

THE CORPORATION OF THE VILLAGE OF CUMBERLAND

BYLAW NO. 1254

A Bylaw to amend Building Bylaw No. 949, 2012.

The Council of the Corporation of the Village of Cumberland, in open meeting assembled, enacts as follows:

Citation

1. This Bylaw shall be cited as “Building Amendment Bylaw No. 1254, 2026”.

Amendments

2. Corporation of the Village of Cumberland Building Bylaw No. 949, 2012 is amended as follows:

(a) Amending Part A: Administration

- (i) **Replacing** section 5(a) with “Every person who contravenes any provision of this Bylaw, permits, suffers, or allows a contravention of any provision of this Bylaw, or neglects to satisfy any requirement of this Bylaw commits an offence, and each day that a contravention of this Bylaw occurs shall constitute a separate offence.”

(ii) Replacing section 5(b) with

“Every person who is found to have committed an offence under this Bylaw by a court of competent jurisdiction shall be liable to a minimum fine up to the maximum fine amount authorized by the *Community Charter* or a term of imprisonment not exceeding three months, or both, in addition to the costs of persecution.”

(b) Amending Part B: Definitions

- i) by repealing the following:

For the purpose of this Bylaw, the following definitions apply. The context meaning of terms contained in the Bylaw and not defined herein, are to be determined in accordance with firstly, the British Columbia Building Code 2018 (BCBC), secondly, this Bylaw and thirdly in the ‘Zoning Bylaw No. 1027, 2016,’ as amended from time to time and then in the Canadian Oxford dictionary.

and the following substituted:

1. Except as otherwise defined herein, words and phrases in this Bylaw have the same meanings as in the *Community Charter*, *Local Government Act*, *Building Code*, *Fire Safety Act*, *Interpretation Act*, and *Zoning Bylaw* as the context and circumstances may require.
2. In this bylaw,
 - ii) **Replacing** the definition of “BCBC” with “means the British Columbia Building Code as adopted by the Minister responsible under provincial legislation, as amended, revised, consolidated, or replaced from time to time.”
 - iii) **Replacing** the definition of “Building Official” with “means a person authorized by the Village to administer and enforce this Bylaw and the BCBC.”
 - iv) **Revising** the definition of “Complex Building” by removing the line break after “b) care or” and “c) detention”
 - v) **Replacing** the definition of “Energy Step Code” with “means the BCBC performance based standard for energy efficiency in new construction which involves energy modelling prior to construction and onsite testing after construction to ensure that the building envelope, equipment and systems, and airtightness are consistent with the performance based standards for the applicable step.”
 - vi) **Replacing** the definition of “Owner” with “means the registered owner in fee simple, or an Agent duly authorized by the Owner in writing in the form prescribed by the Village.”
 - vii) **Replacing** the definition of “Registered Professional” with “means a person who is registered as:
 - a) an architect with the Architectural Institute of British Columbia under the *Professional Governance Act*; or
 - b) a professional engineer or professional licensee engineering with the Association of Professional Engineers and Geoscientists of British Columbia under the *Professional Governance Act*.”

- viii) **Revising** the definition of “Standard Building” by replacing “Standard” with “Simple”, and replacing all subsequent instances of “Standard Building” with “Simple Building”.
- ix) **Replacing** the definition of “Structure” with “means anything that is constructed, placed, erected, supported by, or sunk into land or water, but specifically excludes signs, fences up to 2.0 metres in height, and areas of hard surfacing such as concrete, brick or unit pavers, turfstone, asphalt, or similar materials.”
- x) **Replacing** the definition of “Village” with “means the Corporation of the Village of Cumberland.”
- xi) **Striking out** the definition of “Village Engineer”.
- xii) **Striking out** the definition of “Wildland/Urban Interface”.
- xiii) **Adding**, in alphabetical order, the following definitions:

Agent means a firm, corporation, or other person representing the Owner, by written designation or contract, and includes a hired tradesperson or Registered Professional who may be granted a Permit for work within the limitations of their licence.

Energy Advisor means an individual qualified to carry out any activities contemplated by the Energy Step Code or Zero Carbon Step Code.

Foundation means a system or arrangement of foundation units through which the loads from a building are transferred directly to supporting soil or rock and includes any portion of the exterior walls of a building located below the finished grade immediately adjacent to the building.

Permit means permission or authorization in writing by the Building Official to perform work regulated by this Bylaw, and, in the case of a final inspection notice, to occupy a building or part of a building.

