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## CERTIFICATION

Pursuant to Section 86, Indian Act RSC 1985 C.I-5 and amendments thereto, I certify that the attached copy of the **Tsleil-Waututh First Nation Building By-law 2001**, which came into effect February 20, 2002, is a true copy of the said by-law.

Kathy Hankin

A/Associate Director, Lands and Trust Services,  
a superintendent as defined in  
Section 2(1) Indian Act RSC 1985

**TSLEIL WAUTUTH NATION**

**(Burrard Indian Band)**

**BUILDING BY-LAW 2001**

A By-law for the regulation of the construction, repair and use of buildings by administrating and enforcing the British Columbia Building Code on the Reserve.

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WHEREAS the Council of the Tsleil Waututh Nation, also known as the Burrard Indian Band (the "Band") wishes to establish a By-law governing the administration and enforcement of the British Columbia Building Code on the Reserve to regulate the construction, repair and use of buildings; and

WHEREAS the Council of the Band is empowered to make such a By-law and the imposition of a penalty for the violation thereof pursuant to paragraphs 81(1) (h), (p.1), (q) and (r) of the *Indian Act*.

NOW THEREFORE BE IT RESOLVED the Council of the Band at a duly convened meeting, enacts as a By-law the following:

**Title**

1. This By-law may be cited as the "TSLEIL WAUTUTH NATION BUILDING BY-LAW 2001".

**Definitions**

2. In this By-law:

"Architect" means a person registered or licensed under the *Architects Act* as a member of the Architectural Institute of British Columbia.

"Authority Having Jurisdiction" means the Band Council or their agent as designated by Band Council Resolution;

"Band" means the Tsleil Waututh Nation (Burrard Indian Band), a band of Indians as defined in the *Indian Act*;

"Band Council Resolution" or "Resolution" means a motion, as recorded in the minutes of the meeting, passed and approved at a duly convened meeting of the Band Council pursuant to the consent of a majority of the councillors of the Band present at that meeting;

“Building Code” means the current edition of the British Columbia Building Code as amended from time to time and includes the current edition of the British Columbia Plumbing Code as amended from time to time and any regulations promulgated thereunder and the National Building Code of Canada;

“Certified Professional” means a Registered Professional as defined in the British Columbia Building Code who has attended and successfully passed the examination for the Certified Professional course in the British Columbia Building Code and is duly registered with the Union of British Columbia Municipalities;

“Certified Professional Program Manual” or “Tsleil Waututh Certified Professional Program Manual” means the manual which sets out the policy, procedure and requirements of the Tsleil Waututh Certified Professional Program;

“Chief and Council” or “Band Council” or “Council of the Band” means the Chief and Council of the Band elected pursuant to sections 2(1) and 74 of the *Indian Act* or any amendments or successors thereof;

“Engineer” means a person registered or licensed as a Professional Engineer pursuant to the provisions of the *Engineers and Geoscientists Act* of British Columbia;

“Field Reviews” means such reviews of the work at the construction site and at fabrication locations, where applicable, as the Certified Professional in his professional discretion considers to be necessary in order to ascertain that the work substantially conforms in all material respects to the plans and supporting documents prepared by the Certified Professional and accepted by the Authority Having Jurisdiction for the construction. This includes keeping records of all site visits and any corrective actions taken as a result thereof.

“*Indian Act*” means the *Indian Act* R.S.C. 1985, c. I-5, as amended or re-enacted from time to time or any regulations promulgated thereunder;

“Multi-Family Residential Occupancy” means the occupancy or use of a building or part thereof containing more than two units by persons for whom sleeping accommodation is provided but who are not harboured or detained to receive medical care or treatment or are not involuntarily detained;

“Occupier or Occupant” includes a tenant, lessee, agent, licensee, permittee and any other person who has the right of access to and control of any Premises to which this By-law applies;

“Owner” means any person or entity that is in lawful possession of land or improvements on the Reserve or has possession as authorized by Council;

“Permit” means a document issued by the Authority Having Jurisdiction pursuant to this By-law authorizing a person to carry on a procedure or undertaking, under certain and specified conditions;

“Plumbing Code” means Part 7, Plumbing Services, of the current edition of the British Columbia Building Code and any regulations promulgated thereunder;

“Premises” means any building, grounds and appurtenances within the Reserve;

“Project Directory” means a list of all the professionals involved in the project that includes name, address, telephone and facsimile numbers.

“Registered Professional” referred to in this By-law shall be an Engineer or Architect registered in the Province of British Columbia, as a member in good standing in the Architectural Institute of British Columbia or the Association of Professional Engineers and Geoscientists of British Columbia;

“Reserve” means Burrard Inlet Indian Reserve No. 3, Inlailawatash Indian Reserves No. 4 and 4A and any additions to the reserve lands of the Band;

“Reserve Infrastructure” means any and all storm and sanitary sewer mains and lines, drainage works, water lines and associated works on or under the Reserve where and to the extent such works are constructed for the purpose of providing services to the Reserve or Premises on the Reserve.

