4) an accessory use on a lot in the R1, R2, R3, R4, R5, R10 and R11 Districts may include urban beekeeping for domestic purposes subject to the following conditions:
 - (a) the lot shall have a width of not less than 15 m (49.2 ft.) and an area of not less than 557.40 m² (6,000 sq.ft.);
 - (b) the lot shall be used or occupied for single family dwelling purposes only;
 - (c) not more than two beehives and two nucleus colonies shall be maintained on the lot; and,
 - (d) the hives or structures inhabited by the bees shall be located in the rear yard and, unless the rear yard is surrounded by a solid fence or hedge not less than 1.8 m (5.91 ft.) in height, shall be
 - (i) set back not less than 7.5 m (25.0 ft.) from all lot lines; or
 - (ii) elevated not less than 2.5 m (8.0 ft.) above the surface of the ground.

(B/L No. 12627-09-06-22)

"ADAPTABLE HOUSING UNIT" means a dwelling unit that:

- (a) is designed and built with features that permit easy modification to accommodate changing accessibility requirements over time; and
- (b) conforms to the requirements and standards specified in section 3.8.5 and elsewhere in British Columbia Building Code for adaptable dwelling units.

(B/L No. 13335-14-06-23)

"ADJUSTED PRE-DEVELOPMENT RENT" means rent charged to a returning tenant, in accordance with the City of Burnaby's Tenant Assistance Policy, as amended or replaced from time to time, for a replacement rental unit in purpose-built rental housing, which is calculated based on the last rent of the pre-development unit when being vacated for the purpose of development, plus any annual rent increase established under the Residential Tenancy Act and its regulations for the duration of time between vacancy of the pre-development unit and occupancy of the replacement rental unit.

(B/L No. 14206-20-10-26)

"AMENITY SPACE" means a communal non-commercial recreational, social, or meeting space contained in, and provided for the exclusive use of the residents of a multiple family dwelling, and having an above grade floor area that does not exceed five percent of the building's gross floor area, and includes a child care facility that would otherwise meet the foregoing conditions except for the fact that it serves persons other than or in addition to those residents. (B/L No. 13829-18-02-26)

"AMENITY SPACE, PRIVATE HOSPITAL AND SUPPORTIVE HOUSING FACILITY" means communal space in a private hospital or category A or B supportive housing facility that is provided primarily for the use of the residents of the facility for dining, recreation, social activity, personal services, meeting or lobby purposes, together with associated circulation areas. (B/L No. 13829-18-02-26)

"ANIMAL HOSPITAL" means premises operated for the care, treatment and hospitalization of animals but does not include premises that keep or board healthy animals. (B/L No. 9322-90-02-19)

"ANIMAL TRAINING AND DAY CARE FACILITIES" means the use of an enclosed building for the provision during the day of animal training and day care but does not include keeping animals overnight. (B/L No. 11272-01-09-17)

"ANTIQUÉ AND COLLECTIBLE STORE" means an establishment used for the retail sale of one or more of the following:

- (a) objects having special value because of their age, including antique furniture and furnishings;
- (b) specialty collectors' objects, including stamps, coins, cards and dolls.

(B/L No. 11725-04-05-10)

"APARTMENT" means a dwelling unit within an apartment building. (B/L No. 13829-18-02-26)

"APARTMENT BUILDING" means a multiple family dwelling where dwelling units are primarily accessed via a common corridor. (B/L No. 13829-18-02-26)

"AUTOMOBILE OR TRAILER SALES OR RENTAL LOT" means an open area used for the display, sale or rental of new or used passenger motor vehicles or trailers in operable condition, and where no repair work is done except minor incidental repair of vehicles to be displayed, sold or rented on the premises.

"AUTOMOBILE REPAIR SERVICES" means repairs to motor vehicles having a gross vehicle weight less than 4,600 kg (10,000 lb), but does not include motor vehicle manufacture, assembly, body building, manufacturing of motor vehicle parts, body repairs and modifications, painting or engine remanufacturing; nor does it include the following as principal uses in any district: engine rebuilding, radiator repairs, transmission repairs, upholstery repairs. (B/L No. 9530-91-02-25)

"AUTOMOBILE WRECKING YARD" means an area outside of an enclosed building where motor vehicles are disassembled, dismantled or junked or where vehicles not in operable condition or used parts of motor vehicles are stored.

"AUTOMOTIVE REPAIR SHOP" means a building used or intended to be used for motor vehicle inspections and for repairs to motor vehicles, trailers and parts thereof, but does not include the manufacture, assembly or body building of motor vehicles nor manufacturing of parts.
(B/L No. 9530-91-02-25)

"BALCONY" means an accessible cantilevered deck that projects from a building, or is recessed into the wall of a building above ground level, and is partially enclosed so as to remain permanently open to the exterior environment. (B/L No. 14183-20-09-14)

"BASEMENT" means the portion of a building between two floor levels that is partly underground but has at least one-half its height, from its finished floor to the underside of the joists of the floor next above it, above average natural grade as determined by the Building Inspector; and a basement shall be considered to be a storey. (B/L No. 9663-91-12-16)

"BAY WINDOW" means a projection from the wall of a building that is at least:

- (a) 46 cm (1.5 ft.) above the level of the adjacent floor surface; and
- (b) 50 percent glazed when viewed in elevation.

(B/L No. 13863-18-05-14)

"BEDROOM" when used as a unit of measurement for determining minimum suite floor area, includes dens, libraries, recreation rooms, sewing rooms or other rooms of like character or kind.
(B/L No. 14184-20-09-14)

"BEVERAGE CONTAINER RETURN CENTRE" means a building that is used for the collection, temporary storage and shipment of used beverage containers. (B/L No. 10799-98-10-05)

"BICYCLE PARKING FACILITIES, RESIDENT/EMPLOYEE" means bicycle parking facilities that are located within either:

- (a) a locked room or secured enclosure within a building, access to which room or enclosure is restricted to persons residing or employed in the building and who require access for the purpose of parking their bicycles; or
- (b) fully enclosed and secured bicycle lockers for single bicycles, access to each of which is available only to the owner or operator of the bicycle stored in that locker.

(B/L No. 11462-03-01-20)

"BICYCLE PARKING FACILITIES, VISITOR/CUSTOMER" means bicycle parking racks securely affixed to the ground or to a building. (B/L No. 11462-03-01-20)

"BILLIARD HALL" means a commercial undertaking containing two or more billiard or pool tables available for the use of its patrons, but does not include a liquor licence establishment for which a liquor primary licence is required under the Liquor Control and Licensing Act, an apartment building, a hotel or a club or lodge. (B/L No. 12586-09-03-09)

"BLOCK FRONT" means the frontage of private property along one side of a street between intersecting or intercepting streets or between a street and a railroad right-of-way or a street end.
(B/L No. 9189-89-07-10)

"BOARDING, LODGING OR ROOMING HOUSE" means a dwelling in which more than 2 sleeping units are rented, with or without meals being provided, to more than 2 and not exceeding 15 persons, other than members of the family of the lessee, tenant or owner, and excludes the preparation of meals within the rented units. Boarding, lodging and rooming house does not include a dormitory. (B/L No. 14317-21-05-31)

"BODY RUB SALON" means an establishment where the touching, manipulation or massaging of a persons body or any part thereof is performed or offered, but does not include businesses or premises where hairdressing, haircutting or cosmetological services are performed or offered or where medical, therapeutic or cosmetic massage treatment is given by a person duly licensed, certified or registered under any statute of the Province of British Columbia governing such activities, and does not include a day spa or therapeutic touch treatment business as defined in the Burnaby Adult Service Business Regulation Bylaw 2001. (B/L No. 11693-04-04-19)

"BUILDING" means a structure, located on the ground, which is designed, erected or intended for the support, enclosure, or protection of persons or property. (B/L No. 7477-80-03-10)

"BUILDING, COMPLETELY ENCLOSED" means a building separated on all sides from the adjacent open spaces, or from other buildings or structures, excluding fences and retaining walls, by a permanent roof and by exterior walls or party walls, pierced only by windows and normal entrance or exit doors. (B/L No. 14170-20-07-06)

"BUILDING, FRONT LINE OF" means the extended line of the wall of the building, (or of any projecting portion of the building, except balconies, steps, sills, belt courses, cornices, eaves, fire escapes and uncovered decks) which faces the front lot line. (B/L No. 14183-20-09-14)

"BUILDING, REAR LINE OF" means the extended line of the wall of the building (or of any projecting portion of the building, except balconies, steps, sills, belt courses, cornices, eaves, fire escapes and uncovered decks) which faces the rear lot line. (B/L No. 14183-20-09-14)

"BUILDING, TEMPORARY" means a building or structure placed on a lot for a limited period of time but does not include a mobile home which is located in a mobile home park or a recreational vehicle. (B/L No. 12664-09-09-14)

"BULK" means the size and location of buildings and structures in relation to the lot. Bulk regulations include maximum height of a building, minimum lot area and width, minimum front, side and rear yards and maximum lot coverage and floor area.

"CANNABIS PRODUCTION FACILITY" means a building or portion thereof providing for the production, finishing, packaging, warehousing and/or distribution of cannabis. (B/L No. 13838-18-03-12)

"CANNABIS STORE, GOVERNMENT" means a retail store established by the government under the Cannabis Distribution Act, as amended or replaced from time to time, for the sale of cannabis and cannabis accessories to consumers, and for certainty, does not include a licensee cannabis store. (B/L No. 13928-18-09-24)

"CANNABIS STORE, LICENSEE" means a retail store licensed under Part 4 of the Cannabis Control and Licensing Act, as amended or replaced from time to time, for the sale of cannabis and cannabis accessories. (B/L No. 13928-18-09-24)

"CAR WASH STALL" means a space that

- (a) has minimum dimensions 3.7 m (12.14 ft.) x 5.5 m (18.04 ft.),
- (b) is located in an underground parking area or in a roofed covered area integrated with a building,
- (c) provides a facility for washing vehicles, and,
- (d) drains to a sanitary sewer. (B/L No. 9429-90-09-17)

"CARPORT" means a detached accessory building or portion thereof or a portion of a principal building that is used as a private garage and has 60 percent or less of the perimeter enclosed by walls, doors or windows. (B/L No. 9590-91-07-22)

"CARTAGE, DELIVERY AND EXPRESS FACILITY" means a building or property used as an origin or destination point from which single unit, single axle trucks, of 13,600 kg GVW (29,982.36 lbs. GVW) (Gross Vehicle Weight) or less, are dispatched for the local delivery or pick-up of goods, and which may include necessary warehouse space for the transitory storage of such goods. (B/L No. 5884-71-09-20)

"CELLAR" means the portion of a building between two floor levels that is partly or wholly underground and has more than one-half its height, from its finished floor to the underside of the joists of the floor next above it, below average natural grade as determined by the Building Inspector; and a cellar shall not be considered to be a storey. (B/L No. 9663-91-12-16)

"CENTRAL VETERINARY HOSPITAL" means an animal hospital which operates 24 hours a day providing hospital facilities for the patients of participating member veterinarians and which serves a number of animal clinics on an area wide basis, and where no provision is made for the keeping or boarding of healthy animals. (B/L No. 7501-80-04-28)

"CHILD CARE FACILITY" means a community care facility for child care, all as defined in the Community Care and Assisted Living Act that is licensed under the Child Care Licensing Regulation, but excludes a home-based child care facility. (B/L No. 13639-16-12-12)

"CHILDREN'S INSTITUTION" means an orphanage, boarding home or other establishment for children wherein care, food and lodging are furnished, with or without charge, for five or more children under fifteen years of age living apart from their parents or guardians, excepting any home approved as a foster home by the Child Welfare Division, Department of Social Welfare, any home maintained by a person to whom the children are related by blood or marriage, and excepting hospitals. (B/L No. 10753-98-06-15)

"CITY" means the City of Burnaby. (B/L No. 11032-99-12-13)

"CLUB OR LODGE" means a building or establishment used by an association or organization for fraternal, social or recreational purposes which may include limited private sleeping unit accommodation without private cooking facilities, and which shall be operated for the use of club members and their guests only.

"CMHC MARKET MEDIAN RENT" means the median residential rent applicable to areas within the City of Burnaby, based on rental market data collected by the Canadian Mortgage and Housing Corporation (CMHC) for specific rental unit types, age of buildings, size of buildings, and geographic areas. (B/L No. 14206-20-10-26)

"COLLEGE AND UNIVERSITY" means an educational institution which:

- (a) provides specialized professional, technical and vocational training and education in various disciplines of advanced learning;
- (b) is authorized to grant degrees, under the *University Act, College and Institute Act, Degree Authorization Act*, or another Act of the Province; and,
- (c) may offer university transfer and applied degree programs, career and trade training programs, upgrading and preparatory programs, apprenticeship, continuing education, and similar programs.

(B/L No. 14317-21-05-31)

"COMMERCIAL VEHICLE" means a vehicle engaged in carrying or which is designed to carry goods, wares or merchandise and which is licensed as a commercial vehicle under the appropriate municipal or provincial laws or regulations.

"CONFORMING BUILDING OR USE" means any building or use which conforms with all the regulations of the Bylaw, or of any amendment thereto, for the zoning district in which such building or use is located.

"COUNCIL" means the Council of the City of Burnaby. (B/L No. 11032-99-12-13)

"COURT" means an open space unoccupied from the ground upwards or from an intermediate floor upwards, located on the same lot at the building which it serves, enclosed on three or more sides by the exterior walls of such building.

"CRAWL SPACE" means the space at or below natural grade between the underside of the joists of the floor next above and the floor slab on the ground surface below, having a vertical clear height less than 1.2 m (3.9 ft.). (B/L No. 9663-91-12-16)

"CURB LEVEL" means the level of the established curb in front of the building, measured at the centre of such front. When no curb has been established, the City Engineer may establish such curb level or its equivalent, for the purpose of this Bylaw. (B/L No. 11032-99-12-13)

"CYBER ENTERTAINMENT USE" means a commercial establishment that has available for the use of its patrons for entertainment purposes six or more:

- (a) games machines; and/or
- (b) computers or other electronic devices that provide access to:
 - (i) the internet or other electronic communication network;
 - (ii) videogames; and/or
 - (iii) virtual realities.

(B/L No. 14184-20-09-14)

"DECK, COVERED" means an accessible roofed deck that is not cantilevered, and is partially enclosed so as to remain permanently open to the exterior environment. A covered deck does not include a terrace that is covered. (B/L No. 14183-20-09-14)

"DECK, UNCOVERED" means an accessible roofless deck that is not cantilevered, and is partially enclosed so as to remain permanently open to the exterior environment. An uncovered deck does not include a terrace that is roofless. (B/L No. 14183-20-09-14)

"DEPTH, PRINCIPAL BUILDING" means for a principal building, the horizontal distance between the point of the building nearest the front lot line and the point of the building nearest the rear lot line (or in the case of a through lot, the other front lot line), excluding the following projections:

- (a) belt courses, cornices, eaves, gutters, sills, chimneys, or other similar features, up to 900 mm (2.95 ft.) in length;
- (b) bay windows up to 900 mm (2.95 ft.) in length; and,
- (c) balconies, covered decks, uncovered decks, canopies, and sunshades, including supporting structures, up to 1.2 m (3.94 ft.) in length. (B/L No. 14183-20-09-14)

(B/L No. 12942-11-06-20)

"DEVELOPMENT" means a change in the use of any land, building or structure for any purpose, and shall include the carrying out of any building, engineering, construction or other operation in, on, over or under land, or the construction, addition, or alteration of any building or structure.

"DISCOTHEQUE" means an establishment which provides music and dancing facilities for patrons 13 to 18 years of age inclusive. Such an establishment may also include facilities for the consumption of food and non-alcoholic beverages, a game area, as well as ancillary office and storage spaces. (B/L No. 7130-77-11-14)

"DISPLAY YARD" means an open area used for the display of new or used passenger automobiles, motor vehicles, trailers, trucks, truck trailers, equipment, machinery or boats in operable condition, which are continually available for sale or rental, and where no repair work is done except of a minor incidental nature. A display yard shall also include an open area where samples of the finished products can be assembled or constructed from the materials (new only) available for sale on the premises may be displayed.

"DORMITORY" means a building consisting of sleeping units or dwelling units, or both, for the accommodation of faculty, staff, students, or other persons affiliated with an educational institution, private school, hospital, religious order, rest home, or other similar institution, and their family members, and which is regulated by such institution. A dormitory may contain communal dining facilities, but does not include a boarding, lodging or rooming house. For the purposes of this definition, the term "family member" means a person's spouse, a person's child, and a person's spouse's child. (B/L No. 14317-21-05-31)

"DRIVE-IN BUSINESS" means an establishment with facilities for attracting and servicing prospective customers travelling in motor vehicles which are driven on to the site where such business is carried on and where normally the customer remains in the vehicle for service, but shall not include car washing establishments, drive-in restaurants, drive-in theatres or gasoline service stations. (B/L No. 5791-70-11-09)

"DRIVE-IN RESTAURANT" means an eating establishment with facilities for attracting and servicing prospective customers travelling in motor vehicles which are driven on to the site where such establishment is located, and where the customer is permitted or encouraged, either by the design of the restaurant facilities or by service and/or packaging procedures, to:

- (a) remain in his vehicle for service and for consuming the food which is purchased, or
- (b) leave his vehicle to purchase food and is given the choice of either consuming the food in his vehicle or within the drive-in restaurant building. (B/L No. 5791-70-11-09)

"DWELLING, DUPLEX" means a two-family dwelling wherein the two dwelling units are placed one above the other. (B/L No. 7477-80-03-10)

"DWELLING, MULTIPLE FAMILY" means any building consisting of three or more dwelling units, but does not include a dormitory. (B/L No. 14317-21-05-31)

"DWELLING, ROW HOUSING" means one dwelling unit in a block of at least two side-by-side dwelling units, each sharing a party wall with the neighbouring unit and each unit located on a separate lot that is not a strata lot. (B/L No. 11032-99-12-13)

"DWELLING, SEMI-DETACHED" means a two-family dwelling wherein the two dwelling units are placed side by side. (B/L No. 7477-80-03-10)

"DWELLING, SINGLE FAMILY" means any building consisting of one dwelling unit. Such a dwelling may include a secondary suite, subject to Section 6.7.1 of this Bylaw. (B/L No. 14184-20-09-14))

"DWELLING, TOWNHOUSE" means one of two or more dwelling units, where each dwelling unit has individual direct access to the outside either at ground level or by stairs and is attached to at least one other dwelling unit by a shared floor or party wall. (B/L No. 11032-99-12-13)

"DWELLING, TWO FAMILY" means any building divided into two dwelling units.
(B/L No. 13829-18-02-26)

"DWELLING UNIT" means one or more habitable rooms constituting one self-contained unit with a separate entrance, which is occupied or intended to be occupied as the permanent home or residence of one family only and contains not more than one kitchen or one set of cooking facilities.
(B/L No. 13829-18-02-26)

"ELECTRIC VEHICLE" means a vehicle that uses electricity for propulsion, and that can use an external source of electricity to charge the vehicle's batteries. (B/L No. 13903-18-07-23)

"ELECTRIC VEHICLE ENERGY MANAGEMENT SYSTEM" means a system used to control electric vehicle supply equipment loads through the process of connecting, disconnecting, increasing, or reducing electric power to the loads and consisting of any of the following: a monitor(s), communications equipment, a controller(s), a timer(s), and other applicable device(s).
(B/L No. 13903-18-07-23)

"ELECTRIC VEHICLE SUPPLY EQUIPMENT" means a complete assembly consisting of conductors, connectors, devices, apparatus, and fittings installed specifically for the purpose of power transfer and information exchange between a branch electric circuit and an electric vehicle.
(B/L No. 13903-18-07-23)

"ELEVATION, FRONT AVERAGE" means the average elevation of the natural grade along the exterior of the building facing the front lot line. (B/L No. 9663-91-12-16)

"ELEVATION, REAR AVERAGE" means the average elevation of the natural grade along the exterior of the building facing the rear lot line or, for a through lot, the other front lot line. (B/L No. 9663-91-12-16)

"ENERGIZED OUTLET" means a connected point in an electrical wiring installation at which current is taken and a source of voltage is connected to supply utilization equipment. (B/L No. 13903-18-07-23)

"FAMILY" means

- (a) persons related by blood, marriage, adoption or foster care, or
- (b) with the exception of those persons who live in a dormitory, a group of not more than three unrelated non-transient persons living together as a single non-profit group in a dwelling unit and using common cooking facilities. (B/L No. 14317-21-05-31)

and excludes boarders, lodgers and servants but includes a person living alone.

