



# Manual for Elected Councillors Responsible for Housing in First Nations Communities

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February 2016

## ACKNOWLEDGEMENTS

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# 1 Introduction

First Nations governments are formed by a Chief and Councillors who are responsible for making decisions on behalf of the First Nation and its members. The following manual developed by FNNBOA is to provide general information to Councillors responsible for housing.

## 2 Federal Government

Canada Mortgage and Housing Corporation (CMHC) and Indigenous and Northern Affairs Canada (INAC) are the two main federal organizations that assist First Nations in meeting their on-reserve housing needs. Each organization provides assistance to First Nations, mainly through their regional offices.



Figure 1 - Foundation poured and set

## 3 CMHC and First Nations Housing

CMHC works in partnership with First Nations communities, through its housing programs and capacity-development initiatives, to help First Nations attain their housing goals and improve their overall living conditions. The agency further works with First Nations communities to support efforts to take charge of their housing, build new and improve existing housing, and to further develop capacity to manage and maintain all aspects of their housing portfolio<sup>1</sup>.

CMHC has several programs and initiatives for First Nations communities.

### 3.1 On-Reserve Non-Profit Housing Program (Section 95 of the National Housing Act)

Subsidy assistance is available for a maximum of 25 years for the construction or purchase and rehabilitation of rental housing projects on First Nations reserves. Capital funding for these rental housing projects is provided through CMHC Direct Lending, or through a private lending institution. The loans are insured under the National Housing Act (NHA) and guaranteed by INAC<sup>2</sup>.

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<sup>1</sup> See [www.cmhc-schl.gc.ca](http://www.cmhc-schl.gc.ca)

<sup>2</sup> CMHC First Nations Housing Program and Initiatives. [https://www.cmhc-schl.gc.ca/en/ab/abfinaho/upload/68282\\_EN\\_w\\_ACC.pdf](https://www.cmhc-schl.gc.ca/en/ab/abfinaho/upload/68282_EN_w_ACC.pdf)

Under this program, CMHC, INAC, and First Nations work in partnership nationally and at the regional level to determine allocations of funds for eligible reserves. According to the CMHC website, the program works as follows:

- CMHC delivers the program and may provide direct loans for First Nations to construct, purchase and rehabilitate projects. These loans, for up to 100 per cent of the total eligible capital cost of a project, are insured under the National Housing Act and are guaranteed by the Minister of INAC.
- Approved lenders such as Aboriginal Capital Corporations (ACC), banks, trust companies, and other financial institutions may also act as lenders in some cases.
- A subsidy is provided to the First Nation for a maximum of 25 years or the duration of the project loan amortization period, whichever is less. The amount of subsidy is determined as follows: Project Subsidy = Loan Repayment + Operating Expenses - Revenue.
- Interest-free, repayable loans under Proposal Development Funding are also available from CMHC to assist First Nations in developing a project.
- First Nations are responsible for determining who lives in the project.

### 3.2 On-Reserve Proposal Development Funding (PDF)

Proposal Development Funding is an interest-free repayable loan of up to \$75,000, plus three per cent of any project costs in excess of \$500,000. It is available to First Nation councils interested in developing a project proposal for the On-Reserve Non-Profit Housing Program (Section 95)<sup>3</sup>. The PDF loans are made between CMHC and Band Councils and are secured by a Promissory Note. The First Nation will identify activities (i.e. environmental site assessments, soil tests, unit designs and specifications) and associated costs necessary for them to develop a project proposal. The level of activities necessary will depend on the scope of the intended project, as well as the available technical/managerial resources of the First Nation community.

### 3.3 On-Reserve Residential Rehabilitation Assistance Program (RRAP)

Funding is available to repair or rehabilitate existing substandard housing to a minimum level of health and safety, to build special access for persons with disabilities, and to help reduce overcrowding. Households may be eligible depending on their household income. The level of assistance provided depends on the cost of eligible repairs and the geographic location<sup>4</sup>.

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<sup>3</sup> CMHC First Nations Housing Program and Initiatives. [https://www.cmhc-schl.gc.ca/en/ab/abfinaho/upload/68282\\_EN\\_w\\_ACC.pdf](https://www.cmhc-schl.gc.ca/en/ab/abfinaho/upload/68282_EN_w_ACC.pdf)

<sup>4</sup> CMHC First Nations Housing Program and Initiatives. [https://www.cmhc-schl.gc.ca/en/ab/abfinaho/upload/68282\\_EN\\_w\\_ACC.pdf](https://www.cmhc-schl.gc.ca/en/ab/abfinaho/upload/68282_EN_w_ACC.pdf)

The house must lack basic facilities or be in need of major repair in one or more of the following categories:

- Structural
- Electrical
- Plumbing
- Heating
- Fire safety

Assistance may also be available to address overcrowding. Dwellings must be a minimum of five years old.

According to the CMHC website, loan assistance is available according to geographic location:

Zone 1: Southern Areas of Canada - maximum total loan is \$16,000

Zone 2: Northern Areas of Canada - maximum total loan is \$19,000\*

Zone 3: NWT, Yukon, Labrador and Northern Quebec - maximum total loan is \$24,000\*

\*For remote areas, the maximum total loan may be increased by an additional 25 per cent.

**Note: Any work carried out before the loan is approved in writing is not eligible for funding under this program.**

### 3.4 On-Reserve Home Adaptations for Seniors' Independence (HASI)

This program helps First Nations and First Nations members pay for minor home adaptations to extend the time low-income seniors can live in their own homes independently.

First Nations and First Nation members living on-reserve may qualify for assistance as long as the occupant of the dwelling where the adaptations will be made meets the following eligibility criteria:

- Is 65 and over
- Has difficulty with daily living activities brought on by aging
- Total household income is at or below a specified limit for your area
- Dwelling unit is a permanent residence



Assistance is a forgivable loan of up to \$3,500. The loan does not have to be repaid as long as the occupant agrees to continue to live in the unit for the loan-forgiveness period, which is six months.

The adaptations should be minor items that meet the needs of seniors with an age-related disability. They could be:

- Handrails
- Easy-to-reach work and storage areas in the kitchen
- Lever handles on doors
- Walk-in showers with grab bars
- Bathtub grab bars and seats

All adaptations should be permanent and fixed to the dwelling.

### 3.5 Residential Rehabilitation Assistance Program for Persons with Disabilities (RRAP-D) (On-Reserve)

The RRAP for Persons with Disabilities On-Reserve offers financial assistance to First Nations and First Nations members to undertake accessibility work to modify dwellings occupied or intended for occupancy by low-income persons with disabilities.

First Nations, or individual First Nations members who require repairs to their homes, may be eligible to apply. The total household income must be at or below the established income threshold for their area, and the property must meet minimum health and safety standards.

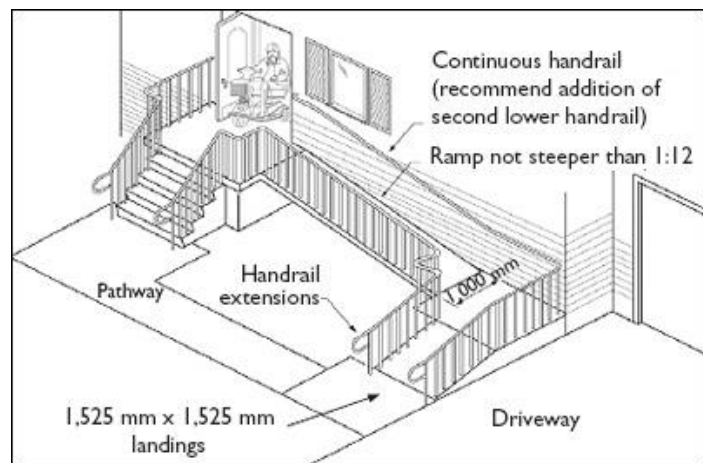


Figure 3 - Example of modified entrance way to assist those with disabilities

Assistance is in the form of a forgivable loan. Assistance is provided for 100 per cent of the total cost of the modifications, up to the maximum loan amount for the area. Occupants must continue to occupy the home for the term of the loan. The loan assistance available is based on geographic location.

Zone 1: Southern Areas of Canada - maximum total loan is \$16,000

Zone 2: Northern Areas of Canada - maximum total loan is \$19,000\*



Zone 3: NWT, Yukon, Labrador and Northern Quebec - maximum total loan is \$24,000\*

*\*For remote areas, the maximum total loan may be increased by an additional 25 per cent.*

### 3.6 Shelter Enhancement Program (SEP) — On-Reserve

This CMHC program offers financial assistance for the repair, rehabilitation and improvement of existing shelters on-reserve for women and their children, youth, and men who are victims of family violence. It also provides for the acquisition or construction of new shelters and second-stage housing on-reserve where needed. Assistance is in the form of a fully forgivable loan, provided the Band Council adheres to the conditions of the program.

Band Councils or an affiliated housing arm of the Band Council operate the housing for women and their children, youth, or men who are victims of family violence as a principal objective.

The SEP works for new development. The program provides contributions up to 100 per cent of a project's capital cost. The loan must be secured by a Ministerial Guarantee for a period of 15 years.

For renovation, the maximum loan is in accordance with the number of existing units/bed units in the project, and the geographic zone where the property is located.

Zone 1: Southern Areas of Canada - maximum loan per unit/bed unit is \$24,000

Zone 2: Northern Areas of Canada - maximum loan per unit/bed unit is \$28,000 (a 25-per cent supplement in assistance is available in remote areas)

Zone 3: NWT, Yukon, Labrador and Northern Quebec - maximum loan per unit/bed unit is \$38,000 (a 25 per cent supplement in assistance is available in remote areas).

Operating assistance must be secured through INAC. For second-stage housing, occupants are expected to make modest contributions to offset the project's operating costs. Funding for costs above the maximum SEP loan is the responsibility of the Band Council.

Eligible work includes:

- Repairs to bring existing emergency shelters/second-stage housing up to a minimum level of health and safety.
- To permit accessibility for occupants with a disability.
- To provide adequate and safe play areas for children, and to ensure an appropriate level of security for the occupants.

For new construction the project should be modest and reflect the actual needs of the client. The most cost-effective and appropriate projects will be selected for funding. Work carried out prior to approval is not eligible for funding.

**Note: Work carried out before the loan is approved in writing is not eligible for funding under this program.**

### 3.7 CMHC and Homeownership Products

CMHC have two products available to assist persons living on reserve, or First Nations councils, for home ownership.

#### 3.7.1 CMHC Insured Loans secured by a Ministerial Loan Guarantee (formerly known as Section 10 Loans)

The program may assist Band Councils or First Nation members living on-reserve in accessing financing for the construction, purchase and/or renovation of single-family homes or multiple residential rental properties.

According to the CMHC website, to be eligible, a borrower must:

- Have a Certificate of Possession, or have been granted use of the land by the First Nation.
- Satisfy the minimum requirements for taking out a loan with an Approved Lender and be able to support repayment of the loan.
- For homebuyers (one- to four-unit owner-occupied properties) - have savings or an INAC contribution; a minimum five per cent of the lending value or approved costs of the house (for example, if the cost to build your house is \$90,000, you must have at least \$4500 as a down payment)
- For rental investors (1 to 4 unit non owner-occupied properties) - have a minimum down payment of 20 per cent of the lending value. CMHC-insured loans are available for qualified rental loans for up to a maximum of 80 per cent of the lending value
- For rental projects (5+ units) - have a minimum down payment of 15 per cent of the lending value. CMHC insured loans are available for qualified rental projects up to a maximum of 85 per cent of the lending value.
- The maximum amortization is 25 years.

CMHC provides loan insurance to the Approved Lender (e.g., banks, Aboriginal Capital Corporations, credit unions, etc.) to make loans on residential homes or projects located on-reserve. This program works in the following fashion:

- Security for the loan is made by a loan agreement with the Approved Lender, secured by a Band Council Resolution and a Ministerial Loan Guarantee obtained through INAC. If the agreed repayment of the loan is not made, the outstanding balance is paid out to the Approved Lender, through the Ministerial Guarantee by INAC, on behalf of the applicant. INAC will then require repayment from the Band.

- The Approved Lender works with the borrower in preparing the application package, and when complete, submits the application to CMHC for approval.
- The loan application process is carried out with the help of the Band Council, which can assist in obtaining the necessary approvals.

### 3.7.2 CMHC Insurance for Loans Facilitated Through the First Nations Market Housing Fund (FNMHF)

CMHC offers this loan insurance option to help facilitate access to financing for the construction or purchase and/or renovation of single-family homes, residential rental properties (1 – 4 units) on-reserve. This insurance product supports the FNMHF and reduces the financial exposure of the First Nation. For more information, see <http://www.fnmhf.ca>.

### 3.8 First Nations Capacity and Skills Development

CMHC also provides capacity development services to assist First Nations communities to acquire the skills, training and resources needed to help them with their housing objectives. For more information on this program please contact CMHC directly.

### 3.9 Additional information

For more information on the CMHC programs see:

- <http://www.cmhc-schl.gc.ca/en/ab/abfinaho/index.cfm>
- [http://www.cmhc-schl.gc.ca/en/ab/abfinaho/upload/68282\\_EN\\_w\\_ACC.pdf](http://www.cmhc-schl.gc.ca/en/ab/abfinaho/upload/68282_EN_w_ACC.pdf)
- Contact the local CMHC offices.

## 4 Indigenous and Northern Affairs Canada

INAC provides support to First Nations housing mainly through government funding.

### 4.1 On-reserve Non-Profit Housing Program, Capital Facilities and Maintenance, Community Infrastructure Branch

First Nation communities that receive an annual capital allocation from INAC for on-reserve housing have the flexibility to use these funds for a range of housing needs, including construction, renovation, maintenance, insurance, capacity building, debt servicing and the planning and management of their housing portfolio

### 4.2 Ministerial Loan Guarantees

The Crown ownership of First Nations lands can create difficulties for community members who need to obtain a mortgage to purchase an existing house or financing to fund the construction

of a new one. To address this problem, the Government of Canada instituted Ministerial Loan Guarantees (MLGs) to help First Nations residents to secure on-reserve housing loans. INAC has had the authority to provide MLGs to First Nations since 1966.

### 4.3 Shelter allowance

For individuals on reserve who are eligible for income assistance, the department's Income Assistance Program also provides annual funding to help cover housing costs (e.g., rent, and utilities) in the form of shelter allowance payments.

### 4.4 On-Reserve Housing Policy

The 1996 On-Reserve Housing Policy allows First Nations to play a key role in decisions about how, where and when housing funds are invested. The 1996 Policy is based on the principles of:

- First Nations control
- First Nations expertise
- Shared responsibilities
- Increased access to private sector financing

First Nations were given the choice of opting into the policy or not. If they opt in, they are given the flexibility to use INAC's housing funds in support of implementing their community-based housing plans, which may include elements such as maintenance and insurance, debt charges, training, management and supports to establish housing authorities. In order to be eligible for the more flexible funding arrangement, First Nations were required to establish a set of housing policies, programs and a multi-year plan. The housing plan was required to have three components: a work plan covering maintenance, insurance, renovation, building, and management; a resource plan; and links between housing activities and training, job creation and business development initiatives. If First Nations choose not to opt into the policy, they continue to operate under the provisions of the housing subsidy program; their housing capital funding can only be used for construction, rehabilitation or renovation; and the funds are released project by project, rather than as a lump sum.

### 4.5 First Nations Infrastructure Fund

The objective of the First Nations Infrastructure Fund is to improve the environment and the quality of life of First Nations communities by improving and increasing the development of public infrastructure. This fund also supports roads and bridges, energy systems, planning and skills development projects, and solid-waste management.

For more information, see: <https://www.aadnc-aandc.gc.ca/eng/1100100010656/1100100010657>

## 5 Building and Managing Housing in Your Community

CMHC's website provides tools and resources for Chiefs and Councils, financial and housing managers on building and management of housing in First Nations communities. For any Counsellor responsible for housing, this information can be very useful. Information is provided in four main areas:

1. Planning Information
2. Financial Management Information
3. Housing Administration Information
4. Building, Renovating, and Maintaining Housing Information

### 5.1 CMHC Planning Information

This section includes the following:

- [Developing First Nation Housing Policies](#)

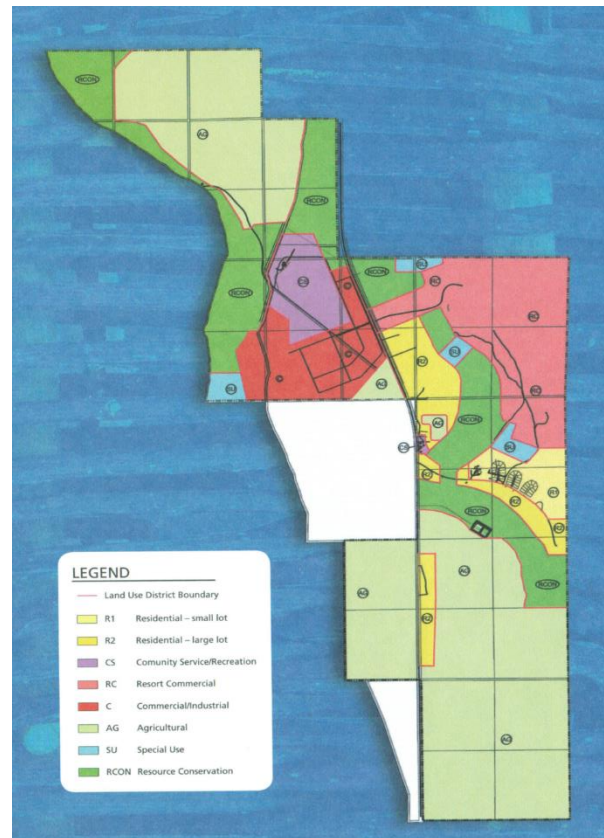
Written policies and procedures can help housing staff and leadership manage housing fairly and consistently. They can also help home occupants understand their role in housing.

- [Four Step Maintenance Planning Model](#)

Maintenance planning identifies and links needs to work that addresses those needs. Planning is required to make the best possible use of human and financial resources.

- [Capital Replacement Planning \(CRP\)](#)

A capital replacement plan (CRP) helps First Nations housing managers determine what major building repairs and replacements need to be done, when they will be needed, and how much they will cost. Planning will help housing managers maintain the long-term health of houses in their communities.



## 5.2 Financial Management Information

Under this section, information is provided in the following areas:

- [Help with Financial Statements](#)

CMHC offers two different housing programs under the On-Reserve Non-Profit Housing Program (Section 95): Pre-1997 and Post-1996. To assist First Nations in understanding the differences between the programs, CMHC has prepared two separate guides, which outline reporting requirements for the different versions of the program.

- [Differences between the On-Reserve Non Profit Housing Program pre-1997 and post-1996](#)

In 1997, changes were made to the On-Reserve Non Profit Housing Program (Section 95), which resulted in some First Nation communities having subsidized housing units under two differing programs.

- [Understanding Operating Agreement Terms](#)

These are some of the more common terms found in the Operating Agreement for the Non-Profit Rental Housing Pre-1997 and Post-1996 Programs.

## 5.3 Housing Administration Information

This information focuses on the administration of a housing department.

- [The Role of the First Nations Housing Manager](#)

A First Nations Housing Manager may be expected to carry out and/or oversee a wide variety of housing-related tasks. A Housing Manager may be a planner, technician, administrator, supervisor, communicator, and financial officer, all rolled into one position.

- [Tenant Records](#)

Maintaining records for all of the housing units in your community is a good property-management practice. Find out what should be included in the tenant file for each housing unit.

- [Fire Prevention in Aboriginal Communities](#)

A series of case studies on fire prevention in Aboriginal communities.

- [Stories of our Houses](#)

CMHC has provided success stories on housing in First Nations communities. The website provides stories on how First Nations are doing things differently, and bringing about positive change in the area of housing.

## 5.4 Building, Renovating and Maintaining Housing Information

This information is important, especially in the construction, renovation and maintenance of homes:

- [Maintaining Your Heat Recovery Ventilator \(HRV\)](#)

Your heat-recovery ventilator (HRV) can help make your house a clean, healthy living environment, while keeping fuel bills down. But your HRV can't do all this without your help.

- [Canadian Wood-Frame House Construction](#)

An introductory book for understanding and applying wood-frame house construction principles, as applicable, to the construction sequence for a typical house.

- [Mould in the Home — Indoor Air Quality Resources for First Nations](#)

CMHC offers a wealth of valuable resources on mould prevention and remediation, as well as indoor air quality. CMHC, in partnership with Health Canada, provides First Nations communities with basic information on mould in the home, how to identify it, clean small areas and prevent future growth. See [Mould in Housing](#).

- [First Nation Home Maintenance Calendar](#)

CMHC has developed a home maintenance calendar. To help the Council to care for your home, use these monthly maintenance tips. Each month contains further information on actions that may be considered to maintain the homes.

For more information see CMHC main website at:

<http://www.cmhc.ca/en/ab/bumaho/index.cfm#housing>



## 6 CMHC and Code Compliance Requirements

The On-Reserve Non Profit Housing Program (Section 95) currently requires First Nations to complete a declaration to attest that all units constructed or renovated are in conformity with plans and specifications, requirements of the National Building Code of Canada (or with a formally adopted code which meets or exceeds the NBCC), and all other applicable zoning and building by-laws and regulations.