“Retaining Wall” means a wall constructed for the purpose of supporting or confining earth, water or other material and restraining it from moving horizontally or downward; when such wall exceeds a height of 1.22 metres (4 ft), or

in the case of a wall or walls on a slope excavated into the natural grade, when the wall or walls extend above a line commencing 1.22 metres (4 ft.) above the natural grade at the base of the slope and projected at an angle of one linear unit vertically to one linear unit horizontally or steeper, or

in the case of a wall or walls on a slope created by fill material, when the wall or walls extend above a line commencing 1.22 metres (4ft.) above the natural grade at the base of the slope and projected at an angle of one linear unit vertically to two linear units horizontally or steeper.

**Prohibition**

3. (a) (i) No person shall commence or continue any work related to building or demolition without obtaining written approval of the Band Council; and
- (ii) No person shall commence or continue any work related to building or demolition without obtaining a valid and subsisting Permit; except
  - (A) where written permission is received from the Band Council exempting the requirement of a Permit; or
  - (B) where the proposed building or structure is to be less than 10 square metres.
- (b) No person shall commence or undertake the construction, alteration or reconstruction of a chimney and fuel burning appliance or fireplace within the meaning of this By-law, on or about any Premises, without a Permit being first obtained from the Authority Having Jurisdiction.
- (c) No person shall move a dwelling or structure onto the Reserve, or move a dwelling from one parcel of land to another within the Reserve, without first obtaining a Building Permit.
- (d) No person shall occupy or use any building or part thereof contrary to the terms of any Permit or notice issued pursuant to this By-law.
- (e) No person shall change the occupancy or use of any existing building without first obtaining a valid Building Permit.
- (f) No person shall, unless authorized by the Authority Having Jurisdiction, reverse, alter, deface, cover, remove or in any way tamper with any notice posted upon or affixed to any building pursuant to any provision of this By-law.
- (g) No person shall do any work that is at variance with the description, plans and specifications for the building, structure, work or thing for which a Permit has been issued, unless such change has been approved by the Authority Having Jurisdiction. All major variances in appearance or use of the building require written approval of Band Council.
- (h) No person shall interfere with or obstruct the entry of the Authority Having Jurisdiction acting in the conduct of administration and enforcement of this By-law.

## **Duties**

4. The Authority Having Jurisdiction shall:
  - (a) administer this By-law;
  - (b) keep records of any application received, Permits and orders issued, inspections and tests made, and shall retain copies of all papers and documents connected with the administration of this By-law;
  - (c) establish whether any method or type of construction or material used in the construction of any building conforms with the requirements and provisions of the Building Code;
  - (d) Suspend the privileges of a Certified Professional, if the Certified Professional:
    - (i) is found guilty of related unprofessional conduct with respect to the *Architects Act* or the *Engineers and GeoScientists Act*, as applicable;
    - (ii) fails, when required by the Authority Having Jurisdiction, to demonstrate a satisfactory familiarity with the current provisions of the Building Code;
    - (iii) ceases to be a Registered Professional;
    - (iv) knowingly submits to the Authority Having Jurisdiction a document which is in any material way inaccurate or misleading; or
    - (v) fails to disclose to the Authority Having Jurisdiction substantial deviation, changes or violations of the requirements of design, construction or inspection in respect of a building or structure for which he/she is the Certified Professional.

## **Powers**

5. The Authority Having Jurisdiction:
  - (a) (i) may enter any Premises at any reasonable time for the purpose of administering or enforcing this By-law;
  - (ii) where any dwelling, apartment or guest room is occupied, shall obtain the consent of the Occupant or, except in cases of imminent danger, provide written notice twenty-four hours in advance of inspection; and

- (iii) shall ensure that employees or persons charged with administration and enforcement of this By-law carry proper credentials;
- (b) may revoke or refuse to issue a Permit where the results of tests or materials, devices, construction methods, structural assemblies or foundation conditions are not satisfactory, in its opinion;
- (c) may order the correction of any work which is being or has been improperly done under the Permit; and
- (d) may order the cessation of work that is proceeding in contravention of this By-law.

### **Permits**

- 6. (a) Where an application has been made, and:
  - (i) the development plans submitted with the application conform with:
    - (A) this By-law;
    - (B) the Building Code; and
    - (C) all other applicable regulations; and
  - (ii) the applicant for a Permit has paid the fee prescribed as set out in Schedule "A" attached hereto,

the Authority Having Jurisdiction shall issue the Permit for which the application has been made.
- (b) Every Permit is issued upon the condition that:
  - (i) the work must commence within six (6) months from the date of issuance of the Permit and must be completed within two (2) years of the date of issuance of the Permit;
  - (ii) once the work has started, it is to be actively carried out thereafter without suspension;
  - (iii) the Permit shall lapse in the event that either of the above conditions is not met, unless the Authority Having Jurisdiction gives written consent to a work interruption or construction time extension;

- (iv) in the case of temporary structures, it is valid for a period of six (6) months; and
- (v) an additional fee shall be paid as set out in "Schedule A" if the Permit is renewed or extended.