(B/L No. 10398-96-08-26)

"FENCE" means a structure, not being a building, used as an enclosure or for screening purposes around all or part of a lot. (B/L No. 14170-20-07-06)

"FLOOR AREA, GROSS" means, subject to Sections 6.20 and 6.20.1, the total area of all floors, measured to the outer limits of all buildings on a lot. (B/L No. 14183-20-09-14)

"FLOOR AREA RATIO" means the figure obtained by dividing the gross floor area by the area of the lot. (B/L No. 14183-20-09-14)

"GAMING FACILITY" means any place that is customarily or regularly used for bingo or other games of chance or mixed chance and skill, excluding games of chance played on slot machines, pursuant to a licence issued by the British Columbia Gaming Commission or by such other person or authority as the Province of British Columbia may specify for the purpose of licensing gaming activities. (B/L No. 10708-98-04-06)

"GAMING HOUSE" means any place, including a social club, that is customarily or regularly used for bingo or other games of chance or mixed chance and skill, including games of chance played on slot machines, and for which a licence has been issued by the British Columbia Gaming Commission or by such other person or authority as the Province of British Columbia may specify for the purpose of licensing gaming activities. (B/L No. 10708-98-04-06)

"GARAGE, PRIVATE" means a detached accessory building or a portion of a principal or accessory building used solely for the parking or temporary storage of private motor vehicles and in which there are no facilities for repairing or servicing such vehicles. Private garages located within structured parking or underground parking shall only be permitted on lots that are subject to rezoning to the CD (Comprehensive Development) District. (B/L No. 13838-18-03-12)

"GASOLINE SERVICE STATION, CONVENTIONAL" means any building or land used or intended to be used for the retail sale of motor fuels and lubricants that are dispensed by an attendant for the customer and may include the sale of automobile accessories, automobile repair services and motor vehicle inspections. A self-serve facility for the dispensing of motor fuels and lubricants by the customer may also be provided as an accessory use on the site, but shall be limited to one pump island only. Pressurized air service for vehicle tires and water service for vehicle radiators shall be provided at all times without charge for customer use. (B/L No. 11888-05-04-11)

"GASOLINE SERVICE STATION, SELF-SERVE" means any building or land used or intended to be used for the retail sale of motor fuels and lubricants that are dispensed

- (a) primarily by the customer from self-serve pumps; and
- (b) by an attendant on behalf of the customer from at least one dual sided full serve pump, that offers all grades of fuel that are offered at the self-serve pumps, between the hours of 7:00 a.m. and 11:00 p.m. or, where the service station is open for business for less than 16 hours a day, during the whole time that it is open for business, on each day that it is open for business;

and may include the sale of automobile accessories, automobile repair services and motor vehicle inspections. Pressurized air service for vehicle tires and water service for vehicle radiators shall be provided at all times without charge for customer use.

(B/L No. 11888-05-04-11)

"GRADE OR GRADE LEVEL, NATURAL" means, for the purpose of measuring the height of a building or determining a basement or cellar, the ground level adjacent to the exposed wall of a building, with no adjustment having been made to the existing undisturbed ground level except for a minor slope equalization as approved by the Building Inspector. (B/L No. 9663-91-12-16)

"GROUP HOME" means a residential care facility for not more than six persons in care that is operated in a private single family dwelling on a residential lot and licensed under the Community Care Facility Act. (B/L No. 12679-09-09-14)

"HABITABLE ROOM" means a room designed for living, sleeping, eating or food preparation, including a living room, dining room, bedroom or kitchen.

"HEIGHT" means the vertical dimension of a building or structure measured in accordance with this Bylaw. (B/L No. 14170-20-07-06)

"HOME-BASED CHILD CARE FACILITY" means a community care facility for child care, all as defined in the Community Care and Assisted Living Act, that is licensed under the Child Care Licensing Regulation and is located in the personal residence of the facility operator.

(B/L No. 13639-16-12-12)

"HOME OCCUPATION" means an occupation or profession that is incidental to the use of a dwelling unit for residential purposes, or to the residential use of a lot occupied by a dwelling and includes:

- (a) the office or studio of a person engaged in business, art, health, crafts or instruction,
- (b) the keeping of not more than two boarders or lodgers in each dwelling unit,
- (c) the operation of a home-based child care facility.

(B/L No. 13639-16-12-12)

"HOSPITAL" means a non-profit institution (operated for the reception and treatment of persons suffering from physical illness or disability) which has been designated as a hospital under the Hospital Act, but does not include private hospitals, nursing or convalescent homes.

"HOSPITAL, PRIVATE" means a house in which two or more patients, other than the spouse, parent or child of the owner or operator thereof, are living at the same time, and including a nursing home or convalescent home, but does not include a hospital as defined in this Bylaw or a hospital licensed under the Mental Hospitals Act.

"HOTEL" means a building in which there are more than six sleeping units wherein accommodation without private cooking facilities is provided for transient lodgers, and having a public dining room or cafe.

"HOTEL, ALL SUITE" means a building intended to provide comprehensive services including a restaurant, conference and banquet facility, lounge, recreational amenities and accommodation for transient lodgers wherein the accommodation is primarily suites that contain minor cooking facilities that do not exceed the following, namely, a two-burner cook top, a microwave oven, a sink and a small refrigerator. (B/L No. 10473-96-11-04)

"HOTEL, MOTOR" means a building in which there are more than six sleeping units wherein accommodation without private cooking facilities is provided, occupied or intended to be occupied primarily by transient motorists, and having a public dining room or cafe. Each sleeping unit shall be self-contained with its own bathroom with a water closet, wash basin and bath or shower and having its own parking space conveniently located on the lot.

"INDUSTRIAL FUELLING INSTALLATION" means a building or land used or intended to be used for the sale of motor fuel and lubricants for use only in industrial equipment or commercial vehicles. (B/L No. 8560-86-06-23)

"IN-LAW SUITE" means one or more habitable rooms used for living and sleeping purposes by relatives of the owner or tenant pursuant to a licence issued by the Building Department the continued use of which is subject to section 911 of the Local Government Act. (B/L No. 13258-14-01-27)

"JUNIOR ONE-BEDROOM UNIT" means a one bedroom living unit in a category B supportive housing facility having a floor area of less than 46 m² (495.16 sq. ft.). (B/L No. 11591-03-09-29)

"JUNK YARD" means an area outside of an enclosed building where junk, waste, used building materials, used industrial materials, scrap metal, used discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled. A junk yard shall not be construed to include establishments for the sale, purchase, or storage of used furniture, used cars in operable conditions, or the processing of used, discarded or salvaged materials as a minor part of manufacturing operations.

"KENNEL" means any building, structure, compound, group of pens or cages or property in which or where 3 or more dogs or 5 or more cats are or are intended to be trained, cared for, bred, boarded or kept for any purpose whatsoever, and shall include any building or part thereof in which 2 or more dogs are kept for breeding purposes. For the purpose of this definition dogs and cats under the age of 4 months shall be excluded. (B/L No. 9276-89-12-18)

"LANDSCAPING" means the planting of lawns, shrubs and trees, and the addition of fencing, walks, drives, or other structures and materials as used in landscape architecture.

"LANE" means a public thoroughfare or way which affords only secondary means of access to a lot, at the side or rear.

"LEARNING CENTRE" means an establishment providing supplementary education or tutorial services, but does not provide accredited education courses. (B/L No. 12690-09-10-05)

"LEVEL 2 CHARGING" means a Level 2 electric vehicle charging level as defined by SAE International's J1772 standard. (B/L No. 13903-18-07-23)

"LICENSEE RETAIL STORE" means a store licensed under the provisions of the Liquor Control and Licensing Act to sell liquor for off-premises consumption and includes an agency store established under the provisions of the Liquor Distribution Act. (B/L No. 11883-05-04-11)

"LIQUOR LICENCE ESTABLISHMENT" means an establishment selling or dispensing liquor for which a liquor primary licence or a liquor primary club licence is required under the Liquor Control and Licensing Act. (B/L No. 11517-03-05-12)

"LIQUOR STORE" means a government liquor store, a government beer store or a government wine store established under the provisions of the Liquor Distribution Act. (B/L No. 11883-05-04-11)

"LOT" means an area of land designated as a separate and distinct parcel on a legally recorded subdivision plan or description filed in the Land Registry Office, and having a principal frontage upon a public street or place.

"LOT AREA" means the total horizontal area within the lot lines of a lot, except for lots that are rezoned on or after 2018 April 01 to the CD (Comprehensive Development) District based in whole or in part on the RM, C, M, B and P Districts, lot area shall be inclusive of the area of street and lane dedication immediately adjacent to the lot, as shown on the subdivision plan pertaining to the lot, approved as a prerequisite to the CD zoning of the site. (B/L No. 13838-18-03-12)

"LOT COVERAGE" means the combined area covered by all buildings and structures on the lot, expressed as a percentage of the lot area, measured as the area of the projection of the outline of the buildings and structures onto a horizontal plane but excluding

- (a) belt courses, cornices, eaves, gutters, sills or other similar ornamental features;
- (b) bay windows;
- (c) chimneys, fire escapes and steps;
- (d) canopies and sun shades;
- (e) terraces;
- (f) balconies;
- (g) uncovered swimming pools;
- (h) fences and retaining walls; and
- (i) parking areas that are:
 - (i) underground, or
 - (ii) open-sided and roofless.

(B/L No. 14170-20-07-06)

"LOT DEPTH" means the shortest distance between the centre of the front lot line and the centre of the rear lot line or, in the case of a pie shaped lot or irregular lot with more than four sides, the shortest distance between the centre of the front lot line and the point at which the two side lot lines or the furthest point at which two rear lot lines intersect, or in the case of a through lot, the line joining the centre points of the two front lot lines. (B/L No. 9663-91-12-16)

"LOT WIDTH" means the mean horizontal distance between side lot lines measured at right angles to the lot depth.

"LOT, CORNER" means a lot at the intersection or junction of two or more streets.

"LOT, INTERIOR" means a lot other than a corner lot.

"LOT, PANHANDLE" means a lot created under subdivision that gains street frontage through a narrow strip of land that is an integral part of the lot, but provides inadequate width for the siting of buildings. (B/L No. 13829-18-02-26)

"LOT, THROUGH" means a lot abutting two parallel or approximately parallel streets.

"LOT LINE, FRONT" means the boundary line of the lot and the street on which the lot abuts. In the case of a corner lot, a lot line abutting a street shall be considered a front line if the adjacent lots front on the same street, except that only one front lot line need be provided. In the case of a through lot, the lot lines abutting two parallel or approximately parallel streets shall both be considered as front lot lines. In the case of a corner lot that is also a through lot, the lot lines abutting two parallel or approximately parallel streets shall both be considered as front lot lines except where the lot is triangular or irregular in shape in which case only one front line need be provided along the shortest lot line abutting the street. (B/L No. 13829-18-02-26)

"LOT LINE, REAR" means the lot line opposite to, or in the case of an irregularly shaped lot, the lot lines more or less facing the front lot line. (B/L No. 9663-91-12-16)

"LOT LINE, SIDE" means a lot line that is not a front lot line or rear lot line. (B/L No. 13829-18-02-26)

"LUNCH BAR" means an eating establishment where cold lunches packed in containers, cold wrapped sandwiches, beverages or foods obtained from coin operated compartments are sold to the public for consumption either on or off the premises. (B/L No. 7103-77-10-03)

"MANUFACTURING OR PROCESSING" includes those operations which are a necessary part of, and clearly related to, the production of the articles or goods specified. For the purposes of this Bylaw, the term "manufacturing" may also include repairing of the items specified.

"MAUSOLEUM" means a building or structure used or intended to be used for the entombment of human remains or cremated remains and that extends vertically by more than 0.35 m (1 ft.), at any point, above the lower of

- (a) the natural grade, or
- (b) the finished ground level at the base of the exposed wall of the building or structure.

(B/L No. 11941-05-08-29)

"MINI-WAREHOUSE" means a completely enclosed building or series of completely enclosed buildings consisting of separate storage units which are rented to customers having exclusive and independent access to their respective units for the storage of residential, recreational, or commercial oriented goods. (B/L No. 7005-77-04-04)

"MOBILE HOME" means a single family dwelling, factory built as a unit or units, suitable for year round occupancy, and capable of being drawn or moved from place to place. (B/L No. 6176-72-12-04)

"MOBILE HOME LOT" means an area of land located within a mobile home park occupied or intended to be occupied by one mobile home. (B/L No. 6176-72-12-04)

"MOBILE HOME PARK" means a parcel of land on which are installed or intended to be installed, two or more mobile homes. (B/L No. 6176-72-12-04)

"MOBILE RETAIL CART" means a cart having maximum ground coverage of 3.72 m² (40 sq.ft.) that is capable of being moved by one person and is intended for use as a temporary location for the retail of goods or services. (B/L No. 10155-95-01-23)

"MOTEL OR AUTO COURT" means a group of two or more detached or semi-detached buildings, providing self-contained accommodation that is primarily for transient motorists and which may have its own cooking facilities and bathroom with a water closet, wash basin and bath or shower. (B/L No. 13829-18-02-26)

"MOTOR VEHICLE INSPECTIONS" means inspection facilities that are licensed by the Motor Vehicle Branch and facilities that are not so licensed; but does not include facilities where the principal use is motor vehicle emission inspection. (B/L No. 9530-91-02-25)

"MULTI-FAMILY FLEX-UNIT" means a strata titled apartment or townhouse dwelling unit that has a gross floor area of not less than 74 m² (796.5 sq.ft.) and contains a defined area for potential rental accommodation, which area:

- (a) is not less than 24 m² (258.3 sq.ft.) and not more than 35 per cent of the gross floor area of the apartment or townhouse dwelling unit in which it is located;
- (b) is not a separate strata lot;
- (c) contains a secondary kitchen area with a compact range or microwave oven and built-in cooktop, compact refrigerator, sink, counter, cabinets, and venting; and contains at least one closet, and a bathroom with a toilet, sink, and bathtub or shower;
- (d) is wired for independent telephone connection prior to occupancy and remains so;
- (e) has a separate lockable entrance door providing direct access to the exterior of the dwelling unit; and,

(B/L No. 11462-03-01-20)

- (f) may be occupied as the permanent home or residence of one additional family only. (B/L No. 13829-18-02-26)

"NON-CONFORMING BUILDING OR USE" means any building or use which does not conform with all the regulations of the Bylaw, or any amendment thereto, for the zoning district in which such building or use is located.

"NON-RESIDENTIAL" when used with reference to a building, structure or use, means designed, intended or used for purposes other than those of a residential use building.

"OUTDOOR GARDEN SHOP" means an open area used for the display and retail sale of bedding plants, flowers, nursery stock or Christmas trees, but does not include commercial nurseries or greenhouses. (B/L No. 9780-92-10-13)

"OUTDOOR PLAY AREA" means an outdoor open area designated for physical activity of children in a child care facility or a home-based child care facility, in accordance with the *Community Care and Assisted Living Act* and the *Child Care Licensing Regulation* as amended or replaced from time to time. (B/L No. 14065-19-11-18)

"OUTDOOR PRODUCE SHOP" means an open area that is attached to and on the same site as a grocery store or produce shop and is used for the display and retail sale of fruit and vegetables. (B/L No. 9780-92-10-13)

"PARKING AREA" means an open area of land, other than a street, used for the parking of vehicles of clients, customers, employees, members, residents or tenants.

"PARKING GARAGE" means a building the principal use of which is the parking or storage of vehicles and which is available to the public or as an accommodation to clients, customers or employees. (B/L No. 5170-67-06-26)

"PARKING SPACE" means a space within a building or a parking area, for the parking of one vehicle, excluding driveways, ramps, columns, office and work area.

"PARKING SPACE, ACCESSIBLE" means a parking space provided for the use of persons with disabilities. (B/L No. 14043-19-09-16)

"PARKING SPACE, VAN ACCESSIBLE" means a parking space to accommodate vans and other vehicles equipped with platform lifts or side ramps, for the use of persons with disabilities. (B/L No. 14043-19-09-16)

"PARKING, STRUCTURED" means an area that

- (a) contains parking spaces and associated driveways and maneuvering aisles,
- (b) is located within a building, and
- (c) has its roof or the finished floor next above it more than 800 mm (2.62 ft.) above the adjacent finished grade.

(B/L No. 13838-18-03-12)

"PARKING, UNDERGROUND" means an area that:

- (a) contains parking spaces and associated driveways and maneuvering aisles;
- (b) is located within a building; and
- (c) has its roof or the finished floor next above it not more than 800 mm (2.62 ft.) above the adjacent finished grade.

(B/L No. 14206-20-10-26)

"PAWNSHOP" means an establishment used for the loaning of money on the security and deposit of personal property. (B/L No. 11725-04-05-10)

"PAYDAY LOAN AND SIMILAR SERVICES" means the business of

- (a) making or offering to make payday loans (as defined in and regulated under the Businesses Practices and Consumer Protection Act of British Columbia); or
- (b) cashing or offering to cash cheques or other negotiable instruments for a fee or for less than the face value of the cheque or instrument;

carried on or undertaken by a person or other entity that is not governed by the Bank Act or Trust and Loan Companies Act of Canada or the Financial Institutions Act or Mortgage Brokers Act of British Columbia. (B/L No. 13495-15-09-14)

"PAYMENT-IN-LIEU OF PARKING" means a payment to the City, as an alternative to providing off-street parking spaces as required in this bylaw, for the purposes of funding the provision, expansion and/or capital maintenance of City parking facilities, and/or transportation infrastructure that support walking, cycling, public transit, or other active forms of transportation. (B/L No. 14316-21-05-31)

"PERSON" includes a firm, association, organization, partnership, trust company or corporation as well as an individual.

"PRINCIPAL USE" means the main purpose for which land, buildings or structures are ordinarily used.

"PUBLIC ASSEMBLY AND ENTERTAINMENT USE" means the use of a building or an establishment for assembly or entertainment, including bowling alleys, meeting halls, theaters, auditoriums, swimming pools, curling rinks and similar uses, but excludes cyber entertainment uses, billiard halls, discotheques, gaming facilities and gaming houses. (B/L No. 14184-20-09-14)

"PURPOSE-BUILT RENTAL HOUSING" means a multi-unit building or portion of a multi-unit building where dwelling units are held in common ownership and used only for rental purposes, but does not include a dormitory. Purpose-built rental housing may include market and non-market rental housing. (B/L No. 14317-21-05-31)

"RECREATIONAL VEHICLE" means a structure or vehicle that

- (a) is used or designed to be used for living or sleeping purposes
- (b) is designed or intended to be mobile on land, and
- (c) is either self-propelled or towed by a motor vehicle and includes a camper, travel trailer, motor home, converted bus or other vehicle and tent trailer. A recreational vehicle shall not be considered to be a dwelling unit. (B/L No. 8379-85-07-29)

"RECREATIONAL VEHICLE PARK" means a parcel of land used or intended to be used for the parking of recreational vehicles on a transitory basis, and includes all buildings or structures thereon. (B/L No. 8379-85-07-29)

"RECREATIONAL VEHICLE SPACE" means an area of land located within a recreational vehicle park occupied or intended to be occupied by one recreational vehicle. (B/L No. 8379-85-07-29)

"RENTAL UNIT" means a dwelling unit within purpose-built rental housing. (B/L No. 14206-20-10-26)

"RESIDENTIAL USE BUILDING" means a dwelling, boarding, lodging or rooming house, or a dormitory. (B/L No. 14317-21-05-31)

"RESTAURANT" means an eating establishment where food is sold to the public for immediate consumption within the premises, but where no provision is made for the consuming of food in motor vehicles which are parked on the site. (B/L No. 5791-70-11-09)

"RETAIL" in relation to a sale means a sale to a purchaser for purposes of consumption or use and not for resale, and "retail store" means a building where goods, wares, merchandise, substances, articles or things are sold at retail and are stored in quantities sufficient only to service that store, but a reference to "retail store" does not include any retail outlet otherwise classified or defined in this Bylaw. (B/L No. 10395-96-07-22)

"RETAINING WALL" means a structure, not being a building, designed to hold back, stabilize or support water, soil, rocks, or similar geotechnical materials. For the purpose of this Bylaw, a retaining structure, not being a building, which does not have an exposed face and which is designed to hold back water shall not be considered a retaining wall. (B/L No. 14170-20-07-06)

"RIDING ACADEMY" means a stable for the housing of horses for hire or for a private riding club.