Effective April 1, 2014 all new commitments signed under the On-Reserve Non-Profit Housing Program (Section 95) requires the First Nation to submit a Certificate of Building Code Compliance to CMHC at different stages of construction.

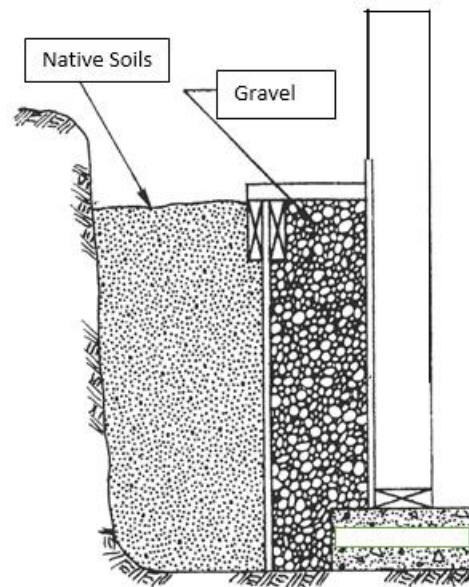


Figure 6 - Diagram showing proper backfilling

The Certificate is to be completed and signed by the qualified inspector who conducted the code compliance inspection. The Certificate is to accompany the standard declaration form and will help to ensure that housing units built or renovated under the Section 95 Program have been constructed according to the National Building Code of Canada or an equivalent standard.

The code compliance inspections must occur, at a minimum, at the following stages of construction:

1. Pre-backfill inspection (foundation)
2. Pre-drywall inspection (framing, rough-in and insulation/vapour barrier)
3. Final inspection

Building plans and all supporting documents submitted to CMHC must also include a Certificate of Building Code Compliance from a qualified inspector, or the authorized professional seal of an engineer or architect.

A qualified inspector must have qualifications or certification from a recognized professional industry organization to perform building code inspections. A professional engineer or architect skilled in the work is considered qualified to perform building code inspections, and provide evidence that inspections have been undertaken by an independent qualified inspector.



Technical service providers currently undertaking progress inspections on behalf of CMHC do not play a role in code-compliance inspections. The purpose of technical service providers is to conduct progress reviews to support loan advances for CMHC only. Notwithstanding, if technical service providers are qualified to conduct code compliance inspections, then the First Nation may consider them for this purpose. The First Nation will be responsible for engaging and paying for all services related to code-compliance inspections.

Note that the costs of conducting these inspections, like fees of qualified professionals, are eligible expenses under the Section 95 program.

## 7 First Nations Housing Manager

CMHC provides an overview on the First Nations Housing Manager. According to CMHC, a First Nations Housing Manager may be expected to carry out and/or oversee a wide variety of housing-related tasks. A Housing Manager may be a planner, technician, administrator, supervisor, communicator, and financial officer all rolled into one position. The Housing Manager may require a skill set in all these areas. As a First Nations Housing Manager carries out these roles, they may find themselves performing some or all of the following tasks:



*Figure 7 - A First Nations home nears completion*

### *Planning*

- Developing a housing community plan
- Preparing housing policies
- Developing short- and longer-term maintenance plans
- Capital replacement planning

### *Technical and/or housing knowledge*

- Ensuring construction and renovation meet appropriate standards
- Overseeing new construction and renovation
- Request for bids/tender call
- Preparation of applications for various housing programs
- Using technical reports for decision-making purposes
- Developing proposals
- Annual housing inspections

### *Financial*

- Preparing budgets and forecasts
- Monitoring budget take-up
- Using financial reports for decision-making purposes

### *Organization/administrative*

- Designing department & developing job descriptions
- Preparing reports
- Overseeing proper record keeping
- Organizing/preparing for meetings
- Being a committee member/chair
- Maintaining a housing inventory

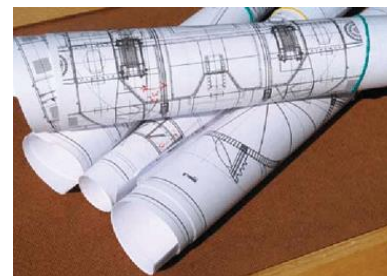
### *Interpersonal/communication*

- Managing housing personnel
- Managing tenant relations
- Preparing written communications
- Making presentations
- Facilitating community meetings
- Staff evaluations

To assist a Housing Manager in meeting the expectations of the position, a detailed written description of duties is essential. The job description should be specific to the tasks required of a Housing Manager in their First Nation community. Aboriginal Housing staff at your local CMHC office can offer advice and information on typical duties of a First Nations Housing Manager.

## **8 Authority Having Jurisdiction**

In First Nations' communities, Band Councils are the Authority Having Jurisdiction (AHJ) with respect to building homes in their communities. Each Band Council exercises the AHJ by passing band by-laws. The AHJ in reference to building codes means that the Council is the organization responsible for approving construction, materials, installation, or a procedure. The building officer or inspector, as an employee



of, or under contract to, the Council that enforces the building code, does so on behalf of the Council

The Council exercises the AHJ by passing band by-laws to control certain activities within the community, including implementation of building-permit processes, and the authority to apply and enforce building codes, standards and construction practices.

However, in many communities, Band Councils have not properly exercised their AHJ. They have not passed band by-laws to ensure homes are constructed according to a building code. Without such by-laws, there is no process to approve building plans or the site where the home is to be built. Homes may not be inspected to make sure they are constructed to a building code. Inspections are not based on code compliance, but rather on a housing policy. Inspectors may not be qualified nor have the powers to stop construction where the home is not being built to code, or to force the contractor to fix the problem. Without band by-laws, the home may be unsafely occupied without a final inspection or the issuance of an occupancy permit or a letter to state it is safe to move in. The Band Council will ultimately have to pay for repairs to homes, and may also be legally responsible for fixing private homes not built in accordance with their band by-laws.

The AHJ is a very important element for band governance. Band Councils need to pass by-laws to ensure homes are built to code, establish a building-permit system and have homes inspected by a qualified inspector. The Council also has a right to place a value on the cost of the work for the purposes of determining the cost of inspections, and for any permit fees. This is especially critical, as First Nations' communities move towards improving their housing stock, and home ownership. Band councils must exercise their AHJ, pass band by-laws, and update their housing policies to ensure a stable and successful housing future for their communities.

<http://www.tpsgc-pwgsc.gc.ca/biens-property/sngp-npms/bi-rp/conn-know/approv-procure/manuelga-pmmanual-8-eng.html>

[http://www.designingbuildings.co.uk/wiki/Tender\\_processes\\_for\\_construction\\_contracts#Introduction](http://www.designingbuildings.co.uk/wiki/Tender_processes_for_construction_contracts#Introduction)

## 9 Tendering and Procurement of Contracts

As indicated earlier, the Housing Manager may be responsible for the tendering and procurement of housing contracts<sup>5</sup>. The underlying objectives of procurement and tendering are concerned with ensuring accountability and transparency. It is also important that Council applies the highest professional standards when it spends this money on behalf of the Council, to ensure it gets the best deal. Given the limited resources available to First Nations, ensuring a proper tendering and procurement process is key to optimally use scarce budgetary resources.



Procurement of services for housing can take a variety of forms, including: contracting out or outsourcing (e.g., maintenance of houses); public-private partnerships (PPP); building of homes or other capital projects; and, establishing shared-services arrangements (i.e., pooling resources with another Council).

Procurement and tendering processes are important. They involve not only the housing manager, but also the finance department and legal counsel to review construction contracts. Consulting companies can assist First Nations through the tendering and procurement process.

## 10 Importance of Band By-laws

The Council has authority to make by-laws with respect to housing<sup>6</sup>. The general by-law-making power (Section 81 of the Indian Act) lists areas where the Council can pass a by-law with a majority vote in a Council meeting. In the area of housing, these by-laws include:

- **Zoning** - Section 81(g), the dividing of the reserve or a portion thereof into zones, and the prohibition of the construction or maintenance of any class of buildings or the carrying on of any class of business, trade or calling in any zone.
- **Buildings** - Section 81(h), the regulation of the construction, repair and use of buildings, whether owned by the band or by individual members of the band.
- **Land Survey** - Section 81(i), the survey and allotment of reserve lands among the members of the band and the establishment of a register of Certificates of Possession and Certificates of Occupation relating to allotments, and the setting

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<sup>5</sup> Procurement is the process of buying goods, works or services. Tendering is the process of obtaining goods, works or services.

<sup>6</sup> For information on bylaws, see: Indigenous and Northern Affairs <https://www.aadnc-aandc.gc.ca/eng/1100100021867/1100100021868>

apart of reserve lands for common use, if authority therefore has been granted under section 60.

- **Construction and Maintenance** – Section 81(g) allows for the construction and maintenance of watercourses, roads, bridges, ditches, fences and other local work.
- **Construction Regulation** – Section 81(h) allows for the regulation of construction, repair and use of buildings, whether owned by the band or by the individual members of the band.

These five by-laws are essential for any Councillor responsible for housing and the construction of any buildings. The by-laws for zoning, building and land survey are the key ingredients in the introduction of any building permits and the enforcement of any building codes. For example, with a by-law, the housing department, upon recommendation from an inspector cannot issue a Stop Work Order when inspectors find building-code deficiencies or infractions. The following discussion provides further information on how these three by-laws are essential to ensure homes are built to national building-code standards.

### 10.1.1 Zoning by-laws

Under zoning, the Band Council can control the following areas:

- Land use
- Location and boundaries of commercial, residential, industrial, institutional and conservation zones
- Cottage sites
- Protection of forests and other natural resources
- Campsites, including the setting of fees
- Requirement of building permits for building in specific zones
- Community Plan

Zoning by-laws are important, as they control the use of land and establish standards according to which the land can be developed. All lands within a First Nations community can be placed into a specific zone presented in a zoning map.

Zoning is particularly important before homes are constructed. Band Councils must divide communities into zones before the construction of any buildings or the carrying on of any type of business. The zoning by-law is important, as Band Councils can require building permits.

### 10.1.2 Building By-laws

Under building by-laws, the Band Council can control the following areas:

- Property maintenance standards and the obligation to keep houses in good repair
- Occupancy standards

- Pest prevention (e.g., cockroaches, ants, termites)
- Fire safety and protection, including fire-resistance ratings, must comply with the National Building Code and the National Fire Code
- Thermal insulation: must comply with the National Building Code and National Energy Code
- Building standards must comply with the National Building Code and National Fire Code
- Building standards for cottages
- Requirements for smoke and CO detectors

By-laws can state that homes be built to the National Building Code or in accordance with provincial building codes. They can require stricter standards or construction practices if necessary. A building by-law must be established in conjunction with an existing zoning by-law so that the permit can state where the home can be built (e.g., specific location, lot, etc.).

### 10.1.3 Land Survey By-laws

Under land survey by-laws, the Band Council can control the following:

- Allotment of lands for a community centre, churches, schools, stores (subsection 18(2) of the Act)
- Allotment of lands to band members
- Land registry for Certificates of Possession and Certificates of Occupation

These by-laws are important to a building-permit system as they clearly identify the home- and land-owner. A “lands” officer may need to be consulted and involved in this process.

### 10.1.4 Sample By-laws

First Nations communities that want to introduce a building-permit system can look at how other communities have done it. Appendix A provides the following samples that First Nations may adopt or modify:

1. Kamloops Indian Band Building By-Laws
2. Kamloops Indian Band Occupancy and Building Standards
3. West Bank Building Fees

Some Band Councils have established building-permit processes to approve the building of residential homes. Kamloops Indian Band and West Bank First Nation are two bands that have a

process suitable to their communities, which includes building permits. An overview of some of these communities can be found in Appendix B.

### 10.1.5 Assistance with By-laws

The By-law Advisory group of the Band Governance of INAC can provide assistance with the development and implementation of by-laws. The group also has sample by-laws that can be made available to you upon request. These include:

- Zoning with Respect to Waste Storage and Disposal
- Established Fire Department and Fire Safety Committee
- Storage-Tank Systems for Petroleum Products
- Construction Maintenance and Regulation of Waterworks Systems
- Fire Safety and Electrical Safety
- Zoning

These by-law samples can be found in the reference folder. For further information or help with developing by-laws, please contact the following:

By-laws Advisory Services

Band Governance Directorate

INAC

10 Wellington Street, Room 18A

Gatineau, Québec K1A 0H4

Telephone: (819) 997-6450

FAX: (819) 997-0034

Or, contact the Regional office of the Department.

## 11 Introduction to Building Permits

The objectives of a building permit are to maintain accountability over the quality of a building, and to ensure it is built to minimum building codes, standards and specifications. By enforcing building codes, and assisting builders, designers and homebuilders, municipalities or towns ensure that homes built in their communities are safe, not only for today, but for many years to come. Provincial legislation allows municipalities and towns to establish building-permit systems. Building permits are also a major source of revenue for municipalities and towns.



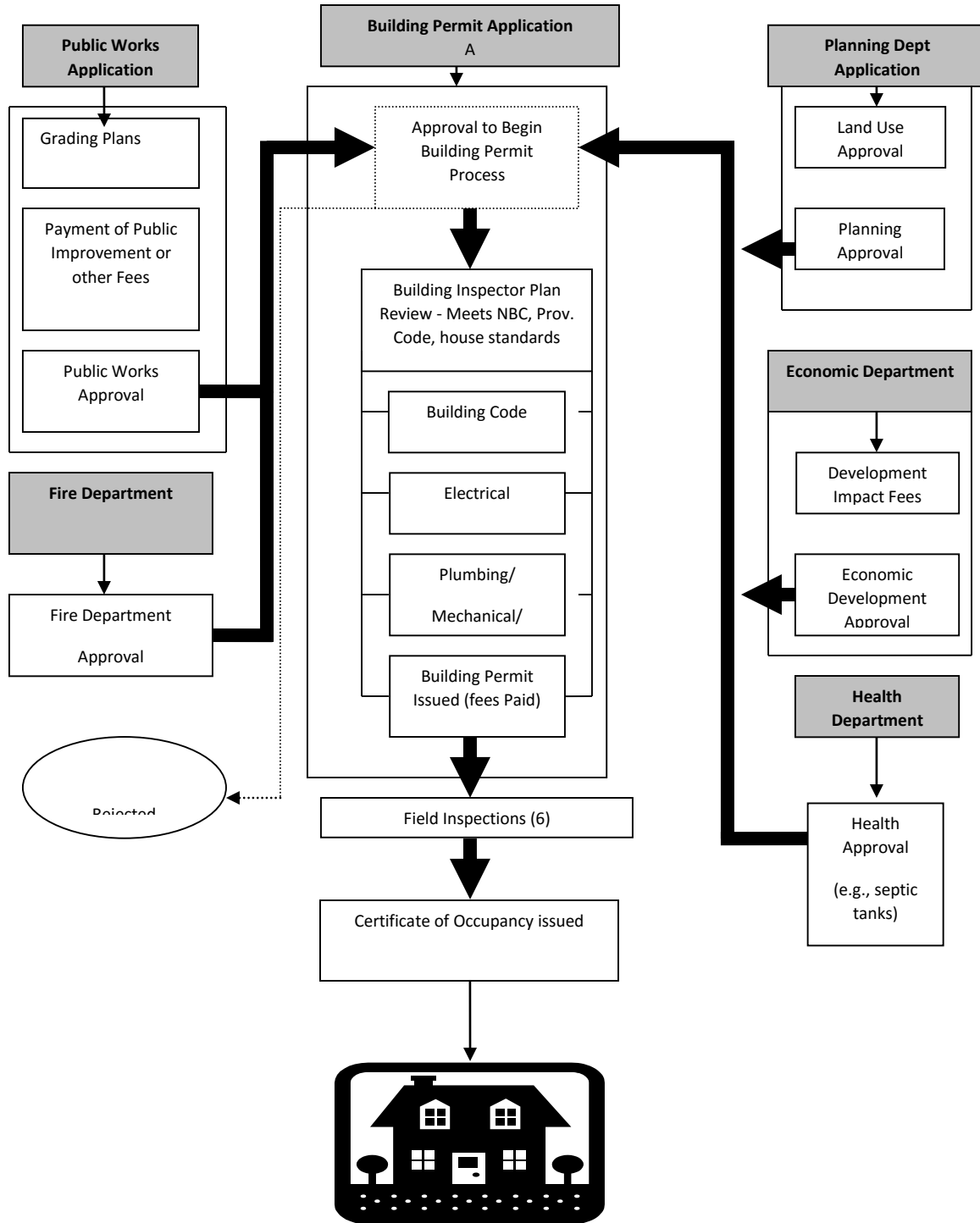
The process to obtain a building permit involves several activities by both the applicant (e.g., homeowner or contractor) and the municipality or town. A building-permit system should include: the establishing and maintaining of policies that identify what the building-permit system will be expected to accomplish; establishment of a department whose main responsibility will be to process the permit; inspections and enforcement, and training for staff and others to ensure that the process is clear. Building-permit policies should also include: clear by-laws and procedures, the issuance of the permit, fees, use, controls, inspections, and how decisions can be appealed.

Most municipalities and towns across Canada have established a building-permit system for the approval of new home construction, renovations, alterations and demolitions. While building-permit processes vary among municipalities and towns, the general process is illustrated in Chart 1. Many municipalities have established guides or guidelines to help the applicant manage the permit process.



# CHART 1

## Overview of a Typical Municipal or Town Building-Permit Process



## 12 Building Permits for First Nations

A building permit is a formal written approval from the Band Council to construct, add on to, renovate, alter, or demolish existing buildings. Building permits are necessary because they enable a Band Council to ensure all buildings meet the terms set out by band by-laws and zoning by-laws, which include the provincial or national building code and any health and safety regulations that may come into play. They help ensure buildings are safe for occupants.

Many instances require an individual to obtain a building permit. These include but are not restricted to:

1. Building a new home
2. Renovating or altering an existing home
3. Constructing an addition to an existing home
4. Constructing an ancillary building on a residential property such as a garage
5. Demolition of a structure

### 12.1.1 Other Types of Permits

Other types of permits may be required, depending on the jurisdiction having the authority, as well as the by-laws. These may include:

1. A plumbing permit to install any plumbing, gas or drainage piping work, or any fixture or water heating, or to install any treatment equipment, or alter, repair or replace, unless specifically exempted by the plumbing codes.
2. An electrical permit to install any electrical system, or alter, repair, replace or remodel, unless specifically exempted by electrical codes.
3. A permit to install a private sewage-disposal or septic system.

In some cases, the building permit includes plumbing and electrical permits, but may require licensed plumbers or electricians to conduct the inspection and provide a certificate of approval. The sewage-disposal or septic system may need to be approved by either health or environment agencies, while hydro/electrical power suppliers may conduct inspections. These issues need to be addressed and incorporated into band by-laws.

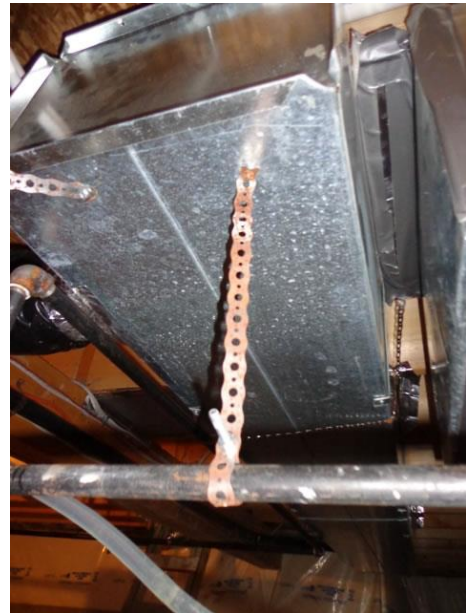
Once issued, a building permit must be posted in a prominent place on the premises during the period of the project.

## 12.2 Why Issue Building Permits?

Some First Nations communities, large and small, are starting to introduce building permits. Band councils have the authority over their lands and are executing this control in the building of their homes.

These communities want to ensure all homes (band- or privately funded) are built according to building-code requirements, in an effort to address the following challenges:

- Safe accessibility for disabled and frail elderly persons
- Excessive moisture and resulting mould
- Shoddy construction
- Inappropriate construction materials
- Poor design and quality of foundations
- Faulty wiring and plumbing
- Hazardous wood stoves
- Limited or no inspections
- Homes that are built on flood plains or other areas where the soil/ground is unacceptable
- Protection of their capital investment
- Reduction in liabilities where band or tribal councils are responsible for the construction of homes in their communities
- Housing standards and building practices appropriate to the geographic location of First Nations communities
- Support for 3<sup>rd</sup>-party financing
- Development of strong housing policies for communities
- Minimizing risk and liabilities



*Figure 8 - Why issue building permits? So you don't see "creative" (dangerous) solutions like this. No, a gas line shouldn't be attached to ducting.*

## 12.3 The Building-Permit System

The building-permit system has been broken down into eight stages.

### **Stage 1: Establish a Department Responsible for Permits**

The building-permit process is administered by a building department, with the possible assistance of other departments, such as those responsible for sewers and roads, or fire safety. Permits are issued where submissions including construction plans and

specifications conform to the provincial building code, and other applicable laws regulating construction and land use.

In many cases, building departments use a one-permit system. A permit includes all architectural/structural work, plumbing, water, and heating, ventilating and air-conditioning work. The one-permit system leads to more administrative efficiency. In some jurisdictions, however, hydro-electrical may need to be issued by the electrical or hydro company. This information should be included in any information package provided to the applicant.