***Form of the Permit Application***

7. In the case of all buildings, or part thereof, regulated by Part 9 of the Building Code all Permit applications shall be submitted by the Owner/developer and shall:
- (a) be made in the form prescribed by the Authority Having Jurisdiction;
  - (b) be signed by the Owner or Owner's agent;
  - (c) state the intended use or uses of the building;
  - (d) include as exhibits copies in duplicate of the specifications and scale drawings of the building with respect to which the work is to be carried out showing:
    - (i) the dimensions of the building;
    - (ii) the proposed use of each room or floor area;
    - (iii) the dimensions of the land on which the building is, or is to be, situated;
    - (iv) the position, height and horizontal dimensions of all buildings on the land referred to in clause (iii);
    - (v) a survey of the building site by a registered surveyor, when required by the Authority Having Jurisdiction;
    - (vi) the technical information as required by the Authority Having Jurisdiction;
    - (vii) such other information as is necessary to illustrate all essential features of the design of the building; and
    - (viii) the certification by a Engineer or Architect which is required when it concerns an application for:
      - (A) structural components of a building falling within the scope of Part 4 of the Building Code;



- (B) a building with a common egress system for occupants and requiring the use of fire walls or horizontal separations according to the Building Code;
  - (C) alterations to a building falling within the circumstances described in sub-sections A or B; or
  - (D) a development that in the opinion of the Authority Having Jurisdiction, requires such certification, due to the site conditions, size, complexity or other conditions, to comply with the Building Code and other applicable enactments respecting safety; and
  - (E) where the Authority Having Jurisdiction considers that construction would be on land that is subject to or is likely to be subject to flooding, mud flows, debris torrents, erosion, land slip, rock falls, subsidence or avalanche, the application must be accompanied by a report certified by a Engineer with experience in geo-technical engineering stating that the land may be used safely for the intended use, and that the plans submitted with the application comply with the relevant sections of the Building Code.
- (e) Plans and specifications shall be submitted in the form and quantities required by the Authority Having Jurisdiction and shall have thereon complete design and calculation criteria so that the Authority Having Jurisdiction shall have this information available for examination and bear the name and address of the designer.

***Permit Applications under Part 3 of the Building Code***

8. Where the intended building or structure or portion thereof, falls within the scope of Part 3 of the Building Code, the application shall be made by a Certified Professional and shall be subject to all the requirements of the Tsleil Waututh Certified Professional Program Manual. The application shall include all the requirements pursuant to section 7 and the following:
- (a) letters of confirmation of commitment by the Owner, or, if deemed acceptable by the Band Council, the developer or general contractor respecting the project in issue;
  - (b) letters of certification of Building Code compliance of the design and commitment for Field Review in the form of duly executed Building Code Schedules A, B-1, B-2, C.P.1 and C.P.2;

- (c) a Building Code checklist;
- (d) a Project Directory; and
- (e) such other information as required in the Tsleil Waututh Certified Professional Program Manual.

***Permits Issued Under the Certified Professional Program***

9. The Certified Professional shall co-ordinate all Field Reviews and provides the Authority Having Jurisdiction with all applicable Field Review reports in an acceptable form at the earliest reasonable opportunity; or upon reasonable request of the Authority Having Jurisdiction.
10. The Certified Professional shall, in respect of the project for which the Certified Professional made application for a Permit:
  - (a) undertake and/or co-ordinate and review Building Code related design criteria and Field Reviews required for the project;
  - (b) certify that the design will substantially comply and that construction of the project will substantially conform in all material respects to the Building Code;
  - (c) certify that the construction of the project substantially conforms in all material respects to the above certified design and to the Building Code;
  - (d) review for adequacy and acceptability any report, oral or written, concerning testing, inspection and Field Review requirements; and maintain a detailed record of such reports and comments; and make the same available to the Authority Having Jurisdiction upon request;
  - (e) advise the Authority Having Jurisdiction of any matter of design or construction that does not substantially meet the requirements of the Building Code and co-ordinate corrective measures to bring work into substantial conformance with the Building Code;
  - (f) after issuance of a Permit under the Certified Professional Program, submit a written monthly progress report to the Authority Having Jurisdiction;
  - (g) forthwith advise the Authority Having Jurisdiction if he/she has ceased to be retained, or of the date of which he/she will cease to be retained by the Owner or the developer, or both, as a Certified Professional;

- (h) be responsible for compliance with all applicable Codes;
- (i) provide to the Authority Having Jurisdiction, prior to occupancy of the project, Assurance of Field Review and compliance letters (Schedules C and CP3) and such other documentation as set out in the Tsleil Waututh Certified Professional Manual;
- (j) provide to the Authority Having Jurisdiction, prior to occupancy, a set of record drawings sealed by each Registered Professional involved; and
- (k) recommend to the Authority Having Jurisdiction, at the appropriate time, that the project is ready for occupancy.

***Revocation of a Permit***

- 11. (a) The Authority Having Jurisdiction may stop work and revoke a Permit issued under the Tsleil Waututh Certified Professional Program in the following circumstances:
  - (i) if a Certified Professional is no longer retained by the Owner or the developer, or both, for that project;
  - (ii) if a Certified Professional fails to perform any of their duties or obligations as outlined in the Tsleil Waututh Certified Professional Manual; or
  - (iii) if a Certified Professional ceases to be a Registered Professional.
- (b) The Authority Having Jurisdiction may revoke a Permit for one or more of the following reasons:
  - (i) for violation of any of the conditions under which the Permit was issued;
  - (ii) for violation of any provision of this By-law;
  - (iii) for violation of any provisions of the Building Code;
  - (iv) if any reason is found to exist which would have been cause for denial of such Permit, if known to exist at the time of issuance of the Permit; or