"ROOF, FLAT" means a roof on a building that has one or more roof surfaces that have a pitch of less than 4 in 12 and cover an area greater than 20 percent of the area of all roof surfaces as measured in plan view. (B/L No. 9663-91-12-16)

"ROOF, SLOPING" means a roof on a building that has one or more roof surfaces that have a pitch of 4 in 12 or greater and cover an area at least equal to 80 percent of the area of all roof surfaces as measured in plan view. (B/L No. 9663-91-12-16)

"SALES CENTRE, RESIDENTIAL" means a building used for the marketing of residential dwelling units in a newly constructed and unoccupied multi-family residential development or in a multi-family residential development under development. (B/L No. 12452-08-06-16)

"SANITARY FACILITY" means any toilet, urinal, bathtub, shower, hand basin, or combination thereof. (B/L No. 14317-21-05-31)

"SCHOOL, COMMERCIAL" means an educational establishment which offers instruction and training in specific trades, skills, or services, including but not limited to secretarial skills, aviation, computer, banking, automotive driving, language, business, marketing, beauty, animal grooming, art, music, self-defense, and career. Commercial schools are not authorized to grant degrees, and do not include colleges and universities, private schools, public schools, or trade schools. (B/L No. 14317-21-05-31)

"SCHOOL, PRIVATE" means a school, other than a public school, where academic subjects are taught to elementary and secondary students. (B/L No. 10732-98-04-06)

"SCHOOL, PUBLIC" means a place of instruction, other than a commercial or trade school, maintained at public expense pursuant to the *School Act*. (B/L No. 14317-21-05-31)

"SCHOOL, TRADE" means a school other than a private or public school that offers training in a manual, mechanical or technical trade in an industrial setting that involves the use of industrial equipment or materials. (B/L No. 10732-98-04-06)

"SCREENING" means a continuous fence, compact evergreen hedge or combination thereof, supplemented with landscape planting that would effectively screen the property which it encloses, and is broken only by access drives and walks. (B/L No. 14170-20-07-06)

"SECONDARY SUITE" means an accessory dwelling unit fully contained within a single family dwelling. (B/L No. 13258-14-01-27)

"SECOND-HAND STORE" means an establishment where more than ten (10) per cent of the floor area is used for the purchase and sale of:

- (a) used electronic equipment, including audio or video equipment and accessories, computers and computer equipment and accessories; or
- (a.2) used gold, silver or other precious metals; or (B/L No. 12976-11-09-12)
- (b) two or more of the following types or classes of used goods, wares or merchandise:
 - (i) bicycles;
 - (ii) sports equipment;
 - (iii) jewelry;
 - (iv) cameras and camera equipment;
 - (v) musical instruments and equipment;
 - (vi) compact discs (CDs) or digital video discs (DVDs), or both;
 - (vii) tools;
 - (viii) electronic office equipment, including photocopiers and fax machines;

but does not include:

- (c) an antique and collectible store;
 - (d) an establishment where used goods, wares and merchandise are sold by a society, charity or other organization that operates on a not-for-profit basis;
 - (e) an establishment where all of the used goods, wares and merchandise offered for sale have been acquired by donation or purchased from societies, charities or other organizations that operate on a not-for-profit basis; or
 - (f) an establishment that sells goods, wares or merchandise on consignment.
- (B/L No. 11725-04-05-10)

"SETBACK" means the required minimum distance between a building or use and each of the respective property lines.

"SHOPPING CENTRE" means a group of retail stores in one or more buildings designed as an integrated unit.

"SLEEPING UNIT" means one or more rooms used for sleeping and living purposes. A sleeping unit may contain sanitary facilities, but does not include a kitchen sink or cooking facilities. (B/L No. 14317-21-05-31)

"SLOT MACHINE" means a slot machine as defined in the Criminal Code of Canada on January 1, 1998, but shall not include an electronic machine programmed to allow personal play whereby a person is able to play bingo against a computer or to play e-tabs or e-scratches generated by a computer. (B/L No. 11791-04-10-18)

"STORAGE YARD" means an area outside of an enclosed building where contractors' or construction materials and equipment, solid fuels, lumber and new building materials, monuments and stone products, public service and utility equipment, or other materials, goods, products, vehicles, equipment or machinery are stored, baled, piled, handled, sold or distributed, whether a principal or an accessory use. A storage yard shall not be construed to include an automobile wrecking yard, a display yard or a junk yard.

"STOREY" means a habitable space between two floors, or between any floor and the upper surface of the floor next above, except that the topmost storey shall be that portion of a building included between the upper surface of the topmost floor and the ceiling above. A basement shall be considered as a storey. (B/L No. 7477-80-03-10)

"STOREY, HALF" means a storey under a gable, hip, gambrel or shed roof having a gross floor area not more than fifty percent of the gross floor area of the storey immediately below, and includes a covered deck that is an extension of the topmost storey. (B/L No. 14184-20-09-14)

"STREET" means a public highway, road or thoroughfare which affords the principal means of access to abutting lots.

"STREET CANOPY" means a structure that is attached to a building by a cantilever, is not part of the building and consists of a lightweight rigid frame covered by a stretched fabric membrane. (B/L No. 8737-87-05-25)

"STRUCTURE" means anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground. (B/L No. 14170-20-07-06)

"STUDIO UNIT" means a dwelling unit having no room used or intended to be used solely as a bedroom. (B/L No. 11032-99-12-13)

"SUITE READY" means constructed to a standard, as determined by the Chief Building Inspector, which facilitates the future conversion of that portion of a building to a secondary suite in accordance with the British Columbia Building Code. (B/L No. 14184-20-09-14)

"SUPPORTIVE HOUSING FACILITY" means a housing facility that

- (a) contains two or more living units, each of which is occupied or intended to be occupied by not more than two persons, at least one of whom is fifty-five years of age or older;
- (b) contains common amenity spaces and dining facilities for the residents;
- (c) provides at least one meal a day for the residents; and,
- (d) provides continuous monitoring of the residents and on-site emergency medical response.

'supportive housing facility, Category A' means a supportive housing facility in which the living units do not contain a kitchen or cooking facilities.

'supportive housing facility, Category B' means a supportive housing facility in which the living units contain a kitchen or cooking facilities.

(B/L No. 11153-00-11-06)

"TAXI DISPATCH OFFICE" means an office from which taxis are dispatched by radio to pick up fares and where related office functions may be carried on, but excluding the servicing and outside parking or storage of taxis on the lot. (B/L No. 5752-70-08-24)

"TAXI SERVICE CENTRE" means an establishment from which taxis may be dispatched to pick up fares and where the servicing and outside parking or storage of taxis may be carried on in addition to related office functions. (B/L No. 5752-70-08-24)

"TEMPORARY SHELTER" means a building providing temporary accommodation and protection from weather or danger, overnight or for a greater duration, for individuals who are experiencing or at risk of homelessness. (B/L No. 14003-19-07-29)

"TERRACE" means a level surface that is paved, planted, or constructed, and is not more than 600 mm (1.97 ft.) above the adjacent finished ground level. (B/L No. 14183-20-09-14)

"TRAILER" means any structure or vehicle used or designed to be used for living or sleeping purposes and which is designed or intended to be mobile on land, whether or not self-propelled.

"TRUCK TERMINAL" means a building or property used as an origin or destination point for the loading, unloading, assembling or transferring of goods transported by truck, or which provides containerized freight handling facilities or rail-truck services, and where the local pickup, delivery and transitory storage of goods is incidental to the primary function of motor freight shipment, provided, however, that any lot where trucking is the principal use and which operates any vehicles in excess of single unit, single axle, 13,600 kg GVW (29,982.36 lbs. GVW) (Gross Vehicle Weight) shall be considered for the purpose of this Bylaw, as a truck terminal. (B/L No. 5884-71-09-20)

"USE" means the purpose for which any lot, parcel, tract of land, building or structure is designed, arranged or intended, or for which it is occupied or maintained.

"UTILITY CORRIDOR" means a parcel or assemblage of parcels of land forming a linear tract that contains or is intended to contain as the principal use one or more of the following:

- (a) overhead electrical transmission lines and support structures;
- (b) underground electrical transmission lines;
- (c) underground sewer or water lines;
- (d) underground telecommunications infrastructure;
- (e) other underground infrastructure.

(B/L No. 13408-15-01-19)

"WHOLESALE" establishment means a building where goods, wares, merchandise, substances, articles or things are sold in bulk to retailers or to businesses, institutions or government agencies for their own use or for resale. (B/L No. 10395-96-07-22)

"YARD, FRONT" means that portion of the lot, extending the length of the front lot line, between the front lot line and a line drawn parallel thereto. The depth of such yard shall mean the perpendicular distance between the front lot line and the parallel line. (B/L No. 13829-18-02-26)

"YARD, REAR" means that portion of the lot, extending the length of the rear lot line, between the rear lot line and a line drawn parallel thereto. The depth of such yard shall mean the perpendicular distance between the rear lot line and the parallel line. (B/L No. 13829-18-02-26)

"YARD, SIDE" means that portion of the lot, extending the length of the side lot line, between the side lot line and a line drawn parallel thereto. The width of such yard shall mean the perpendicular distance between the side lot line and the parallel line. (B/L No. 13829-18-02-26)

SECTION 4 BASIC PROVISIONS

4.1 Application

Within the City of Burnaby no land, buildings and structures, regardless of the form of ownership or tenure, including the surface of water, shall hereafter be used or occupied, and no building or structure or part thereof shall be erected, moved, altered or enlarged, unless in conformity with this Bylaw, and the contrary shall be unlawful.

(B/L No. 11032-99-12-13)

4.2 Units of Measurement

In this Bylaw where a measurement is given in both the metric and Imperial systems, the metric measurement shall be applied and the Imperial measurement shall have no effect.

(B/L No. 10237-95-08-14)

SECTION 5 ESTABLISHMENT OF ZONING DISTRICTS AND SCHEDULES

5.1 Designation of Districts:

For the purpose of this Bylaw, the City of Burnaby is hereby divided into the following zoning districts:
(B/L No. 13063-12-05-14)

Schedule Number I	RESIDENTIAL DISTRICTS (R)
Schedule Number II	MULTIPLE FAMILY RESIDENTIAL (RM)
Schedule Number III	COMMERCIAL (C)
Schedule Number IV	INDUSTRIAL AND BUSINESS CENTRE (M and B)
Schedule Number V	PUBLIC AND INSTITUTIONAL (P)
Schedule Number VI	AGRICULTURAL (A)
Schedule Number VII	COMPREHENSIVE DEVELOPMENT (CD)

The suffix "a" or other letter attached to a zoning designation denotes an area where additional uses are permitted subject to the regulations of the district to which the suffix is applied.

(B/L No. 7333-79-04-02)

5.2 Official Zoning Map:

- (1) The location of the zoning districts established by this Bylaw are shown on the Official Zoning Map of the City of Burnaby which, with all explanatory matter thereon, is hereby made and declared to be an integral part of this Bylaw. (B/L No. 11032-99-12-13)
- (2) When the zoning district boundary is designated on the Official Zoning Map as following a road allowance, creek or railway right-of-way, the centre line of such road allowance, creek or railway line, shall be the zoning district boundary.
- (3) Where a zoning district boundary does not follow a legally defined line, and where the distances are not specifically indicated, the location of the boundary shall be determined by scaling from the Official Zoning Map.

5.3**Schedules:**

- (1) Zoning District Schedules:
Regulations for each zoning district shall be as set forth in the Zoning District Schedules which are hereby made and declared to be an integral part of this Bylaw.
- (2) Off-Street Parking and Off-Street Loading Schedules:
Off-Street parking and off-street loading regulations shall be set forth in the Off- Street Parking and Off-Street Loading Schedules which are hereby made and declared to be an integral part of this Bylaw.

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5.3**Schedules:**

(1)

Zoning District Schedules:

Regulations for each zoning district shall be as set forth in the Zoning District Schedules which are hereby made and declared to be an integral part of this Bylaw.

(2)

Off-Street Parking and Off-Street Loading Schedules:

Off-Street parking and off-street loading regulations shall be set forth in the Off- Street Parking and Off-Street Loading Schedules which are hereby made and declared to be an integral part of this Bylaw.

SECTION 6 SUPPLEMENTARY REGULATIONS

6.1 Number of Principal Buildings on a Lot:

- (1) No residential use building shall be located on the same lot as any other residential use building, except as otherwise provided for in this Bylaw.
- (2) No residential use building shall be located on the same lot as any non-residential building or use, except as otherwise provided for in this Bylaw.
- (3) Subsections (1) and (2) shall not apply to a residential use building in the P11e District. (B/L No. 11348-02-04-15)

6.2 Location and Siting of Buildings and Uses: (B/L No. 14065-19-11-18)

- (1) No principal building shall be located in any required front, side or rear yard.
- (2) No accessory building or structure, with the exception of fences and retaining walls, shall be located in any required front, or side yard, except as provided for in Sections 6.6 and 6.12 of this Bylaw. (B/L No. 14170-20-07-06)
- (3) Where a parcel of land is of greater area than 1,110 m² (11,948.33 sq.ft.) the Approving Officer may require that the siting of a proposed building shall be such as to facilitate the future subdivision of the parcel or adjacent parcels of land.
- (4) No outdoor play area shall be located in any required front or side yard in the C1, C2, C3, C4, C8 and C9 Districts. (B/L No. 14065-19-11-18)

6.3 Distances between Buildings on the same Lot:

Where the exterior walls of the same building or of any two buildings in a group face and overlap, the clear distance between such overlapping walls shall not be less than the following:

- (1) When windows to habitable rooms occur in the overlapping section of either or both of the opposing walls:
 - (a) In RM, C8 and C9 Districts, twice the overlap in either the horizontal or vertical direction. Such distance shall be not less than 7.5 m (24.61 ft.), but need not exceed 15.0 m (49.21 ft.) for buildings 3 storeys or less in height, nor 15.0 m (49.21 ft.) plus 900 mm (2.95 ft.) per storey for buildings greater than 3 storeys in height. (B/L No. 12452-08-06-16)
 - (b) In all zoning districts, except RM Districts and developments in the C8 and C9 Districts that include a residential component, equal to the overlap in either the horizontal or vertical direction. Such distance shall be not less than 4.5 m (14.76 ft.), but need not exceed 7.5 m (24.61 ft.). (B/L No. 12452-08-06-16)
- (2) When no windows in habitable rooms occur in the overlapping section of either or both of the opposing walls:
 - (a) In RM, C8 and C9 Districts, equal to the overlap in either the horizontal or vertical direction. Such distance shall be not less than 3.5 m (11.48 ft.), but need not exceed 7.5 m (24.61 ft.). (B/L No. 12452-08-06-16)
 - (b) In all zoning districts, except RM Districts and developments in the C8 and C9 Districts that include a residential component, no detached accessory building shall be located closer than 1.8 m (5.91 ft.) to a residential use building. (B/L No. 12452-08-06-16)

6.3.1 Notwithstanding Section 6.3, no detached garage or carport shall be located closer than 4.5 m (14.8 ft.) from the principal building in the R1, R2, R3, R4, R5, R9, R10, R11 and R12 Districts. (B/L No. 10124-94-12-05)

6.4 Height of Buildings and Structures:

- (1) In the RM6 District, the height of a principal building shall be measured from the lower of the front or rear average elevations to the highest point of the structure, subject to the applicable exceptions in subsection (3). (B/L No. 10124-94-12-05)
- (2) Except in the C2, R1, R2, R3, R4, R5, R9, R10, R11, R12, RM6 and P11 Districts, the height of a principal building shall be measured from the front average elevation to the highest point of the structure, subject to the applicable exceptions in subsections (3) and (4); and where no front yard setback is required the height shall be measured from the curb. (B/L No. 13838-18-03-12)
- (3) In all districts the following types of structures or structural parts shall not be subject to the building height requirements of this Bylaw: aerials, electrical service masts, television and radio antennae, chimneys, flues, flagpoles, vents, transmission towers and water tanks; but no such structure shall cover more than 20 percent of the lot or, if located on a building, more than 10 percent of the roof area of the building.
- (4) Except in the R Districts, the following types of structures or structural parts shall not be subject to the building height requirements of this Bylaw: church spires, belfries, domes, monuments, fire and hose towers, observation towers, stadiums, monitors, theatre scenery lofts, cooling towers, drive-in theatre projection screens, elevator and ventilating machinery and penthouses; but no such structure shall cover more than 20 percent of the lot or, if located on a building, more than 10 percent of the roof area of the building.
- (5) In the RM Districts, the maximum permitted height of an apartment building that conforms to all the regulations of this Bylaw may be increased to allow the location of a penthouse for dwelling purposes on the roof of such building if:
 - (a) the height of the penthouse does not exceed 3.5 m (11.48 ft.);
 - (b) the penthouse occupies no more than 12 1/2 percent of the roof area; and,
 - (c) the outer walls of the penthouse are located no nearer than 3.0 m (9.84 ft.) at any point to the outer edge of the roof of the building on which it is situated.
(B/L 9663-91-12-16)
- (6) The height of a detached accessory building shall be measured from the calculated average natural grade of all sides of the building to the highest point of the structure, subject to the applicable exceptions in subsections (3) and (4), except that the height of a detached garage or carport may be measured from the finished grade at the point used for vehicular access. (B/L No. 13838-18-03-12)

6.5 Conversion of Buildings:

Buildings may be converted, altered or remodelled for another use, provided that:

- (1) The Chief Building Inspector certifies that the building is structurally suitable for such conversion.
- (2) The converted building shall conform to all the provisions and regulations prescribed for the zoning district in which it is located.

6.6 Accessory Buildings, Structures, and Uses:**(1) General:**

- (a) No accessory building or structure, excluding fences and retaining walls, shall be erected on any lot unless the principal building, structure or use to which the accessory building or structure, excluding fences and retaining walls, is an incidental use has been erected or, in the case of a non- structural use, has been established, or will be erected or established simultaneously with such accessory building. (B/L No. 14170-20-07-06)
- (a.1) Repealed. (B/L No. 13838-18-03-12)
- (b) Where a garage or carport or other accessory building or structure, excluding fences and retaining walls, is attached to the principal building, it is to be considered a part of the principal building and shall comply in all respects with the requirements of this Bylaw applicable to the principal building. (B/L No. 14170-20-07-06)
- (c) An accessory building shall be located at not less than 1.2 m (3.94 ft.) from any lane, except in the case of a lane intersection where the provisions of Section 6.13 shall apply.
- (d) An accessory building or structure shall not be used as a dwelling, except as otherwise provided for in this Bylaw.
- (e) A structure listed in Section 6.12(1)(f) that projects into a required front, or side yard shall comply with the height requirements prescribed for fences within the zoning district in which it is located. (B/L No. 14170-20-07-06)

(2) Residential Districts (A, R, and RM):

- (a) An accessory building shall not have more than one storey and shall not exceed 3.7 m (12.13 ft.) in height except that a hip or gable roof may be constructed to a height not exceeding 4.6 m (15.1 ft.).
- (b) The gross floor area of all accessory buildings on a lot
 - (i) in an A or RM District shall not exceed 10 percent of the area of the lot,
 - (ii) in an R District that is developed with a semi-detached dwelling shall not exceed 74.4 m² (800 sq.ft.), and,
 - (iii) in an R District that does not have a semi-detached dwelling shall not exceed 56 m² (602.8 sq.ft.). (B/L No. 10397-96-07-22)
- (c) Not more than two-thirds of the width of the rear yard of any lot in A or R District shall be occupied by accessory buildings.
- (d) Subject to Clause (f), an accessory building between the rear building line and the rear lot line of an interior lot shall be not less than 1.2 m (3.94 ft.) from the side property lines, except where such accessory building is situated within the rear 9.0 m (29.53 ft.) of the lot, and not less than 21.5 m (70.54 ft.) from the street on which the principal building fronts. In this case a setback from the side lot line need not be provided. (B/L No. 5042-66-11-28)
- (e) In an A or R District, if for topographical reasons a private garage or carport cannot be constructed at the side or rear of the principal building, such garage or carport may be constructed in an excavation in a front yard, provided that no part of such structure shall extend more than 1.2 m (3.94 ft.) above the surface of the surrounding ground at any point other than the driveway, nor be less than 1.2 m (3.94 ft.) from the front property line.
- (f) An accessory building in an RM District shall be located not closer than 3.0 m (9.84 ft.) to the rear property line of an adjoining lot in an A or R District.