Value of Construction means the amount that is calculated as the greater of:

- a) the declared value of construction that is proposed in the application for a Permit; or
- b) the estimated value of construction that is proposed in the application for a Permit, which estimate is determined using an

independent third-party valuation service to determine the average costs of similar construction such as a method from the “Marshall Swift Valuation Service”, or an appraiser or another independent valuation method approved by the Village.

Zero Carbon Step Code means the greenhouse gas (GHG) emission requirements set out in the BCBC.

(c) Amending Part C: General Regulations:

- (i) **Revising** section 2(b)(iii) by striking out “section 23(c)” and replacing it with “Part C section 12(c)”.
- (ii) **Revising** section 2(b)(viii) by striking out “manufactured homes sited in a manufactured home park that has” and replacing it with “mobile homes sited in a manufactured home park that have”.
- (iii) **Revising** section 5 by adding the subheading “5.1 General” after “5. Applications” and before subsection (a).
- (iv) **Revising** section 5.1(a)(i)(2) by striking out “manufactured” and replacing it with “mobile”.
- (v) **Revising** section 5.1(a)(i)(4) by striking out “constructing, extending, altering, or repairing a masonry fireplace” and replacing it with “maintenance, repair, alteration, or replacement of an existing solid fuel burning appliance in accordance with Part C section 8.8 of this Bylaw”.
- (vi) **Repealing** section 5.1(a)(i)(5).
- (vii) **Repealing** section 5.1(a)(v).
- (viii) **Revising** section 5.1(b) by striking out “as determined in accordance with Table 14.2 of this Bylaw”.
- (ix) **Repealing** section 5.1(c).
- (x) **Revising** section 5 by adding the following after section 5.1(b):

5.2 Plumbing

- a) A Permit is not required for plumbing works required to replace or repair a valve, faucet, or fixture, clear a stoppage, or repair a leak, provided no change in piping is required.

(xi) **Striking out** section 6 and replacing it with the following:

6. Permit Application Requirements

- a) An Owner or Agent must apply for a Permit under this Bylaw by:
 - i) completing the relevant application form as amended or updated from time to time;
 - ii) providing all information required for the application as set out in this Bylaw, and any further information reasonably required by the Building Official to evaluate and assess the application for compliance with this Bylaw, the BCBC, and other relevant enactments; and
 - iii) paying the required permit application fee in accordance with Part C section 13.1 of this Bylaw.
- b) The Building Official is authorized to prescribe the form and content of application forms for the purposes of this Bylaw, and in so doing may prescribe different forms for different types of Permits based on the nature or complexity of the application.

(xii) **Repealing** section 7 and renumbering subsequent sections accordingly.

(xiii) **Adding** the following section in numerical order and renumbering subsequent sections accordingly:

7. Energy Efficiency and Conservation

General

- a) In relation to the conservation of energy and the reduction of greenhouse gas emissions, the Village incorporates by reference the Energy Step Code in accordance with Part C section 7(b) through 7(c) and the Zero Carbon Step Code in accordance with Part C section 7(d).

- b) A building regulated by Part 3 of the BCBC must be designed and constructed to meet the minimum performance requirements specified in:
 - i) Step 2 of the Energy Step Code; or
 - ii) for Permit applications received on or after the adoption of Step 3 within the BCBC, Step 3 of the Energy Step Code; or
 - iii) for Permit applications received on or after adoption of Step 4 within the BCBC, Step 4 of the Energy Step Code.
- c) A building regulated by Part 9 of the BCBC must be designed and constructed to meet the minimum performance requirements specified in:
 - i) Step 3 of the Energy Step Code; or
 - ii) for Permit applications received on or after adoption of Step 4 within the BCBC, Step 4 of the Energy Step Code; or
 - iii) for Permit applications received on or after adoption of Step 5 within the BCBC, Step 5 of the Energy Step Code.
- d) A building regulated by Part 3 or Part 9 of the BCBC must be designed and constructed to meet the minimum performance requirements specified in:
 - i) EL-3 of the Zero Carbon Step Code for Permit applications received on or after January 1, 2027; or
 - ii) EL-4 of the Zero Carbon Step Code for Permit applications received on or after January 1, 2028.
- e) The Village will rely solely on field reviews undertaken by the Energy Advisor and the reports submitted pursuant to this Bylaw as assurance that the construction or applicable aspect thereof substantially conforms to the design, and that the construction or applicable aspect thereof substantially complies with the BCBC, this Bylaw, and other applicable enactments respecting energy efficiency.

