

Resort Village of Aquadeo

Bylaw No.	19-2024
Date Bylaw Received	January 2, 2025
Date Bylaw Approved	January 23, 2025



January 29, 2025

Alexandria Bernier
Chief Administrative Officer
Resort Village of Aquadeo
PO Box 501
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Dear Alexandria Bernier:

Thank you for the submission of two true certified copies of Building BYLAW NO. 19-2024 for review. The copies were received on January 2, 2025, and represent the building bylaw for the Resort Village of Aquadeo (RV). Your submission has been reviewed according to *The Construction Codes Act* (the CC Act), *The Building Code Regulations* (the BC Regulations) and *The Energy Code Regulations* (the EC Regulations), in force January 1, 2022.

The submission of the bylaw exceeds the 60 days provided by Subsection 17(1) of the CC Act to be considered eligible for ministerial approval, however because the bylaw was adopted on October 25, 2024, and likely mailed prior to the start of the postal strike that began on November 15 (21 days from October 25 to November 15) and was undeliverable until the strike ended on December 17, 2024 (16 days from December 17 to January 2) the bylaw submission is deemed eligible (37 days).

The review finds that BYLAW NO. 19-2024 is in accordance with the provisions of the CC Act, the BC Regulations and the EC Regulations and is approved effective January 23, 2025, as per Clause 17(6)(a) which states:

“(a) approve the bylaw or repeal the bylaw, if the minister is of the opinion that the bylaw does not conflict with this Act or the regulations;”

The goal is to create a bylaw which satisfies the CC Act, the BC Regulations and the EC Regulations while capturing the needs of the RV and is defensible.

Although BYLAW NO. 19-2025 has been approved, we have identified provisions, for your consideration, which may require formatting, editing and readoption by council before resubmitting the building bylaw for ministerial approval.

1. Observation/Recommendation

- a. The bylaw number format is NO. 19-2024 and the header bylaw number format is # 19/2024. The bylaw numbering format must be similar throughout the bylaw.

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- b. The indentations of the subsection bullets are not consistent. A consistent use of the indentations may provide the bylaw with a more uniform appearance.

2. Observation/Recommendation

INTERPRETATION/LEGISLATION – section 3

- a. The definition of competent person must be written as follows:

“competent person” means a person who is recognized by a local authority as having:

- (a) a degree, certificate or professional designation; or
- (b) the knowledge, experience and training;
necessary to design or review the design of a building;”

The carriage return after the word “training” and the semi colon are intended to indicate that the phrase “necessary...the design of a building” applies to both Clauses (a) and (b).

- b. The definition of local authority should end with a period.

3. Observation/Recommendation

GENERAL – Section 5

Subsection 5(4) states:

“The provisions of this building bylaw apply to buildings that do not pose a hazard and are greater than 10 m² (107.6 ft²) in building area except as otherwise exempted by the Act or the regulations.”

Subsection 5(4) should be written as follows:

“The provisions of this building bylaw apply to buildings greater than 10 m² (107.6 ft²) in building area except as otherwise exempted by the Act or the regulations.”

The phrase, “that do not pose a hazard” is a remnant from the exemption for buildings less than 10 m² that do not pose a hazard, as stated in the Administrative Requirements for Use with the National Building Code 1985, Clause 2.2.1.(1) “These requirements do not apply to (e) accessory buildings not greater than 10 m² in building area provided they do not create a hazard.”

4. Observation/Recommendation

PERMIT – ISSUANCE – Section 6

- a. An additional (1) is placed after the subsection (4). The alpha numeric format of the bylaw must remain consistent. The additional (1) after (4) must be deleted.

	Bylaw 19-2024	Sometimes	Provincial legislation
Section	1	1	1
Subsection	1(1)	1(1)(1)	1(1)
Clause	1(1)(a)	1(1)(1)(a)	1(1)(a)
Subclause	1(1)(a)(i)	1(1)(1)(a)(i)	1(1)(a)(i)
Paragraph			1(1)(a)(i)A

- b. Clause 6(4)(g) is as per the model building bylaw, however, it should be written as it appears in Clause 9(1)(g) of the BC Regulations as follows:

“(g) the stages of construction at which a permit holder must inform a local authority of completion;”

5. Observation/Recommendation

PERMITS - REVOCATION – Section 8

- a. Clause 8(1)(e) includes the word “subjection”. The word subjection must be replaced with the word “subsection”.

6. Observation/Recommendation

PERMIT - EXPIRY – Section 9

- a. Clauses 9(3)(a) and 9(3)(b) are similar. They differ by:
- (i) The use of the words “extension” and “renewal”. We recommend the terms be defined for the permit holders better understanding; and
 - (ii) Clause (b) is subject to fees listed in the bylaw while Clause (a) is not. We recommend the RV provide permit applicants an understanding of when and why fees are applied for permit renewals and not extensions