- (v) if any person has prevented or obstructed or sought or attempted to prevent or obstruct the entry of the Authority Having Jurisdiction upon the Premises or property to inspect any building to ascertain if the requirement of this By-law or any the Building Code are being complied with.
  - (c) Any such revocation shall be in writing and sent to the Permit holder by registered mail.
12. Notwithstanding any clause contained herein, or the acceptance by the Authority Having Jurisdiction of a Letter of Assurance, or the issuance of a Building Permit or Occupancy Permit, shall relieve the Owner, developer, contractor, Certified Professional or Registered Professional from substantial compliance with the Building Code and By-laws and the Authority Having Jurisdiction may enforce all provisions of such By-laws by the issuance of Stop Work Orders, injunctions or by any other legal means available.

*Issuance of a Permit*

13. If the Authority Having Jurisdiction is satisfied that the proposed building or structure will comply with all By-laws and the Building Code, it may issue the Permit.
14. The Authority Having Jurisdiction may issue a Permit for the construction of a phase of a building before the entire plans and specifications for the whole building have been submitted or accepted, provided adequate information and detailed statements have been filed complying with all pertinent requirements of this By-law. This issuance of the Permit notwithstanding, the requirements of this By-law apply to the remainder of the building as if the Permit had not been issued.
15. No Permit shall be required for the clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, when such repairs do not involve the re-arrangement of valves, pipes or fixtures or hot water tanks.
16. Subject to any other By-law, the Authority Having Jurisdiction may issue a Permit for the erection or placement of a temporary building, structure or shelter, if it is satisfied that the building, structure or shelter is safe for the stated use and duration.
17. Where a building Permit has been issued for a single-family residence, the Owner, or if authorized by the Band Council, the developer or contractor, may apply for a Permit to occupy the building prior to completion of construction, which Permit may be withheld until the building or part thereof complies with the health and safety requirements of the Band By-laws or of any applicable statute.
18. Within fifteen days upon completion or occupancy of the building, alteration or repair of a building the Owner, developer or contractor shall place or cause to be placed on or over

the entrance to such building or premises the number (address) as assigned to it on the Permit. It shall be unlawful for any person to place or maintain, or for any owner or agent to permit to remain on any building or Premises, any number other than that required under this By-law.

### **Cancellation of Permit**

19. A building Permit or an occupancy Permit application may be cancelled by the Owner or the Owner's authorized agent upon written notification to the Authority Having Jurisdiction. The Permit shall be marked "Cancelled" and bear the date of cancellation.
20. A Permit pertains to and is only valid for the design and scope of work described in the complete set of documents which must be submitted for the processing of the Permit.
21. Any subsequent changes by the Owner or the Owner's agent to the building Permit documents which, in the judgment of the Authority Having Jurisdiction, are deemed to substantially change the scope of work, design or intent of the original submission, shall render the building Permit application VOID. The Permit shall be marked "void" and bear the date of cancellation.
22. A building Permit application shall remain valid for a period not exceeding six (6) months; after which time the application shall be cancelled and the Owner/developer or Certified Professional or their agent may re-apply.
23. If a re-checking of Permit plans is required as a result of any action on the part of the Owner or the Owner's agent, a non-refundable re-check fee shall be payable by the Owner or the Owner's agent as described in Schedule "A" of this By-law.
24. A building Permit application marked "cancelled" or "void", including all supporting documents, shall not be returned to the Owner or the Owner's agent.
25. The building Permit fee deposit for a Permit which has been "cancelled" or rendered "void" shall be returned to the Owner or Owner's agent, except for the non-refundable portion of the fee described in Schedule "A" of this By-law, less 15% of the refundable portion of the building Permit fee.
26. The building Permit fee for a Permit that has been issued but is cancelled or rendered void, prior to the commencement of any work, shall be returned to the Owner, or the Owner's agent, except for the non-refundable portion of the fee as described in Schedule "A".

### **Responsibility Of The Owner**

27. (a) Neither the granting of a Permit nor the approval of the drawings and specifications nor inspections made by the Authority Having Jurisdiction 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 or the Building Code.
- (b) Any Owner or Occupier of property for which a Permit is issued shall be responsible for the cost of repair of any damage to Reserve Infrastructure, Reserve land or Premises that occurs as a result of the work covered by the Permit.

### **Duties Of The Owner**

28. Every Owner or Owner's agent of a property shall:
- (a) obtain Permits, where applicable, from the Authority Having Jurisdiction, relating to demolition, excavation, building, repair of buildings, changes in classification of occupancy, swimming pools, plumbing, gas, drainage, signs, canopies, awnings, marquees, blasting, street occupancy, electricity, building to be moved, and all other Permits required in connection with the proposed work prior to the commencement of such work;
- (b) give at least 48 hours' notice to the Authority Having Jurisdiction of the intention to start work on the building site;
- (c) give at least 24 hours' notice to the Authority Having Jurisdiction of a request for inspection and the obtaining of his or her approval of the work;
- (i) after the forms for footing and foundation are complete, but prior to placing of any concrete therein;
- (ii) after removal of formwork from a concrete foundation and installation of perimeter drain system and damp-proofing, but prior to backfilling against foundation;
- (iii) after the installation of plumbing, electrical, chimney, gas piping and venting and heating rough-ins, and after the completion of framing, sheathing, bracing and fire-stopping, but prior to insulating or covering any of the above-noted items;