- (g) The regulations governing accessory buildings specified in clauses (a) to (f) inclusive, shall apply also to accessory buildings on corner lots, excepting that:
- (i) An accessory building in an A, R or RM District shall be located not closer to the flanking street than the side yard setback prescribed for the principal building in the district in which it is located, except that where the rear lot line of a corner lot adjoins the side lot line of an adjacent lot, or is separated by a lane therefrom, an accessory building shall be located not closer to the flanking street than the standard front yard setback prescribed for the principal building in the district in which it is located without the application of front yard averaging.
(B/L No. 13036-12-02-13)
 - (ii) An accessory building in an A or R District shall be located not closer than 1.2 m (3.94 ft.) from the rear lot line, when such rear lot line abuts the side yard of an adjacent lot in A or R District.
- (h) In an R and RM District, an accessory structure not being a building, excluding a fence or a retaining wall, located outside of a required front yard, or side yard, shall not exceed 4.6 m (15.1 ft.) in height. (B/L No. 14170-20-07-06)
- (3) Non-Residential Districts (C, M and P):
- (a) On a corner lot an accessory building shall be located not closer to the flanking street than the principal building on the same lot, nor closer than the required setback from the flanking street of the principal building on an adjoining lot, whether or not a lane intervenes.
 - (b) An accessory building shall be located not closer than 3.0 m (9.84 ft.) to the rear property line of an adjoining lot in an A, R or RM District.
 - (c) An accessory building shall not have more than one storey nor exceed 3.7 m (12.13 ft.) in height. (B/L No. 8737-87-05-25)
 - (d) Notwithstanding Section 6.6(1)(b), a street canopy attached to a building in a C or M District that: (B/L No. 13036-12-02-13)
 - (i) has a front yard setback of less than 2.0 m (6.56 ft.), and,
 - (ii) is lawfully non-conforming with respect to the front yard setback

may project over the front lot line with the approval of the Director Engineering if it is constructed with a building permit and projects no more than 1.5 m (4.92 ft.) into the road allowance and has a minimum height clearance of 2.7 m (8.86 ft.) from ground level to the lowest point of the canopy.
(B/L No. 12099-06-06-19)

6.7 Temporary Buildings:

- (1) Temporary buildings may only be erected or placed on land for the following purposes and for the following time periods:
- (a) for construction office and construction equipment or material storage purposes on a lot undergoing development for a period not to exceed the duration of such construction;
 - (b) for the temporary relocation of an existing commercial, industrial or institutional use on a lot where the existing building on the lot has been vacated to carry out structural alterations or improvements, for a period not to exceed 30 days after the date upon which the Chief Building Inspector has issued occupancy approval for the building;

- (c) for a residential sales centre on lands having newly constructed and unoccupied multi-family residential developments or being developed for multi-family residential use for a period not to exceed 30 days after the date upon which the initial sales of all of the units in the development have been completed;
 - (d) for purposes directly related to the production of a television show or advertisement or motion picture, or similar production, for a period not to exceed the lesser of:
 - (i) the duration of the production; or
 - (ii) two years from the date of the erection or placement of the temporary building; and,
 - (e) for additional classroom space on lands being used as a public school for a period not to exceed 10 years.
- (2) All temporary buildings shall be subject to the following requirements and conditions:
- (a) no temporary building, other than those to which the British Columbia Building Code does not apply, shall be erected or placed on land without a written permit from the Chief Building Inspector;
 - (b) the Chief Building Inspector may not issue a permit for a temporary building for which a permit is required unless he or she is satisfied that the temporary building would not constitute or cause a public hazard or public nuisance and would not obstruct any public right-of-way; and,
 - (c) a temporary building shall be removed immediately when it has ceased to be a permitted temporary building under Section 6.7(1).
- (3) The Director Planning and Building may grant minor variances to the siting and off-street parking requirements of this Bylaw for a temporary building.
- (4) A temporary building shall not be used as a dwelling.
(B/L No. 12664-09-09-14)

6.7A Repealed. (B/L No. 12664-09-09-14)

6.7.1 Secondary Suites:

- (1) A secondary suite may be permitted as an accessory use to a single family dwelling in an R1, R2, R3, R4, R5, R6, R9, R10, R11, R12, RM6, A1, A2, and A3 District, subject to the following conditions:
- (a) only one secondary suite shall be permitted in a single family dwelling;
 - (b) a secondary suite shall not be permitted in a single family dwelling that contains an in-law suite;
 - (c) a secondary suite may be located anywhere within a single family dwelling;
 - (d) a secondary suite shall meet the requirements for a secondary suite under the British Columbia Building Code;
 - (e) a secondary suite shall have a minimum floor area of 30.0 m² (322.93 sq.ft.);
 - (f) the floor area of a secondary suite shall not exceed forty percent (40%) of the gross floor area of the principal building;
 - (g) a secondary suite and the principal building shall at all times remain a single parcel under a single title and shall not be subdivided into separate parcels by way of strata plan, air space plan or otherwise;

- (h) neither the keeping of borders or lodgers, the operation of a boarding, lodging or rooming house, the operating of a child care facility or home-based child care facility, the operation of a group home, private hospital or supportive housing facility nor the operation of a home occupation that includes on-site client services shall be permitted in a single family dwelling that contains a secondary suite, including within the secondary suite.

(B/L No. 14184-20-09-14)

6.8 Home Occupation:

- (1) A home occupation shall involve no internal or external structural alterations to the principal building (dwelling) and there shall be no exterior indication that the building is being utilized for any purpose other than that of a dwelling, and no building, structure, fence or enclosure other than those in conformity with permitted residential uses in the Zoning District in which it is located, may be erected.
- (2) The premises shall not be used for manufacturing, welding or any other light industrial use, and the home occupation carried on therein shall not produce noise, vibration, smoke, dust, odour, litter or heat other than that normally associated with a dwelling unit nor shall it create or cause any fire hazard, electrical interference, excessive pedestrian or vehicular traffic in the common areas or parking areas of a multi-family building or traffic congestion on the street. (B/L No. 10398-96-08-26)
- (3) Repealed. (B/L No. 13036-12-02-13)
- (4) There shall be no external storage of materials, containers or finished product.
- (5) No stock in trade shall be kept or handled and no commodity sold upon the premises.
- (6) Such occupation shall not involve the use of mechanical equipment save as is ordinarily employed in purely private domestic and household use or for recreational hobbies, except for such equipment as may be used for a resident physician or dentist.
- (7) No person who is not a resident in the dwelling shall be employed in such occupation, except that one non-resident employee is permitted for a home-based child care facility. (B/L No. 13639-16-12-12)

6.8A Home-Based Child Care Facility:

- (1) In RM and P11 Districts a home-based child care facility shall be permitted only
- (a) in a ground floor dwelling unit, and,
- (b) if the owner or manager of the building or, in the case of a strata unit, the strata council supports the establishment of the operation and satisfies the Director Planning and Building as to that support.
- (2) Repealed. (B/L No. 13639-16-12-12)
- (3) In R Districts a home-based child care facility shall be permitted in only one dwelling unit of a two family dwelling and only if the owner of the other dwelling unit supports the establishment of the home-based child care facility and satisfies the Director Planning and Building as to that support.

(B/L No. 13639-16-12-12)

- (4) In a dwelling that contains a home-based child care facility, the following uses shall not be permitted:
- (a) keeping of boarders or lodgers;
 - (b) a boarding, lodging and rooming house;
 - (c) a group home;
 - (d) a private hospital;
 - (e) a supportive housing facility; and,
 - (f) any home occupation that includes on-site client services.
- (B/L No. 14065-19-11-18)

6.9 Cellars and Basements:

- (1) Repealed (B/L No. 13258-14-01-27)
- (2) Repealed (B/L No. 14184-20-09-14)
- (3) In the R Districts, where a part of the principal building used for vehicular access is depressed into the grade, that part of the building shall be excluded when determining whether the building has a basement or a cellar.
- (4) In the R Districts, for the purpose of providing pedestrian access to a basement or cellar, the surface of the ground adjoining a building may be lowered without affecting the determination between a basement and cellar, if the lowered surface is not on the same side of the building as a depressed vehicular access and does not
 - (a) exceed an area of 14.0 m² (150.7 sq. ft.),
 - (b) extend more than 3.0 m (9.8 ft.) from the building,
 - (c) exceed a width of 4.5 m (14.8 ft.) along the wall, and
 - (d) extend more than 0.75 m (2.5 ft.) into the required side yards.
- (5) In the R Districts, for the purpose of providing light to a basement or cellar, the surface of the ground adjoining a building may be lowered without affecting the determination between a basement and cellar, if the window wells do not
 - (a) extend more than 0.9 m (3.0 ft.) from the building,
 - (b) extend more than 0.75 m (2.5 ft.) into the required side yards, and
 - (c) exceed in length 25 percent of the length of the wall. (B/L No. 9663-91-12-16)
- (6) In the R1, R2, R3, R4, R5, and R9 Districts, on a lot developed with a single family dwelling, a cellar exceeding a floor area of 30.0 m² (322.93 sq.ft.) shall be suite ready, except where there is an existing secondary suite constructed in the single family dwelling, or where a secondary suite is proposed to be constructed anywhere within the single family dwelling. (B/L No. 14184-20-09-14)

6.10 Minimum Floor Area for Dwelling Units:

- (1) No single family, two family or row house dwelling shall contain less than 56 m² (602.80 sq.ft.) of floor area for each dwelling unit except that a single family dwelling in an R1 District shall contain at least 93 m² (1,001.08 sq.ft.) of floor area. Notwithstanding the foregoing, a secondary suite shall contain at least 30.0 m² (322.93 sq.ft.) of floor area. (B/L No. 14184-20-09-14)
- (2) In the case of apartment buildings or townhouse dwellings, in a District other than the P11e District, the following minimum suite floor areas shall apply: (B/L No. 11348-02-04-15)
 - (a) Studio unit 37 m² (398.28 sq.ft.)
 - (b) 1 bedroom suite 56 m² (602.80 sq.ft.)
 - (c) 2 bedroom suite 70 m² (753.50 sq.ft.)
 - (d) 3 bedroom suite 84 m² (904.20 sq.ft.)

- (2.1) Notwithstanding subsection (2) of this section, the minimum floor area of a dwelling unit in the P11e District, or a rental unit in the RM, C, and P11 Districts, and all of their sub-districts, and the Comprehensive Development District, or portion thereof, based on the above noted Districts, shall be as follows:
- | | | |
|-----|-----------------------|-----------------------------------|
| (a) | Studio unit | 30 m ² (322.93 sq.ft.) |
| (b) | 1 bedroom suite | 50 m ² (538.21 sq.ft.) |
| (c) | 1 bedroom + den suite | 56 m ² (602.80 sq.ft.) |
| (d) | 2 bedroom suite | 65 m ² (699.68 sq.ft.) |
| (e) | 2 bedroom + den suite | 70 m ² (753.50 sq.ft.) |
| (f) | 3 bedroom suite | 80 m ² (861.14 sq.ft.) |
- (B/L No. 14206-20-10-26)
- (3) A mobile home in an R7 District shall contain at least 46 m² (495.16 sq. ft.) of floor area.
(B/L No. 6176-72-12-04)

6.11 Lot Area and Width:

- (1) Existing Lots:
- (a) The minimum lot area and lot width requirements of this Bylaw shall not apply to any lot in an A, R, C1, C2, C3, C4, M1, M2, M3, M4, M5, or P5 District which has an area or width less than that required by this Bylaw, if such a lot was described on the official records on file in the Land Registry Office on or before 1978 January 01. Other than for permitted industrial uses in the M4 District, this section shall not apply to permit any use that requires a lot area in excess of the minimum lot area for that District. (B/L No. 11154-00-11-06)
- (b) Subject to the provisions of Section 6.5 (Conversion of Buildings), the lot area and width requirements in R4 and R5 Districts may be reduced to permit the structural modification, alteration or remodelling of an existing single family dwelling that was erected on the lot before 1971 January 02 so as to create two dwelling units,
- (i) Where the dwelling is on a lot in an R4 District that has an area not less than 670 m² (7,212.06 sq.ft.) and a width not less than 18.5 m (60.70 ft.), or
- (ii) Where the dwelling is on a lot in an R5 District that has an area not less than 500 m² (5,382.13 sq.ft.) and a width not less than 13.5 m (44.29 ft.). (B/L No. 8737-87-05-25)
- (2) Lots of Irregular Shape
In R Districts, on "pie-shaped" or other irregularly shaped asymmetrical lots, lot frontages may be reduced below the minimum prescribed widths, provided that the average lot width throughout a depth of 30 m (98.43 ft.) measured along a perpendicular line from the centre of the property on the frontage street complies with the required minimum lot width.

6.12 Yards:

- (1) Projections into Required Yards:
The following features and structures may project into a required front, side or rear yard:
(B/L No. 14170-20-07-06)
- (a) Steps or stairs.
- (b) Belt courses, cornices, eaves, gutters, sills, chimneys, or other similar features, but such projections shall not exceed 900 mm (2.95 ft.), or 600 mm (1.97 ft.) in the case of a side yard less than 1.5 m (4.92 ft.) in width.

- (c) Bay windows, that do not project more than 900 mm (2.95 ft.), or 600 mm (1.97 ft.) in the case of a side yard that is less than 1.5 m (4.92 ft.) in width and the total length of all such windows shall not exceed 50 percent of the length of the exterior wall from which they project.
- (d) Balconies, covered decks, uncovered decks, canopies, and sunshades, provided that such projections, including supporting structures, shall not exceed 1.2 m (3.94 ft.), or fifty (50%) of the width of a required side yard.
(B/L No. 14183-20-09-14)
- (e) An uncovered patio or terrace, which may be open or enclosed, in any yard in an A, R or RM District subject to the fence height limitations as specified in Section 6.14.2 of this Bylaw. The provision of an awning or similar temporary covering for such a terrace shall be permitted. (B/L No. 14170-20-07-06)
- (f) Arbors and trellises, fish ponds, ornaments, flag poles, or similar landscape features.
- (g) An uncovered swimming pool, but such pool shall not be constructed within required front yard nor nearer than 3.0 m (9.84 ft.) to any property line.
(B/L No. 11154-00-11-06)
- (h) A covered or roofed swimming pool, subject to the provisions of clause (g) and to the regulations governing accessory buildings contained in Section 6.6 of this Bylaw.
- (i) Gasoline service pumps or pump islands in a required front yard or a required side yard, subject to the provisions of Clause (2) of Section 306.2 of this Bylaw.
- (j) Underground parking structures, subject to suitable landscaping or architectural treatment and proper maintenance, except that where such a structure extends above the surface of the finished grade, its horizontal projection shall not exceed 3.0 m (9.84 ft.) in a required front yard. (B/L No. 8737-87-05-25)
- (k) Utility, fire and servicing equipment.

For lots in C1, C2, C4 and C7 Districts, street canopies that do not exceed 2.0 m (6.56 ft.) in depth may project into the required front yard.

(B/L No. 12099-06-06-19)

(2) Exceptions to Front Yard Requirements:

In A or R Districts when at least 50 percent of the frontage of lots in a single zoning district in any one block front, excluding the corner properties, is improved with permitted principal buildings and all of such buildings have front yards that are less than the minimum front yard requirement for the district, then all new buildings in the same zoning district in the block front may provide a front yard with a depth equal to the average existing front yard depth in the block front, except that no front yard shall be less than 6.0 m (19.69 ft.) in depth. (B/L No. 9189-89-07-10)

(2.1) Front Yard Averaging:

For lots in R1, R2, R3, R4, R5, R9, R10, R11 and R12 Districts, where front yard averaging of the two adjacent lots on each side of the lot is applicable, the following conditions shall apply in determining the average front yard depth: (B/L No. 10124-94-12-05)

- (a) where an adjacent lot is vacant, the front yard shall be deemed to have a depth of a required front yard;

- (b) if one or more of the adjacent lots front on a different street or if one or more of the adjacent lots are separated by a street or lane, then such adjacent lots shall not be used in computing the average depth;
 - (c) where the lot is adjacent to a flanking street or lane, the average depth shall be computed using the remainder of the adjacent lots;
(B/L No. 9663-91-12-16)
 - (d) where an adjacent lot is a panhandle lot, the panhandle lot shall be excluded and the two other nearest lots on each side of the lot shall be included in computing the average depth; (B/L No. 13829-18-02-26)
 - (e) where an adjacent lot is not in a R District, the adjacent lot and any lot beyond such adjacent lot (whether or not such lot is in a R District) shall not be used in computing the average depth. (B/L No. 13829-18-02-26)
- (3) Exceptions to Side Yard Requirements:
Where a lot with a width less than the required minimum existed on or before the effective date of this Bylaw, exceptions to the applicable side yard requirements of this Bylaw may be made in the following cases:
- (a) In A, R or RM Districts the required side yard on each side of the principal building may be reduced to a minimum of 10 percent of the lot width, provided that:
 - (i) the minimum side yard on any one side shall be not less than 900 mm (2.95 ft.).
 - (ii) the lot is used for a single family dwelling.
 - (b) Repealed. (B/L No. 11154-00-11-06)
 - (c) In M Districts the required side yard on each side of the principal building may be reduced to a minimum of 10 percent of the lot width, except that where a principal building is constructed to the side lot line, the width of the other side yard may be reduced to a minimum of 20 percent of the lot width. (B/L No. 6146-72-09-05)
 - (d) In M Districts, on a corner lot, the required side yard adjoining the flanking street may be reduced to a minimum of 15 percent of the lot width, but need not exceed 3.0 m (9.84 ft.) in M4 Districts.
 - (e) In M Districts, where a lot abuts a lot in an A, R or RM District, or is separated by a street or lane therefrom, the required side yard may be reduced to minimum of 20 percent of the lot width, but need not exceed 3.0 m (9.84 ft.) in M4 Districts.
 - (f) In M Districts, where a lot is flanked by a lane, the required side yard adjoining the flanking lane may be reduced to a minimum of 10 percent of the lot width.
- (4) In all zoning districts, where a portion of a lot is acquired for the purpose of creating or widening a public street, and where such a lot was improved prior to the time of such acquisition with one or more permitted principal buildings, the yard abutting that street may be reduced in depth for those existing buildings by an amount equal to the depth of land obtained for such purposes, provided however that any additions or extensions to such existing buildings shall observe the yard requirements established for the zoning district in which the lot is located, and provided further that such reduction does not exceed the original setback of the existing building. (B/L No. 7144-78-01-03)

6.13 Vision Clearance at Intersections:

- (1) In any zoning district, in the area bounded by the intersecting lot lines at a street corner or a lane corner and a line joining points along the lot lines,
- (a) in the case of a street corner, 9.0 m (29.53 ft.) from their point of intersection, and,
 - (b) in the case of a lane corner, 6.0 m (19.69 ft.) from their point of intersection,
- no structure other than a permitted street canopy in a C2, C3 or C4 District or a permitted principal building shall be erected to a greater height than 1.07 m (3.51 ft.) and no hedge, shrub, tree or other growth shall be maintained or allowed to grow so as to obstruct vision clearance. (B/L No. 14170-20-07-06)
- (2) In this section "lane corner" means the intersection of a lane with another lane or with a street. (B/L No. 8872-87-12-14)

6.14 Deleted (B/L 14170-20-07-06)

6.14.1 Retaining Walls:

- (1) In all zoning districts, retaining walls shall not exceed 1.2 m (3.94 ft.) in height, as measured at any point along the retaining wall.
- (2) The height of a retaining wall shall be measured vertically from the lower of natural or finished grade at the base of the wall, to the surface of the ground or water which it supports.
- (3) The shortest horizontal distance between the outer face of two adjacent retaining walls shall not be less than the height of the retaining wall with greater height.
- (4) The horizontal distance between the adjacent retaining walls shall be relatively level, suitably landscaped, and properly maintained.
- (5) Subsections (1), (3), and (4) of Section 6.14.1 shall not apply to retaining walls that are required:
- (a) as a condition of subdivision approval; or
 - (b) to exclusively provide access or light to a basement or cellar.
- (6) Any portion of a retaining wall that projects above the surface of the ground or water which it supports shall be considered a fence, and be subject to Section 6.14.2 of this Bylaw.
- (B/L No. 14170-20-07-06)

6.14.2 Fences:

- (1) Subject to the vision clearance provisions of Section 6.13, the following height limitations shall apply to fences:
- (a) In all zoning districts, except for required screening and outdoor play area enclosures, fences not exceeding 1.07 m (3.51 ft.) in height may be located within a required front yard.
 - (b) In all zoning districts, except A, C4 and M Districts, fences not exceeding 1.8 m (5.91 ft.) in height may be located anywhere on a lot to the rear of a required front yard.
 - (c) In A, C4 and M Districts, fences not exceeding 2.4 m (7.87 ft.) in height may be located anywhere on a lot to the rear of a required front yard.
 - (d) Notwithstanding paragraph (c) of Section 6.14.2(1), in M Districts, any fence located outside of the required yards shall not exceed the maximum height prescribed for principal buildings within the zoning district in which it is located.
 - (e) Notwithstanding paragraphs (a), (b), and (c) of Section 6.14.2(1), arbors, archways, gates and similar structures which serve as an entrance to a property shall not exceed 2.6 m (8.53 ft.) in height, and 1.8 m (5.91 ft.) in width.