However, the community may want to issue permits for other activities. These would include:

1. A plumbing permit to install any plumbing, gas or drainage-piping work, any fixture or water heating, or to alter, repair or replace any treatment equipment, unless specifically exempted by the plumbing codes.
2. An electrical permit to install any electrical system or alter, repair, replace or remodel, unless specifically exempted by the electrical codes.
3. A permit to install a septic system for a single residential home.
4. A demolition permit to take down a building.

Band by-laws will need to specify the type of permits to be issued.

## **Stage 2: Pre-application**

Owners/builders intending to construct building structures other than one- and two-family residences should hold preliminary discussions with the department responsible for issuing a building permit. A meeting before the application process will clarify any concerns with respect to design of the building, location, and other matters as they relate to the applicable by-laws and policies of the community. It is important that owners/builders consult with staff to obtain estimates of building-permit fees and other levies that have to be paid prior to issuance of a building permit.

## **Stage 3: Application for a Building Permit**

The process begins with an application for a building permit. The application package will be made available by the department responsible for building permits. The application is submitted by the potential homeowner or contractor. The application may require the following information:

- Address and legal description of property
- Full legal name and address of owner, designer and contractor

- Site data as indicated on the application form
- Declaration and signature with phone number
- New Home Warranty program number, if applicable
- Whether the building proposed is a repeat design

The applicant can submit for a “repeat’ building permit. This is where the house model being built is exactly the same as the original application and plan(s). On repeat plans, the department can make decisions more quickly, provided that the previous corrections and notes made by the building department are incorporated in the drawings.

As part of the application, a number of documents must be provided, including:

- Site plan, including lot grading (important where a sanitary sewage system is in place)
- Architectural and structural drawings and specifications
- HVAC drawings and calculations
- A building-permit fee in accordance with by-law fee schedules

The applicant is required to pay the full permit fee as defined in the building permits by-law and a fee schedule. Examples of fee schedules can be found in Appendix B at the end of the document. The fee schedule can be based on the construction value, which is reviewed by a plans examiner who confirms the reasonableness of the value. Any adjustment may result in additional permit fees to be paid prior to permit issuance or before an occupancy permit is provided.

Some band or tribal councils may introduce a “fast track” or express approval process. Where the applicant does not require a site-plan approval, building departments may charge an additional fee (e.g., a 50-per cent increase) to "fast track" and approve an application within three working days from the time of application. This option, however, is contingent on staff resources. Where construction is started without a permit, the building department may levy a penalty charge (e.g., double the permit fee).

Once the application is submitted, it is initially reviewed to ensure that the design complies with the by-law for issues such as lot coverage, setbacks, or building height.

As part of the review for zoning, consideration is given to the following components:

- Determination of the complete zoning of the property
- Review of site-specific zoning, if applicable
- Review of the residential zone’s general provisions

- Review of the general provisions applicable to all zones

The application is then reviewed by an individual qualified/certified to review the plans. This work may be done internally or by a third party.

As part of the building-permit review, additional conditions may affect the building of the new home. These may include:

- Occupancy restrictions for home-based businesses
- Lot grading information
- Approval of subdivision services
- Access for fire-department vehicles
- Tree preservation report

Approval may also be required from other agencies, such as conservation authorities.

An example of a building-permit application can be found in [Appendix C](#).

#### **Stage 4: Plans and Drawings Requirements**

The applicant is required to submit plans, drawings and specifications to be reviewed and approved as part of the building-permit process. In the case of one- and two-unit dwellings, the designer of the plans doesn't always have to be a professional engineer or architect, but should be deemed acceptable to the building-permit department as a designer capable of the project proposed. With more complex projects, such as those outside the scope of Part 9 of the National Building Code, the building-permit process should require that a professional designer be involved.

Drawings are reviewed by a qualified/certified individual to verify compliance with health and life-safety provisions of the applicable building codes and other referenced standards. The applicant may need to submit a number of different plans and drawings.

Typically, these include:

- Site plans, sometimes called lot-grade drawings, where sanitary sewage systems are in place
- Architectural/structural plans
- Shop drawings
- Heating, ventilating and air-conditioning plans

## *Site Plans*

One type of plan that should be required is the site plan, normally used to determine compliance with the applicable zoning by-law. A site plan identifies buildings and other features in relation to property boundaries. It must identify existing buildings, structures, and features on the property, and changes to the property created by the proposed project. The plan usually includes the following information:

- All set-backs, front, sides and rear (note special set-backs on corner lots or lots backing onto arterial roads)
- Building elevations (to calculate the number of storeys)
- Lot area and all lot dimensions
- Lot coverage (total building area - footprint divided by lot area)
- Parking area (including driveway width and coverage)
- Easements, especially sewer easements
- Type or design of dwelling (i.e., bungalow, split level)
- Slopes related to surface drainage

Examples of site plans can be found in [Appendix D](#).

### ***Architectural/structural plans***

Other required drawings are the architectural/structural plans. These usually consist of architectural working drawings that include:

- Foundation/basement plans
- Floor plans
- Elevations
- Sections and details
- Specifications (e.g. general notes, site work, concrete, masonry, thermal- and moisture-protection measures, etc)

### **Structural working drawings that include:**

- Foundation plan
- Floor framing plans
- Roof framing/ceiling framing plan
- Beams, wood and brick lintel sizes (including calculations when building-code tables are exceeded)
- Details of connections, anchorage, framing, etcetera

Where the type of building falls outside Part 9 of the National Building Code of Canada, the design should be undertaken by a professional architect or engineer. An example of residential construction drawings can be found in [Appendix E](#).

### ***Shop Drawings***

The First Nations community may also want to review all the “shop drawings,” details, and specifications with the application. These may include specifications for pre-fabricated fireplaces and stoves, designs for beams, pre-fabricated roof and floor truss-system design and layout plans. Shop drawings are usually included for customized homes.

### ***Heating, Ventilating and Air-Conditioning Plans***

The applicant must also submit heating, ventilating and air-conditioning plan examination (HVAC) drawings for the home. This information includes:

- Building heat-loss/heat-gain calculations
- Duct-design calculations
- Floor-plan drawings indicating all supply and return duct work, complete with sizes
- Ventilation-system drawings
- Location of all supply and return diffusers and grills, complete with sizes
- Location and specification for all heating and cooling equipment, including make, model number, and capacities
- Mechanical ventilation

In homes where other than forced air is proposed for the heating system (i.e. hot water, combo hot-water units, electric baseboards), the drawings must indicate location and capacity of all heating units and any interconnecting piping. In the case of combo heating units, an additional form or information may be required to ensure compliance with the provincial building code. An example of this type of drawing can be found in [Appendix F](#).

Some drawings will require a structural certification provided by a Registered Professional Engineer, such as:

- Roof-truss design
- Point-load design on engineered wood products, including connection details



- Reinforced-concrete design, except for slabs less than two metres (6'6") in width over "cold" rooms
- Engineered components, connections and assemblies that exceed design criteria of Part 9 of the Code
- Retaining walls with exposed height greater than one metre (3'3") adjacent to public property, access to a building, or on property to which the public is admitted, e.g., row housing
- Geotechnical certification for special soil conditions

These types of requirements should be stated in the band by-laws or housing policies. The band by-law should also state the requirements for a registered professional engineer.

### **Stage 5: Issuance of Building Permit**

After approval of the construction drawings and specifications, the permit may be issued upon payment of the calculated permit fees, as well as the receipt of any permits, reports or covenants required. Some communities may want a pre-inspection before a building permit is issued relating to renovations or alterations of an existing building.

### **Stage 6: Required Building Inspections**

To date, inspections on reserve relate for the most part to CMHC's Native Inspection Services Initiative (NISI). NISI was developed in 1995 to provide greater First Nations involvement in inspections for new construction and renovations funded through CMHC housing programs, such as the non-profit rental-housing program and the Residential Rehabilitation Assistance Program (RRAP). Under NISI, First Nations technical-service providers undertake technical reviews (plans examination and inspections) under contract to CMHC.

While these technical reviews are not specifically for code compliance, they confirm to CMHC that the construction reasonably meets codes, standards and specifications, and provide an indication of percentage of completion for loan-advancing purposes. NISI is also seen as a capacity-development initiative and an important step to improving the quality of construction in First Nations communities.

### **Stage 7: Occupancy Certificate or Permit for Occupancy**

An occupancy certificate or permit will be issued upon completion of all requirements of the approved plans and specifications, building-permit conditions, approval of related ancillary permits and approvals from other applicable agencies. All outstanding fees due to the Band Council must be paid prior to issuance of an occupancy certificate or permit. In many cases, the

building-inspection record card or final-inspection report must be submitted before a certificate is issued.

A temporary occupancy permit may be issued by the department or building inspector where minor corrections are noted at the final inspection. Temporary occupancy will not be approved for a building or portions of a building if outstanding life-safety requirements have not been mitigated in an approved manner. Temporary occupancy also will not be approved if outstanding site issues create an environmental hazard, a drainage or erosion hazard and/or a traffic hazard. The occupant must make an application for the certificate of permit to occupy the home. The following is an example of an occupancy permit.

Occupancy Permit Sample Form 7.1	
Anytown Municipality	
OCCUPANCY PERMIT FORM	
This permit is issued to certify that the property described below and any building thereon complies with the requirements of the _____ Zoning Ordinance and all conditions imposed thereunder, and is to be used and occupied by the owner listed below in conformance with the provisions of the _____ Zoning Ordinance	
_____	
(permit holder)	
_____	
(address)	
_____	
(city, state, zip code)	
_____	
(telephone, home and business)	
PROPERTY OWNER'S NAME AND ADDRESS (if not the applicant)	
_____	
_____	
_____	
Phone ( _ _ _ ) _ _ _ - _ _ _	
CONSTRUCTION SITE ADDRESS _____	
PROPERTY DESCRIPTION _____	
PARCEL DATA PROCESS (tax) NUMBER _____	
ZONING PERMIT NUMBER: _____	
Signed: _____	
Date: _____	
Anytown Zoning Administrator 412 Main Street Anytown, Michigan 49638	

## **Stage 8: Appeal Process**

An appeal process should be included in any band by-law. The appeal process may include the establishment of a special housing committee to hear any disputes in the building-permit process, or appeals concerning comments on the plans review or deficiencies noted during the inspections. Homeowners, builders and inspectors can initiate hearings with the housing department. A housing committee is also instrumental in ensuring limited interference from chief and council, and allowing the inspection department to operate at arms length from the political body. Housing committees are typically made up of a representative from the council and community members, and may include a representative from the tribal council's or provincial First Nations' technical organization.

### **Summary**

These eight stages of a building-permit system should be incorporated by all First Nations communities, regardless of size. Variations will be in the implementation of the building-permit process rather than on limiting one stage of the process. The following section provides three proposed models that could be adopted by any First Nation implementing a building-permit system.

## **13 Building Inspections in First Nations**

Typically, up to six inspections are carried out under NISI. Communities implementing a building-permit process may want to adopt this process.

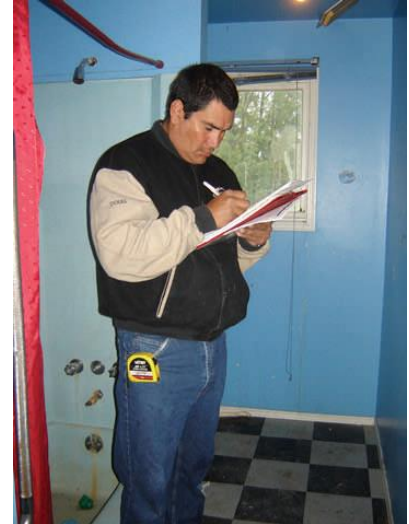
1. Site inspection
2. Ready for backfill
3. Framing
4. Ready for drywall
5. Final
6. Progress advance inspection (any time during construction period)

In addition, other agencies and authorities are relied upon to ensure equipment and systems are safe and acceptable, such as electrical authority or master electricians for electrical installations, and Health Canada environmental-health officers for private sewage-disposal systems. Certificates from these authorities must be produced before final advance of funds.

Off reserve, provincial building codes require several mandatory inspections during construction to ensure all work is done according to the permit drawings and the provincial building code.

The following is a list of items that must be inspected for a typical residential unit. It is important to point out that several items may be inspected during one inspection visit/stage. The number of inspection stages can vary:

1. Prior to backfill of storm and sanitary sewers or water services.
2. Prior to pouring concrete for footings (forms in place).
3. Prior to backfill of foundations.
4. Prior to covering plumbing rough-in (including water systems).
5. Prior to covering duct work for heating, ventilation, air-conditioning and air-contaminant removal systems (HVAC systems).
6. Completion of structural framing.
7. Prior to covering in insulation and vapour barriers for all walls and ceilings of finished areas.
8. Completion of interior finishes and HVAC equipment installation and all fire-protection systems.
9. After all plumbing fixtures are in place (final air test).
10. Final inspection - completion of project.



In some jurisdictions, eight inspections are required. For example, in Ontario, the following inspections must take place:

1. Excavation/footings, before footings are poured.
2. Foundation, prior to backfilling.
3. Framing
4. Mechanical
  - a. Duct work and pipes for heating and air-conditioning system
  - b. Underground plumbing (test on)
  - c. Rough-in plumbing (test on)
5. Insulation/vapour barriers/fire protection
6. Fireplace/wood stove
7. Occupancy inspection, including plumbing smoke test.
8. Final exterior

For sewage systems, the following inspections are conducted:

- a. Readiness to construct sewage system (base cut)
- b. Final inspection of sewage system prior to backfill

In Alberta, the City of Calgary requires the following types of inspections<sup>7</sup>:

#### **Pre-Backfill Phase**

This phase of construction includes the following inspection types:

- Building footing and foundation
- Electrical underground
- Plumbing, sanitary and storm

#### **Pre-Board Phase**

(You must pass all inspections in the previous phase to continue to this phase.)

This phase of construction includes the following inspection types:

- Framing
- Basement developments (as required)
- Wood-burning stove or fireplace (as required)
- Gas rough-in
- Gas fireplace (as required)
- Plumbing rough-in
- Electrical rough-in
- HVAC rough-in

#### **Pre-Possession Phase**

(You must have passed all inspections in the previous phase to continue to this phase.)

This phase of construction includes the following inspection types:

- Building final

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<sup>7</sup> For more information see: The City of Calgary Development and Building Approvals, Building Regulation Division SCO Handbook, New Home Inspection Process. BR2005-71-4.2 August 30, 2007  
[http://www.calgary.ca/DocGallery/BU/dba/building/new\\_home\\_inspection\\_process.pdf](http://www.calgary.ca/DocGallery/BU/dba/building/new_home_inspection_process.pdf)

- Plumbing final
- Gas final
- Electrical final
- HVAC final

The City of Calgary may also provide other types of inspections, as required.

While inspection processes may vary, they incorporate all the essential components of an inspection under the building codes. Band by-laws should clearly state the types of inspections required.

### **Conducting Inspections**

To carry out an inspection, the contractor or home owner must contact the building department to request an inspector at least 24 hours before work proceeds from one inspection stage to the next. For rural and remote communities where access is difficult or by air or water, this lead time may be one week or more. When the building permit is issued, a list of required inspections should be provided. If inspections are not performed, the contractor may have to uncover and expose the work for inspections.

Band by-laws need to clearly state how the community plans to enforce the by-laws where code infractions are found. In this particular case, it is important to consult with the By-Law Advisory Group of the Band Governance and Indian Estates Directorate of the Department of Indian and Northern Affairs. As part of the development of by-laws, the community may want to provide the inspector with the power to issue various types of orders, such as stop-work orders and an order to comply. Samples of these orders can be found in [Appendix G](#).

All inspections should be completed by a qualified inspector who has been certified to carry out such inspections. For example, the inspector may be a member of FNNBOA and certified to carry out specific inspections.

Upon completion of the final inspections, and where no outstanding concerns remain, the building department will issue an occupancy permit or certificate.

Where the construction is semi-detached or row housing, additional inspections are required relating to fire separations between dwelling units. FNNBOA can provide further advice regarding mandatory inspections.

## 14 Teleinspections

FNNBOA has developed teleinspections for First Nations communities that do not have access to building inspectors. In short, under teleinspections, builders are to provide photographs and other information electronically for review by a certified First Nations Building Officer in another part of Canada. These images are reviewed to ensure that stage of construction meets building-code requirements. Other information, such as a completed checklist must also be provided. For more information on teleinspections, visit: <http://www.fnnboa.ca/teleinspections/>



*Figure 9 - Teleinspections allow communities that do not have access to building inspectors to have their buildings inspected remotely*

## 15 Occupancy Fees/Rent

Collecting an occupancy fee or rent is a vital source of revenue for many communities. These fees can help support the long-term viability of housing.

In 2010, Lennox Island First Nations decided to tackle this problem head-on by creating a new housing policy that would ensure all members have access to adequate housing in a fair and structured manner. The Council developed a series of housing policies that included focusing on best practices adopted by other First Nations communities. The Council also consulted with the community to explain why they needed to collect rent. The Council's argument was that rent was important to generate additional revenues to fix the homes where community members lived. The collection of rent also encouraged the membership to take ownership of the problem and to play an active role in finding a solution. To implement rent, the Council hired a rental officer to oversee the Council's rental program and administer its housing portfolio. The Council has also tightened eligibility criteria for tenants, including the addition of credit checks and an affordability analysis. This is intended to help determine whether prospective tenants are in a financial position to pay their rent on a consistent basis<sup>8</sup>.



<sup>8</sup> See. Lennox Island First Nations: Tackling Rent Collection and Other Community Challenges Head-on. [https://www.cmhc-schl.gc.ca/en/ab/finasust/upload/LennoxIsland\\_67916\\_W\\_ACC.pdf](https://www.cmhc-schl.gc.ca/en/ab/finasust/upload/LennoxIsland_67916_W_ACC.pdf)

## Further information

CMHC (<https://www.cmhc-schl.gc.ca/en/ab/finasust/>) has provided a series of stories to show how First Nations are improving their living conditions for their members.

### [Mutual Accountability Helps Housing Office Collect Rent and Puts Community Members in Good Financial Standing — Atikameksheng Anishnawbek First Nation](#)

Clear policies on rent payments lead to renewed relationships between the First Nation and tenants, and greatly improved rent collection.

### [A New Hire Pays off : Innovative Staff Position Bridges Gaps and Improves Rent Collection — Penticton Indian Band](#)

Coordinating information flow between departments helps this First Nation with rent collection.

### [Elders Teach New Tricks: New Direction for Housing Begins with Seniors — Pic River First Nation](#)

The mindset in the community started to change when elders began paying rent for housing.

### [Getting to Know Members and Adopting a Team Approach at the Heart of Success — Sumas First Nation](#)

Through open communication, a fair plan to deal with unpaid rent wins the support of Chief, Council, and community.

### [Tackling Rent Collection and Other Community Challenges Head-on](#)

Lennox Island First Nation created a new Housing Policy that would ensure all members have access to adequate housing in a fair and structured manner.

# 16 Contact Information

## 16.1 Inspections

- [www.fnnboa.ca](http://www.fnnboa.ca)

## 16.2 Housing

- [www.cmhc.ca](http://www.cmhc.ca)
- <http://www.aadnc-aandc.gc.ca>



# Appendix A: Overview of communities with building by-laws or permits

## Kamloops Indian Band

In Kamloops, an individual wanting to build a residential home, must submit three stamped architect plans to the planning department. These plans are sent to the City of Kamloops Fire Department and Health Department and the Band's engineer for approval. Once the planning department received the signed copies, a building permit is issued. The fees for a permit are based on a percent on the cost of the construction. For example, if an individual was to build a house at a value of \$100,000. The cost of the building permit would be \$5,194.00. The individual would also be required to pay additional fees for plumbing. Appendix A provides a copy of the fee structure. The individual must also obtain a certificate of possession or a registered lease. The onus is on the individual to provide inspection reports as Kamloops does not inspect the homes because of liability issues. Once the planning department receives a final inspection report, they will issue an Occupancy Certificate.

Kamloops Indian Band passed a by-law to regulate the construction, alteration, repair, moving or demolition of buildings and structures. These by laws focus on the following areas:

1. A series of prohibitions relating to building or occupying a place without a permit
2. Duties and responsibilities of the person building or occupying the home
3. Duties and responsibilities of the building inspector
4. Powers of the building inspector, including stop-work orders
5. Use of building permits, including fees
6. Appealing the decision of building inspector
7. Relocation of buildings
8. Demolition of any building and required permits
9. Other requirements that focus on nuisance weeds, disposal of debris, site drainage and grades, parking and screening for commercial buildings, maintenance of construction sites, retaining walls, prefabrication of homes, swimming pools, use of canopies and awnings, the role of certified professionals, and fees.

A copy of these by laws can be found in Appendix B. They also have by laws on occupancy and standards that regulate the upkeep of homes. These two by laws can be found in Appendix C.

## Westbank First Nations

The Westbank First Nations (WFN) on the Okanagan Lake, adjacent to the City of Kelowna in British Columbia has also implemented one of the most comprehensive set of community

bylaws governing the development and regulation of housing on reserve<sup>9</sup>. Westbank first introduced a bylaw to ensure homes are built to British Columbia's building code in 1979. Since then, the community continuously updates their building by laws. The WFN building bylaw is very similar to those implemented by Kamloops Indian Band. For that matter, these two communities have worked together exchanging information on housing policies and bylaws.

