


YUULU?IL?ATH FIRST NATION GOVERNMENT

**BUILDING AND DEVELOPMENT
AUTHORIZATION ACT AMENDMENT
ACT**

YFNS 31/2013



This law enacted on March 25, 2013

Signed 
Charles McCarthy, President of the
Yuulu?il?ath First Nation

REGISTERED IN THE
REGISTRY OF LAWS

ON 16 / Apr / 2013


Signature of Law Clerk

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PART 1 - INTRODUCTORY PROVISIONS

Short title

- 1.1** This Act may be cited as the Building and Development Authorization Act Amendment Act.

Executive oversight

- 1.2** The member of the Executive holding the lands and resources portfolio is responsible for the Executive oversight of this Act.

Definitions

- 1.3** In this Act, unless the context requires otherwise or is otherwise indicated,
“Act” means the Building and Development Authorization Act YFNS 23/2012.

PART 2 - AMENDMENTS

Application of Act

- 2.1 Section 1.3(f) of the Act is amended by adding the following as a new paragraph immediately following paragraph (ii):

“(ii.1) accessory buildings less than 10 m² in building area that do not create a hazard.”.

Additional definitions

- 2.2 Section 1.4(a) of the Act is amended by adding the following definitions in alphabetical order:

““accessory building” means a subordinate structure on the same lot, the use of which is incidental to that of the main structure and is exclusive to the occupant or owner of the main structure;”;

““building official” means a person who is a “registered building official” under and in accordance with the Building Officials' Association Act (British Columbia);”;

““declaration” means documentation prepared by a building official that is substantially the same in content to the equivalent letter of assurance in similar circumstances;”;

““independent building official” means a building official who did not prepare any plan or drawing for the work to be inspected;”.

Definition of “construction”

- 2.3 The definition of “construction” in section 1.4(a) of the Act is amended by striking out “mean” and substituting “means”.

Definition of “letters of assurance”

- 2.4 The definition of “letter of assurance” in section 1.4(a) of the Act is repealed and the following substituted:

““letter of assurance” means the applicable schedule A, B, C-A or C-B of the British Columbia Building Code;”.

Alphabetical order

- 2.5 The definition of “owner” and “professional engineer” in section 1.4(a) of the Act are relocated in alphabetical order in that section.

General application requirements

2.6 Section 2.2 of the Act is amended as follows:

(a) subsection (a)(i) is repealed and the following substituted:

“(i) be signed by the owner and

(A) in the case of standard construction, the building official retained by the owner to coordinate the project or, if there is only one building official retained for the project, that building official, or

(B) in the case of either standard construction or major construction, the registered professional retained by the owner to coordinate the project or, if there is only one registered professional retained for the project, that registered professional.”;

(b) subsection (b)(vi) is repealed and the following substituted:

“(vi) two set of signed drawings, in the case of standard construction, or signed and sealed drawings, in the case of either standard construction or major construction, at a scale required by the lands manager, of the design of the building or structure prepared by,

(A) in the case of standard construction, a building official and including the information referred to in paragraphs (ii) and (iii) certified by the building official that the drawing complies with the British Columbia Building Code, or

(B) in the case of either standard construction or major construction, a registered professional and including the information referred to in paragraphs (ii) and (iii) certified by the registered professional that the drawing complies with the British Columbia Building Code; and”;

(c) subsections (c)(ii) and (iii) are repealed and the following substituted:

“(ii) design and plan certification and field review by means of

(A) the applicable letters of assurance signed by the applicable registered professional, or

(B) declaration signed by the applicable building official;

(iii) site servicing drawings, including sufficient detail of off-site services, to indicate the location of services at the property line, prepared and sealed by, in the case of standard construction, a building official or, in the case

of either standard construction or major construction, a registered professional or British Columbia land surveyor;”.

Additional requirements for standard construction authorization

2.7 Section 2.3(a)(iii) of the Act is repealed and the following substituted:

“(iii) a foundation design prepared by a building official or registered professional in accordance with section 4.2 of Division B, Part 4 of the British Columbia Building Code certified by the building official or registered professional as complying with the British Columbia Building Code.”.

Plans and certifications

2.8 Sections 2.9(a) and (b) of the Act are repealed and the following substituted:

- “(a) All plans and drawings submitted with an application must bear the name and address of the building official or registered professional who prepared the plan or drawing and be accompanied with a certification by that building official or registered professional that the plan or drawing complies with the requirements of the British Columbia Building Code, this Act and all other applicable enactments.
- (b) The certification referred to in subsection (a) and the letters of assurance or declarations, as applicable, referred to in sections 2.2(c)(ii) and 2.4(a)(iii) are relied upon by the Yuulu?il?ath First Nation and Yuulu?il?ath officials as certification that the plans and drawings, and the design and plans to which the letters of assurance or declarations, as the case may be, relate, comply with the British Columbia Building Code and other applicable enactments relating to health, safety and the protection of persons and property.”.