- (iv) after the installation of insulation and vapour barriers, but prior to covering;
- (v) before a building drain, sanitary or storm sewer or water distribution system is covered, and if any part of such a system is covered before it is inspected and approved, it shall be uncovered if the Authority Having Jurisdiction so directs, and when considered necessary, underground building drains, branches, storm drains, sewer and water distribution system shall be re-tested after the completion of all the back filling and grading by heavy equipment. The tests to comply with Subsection 3.6 and 3.7 of the Provincial Plumbing Code or any subsequent amendments thereof; and
- (vi) after the completion of the building or portion thereof, but prior to occupancy.

#### **Documents On The Site**

29. The Owner, developer, or contractor to whom a Permit is issued shall, during construction, keep:
- (a) the Building Permit posted in a conspicuous place on the property in respect of which the Permit is; and
  - (b) a copy of the approved Building Permit drawings and specifications on the property in respect of which the Permit is issued.

#### **Equivalents**

30. The provisions of this By-law and of the Building Code are not intended to limit the appropriate use of materials, equipment or methods of construction not specifically authorized herein. An Owner, developer or contractor desirous of providing an equivalent material, equipment or method of construction not specifically authorized by this By-law or the Building Code shall submit to the Authority Having Jurisdiction sufficient evidence to satisfy the Authority Having Jurisdiction that the proposed equivalent will provide the level of performance required by this By-law.

#### **Climatic data**

31. The following climatic data shall be used for the design of buildings:

CLIMATIC DATA

January 1 per cent Design Temperature	-9° C
July 2 ½ per cent Design Drybulb Temperature	26° C
July 2 ½ per cent Design Wetbulb Temperature	19° C
Precipitation intensity	refer to Schedule "C"
Maximum Snow Load on the Ground	2.2 kN/m <sup>2</sup> at mean sea level
Wind Effects:	
Probability 1/10	0.44 kN/m <sup>2</sup>
Probability 1/30	0.55 kN/m <sup>2</sup>
Probability 1/100	.68 kN/m <sup>2</sup>
Seismic Zone	3

**Plumbing**

32. The design, installation and maintenance of plumbing systems shall conform to the British Columbia Building Code, Part 7 – the British Columbia Plumbing Code.

**Other Requirements**

33. Outdoor Pools
- (a) For the purposes of this subsection, a pool is a structure located wholly or principally in the ground and capable of containing water to a depth at any point of 610 mm or more, and with a surface area of 14 m<sup>2</sup> or more.
  - (b) An outdoor pool shall be enclosed by a fence that is:
    - (i) not less than 1200 mm high;



- (ii) constructed without footholds or grips on the outside that children may use to climb into the enclosed area, and
- (iii) any gate in which shall have a properly maintained self-latching device on the pool side of the enclosed area.

34. Retaining Walls and Slope Retention

(a) Retaining Walls

No retaining wall shall be built without a valid and subsisting building permit, design and Field Review services and applicable letters of assurance are to be provided by the appropriate Registered Professionals for all retaining walls.

(b) Slopes Created by Excavation

Except as certified by a professional Engineer with expertise in geotechnical engineering registered in the province of British Columbia, slopes steeper than one linear unit vertically to one linear unit horizontally and total height of 3 metres (9.8 ft.) or more which are created by excavation are prohibited unless restrained by a retaining wall or walls.

(c) Slopes Created by Fill Material

Fill material, placed on land, unless restrained by permitted retaining walls, shall not have a surface slope exceeding a ratio of one linear unit vertically to two linear units horizontally.

35. Street Occupancy

Any person desiring to occupy any street or portion thereof, in connection with or incidental to the construction, alteration, repair, maintenance, demolition, painting or cleaning of any building shall, through the Owner of the property abutting that portion of the street it is desired to occupy, and through the contractor employed to carry on such work, make application to the Band Council and such application shall be accompanied by a duly executed Schedule "B". Such Owner and contractor shall indemnify and save harmless the Band against all claims, liabilities, judgements, costs and expense of whatsoever kind which may in any way accrue against the Band in consequence of, or in any way incidental to, the granting of such occupancy, and shall be deemed to be a tenant of such part of any street so occupied, at the will of the Band Council.

36. Security Deposits

- (a) Unless otherwise exempted, in whole or part, by Band Council, an applicant for a building Permit shall, at the time of the application, pay to the Band a refundable security deposit:
  - (i) for an accessory building, accessory structure, or swimming pool \$750.00
  - (ii) for a single family dwelling addition, alteration, renovation \$1000.00
  - (iii) for new single family dwelling \$2000.00
  - (iv) for other building types – 10% of the value of the project up to a maximum of \$100,000.00.
  
- (b) The security deposit sum may:
  - (i) cover the cost borne by the Band to maintain, restore or replace any Band or public works which are destroyed, damaged or otherwise impaired in the carrying out of the work referred to in any building Permit held by the applicant,
  - (ii) cover the cost borne by the Band to make the site safe if the Permit holder abandons or fails to complete the work as designated on the Permit,
  - (iii) serve as the security deposit for a provisional occupancy Permit when such a Permit makes provision for a security deposit, or
  - (iv) serve as a security deposit for the purpose of effecting compliance with any condition under which the Permit was issued.
  