- (2) The height of a fence shall be determined by measurement from average grade within 900 mm (2.95 ft.) of both sides of such fence to the highest point of the fence. Where a fence is erected above a retaining wall along a property line, any portion of ground located beyond the retaining wall shall not be included in the calculation of average grade.
 - (3) Notwithstanding subsection (1), and subject to the vision clearance provisions of Section 6.13, open mesh and chain link type fences erected on cemeteries, public parks, schools, and in the M or P Districts shall not exceed a height of 3.5 m (11.48 ft). The addition of barbed wire, razor wire, or similar materials with sharp projections to such fences shall be permitted in the M Districts, and for correctional institutions permitted in the P7 District.
 - (4) Subsection (1) shall not apply to fences that delineate the area used as sports fields, golf courses, golf driving ranges, tennis courts, and other similar uses. Such fences shall be subject to the vision clearance provisions of Section 6.13.
 - (5) Barbed wire, razor wire, or similar materials with sharp projections shall not be used in the construction of a fence, except for correctional institutions permitted in the P7 District, or in the M Districts.
 - (6) Where a fence is located above a retaining wall, the fence shall be construction with materials different from that used in the construction of the retaining wall, and in a manner that is visually dissimilar to the retaining wall.
- (B/L No. 14170-20-07-06)

6.15 Screening and Landscaping:

- (1) Lots and Required Yards:
 - (a) In R, RM, C5 and P Districts, any part of a lot not used for building, parking or loading facilities or outdoor recreation or, in the case of a lot in the P4 or P12 District, not used for any permitted use, shall be fully and suitably landscaped and properly maintained. (B/L No. 13408-15-01-19)
 - (b) In C1, C4 and M Districts, all those portions of a required front yard not used for permitted parking or display areas shall be fully and suitably landscaped and properly maintained.(B/L No. 5811-70-11-30)
 - (c) In all zoning districts where the side line of a lot abuts a lot in an A, R or RM District, or is separated by a street or lane therefrom, all those portions of a required side yard not used for permitted parking or outdoor play area shall be fully and suitably landscaped and properly maintained. (B/L No. 14065-19-11-18)
 - (d) Where the rear line of a lot in an M District abuts a lot in an A, R or RM District, or is separated by a lane therefrom, the required rear yard shall be fully and suitably landscaped and properly maintained. (B/L No. 5945-71-09-20)
 - (e) Repealed. (B/L No. 13802-17-11-06)
- (2) Storage Yards and Public Works Yards: (B/L No. 14184-20-09-14)
 - (a) No storage yard or area shall be permitted in a required front yard nor any required yard which abuts a lot in an R or RM District, or is separated by a street or lane therefrom. (B/L No. 6117-72-12-18)
 - (b) Screening consisting of a solid 2.4 m (7.87 ft.) fence, which shall be uniformly painted and well maintained and not used for advertising or display purposes or for the posting of notices, or, a compact evergreen hedge not less than 1.8 m (5.91 ft.) in height, which shall be maintained in good condition at all times, shall be provided as follows: (B/L No. 6117-72-12-18)

- (i) In A, C4 and M Districts, any part of a lot used or intended to be used as an outside storage area shall be enclosed by screening on any side not facing directly upon the principal building on the lot, and no material shall be piled to extend above such screening in A, C4, M1 or M4 Districts. In the case of M2, M3 or M6 Districts, material may be piled to a maximum height of 3.5 m (11.48 ft.). (B/L No. 6146-72-09-05)
 - (ii) Required front screening shall be so situated as to conform with the applicable front yard setback provisions. (B/L No. 6117-72-12-18)
 - (iii) Where a side or rear yard is required to be landscaped, the required screening shall be located on the line established by the yard setback provisions. (B/L No. 6117-72-12-18)
- (3) Parking Areas, Loading Areas, Display Yards and Similar Uses (B/L No. 14184-20-09-14):
- (a) Any parking area, loading area or display yard shall be separated from an adjoining street, or from a directly abutting lot in an A, R or RM District, by a fully and suitably landscaped and properly maintained strip of not less than 1.8 m (5.91 ft.) in width.
 - (b) Screening of 1.8 m (5.91 ft.) in height shall be provided and properly maintained:
 - (i) where any parking or loading area abuts a lot in an A, R, or RM District, or is separated therefrom by a street or lane, except however, that where a parking area abuts a lane, the screening along the lane shall be not less than 800 mm (2.62 ft.) nor more than 1 m (3.28 ft.) in height for a distance of not less than 6.0 m (19.69 ft.) from all points of ingress and egress to and from such parking area; (B/L No. 5525-69-06-16)
 - (ii) where any display yard, industrial fueling installation, or public utility installation abuts a lot in an A, R, or RM District, or is separated therefrom by a lane. (B/L No. 14184-20-09-14)
 - (iii) where any storage tank or equipment, listed in Sections 6.27(22) and 6.27(23) of this Bylaw, is located outside of an enclosed building, in the RM, C, M, B, and P Districts. (B/L No. 14184-20-09-14)

6.16 Building Line Setbacks:

No principal or accessory building or structure shall be sited closer than:

- (1) 12.877 8 m (42.25 ft.) to the centre line of Kingsway between Tenth Avenue and Edmonds Street.
- (2) 17.602 2 m (57.75 ft.) to the centre line of Kingsway on the south side only between Edmonds Street and Patterson Avenue.
- (3) 22.860 0 m (75.0 ft.) to the centre line of the Lougheed Highway between Boundary Road and North Road.
- (4) 16.154 4 m (53.0 ft.) to the centre line of Hastings Street on the south side only, between Esmond Avenue and Sperling Avenue.
- (5) 30.175 2 m (99.0 ft.) to the centre line of Boundary Road, on the east side only, between Imperial Street and the BC Hydro Railway right-of-way which crosses Boundary Road immediately south of Thurston Street.
- (6) 20.421 6 m (67.0 ft.) to the centre line of Boundary Road, on the east side only, between Price Street and the B.C. Hydro Railway right-of-way which crosses Boundary Road immediately south of Thurston Street. (B/L No. 7137-78-01-03)
- (7) Nothing in this section prohibits the erection of a permitted street canopy. (B/L No. 8872-87-12-14)

6.17 Parking or Storage of Commercial Vehicles, Recreation Vehicles, Trucks, Trailers, Boats or Equipment in R6, R7, R8 and RM Districts:

No commercial vehicle, truck, bus, contractor's equipment, dismantled or wrecked automobile, boat, recreation vehicle, trailer or any similar vehicle, conveyance, craft or equipment shall be parked or stored in the open in an R6, R7, R8 or RM District, except the following which may be parked or stored in the rear yard only:

- (a) one truck or commercial vehicle not exceeding 4,500 kg GVW (9,920.631 lbs. GVW) ownership of which is registered in the name of the resident of the dwelling;
- (b) trucks, commercial vehicles or equipment required for the construction, repair, servicing or maintenance of the premises, but only while that construction, repair, servicing or maintenance is being carried out;
- (c) one boat or vessel not exceeding a length of 6.0 m (19.69 ft.) owned by the resident of the dwelling and ownership of which is supported by satisfactory documentary proof;
- (d) one recreation vehicle or trailer not exceeding a length of 6.0 m (19.69 ft.) ownership of which is registered in the name of the resident of the dwelling;
- (e) not more than two uninsured but operable and complete vehicles, ownership of which is registered in the name of the resident of the dwelling.

(B/L No. 12869-10-12-13)

6.17.1 Parking or Storage of Commercial Vehicles, Trucks, Recreation Vehicles, or Boats in R1 to R5 and R9 to R12 Districts: (B/L No. 12869-10-12-13)

- (1) Section 6.17, except paragraphs (c) and (d), applies to parking and storage in an R1, R2, R3, R4, R5, R9, R10, R11 and R12 Districts. (B/L No. 12869-10-12-13)
- (2) Notwithstanding subsection (1) and subject to the vision clearance provisions of Section 6.13, one recreation vehicle and one boat having a combined length that does not exceed 12.0 m (39.37 ft.), may be parked in the open in an R1, R2, R3, R4, R5, R9, R10, R11 and R12 Districts subject to the following restrictions: (B/L No. 10124-94-12-05)
 - (a) on a corner lot or on a lot with one street frontage, no parking is permitted between the front lot line and the dwelling, nor within the required side yards, nor closer than 1.2 m (3.94 ft.) to the side lot lines in the rear yard;
 - (b) on a through lot, no parking is permitted in the required front yards or required side yards, nor in the area between the required front yard and the face of the dwelling that is oriented to the street from which the dwelling is addressed;
 - (c) on a lot that has no vehicle access to the rear and side yards, either one recreation vehicle or one boat not exceeding 6.0 m (19.69 ft.) in length may be parked on the front driveway or to the side of the front driveway not less than 1.2 m (3.94 ft.) from the side lot lines and not less than 1.8 m (5.91 ft.) from the front lot line.
- (3) The parking must be screened by compact evergreen trees or shrubs at least 1.8 m (5.91 ft.) in height,
 - (a) on a corner lot or through lot to obscure the view from the closest abutting street,
 - (b) where the front driveway is used, to obscure the view from any abutting property, and,
 - (c) where the land beside the front driveway is used, to obscure the view from any abutting property, and from the abutting street.

(B/L No. 9556-91-04-08)

6.18 Fraser River Flood Plain:

All lands within the area of the Fraser River Flood Plain as described in Schedule AA - Flood Plain Map of the Official Regional Plan of the Lower Mainland Regional Planning Board, now the Official Regional Plan of the Greater Vancouver Regional District shall be subject to the following regulations:

No building shall be constructed or mobile unit located with the underside of the floor system of any area used for habitation, business, or storage of goods damageable by floodwaters:

- (a) (i) lower than the nearest point on an even gradient line along the natural boundary of the Fraser River from 3.392 m (11.13 ft.) Geodetic Survey of Canada datum at Boundary Road to 4.002 m (13.13 ft.) Geodetic Survey of Canada at Fenwick Street
- (ii) provided that, where the development is provided with a comprehensive flood proofing treatment for internal site drainage and/or upland drainage to the approval of the Director Engineering, the requirements under subsection (a) (i) may be reduced 0.6 m for industrial uses.
- (b) within 60 m (200 ft.) of the natural boundary of the Fraser River.
- (c) Repealed. (B/L No. 12098-06-06-19)

6.19 Development Under The Strata Titles Act:

Where a parcel of land is divided into strata lots under the Strata Titles Act, such parcel and any buildings which occupy it shall conform in all respects with the bulk regulations of this Bylaw.

(B/L No. 7477-80-03-10)

6.20 Calculation of Gross Floor Area:

- (1) For the purpose of calculating gross floor area, the following shall be excluded:
 - (a) in wood-frame exterior wall assemblies, any portion of exterior wall thickness in excess of 0.165 m (6.5 in.), provided that the excess wall thickness is used for the provision of insulating materials;
 - (b) in all exterior wall assemblies other than those referred to in paragraph 6.20(1)(a), any portion of exterior wall thickness that is exclusively used for the provision of insulating materials;
 - (c) any non-structural exterior claddings;
 - (d) exterior access areas such as corridors, landings, staircases, stairways, and similar areas, provided that they are not fully enclosed;
 - (e) crawl spaces;
 - (f) areas of undeveloped floors located above a storey or a half-storey, or adjacent to a half-storey, with a maximum vertical clear height of 1.2 m (3.9 ft.), and no permanent means of access other than a hatch;
 - (g) exterior architectural features including belt courses, cornices, eaves, gutters, sills, pilasters and similar features;
 - (h) chimneys;
 - (i) bay windows;
 - (j) balconies and terraces which are not covered and uncovered decks, provided that they are not fully enclosed; and,
 - (k) arbors, trellises and similar landscape features.

- (2) In addition to the exclusions listed in Section 6.20(1), for the purpose of calculating gross floor area in the R and A Districts, with the exception of category A supportive housing facilities, the following shall be excluded:
- (a) garages or carports up to a maximum area of 42.0 m² (452.1 sq.ft.), except:
 - (i) in the R1, R2, R3, R4, R5 and R9 Districts on a lot developed with a single family dwelling, where such garage or carport is located in a cellar; and,
 - (ii) in the R10 and R11 Districts, where such garage or carport is attached to a principal building on a lot with lane access. In cases where the Director Engineering is satisfied that access from a lane is not feasible due to an extreme grade, or other restrictions, up to a maximum area of 42.0 m² (452.1 sq.ft.) of the garage or carport attached to the principal building shall be excluded from gross floor area.
 - (b) balconies and terraces which are covered, and covered decks, whether attached to a building or detached, up to a maximum area of 14% of the permitted above grade floor area, provided that except for the required open guards with a maximum height of 1.07 m (3.5 ft.), not more than 60% of their perimeters are enclosed; and,
 - (c) any portion of a deck or terrace that is covered, and has a vertical clear height of less than 1.8 m (5.91 ft.), measured from ground level to the underside of the roof, structure or floor joist covering the deck or terrace, provided that not more than 60% of its perimeter is enclosed.
- (3) In addition to the exclusions listed in Section 6.20(1), for the purpose of calculating gross floor area for category A supportive housing facilities permitted in the R Districts, and in districts other than the R and A Districts, the following shall be excluded:
- (a) areas that exclusively provide access to areas excluded from gross floor area, in accordance with Sections 6.20(1) and 6.20(3);
 - (b) areas of an elevator shaft on a floor to which the elevator does not provide general access, except in special circumstances;
 - (c) balconies and terraces which are covered, and covered decks, provided that they are not fully enclosed;
 - (d) areas exclusively used to provide accessory communal recycling and garbage storage, electrical, mechanical, heating, and ventilating, or similar service facilities accessory to a principal use;
 - (e) amenity spaces;
 - (f) areas exclusively used for communal laundry facilities that are accessory to a principal use;
 - (g) any portion of a basement or cellar used exclusively for storage, or laundry facilities that are accessory to a principal use;
 - (h) any portion of a basement or cellar used for non-commercial recreational and social purposes that are accessory to a principal use;
 - (i) areas used for parking of vehicles and bicycles that are accessory to a principal use;
 - (j) end-of-trip cyclist facilities that are accessory to a principal use;
 - (k) areas used exclusively for storage of scooters in supportive housing facilities;
 - (l) private hospital and supportive housing facility amenity spaces not exceeding 13.6% of the maximum permitted gross floor area; and,
 - (m) 1.86 m² (20 sq.ft.) of floor area for every studio and one bedroom adaptable housing unit, plus 0.93 m² (10 sq.ft.) for every additional adaptable bedroom in excess of the first adaptable bedroom with an adaptable housing unit.

(B/L No. 14183-20-09-14)

6.20.1 Calculation of Gross Floor Area in a Building with Over-height Ceilings:

For single family and two family dwellings, gross floor area for any portion of a building, with the exception of staircases, where the height from the floor to the ceiling directly above exceeds 4.5 m (14.8 ft.) shall be calculated in accordance with the following:

- (a) cumulative floor area of such over-height portion(s) of the building, multiplied by the number of floors of the adjacent section within the building. For the purpose of this section of the Bylaw, where the number of floors of the adjacent section on any side of the over-height portion(s) are not equal the greater number of floors shall apply,
- (b) less 9.3 m² (100.1 sq.ft.) for each dwelling unit with a ceiling which exceeds the height specified in this section.

(B/L No. 14183-20-09-14)

6.21 Antennae:

- (1) An antenna is permitted on any lot in any zoning district except the R Districts if it has been given preliminary plan approval and meets the following qualifications, namely:

(B/L 13689-17-01-30)

- (a) it is attached to a building,
- (b) it is at least 5.0 m (16.4 ft.) above the ground. (B/L No. 12170-06-11-20)
- (c) it covers or occupies a maximum of 0.93 m² (10 sq.ft.) on the building face and the total area on any building face occupied by antennae does not exceed 3.72 m² (40 sq.ft.), and,
- (d) it does not extend more than 1 m (3.2 ft.) above the highest point of the building face.

(B/L No. 10396-96-07-22)

- (2) An antenna is permitted in any street or lane in any zoning district, subject to compliance with the Burnaby Street and Traffic Bylaw and all other applicable legislation.

(B/L No. 13689-17-01-30)

6.22 Density Bonus:

- (1) In the RM1, RM2, RM3, RM4, RM5, RM3s, RM4s, and RM5s Districts, for the conservation or provision of amenities, or the provision of affordable or special needs housing, the maximum floor area ratio may be increased in accordance with the floor area ratio requirements set out in Schedule II of this bylaw applicable to such zoning districts, provided that:

- (a) the lot is located in a town centre area, is approved for density bonus in the community plan for Brentwood Town Centre, Lougheed Town Centre, Edmonds Town Centre, or Metrotown, and is rezoned to the CD (Comprehensive Development) District;
- (b) the amenities, or affordable or special needs housing are included as part of the comprehensive development plan for the CD (Comprehensive Development) District, or cash-in-lieu contributions are provided; and,
- (c) the total value of the amenities, affordable or special needs housing, or cash-in-lieu contributions, is equivalent to the value of the additional residential floor area attributable to the increase in floor area ratio for the provision of such amenities, affordable or special needs housing, and 50% of the additional floor area ratio described in sections 204.6(3) or 205.6(3) of this bylaw.

(B/L No. 14204-20-09-28)

- (2) For the purpose of subsection (1), the following amenities are eligible for consideration in an application for a density bonus:
- (a) major public open space or plaza;
 - (b) public facilities, including a library, community or recreation centre, arts facility, youth centre;
 - (c) space for community or non-profit groups that serve the community;
 - (d) public art;
 - (e) extraordinary public realm improvements including landscaping treatment and special street furniture;
 - (f) improvements to park land or other public facilities;
 - (g) extraordinary environmental enhancements, or
 - (h) child care facilities.
- (3) For the purpose of subsection (1), the following are eligible for consideration as affordable and special needs housing in an application for a density bonus:
- (a) units developed under senior government non-profit housing programs;
 - (b) price controlled limited-equity market units;
 - (c) units controlled or managed or owned by non-profit housing groups providing affordable housing;
 - (d) guaranteed rental units;
 - (e) housing for people with special needs such as those with physical or mental disabilities or victims of violence.
- (4) For the purpose of computing floor area ratio for a development that includes the conservation or provision of an amenity under subsection (1), the floor space of the building that is occupied by an amenity shall not be included as part of the gross floor area.
- (5) The owner of a development that includes the provision of affordable or special needs housing may be required to enter into a housing agreement under Section 905 of the Local Government Act. (B/L No. 11204-01-02-12)
- (B/L No. 10596-97-07-21)

6.23 Streamside Protection and Enhancement Areas:

- (1) In this section unless the context otherwise requires:

‘active floodplain’ means an area of land within a boundary that is indicated by the visible high water mark or water level of a stream that is reached during annual flood events as evidenced by riparian area conditions described in the definition of ‘riparian area’;

‘existing vegetation’ means native and non-native vegetation;

‘fish’ means all life stages of

- (a) salmonids,
- (b) game fish, and,
- (c) regionally significant fish;

‘fish bearing stream’ means a stream in which fish are present or potentially present if introduced barriers or obstructions are either removed or made passable for fish;

‘non fish bearing stream’ means a stream that

- (a) is not inhabited by fish, and,
- (b) provides water, food and nutrients to a downstream fish bearing stream or other water body;

‘non-permanent stream’ means a stream that typically contains surface waters or flows for periods less than 6 months in duration;

‘permanent stream’ means a stream that typically contains continuous surface waters or flows for a period more than 6 months in duration;

‘potential vegetation’ is considered to exist if there is a reasonable ability for regeneration either with assistance through enhancement or naturally, and is considered to not exist on that part of an area covered by a permanent structure;

‘ravine’ means a narrow, steep sided valley that is commonly eroded by running water and with slope grades greater than 3:1;

‘riparian area’ means the area adjacent to a stream that may be subject to temporary, frequent or seasonal inundation, and supports plant species that are typical of an area of inundated or saturated soil conditions, and that are distinct from plant species on freely drained adjacent upland sites because of the presence of water;

‘stream’ includes a watercourse or source of water supply, whether usually containing water or not, a pond, lake, river, creek, brook, ditch and a spring or wetland that is integral to a stream and provides fish habitat;

‘streamside protection and enhancement area’ means an area adjacent to a stream that links aquatic to terrestrial ecosystems and includes both the riparian area vegetation and the adjacent upland vegetation that exerts an influence on the stream, the width of which is determined according to subsections (2) and (3);

‘top of the bank’ means:

- (a) the point closest to the boundary of the active floodplain of a stream where a break in the slope of the land occurs such that the grade beyond the break is flatter than 3:1 at any point for a minimum distance of 15 metres measured perpendicularly from the break, and
- (b) for a floodplain area not contained in a ravine, the edge of the active floodplain of a stream where the slope of the land beyond the edge is flatter than 3:1 at any point for a minimum distance of 15 metres measured perpendicularly from edge;

‘top of the ravine bank’ means the first significant break in a ravine slope where the break occurs such that the grade beyond the break is flatter than 3:1 for a minimum distance of 15 metres measured perpendicularly from the break, and the break does not include a bench within the ravine that could be developed.