Completed application

2.9 Section 2.10 of the Act is amended as follows:

- (a) subsection (d) is amended in the first line by adding “building official or” immediately following “certified by a”; and
- (b) subsection (g) is amended by adding “building official or” immediately following “required”.

Obligations of the owner

2.10 Section 4.1(d)(i) of the Act is repealed and the following substituted:

“(i) submit the required letters of assurance from the respective registered professional or declarations from the respective building official, as the case may be, confirming design and field review responsibilities.”.

Demolishing and moving buildings

2.11 Section 4.6(e) of the Act is amended by striking out “structures” and substituting “structure”.

Inspections

2.12 Section 5.5 of the Act is amended as follows:

- (a) subsection (a)(i) is amended in the second line by adding “building official or” immediately following “applicable”;
- (b) subsection (a)(ii) is amended in the first line by adding “building official or” immediately following “carried out by a”;
- (c) subsections (b)(i) and (ii) are repealed and the following substituted:
 - “(i) in the case of standard construction, an independent building official, or
 - (ii) in the case of either standard construction or major construction, an independent registered professional.”;
- (d) subsection (c) is amended in the second line by adding “independent building official or” immediately after “concealed until the”;
- (e) subsection (d) is amended in the second line by adding “or declaration” immediately following “letter of assurance”; and
- (f) subsection (e) is repealed and the following substituted:
 - “(e) When a building official provides a declaration or a registered professional provides a letter of assurance in accordance with this Act, the Yuulu?il?ath First Nation will rely solely on the field reviews undertaken by the building official or registered professional and the letters of assurance or declarations submitted in accordance with section 5.7 as assurance that the work substantially conforms to the design and that the work substantially complies with the authorization, this Act, the British Columbia Building Code and all other applicable enactments respecting health, safety and the protection of persons and property.”.

Final report authorizing occupancy

2.13 Section 5.6 of the Act is amended as follows:

- (a) subsection (a) is repealed and the following substituted:
 - “(a) After the construction of a building or structure or portion thereof is completed and each applicable inspection referred to in section 5.5(b) has

occurred and if the independent building official or independent registered professional has accepted the work authorized in the applicable authorization and has certified in writing that all the work was completed in substantial compliance with the applicable authorization, this Act and the British Columbia Building Code, the owner must provide that certification to the lands manager.”;

(b) subsection (c)(i) is repealed and the following substituted:

“(i) all applicable letters of assurance or declarations have been submitted when required in accordance with this Act.”;

(c) subsection (c)(iv) is amended by striking out “Land Surveyor” and substituting “land surveyor”;

(d) subsection (e)(i) is repealed and the following substituted:

“(i) in the case of standard construction, an independent building official or, in the case of either standard construction or major construction, an independent registered professional, has certified the part of the building or structure is self-contained and is provided with essential services, and”;

(e) subsection (f)(i) is repealed and the following substituted:

“(i) in the case of standard construction, an independent building official or, in the case of either standard construction or major construction, an independent registered professional, has certified that

(A) the building or part thereof complies with the health and safety requirements of the British Columbia Building Code, and

(B) the exterior finishes of the building or part thereof are substantially complete, and”;

(f) subsection (g) is repealed and the following substituted:

“(g) When, in the case of standard construction, a building official provides a declaration or, in the case of either standard construction or major construction, a registered professional, provides a letter of assurance or declaration in accordance with this Act, the Yuulu?il?ath First Nation will rely solely on the letter of assurance or declaration submitted in accordance with section 5.7 when the lands manager issues a final report authorizing occupancy as assurance that the items identified on the letter of assurance or declaration substantially comply with the authorization, this Act, the British Columbia Building Code and other applicable enactments respecting health, safety and the protection of persons and property.”.

Letters of assurance

2.14 Section 5.7 of the Act is repealed and the following substituted:

“Letters of assurance and declarations

- 5.7 (a) Prior to the issuance of a final report authorizing occupancy for major construction, or standard construction in circumstances where letters of assurance or declarations were required in accordance with this Act, the owner must provide the lands manager with the applicable required letters of assurance or declarations.
- (b) When, in the case of standard construction, a building official provides a declaration or, in the case of either standard construction or major construction, a registered professional provides a letter of assurance in accordance with this Act, he or she must also provide proof of at least \$2,000,000 of professional liability insurance to the lands manager with the applicable letter of assurance or declaration.”.

Regulations

2.15 Section 6.1(b)(iv) of the Act is amended in the first line by adding “, declarations” immediately following “authorizations”.

PART 3 - GENERAL PROVISIONS

Commencement

3.1 This Act comes into force on the date it is enacted.