To build a residential home in WFN communities, the individuals must complete a building permit application. The application fee is based on the value of the home. The site plans, architectural and structural drawings, and heating, ventilation, Air conditioning (HVAC) drawings and calculations. These plans are approved by a home inspector working for the band. The Band does not sign off on the plans. Once these are approved, the building permit is issued. The home inspector also provides the required six inspections to ensure compliance under the British Columbia building code. The Band provides no inspections services, but is planning to hire one in the immediate future.

## Prince Albert Grand Council

Prince Albert Grand Council (PAGC) provides technical and housing services to 12 different bands. For an individual to build a private home the process is simple. The individual would enter into a contract with PAGC to provide inspection services. Housing plans are submitted and approved by the engineering department and a site plan provided. The inspectors provide 4 inspections based on housing policies and compliance with the Saskatchewan's building code. However, they have no authority to enforce the code. No permits are issued.

## Remote Access Communities

In consultation with several inspectors serving and working in the remote access communities, they pointed out that the building process is very informal. In many cases, plans are not approved. The approach to building a house is very "family orientated" and everyone tries to build near each other. Where possible the tribal/band councils try to review the plans if they are submitted and provide the four basic inspections (e.g., site, foundation, installation and final), but in many cases, the site inspection is not provided because of the inspector cannot get into the communities in time. The costs for inspections are also very expensive because they must fly into these communities. The challenges for these remote communities are the human and financial resources to review plans and conduct inspections. Another challenge for the construction of homes is that many of the Tribal/Band Councils insist on operating the planning process in a fashion that is geared towards their "political" orientation for allocating the building of homes rather than an approval system based on any transparent process.

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<sup>9</sup> Westbank First Nation governance and housing by laws were featured in the First Nations National Building Officers Association publication called ["Building Better", Volume 3, Number 2, Fall 2006](#).

# Appendix B: Sample – Kamloops Indian Band building by-laws

## KAMLOOPS INDIAN BAND BYLAW NO. 1995-05

This is a consolidated by-law prepared by the Kamloops Indian Band for convenience only. The Band does not warrant that the information contained in this consolidation is current. It is the responsibility of the person using this consolidation to ensure that it accurately reflects current by-law provisions

### **A BY-LAW TO REGULATE THE CONSTRUCTION, ALTERATION, REPAIR, MOVING OR DEMOLITION OF BUILDINGS AND STRUCTURES**

**WHEREAS** Section 81 of the *Indian Act* empowers the Council of a band to make by-laws respecting the regulation of the construction, repair and use of buildings and make by-laws with respect to any matter arising out of or ancillary to the exercise of powers under Section 81 and the imposition of a penalty for the violation thereof;

**AND WHEREAS** it is deemed necessary for the health, safety and protection of persons and property to regulate the construction, alteration, repair or demolition of buildings and structures and regulate the installation, alteration, or repair of plumbing (including septic tanks and sewer connections) and the installation of electrical wiring, fixtures and services;

**NOW THEREFORE** the Chief and Council of the Kamloops Indian Band in open meeting assembled, enacts as follows:

1. This By-law may be cited for all purposes as the Kamloops Indian Band Building Regulations By-law No. 1995-05.
2. Kamloops Indian Band Building Regulations By-law No. 1995-05 and Kamloops Indian Band Waterworks Mt. Paul Industrial Park By-law 1995-004.

#### DIVISION ONE - PREAMBLE

##### 100 Short Title

This by-law may be cited as the "Building By-law" of the Kamloops Indian Band.

##### 101 Purposes

The purpose of this by-law is to promote the health, safety and protection of persons and property and, subject to the Health Act and the Fire Services Act,

to:

1. regulate the construction, alteration, repair, demolition, relocation or removal of buildings and structures; and
2. regulate the installation, alteration or repair of plumbing, heating and air conditioning, including appurtenant fittings, appliances and accessories.

#### 102 Metric Units

Metric units are used for all measurements in this by-law. The approximate equivalent of those units in commonly used units of Canada measure (feet, inches, etc.) are shown in brackets following each metric measurement and such bracketed figures are included for convenience only and do not form part of this by-law.

#### 103 Application

This by-law shall apply to:

1. the design and construction of a building when a building, or part thereof, is constructed on site or is assembled or placed on-site as a factory-built unit or component;
2. the work involved in the demolition when the whole or any part of a building is demolished or removed;
3. all parts of the building when the whole or any part of a building is moved;
4. any alteration and to any part of a building affected by alterations to an extent which, in the opinion of the Building Inspector reduces the levels of public health and safety below the levels existing prior to the alteration;
5. all parts of the building affected by the change of use when occupancy and or use of a building is changed;
6. all such replacements and alterations when materials and equipment regulated are replaced or altered in a building;
7. any part remaining when a building is damaged or destroyed to the extent of seventy-five (75) percent or more of its value above its foundations as determined by the Building Inspector;
8. site grading and/or asphalt or other permanent surfacing, which will affect the drainage characteristics of the site;

9. the construction, installation, relocation or alteration of swimming pools, together with all ancillary equipment, services and attachments normally employed in the use of a swimming pools, and to the construction of fences surrounding such swimming pools;
10. the design and installation of the entire system when a plumbing system is installed, repaired, renovated or altered:
11. the design and repair of the entire plumbing system where a condition exists that is, or may become dangerous or injurious to health, except where the portion of the system affected is completely independent from any other part of the system;
12. the design and installation of on-site roads and underground utilities for commercial, multi-family or strata developments; and
13. the design, construction, or installation of solid fuel burning fireplaces, chimneys and equipment.

104 Other Enactments

Where any Provincial or Federal Act or Regulation or any other Kamloops Indian Band By-law may apply to any matter covered by this By-law, compliance with this By-law shall not relieve the Owner or his agent from complying with Provisions of such other Act, Regulation or By-law.

105 Severability

If any provision of this by-law is found invalid, such provision is severable and shall not affect the validity of the by-law as a whole.

KAMLOOPS INDIAN BAND

BUILDING INSPECTION DIVISION

CLIMATIC DATA

Effective \_\_\_\_\_

Climatic data for the design of buildings in the City of Kamloops shall be deemed to be as follows:

This information is included for convenience only and without prejudice.

1. January 2 1/2% design temp.: -25<sup>0</sup>C
2. January 1 % of design temp.: -28<sup>0</sup>C
3. July 2 1/2% design drybulb temp.: 34<sup>0</sup>C
4. July 2 112% design wetbulb temp.: 20<sup>0</sup>c
5. Annual total degree days below 18<sup>0</sup>C: 3,650
6. Maximum 15 min. rainfall: 13 mm
7. Maximum one day rainfall: 57 mm
8. Annual precipitation: 252 mm
9. Hourly wind pressures
  - 1/10 0.30 kPa
  - 1/30 0.37 kPa
  - 1/100 0.45 kPa
10. Seismic DATA
  - Z<sub>A</sub> 1
  - Z<sub>V</sub> 1
11. Zonal velocity ration
  - v 0.05
12. Ground snow load
  - S<sub>S</sub> '2.4 kPa
  - Mt. Dufferin and South of Trans Canada Highway except Valleyview and Dallas
  - S<sub>S</sub>1.8 kPa
  - Valleyview, Dallas and North of Trans Canada Highway
  - S<sub>R</sub> 0.2

Where a building or structure member can be expected to be subject to loads, forces or other effects, such effects shall be taken into account in the design based on the most appropriate information available.

## **DIVISION TWO – DEFINITIONS**

All words and phrases shall have their normal or common meaning except where this is changed, modified, or expanded by the definitions set forth in this Division, or Part 1 of the British Columbia Building Code.

**"Agent"** means a person, firm or corporation representing the owner, by designation or contract, and includes a hired tradesman or contractor.

**"Approved"** mean approved in writing.

**"Building Code"** means the current edition of the British Columbia Building Code as amended, added to or varied by regulation made under Section 740 of the Municipal Act.

**"Building Inspector"** means the person appointed from time to time by the Kamloops Indian Band as the Building Inspections Manager in accordance with the provisions of the Duties-and Responsibilities By-law, as amended from time to time, and included his duly appointed representatives.

**"Band"** means the Kamloops Indian Band.

**"Band Engineer"** means the person appointed as such from time to time by the Kamloops Indian Band and any person delegated to assist him in carrying out his duties under this by-law.

**"Commissioning into Service"** means authorization by the Band Engineer that the sewer system within the applicable Local Improvement Area is substantially completed and can be used for the purpose intended.

**"Construction"** means any erection, repair, alteration, enlargement, addition, installation, demolition, removal or excavation

**"Chief and Council"** means the Chief and Council of the Kamloops Indian Band.

**"Director of Public Services and Operations"** means the person so appointed from time to time by the Kamloops Indian Band in accordance with the provisions of the Duties and Responsibilities By-law, as amended from time to time, and includes his duly appointed representative.

**"Enactment"** means any applicable by-law of the Band, or Federal Statute.

**"Flood Plain"** means a parcel of land or portion of any parcel of land lying at an elevation equal to or less than the Flood Construction Level as established by the Ministry of Environment of the Province of British Columbia.

**"Local Improvement Area"** means the area shown on the plan as Kamloops Indian Reserve # 1

**"Owner"** means any person, firm or corporation controlling the property under consideration.

**"Permit"** means a permit required or issued pursuant to this by-law and without restricting the generality of the foregoing, includes a Building Permit, Plumbing Permit, Demolition Permit, Solid Fuel Appliance Permit, Building Moving Permit, Swimming Pool and Fireplace Permit.

**"Person"** means in addition to its ordinary meaning, a partnership, association, company, society and body corporate.

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

**"Swimming Pool"** means any structure or construction, intended primarily for recreation, that is, or is capable of being filled with water to a depth of 600 mm (2 ft.) or greater.

**"Work"** means the same as "construction" defined in Section 205.

**"Reserve #1"** means the Kamloops Indian Band Reserve #1, being those lands, the title of which is vested in the Crown in the Right of Canada, which are or have been set aside for the use and benefit of the Kamloops Indian Band and which have not been unconditionally surrendered.

### **DIVISION THREE – PROHIBITIONS**

300 No person shall, unless exempted by this by-law or any enactment;

1. commence construction or continue to construct a building or construction or any project for which a permit is required without first obtaining a permit for that purpose from the Building Inspection Division;
2. continue to construct a building or any portion thereof, where the Building Inspector has ordered cessation of the construction or the suspension of any part of the construction;
3. perform any work that is at variance with the description, plans and specifications for the building, structure or work for which a permit has been issued, without first having obtained approval in writing from the Building Inspector to do so;
4. occupy or allow the occupancy of any building, or part thereof, after construction of such building or part thereof, without first obtaining an Occupancy Certificate for such building;



5. excavate or undertake work on, over or under public property or store any materials thereon without approval having first been obtained from the Director of Public Services and Operations;
6. fail to comply with any order or notice issued by the Building Inspector; or
7. excavate or fill any building site in the absence of a valid permit.

301 No person having authority in the construction, reconstruction, demolition, alteration, removal, relocation, or occupancy of a building shall cause, allow, or maintain any unsafe condition.

302 No person shall interfere with or obstruct the entry of the Building Inspector acting in the administration or enforcement of this by-law.

#### **DIVISION FOUR - AUTHORITY OF BUILDING INSPECTOR**

400 The Building Inspector is empowered to:

1. enforce and administer the provisions of this by-law; and
2. enter any building or property at any reasonable time for the purpose of administering or enforcing this or any other Band by-law.

401 The Building Inspector is empowered to order:

1. a person who contravenes this by-law to comply with the by-law in a specified time period;
2. the removal of any unauthorized encroachment on public property;
3. the removal of any building or part thereof constructed in contravention of this by-law;
4. the termination of any occupancy, in contravention of this by-law; and
5. the termination of any occupancy if an unsafe condition is deemed to exist because of work undertaken or not completed.

402 The Building Inspector is empowered when in his opinion any building, construction, excavation or part thereof is in an unsafe condition as a result of being open or unguarded, or because of danger of fire or risk of accident, and when due notice to correct such condition has not been complied with, to make safe such condition at the expense of the owner.

403 The Building Inspector, at his discretion, when immediate measures must be taken to correct an imminent danger of fire or risk of accident, is empowered to take appropriate action, without notice and at the expense of the owner.

404 Any and all expenses incurred by the Band resulting from works undertaken under Section 402 or 403 shall be payable forthwith by the owner, and if not previously paid before December 31 of the calendar year, may be added to that year's property taxes.

405 The Building Inspector, at his discretion, before issuing an Occupancy Certificate, may require the owner to provide certification that the requirements of this by-law and other applicable by-laws have been complied with.

406 The Building Inspector is empowered in instances where a building permit is applied for, on land having no access to a Band approved water supply system, to require as a condition of issuance of a building permit that a covenant be registered against the property in the form of Schedule " B " which is attached to and forms part of this by-law.

407 The Building Inspector may direct the immediate suspension or correction of all or any portion of the work on any building, by attaching a notice to that effect on such premises, when ever it is found by him that such work is not being performed in accordance with the provisions of the Building Code or any relevant by-laws of the Band. Such notice shall remain posted on the premises until all work that is not being performed in accordance with the Building Code or this or any other by-law has been remedied to the satisfaction of the Building Inspector. No work, other than the required remedial measures, shall be carried out on the portion of the work affected by the Stop Work Notice until such notice has been removed, and such notice shall only be removed by the Building Inspector in writing.

408 The Building Inspector may require any owner to submit an up-to-date plan of survey by a registered British Columbia Surveyor which shall contain sufficient information regarding the site and the location of and building to;

1. establish prior to construction that requirements of this By-law and any other applicable by-law will be complied with, and
2. verify at the earliest practicable time after work is in place that all such requirements have been complied with.

409 The Building Inspector may require any plans and/or specifications submitted to bear the seal and signature of a member of the Architectural Institute of British Columbia or the Association of Professional Engineers of British Columbia before it is accepted, if in his opinion;

1. The site condition, soil types, contours or drainage requires special foundations design, or
2. The proposed building or structure is not standard construction, or
3. The proposed building or structure is valued at \$25,000.00 or more, or
4. The proposed building or structure is of a category requiring professional design.

The Building Inspector may further require that all phases of the construction are reviewed, inspected and certified on completion by the Architect or Engineer over his official seal and signature

410 The Building Inspector may issue at the risk of the owner, a Permit for the construction of a phase of a building or complex prior to all required plans and specifications for the whole building or complex having been submitted or approved, provided:

1. plans and specifications for the phase in question have been submitted in sufficient detail to satisfy the Building Inspector that the work to be done will comply with all requirements of the Building Code and of this or any other related by-law.
2. adequate information and detailed statements have been filed to the extent that the Building Inspector is satisfied the remainder of the building or complex will comply with all pertinent bylaws.

The requirements of this By-law apply to the remainder of the building or complex, as if the permit had been issued for the entire structure.

411 The Building Inspector may refuse to issue a permit:

1. when in his opinion, information submitted is inadequate to ensure compliance with this or any applicable by-law,
2. when incorrect information is submitted,
3. that would be prohibited by any other by-law, act or regulation,
4. when site work has been carried out previous to issuance of a permit, including but not limited to, excavation or fill.

412 The Building Inspector may revoke a permit:

1. if there is contravention of any condition under which the permit was issued,
2. that was issued in error,
3. that was issued on the basis of incorrect information,
4. for violation, of any provision of the Building Code.

The revocation shall be in writing and transmitted to the permit holder by registered mail

413 The Building Inspector may, for the purpose of determining permit fees, place a value on the work to be carried out, where no cost estimate is available, or he is not satisfied with the value submitted with the permit application.

414 The Building Inspector may issue, in the case of single or two-family dwellings only, where weather conditions have prevented the completion of exterior work, a temporary occupancy permit, provided that:

1. interior of building is complete
2. utility services are complete:

3. sufficient proof has been provided that remaining work will be completed by a specified date;
4. no unsafe conditions exist;

415 The Building Inspector in order to prevent unnecessary delay may, prior to issuing a permit, grant permission, subject to such conditions as seem to him prudent, for an owner to excavate or fill on a proposed building site.

416 The Building Inspector, prior to issuing a permit, or during the course of construction, is empowered to impose such conditions as he deems reasonable to protect neighbouring property.

#### **DIVISION FIVE - DUTIES AND RESPONSIBILITIES OF THE OWNER**

500 It is the owner's responsibility, prior to Before Construction commencing construction to:

1. investigate the status of the proposed building site and ensure that any concerns relating to flooding, drainage, soil stability or other potential hazards are addressed and resolved to the satisfaction of the Building Inspector;
2. obtain a State of Title Certificate from the Indian Land Registry Office to determine whether there are encumbrances, i.e.easements, covenants, etc. which may affect the proposed construction;
3. investigate the availability, location and Utilities capacity of utility services to determine whether the proposed development can be accommodated and arrange the plumbing to suit the location of the connections provided for the lot in a manner satisfactory to the Building Inspector; and
4. obtain from the Band, or other authority Obtain Permits having jurisdiction where applicable, all necessary permits and any other approvals required in connection with the proposed work.

501 The owner shall, during construction:

1. permit the Building Inspector to enter the building or premises at any reasonable time for the purpose of administering and enforcing this or any other Band by-law;
2. ensure that no work on any part of the building or structure continues beyond the inspection stages outlined in Section 502 without first obtaining the appropriate inspection or the written approval of the Building Inspector depending upon the circumstances;
3.
  - (a) keep posted in a conspicuous place on the property in respect of which the permit was issued, a copy of the permit or the placard provided by the Building Inspection Division showing the material facts in the permit; and
  - (b) ensure that plans and specifications on which the permit is based are continuously available at the work site during working hours.

502 The owner shall give a minimum of one working day's notice to the Building Inspector:

1. of intent to do work that has been ordered inspected during construction;
2. of intent to cover work that has been ordered to be inspected prior to covering;
3. when work has been completed so that a final inspection can be made;
4. and, while not limiting the generality of the foregoing, at the following stages of construction:
  - (a) when excavation and footing forms are complete, including placement of required reinforcing, but prior to placing of any concrete;
  - (b) when foundation concrete, damp-proofing, water-proofing and perimeter drains are Complete, but prior to any backfill being placed;
  - (c) when all pipes, joints and fittings connecting the building or structure to the sewer connection or private disposal system and the water supply have been completed but prior to any backfill being placed;
  - (d) when all structural components are in place but uncovered including windows, concrete, structural iron, stairs, duct work, rough plumbing, wiring and gas venting;
  - (e) when insulation and vapor barrier are complete but prior to placement of any finish thereon;
  - (f) when such tests as may be required by the Plumbing Code or this by-law are being carried out on a building drainage system;

- (g) when the building water supply system has been completed and is under normal operating pressure;
- (h) when all fixtures, devices, attachments and appurtenances of the building plumbing system are complete; and
- (i) when all work is complete but prior to occupancy.

503 The owner shall not continue building construction Work Foundation beyond the foundation stage until:

1. a level of fire protection acceptable to the Building Inspector has been provided for the construction phase: and
2. the owner has provided a current Certificate Surveyors Certificate of Location by a registered British Columbia Land Surveyor to certify that the building and/or addition under construction is located on the property in compliance with Band regulations. Notwithstanding the requirements of this subsection, where:
  - (a) the building or addition is located on a large parcel such that setback distances to the nearest property line are not a concern;
  - (b) the owner has provided sufficient information to satisfy the Building Inspector that no utility rights-of-way or other encumbrances are present which may affect the building site; and
  - (c) the owner has determined that a Certificate of Location is not required for mortgage or other legal purposes:

the Building Inspector may accept a Letter of Certification from the Land Surveyor in lieu of a Certificate of Location, or may waive the requirement entirely if satisfied that no certification is necessary.

504 The owner shall make or have made at its expense, tests or inspections necessary to prove compliance with this by-law and shall file copies of test results and inspection reports with the Building Inspector.

505 The owner when required by the Building Inspector, shall uncover and replace at its own expense any work that has been covered contrary to an order issued by the Building Inspector.

506 The owner shall ensure that all work is confined within the boundaries of the property on which the work is, or is to be located and does not adversely affect adjacent properties.

507

1. The owner is responsible for the cost to repair any damage to Band property that may occur as a result of undertaking work for which a permit was required under this by-law, and for the purpose of this clause:

(a) "Band Property" means all road allowances land and easements, with all works, utilities, structures and appurtenances therein or thereon; and

(b) "Damage" includes but is not limited to the placement, dropping or deposit of earth, debris, materials, objects or substances upon Band property, or surface scarring, cracking or breaking of pavement, curbing or sidewalks, or damage to utility systems within Band property.

2. It shall be the responsibility of the owner to observe the conditions of all Band properties adjacent to and surrounding the building site and report any existing damage to the Building inspector prior to commencing work. Any damage observed by the Building Inspector during the construction process or as part of the final inspection of the building will be assumed to have resulted from the subject building construction and therefore the owner's responsibility to resolve unless reported as outlined above.

3. In the event that damage which is the owner's responsibility is not resolved by the owner prior to issuance of the Certificate of Occupancy, or within such other time limit set by the Building Inspector, or the damage requires the involvement of Band work crews to resolved, the costs so incurred by the Band shall be paid by the owner. Any costs not previously paid before December 31 of the calendar year may be added to that year's property taxes.