- (xiv) **Adding** the following section in numerical order and renumbering subsequent sections accordingly:

8. Addressing of Buildings

- a) Immediately upon issuance of a Permit governing the construction, alteration, or repair of a building, or prior to and during any occupancy of a building, the Owner or occupant must display the civic address assigned to it by the Village of Cumberland:
- i) on or over the primary entrance to the building, or where the primary entrance of the building is not visible from the adjacent highway, on the property in a location visible from the adjacent highway; and
 - ii) until such time as the building is removed from the site or has been demolished.
- b) Despite Part C section 8(a), the Village may renumber or alter the assigned civic address of any building or any lot, including those already in existence or numbered.

- (xv) **Repealing** section 9 and renumbering subsequent sections accordingly.

- (xvi) **Repealing** section 10 and renumbering subsequent sections accordingly.

- (xvii) **Repealing** section 11 and renumbering subsequent sections accordingly.

- (xviii) **Repealing** section 12 and renumbering subsequent sections accordingly.

- (xix) **Repealing** section 13 and renumbering subsequent sections accordingly.

- (xx) **Revising** section 9(c) by striking out “13(a)” and replacing it with “Part C section 9(a)”.

- (xxi) **Repealing** section 10 and replacing it with the following:

10. Fees

10.1 Application Fees

- a) An application made for any Permit must:

- i) be accompanied by the non-refundable application fee in the amount set out in the Village's Fees Bylaw.
- b) The Building Official is authorized to cancel a Permit application, and the application fee will be forfeited if 180 days after the application date, the Building Official is unable to issue the Permit due to the incompleteness of the application submissions.
- c) The Building Office is authorized to cancel a Permit if the permit fee has not been paid within 60 days from the date of notification to the Owner of Permit issuance.

10.2 Permit Fees

- a) Before receiving an issued Permit, the Owner must first pay to the Village:
 - i) the permit fee in the amount set out in the Village's Fees Bylaw; and
 - ii) any other fees, charges, levies, or taxes imposed by the Village and payable under an enactment at the time of Permit issuance.
- b) If the owner proposes modification to the design of a completed Permit application that is ready for issue or a Permit that has been issued, the Owner must pay to the Village the permit amendment fee in the amount set out in the Village's Fees Bylaw.
- c) The Building Official is authorized to impose a double permit fee as set out in the Fees Bylaw, to a combined maximum of \$10,000.00, for any Permit application made retro-actively for construction that commenced without a valid and subsisting Permit issued by the Village.

10.3 Security Deposit

- a) Before a Permit is issued, the Owner must first pay to the Village the security deposit in the amount set out in the Village's Fees Bylaw.
- b) The security deposit may be used by the Village as follows:

- i) to cover the cost borne by the Village to maintain, restore, or replace any public works or public lands which are destroyed, damaged, or otherwise impaired in the carrying out of the work referred to in any Permit held by the Owner;
 - ii) to cover the cost borne by the Village to make the site safe if the Permit holder abandons or fails to complete the work as designated on the Permit;
 - iii) to serve as the security deposit for provisional occupancy when such a final inspection notice makes provision for a security deposit; and
 - iv) to serve as a security deposit to effect compliance with any condition under which the Permit was issued.
- c) The security deposit or applicable portion shall be returned to the Owner when:
 - i) the Building Official is satisfied that no further damage to public works or public lands will occur;
 - ii) the inspections required by this Bylaw are complete and acceptable to the Building Official; and
 - iii) the conditions or provisions of a provisional certificate of occupancy are completed to the satisfaction of the Building Official.
- d) Any credit greater than the amount of the security deposit used by the Village for the purposes described in Part C section 13.3(b) will be returned to the Owner unless otherwise so directed by the Owner.
- e) Any amount in excess of the security deposit required by the Village to complete corrective work to public lands, public works, or the site is recoverable by the Village from the Owner or Agent.
- f) Where the proposed work includes excavation or construction on lands within 3.0 metres of works or services owned by the Village, the owner must deliver to the Building Official a signed agreement in a form prescribed by the Village under which the Owner acknowledges and agrees that any damage to municipal works or services arising

from the construction associated with the Permit will be repaired by the Owner at their expense and to the satisfaction of the Village.

10.4 Inspection Fees and Peer Review

- a) The Owner must pay the non-refundable inspection fees in the amount set out in the Village's Fees Bylaw for:
 - i) a second and each subsequent re-inspection where it has been determined by the Building Official that due to non-compliance with the provisions of this Bylaw or due to non-complying work, more than one site visit is required for any required inspection;
 - ii) a special inspection during the Village's normal business hours to establish the condition of a building where such inspection requires special arrangements because of time, location, or construction techniques; or
 - iii) any inspection required under this Bylaw which cannot be carried out during the Village's normal business hours.
- b) The Building Official may determine that a peer review of a proposed design and/or field inspection conducted by a registered professional is warranted. The Owner must pay a Peer Review Retainer when requested by the Building Official. The amount will be determined based on 125% the estimated cost of the external review, plus a 10% administration fee. Any unused portion of the Peer Review Retainer will be refunded to the Owner. If the cost of the external review is more than the Peer Review Retainer collected, another Peer Review Retainer based on an estimate of the work remaining will be collected. The building permit will be suspended until this Peer Review Retainer, or any outstanding fees are paid.

