



THE CORPORATION OF THE CITY OF COURTENAY

## STAFF REPORT

---

**To:** Council

**File No.:**

**From:** Director of Development Services

**Date:** November 8, 2023

**Subject:** City of Courtenay Building Bylaw No. 3114 and Municipal Ticket Amendment Bylaw No.3115

---

### **PURPOSE:**

For Council to give first, second and third readings to Building Bylaw No. 3114 and first, second and third readings to Municipal Ticket Information Amendment Bylaw No. 3115.

### **BACKGROUND:**

The current Building Bylaw No. 3001 was adopted in 2020 and follows the current Municipal Insurance Association of British Columbia (MIABC) core bylaw for small and urban municipalities. The current building bylaw established minimum energy performance requirements for both Part 3 (Complex) and Part 9 (simple) buildings in accordance with the Energy Step Code.

### **DISCUSSION:**

Effective May 1, 2023 the British Columbia Building Code (BCBC) requires new construction to be 20% more energy efficient and to comply with the requirements of the Energy Step Code. This sets the minimum requirements for simple buildings (Part 9) at step 3 and complex buildings (Part 3) at step 2.

The proposed building bylaw has been amended to bring it into alignment with the Official Community Plan Policy BL 4 requiring all new construction to be one step higher than prescribed by the BCBC. This will set the minimum requirements for simple (Part 9) to Step 4 and complex buildings (Part 3) to Step 3.

In addition, the building bylaw will follow the climatic data contained in the BCBC which will move the current bylaw requirements from Zone 4 to Zone 5 which results in new development to meet the higher effective thermal metrics contained in Zone 5.

In addition to updating the building bylaw to incorporate the policy direction within the OCP for energy conservation, an overall review of the building bylaw was completed to ensure consistency with current practices, harmonize with the building code and to minimize liability to the City. The following changes were made:

- Building permits for swimming pools and hot tubs have been removed as these requirements are not contained within the BCBC and are difficult to regulate.
- To ensure that the City maintains energy efficient and safe habitable buildings being moved into the City confirmation will required that these buildings are not greater than 15 years old.
- Retaining walls that support a building or structure have also been reviewed and will be captured as part of the regular building permitting or the subdivision process.

Although the building bylaw is based on the MIABC core bylaw there is some flexibility to modify the document to fit the municipality's requirements and has provided the opportunity to condense the bylaw. The proposed building bylaw has been reviewed by the City's legal counsel.

#### *Municipal Ticketing Information Bylaw*

As part of the update to the building bylaw it is necessary to amend the Municipal Ticket Information Bylaw to ensure the bylaw corresponds to the appropriate section of the building bylaw. A review of the offences and fines has been completed to ensure that they are appropriate for the particular offences. These offences are no longer contained in the Building Bylaw and are located only in the Municipal Ticket Information Bylaw to avoid conflicts in fees.

#### *Zero Carbon Step Code*

Referred to as the Zero Carbon Step Code, technical requirements for Green House Gas (GHG) emissions have been added to the BCBC using the same tiered approach as the BC Energy Step Code. The Zero Carbon Step Code has four levels of increasing stringency and has been introduced on a voluntary basis

The CleanBC Roadmap to 2030 commits to requiring increasingly stringent GHG emission requirements for new buildings in 2024 and 2027. As the Province has established a defined time line to reach zero GHG emissions by 2030 coupled with the City's proposed increased energy efficiency requirements in the bylaw, further regulation for the Zero Carbon Step Code in the bylaw was not considered in this update to the Building Bylaw.

Staff had met with the Development Industry in July and the Industry was not familiar with this program. In Given the unfamiliarity, staff proposes to provide an opportunity to work with the Industry developing the proposed Zero Carbon Step Code changes for Courtenay and allow for potential innovation to meet the target requirements.

At the regular meeting of Council on 25<sup>th</sup> October 2023, Council adopted the following resolution

*"THEREFORE BE IT RESOLVED THAT pursuant to policies BL6 and BL7 of Courtenay's OCP, staff prepare a report outlining options for implementing the Zero Carbon Step Code in order to meet the City's 2030 emissions reduction target."*

In response to this motion, Staff are suggesting that the City consider following the same approach as the implementation of the Energy Step Code and introduce Step 2 of the Zero Carbon Step Code. Like the OCP, then require all new construction to be one step higher than prescribed by the BCBC. Staff proposes a meeting with the Development Industry to discuss this approach and then bring a report back for Council's consideration. After the consultation, staff would bring forward an amendment bylaw to Building Bylaw No. 3114.

This approach allows the new energy requirements of the BCBC to be implemented in Building Bylaw No. 3114 effective January 1, 2024 and the Zero Carbon Step Code can follow in 2024.

**POLICY ANALYSIS:**

The Community Charter provides municipalities the authority to regulate, prohibit and impose requirements by bylaw in respect to buildings and structures (Part 2: Division 1 Section 8) and to regulate bylaw enforcement and related matters. (Part 8: Division 1 Section 260)

**FINANCIAL IMPLICATIONS:**

Permit fees are based on the value of construction and it is proposed to increase the building permit fees by 0.25% to remain consistent with the neighbouring jurisdictions. In addition, a percentage-based application fee has been introduced along with new charges to recover administrative costs that were not previously included. This are contained in the schedule to the building bylaw.

Administration staff regularly have to obtain title searches and covenants as a requirement of the building permit application. In addition, property information requests by owners or agents require time to research archived files and are now being charged on staff time to carry out these requests. Depending on the type of development on a property, property information requests can take considerable amount of staff time to search and retrieve the records. All records are also reviewed in accordance with the Freedom of Information and Protection of Privacy Act.

To avoid duplication and the potential for error in maintaining and updating two separate bylaws, the fines for offences will be located in the Municipal Ticket Information Bylaw (MTI). The MTI Bylaw fines have also been reviewed and adjusted to reflect administrative costs and to deter noncompliance with the City of Courtenay's building bylaw.

**OPTIONS: (Recommended)**

1. That Council give first, second and third reading to "Building Bylaw No. 3114" ; and

That Council give first, second and third reading to "Municipal Ticket Information Ammendment Bylaw No. 3115

**Options:**

2. That Council defer decision on the "Buildiiing Bylaw No. 3114" and provide an alternative direction to staff.
3. That Council defer decision on the "Municipal Ticket Information Ammendment Bylaw No. 3115, and provide an alternative direction to staff.
4. That Council not proceed with "Buildiiing Bylaw No. 3114" and with "Municipal Ticket Information Ammendment Bylaw No. 3115

**ATTACHMENTS:**

1. Building Bylaw No. 3114
2. Municipal Ticket Information Ammendment Bylaw No. 3115

Prepared by: Paul Preston, RBO, Manager of Building Services,  
Acting Manager of Development Servicing (Development Engineer)

Reviewed by: Marianne Wade, MCIP, RPP, Director of Development Services

Concurrence: Geoff Garbutt, M.PI, MCIP, RPP, City Manager (CAO)