

Building Bylaw Update

July 9, 2019

I am pleased to announce that Nelson City Council has just given final approval to Building Bylaw 3456, 2019 to replace Building Bylaw 3202, 2011. This new bylaw will go into full effect August 1, 2019. Although this Bylaw is a significant rework of the previous Bylaw, most of the content in relation to when permits are required and how they are administered stays the same. A Building Bylaw is what allows municipalities and Regional Districts to administer the BC Building Code, issue permits and conduct inspections. The City was required to update the Building Bylaw due to changes at the Provincial level as a result of the Building Act, however this was also an opportunity to introduce a few new additions that some of you may already be aware of. These changes include:

- New language to allow the City to institute Step code; initially Step 1 for all new Part 9 residential buildings. (See below for more information)
- The incorporation into bylaw of the existing policy to require hazardous materials assessments for all invasive renovations or demolition of building constructed before 1990. (See below for more info)
- We will also now be issuing occupancy certificates for all new residential buildings with building permits issued after August 1, 2019 to ease confusion with the banking, real estate and insurance industries.
- The requirement to obtain a building permit for any new in ground swimming pools or large on ground pools where safety fencing and other life/safety risks exist.
- Finally, the requirement for building permits for new retaining walls over 1.2 meters is carried forward from adoption last year.

The new Building Bylaw will be available on our web site for review before it goes into effect on August 1st for anyone who may want to view it.

Step Code Level 1 for new residential buildings

All building permits applications for new residential construction made on or after August 1, 2019 will be required to comply with BC Building Step code 1 for energy efficiency.



All applications will have to provide a Pre-construction Compliance Report from a qualified Energy Advisor before a building permit can be issued. Before a building permit can be finalised an As-Built Compliance Report will be required stating the level of Step code the building actually achieved. A minimum of one blower door air leakage test will be required along with any other confirmations the Energy advisor requires for them to determine the final Step level of the home. A blower door test at mid construction is recommended to identify any unwanted air leakage before the air barrier is covered. With Step 1 a **no fail option** is available, whereas as the builder has engaged with an energy advisor but continues to build without attention to the air leakage with the result that the house fails it's As-Built testing, a fixed air change rate is assumed and the house will be deemed to comply. Higher levels of Step code do require that the building achieve whatever the current minimum level of Step code might be to be in force. At this time the City is considering moving to a minimum of Step 2 or 3 anytime between 6 month and 1 year from August 1st to stay on pace with announced goals from the BC Provincial Government.

It is recommended that all Building designers, Builders and Home owners contact an Energy advisor before they make any final design or contract decisions. As the Pre-construction compliance report will be required before a building permit is issued, certain decisions like the basic shape of the building, window locations, window type, ceiling insulation and so on can drastically affect the energy efficiency of a home and change how a person may want to design or configure their future home. Of course the benefits to all this, are much lower energy use resulting in lower operating costs.

Hazardous Material Assessments and Clearance letters

Worksafe BC has become increasingly concerned about workers being exposed to hazardous materials such as asbestos and lead for example. In the case of the City of Nelson, the concern is primarily with Building officials, Landfill attendants and Waste disposal operators being exposed during their normal duties. As a result of Worksafe regulations, the City has now included the requirement for Hazardous Materials Assessments and Clearance letters when issuing building permits for certain demolition and renovation projects. All abatement work should be done under building permit to ensure the correct process is being followed and documented.

This requirement may be waived in some cases by the Building official if the scope of the renovations is such that any hazardous materials are unlikely to be disturbed or removed or if the building materials to be disturbed during renovation or demolition was constructed or renovated after 1990. Building officials also cannot attend sites where hazardous materials has been identified or removed without first receiving a Clearance letter confirming abatement was completed in accordance with Worksafe requirements and that the site is safe to occupy.

The City has recently been informed by RDCK Resource Recovery Staff that any volumes of construction waste suspected to have asbestos containing material will be turned away from local transfer stations and landfills. Contractors managing projects that have been professionally mitigated should contact RDCK staff at 250.352.8161 to arrange disposal and ensure compliance with RDCK Resource Recovery Bylaw 2635, which has specific requirements for packaging and disposal booking for asbestos-containing materials.

If you are a contractor or home owner that suspects that some of the material you may be dealing with is contaminated it is always best to have a certified assessment done. If hazardous material is found then professional abatement is best, if no hazardous material is found the hazardous materials assessment report can be provided as documentation. RDCK staff have communicated to the City that in the situation where a Clearance Letter has been issued, or the contractor has proof that the building was constructed or renovated after 1990, the contractor should contact RDCK staff at 250.352.8161 to arrange for disposal ahead of time; doing so will minimize the risk of being turned away at the gate.

Thank you,

Sam Ellison
Senior Building Official, RBO
City of Nelson

NOTE - Not sure whether a project needs a HazMat assessment? Follow this link for a checklist:
<https://www.nelson.ca/DocumentCenter/View/3404/HazMat-cheat-sheet>