10.5 Permit Fee Refunds

- a) No fee or part of a fee paid to the Village will be refunded if construction has started in accordance with the issued permit unless specifically provided for in this Bylaw.
- b) A permit fee may be partially refunded in accordance with the amount(s) set out in the Village's Fees Bylaw, provided:
 - i) the Owner or Agent has submitted a written request to cancel the Permit and receive a refund;

- ii) the Building Official has certified that works associated with the Permit have not been started; and
 - iii) the Permit has not expired.
- c) A permit fee is not refundable after the Permit has been extended under Part C section 14(c) of this Bylaw.
- (xxii) **Revising** section 11(c) by striking out “section 15(b)” and replacing it with “Part C section 11(b)”, and striking out “as required in Table 14.2”.
- (xxiii) **Revising** section 13 by striking out “and Geological”.
- (xxiv) **Revising** section 13(a) by striking out “in Table 17.1” and replacing it with “in the Climatic Data Table below:”, and striking out Table 17.1 and replacing it with the following:

Climatic Data Table	
Ground Snow Load (kPa)	
S _s	S _R
2.4	0.4

- (xxv) **Revising** section 13(b) by striking out “and geological”, striking out “in Table 17.1” and replacing it with “in the above Climatic Data Table or the BCBC,”, and striking out “and geological”.
- (xxvi) **Revising** section 14(a)(ii) by striking out “, calculated in accordance with the value prescribed in Table 14.2, has” and replacing it with “have”.
- (xxvii) **Revising** section 14(c)(i) by striking out “section 18(b)” and replacing it with “Part C section 14(b)”.
- (xxviii) **Revising** section 14(c)(ii) by striking out “as prescribed in Table 14.2”.
- (xxix) **Repealing** section 17(c) and replacing it with the following:
- c) Every Owner to whom a Permit is issued must, at all times during construction:

- i) allow a Building Official to enter any land or building or structure at any reasonable time for the purpose of ascertaining that the terms of this Bylaw are being observed;
- ii) post a copy of the Permit on the property in a location visible from any adjoining highways; and
- iii) post the civic address on the property in a location visible from any adjoining highways.

(xxx) **Revising** section 18(b) by striking out “section 22(a)” and replacing it with “Part C section 18(a)”.

(xxxi) **Revising** section 18(d) by striking out “24” and replacing it with “48”.

(xxxii) **Revising** section 18(e) by striking out “section (d)” and replacing it with “Part C section 18(d)”.

(xxxiii) **Revising** section 18(f) by striking out “section (d)” and replacing it with “Part C section 18(d)”.

(xxxiv) **Revising** section 20 by adding the following after section 20(b) and renumbering subsequent sections accordingly:

- c) Where the demolition or deconstruction of a building or structure has resulted in an excavation and a Permit is not subsequently issued or a subsisting Permit has expired without the construction of a replacement building or structure having been substantially commenced, the Owner must fill in such excavation to restore the natural grade of the site within 60 days of being served notice by the Village to do so.

(xxxv) **Revising** section 20(e) by adding “driveway,” after “alter a” and before “drainage swale”.

(xxxvi) **Repealing** section 25 and renumbering subsequent sections accordingly.

(xxxvii) **Revising** section 26(b) by adding “in accordance with a valid and subsisting Permit” after “BCBC”.

(xxxviii) **Revising** section 27 iv) by striking out “Shaw” and replacing it with “telecommunications” and by deleting 27 v) “Telus”

(xxxix) **Revising** section 28(c) by adding “Part C” after “contravention of” and before “section 3”.

Severability

3. If any section or subsection of this Bylaw is found to be invalid by a court of competent jurisdiction, the section or subsection may be severed from the Bylaw without affecting the validity of the remainder of the Bylaw.

READ A FIRST TIME THIS	22ND	DAY OF	JUNE	2026.
READ A SECOND TIME THIS	22ND	DAY OF	JUNE	2026.
READ A THIRD TIME THIS	13TH	DAY OF	JULY	2026.
ADOPTED THIS	27TH	DAY OF	JULY	2026.

Mayor

Corporate Officer