- (c) The security deposit may be returned:
  - (i) When the Authority Having Jurisdiction is satisfied that no further damage to public works or Reserve lands will occur, or
  - (ii) when the inspections required by this By-law are complete and acceptable to the Authority Having Jurisdiction, or
  - (iii) when the conditions or provisions of a provisional certificate of occupancy are completed to the satisfaction of the Authority Having Jurisdiction; or

- (iv) any combination of (i), (ii), (iii).
  - (d) Any credit greater than the amount of the security deposit used by the Band for the purposes described in paragraph (b) above shall be returned to the person designated on the Permit application.
  - (e) Any amount in excess of the security deposit required by the Band to complete corrective work to Reserve lands, public works, or the site shall be recoverable from the Permit applicant or the Owner of the property in a manner deemed appropriate and legally available to the Band.
37. Sprinkler Installation
- (a) This section shall apply:
    - (i) to new buildings containing a mercantile, industrial, assembly, institutional, business and personal service, or multi-family residential, occupancy.
    - (ii) to existing buildings containing a mercantile, industrial, assembly, institutional, business and personal service, or multi-family residential occupancy upon creation of an additional dwelling unit.
    - (iii) to an existing building containing a mercantile, industrial, assembly, institutional, business and personal service or multi-family residential, occupancy where the total building permit value determined by Band Council, pursuant to this by-law, of all additions and structural alterations made within any consecutive 24 month period exceeds 25% of the assessed value of the existing building as determined by the most recent assessment by the British Columbia Assessment Authority.
  - (b) A building containing a mercantile, industrial, assembly, institutional, business and personal service, or multi-family residential, occupancy shall be sprinklered in accordance with NFPA 13 1996 "Standard for installation of Sprinkler Systems" except as set out in subsection (c).
  - (c) A building containing only a multi-family residential occupancy of up to four stories in height shall be sprinklered in accordance with NFPA 13R 1996 "Standard for installation of Sprinkler Systems in Residential Occupancies up to and including Four Stories in Height".
  - (d) All fire sprinkler systems shall be designed and reviewed by a registered professional with experience in sprinkler system design. Review of the work by a registered professional shall include field review as defined in the Building Code.

### **Schedules Are Part of By-law**

38. Schedules attached hereto are included in and form part of this By-law.

### **Gender And Plurality**

39. In this By-law, any words in the singular include the plural and words in the plural include the singular, and the masculine includes the feminine and neuter where the context requires. References to "his", "him", "hers", or "her" may include a body corporate.

### **Headings**

40. Headnotes, marginal notes and headings form no part of the enactment, but shall be construed as being inserted for convenience of reference only.

### **Severability**

41. If any provision of this By-law is found invalid, such provision is severable.

### **By-law Administration**

42. Only persons authorized by Band Council Resolution may act as agent of the Band for the purpose of administrating of this By-law.

### **Offence And Penalties**

43. (a) Every person who offends against or violates any of the provisions of this By-law or who suffers or permits anything to be done in contravention or violation of any of the provisions of this By-law and is liable on summary conviction to a fine of not more than \$1,000.00 or imprisonment for a term not exceeding thirty days, or both.
- (b) Notwithstanding subsection 42(a) of this By-law, any person who demolishes or substantially demolishes a building or structure, or allows, suffers or permits a building or a structure to be demolished or substantially demolished, without a valid and subsisting Permit issued pursuant to this By-law is guilty of an offence and shall upon conviction be liable to a fine or penalty of not more than \$1,000.00 or imprisonment for a term not exceeding thirty days, or both.

- (c) For each day that a violation of the provisions of this By-law is permitted to exist, it shall constitute a separate offence.

Schedule "A"

**SCHEDULE OF FEES**

**Building Permit Fees**

1. (a) The fees payable for the issuance of a Permit or renewal of a Permit for the erection, addition, alteration, repair, removal or demolition of any building or structure, or any part thereof including other building service systems or regulated by the Building Code, and excluding sprinkler systems, are as follows:
- (i) for the first \$1,000.00 value of the work \$58.43
  - (ii) for each \$1,000.00 or part thereof by which the value of work exceeds the sum of \$1,000.00 up to a maximum of \$15,000.00, add \$12.30
  - (iii) for each \$1,000.00 or part thereof by which the value of the work exceeds the sum of \$15,000.00 up to a maximum of \$50,000.00, add \$10.25
  - (iv) for each \$1,000.00 or part thereof by which the value of the work exceeds the sum of \$50,000.00, add \$ 9.23

except that,

- (A) where a certification or report is required to be provided by the Applicant in accordance with section 7(d)(viii) of this By-law, the above fees are reduced by 2.5% to maximum reduction of \$500.00; and
  - (B) where a Permit involves the Tsleil Waututh Certified Professional Program, in accordance with section 8 of this By-law, the above fees are reduced by 25% to a maximum reduction of \$25,000; and
  - (C) the fees payable for the issuance of a building Permit for the removal, repair or alteration of a building envelope and the repair of damage to structures caused by building envelope failure for any Multi-Family Residential buildings are waived.
- (b) At the time a building Permit application is made, 50% of the estimated Permit fee shall be due and payable; and include a non-refundable portion based on the following schedule:

<u>Estimated Construction Value</u>	<u>Refundable Portion of Fee</u>
0 - \$1,000,000.00	50% of application or Permit fee
over \$1,000,000.00 or portion thereof	90% of additional portion of Permit fee

\$58.43 minimum

- (c) Recheck fee: 15% of Permit; 58.43 minimum.
- (d) The building Permit fee is increased by 100% of the unreduced fee where construction commenced before the Building Inspector issued a Permit to a maximum of \$1,000.00.
- (e) Re-inspection Fee

Where it has been determined by the Authority Having Jurisdiction that, due to non-compliance with the provisions of this By-law, more than two inspections are necessary to review work requiring an inspection, the fee for each inspection after the second inspection shall be \$58.43.

- (f) A building Permit may be extended pursuant to section 6(b)(v). The total fee payable will equal 10% of the original fee or \$58.43 whichever is greater.
- (g) Review of Equivalents

For a review of submitted requests for acceptance of equivalents in accordance with section 2.5 of the Building Code:

- (i) Up to two equivalency items included in one \$358.75 submission (this includes a single review of a single revisions required from the primary review)
- (ii) For each equivalency item review exceeding the first two items included a single submission - \$115.83
- (iii) Each additional revision submission of any single item - \$ 58.43

(h) Transfer of Building Permit

For transfer or assignment of an active building Permit to a new Occupier:

Single Family Residential Building	\$ 58.43
Other building type	\$115.83

(i) Secondary Suite Inspection Fee \$120.00

(j) Plan Review and Summary Letter \$200.00

(k) Water Taxi Fee DNV cost  
plus 15% administration fee

**Chimney And Fuel Burning Appliance Fees**

2. The fees payable for a chimney Permit are as follows:

(a) chimney with one flue, including factory-built chimney	\$ 58.63
(b) each additional flue or chimney in a building	\$ 21.53
(c) fireplace and flue, including factory-build fireplace	\$ 58.43
(d) solid fuel burning appliances	\$ 58.43

**Plumbing Permit Fees**

3. The fees payable for the issuance of a plumbing Permit are as follows:

(a) for the installation of fixtures, each roof drain, hot water tank, sump and interceptor being classed as a fixture, as follows:	
(i) one fixture	\$ 58.43
(ii) each additional fixture up to ten	\$ 21.53
(iii) each additional fixture over ten	\$ 18.45
(b) for the installation or replacement of water service	\$ 58.43



(c)	for the installation of perimeter foundation drains	\$ 29.73
(i)	for single of two family residential buildings up to 250' for each additional 250'	\$ 58.43 \$ 29.73
(ii)	for other than single or two family residential buildings, for each 100' or portion thereof to 500'  for each additional 250'	\$ 58.43 \$ 29.73  \$ 29.73
(d)	for the alteration of plumbing where no fixtures are involved, for each 10 metres of house drain installed or portion thereof	\$ 58.43
(e)	in every case where, due to non-compliance with the provisions of this By-law or to unsatisfactory workmanship, more than two inspections are necessary, for each inspection after the second inspection	\$ 58.43
(f)	special inspections, being inspections made in response to a request by a person having an interest in establishing the fitness of the plumbing to be inspected, may be made for a fee per inspection, payable in advance by the person requesting such inspection of	\$ 69.70
(g)	for the installation of plumbing fixtures by other than the original permit holder	\$ 58.43
(h)	for the installation of domestic water for fire lines in other than single family dwellings:	
(i)	for the first 30m or portion thereof for each additional 30m	\$58.43 \$ 29.73
(ii)	for each fire hydrant, alarm or dry valve	\$ 29.73
(iii)	for first hose connection, Siamese for each additional hose connection, Siamese	\$ 29.73 \$ 14.35
(iv)	for the connection of the municipal water supply to an hydraulic equipment	\$ 58.43
(v)	for the installation of vacuum breakers or approved double check valve assemblies as required by Authority Having Jurisdiction	\$ 58.43

- (i) for the installation of
  - (i) a house sewer and building sanitary drain where the length does not exceed 30m \$ 58.43
  - and each additional 30m or part thereof \$ 29.73
  - (ii) a storm sewer and building storm drain where the length does not exceed 30m \$ 58.43
  - and each additional 30m or part thereof \$ 29.73
- (j) for the installation of either or both when under a common Permit
  - (i) storm sewer house service connection \$244.98
  - (ii) sanitary sewer house service connection \$244.98
- (k) for the installation of sprinkler system
  - (i) fee for the first head \$ 58.43
  - (ii) for each additional head \$ 2.56
- (l) for the installation of forced air heating \$ 1.25 per 1000  
btu to \$200.00 maximum
- (m) for the installation of hydronic heating \$ 1.25 per 1000  
btu to \$200.00 maximum

**Schedule "B"**

**INSURANCE POLICY ENDORSEMENT AS REQUIRED BY SECTION 35**

The following endorsement shall be used as required by Section 35 of **"THE TSLEIL WAUTUTH NATION BUILDING BY-LAW 2001"**