- (2) (a) Streamside protection and enhancement areas are those areas determined with reference to the following existing or potential vegetation conditions by measuring perpendicularly away from the top of the bank or top of the ravine bank on either side of a stream:
- (i) intact and continuous areas of existing or potential vegetation equal to or greater than 50 metres wide;
 - (ii) limited but continuous areas of existing or potential vegetation equal to 30 metres wide or discontinuous but occasionally wider areas of existing or potential vegetation between 30 and 50 metres wide;
 - (iii) narrow but continuous areas of existing or potential vegetation equal to 15 metres wide or discontinuous but occasionally wider areas of existing or potential vegetation between 15 and 30 metres wide;
 - (iv) very narrow but continuous areas of existing or potential vegetation up to 5 metres wide or discontinuous but occasionally wider areas of existing or potential vegetation between 5 and 15 metres wide interspersed with permanent structures.
- (b) With reference to vegetation conditions in subsection (a), streamside protection and enhancement areas must be:
- (i) if subsection (a)(i) or (ii) applies, at least 30 metres wide measured perpendicularly away from the top of the bank for all fish bearing streams or for non fish bearing streams that are permanent;
 - (ii) if subsection (a)(i), (ii) or (iii) applies, at least 15 metres wide measured perpendicularly away from the top of bank for non fish bearing streams that are non-permanent;
 - (iii) if subsection (a)(iii) applies, at least 15 metres wide measured perpendicularly away from the top of bank for non fish bearing streams that are permanent;
 - (iv) if subsection (a)(iii) or (iv) applies, the greater of the widths determined under subsection (a) (iii) or (iv) or at least 15 metres wide measured perpendicularly away from the top of the bank for all fish bearing streams.
 - (v) if subsection (a)(iv) applies, at least 5 and up to 15 metres wide measured perpendicularly away from the top of the bank for all non fish bearing streams.
- (c) If a stream is in a ravine that is less than 60 metres wide in total width from top of the ravine bank to top of ravine bank, not including the stream channel within its active floodplain boundaries, protection is to be consistent with subsection (b)(i) through (v), where appropriate, from the top of the ravine bank.
- (d) If a stream is in a ravine that is more than 60 metres in total width from top of ravine bank to top of ravine bank, not including the stream channel within its active floodplain boundaries, a protection and enhancement area must be at least 10 metres wide measured perpendicularly away from the top of the ravine bank.

- (3) The Director Planning and Building may, after review by the Environmental Review Committee and receipt of the application fee as specified in the Burnaby Planning and Building Fees Bylaw, vary the boundaries of a streamside protection and enhancement area in circumstances where the establishment of the streamside protection and enhancement area pursuant to the criteria set out in subsection (2) is unfeasible. The following factors may be considered:
- (a) physical conditions;
 - (b) existing parcel sizes;
 - (c) existing roads, trails, works or services;
 - (d) proposed roads, trails, works and services needed to provide access or services to otherwise developable land or to connect to existing roads, trails, works or services.
- (B/L No. 13936-18-09-24)
- (4) No development shall occur on any land within a streamside protection and enhancement area.
- (5) This section shall not apply in respect of a building or structure described in Section 911(8) of the Local Government Act, if a building permit is issued only for the purpose of enabling reconstruction or repair of a permanent structure on its existing foundation.
- (B/L No. 11884-05-04-11)

6.24 Impervious Surfaces:

- (1) This section applies only to Lots in R (Residential) Districts for which an application for a building permit has been made after July 1, 2005 for the construction of a new principal building, whether on new or existing building foundations.
- (2) Not more than 70 per cent of the total area of a lot to which this section applies shall be covered by impervious materials.
- (3) In this section “impervious materials” include
- (a) buildings and structures;
 - (b) asphalt;
 - (c) concrete;
 - (d) grouted pavers;
 - (e) subject to subsection (f), ungrouted pavers having a surface area on their largest face of more than 0.21 m² (2.25 sq.ft.);
- but does not include
- (f) ungrouted pavers having a surface area on their largest face of not more than 0.372 m² (4 sq.ft.) arranged in a line of single pavers to form a pedestrian walkway with a permeable gap between the pavers;
 - (g) water surfaces of structures designed to retain water, including swimming pools, reflecting pools, and ornamental ponds.

(B/L No. 11977-05-10-17)

6.25 Temporary Shelters:

- (1) Temporary shelters shall be:
- (a) located entirely within a building; and,
 - (b) except within the P District, located on land owned, leased or controlled by the City and operated by the City or by a government body or non-profit service provider.

(B/L No. 14003-19-07-29)

6.26 Temporary COVID-19 Pandemic Reopening Measures:

- (1) Notwithstanding any other provision of this bylaw, until 2022 June 01 or another date determined by the Director Planning and Building in response to the COVID-19 pandemic, the following buildings, structures, or uses may project into required yards, are excluded from the calculation of lot coverage and gross floor area, and may be located outside of a completely enclosed building: (B//L No. 14377-21-10-25)
- (a) temporary covered and/or enclosed outdoor seating areas at cafes, restaurants, drive-in restaurants, and similar establishments for the sale and consumption of food and/or beverage on the premises;
 - (b) temporary covered and/or enclosed outdoor display and retail sale areas accessory to commercial and industrial establishments; and,
 - (c) temporary accessory buildings or structures, or service trailers accessory to institutional, recreational, assembly, and educational establishments;
- provided that such building, structure, or use is:
- (d) approved in writing by the Director Planning and Building; and,
 - (e) only used to physically expand the service area provided for the principal use being made of the lot, and does not increase patron capacity.
- (2) In this section unless the context otherwise requires, “service trailer” means any structure or vehicle that is either self-propelled or towed by a motor vehicle, and that is used or designed to be used to temporarily expand service areas accessory to institutional, recreational, assembly, and educational establishments.
- (B/L No. 14319-21-04-26)

6.27 Uses, Structures, and Equipment Permitted Outside of an Enclosed Building:

In C, M, B, and P9 Districts, where the following uses, structures, or equipment are permitted, they may be located outside of a completely enclosed building:

- (1) Parking and loading facilities.
- (2) Gasoline service stations.
- (3) Industrial or marina fueling installations.
- (4) Outdoor produce shops.
- (5) Outdoor garden shops.
- (6) Outdoor play areas.
- (7) Agricultural uses, excluding commercial nurseries and greenhouses.
- (8) Display yards.
- (9) Storage yards.
- (10) Public works yards.
- (11) Public utility installations.
- (12) Public transportation depots.
- (13) Car washing establishments.
- (14) Film production trucks and trailers used in conjunction with production studios for radio, television, motion picture, theatre, dance and similar productions.
- (15) Food trucks as accessory food service for the use of the employees of an establishment, provided that they are operated by, or on behalf of, the owner or manager of the establishment.
- (16) Outdoor seating at cafes, restaurants or other facilities where food or drink is served.
- (17) Mobile retail carts, including but not limited to, mobile food carts.
- (18) Lunch bars.

- (19) Hoist and launching ramps.
- (20) Facilities and installations related to the trans-shipment of goods and materials.
- (21) Outdoor storage of boats associated with water-oriented uses.
- (22) Storage tanks, including the storage of petroleum products.
- (23) HVAC, air intake and exhaust units, emergency generators, and other electrical or mechanical equipment, provided that they are not a principal component of the primary activities conducted under the principal or the accessory uses on a lot.

(B/L No. 14184-20-09-14)

SECTION 7 ADMINISTRATION AND ENFORCEMENT

7.1 Administration:

This Bylaw shall be administered by the Chief Building Inspector and the Chief Licence Inspector or any other official of the City who may be appointed by the Council. (B/L No. 11032-99-12-13)

7.2 Permits and Licences:

The Chief Building Inspector shall not issue any permit, nor shall the Chief Licence Inspector issue any licence for a building, structure or use which violates any of the provisions of this Bylaw.

7.3 Preliminary Plan Approval and Development Permits:

- (1) Any person wishing to undertake a development shall apply for and receive preliminary plan approval from the Director Planning and Building before the issuance of a building permit or a business license, except in the case of the following (B/L No. 12713-09-11-16):
 - (a) The construction of one-family and two-family residential dwellings and accessory buildings
 - (b) The maintenance of any building, structure or use.
 - (c) The completion of a building which was lawfully under construction or for which a permit has been lawfully issued at the effective date of this Bylaw.
 - (d) The improvement or alteration of any building within the property lines of the lot, provided that such improvement or alteration shall not materially affect the external appearance, increase the density of occupancy nor change the use of such building.
 - (e) The construction, alteration, maintenance, or repair of a highway, street, lane or bridge.
 - (f) The erection or placement of a temporary building permitted under section 6.7(1)(a) or 6.7(1)(e). (B/L No. 12664-09-09-14)
 - (g) Home occupations. (B/L No. 13802-17-11-06)
- (2) Every application for development shall be accompanied by the following:
 - (a) The street address and legal description of the lot.
 - (b) The name of the applicant and/or of the owner of the lot.
 - (b.1) The full amount of fees in respect to a preliminary plan approval application as specified in the Burnaby Planning and Building Fees Bylaw. (B/L No. 13789-17-10-16)
 - (c) A statement of the purpose of the proposed development and the estimated commencement date.
 - (d) A preliminary plan showing the dimensions of the lot or lots; location, plans, profiles, elevations and height of all buildings and structures including signs, setbacks, parking areas, access, open spaces and landscaping, screen fences, surrounding land uses and such further or additional land use information as the Director of Planning may require.
 - (e) In the case of industrial uses, a description of the proposed operation in sufficient detail to determine whether the operation is a use permitted within the applicable zoning district.

- (f) In the case of apartment or townhouse development proposals, the submission of either, at the choice of the applicant, a true-to-scale perspective or model, together with a detailed plan of landscaping. (B/L No. 14184-20-09-14)
- (g) Repealed. (B/L No. 11888-05-04-11)
- (3) When such application for development conforms to the provisions of this Bylaw and does not contravene any approved land use or road plan, preliminary plan approval shall be given by the Director Planning and Building.
- (4) The approval of plans or drawings shall not in any way relieve the applicant from full responsibility for the carrying out of the development in accordance with the provisions of this Bylaw.
- (5) The granting of preliminary plan approval shall not absolve the applicant from compliance with all relevant municipal Bylaws.

7.4 Utilities Required before Commencement:

- (1) Notwithstanding any right contained in this Bylaw, the Chief Building Inspector may prohibit a person who proposes to erect a building from commencing the erection of such building until firm arrangements have been made to supply such building with electric power and public water, sewerage, street and other facilities.
- (2) No building shall be constructed, erected or occupied on any lot not serviced by a municipal sanitary sewer until a permit for the installation thereon of a septic tank has been obtained from the Medical Health Officer and such permit shall not be issued unless the topography, usable area for sewage control, soil formation and conditions, surface and subsurface drainage of the lot will permit the satisfactory operation of the septic tank.

7.5 Inspection:

The Chief Building Inspector, the Chief Licence Inspector, or any other official of the City who may be appointed by Council, is hereby authorized to enter, at all reasonable times, upon any property or premises to ascertain whether the provisions of this Bylaw are being obeyed.
(B/L No. 11032-99-12-13)

7.6 Enforcement:

- (1) Every person who violates any provision of this Bylaw or who causes, suffers or permits any contravention of its regulations shall be deemed to be guilty of an infraction thereof and shall be liable to the penalties herein imposed.
- (2) Where any building or part thereof or any use of building or land contravenes this Bylaw, the Chief Building Inspector, or any other official of the City who may be appointed by Council, shall give to the owner or agent or the responsible persons written notice specifying the violation, ordering the cessation thereof, and requiring such remedial measures to be taken or work to be done in the time and in the manner the notice shall specify. In the event of failure to comply the Chief Building Inspector, or any other official of the City who may be appointed by Council, may cause such remedial measures to be taken or work to be done and the cost thereof shall be recoverable by the City by summary process at law in any court of competent jurisdiction. In the event of default of payment of such assessed costs a charge shall be placed against the property and such costs, when certified by the Treasurer, shall be entered in the Collector's Roll and collected in the same manner as the taxes shown thereof. (B/L No. 11032-99-12-13)

7.7 Penalties:

Every person who contravenes or violates any of the provisions of this Bylaw or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this Bylaw, or who neglects to do or refrains from doing anything required to be done by any of the provisions of this Bylaw, commits an offence and is liable upon summary conviction to a fine of not less than Two Thousand (\$2,000.00) Dollars and not more than Ten Thousand (\$10,000.00) Dollars and in default of payment to imprisonment not exceeding six (6) months, and each day that the offence is continued shall constitute a separate offence. (B/L No. 13789-17-10-16)

7.8 Bylaw Amendments:

- (1) An application for rezoning shall be treated as an application to amend this Bylaw.
- (2) Any person applying to have this Bylaw amended shall apply in writing to the City Clerk describing the proposed change and furnishing reasons in support of the application. In addition, if such application is for an amendment to the Official Zoning Map, it shall include the legal description and location of the property sought to be rezoned, name and address of the owner of the property, and if the applicant is not the owner, a statement as to the applicant's interest in the property to be rezoned. (B/L No. 11032-99-12-13)
- (3) Repealed. (B/L No. 10576-97-07-21)
- (4) Each application for amendment to this Bylaw shall be referred to the Director of Planning for recommendation and report to Council.
- (5) No application for an amendment to this Bylaw shall be again considered by Council where the requested change has been denied within the six (6) month period immediately preceding the filing of such application.
- (6) Notice of the Public Hearing on any proposed amendment to the Zoning Bylaw having the effect of rezoning an area of the City from one zone to another shall be mailed or otherwise delivered to the owners and occupiers of all real property. (B/L No. 11032-99-12-13)
 - (a) within the area that is subject to the rezoning, and,
 - (b) within a distance of 30 m (98.4 ft.) from the area that is subject to the rezoning. (B/L No. 11032-99-12-13)

7.9 Fees:

- (1) The fees for rezoning applications under this bylaw are as specified in the Burnaby Planning and Building Fees Bylaw.
- (2) Where the purpose of the rezoning application is to create non-market housing for families or persons of low income, persons suffering from a disability or with special needs or seniors, operated on a not-for-profit basis, the Council may defer payment of the fees payable under this section until the earlier of:
 - (a) the date which is 24 months after the date upon which the rezoning bylaw is finally adopted by Council;
 - (b) the date upon which the occupation of any part of the non-market housing commences;
 and on such terms and conditions as the Council may require. (B/L No. 13789-17-10-16)

SECTION 8 REPEAL OF PREVIOUS BYLAWS

Bylaw No. 1991 known as the "Burnaby Town Planning Bylaw 1948", and all Bylaws amending the said Bylaw are hereby repealed.

SECTION 9 EFFECTIVE DATE OF BYLAW

This Bylaw shall come into force and take effect upon the adoption thereof.

Read a First Time this twenty-fifth day of May, 1965.
Read a Second Time this twenty-fifth day of May, 1965.
Read a Third Time this thirty-first day of May, 1965.

Reconsidered and Finally adopted by a two-thirds majority of all the members of the Council this seventh day of June, 1965.

**REEVE
CLERK**

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Read a Second Time this twenty-fifth day of May, 1965.

Read a Third Time this thirty-first day of May, 1965.

Reconsidered and Finally adopted by a two-thirds majority of all the members of the Council this seventh day of June, 1965.

**REEVE
CLERK**

THIS IS EXHIBIT "6"
Referred to in the Affidavit of
Osama Moin
Affirmed before me this 26th
day of November A.D. 2021



A COMMISSIONER FOR OATHS
IN AND FOR BRITISH COLUMBIA

SYLVIA ROWAT
ARTICLING STUDENT
OSKER, HOSKEN & HANCOCK LLP

City of Burnaby - Building Permit Status

11/26/2021

For Burnaby Terminal and Westridge Terminal Onshore

Burnaby Terminal and Westridge Onshore - City of Burnaby Building Permit Summary								
Priority Grouping	Building Tag	Building Description	Permit Application Submitted	PERMIT RECEIVED?	Permit Application #	Original Application Date	Concrete Foundation Completion Neededby (Sept. Schedule)	P6 Building Set Date Start (Sept. Schedule)
1	BB-PB-3010 & BB-PB-3020	Firewater Pump Building & Foam Concentrate Pump Building	Yes	No	BLD20-00928	23-Oct-20	9-Nov-21	31-Jan-22
	BB-PB-3010 Sprinkler Permit	Firewater Pump Building	Yes	No	FPP21-00019	23-Oct-20	N/A	N/A
	BB-PB-3020 Sprinkler Permit	Foam Concentrate Pump Building	Yes	No	FPP21-00020	23-Oct-20	N/A	N/A
	BB-PB-3030	Foam Tank Enclosure	Yes	No	BLD21-00082	23-Oct-20	9-Nov-21	29-Mar-22
	Westridge - AQM	Air Quality Monitoring Building	No	No			N/A	17-Jan-22
	BB-ESB1	Electrical Service Building 1	Yes	No	BLD21-00032	7-Jan-21	21-Dec-21	31-Jan-22
	BB-ESB2	Electrical Service Building 2	Yes	No	BLD21-00031	7-Jan-21	21-Dec-21	31-Jan-22
	BB-ESB5A	Electrical Service Building 5A	Yes	No	BLD20-01041	1-Dec-20	27-Sep-21	17-Mar-22
2	BB-ESB5B	Electrical Service Building 5B	Yes	No	BLD20-01040	1-Dec-20	13-Oct-21	14-Mar-22
	BB-ESB5C	Electrical Service Building 5C	Yes	No	BLD20-01039	1-Dec-20	9-Nov-21	9-Mar-22
	BB-ESB5	Electrical Service Building 5	Yes	No	BLD20-01042	1-Dec-20	26-Nov-21	4-Mar-22
	BB-ESB2A	Electrical Service Building 2A	Yes	No	BLD21-00033	7-Jan-21	28-Feb-22	1-Mar-22
	BB-ESB4	Electrical Service Building 4	Yes	No	BLD21-00348	23-Mar-21	28-Jan-22	27-Apr-22
	BB-LC4A	Load Control Building 4A	Yes	No	BLD21-00655	8-Jun-21	30-Nov-21	15-Dec-21
	BB-LC3A	Load Control Building 3A	Yes	No	BLD21-00658	8-Jun-21	2-Nov-21	10-Nov-21
	BB-ESB3	Electrical Service Building 3	Yes	No	BLD21-00349	23-Mar-21	11-Jan-22	22-Mar-22
	BB-ESB3B	Electrical Service Building 3B	Yes	No	BLD21-00256	3-Mar-21	3-Jan-22	25-Mar-22
	Westridge - W2-RTP-0001 Shelter	Line 2 Receiving Trap Onshore	Yes	No	BLD21-00347	29-Mar-21	14-Jan-22	17-Jan-22
	Westridge - WT-ESB2A	Electrical Service Building 2A	No	No			8-Feb-22	24-Jun-22
	BB-ESB3A	Electrical Service Building 3A	Yes	No	BLD21-00346	23-Mar-21	21-Apr-22	9-May-22
	BT - Sending/Receiving Trap Shelter	BT - Sending/Receiving Trap Shelter	Yes	No	BLD21-00432	16-Apr-21	12-Oct-21	3-Aug-21
	Burnaby - AQM	Air Quality Monitoring Building	No	No				4-May-22
	BB-OB-3410	Security Trailer	No	No				TBD
Burnaby Tank Foundations	Burnaby Tank Foundations 74, 75, 76, 77, 78, 79, 80, 89, 91, 93, 95, 96, 97, 98	Yes	No	BLD21-00132	13-Oct-20		Ongoing	
Site Services	Kask Bros - City of Burnaby - Electrical Connection Permit	Yes	No		11-Sep-19			
Site Services	Kask Bros - City of Burnaby - Building Permit	Yes	No		22-Oct-20			
Burnaby Terminal	Electrical Permit for Permanent Power - Tanks and Building Connection	Yes	No		15-Apr-20			
Westridge Terminal	Plumbing Permit - Firewater Line Upgrade	Yes	No		31-Aug-20			

THIS IS EXHIBIT "7"
Referred to in the Affidavit of
Osama Moin
Affirmed before me this 26th
day of November A.D. 2021



A COMMISSIONER FOR OATHS
IN AND FOR BRITISH COLUMBIA

SYLVIA ROWAT
ANTICIMEX STUDENT
6566, HOSKIN & HARCOURT UP

EXHIBIT 7: RECORD OF COMMUNICATION

Abbreviations of parties:

“**COB**” means City of Burnaby.

“**CFT**” means CFT Engineering Inc.

“**FPO**” means Fire Protection Office.

“**KLTP**” means Kiewit Ledcor TMEP Partnership.

“**MOTT GP**” means MOTT ELECTRIC GP.

“**Trans Mountain**” means Trans Mountain Pipeline ULC as General Partner of Trans Mountain Pipeline L.P.