508 The owner when required by the Building Certification Inspector, shall provide, in a form satisfactory to the Building Inspector, evidence to certify compliance with the requirements of this by-law and of any permits required.

509 The owner when a building or part thereof is in an unsafe condition, shall forthwith take all action necessary to put the building in a safe condition.



510 The owner shall:

- 1 prior to the occupancy of any building, or part of it, after completion of construction of the building, or part of it, including work required in connection with any change in classification of occupancy of any building, or part of it, obtain from the Building Inspector a Certificate of Occupancy;
- 2 prior to occupancy of the building, complete all site work including paving, curbing and landscaping, or post security with the Band or otherwise satisfy the Building Inspector that the work in question will be completed by a specified date in accordance with Band by-laws.

511 Neither the granting of a permit nor the approval of Work in Accordance the drawings and specifications nor inspections with By-laws made by the Building Inspector shall in any way relieve the owner of such building from full responsibility for carrying out the work or having the work carried out in accordance with the requirements of this by-law, and any other enactment,

512 Where, at the time of application for a building permit, works and services exist on the land to be developed or within that portion of a highway immediately adjacent to the land up to the highway centre line, and if such works and services do not meet the minimum standards established by Kamloops Indian Band Subdivision Control By-law, as amended from time to time, then as a condition of issuing a building permit, the landowner may be required to improve the substandard works and services to at least the minimum standards as required by Kamloops Indian Band Subdivision Control By-law, as amended from time to time.

## **DIVISION SIX - PERMITS**

600 A permit is required whenever work regulated by this by-law is to be undertaken.

601 To obtain a permit the applicant shall apply in writing on the form available from the Development Services Department, Building Inspection Division.

602 Sufficient information shall be filed with each application to clearly identify the property to be developed and to enable the Building Inspector to determine whether the

proposed work will conform to this by-law or other enactments. Where required by the Building Inspector, the applicant shall provide a current Certificate of Title for the subject property.

603 Site plans shall be drawn to scale and referenced to the current registered legal survey for the subject property and shall show:

1. by dimensions form property lines, the location of the proposed building, or buildings;
2. means of access and egress to service the property and a detailed parking layout;
3. the similarly dimensioned location of any other existing building or buildings on the site;
4. existing and finished ground levels to an established datum;
5. all easements and rights-of-way whether registered or not, and the location of natural water courses;
6. for other than single and two family dwellings, provision for garbage containers, proposed method of screening and a detailed landscape treatment for the site; and
7. such other information as the Building Inspector considers necessary to illustrate all essential features of the project.

604 The Building Inspector may require any plans and/or specifications submitted to bear the seal and signature of a member of the Architectural Institute of British Columbia or the Association of Professional Engineers of British Columbia before it is accepted, if in his opinion:

1. the site conditions, soil types, contours or drainage requires special foundation design; or
2. the proposed building or structure is not standard construction, or
3. the proposed building or structure is of a category requiring professional design.

The Building Inspector may further require the owner to provide proof that all phases of the construction will be supervised and inspected during construction and certified on completion by the Architect or Engineer over his official seal and signature. Such proof shall take the form of a Letter of Supervision in a format acceptable to the Building Inspector, sealed and signed by the Supervising Architect or Engineer, submitted prior to commencement of the project, and a similarly completed Letter of Certification upon completion of the project.

605 The Building Inspector may require any owner to submit an up-to date plan of survey by a registered British Columbia Land Surveyor which shall contain sufficient information regarding the site and the location of any building to:

1. establish prior to construction that requirements of this by-law and any other enactment will be complied with; and
2. verify at the earliest practicable time after work is in place that all such requirements have been complied with.

606 No permit shall be issued until:

1. off-site utilities to service the subject property are completed to the approval of the Band Engineer and Operations and/or all appropriate connection fees or other construction costs have been paid;
2. the prescribed permit fee as detailed in Schedule "A" attached to this by-law has been paid; and
3.
  - (a) where required, bonding or other security has been posted;
  - (b) security in the form of cash or an irrevocable letter of credit for landscaping has been provided prior to the issuance of a building permit for all uses other than single or two family dwellings; and
  - (c) security in the form of cash or an irrevocable letter of credit has been provided for site maintenance during building construction and site development as follows:
    - Single and two family building Permits \$2,000
    - Multiple family, commercial and industrial building permits \$5,000
4. Notwithstanding the provisions of this by-law, no person shall be required to pay a permit fee when applying for the issuance of a plumbing permit for a lot that exists within a sanitary sewer Local Improvement Area as defined in this by-law, providing the application for a plumbing permit is made within two (2) years from the date of the commissioning into service of a sanitary sewer system in a Local Improvement Area.

607 In instances where sanitary sewer is not available, no permit will be issued until the Building Inspector is provided with written verification that the proposed sewage disposal system is approved by the Occupational & Environmental Health Service or other authority charged with enforcement of prevailing sanitary regulations,

608 The Building Inspector may issue a permit when, to the best of his knowledge, the conditions set forth in this or any other applicable by-law have been met.

609 The Building Inspector may issue at the risk of the owner, a permit for the construction of a phase of a building or complex prior to all required plans and specifications for the whole building or complex having been submitted or approved, provided:

1. plans and specifications for the phrase in question have been submitted in sufficient detail to satisfy the Building Inspector that the work to be done will comply with all requirements of the Building Code, Building and Zoning By-laws and any other related enactment; and
2. adequate information and detailed statements have been filed to the extent that the Building Inspector is satisfied the remainder of the building or complex will comply with all pertinent by-laws.

The issuance of the permit notwithstanding, the requirements of this by-law apply to the remainder of the building or complex, as if the permit had not been issued.

610 No permit shall be issued or the erection of an accessory building or structure on any lot, unless the principal building to which the accessory building or structure is an incidental use, has been erected, or will be erected simultaneously with said accessory building or structure.

611 Notwithstanding the provisions of this division, accessory buildings in single and two family residential zones which do not exceed 10 m<sup>2</sup> (108 sq. ft.) in building area, used for storage purposes only, may be placed or constructed without building inspections provided they do not create a hazard. A siting permit shall be required to ensure that the building is sited in accordance with the Kamloops Indian Band Zoning By-law and any other applicable regulation. The permit fee shall be in accordance with Schedule "A" attached to and forming part of this by-law.

612 hundred and eighty (180) days of the issuance of a building permit, and must be completed to final inspection stage within two (2) years or the permit shall be deemed to be invalid. The Building Inspector may grant a renewal permit for a further one (1) year period if he is satisfied the construction is progressing in accordance with the approved plans at a

reasonable rate of progress. A permit renewal fee shall be levied in accordance with Schedule "A" attached to and forming part of this by-law.

613 The Building Inspector may refuse to issue a permit if:

1. the information submitted is inadequate to determine compliance with, or is contrary to the provisions of this by-law or any enactment;
2. the information submitted is incorrect; or
3. issuance is prohibited by or is contrary to a provision of this by-law or any enactment.

614 The Building Inspector may revoke a permit where:

1. there is a contravention of any term or condition under which the permit was issued;
2. there is a contravention of any provision of the Building Code or other applicable enactment; or
3. the permit was issued on the basis of incorrect information supplied by the applicant.

The permit holder shall be notified in writing of the revocation.

615 The Building Inspector may, follow a request for occupancy, issue a Certificate of Occupancy if satisfied that the building or structure so inspected complies in all respects with the provisions of this by-law.

## **DIVISION SEVEN – PLUMBING**

700 Application for a permit shall be in writing on the form available from the Director of Public Services and Operations Department, Building Inspection Division, and shall:

1. be signed by the owner or his agent;
2. state the number of fixtures to be installed in the building;
3. state the length of building sewer, building storm sewer and water service pipe;
4. include specifications and suitable drawings made to a scale of not less than 1:100, for the plumbing system with respect to multi-family, institutional, commercial and industrial buildings showing:
  - (a) site services, size and location of pipes;
  - (b) site drainage, size and location of pipes, catch basins and dry wells;
  - (c) total fixture load on sanitary sewer and water supply systems;
  - (d) sanitary riser diagram complete with fixture loads at the base of stacks; and
  - (e) rain water leaders, size of pipe and area of roof drained;
5. contain any and all other information necessary to establish compliance with this by-law; and
6. include mechanical drawings designed by a Professional Engineer registered in the Province of British Columbia, for institutional buildings, buildings over three stories in height, and buildings with complex plumbing systems as determined by the Building Inspector.

701 Every applicant for a plumbing permit must be capable of qualifying under one of the following categories:

1. the registered owner, who is actually living in or intends to live in a single family dwelling being a detached residential building designed to be used exclusively as a residence for one family, may make an application for a plumbing permit to carry out work within such single family dwelling The registered owner must show to the satisfaction of the Building Inspector, that he is capable of designing and carrying out the proposed work; or
2. an individual or firm, holding a valid certificate or proficiency and licenced to carry on the trade of plumbing within Reserve #1 lands.

702 Any licensed general contractor or licensed pipe laying contractor shall be considered qualified to lay building connections from the building to connect with the Kamloops Indian Band utility systems.

703 No permit shall be required for the repair of leaks in water pipes or the replacing of plumbing fixtures provided that such fixtures and the installation thereof conforms with all other requirements of this by-law and the British Columbia Plumbing Code. In addition, no permit shall be required for the removal *of* stoppages in drains provided that clean-outs are utilized for such purpose and it is not necessary to cut any sewer or drain pipe.

704 There shall be a separate connection to the Band sanitary sewer system for each separate parcel of land within the reserve #1 connected to such sewer system.

705 Except where specifically required by the Band and where a legal right-of-way has been obtained and such plans are approved by the Public Services and Operations Branch, no plumbing system, drainage system, house sewer, private sewage disposal system or parts thereof, shall be located in any lot other than the property which is the site of the building, structure, or premises serviced by such facilities.

706

1. No sewage or effluent from a building or structure shall pass through any septic tank or rock pit before entering the Band sanitary or storm sewer system.
2. For the purposes of this Section, "sewage" shall mean any liquid waste containing animal, vegetable or mineral matter in suspension or solution. No person shall use any sanitary sewer in an improper manner, by placing or allowing any substance other than sewage to enter the sanitary sewer through any opening, trap, or fitting connected therewith or by placing or allowing any substance or article which by its nature is incapable of dissolving readily in water, to enter such sanitary sewer.

707 Where a building is demolished or removed from its site the Public Services and Operations Branch shall determine the extent of work and the costs involved to seal, remove or leave in place the sanitary, storm sewer and water service connections. Any work required shall be carried out by Band work crews at the owner's expense.

708 Water service lines shall be installed at a minimum depth of 1.5m (4.9 ft.).

## **DIVISION EIGHT - SWIMMING POOLS**

800 No person shall commence or continue any work related to the installation, construction and alteration of a swimming pool or related ancillary equipment unless a valid permit has been issued by the Band.

801 Every applicant for a permit shall be accompanied Application Information by the following material in duplicate:

1. a plot plan showing the location of the proposed swimming pool and ancillary buildings relative to lot boundaries, existing buildings and structures, existing and proposed fences, and retaining walls;
2. plans and sections adequately describing construction of the proposed swimming pool and ancillary equipment including all water supply piping, waste piping and appurtenances;
3. details of water supply and method of disposal of waste water from backwashing and draining of the swimming pool;
4. proposed fence construction in sufficient detail to show compliance with the requirements of this by-law; and
5. such other additional information as may be required by the Building Inspector.

802 The provisions of Section 604 of this by-law apply to applications under this section.

803 No pool designed to be supplied with water direct from the domestic water supply shall have any water inlet thereto below the flood level of the pool unless protected by an approved vacuum breaker.

804 There shall be no direct connection between any domestic water supply line and any circulating pump, filter or other apparatus or device that comes in contact with the water in or from the pool. Re-circulating systems shall take the water supply to the pool from an open surge tank or other system approved by the Building Inspector. The supply to the surge tank shall be above the flood level of the tank in such manner as to prevent water from the tank from entering the supply line.



805 Every pool shall be capable of being drained. When a storm drain outlet of adequate capacity is available for use, swimming pool waste water shall be discharged there into, subject to the approval of the Public Services and Operations Branch.

806 No direct connection shall be made between any storm drain, sewer or any other drainage system and any line connected to a swimming pool.

807 Every below grade pool shall be surrounded by a non-slip walkway, designed so that surface water shall drain away from the pool.

808 In the case of a pool whose installation utilizes or includes auxiliary equipment such as, but not limited to, gas or electrical equipment, the Building Inspector may require evidence of approval of such authority as may have jurisdiction over such device or equipment.

809

1. Every swimming pool shall be totally enclosed by a fence, a building, or a requirement combination of fence and building.
2. Fences shall be not less than 1.5 m (4.9 ft.) high. The base of every fence shall be not more than 100 mm (4 in.) above ground or adjacent grade. In all other respects, fences shall conform to the requirements of the Kamloops Indian Band Zoning By-laws, as amended from time to time.
3. No horizontal or angled framing member shall be located on the outside of the fence between 200 mm (8 in.) and 1.0.m (3.3 ft.) above ground level or adjacent finished grade. Fences composed of vertical members shall have no openings of a size which will permit the passage of a spherical object having a diameter of 100mm (4 in.). Fences composed of angle members shall have no openings between adjacent members greater than 13 mm (1/2 in.) Notwithstanding the provisions of this subsection, standard chain link wire mesh may be acceptable provided that such fence meets the minimum height requirements indicated in subsection 809(2), the mesh size does not exceed 50 mm (2 in.) and the wire is not less than No. 11 gauge.
4. Access through required fences shall be by means of self-closing gates so designed as to cause the gates to become secured with self-latching devices located on the swimming pool

side of the fence and at a height of at least 1.0 m (3.3 ft.) above grade or on the outside of the fence at least 1.5 m (4.9ft.) above grade.

5. The swimming pool fence enclosure shall be completed in accordance with the approved plans and specifications. It shall be the owner's responsibility to ensure that the swimming pool area is maintained in a safe, secure condition during the construction period and until a permanent enclosure approved by the Building inspector is in place.

The owner shall give a minimum of one working day's notice to the Building Inspector requesting a final inspection when the pool is complete and the permanent fencing and gate(s) are in place.

810

1. Pools shall be located subject to the following minimum setback requirements:

- (a) 6.0 m(19.7 ft.) from front street line (measured to security fence);
- (b) 4.5 m(14.8 ft.) from side street line;
- (c) 1.0 m(3.3 ft.) from side or rear lot lines; and
- (d) 1.5 m (4.9 ft.) from principal building.

2. Pool equipment which is not housed in a building, nor is intended to be housed in a building, may be located subject to the same minimum setbacks as stated for pools in Section 810(1) hereto.

3. Pool equipment which is housed in a building, or is intended to be housed in a building, shall be subject to the same siting requirements as other accessory buildings.

4. No setbacks are required between pools, pool equipment and other accessory buildings or structures.

5. Walkways, decks, patios, or like structures which surround or abut a pool and do not exceed 0.6 m(2 ft.) above grade are not subject to setback requirements. When the structure exceed 0.6 m(2 ft.) in height, the setbacks as set out in subsections 810(1)(a), (b) and (c) apply and must be maintained.

## **DIVISION NINE - GENERAL REGULATIONS**

### 901. Relocation of Buildings

#### 1. No person shall:

- (a) move or cause to be moved any building or structure from one parcel to another without first obtaining a permit; or
- (b) relocate a residential building or part of it to another parcel of land within Band Lands unless it can be shown that the dwelling, once re-established on the new site, will have an assessed value not less than the average assessed values of all dwellings situated within 50 m (164 ft.) of the subject site.

#### 2. Every application for a permit to move a building shall:

- (a) identify the existing location of the building and the proposed location to which the building is to be moved;
- (b) provide written verification that the time, manner and route of the move have been approved by the Director of Public Services and Operations and the R.C.M.P. (Native Detachment) and the Ministry of Transportation and Highways when applicable; and
- (c) provide written verification by the appropriate utility authorities that all utility services have been disconnected and/or sealed as required.

3. Every application for a building relocation permit shall be accompanied by security in a form acceptable to the Building Inspector, and in an amount equal to the estimated cost of completing the building in its new location to occupancy stage. The amount so estimated shall be acceptable to the Building Inspector, but in no case shall the security be less than Five Thousand Dollars (\$5,000.00).

4. Should a building which has been relocated subject to the provisions of this Division not be completed to occupancy stage within one year from the date of issuance of the permit, the Building Inspector may send a written notice to the owner stating that the building does not comply with this by-law or other enactment and direct the owner to remedy the non-compliance within thirty (30) days from the date of service of the notice. If the non-compliance is not remedied within the period of thirty (30) days, the Building Inspector may draw upon the security on deposit and take whatever action is necessary to effect completion of the building and site.

### 902. Demolitions

- 1. The demolition of any building requires a permit prior to commencement of work.

2. Every person making application for a permit to demolish a building shall, as part of his application, provide the Building Inspector with satisfactory evidence that:

- (a) no unsafe condition will be created or permitted; and
- (b) all utility services to the building have been disconnected and all such disconnections have been approved by the appropriate authority.

3. Before issuing a permit to demolish any building, the Building Inspector may demand, as a condition of issuance that security be provided in a form satisfactory to the Building Inspector to ensure that the site of the demolition will be left in a safe, neat condition, free from debris or dust, and compatible with neighbouring properties. The amount of the security shall be equal to the estimated cost of site restoration and shall be equal to the estimated cost of site restoration and shall be acceptable to the Building Inspector. In the event that the site is not properly restored to a standard satisfactory to the Building Inspector, the Building Inspector may send written notice to the owner requiring that the site be properly restored within thirty (30) days from the date of service of the notice. If the restoration is not carried out within the period of thirty (30) days the Building Inspector may draw upon the security on deposit and take whatever action is necessary to effect restoration of the site.

4. Prior to issuing a permit to demolish any Conditions building, the Building Inspector may impose such conditions as seem to him reasonable to protect the public.

### 903. Temporary Building

1. The word "temporary", as used in this subsection, shall mean a period not exceeding one (1) year.

2. A person desiring to erect a temporary building, structure, or shelter shall make application for a permit, in writing, to the Building Inspector. The application shall be accompanied by:

- (a) the legal description and address of the property on which the temporary building is to be located;
- (b) a site plan to scale of the subject property showing all existing buildings and structures on-site and the-proposed location of the temporary building;
- (c) details of the construction of the temporary building as requested by the Building Inspector;
- (d) a statement of the intended use and duration of the use;

(e) where required by the Building Inspector, details of any screening, landscaping or other temporary treatment as may be appropriate and applicable;

(f) security in a form and amount satisfactory to the Building Inspector but in any event no less than Two Thousand Dollars (\$2,000.00) in value, to guarantee that the building will be removed from the site within the time limit indicated; and

(g) the permit fee in accordance with Schedule "A" attached to and forming part of this by-law.

3. Temporary building shall comply with the requirements of this by-law and the siting requirements of the Kamloops Indian Band Zoning By-law.

#### 904. Site Drainage and Grading

1. All sites shall be graded so that all buildings contained thereon are effectively protected from surface water.

2. Except for single and two family dwellings or as otherwise specified in this by-law, every building site shall be graded so that all surface water accumulated thereon is contained on site and disposed of by connection to the Band storm drain or other method of disposal acceptable to the Building Inspector.

3. Slopes shall not exceed the natural angle of repose of the soil and all transitions of slope shall be gradual.

#### 905. Roof Drainage

On any building which is the subject of permit, the Building Inspector may direct that perimeter drains, rainwater leaders, gutters and down spouts or other drainage appurtenances be installed where necessary for proper drainage, and may further direct that they be connected to the Band storm drain or other method of disposal acceptable to the Building Inspector.

#### 906. Maintenance of Construction Sites

Every construction site shall be maintained free of loose or blowing debris and shall be subject to a continuous and effective program of dust control during the various phases of construction. The Building Inspector may require as a condition of issuance of the building permit, that security in a form and an amount acceptable to the Building Inspector, be provided to guarantee compliance with this clause. In the event the conditions contained herein are

violated, the Building Inspector may draw upon the security for the purposes of effecting adequate maintenance of the site.

#### 907. Protection of Adjacent Properties

Where work is being done subject to a permit under the provisions of this by-law, all property adjacent to the work shall be protected and the Band shall be saved harmless from any damage or cost arising out of or incidental to the work.

#### 908. Regulations Governing Constructions in Flood Plain

1. Prior to the issuance of a building permit for work within flood plain where:
  - (a) the work to be carried out constitutes a new building or an addition to an existing building which will be in finished floor area twenty-five (25) per cent or larger than the existing finished floor area; and
  - (b) no other flood plain covenant is registered on the title of the subject property,

the owner, as a condition of issuance of the building permit, must enter into a covenant registerable under Indian and Northern Affairs Canada which shall indemnify the Kamloops Indian Band and the Province of British Columbia in the event of future property damage as a result of flood conditions. The covenant shall be in the form of Schedule "C" which is attached to and forms part of this by-law.

2. The owner shall provide proof of registration of the covenant required under Subsection 907(1) prior to the issuance of a building permit.
3. Notwithstanding the provisions of Section Owner's 907, it is the responsibility of the owner to ensure that the building will be safe from water action, whether caused by surface runoff or not.