**ENDORSEMENT**

At the request of the insured \_\_\_\_\_

the Tseil Waututh Nation is hereby added to this policy as an additional insured in respect to the \_\_\_\_\_

at the location herein described. A Permit having been granted by the Authority Having Jurisdiction for the installation and maintenance of a \_\_\_\_\_

affixed to the Premises occupied by \_\_\_\_\_

on the Reserve, subject to the indemnification of the Tseil Waututh Nation against loss or damages arising therefrom, it is hereby understood and agreed that the insurance provided by this policy shall first be used to indemnify the Tseil Waututh Nation against all loss, costs, expenses, claims, damages or liability imposed by law upon the Tseil Waututh Nation for on account of bodily injuries accidentally sustained, including death resulting therefrom, for all property damage for which the Tseil Waututh Nation may be held liable, as well as for property damage sustained by the Tseil Waututh Nation, by reason of the construction, installation, maintenance, use, non-repair, servicing, or removal of the said \_\_\_\_\_, provided that the insurer's liability shall not in any event exceed in amount the limits named in this policy.

Limit of liability for any one accident shall be not less than One Million Dollars.

Any terms, conditions, agreements or exclusions contained in this policy shall not be held applicable to the prejudice of the Tseil Waututh Nation.

This policy shall not lapse or be cancelled except upon thirty days' previous notice in writing to the Tseil Waututh Nation.

Nothing herein contained shall be held to vary, alter, waive, or extend any of the Declarations, Agreements, Exclusions or Conditions of the under-mentioned Policy other than as above-stated.

Attached to and forming part of Policy Number \_\_\_\_\_ of the Insurance Company \_\_\_\_\_

Effective Date of Endorsement \_\_\_\_\_ ; Code Number \_\_\_\_\_

Agent \_\_\_\_\_

Schedule "C"

RAINFALL INTENSITY DATA

Rainfall intensity data shall be used in the determination of hydraulic loads and drainage pipe sizes pursuant to Article 4.10.19 of the Plumbing Code.

Where data contained in Table 4.10.E forming part of Article 4.10.9. differs from data contained in this By-law, use this By-law.

Maximum Square Foot Area For Storm on Building Drain at 1.6"-15 Min. Rainfall

	1/8"	1/4"	1/2"	
3 θ		2 900	4 110	square feet
4 θ	4 700	6 625	9 400	square feet
6 θ	13 375	18 875	26 750	square feet
8 θ	28 750	40 750	57 500	square feet
10 θ	51 750	73 000	103 500	square feet
12 θ	83 250	117 500	166 500	square feet
15 θ	148 500	210 000	297 500	square feet

Maximum Hydraulic Load on Leaders at 1.6"-15 Min. Rainfall

2 θ	1 800	square feet
3 θ	5 500	square feet
4 θ	11 500	square feet
6 θ	33 750	square feet
8 θ	72 500	square feet

Maximum Square Metered Area for Storm on Building Drain at 40.6mm-15 Min. Rainfall

	1 in 100	1 in 50	1 in 25	
75mm		269	381	square metres
100mm	436	615	873	square metres
150mm	1 242	1 753	2 485	square metres
200mm	2 670	3 785	5 341	square metres
250mm	4 807	6 781	9 615	square metres
300mm	7 734	10 916	15 468	square metres
375mm	13 796	19 509	27 638	square metres

**Maximum Hydraulic Load on Leader at 40.6m-15 Min. Rainfall**

50mm	167 square metres
75mm	510 square metres
100mm	1068 square metres
150mm	3135 square metres
200mm	6735 square metres

**NOTE:**

Maximum 12,000 square feet per catch basin  
Minimum Discharge – 6 0" Pipe  
Maximum Distance – High point to catch basin 125 feet

**SNOWLOAD INTENSITY DATA**

Snowload intensity data contained in this By-law shall be used in the determination of snow loads pursuant to the Building Code.

**Contour Intervals**

- 0 - 60m
- 60 - 140m
- 140 - 230m
- 230 - 320m

**Ground Snowloads**

- 2.2 Kn/m<sup>2</sup>
- 2.39 Kn/m<sup>2</sup>
- 2.87 Kn/m<sup>2</sup>
- 3.34 Kn/m<sup>2</sup>

This By-law known as Tsleil Waututh Nation Building By-law 2001 is hereby made at a duly convened meeting of the Council of the Band this 19<sup>th</sup> day of DECEMBER, 2001.

Voting in favour of this By-law are the following members of the Band Council:

Yusuf D. Thomas  
(Member of Band Council)

Francis George  
(Member of Band Council)

Chief Rappin  
(Member of Band Council)

Justin George  
(Member of Band Council)

being the majority of those members of the Council of the Tsleil Waututh Nation present at the aforesaid meeting of the Council.

The quorum of the Band Council is three (3) members.

Number of members of the Band Council present at the meeting: 4

I, Leah D. George, Chief Councillor of the Tsleil Waututh Nation, do hereby certify that a true copy of the foregoing By-law was mailed to the Minister of Indian Affairs and Northern Development at the District offices at 600 - 1138 Melville Street, Vancouver, British Columbia, V6E 4S3 in accordance to section 82(1) of the *Indian Act*, this 19<sup>th</sup> day of DECEMBER, 2001.