Date	From	To	Communication Summary
July 2, 2019	R. Pottie (KLTP)	D. Ternoway (MOTT GP)	R. Pottie (KLTP) reached out to D. Ternoway (MOTT GP), stated that the trailers at 7585 Barnet Highway (the Kask Bros Temporary Infrastructure Site) would be using a generator and asked if a permit would be needed and, if so, the process to acquire the permit.
July 2, 2019	D. Ternoway (MOTT GP)	R. Pottie (KLTP)	D. Ternoway (MOTT GP) responded to R. Pottie (KLTP) and stated the information required for generator permits.
July 8, 2019	R. Pottie (KLTP)	D. Ternoway (MOTT GP)	R. Pottie (KLTP) provided information requested by D. Ternoway (MOTT GP) for the generator permits.
July 8, 2019	D. Ternoway (MOTT GP)	E. Sipila (COB)	D. Ternoway (MOTT GP) reached out to E. Sipila (COB) about KLTP's generator permit request to see if they had any concerns.
July 8, 2019	E. Sipila (COB)	D. Ternoway (MOTT GP)	E. Sipila (COB) responded to D. Ternoway (MOTT GP) and requested an application for review. E. Sipila (COB) also stated that they would not sign off until the building department and FPO do.
July 8, 2019	D. Ternoway (MOTT GP)	COB	D. Ternoway (MOTT GP) submitted the electrical (generator) permit application to COB via email.
July 11, 2019	D. Ternoway (MOTT GP)	COB	D. Ternoway (MOTT GP) submitted a generator permit application and site plan for 7585 Barnet Highway (the Kask Bros Temporary Infrastructure Site) and stated they will be switching to BC Hydro power feed in the future.
July 16, 2019	D. Ternoway (MOTT GP)	M. Christian (KLTP)	D. Ternoway (MOTT GP) attached correspondence between R. Pottie (KLTP) and COB. D. Ternoway stated the only other contact he has had is with E. Sipila (COB) who asked for added details and a site plan which was provided. D. Ternoway states he will have no other communication with COB regarding 7585 Barnet Highway (the Kask Bros Temporary Infrastructure Site), as instructed by M. Christian (KLTP).
July 17, 2019	P. Shek (COB)	D. Ternoway (MOTT GP)	P. Shek (COB) confirmed that Preliminary Plan Approval (PPA), Building, Electrical, and Plumbing permits would be required for the laydown work at 7585 Barnet Highway (the Kask Brothers Temporary Infrastructure Site). Said that PPA would be required before issuing construction permits and that “a building permit is also a prerequisite for the issuance of any sub-trade permits, including electrical and plumbing permits.” Also stating that there is an inactive PPA application for the site, and KLTP should reach out to M. Malysz (COB) regarding the pending PPA application and P. Kushner (COB) for building permit requirements.
July 17, 2019	D. Ternoway (MOTT GP)	P. Shek (COB)	D. Ternoway (MOTT GP) stated he will pass on the relevant information to KLTP.
September 11, 2019	A. Oberoi (KLTP)	Trans Mountain	A. Oberoi (KLTP) stated that that morning, KLTP had submitted the electrical permit application and Minor works permit application for slope inclinometer installation at 7585 Barnet Highway (the Kask Bros Temporary Infrastructure Site).
September 26, 2019	P. Shek (COB)	A. Oberoi (KLTP)	P. Shek (COB) forwarded responses for electrical permit applications that were received on September 11, 2019 to install temporary power for 7585 Barnet Highway (the Kask Bros Temporary Infrastructure Site). Also stating the same requirements outlined in the July 17 email apply and that they “will not issue this electrical permit until [KLTP] obtains a building permit for all proposed site structure/trailers/buildings”.

Date	From	To	Communication Summary
December 23, 2019	K. Lord (Trans Mountain)	D. Dattani (COB).	K. Lord (Trans Mountain) emailed attached correspondence on behalf of Rob Van Wallegghem (Trans Mountain): Letter to COB and COB Permits List. Letter to COB asks for an immediate update on permit applications by no later than January 10, 2020: "The City of Burnaby's unexplained delay and failure to communicate with Trans Mountain regarding the outstanding permit applications is unreasonable. We ask that the City of Burnaby confirm that, going forward, it will review and issue Trans Mountain's permit applications within a reasonable time. A significant time has already elapsed, causing delays to Trans Mountain's construction schedule. If the City of Burnaby requires further information on any of the applications, we should have been told weeks ago. Nevertheless, we remain available to immediately respond to any reasonable inquiries for additional information." COB Permits List indicates the statuses of 12 permits in progress with COB.
January 8, 2020	KLTP	KLTP	INTERNAL: KLTP discussing Permit issues Permit Issues Table and letter from Trans Mountain to Dipak Dattani (COB) on permitting issues
January 9, 2020	L. Tan (COB)	R. Van Wallegghem (Trans Mountain)	L. Tan (COB) attached a letter from D. Dattani (COB) giving status updates as COB understands them. Indicates that COB does not accept that there has been unexplained delay or failure to communicate. Says that Trans Mountain does not need a PPA for secondary access applications.
January 31, 2020	D. Palin (Trans Mountain)	P. Shek (COB)	Trans Mountain submitted a formal letter to P. Shek (COB) regarding the electrical permit application (September 26, 2019 email) for 7585 Barnet Highway (the Kask Bros Temporary Infrastructure Site). KLTP and Trans Mountain stated the CER has already granted relief for this property and that no building permits are required.
May 17, 2020	P. Shek (COB)	I. Leonardo (KLTP)	P. Shek (COB) indicated he had not received a response for the required permit submissions for all structures/trailers/buildings at 7585 Barnet Highway (the Kask Brothers Temporary Infrastructure Site). P. Shek (COB) stated that he is aware that these structures have been constructed and operated without required permits.
October 26, 2020	A. Oberoi (KLTP)	COB	A. Oberoi (KLTP) seeking confirmation COB received the information package delivered on October 22, 2020 for buildings at 7585 Barnet Highway (the Kask Brothers Temporary Infrastructure Site). A. Oberoi (KLTP) also stated KLTP is currently running on generators for temporary power until an electrical permit can be received and asking if the information submitted is sufficient.
October 26, 2020	P. Shek (COB)	A. Oberoi (KLTP)	P. Shek (COB) responded to A. Oberoi (KLTP) stated they received the October 22, 2020 package but they were not properly packaged so needed sorting. (COB) also stated that 1 drawing will need 2 more copies and they will need the original wet sealed copies.
October 26, 2020	A. Oberoi (KLTP)	COB	A. Oberoi (KLTP) stated that during an October 1, 2020 discussion, COB requested a copy of structural drawings along with a site plan and building permit application form, to assess the building setup on site. (KLTP) also stated the buildings are temporary and will be removed once construction is completed and that they will supply the requested supplemental drawings but requested the wet seal requirement be waived.
November 26, 2020	P. Shek (COB)	A. Oberoi (KLTP)	P. Shek (COB) responded to October 26, 2020 emails stated they are concerned with the structural design of the buildings but will still need all other information listed to issue a building permit. COB also stated the submitted drawings were not sorted and submission requirements, and listing questions for buildings 9, 10, 11, sanitary/water connection, and heating. COB also stated E. Sipila (COB) will reach out regarding electrical permits and the FPO will inspect the property for firefighting requirements
December 1, 2020	A. Oberoi (KLTP)	COB	A. Oberoi (KLTP) responded to questions from P. Shek's (COB) November 26, 2020 email. A. Oberoi (KLTP) apologized for disorganized submissions and stated they have submitted structural and architectural drawings for the two-storey office building and the other buildings (excluding buildings 9, 10, 11), and submitted schedule B for 2 storey trailer. KLTP also requested that the wet seal requirement be waived because the site setup is temporary and describing buildings 9, 10, 11. KLTP also stated all offices will have Bard wall HVAC units and buildings 5, 1, 4, 2 have propane and other electrical, and that there are 3 hydrants located across the highway.
December 2, 2020	P. Shek (COB)	A. Oberoi (KLTP)	P. Shek (COB) told A. Oberoi (KLTP) not to send anything else and they will let them know when they require more information.
December 3, 2020	A. Oberoi (KLTP)	E. Sipila (COB)	A. Oberoi (KLTP) sent electrical line diagram to E. Sipila (COB).
December 3, 2020	E. Sipila (COB)	A. Oberoi (KLTP)	E. Sipila (COB) said he will review in detail the electrical drawings and provide comments by December 11, 2020.

Date	From	To	Communication Summary
January 19, 2021	J. Bathgate (FPO)	M. Praine (KLTP)	J. Bathgate (FPO) thanked M. Praine (KLTP) for the site walk/review at 7585 Barnet Highway (the Kask BrosBrothers Temporary Infrastructure Site) with Cpt. Paulson and herself then listed requirements and further information required for some buildings. FPO also acknowledges KLTP has accommodated the 13-metre turn radius for the warehouse tent structures and that the code for Part 9 buildings does not require water supply, but then a fire truck access (FTA) route is required. As per the Burnaby Fire Department Requirements for FTA route bulletin, the specific requirements for the design criteria of the FTA route have been met. More points are made for hydrants and building distance requirements/truck routes. FPO also recommended a list of aids for the fire crews (posted site plan, visibility changes, vital plans etc.).
February 2, 2021	M. Bartier (CFT)	KTLP	CFT Engineering's Field Review Report No. C7634.03_S01Rev01, dated December 15, 2020, revised February 2, 2021, distributed to T. MacDonald (KLTP) and A. Oberoi (KLTP). Report dealt with the Laydown facility at 2115 Commissioner Street.
March 3, 2021	B. Paulson (FPO)	D. Goncalves (KLTP)	In two separate emails, B. Paulson (FPO) advised D. Goncalves (KLTP) that FPO requires hard copies of fire truck access plans for buildings 3010, 3020 and 3030, referring him to the "construction requirements for FTA".. B. Paulson (FPO) also advised that a sprinkler permit would be required for buildings 3010 and 3020.
March 4, 2021	K. Parker (COB)	D. Goncalves (KLTP)	K. Parker (COB) advised D. Goncalves (KLTP) that no building permits would be issued until updated fire truck access plans are provided.
March 5, 2021	D. Goncalves (KLTP)	B. Paulson (FPO)	D. Goncalves (KLTP) responded to B. Paulson's (FPO) emails, stated that the fire code compliance site plans provided with permit drawings illustrate Trans Mountain's compliance with firefighting requirements for particular buildings. D. Goncalves (KLTP) also noted that a sprinkler permit was applied for on January 19, 2021 and the requested fire truck access plan for the site is outside the scope of individual building permits, but nonetheless provided a memorandum setting out the expansion works with associated road infrastructure. D. Goncalves (KLTP) also highlighted that fire alarm devices in Trans Mountain's proposed buildings would be wired back to Trans Mountain's emergency response system monitored by Trans Mountain operations personnel and not by the COB Fire Department.
March 9, 2021	B. Paulson (FPO)	K. Malinoski (Trans Mountain)	Despite D. Goncalves' (KLTP) March 5, 2021 response, B. Paulson (FPO) sent an email to K. Malinoski (Trans Mountain) requested that fire truck access plans for the entire site be sent to the Fire Department.
March 10, 2021	A. Oberoi (KLTP)	J. Bathgate (FPO)	A. Oberoi (KLTP) responded to the January 19, 2021 email regarding fire truck access requirements, stating that KLTP is willing to work with FPO to confirm the water supply situation.
March 18, 2021	K. Malinoski (Trans Mountain)	B. Paulson (FPO) K. Parker (COB)	After confirming the required format for fire truck access (FTA) plans in emails on March 9 and 10, 2021, K. Malinoski (Trans Mountain) provided the requested FTA plans to B. Paulson (FPO) and K. Parker (COB).
March 27, 2021	KTLP	COB/FPO	COB and FPO attend the Westridge Onshore site for a site visit and a meeting at Kask – Upper Meeting Room. Action items included address signage, access route signage, wireless fire alarm system, exit gate and water supply. There were concerns about the warehouse location at Kask, and there was a discussion about adding a hydrant near the main gate.
March 26, 2021	K. Malinoski (Trans Mountain)	B. Paulson (FPO) K. Parker (COB)	K. Malinoski (Trans Mountain) emailed B. Paulson (FPO) and K. Parker (COB) regarding whether any further information was required about the fire truck access plans. No response was ever provided.
April 3, 2021,	K. Parker (COB)	D. Goncalves (KLTP)	K. Parker (COB) emailed D. Goncalves (KLTP) advised him that upon review of building permit applications for BLD20-01040, BLD20-01041, BLD20-01039, BLD20-01042, BLD21-00031, BLD21-00032 and BLD21-00033, the FPO required updated fire truck access (FTA) plans. K. Parker's email also attached a document that set out FTA plan requirements for Preliminary Plan Approval and rezoning applications, but provided no explanation as to why the previously submitted FTA plans for the overall site did not meet those requirements.
April 9, 2021	D. Goncalves (KLTP)	P. Kushnir (COB)	D. Goncalves (KLTP) emailed P. Kushnir (COB) to inquire about the status of the Fire Prevention Office's (FPO) comments on documents submitted for firewater and foam building permits in October 2020. P. Kushnir (COB) responded that those were still outstanding with the FPO.
April 28, 2021	D. Goncalves (KLTP)	P. Kushnir (COB)	D. Goncalves (KLTP) emailed inquiring if there had been any progress with the FPO's response to fire access documents submitted for Burnaby Terminal, noting that all required documents had been submitted. P. Kushnir (COB) responded that adequate documentation had not been received from Trans Mountain and to contact Chief George Assaf with no further information provided.

Date	From	To	Communication Summary
April 28, 2021	K. Malinoski (Trans Mountain)	B. Paulson (FPO) K. Parker (COB)	K. Malinoski (Trans Mountain) sent an email to K. Parker (COB) and B. Paulson (FPO), followed up on the FPO's response to the fire truck access (FTA) plans submitted for the Burnaby terminals and indicated that all requested documents had been provided and Trans Mountain was awaiting the FPO's approval. K. Parker (COB) responded that "[a]fter consulting with Captain Brian Paulson and Chief George Assaf, we confirm that the Burnaby Fire Department requires an updated Fire Truck Access Plan – not just a site plan, but a Fire Truck Access Plan." K. Parker (COB) also included a list of FTA plan requirements identical to the requirements set out in the document attached to her April 3, 2021 email, but did not acknowledge that Trans Mountain had already submitted FTA plans for the overall site.
April 29, 2021	G. Assaf (FPO)	D. Goncalves (KLTP)	G. Assaf (FPO) emailed D. Goncalves (KLTP) stating that "Captain Parker has sent documentation to the applicants detailing the requirements for Fire Truck Access again. Until we are satisfied that our fire trucks will be able to access the site properly, we will not be able to approve any permits."
April 29, 2021	K. Parker (COB)	K. Malinoski (Trans Mountain)	K. Parker (COB) e-mailed K. Malinoski (Trans Mountain) stated that: "After consulting with Captain Brian Paulson and Chief George Assaf, we confirm that the Burnaby Fire Department requires an updated Fire Truck Access Plan – not just a site plan, but a Fire Truck Access Plan." K. Parker (COB)'s email also listed several requirements that must be included in a fire truck access plan based on the guidance document "Burnaby Fire Department New Construction Requirements Information" for Preliminary Plan Approval and Rezoning Application.
April 30, 2021	B. Yan (COB)	D. Goncalves (KLTP)	BB Yan (COB) emailed D. Goncalves (KLTP), to confirm receipt of drawings for new Foam Building (3030). B. Yan also stated: "The Schedule B submitted by M. Reynolds reflects he is the engineer of record (EOR) for both the architectural and structural (FDN) disciplines. As W. Flint is the EOR for the architectural discipline, M. Reynolds must revise and resubmit his Schedule B removing the architectural discipline from his scope of responsibility. The coordinating registered professional (CRP) will also need to initial the revised Schedule B."
May 6, 2021	G. Assaf (FPO)	M. Praine (KLTP)	G. Assaf (FPO) requested a follow up inspection to address outstanding items from Cpt. Bathgate's January 19, 2021 email and KLTP's March 10, 2021 response. G. Assaf (FPO) stated the inspection will occur on May 12, 2021 at 9:30 am and requested M. Praine's (KLTP) presence.
May 6, 2021	M. Praine (KLTP)	G. Assaf (FPO)	M. Praine (KLTP) stated he can make the May 12, 2021 inspection with FPO.
May 7, 2021	D. Goncalves (KLTP)	K. Parker (COB)	D. Goncalves (KLTP) emailed K. Parker (COB) responded to COB's request for a fire truck access plan and full site plan requirements stating that the scale requested was too large to fit on one page and suggesting either 1:2000 or 25 independent diagrams.
May 7, 2021	D. Goncalves (KLTP)	B. Yan (COB)	D. Goncalves (KLTP) emailed B. Yan (COB) stated that KLTP had delivered to the COB the requested permit application documents for the firewater and foam buildings and the foam tank enclosure buildings. D. Goncalves also inquired what information the Climate Action and Energy department needed for permits listed, stated it has been several weeks since submission and no comments/feedback had been received.
May 7, 2021	K. Malinoski (Trans Mountain)	B. Paulson (FPO) K. Parker (COB)	K. Malinoski (Trans Mountain) emailed K. Parker (COB) and B. Paulson (FPO), inquiring whether the previously suggested scale of 1:2000 was acceptable.
May 10, 2021	K. Malinoski (Trans Mountain)	B. Paulson (FPO) K. Parker (COB)	K. Malinoski (Trans Mountain) emailed K. Parker (COB) and B. Paulson (FPO) to follow-up on her previous inquiry whether the 25 independent drawings would be acceptable.
May 11, 2021	D. Goncalves (KLTP)	B. Yan (COB)	D. Goncalves (KLTP) emailed B. Yan (COB) to inquire why they were receiving phone calls from COB plumbing department when the building permits applied-for did not contain sprinklers or plumbing with the exception of the firewater and foam buildings. KLTP provided a list of building permits submitted for approval and asked for confirmation that the COB was aware of these and whether the COB could provide them to the fire department for review instead of the plumbing department.
May 12, 2021	D. Goncalves (KLTP)	B. Yan (COB)	D. Goncalves emailed B. Yan to follow up on his previous inquiry.
May 12, 2021	K. Malinoski (Trans Mountain)	B. Paulson (FPO) K. Parker (COB)	D. Malinoski (Trans Mountain) emailed K. Parker (COB) and B. Paulson (FPO), for the third time, to inquire whether the previously suggested scale of 1:2000 with the 25 independent drawings was acceptable.
May 12, 2021	K. Parker (COB)	K. Malinoski (Trans Mountain)	K. Parker (COB) emailed K. Malinoski (Trans Mountain) responding to previous questions on acceptable scale for fire truck access and site plan drawings on May 7, 2021, requesting both the 1:2000 scale and the 25 independent diagrams.