#### 909. Site Identification

For the purpose of identification, and as a condition of occupancy, every parcel of real property containing a building subject to a permit under this by-law must display the street address of the property by means of clear and legible numbers.

## **DIVISION TEN – APPEAL**

1000. An appeal against a decision of the Building Inspector relative to a Building Code regulation lies with the Building Code Appeal Board of The Indian and Northern Affairs Canada, Ottawa, Ontario, K1A OH4.

1001. The appellant shall file with the Secretary of the Board a statement in writing in such detail as will enable the Board properly to consider the appeal, setting out:

1. the nature and subject matter of the appeal:
2. the address of the building affected by the appeal; and
3. the sections of the Building Code affected by the appeal.

## **DIVISION ELEVEN – PENALTIES**

1100. Every person violating any provision of this by-law is liable on summary conviction to a fine of not less than One Hundred Dollars (\$100.00) or more than One Thousand Dollars (\$1,000.00) for each offence; a separate offence shall be deemed to be committed on each day during or on which a violation occurs or continues. Provided, however, where more than one registered owner of land is charged with a single offence hereunder, they shall be considered as one person.

Source: Kamloops Indian Band

## **KAMLOOPS INDIAN BAND**

### **SCHEDULE "A" - SCALE OF FEES**

For the purpose of calculating the fee for permits under this by-law, the value of construction shall be the total contract price for the work including all subcontracts, or the value of construction as determined by the Building Inspector on the basis of plans, specifications and information available to him, whichever value shall be greater.

Amounts of permit fees shall be in accordance with the following Scale:

1. Building

- |  |          |
|--|----------|
| (a) Value of construction \$1,000 or less non-refundable | \$ 50.00 |
|--|----------|

- (b) \$50.00 plus for each \$1,000 or part thereof by which the value exceeds the sum of \$1,000 up to a maximum value of \$25,000 as additional fees \$ 6.00
- (c) \$194.00 plus for each \$1,000 or part thereof by which the value exceeds the sum of \$25,000 up to a maximum value of \$100,000 as additional fees \$ 5.00
- (d) \$569.00 plus for each \$1,000 or part thereof by which the value exceeds the sum of \$100,000 up to a maximum value of \$500,00 as additional fees \$ 4.50
- (e) \$2,369.00 plus for each \$1,000 or part thereof by which the value exceeds the sum of \$500,000 as additional fee \$ 4.00

2. Demolition and Relocation

The fee for a permit to demolish or move a building:

- (a) For buildings less than 100 m<sup>2</sup> (1,080 sq.ft.) in area \$50.00
- (b) For buildings over 100 m<sup>2</sup> in area per each 100 m<sup>2</sup> or portion thereof:
  - (i) First 100 m<sup>2</sup> \$50.00
  - (ii) Each additional 100 m<sup>2</sup> or portion thereof \$20.00

In the event that a building is to be moved to a location within the boundaries of the Kamloops Indian Band, the fees payable shall be the fee required for the moving permit plus the fee for a building permit based on the value of construction required to rehabilitate the said building in its new location, as determined by the Building Inspector.



3. Special Inspection

For the special inspection of any building to determine whether it complies with the provisions of this by-law: \$ 50.00

4. Renewal Permit

In the event that a renewal permit is require for construction which has not reached final completion within the time limit set out in this by-law, the fee for such renewal permit shall be the greater of \$50.00 or twenty (20) per cent of the original building permit fee.

5. Temporary Building

For a permit to construct, place or occupy a Temporary Building for one (1) year or part thereof \$125.00

6. Siting Permit

For a permit to construct or locate a storage building not exceeding 10 m<sup>2</sup> (108 sq. ft.) in building area \$20.00

7. Solid Fuel Appliances

The fee for a permit to install a wood stove, insert or other solid fuel appliance, per appliance \$50.00

8. Plumbing

- |     |  |         |
|-----|--|---------|
| (a) | Minimum fee for any plumbing permit or first fixture       | \$30.00 |
| (b) | Permit fee for each fixture after the first fixture        | \$6.00  |
| (c) | Permit fee for an interceptor or catch basin, each         | \$10.00 |
| (d) | Fee for a preliminary inspection related to plumbing, each | \$25.00 |
| (e) | Single and two family dwellings,                           |         |
|     | (i) Water service inspection fee per unit                  | \$30.00 |
|     | (ii) Sewer service inspection fee per unit                 | \$30.00 |

(iii)	Combined water and sewer service inspection	
	Fee Per unit	\$40.00
(f)	Water service inspection fee, except single and two Family dwellings,	
(i)	First 15 m(49.2 ft.) or part thereof	\$20.00
(ii)	Each additional 15 m(49.2 ft.) or part thereof	\$16.00
(g)	Sanitary sewer service inspection fee, except single and two family dwellings,	
(i)	First 15 m(49.2 ft.) or part thereof	\$20.00
(ii)	Each additional 15 m(49.2 ft.) or part thereof	\$16.00
(h)	Permit fee for the alteration of a plumbing system where no additional fixtures are to be installed, each	\$10.00
(i)	Permit fee for the connection to the Band water service of any hydraulic equipment, each	\$25.00
(j)	Permit fee for the installation of a vacuum breaker or approved double check valve assembly in any plumbing system, each	\$6.00
(k)	Permit fee for each sprinkler system, a base fee up to the first 25 sprinkler heads	\$30.00
	Each additional sprinkler head above the first 25	\$0.75
(l)	Permit fee for each storm or rainwater catch basin	\$20.00
(m)	Permit fee for each fire hydrant	\$25.00
(n)	Permit fee for storm or rainwater piping:	
	First 15 m(49.2 ft.)	\$20.00
	Each additional 15 m(49.2 ft.)	\$16.00

9. Re-inspection Fee

Where any re-inspection carried out pursuant to this by-law discloses faulty work and a subsequent inspection is thereby made necessary, the fee for each such subsequent inspection shall be \$25.00

10. Double Permit Fee

Where work for which a permit is required by this by-law has been commenced prior to issuance of a building permit, the applicant shall pay to the Band double the fee prescribed in Schedule "A", provided, however, that the additional fee shall not exceed \$1,000.00.

11. Value of Work

The Building Inspector may, for the purpose of determining permit fees, place a value on the work to be carried out where no cost estimate is available or he is not satisfied with the value submitted with the permit application.

12. Permit Fee Refund

Where no construction has commenced within six (6) months of building permit issuance, should the permit holder apply in writing to cancel the permit and present the original receipt, the Building Inspector may refund the permit fee less the greater of \$50.00 or fifty (50) percent of such fee paid in respect to the building permit.

13. Fee Reduction for Professional Supervision

Where a professional engineer or architect is retained by the owner and an undertaking is provided to coordinate the design and field review of the project, the building fee will be reduced by five (5) percent to a maximum reduction of \$1,000.00 for any one property to reflect the cost of the work that would otherwise be carried out by Kamloops Indian Band Building Inspection staff.

Source: By Law Enforcement, Kamloops Indian Band

## ***Sample – Kamloops Indian Band Occupancy and Building Standards***

KAMLOOPS BAND OF INDIANS BY-LAW 1980-1

### Occupancy and Building Standards

Being a by-law to provide regulations for occupancy and building maintenance standards.

**WHEREAS** under the provisions of the National Housing Act no loan may be made by the Central Mortgage and Hosing Corporation (hereinafter called the Corporation) for the purpose of

rehabilitation of existing residential buildings unless standards of occupancy and building maintenance satisfactory to the Corporation have been adopted in the Reserve in which the building is located;

**AND WHEREAS** the Council of the Band deems it expedient to make a by-law prescribing the minimum standards for occupancy and building maintenance of all properties rehabilitated through the Residential Rehabilitation Assistance Program of the Corporation.

**AND WHEREAS** section 81(h), (q) and (r), of the *Indian Act* empowers the Council of a Band to make by-laws for the purpose of regulating construction, repair and use of buildings on reserves and the imposition on summary conviction of a fine or imprisonment for violation of a by-law;

**NOW THEREFORE** the Council of Kamloops Band of Indians enacts as a by-law the following:

1. This by-law shall be known as the Kamloops Indian Band RRAP Standards By-law No. 1980-1.

2. In this by-law

“Building Inspector” means a person authorized by Council to inspect buildings on the Reserve as set out in this By-law;

“Corporation” means the Central Mortgage and Housing Corporation;

"Owner" means a person who has legal title to or is in possession of a building situated on the reserve r land which has been surrendered to Her Majesty for leasing purposes and includes a person who has received a loan under Section 3 ;

"RRAP" means the Residential Rehabilitation Assistance Program of the Corporation;

"Reserve" means tract of land set aside for the use and benefit of the Kamloops Band of Indians;

3. Every person who has received a loan from the Corporation for the purpose of rehabilitation of an existing real property located within the Reserve through the RRAP shall comply with the occupancy and building maintenance standards as set forth in Section "A" referred to in section 4.

4. The standards for the rehabilitation of residential buildings issued by the Corporation are hereby amended for the purposes of maintenance and occupancy and form part of this by-law as Schedule "A" hereto.

5. Where, in the opinion of the Building Inspector work is required to maintain the rehabilitation made of real property through the RRAP, in conformity with

Schedule " A " , the Building Inspector may give notice to the owner of the property specifying the work to be done and the period of time within which the work is to be completed.

6. Every person who receives notice referred to in section 5 shall comply with all the terms of such notice.

7. Every person who applies for a loan from the Corporation as stated in section 3 shall permit the Building Inspector reasonable access to the property intended to be rehabilitated through the RRAP for the purpose of determining whether such property is eligible for the RRAP assistance.

8. Every person who has received a loan from the Corporation as stated in section 3 shall permit the Building Inspector reasonable access to the property assisted through the RRAP for the purpose of determining whether the provisions of this by-law are being or have been complied with.

9. Every person who has received a loan from the Corporation as stated in section 3 shall use the rehabilitated premises solely for the residential purposes and in a manner consistent with the standards of maintenance as prescribed in Schedule " A"

10. The Council may from time to time appoint one or more persons who shall perform the duties of Building Inspector as provided by this by-law. A person so appointed shall hold the position at the pleasure of the Council.

11. Every person who feels aggrieved by the determination of the Building Inspector may upon a written application request the -Council to review the determination of the Building Inspector, and upon receipt of such application, the Council shall within seven days review in open meeting the application. Both the applicant and the Building Inspector may call evidence, be represented by counsel, cross-examine witnesses and make submissions; the Council shall forthwith deliver a decision on the application. The decision shall be binding and final.

12. Every person who impedes or interferes with the conduct of the work of the Building Inspector, or who violates any provisions of this by-law shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding thirty days, or both a fine and imprisonment.

APPROVED AND PASSED at a duly convened meeting of the Council this 14<sup>th</sup> day of November , 1980.

## SCHEDULE "A"

### STANDARDS FOR MAINTENANCE- AND-OCCUPANCY

#### 1.1 SERVICES AND FACILITIES

Utility shut-offs for common services such as water, sewer, gas and electricity in each housing unit shall be maintained in good repair as determined by the Building Inspector.

#### 1.2 DILAPIDATED BUILDINGS

All dilapidated portions of structures, ancillary buildings and fences as determined by the Building Inspector shall be removed or repaired.

#### 1.3 PROTECTION AGAINST TERMITES AND OTHER PESTS INFESTATION

Where the presence of termites or pests is evident or suspected, appropriate measures for extermination and protective measures against future termite infestation shall be undertaken.

#### 2.1 WALKS AND DRIVEWAYS

Walks and driveways shall be restored to a safe condition as determined by the Building Inspector where they constitute a safety hazard.

## 2.2 SITE DRAINAGE

Adequate surface water drainage away from the structure shall be provided in a manner determined by the Building Inspector.

## 3.1 FIRE PROTECTION

A high degree of safety to life and protection of property shall be provided by the use of materials which retard the spread of fire and prevent the passage of flame, smoke and hot gasses through open or concealed spaces within the building, and by maintaining exits which will permit persons to leave the building with safety. Smoke alarms and fire extinguishers shall be maintained in an operating condition as determined by the Building Inspector.

## 4.1 STRUCTURAL - GENERAL

All structural components of the building shall be sound. Structural members in a seriously deteriorated condition (as determined by the Building Inspector) shall be replaced. Loose jointing of structural members, sagging roofs, floors, interior stairs, exterior landings/stairs , balconies and bulging walls shall be restored, as far as practicable, to their original position and firmly supported or braced, or shall be replaced. It is essential that the structural integrity of the building is restored as necessary.

## 4.2 FOUNDATIONS

Foundations shall be restored to ensure that they shall reasonably support the loads imposed and to a standard as determined by the Building Inspector.

When moisture or water penetration will cause structural damage or loss of use of the basement or crawl-space, the foundation walls shall be damp proofed or waterproofed and drainage provided. Crawlspace shall be vented to the exterior They shall be provided with access hatches.



#### 4.3 EXTERIOR WALLS

Exterior walls shall be maintained in sound condition capable of supporting likely loads, e.g. dead load, and preventing the entry of moisture into the house.

#### 4.4 INTERIOR WALLS AND COLUMNS

Interior walls, partitions and columns shall be maintained in a sound condition as determined by the Building Inspector. Load bearing walls, partitions and columns shall be capable of supporting likely loads e.g. floor loads.

#### 4.5 ROOFS

All roof construction components shall be capable of supporting likely loads e.g. snow loads, and form a suitable base for the roof covering, which shall be watertight.

Enclosed attic and roof spaces shall be vented to the exterior. Access hatches shall be provided to attics and other enclosed space.

#### 4.6 FLOORS

All floor construction components shall provide reasonable support and form a suitable base for the floor covering.

Basement and crawl space floors shall be damp proofed.

#### 5. CAULKING

Joints around doors and window frames, louvres, fans etc., and all other unprotected joints in the exterior construction shall be caulked or recaulked where necessary to prevent the entry of moisture or drafts.

## 6. WINDOWS

Existing windows including hardware shall be maintained in an acceptable condition. Defective hardware and deteriorated sash and frame members shall be repaired/replaced to restore the window to a sound condition as determined by the Building Inspector.

## 7. DOORS

Existing doors and hardware (including storm doors) shall be maintained except where the degree of deterioration and/or damage justifies replacement. All exterior doors shall be effectively weather stripped.

### 8.1 EXTERIOR WALLS AND ROOFS

All exterior walls and roofs shall be maintained to prevent the entry of moisture into the structure and provide reasonable durability. All exterior material subject to deterioration in its unprotected state shall be painted or otherwise suitably treated.

Total re-roofing shall be made only where repair or replacement of sections is impracticable.

### 8.2 INTERIOR WALLS AND CEILINGS

Cracks and defects in interior walls and ceiling finishes shall be repaired.

Water resistant finishes around shower stalls and bathtubs in bathrooms shall be maintained.

### 8.3 FLOORS AND STAIRS

Floors and stair finishes creating hazardous or unsanitary conditions as determined by the Building Inspector shall be replaced. Handrails shall be provided.

### 9.1 BUILDING SERVICES

All heating systems shall be maintained in a clean and safe operating condition. No combustible material shall be permitted adjacent to heating system,

Every vent pipe, chimney and smoke pipe shall have sufficient clearance or be protected to prevent over-heating of adjacent combustible materials and the entrance of noxious gases into the dwelling.

Smoke pipes shall have a minimum clearance from unprotected combustible materials as follows:

- a) oil and gas burning appliances - 230 mm
- b.) solid fuel burning appliances - 450 mm

Smoke pipes shall be replaced if the existing pipes are deteriorated. Pipes shall be installed with sufficient hangers/straps to avoid sagging. Campers shall be provided.

The pipes shall be sized. according to the manufacturer's specifications for the heating equipment.

The Canadian Heating Ventilating and Air Conditioning Code 1977 is to be used to determine "good practice".

### 9.2 PLUMBING

All defective plumbing pipes, fixtures, etc., as determined by the Building Inspector shall be restored to a sound condition and protected from freezing.

Galvanized pipe for domestic hot water systems may be replaced by other acceptable Piping where there is evidence of significant Corrosion or restricted flows.

### 9.3 SEWAGE DISPOSAL

An acceptable means of sewage disposal as determined by the Building Inspector or by a representative of the Regional Director, Department of National Health and Welfare shall be maintained.

Acceptable is deemed to include any method of disposal which complies with the requirements of the authority having jurisdiction.

### 9.4 ELECTRICAL SERVICES

The electrical distribution system e.g. panel boxes, wiring, receptacles, etc. shall be maintained in sound and safe condition as required by the authority having jurisdiction.

**Sample – WestBank Building Fees**

WFN BUILDING LAW NO. 200514

**SCALE OF FEES BUILDING**

**FORM A**  
**(Section 2.1)**

Amount of permit fee to be determined in accordance with the following scale:

Description of Permit	Amount of Permit Fee
For the erection, addition, alteration or repair, of a building or part thereof	a) \$100.00 fee for applications valued at \$1 \$1,000 of estimated construction value; b) \$12.00 per \$1,9000 of construction value for applications valued over \$1,001 of estimated construction value
For the installation and setup of a manufactured home or modular home	\$400.00
For the inspection of an existing building to be moved to a new location	\$50.00
For the processing a strata title conversion, or similar type conversion, of an existing property	\$50.00 per unit of occupancy in the property
For the construction of campgrounds	\$15.00 per camping space
For the inspection of an existing solid fuel burning appliance installation	\$100.00
For construction commenced prior to the issuance of a building permit	Double the original permit fee to a maximum of \$1,000.00
For reinspection	\$40.00 for each inspection after the second reinspection is ordered
For plan checking, where due to noncompliance with the Building Code more than two plan checks are required	\$35.00 per hour for each additional plan check
For any other inspections not specifically mentioned in this Law	\$50.00 per hour
For the Transfer or Assignment of a Permit	\$40.00

Description of Permit	Amount of Permit Fee
Where WFN is relying exclusively on a Letter of Assurance of "Certified Professional Code Coordination and Commitment for Field Review" and certified under the Certified Professional Program in relation to the review of plans submitted with the Building Permit Application (Schedules A, B1 and B2) of the Building Code.	Permit fees will be reduced by 5%
For checking new plans submitted for a project subsequent to completion of the initial plan check	\$40.00
Providing a Property Status Letter	\$10.00
For the issuance of a renewal permit for construction that has not reached final completion within the time limit set out in this Law	20% of the original building permit fee
For wrecking, demolishing or moving a building	0.5% of the estimated construction cost for all buildings
For moving a building to a location within the boundaries of Westbank Lands	0.5% of the estimated construction cost for all buildings plus the fee for a building permit based on the value of construction required to rehabilitate the building in its new location, as determined by the Building Inspector
Fee for any inspection of a building not otherwise provided for in this Scale of Fees to determine whether it complies with the provisions of this Law	\$40.00

NOTE: For the purpose of calculating the fee for permits under this Law, the value of construction as determined by the Building Inspector on the basis of plans, specifications and information available to the Building Inspector, whichever value is greater.

WFN BUILDING LAW NO. 200514

SCALE OF FEES PLUMBING  
FORM B  
(Section 2.1)

Type of Permit	Amount of Fee
Building permit for plumbing	\$10.00 per fixture

For the purpose of establishing plumbing permit fees, each trap, roof drain, yard drain and sump will be deemed to be a fixture.

END

# Appendix C: Sample application for a building permit

## Application for a Permit to Construct or Demolish

This form is authorized under the Building Code Sentence 2.4.1.1A.(2).

For use by Principal Authority	
Application number:	Permit number (if different):
Date received:	Roll number:

Application submitted to: \_\_\_\_\_  
 (Name of municipality, upper-tier municipality, board of health or conservation authority)

Project information			
Building number, street name		Unit number	Lot/con.
Municipality	Postal code	Plan number/other description	
Project value est. \$		Area of work (m <sup>2</sup> )	
Applicant      Applicant is:      Owner or      Authorized agent of owner			
Last name		First name	Corporation or partnership
Street address		Unit number	Lot/con.
Municipality	Postal code	Province	E-mail
Telephone number (    )	Fax (    )	Cell number (    )	
Owner (if different from applicant)			
Last name		First name	Corporation or partnership
Street address		Unit number	Lot/con.
Municipality	Postal code	Province	E-mail
Telephone number (    )	Fax (    )	Cell number (    )	
Builder (optional)			
Last name		First name	Corporation or partnership (if applicable)
Street address		Unit number	Lot/con.
Municipality	Postal code	Province	E-mail
Telephone number (    )	Fax (    )	Cell number (    )	
Purpose of application			



<input type="checkbox"/> New construction	<input type="checkbox"/> Addition to an existing building	<input type="checkbox"/> Alteration/repair	<input type="checkbox"/> Demolition	<input type="checkbox"/> Conditional Permit
Proposed use of building		Current use of building		
Description of proposed work				
<b>Tarion Warranty Corporation (Ontario New Home Warranty Program)</b>				
Is proposed construction for a new home as defined in the <i>Ontario New Home Warranties Plan Act</i> ? If no, go to section G.			Yes	No
Is registration required under the <i>Ontario New Home Warranties Plan Act</i> ?			Yes	No
If yes to (ii) provide registration number(s): _____				
<b>Attachments</b>				
<ul style="list-style-type: none"> <li>i. Attach documents establishing compliance with applicable law as set out in Article 1.1.3.3.</li> <li>ii. Attach Schedule 1 for each individual who reviews and takes responsibility for design activities.</li> <li>iii. Attach Schedule 2 where application is to construct on-site, install or repair a sewage system.</li> <li>iv. Attach types and quantities of plans and specifications for the proposed construction or demolition that are prescribed by the by-law, resolution, or regulation of the municipality, upper-tier municipality, board of health or conservation authority to which this application is made.</li> </ul>				
<b>Declaration of applicant</b>				
I _____ certify that:				
(print name)				
<ol style="list-style-type: none"> <li>1. The information contained in this application, attached schedules, attached plans and specifications, and other attached documentation is true to the best of my knowledge.</li> <li>2. I have authority to bind the corporation or partnership (if applicable).</li> </ol>				
_____		_____		
Date		Signature of applicant		

Personal information contained in this form and schedules is collected under the authority of subsection 8(1.1) of the *Building Code Act, 1992*, and will be used in the administration and enforcement of the *Building Code Act, 1992*. Questions about the collection of personal information may be addressed to: a) the Chief Building Official of the municipality or upper-tier municipality to which this application is being made, or, b) the inspector having the powers and duties of a chief building official in relation to sewage systems or plumbing for an upper-tier municipality, board of health or conservation authority to whom this application is made, or, c) Director, Building and Development Branch, Ministry of Municipal Affairs and Housing 777 Bay St., 2nd Floor. Toronto, M5G 2E5 (416) 585-6666.

# Schedule 1: Designer Information

Use one form for each individual who reviews and takes responsibility for design activities with respect to the project.

Project Information			
Building number, street name		Unit no.	Lot/con.
Municipality	Postal code	Plan number/ other description	
Individual who reviews and takes responsibility for design activities			
Name		Firm	
Street address		Unit no.	Lot/con.
Municipality	Postal code	Province	E-mail
Telephone number (    )	Fax number (    )	Cell number (    )	
Design activities undertaken by individual identified in Section B. [Building Code Table 2.20.2.1]			
<input type="checkbox"/> House	<input type="checkbox"/> HVAC – House	<input type="checkbox"/> Building Structural	
<input type="checkbox"/> Small Buildings	<input type="checkbox"/> Building Services	<input type="checkbox"/> Plumbing – House	
<input type="checkbox"/> Large Buildings	<input type="checkbox"/> Detection, Lighting and Power	<input type="checkbox"/> Plumbing – All Buildings	
<input type="checkbox"/> Complex Buildings	<input type="checkbox"/> Fire Protection	<input type="checkbox"/> On-site Sewage Systems	
Description of designer's work			

## Declaration of Designer

I \_\_\_\_\_ declare that (choose one as appropriate):  
(print name)

- I review and take responsibility for the design work on behalf of a firm registered under subsection 2.17.4. of the Building Code. I am qualified, and the firm is registered, in the appropriate classes/categories.

Individual BCIN: \_\_\_\_\_

Firm BCIN: \_\_\_\_\_

- I review and take responsibility for the design work and am qualified in the appropriate category as an "other designer" under subsection 2.17.5. of the Building Code.

Individual BCIN: \_\_\_\_\_

Basis for exemption from registration: \_\_\_\_\_

- The design work is exempt from the registration and qualification requirements of the Building Code.

Basis for exemption from registration and qualification: \_\_\_\_\_

I certify that:

1. The information contained in this schedule is true to the best of my knowledge.
2. I have authority to bind the corporation or partnership (if applicable).

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Designer

\*For the purposes of this form, "individual" means the "person" referred to in Clause 2.17.4.7.(1)(d), Article 2.17.5.1. and all other persons who are exempt from qualification under Subsections 2.17.4. and 2.17.5.

NOTE:

1. Firm and Individual BCIN numbers are not required for building permit applications submitted prior to January 1, 2006
2. Schedule 1 does not need to be completed by architects, or holders of a Certificate of Practice or a Temporary License under the *Architects Act*.

## Schedule 2: Sewage System Installer Information

Project Information			
Building number, street name		Unit number	Lot/con.
Municipality	Postal code	Plan number/ other description	
Sewage system installer			
Is the installer of the sewage system engaged in the business of constructing on-site, installing, repairing, servicing, cleaning or emptying sewage systems, in accordance with Building Code Article 2.18.1.1?			
<input type="checkbox"/> Yes (Continue to Section C)		<input type="checkbox"/> No (Continue to Section E)	<input type="checkbox"/> Installer unknown at time of application (Continue to Section E)
Registered installer information (where answer to B is "Yes")			
Name		BCIN	
Street address		Unit number	Lot/con.
Municipality	Postal code	Province	E-mail
Telephone number ( )	Fax ( )	Cell number ( )	
Qualified supervisor information (where answer to section B is "Yes")			
Name of qualified supervisor(s)		Building Code Identification Number (BCIN)	
Declaration of Applicant:			

I \_\_\_\_\_ declare that:  
(print name)

I am the applicant for the permit to construct the sewage system. If the installer is unknown at time of application, I shall submit a new Schedule 2 prior to construction when the installer is known;

OR

I am the holder of the permit to construct the sewage system, and am submitting a new Schedule 2 now that the installer is known.

I certify that:

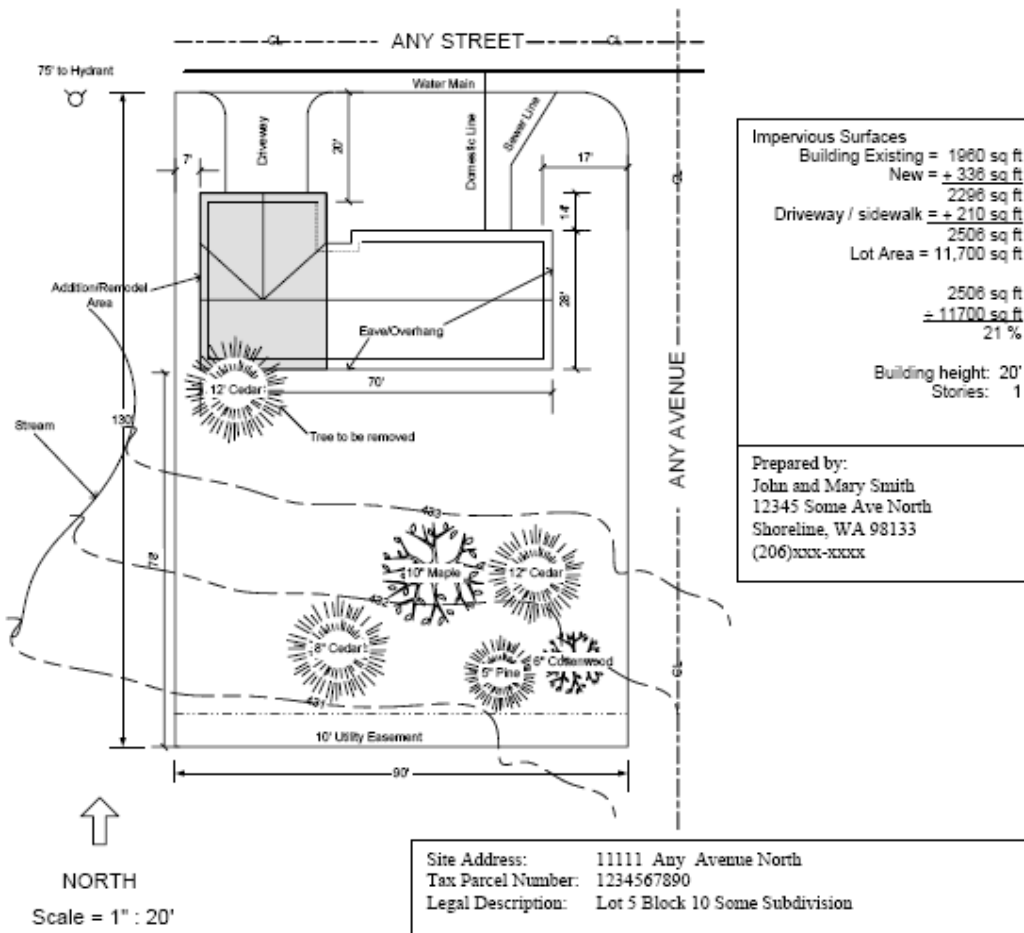
1. The information contained in this schedule is true to the best of my knowledge.
2. I have authority to bind the corporation or partnership (if applicable).

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of applicant

# Appendix D: Sample residential site plan

## Sample Residential Site Plan



See opposite side for checklist of items to be included on a site and/or civil plan

### Site Plan Checklist

4 copies (2 reduced copies (maximum legal size) and 2 full size copies) drawn to engineering scale 1"=20'

- Name, address, and phone number of the person who prepared the drawing
- Vicinity map showing sufficient detail to clearly locate the project in relation to arterial streets, natural features/landmarks and municipal boundaries
- Graphic scale and north arrow
- Location, identification and dimension of all proposed, existing, and demolished buildings and their uses, projections, roof overhangs, covered breezeways, streets, alleys, rockeries, retaining walls, and fences. Note height
- Dimensions of all property lines
- Building setbacks for front, side, and rear property lines which are on or adjacent to the property, including utility, drainage, access, open space.
- Include the King County Auditor recording number for existing easements.
- Parking layout, include all walkways
- Impervious surface calculations as a percentage of the site area and square feet for buildings and pavement.
- Frontage improvements for curb, gutter, sidewalk, access drive, and street trees (Note: Frontage improvements or a fee in-lieu of these improvements is required for projects with a value of 50% or more of the assessed value of the property.)
- Location of all proposed and existing water mains, valves and fire hydrants

### Civil Plan Checklist (2 copies) drawn to engineering scale.

#### Grading

- Clearing limits and trees to be retained
- Existing contours at 2' intervals on site and 5' contours extending 100' from property
- Proposed contours at 2' intervals, show in darker line than existing contours
- At least two cross-sections, one in each direction, showing existing and proposed contours and horizontal and vertical scales past excavation, filled areas or cleared areas (indicate depth of cut/fill)
- Quantity of excavation and embankment in cubic yards
- Quantity of surplus or unsuitable excavation materials to be exported from the site
- Proposed disposal site with anticipated haul routes

#### Erosion Control

- Silt fencing, catch basin protection, construction entrance, and temporary sediment ponds
- Construction details and notes associated with each erosion control method
- Contact information of the individual responsible for the on site erosion control manual

#### Drainage and Paving

- Plan view of drainage system and associated paving
- Profiles of drainage system and roadway improvements
- Details of all structures and drainage facilities including, catch basins, flow control devices, water quality, and infiltration facilities

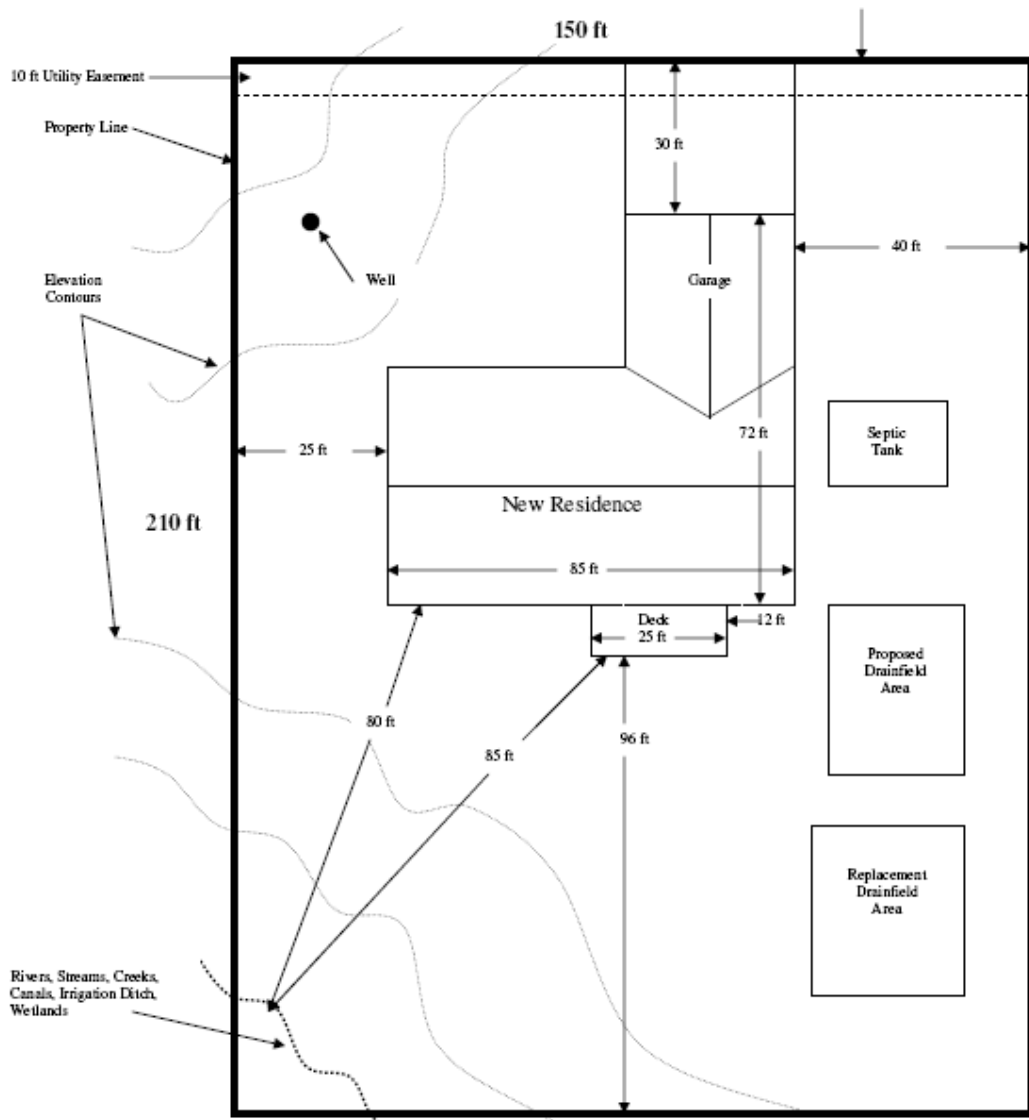
#### Utilities

- Locations of all existing and proposed utilities including water, sewer, gas, electric, and telecommunications

#### Additional information that may be required

- Downstream drainage analysis, drainage calculations, and soils information
- Geo-technical or soils report

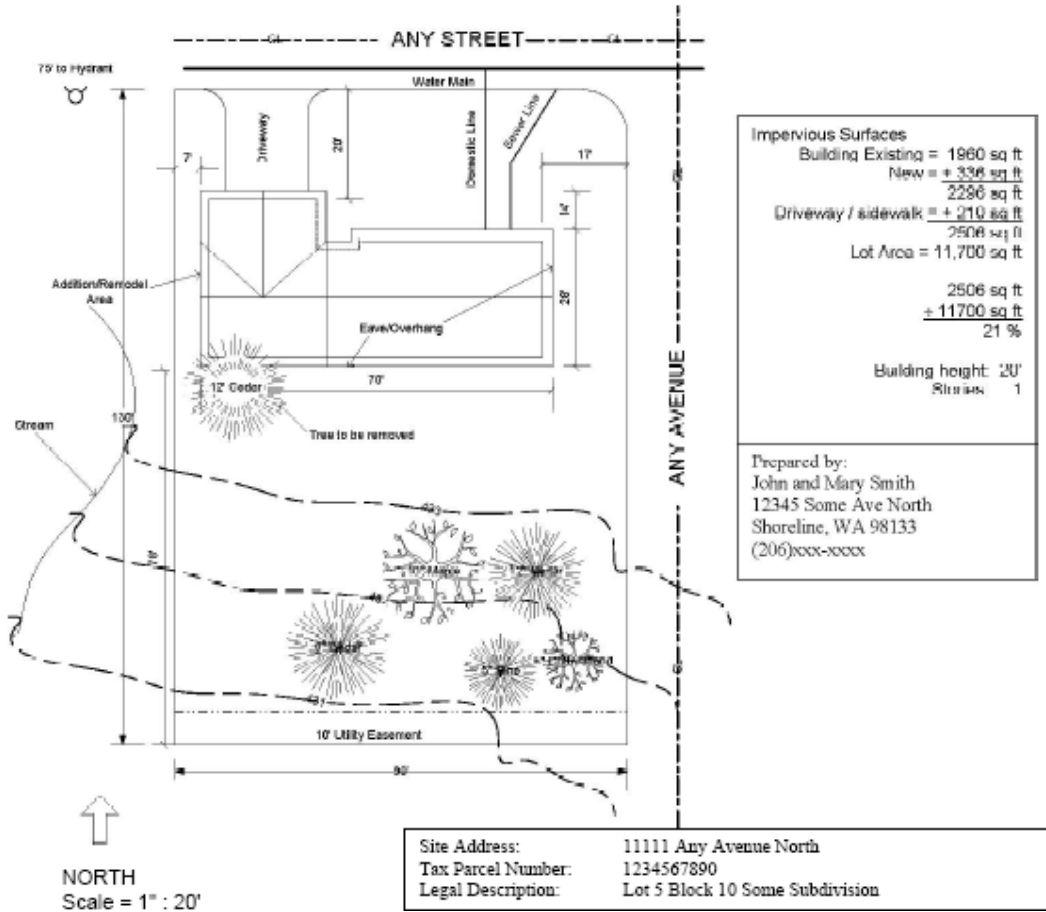
# Sample Site Plan B





Sample C

## Sample Residential Site Plan



Sample D

EXAMPLE SITE PLAN VIEW:

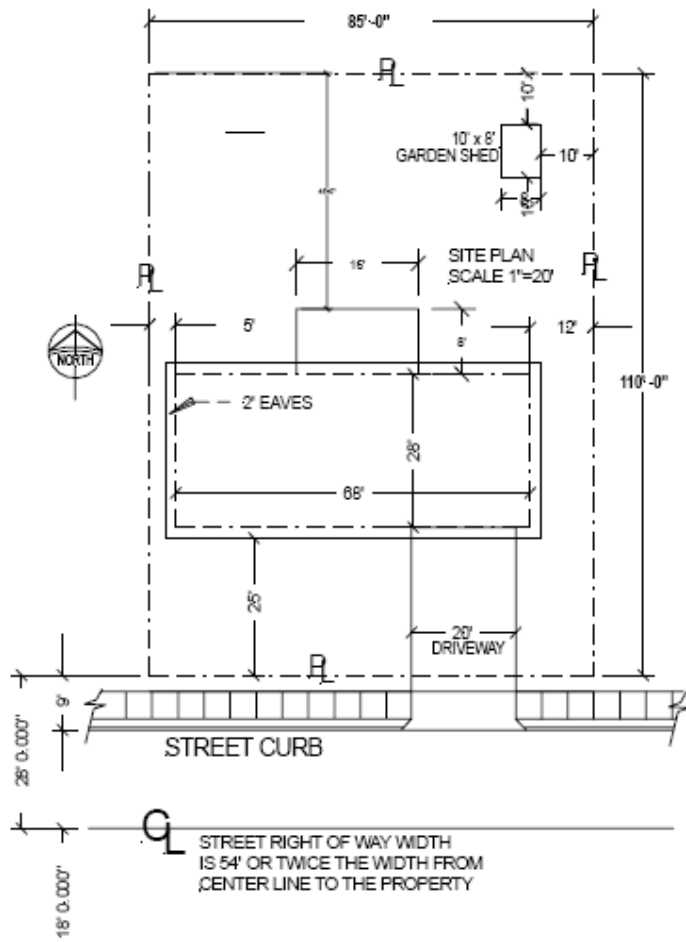
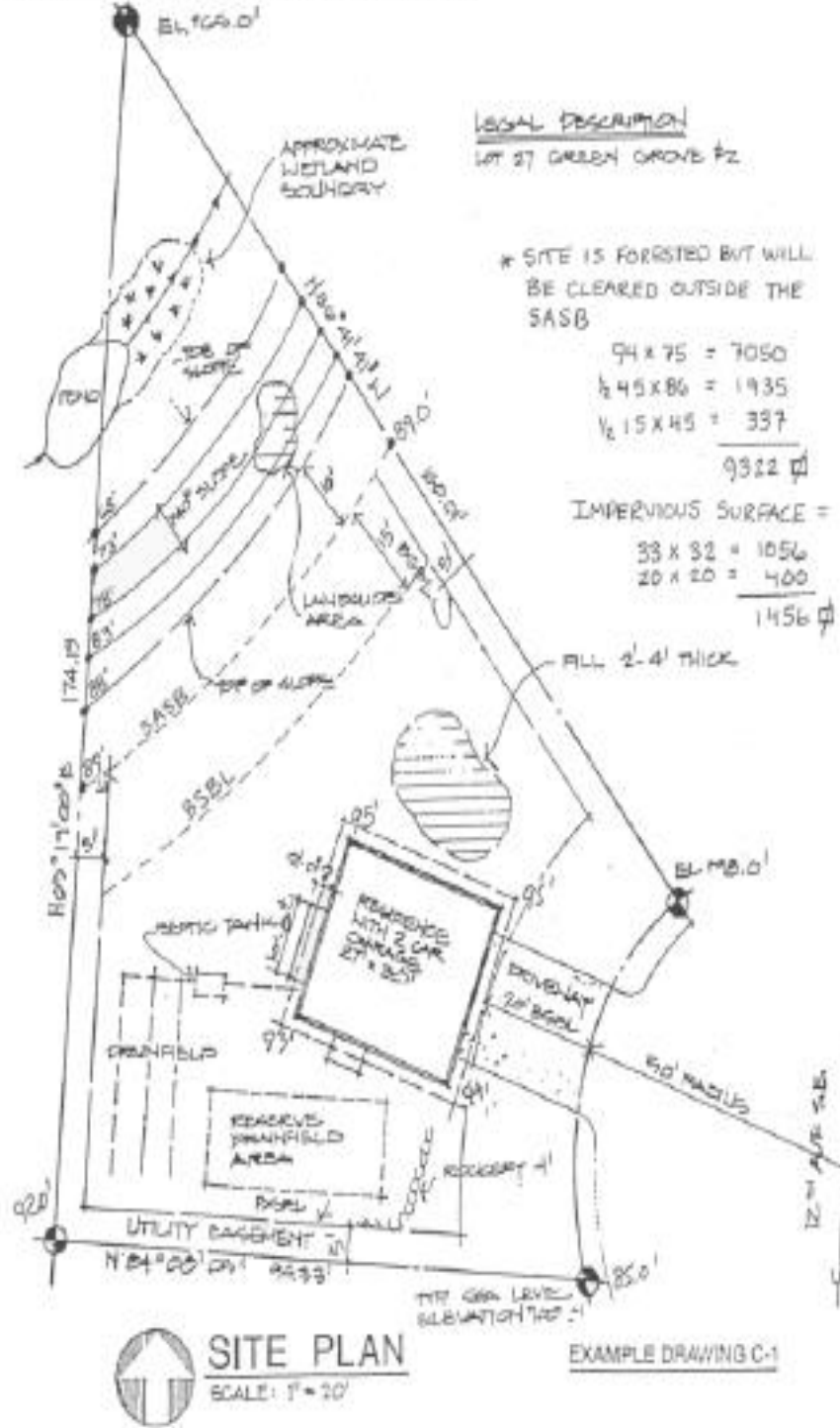
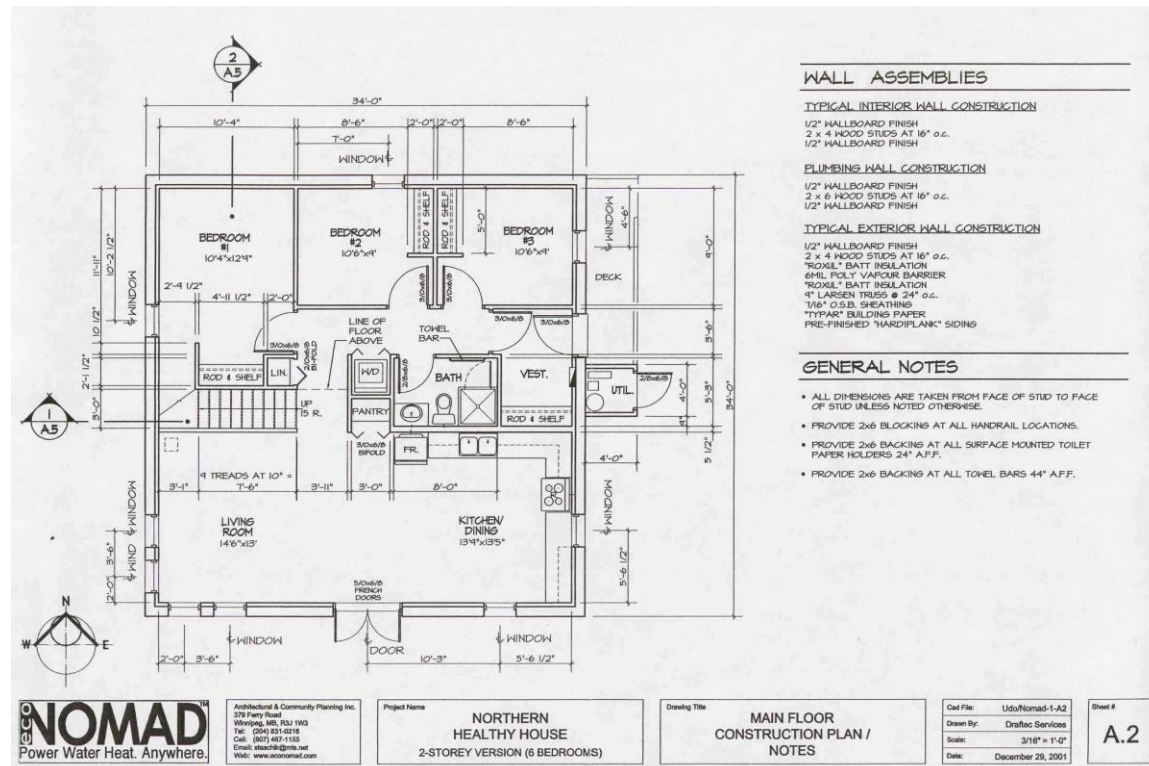


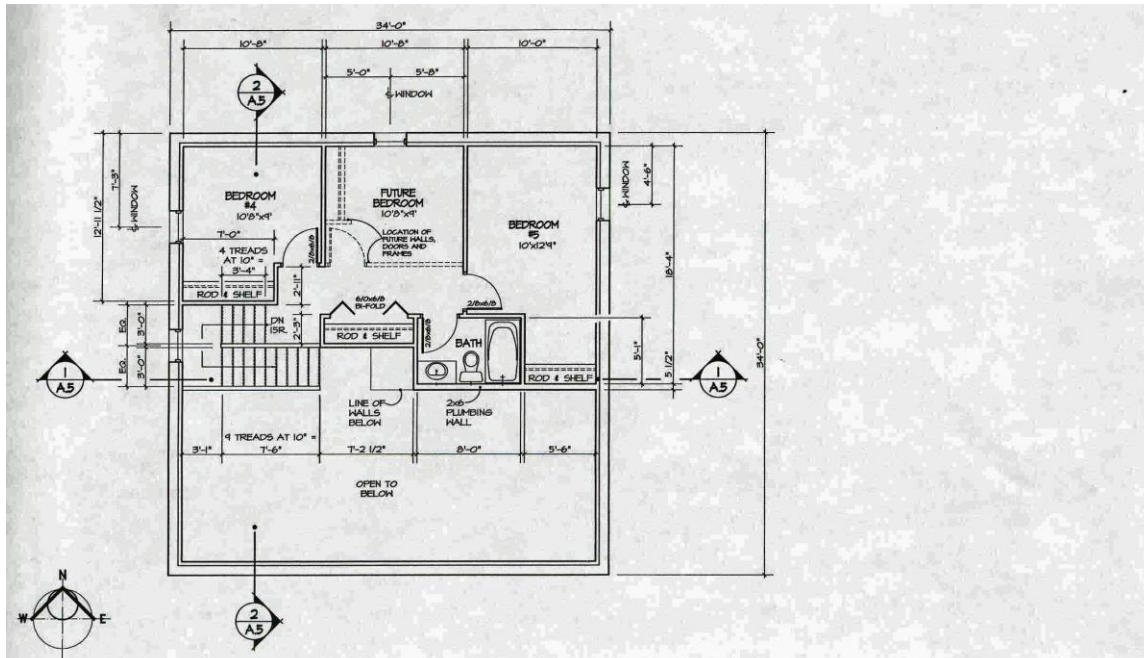
Figure 1 (Drawing A - C-1 Site Plan Sample)



# Appendix E: Sample residential construction plans

(source: Provided by Canadian Housing Information Centre, Canada Mortgage and Housing Corporation )





**NOMAD**  
Power Water Heat. Anywhere.

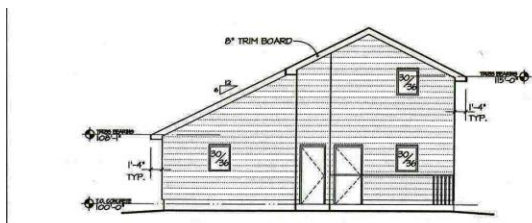
Architectural & Community Planning Inc.  
270 Ferry Road  
Winning, MD, 22319  
Tel: (204) 811-0218  
Cell: (807) 467-1188  
Email: alex@acplan.com  
Web: www.acplan.com

Project Name  
**NORTHERN HEALTHY HOUSE**  
2-STORY VERSION (6 BEDROOMS)

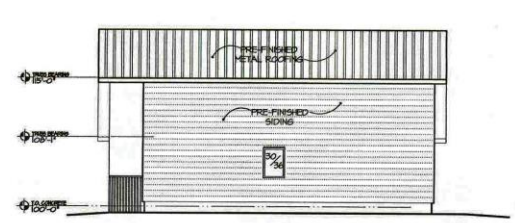
Drawing Title  
**UPPER FLOOR PLAN / NOTES**

Cell File: Lido/Nomad-1-A3  
Drawn By: Draftac Services  
Scale: 3/16" = 1'-0"  
Date: December 20, 2001

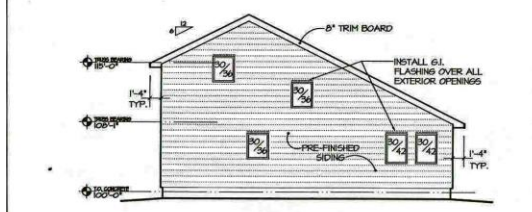
Sheet #  
**A.3**



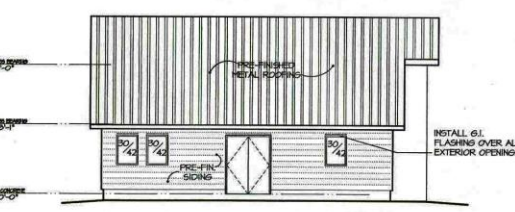
**EAST ELEVATION**  
SCALE 1/8" = 1'-0"



**NORTH ELEVATION**  
SCALE 1/8" = 1'-0"



**WEST ELEVATION**  
SCALE 1/8" = 1'-0"



**SOUTH ELEVATION**  
SCALE 1/8" = 1'-0"

**NOMAD**  
Power Water Heat. Anywhere.

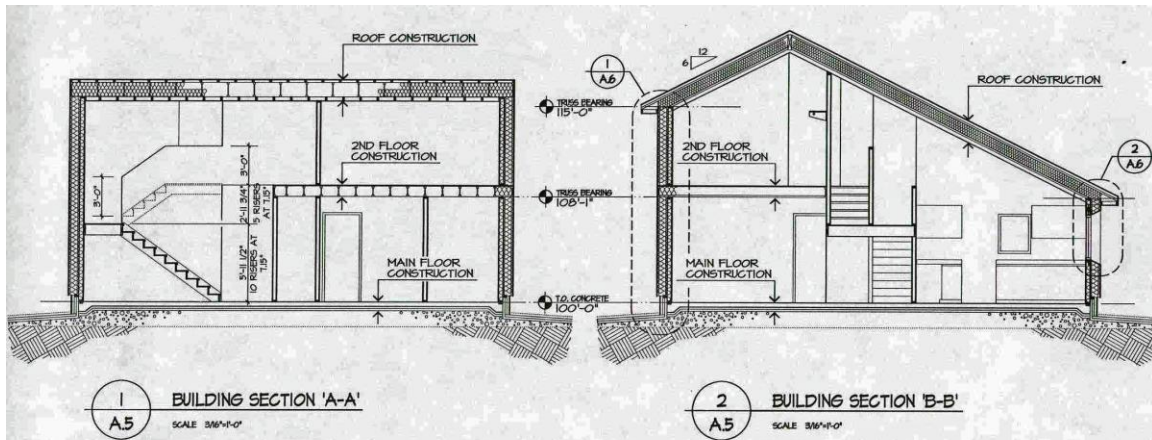
Architectural & Community Planning Inc.  
270 Ferry Road  
Winning, MD, 22319  
Tel: (204) 811-0218  
Cell: (807) 467-1188  
Email: alex@acplan.com  
Web: www.acplan.com

Project Name  
**NORTHERN HEALTHY HOUSE**  
2-STORY VERSION (6 BEDROOMS)

Drawing Title  
**EXTERIOR ELEVATIONS**

Cell File: Lido/Nomad-1-A4  
Drawn By: Draftac Services  
Scale: 1/8" = 1'-0"  
Date: December 13, 2001

Sheet #  
**A.4**



**HORIZONTAL ASSEMBLIES**

**TYPICAL MAIN FLOOR CONSTRUCTION**

FINISH FLOORING ON 4" CONCRETE FLOOR  
 6MIL POLY VAPOUR BARRIER  
 4" TYPE 2 RIGID INSULATION  
 COMPACTED GRANULAR FILL

**TYPICAL SECOND FLOOR CONSTRUCTION**

FINISH FLOORING ON  
 3/4" TAG O.S.B. SHEATHING  
 4 1/2" T&B FLOOR JOISTS AT 16" o.c. c/n WEB  
 STIFFENERS AS REQUIRED  
 1/2" SAS RESISTANT DRYWALL FINISH

**TYPICAL ROOF CONSTRUCTION**

PRE-FINISHED METAL ROOFING AS SPECIFIED  
 1x3 STRAPPING AT 16" o.c.  
 R-40 BATT INSULATION  
 11 7/8" T&B ROOF TRUSSES AT 24" o.c.  
 6MIL POLY VAPOUR BARRIER  
 1x4 STRAPPING AT 16" o.c.  
 1/2" SAS RESISTANT DRYWALL FINISH



Architectural & Community Planning Inc.  
 379 Ferry Road  
 Wrentham, NS, P2J 1W3  
 Tel: (904) 831-6218  
 Cell: (907) 487-1188  
 Email: alex@acpi.ns.ca  
 Web: www.nonomad.com

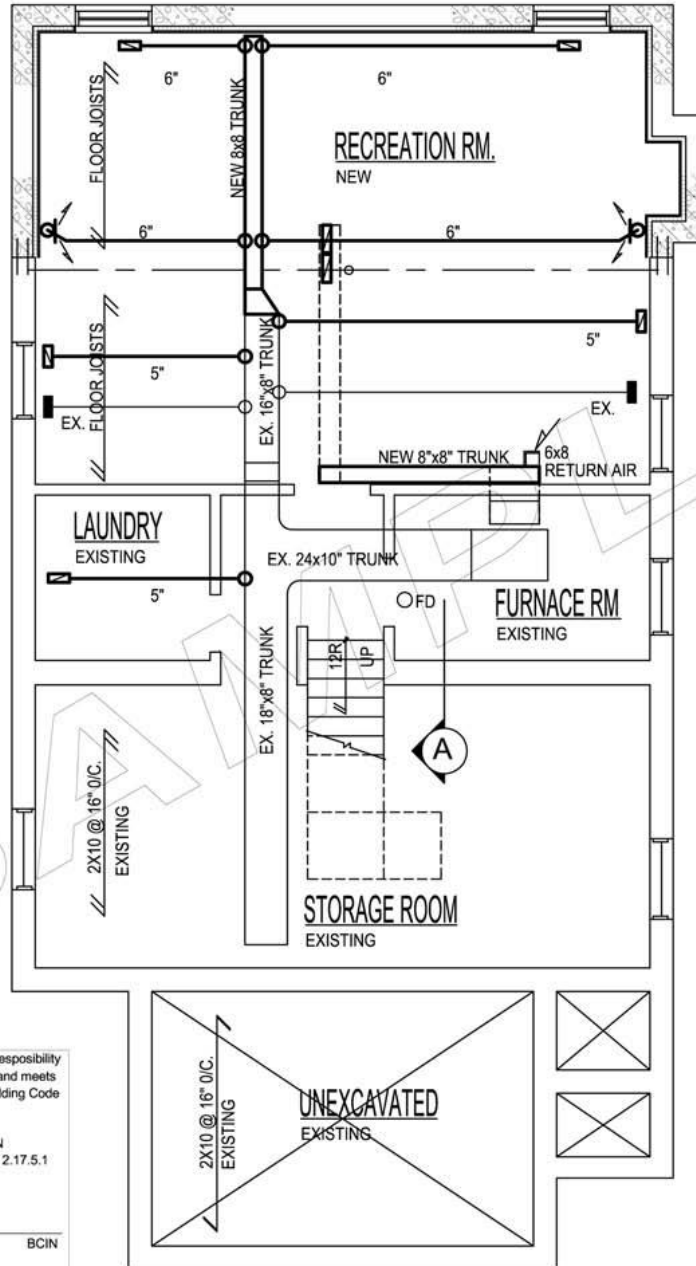
Project Name  
**NORTHERN  
 HEALTHY HOUSE**  
 2-STORY VERSION (8 BEDROOMS)

Drawing Title  
**BUILDING SECTIONS  
 HORIZONTAL ASSEMBLIES**

Client File: UdoNomad-1-A5  
 Drawn By: Draftac Services  
 Scale: 3/16" = 1'-0"  
 Date: December 29, 2001

Sheet #  
**A.5**

# Appendix F: Sample HVAC drawing



The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario Building Code to be a designer.

**QUALIFICATION INFORMATION**  
 Required unless design is exempt under 2.17.5.1 of the Ontario Building Code.

NAME SIGNATURE BCIN

**REGISTRATION INFORMATION**  
 Required unless design is exempt under 2.17.4.1 of the Ontario Building Code.

FIRM NAME BCIN

## BASEMENT HVAC PLAN

SCALE 3/16" = 1'- 0"

# Appendix G: Sample stop work order and order to comply

Principal Authority/Registered Code Agency Identification  
Name, Address, Telephone No, Building Code Identification Number

## Stop Work Order

Pursuant to Subsection 14(1) of the *Building Code Act, 1992*

Order Number: (optional) \_\_\_\_\_

Date Order issued:  
\_\_\_\_\_

**Address to which Order applies:**

**Application/Permit Number:**

**Order issued to (name and address):**

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_

The inspection on or about \_\_\_\_\_ (date) at the above-referenced address found the following contravention(s) of the *Building Code Act, 1992* or the Building Code have not been rectified as required by the Order(s) indicated below:

- Order to Comply number \_\_\_\_\_, dated \_\_\_\_\_
- Order Not to Cover number \_\_\_\_\_, dated \_\_\_\_\_
- Order to Uncover number \_\_\_\_\_, dated \_\_\_\_\_

You are hereby ordered to immediately cease construction and/or demolition as specified below:

---



Item	Details

**Order issued by:**

Name

\_\_\_\_\_

BCIN

\_\_\_\_\_

Signature

\_\_\_\_\_

Telephone no.

\_\_\_\_\_

Contact name

(optional)\_\_\_\_\_

Contact tel. number

(optional)\_\_\_\_\_

**Note:**

- It is illegal to obstruct the visibility of a posted Order. It is also illegal to remove a posted Order unless authorized by an inspector or Registered Code Agency. [*Building Code Act, 1992 s. 20*]
- An Order may be appealed to the Superior Court of Justice. [*Building Code Act, 1992 s. 25*]. It may also be appealed to the Building Code Commission concerning the sufficiency of compliance with the technical requirements of the Building Code. [*Building Code Act, 1992 s. 24*]
- Failure to comply with this Order is an offence which could result in a fine. [*Building Code Act, 1992 s.36*]
- When a Stop Work Order is issued, no person shall perform any act in the construction or demolition of the building in respect of which the Order is made other than work necessary to carry out an Order to Comply, the Order Not to Cover, or an Order to Uncover. [*Building Code Act, 1992 s. 14*]

**Sample - Order to Comply**

Principal Authority/Registered Code Agency Identification  
 Name, Address, Telephone No, Building Code Identification Number

**Order to Comply**

Pursuant to Subsection 12(2) of the *Building Code Act, 1992*

**Order Number:** (optional)

\_\_\_\_\_

**Date Order issued:**

\_\_\_\_\_

**Address to which Order applies:**

**Application/Permit Number:**

**Order issued to (name and address):**

- |    |    |
|----|----|
| 1. | 3. |
| 2. | 4. |

The inspection on or about \_\_\_\_\_ (date) at the above-referenced address found the following contravention(s) of the Building Code or the *Building Code Act, 1992*.

You are hereby ordered to correct the contraventions itemized below immediately, by the dates listed below, or by \_\_\_\_\_ (date).

Item	Reference	Description and location	Required action and compliance date


**Order issued by:**

Name \_\_\_\_\_ BCIN \_\_\_\_\_

Signature \_\_\_\_\_ Telephone no. \_\_\_\_\_

Contact name (optional) \_\_\_\_\_ Contact tel. number (optional) \_\_\_\_\_

**Note:**

- It is illegal to obstruct the visibility of a posted Order. It is also illegal to remove a posted Order unless authorized by an inspector or Registered Code Agency. [*Building Code Act, 1992 s. 20*]
- An Order may be appealed to the Superior Court of Justice. [*Building Code Act, 1992 s. 25*]. It may also be appealed to the Building Code Commission concerning the sufficiency of compliance with the technical requirements of the Building Code. [*Building Code Act, 1992 s. 24*]
- Failure to comply with this Order could result in a Stop Work Order. [*Building Code Act, 1992 s. 14*]
- Failure to comply with this Order is an offence which could result in a fine. [*Building Code Act, 1992 s.36*]
- No construction affected by this Order is to be covered until inspected and approved. [*Building Code Act, 1992 s.13*]