Date	From	To	Communication Summary
May 13, 2021	D. Goncalves (KLTP)	P. Kushnir (COB)	D. Goncalves (KLTP) emailed P. Kushnir (COB), following up on previous emails to B. Yan (COB) inquiring why COB plumbing department needed to sign off on building permits. P. Kushnir responded later that day stating that the local firefighting access plans were circulated to both departments and that plumbing cannot sign off until FPO does.
May 13, 2021	B. Yan (COB)	D. Goncalves (KLTP)	B. Yan (COB) emailed D. Goncalves (KLTP) stating: "I have inquired with Plumbing Inspector (R.T.) of the Plumbing Division. His concern stems from the fact that the 'firefighting access plan / site plan' indicates a number of new fire hydrants within the property, but civil drawings were not provided to demonstrate how water will reach the various hydrants from the property line. Additionally, you need to contact the Engineering Department (604-294-7460) to inquire if work is required to support/supply the new fire hydrants."
May 20, 2021	D. Goncalves (KLTP)	B. Yan (COB)	D. Goncalves (KLTP) emailed B. Yan (COB), inquiring whether the responses to alleged deficiencies had been reviewed by the COB and had been adequately addressed regarding the firewater (BLD21-00082) and foam building (BLD20-00928) permits.
May 21, 2021	B. Yan (COB)	D. Goncalves (KLTP)	B. Yan (COB) emailed D. Goncalves (KLTP) replied to firewater and Foam building permits stating the plan checking deficiencies had been addressed, but two issues remained: FPO has not signed off, and Climate Action and Energy department was waiting on sediment control work for one building (BLD20-00928). Climate Action and Energy department confirmed it was not necessary for BLD21-00082.
May 28, 2021	D. Goncalves (KLTP)	K. Parker (COB) B. Paulson (FPO)	D. Goncalves (KLTP) emailed K. Parker and B. Paulson (FPO), submitted site plans with two options for the independent drawings, D. Goncalves (KLTP) requested feedback on the full 1:2000 drawing and which independent submission option the COB would prefer. On June 1, 2021, D. Goncalves (KLTP) emailed K. Parker and B. Paulson (FPO) following up on the request for comments from COB.
June 3, 2021	B. Yan (COB)	D. Goncalves (KLTP)	B. Yan (COB) emailed D. Goncalves (KLTP) sending application status file that was requested on April 1, 2021.
June 3, 2021	D. Goncalves (KLTP)	B. Yan (COB)	D. Goncalves (KLTP) emailed B. Yan (COB), notify COB that hard copies of deficiency comment responses were being sent with photos of what was included regarding building permit applications for: B-ESB3 - BLD21-00349; BB-ESB3A - BLD21-00346; BB-ESB3B - BLD21-00256; BB-ESB4 - BLD21-00348; BB-ESB5 - BLD20-01042; BB-ESB5A - BLD20-01041; BB-ESB5B - BLD20-01040; BB-ESB5C - BLD20-01039; BB-ESB1 - BLD21-00032; BB-ESB2 - BLD21-00031; BB-ESB2A - BLD21-00033; and BLD21-00432.
June 3, 2021	D. Goncalves (KLTP)	K. Parker (COB) B. Paulson (FPO)	D. Goncalves (KLTP) emailed K. Parker and B. Paulson (FPO) stated: "I just tried giving each of you a call now but you must be tied up. No worries. Just wanted to follow up again on the information I sent over to you on May 28th with regards to the Fire Truck Access Plan you requested for Burnaby Terminal. We would certainly appreciate your feedback when possible."
June 3, 2021	B. Paulson (FPO)	D. Goncalves (KLTP)	B. Paulson (FPO) emailed D. Goncalves (KLTP) stating he had a quick look but will be talking with the Assistant Fire Chief about the FTA and will try "to have this organized by Monday afternoon."
June 9, 2021	D. Goncalves (KLTP)	B. Yan (COB)	D. Goncalves (KLTP) emailed B. Yan (COB) to confirm receipt of the documents sent on June 3, 2021 in response to the COB's alleged deficiencies in building permit applications.
June 10, 2021	D. Goncalves (KLTP)	B. Paulson (FPO)	D. Goncalves (KLTP) emailed B. Paulson (FPO) followed up on COB's request for comments on May 28, 2021 regarding the independent drawing submissions.
June 14, 2021	K. Malinoski (Trans Mountain)	K. Parker (COB) B. Paulson (FPO)	K. Malinoski (Trans Mountain) emailed K. Parker (COB) and B. Paulson (FPO), followed up on Trans Mountain's request for comments from COB on May 28, 2021 regarding the independent drawing submissions.
June 15, 2021	K. Malinoski (Trans Mountain)	B. Paulson (FPO)	K. Malinoski (Trans Mountain) emailed B. Paulson (FPO), followed up on D. Goncalves' (KLTP) request for comments from COB on May 28, 2021 regarding the independent drawing submissions.
June 16, 2021	K. Malinoski (Trans Mountain)	B. Paulson (FPO)	K. Malinoski (Trans Mountain) emailed B. Paulson (FPO), followed up on D. Goncalves' (KLTP) request for comments from COB on May 28, 2021 regarding the independent drawing submissions.
June 18, 2021	K. Malinoski (Trans Mountain)	B. Paulson (FPO)	K. Malinoski (Trans Mountain) emailed B. Paulson (FPO), followed up on D. Goncalves' (KLTP) request for comments from COB on May 28, 2021 regarding the independent drawing submissions.
June 18, 2021	K. Malinoski (Trans Mountain)	G. Assaf (FPO)	K. Malinoski (Trans Mountain) emailed G. Assaf (FPO), followed up on D. Goncalves' (KLTP) request for comments from the COB on May 28, 2021 regarding the independent drawing submissions, noting that she had received notice that K. Parker (COB) and B. Paulson (FPO) were now out of office.

Date	From	To	Communication Summary
June 22, 2021	K. Malinoski (Trans Mountain)	K. Parker (COB) B. Paulson (FPO) G. Assaf (FPO)	K. Malinoski (Trans Mountain) emailed K. Parker (COB) and B. Paulson and G. Assaf (FPO), followed up on D. Goncalves' (KLTP) request for comments from COB on May 28, 2021 regarding the independent drawing submissions.
June 22, 2021	G. Assaf (FPO)	K. Malinoski (Trans Mountain)	G. Assaf (FPO) emailed K. Malinoski (Trans Mountain) stating: "We have had an opportunity to check the plans since they were submitted, and the preliminary result is that they do not meet our requirements for fire truck access. There are multiple issues with the widths, turning radii, lack of hard surfaces, and length of lanes with a lack of turn around spots. All our requirements are on the COB's website and have been provided to you and your entire team previously. You can expect all the plans to be returned early next week. Please note that these requirements are not only for firefighting purposes, but also to ensure prompt response in the event of medical emergencies, and technical rescue. Please feel free to submit plans that fulfil our fire truck access requirements for review. I look forward to your response."
July 6, 2021	D. Goncalves (KLTP)	B. Yan (COB)	D. Goncalves (KLTP) emailed B. Yan (COB), requested a schedule on when particular plans are being reviewed in relation to all applied for building permits. D. Goncalves noted his understanding that there was an outstanding deliverable to the fire department and confirmed this was being worked on.
July 6, 2021	B. Yan (COB)	D. Goncalves (KLTP)	B. Yan (COB) emailed D. Goncalves (KLTP) responding that the deficiency documents submitted did not constitute a complete building permit application. B. Yan, plan checker for COB, noted that the resubmissions would be reviewed "at the time of plan check" for the file. Also stated that COB was currently reviewing the building permit application for BB-ESB5B.
July 6, 2021	D. Goncalves (KLTP)	B. Yan (COB)	D. Goncalves (KLTP) emailed B. Yan (COB) asking: "Do you have a schedule that outlines the official plan check dates for the various buildings? Are those pre-set or are they just in a queue."
July 6, 2021	B. Yan (COB)	D. Goncalves (KLTP)	B. Yan (COB) emailed D. Goncalves (KLTP) responding "There are no set dates; the Trans Mountain applications are in a queue with the other applications I have."
August 17, 2021	D. Goncalves (KLTP)	B. Yan (COB)	D. Goncalves (KLTP) emailed B. Yan (COB) stated that KLTP had received comments on the electrical service building (ESB), noting they had submitted 39 copies of the same drawing (listed for each building name and copies). D. Goncalves requested the COB collect these drawings so KLTP could pick them up and get them signed by the appropriate person as requested by COB, and specifically drawings for buildings: BB-ESB1; BB-ESB2; BB-ESB2A; BB-ESB3; BB-ESB3A; BB-ESB3B; BB-ESB4; BB-ESB5; BB-ESB5A; BB-ESB5B; BB-ESB5C; BB-LC3A; and BB-LC4A. On August 18, 2021, D. Goncalves (KLTP) emailed B. Yan (COB) following up on his request to pick up the drawings the day before.
August 20, 2021	B. Yan (COB)	D. Goncalves (KLTP)	B. Yan (COB) emailed D. Goncalves (KLTP) stated it was not possible to collect the previously mentioned drawings (August 17, 2021), stating KLTP must revise and resubmit the drawings. B. Yan stated that one package of three drawings to apply to all building permit applications was "absolutely not acceptable." B. Yan also stated that COB never asked for the engineer of record (EOR) for the foundation to take responsibility for the stairs, but rather, had asked for the EOR for the architectural discipline to provide details on the stair/handrail/guards, as it is his responsibility. B. Yan suggested that Trans Mountain refer to the deficiency list provided.
August 27, 2021	D. Goncalves (KLTP)	B. Yan (COB) P. Kushnir (COB)	D. Goncalves (KLTP) emailed B. Yan (COB) and P. Kushnir (COB) requested clarification as to whether fire truck access plans must be sealed by an engineer and, if so, which documents: new terminal civil works or old, or both.
August 27, 2021	P. Kushnir (COB)	D. Goncalves (KLTP)	P. Kushnir (COB) emailed D. Goncalves (KLTP) stated the fire truck access plans submitted must be sealed by the engineer who prepared them, and a copy and a detailed site plan must be submitted for each separate application.
August 27, 2021	D. Goncalves (KLTP)	P. Kushnir (COB)	D. Goncalves (KLTP) emailed P. Kushnir (COB) stated that they are not referring to the individual fire code compliance site plans (as those have already been submitted to B. Yan (COB) and are already under review). D. Goncalves clarified that he was referring to the full site fire truck access plans requested specifically by the FPO in correspondence with K. Parker (FPO) and G. Assaf (FPO) throughout the previous months. D. Goncalves noted that for the individual fire code plans, KLTP had not received a technical review in order to make updates. D. Goncalves indicated that KLTP would submit a full site access plan to the COB for circulation to FPO.
August 27, 2021,	B. Yan (COB)	D. Goncalves (KLTP)	B. Yan (COB) emailed D. Goncalves (KLTP), replied to fire truck access plan submissions, stated that three copies of all new drawings/plans would be required for each application.

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September 13, 2021	D. Goncalves (KLTP)	P. Kushnir (COB)	D. Goncalves (KLTP) emailed P. Kushnir (COB) replied to B. Yan (COB) and P. Kushner's (COB) email on the fire truck access (FTA) plans, stating that the plans will encompass and include the terminal site as requested. D. Goncalves stated that the individual fire code site plans that had been submitted for each building permit were separate submission but are consistent with the FTA plan previously mentioned. D. Goncalves stated that KLTP would submit three wet sealed copies of the newly prepared FTA plans for both the Burnaby and Westridge Terminals.
September 17, 2021	O. Moin (Trans Mountain)	B. Yan (COB)	O. Moin (Trans Mountain) emailed B. Yan (COB) informed COB that revised drawings with cover letter and memorandum, signed and sealed, for both the Burnaby and Westridge Terminal Fire Access Plans would be submitted that day and that Trans Mountain would provide another Agent Authorization form to include the new Trans Mountain team member for all communications with COB. The documents were submitted to the COB on September 17, 2021.
September 17, 2021	O. Moin (Trans Mountain)	B. Yan (COB)	O. Moin (Trans Mountain) emailed B. Yan (COB) stated that he would be the point of contact on behalf of Trans Mountain and requesting a call the following week.
September 17, 2021	B. Yan (COB)	O. Moin (Trans Mountain)	B. Yan (COB) emailed O. Moin (Trans Mountain), stating: "The Department's expectation is that there will be one point of contact from the applicant's side, and for this person to disseminate the information to the pertinent people. This person can either be you, or Danny, but not both. The package submitted today will be quarantined and disinfected before reaching my desk. I will likely receive it sometime on Monday of next week."
September 17, 2021	B. Yan (COB)	D. Goncalves (KLTP)	B. Yan (COB) emailed D. Goncalves (KLTP) stated that COB required three original wet-signed/sealed/dated copies of the fire truck access plans for each building permit application. Each application would need to be resent to the Fire Prevention Office for review and approval. Partial plans included in each building permit application are of no use for building and fire review. Does not provide the necessary information for fire truck access, distance from building for fire access, nor setback dimensions to the property lines.
September 21, 2021	B. Yan (COB)	O. Moin (Trans Mountain)	B. Yan (COB) emailed O. Moin (Trans Mountain) provided feedback regarding newly submitted fire truck access plans including: the Burnaby Terminal permit applications required three full site plans (entire site) and three partial site plans for each building permit application; all plans required EOR review and stamp all pages; for the Westridge Terminal applications, the EOR must review and stamp all pages of full and partial site plans; and Agent Authorization form needed to be completed for each building permit application.
September 21, 2021	D. Goncalves (KLTP)	B. Yan (COB)	D. Goncalves (KLTP) emailed B. Yan (COB) informed COB that P. Kushnir (COB) would contact him on fire truck access plans.
September 22, 2021	O. Moin (Trans Mountain)	B. Yan (COB) P. Kushnir (COB)	O. Moin (Trans Mountain) emailed B. Yan and P. Kushnir (COB) requested a meeting for September 24, 2021, to discuss Burnaby Terminal permits, their expected turnaround time and construction schedule.
September 23, 2021	D. Goncalves (KLTP)	B. Yan (COB) P. Kushnir (COB)	D. Goncalves (KLTP) emailed B. Yan and P. Kushnir (COB) seeking confirmation that Burnaby Terminal Fire Access Plans had been forwarded to the Burnaby Fire Department.
September 24, 2021	B. Yan (COB)	D. Goncalves (KLTP)	B. Yan (COB) emailed D. Goncalves (KLTP) stated that prevention work (collation drawings, drawings for corresponding building permit applications, photocopies of site plans, the new fire access plans and corresponding drawing sets, transmittals for each drawing) must be completed before any information could be shared with FPO and that this work was anticipated to be completed next week sometime.
September 24, 2021	P. Kushnir (COB)	O. Moin (Trans Mountain)	P. Kushnir (COB) emailed O. Moin (Trans Mountain) stated: "Please forward a keyplan identifying the various permits and locations and your current construction schedule. We can meet afterwards if necessary. I was not sure of the context of your question regarding Agent forms but I'm assuming it is related to your taking over the that position from KLTP's D. Goncalves. We have separate Agent forms for D. Goncalves for each permit. They are associated with the specific permits and not the site."
September 28, 2021	O. Moin (Trans Mountain)	P. Kushnir (COB)	O. Moin (Trans Mountain) emailed P. Kushnir (COB) stated that Trans Mountain would have the appropriate documentation for the key plan by end of week and requested a meeting between October 6-and 8, 2021 to discuss the possibility for partial/conditional approvals on time sensitive items.
September 28, 2021	D. Goncalves (KLTP)	P. Kushnir (COB)	D. Goncalves (KLTP) emailed P. Kushnir (COB) followed up on whether fire truck access plans for the Burnaby and Westridge Terminals had now been provided to the fire department, stating: "As previously discussed on the phone, the signed documents that were provided with our drawing submittal also need to be submitted to the Fire Department. This includes the engineering memo from Stantec as well as the Trans Mountain signed letter from Kelly Malinoski." D. Goncalves received an automated out of office response from P. Kushner.

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October 4, 2021	O. Moin (Trans Mountain)	B. Yan (COB)	O. Moin (Trans Mountain) emailed B. Yan (COB) asked whether the fire truck access plans had been transmitted to the Fire Department.
October 5, 2021	P. Kushnir (COB)	O. Moin (Trans Mountain)	P. Kushnir (COB) emailed O. Moin (Trans Mountain) requested a key plan identifying the various permits and locations and current construction schedule.
October 5, 2021	O. Moin (Trans Mountain)	P. Kushnir (COB)	O. Moin (Trans Mountain) emailed P. Kushnir (COB) stating: "I am currently working with the contractor to finalize dates for the construction schedule. Hoping to have that finalized and sent your way ASAP this week. Essentially I'd like to identify the priority permits, discuss the current status and a path forward for the higher priority permits. I'm hoping we can put a placeholder for late this week but happy to push the placeholder if you feel there wasn't enough time to review the information after receiving."
October 6, 2021	O. Moin (Trans Mountain)	P. Kushnir (COB)	O. Moin (Trans Mountain) emailed P. Kushnir (COB) a list of permits with corresponding construction dates and key plans with buildings labeled and requested a meeting on October 8th, 2021.
October 6, 2021	B. Walton (KLTP)	J. Bathgate (FPO)	B. Walton (KLTP) stated that providing two private hydrants for temporary building structures is an onerous undertaking for the owner/operator. KLTP states that there are existing hydrants south of Barnett Highway, which could be utilized by the Burnaby Fire Department in an emergency situation. KLTP also mentions that they are all Part 9 buildings and therefore, water supply for fire fighting is not required per the acceptable solutions of the BC Building Code. KLTP requests FPO's comments on the points made.
October 6, 2021	O. Moin (Trans Mountain)	P. Kushnir (COB)	O. Moin (Trans Mountain) emailed P. Kushnir (COB) a proposed agenda for the October 8, 2021 meeting.
October 7, 2021	P. Shek (COB)	B. Walton (KLTP)	P. Shek (COB) stated he will forward the email to Fire Chief George Assaf (FPO). COB states they have received the drawings for the 7585 Barnett Highway (the Kask Bros Temporary Infrastructure Site), but they have not received the Building Code Fire Compliance Report. COB references a section of the building code, stating that the designers to consult with the local fire department when comes to firefighting access requirements due to differences between local fire department's firefighting capabilities and their size of equipment. COB also notes that the Building Act has unrestricted fire truck access design.
October 12, 2021	P. Kushnir (COB)	G. Assaf (FPO) O. Moin (Trans Mountain)	P. Kushnir (COB) emailed G. Assaf (FPO), copying O. Moin (Trans Mountain), noted that COB was cancelling the meeting scheduled for October 18, 2021, stating "I have conveyed fires comments to Trans Mountain. They note that the layout and placement of processing equipment, piping, etc. makes it impossible to provide the required widths radii and clearances throughout the facility, and that various unavoidable pinch points are inevitable. I would like to set up a meeting with Trans Mountain and FPO in attendance to review this issue. Noting that Trans Mountain is monitoring their own operation and makes the cal [sic] whether or not to alert Burnaby Fire, we would also discuss the fire alarm issue and general response issues. I've propose [sic] two times if there are better times for you on the 18th or 19th, please advise. I'll send WebEx invites once you advise of your availability."
October 13, 2021	P. Kushnir (COB)	Trans Mountain	P. Kushnir (COB) sent corrections to minutes from a meeting on October 8, 2021, stating, "I advised that on statusing our building permit referrals in preparation for this meeting [Climate Action and Energy Department] was still outstanding, and had not provided me with an update. With the exception of FPO, the other internal referrals had not flagged any critical issued... I had noted under the City's building Bylaw the issuance of building permits was subject to a demonstration of compliance with the City's bylaws; the failure to comply with the bylaw-specified fire fighter access requirements was the major impediment to issuance of these permits. I had noted that the Permit Schedule provided by Trans Mountain identified the permit for tank foundations as submitted for information only. Under the Building Bylaw the City requires a permit to be issued before construction of such foundations commences."
October 13, 2021	P. Kushnir (COB)	O. Moin (Trans Mountain)	P. Kushnir (COB) emailed O. Moin (Trans Mountain) noting that he would not be facilitating a meeting between the FPO and Trans Mountain. He stated that the FPO's issues on the Trans Mountain Project should be resolved through direct correspondence between the FPO and Trans Mountain and that if Trans Mountain wishes to meet with them then they should contact George Assaf the Chief Fire Prevention Officer (FPO). P. Kushnir requested that the COB be informed of correspondence.
October 20, 2021	O. Moin (Trans Mountain)	G. Assaf (FPO)	O. Moin (Trans Mountain) emailed G. Assaf (FPO) updating G. Assaf of KLTP/Trans Mountain's attempts to get permit approvals and noting that it had been 1 year with no approvals, with FPO's concerns being the dominating concern withholding the approval. O. Moin requested a meeting with FPO to review the September 17, 2021 access plans and methodology. Trans Mountain also requested FPO's comments on previously submitted documents be sent prior to the meeting. O. Moin requested a meeting prior to October 29, 2021. Trans Mountain has not to date received any response from FPO regarding its request for a meeting.

Date	From	To	Communication Summary
October 20, 2021	B. Yan (COB)	O. Moin (Trans Mountain)	B. Yan (COB) emailed O. Moin (Trans Mountain) sending FPO's comments on previously submitted documentation for BLD21-00658 and also stating: "No further review can be undertaken until [requested] documentation is provided. Pursuant to Burnaby Building Bylaw 2004 Sentence 9.(5), this will serve as notice of the City's intent to cancel this Building Permit application if all the requested information has not been received within 30 days of the date of this correspondence."
October 23, 2021	B. Yan (COB)	O. Moin (Trans Mountain)	B. Yan (COB) emailed O. Moin (Trans Mountain) provided FPO's comments regarding the Burnaby Terminal building applications and also stated: "No further review can be undertaken until this documentation is provided. Pursuant to Burnaby Building Bylaw 2004 Sentence 9.(5), this will serve as notice of the City's intent to cancel this Building Permit application if all the requested information has not been received within 30 days of the date of this correspondence."
November 19, 2021	G. Assaf (FPO)	O. Moin (Trans Mountain)	<p>G. Assaf (FPO) emailed O. Moin (Trans Mountain) advised that "the plans submitted in October 2021 for Fire Truck Access have been rejected as inadequate. The plans do not meet the COB's minimum requirements for Fire Truck Access as supplied to your organization several times previously."</p> <p>G. Assaf (FPO) requested that Trans Mountain "provide a new submission showing how you will meet the COB's minimum requirements for Fire Truck Access."</p> <p>G. Assaf (FPO) identified the affected permits as follows: BLD21-00348; BLD21-00032; BLD21-00256; BLD21-00655; BLD20-01042; BLD21-00658; BLD21-00346; BLD21-00655; BLD21-00349; BLD20-01039; BLD20-00928; BLD21-00082; BLD21-00132; BLD21-00347; BLD21-00031; BLD20-01040; BLD21-00658; BLD21-00033; BLD20-01041; BLD21-00432</p>