KA:'YU:'K'T'H'/CHE:K'TLES7ET'H'
FIRST NATIONS GOVERNMENT

BUILDING AND DEVELOPMENT AUTHORIZATION ACT

KCFNS 34/2014

This law enacted on **December 19, 2014**

Signed _____
Christina Cox, Tyee Ha'wilth,
Ka:'yu:'k't'h' First Nation

Signed _____
Francis Gillette, Tyee Ha'wilth,
Che:k'tles7et'h' First Nation

Signed _____
Therese Smith, Legislative Chief,
Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations

DEPOSITED IN THE
REGISTRY OF LAWS

ON **December 19, 2014**

_____
Signature of Clerk

TABLE OF CONTENTS

PART 1 - INTRODUCTORY PROVISIONS 7

Short title 7
Executive oversight 7
Application 7
Interpretation 9

PART 2 - APPLICATION FOR AUTHORIZATION 13

Authorization application 13
General application requirements 13
Additional requirements for standard construction authorization 18
Additional requirements for major construction authorization 18
Multiple buildings 18
Temporary buildings 19
Additional requirements for plumbing authorization 20
Requirements for site and lot grading 20
Plans and certifications 20
Completed application 21

PART 3 - BUILDING AND DEVELOPMENT AUTHORIZATION 23

Authorization required 23
Authorization approved by the Executive 23
Authorization approved by the director 24
Partial authorization 25
Home warranty insurance 25
Authorization implications 26
Expiration and renewal 26
Suspension and revocation 27
Authorization transfer 28

PART 4 - GENERAL REQUIREMENTS 29

Obligations of the owner 29
Damage to Ka:'yu:'k't'h'/Che:k'tles7et'h' property 31
Retaining structures 31
Swimming pools 31
Fire suppression systems 32
Demolishing and moving buildings 33

PART 5 - ENFORCEMENT AND PENALTIES 35

Prohibitions 35
Director's powers 35
Do not occupy notice 36
Stop work notice 36
Inspections 36
Final report authorizing occupancy 38

Letters of assurance and declarations 39

PART 6 - GENERAL PROVISIONS 41

Regulations 41
Offences 41
Commencement 41

PREAMBLE

It is the desire of the Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations that growth and development on our Ka:'yu:'k't'h'/Che:k'tles7et'h' lands and Ka:'yu:'k't'h'/Che:k'tles7et'h' foreshore be conducted in a way that is transparent and accountable and that fosters a safer, stronger, healthier, more financially secure and more sustainable community. Building and development on Ka:'yu:'k't'h'/Che:k'tles7et'h' lands and Ka:'yu:'k't'h'/Che:k'tles7et'h' foreshore must be carried out in a way that ensures our growth and development is socially, economically and environmentally sustainable and aesthetically acceptable in design in order to create the type of community we want to live in and that meets our needs.

To this end, the Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations desires that development and growth be properly managed and overseen by trained professionals with expertise in applicable areas. Development and growth and, in particular, the construction of buildings and structures in support of that development and growth, must be carried out in a manner that ensures the health and safety of Ka:'yu:'k't'h'/Che:k'tles7et'h' citizens, individuals ordinarily resident on Ka:'yu:'k't'h'/Che:k'tles7et'h' lands or Ka:'yu:'k't'h'/Che:k'tles7et'h' foreshore and the protection of persons and property on Ka:'yu:'k't'h'/Che:k'tles7et'h' lands and Ka:'yu:'k't'h'/Che:k'tles7et'h' foreshore.

The Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations adopts this Act based on these values.

PART 1 - INTRODUCTORY PROVISIONS

Short title

1.1 This Act may be cited as the Building and Development Authorization Act.

Executive oversight

1.2 The member of the Executive holding the lands and resources portfolio is responsible for the Executive oversight of this Act.

Application

1.3 (a) This Act is enacted under 13.14.1a and 13.30.1 of Chapter 13 Governance of the Maa-nulth Treaty and under the Foreshore Agreement.

(b) This Act applies to the design, construction and occupancy of new buildings and structures, including temporary buildings and structures, and the alteration, reconstruction, demolition, removal, relocation and occupancy of existing buildings and structures on Ka:'yu:'k't'h'/Che:k'tles7et'h' lands and Ka:'yu:'k't'h'/Che:k'tles7et'h' foreshore.

(c) For certainty and in accordance with 13.30.2 of Chapter 13 Governance of the Maa-nulth Treaty, the British Columbia Building Code applies on all Ka:'yu:'k't'h'/Che:k'tles7et'h' lands and Ka:'yu:'k't'h'/Che:k'tles7et'h' foreshore.

(d) In the event of any inconsistency or conflict between this Act and the British Columbia Building Code, the British Columbia Building Code prevails to the extent of the inconsistency or conflict.

(e) This Act is enacted for the purpose of regulating construction on Ka:'yu:'k't'h'/Che:k'tles7et'h' lands and Ka:'yu:'k't'h'/Che:k'tles7et'h' foreshore in the general interest of the Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations.

(f) Any activities undertaken by or on behalf of the Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations under this Act are for the sole purpose of providing an interim and limited spot checking function for reasons of health, safety and the protection of persons and property and it is not contemplated nor intended, and neither does the purpose of this Act extend to,

(i) the protection of owners, builders or constructors from economic loss,

(ii) the assumption by the Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations, the Ka:'yu:'k't'h'/Che:k'tles7et'h' government or a Ka:'yu:'k't'h'/Che:k'tles7et'h' official of any responsibility for ensuring

the compliance by an owner, or any employees, contractors or designers retained by an owner, with the British Columbia Building Code, the requirements of this Act or any other applicable enactments respecting health, safety and the protection of persons and property,

(iii) providing any person a warranty of design or workmanship with respect to any building or structure for which an authorization is issued under this Act, or

(iv) providing any person a warranty or assurance that construction undertaken in accordance with an authorization is free from latent or any other defects.

(g) This Act does not apply to

(i) buildings or structures exempted by Part 1 of the British Columbia Building Code, except as expressly provided in this Act,

(ii) retaining structures less than 1.5 m in height,

(iii) accessory buildings less than 10 m^2 in building area that do not create a hazard,

(iv) fences,

(v) concrete, asphalt or similar surfacing for paving,

(vi) portable swimming pools not anchored to the ground,

(vii) pools having a surface area of 15 m^2 or less or a depth of 450 mm or less,

(viii) uncovered decks, patios and terraces not more than 620 mm above grade,

(ix) temporary buildings such as construction site buildings, seasonal storage buildings, special events facilities, emergency facilities and other such similar structures,

(x) factory-built wood burning appliances or factory-built chimneys, and

(xi) the Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations as represented by the Ka:'yu:'k't'h'/Che:k'tles7et'h' government.

(h) For certainty and despite anything to the contrary, this Act must be interpreted in accordance with this section.

Interpretation

1.4 (a) In this Act,

"accessory building" means a subordinate structure on the same lot, the use of which is incidental to that of the main structure and is exclusive to the occupant or owner of the main structure;

"application" means an application for an authorization made in accordance with section 2.1;

"applicant" means an owner who makes an application;

"authorization" means a building and development authorization approved in accordance with section 3.2 or 3.3;

"building" means any structure used or intended for supporting or sheltering any use or occupancy;

"building official" means a person who is a "registered building official" under and in accordance with the Building Officials' Association Act (British Columbia);

"construct" means erect, repair, alter, add, demolish, remove, excavate and shore;

"construction" means erection, repair, alteration, addition, demolition, removal and excavation;

"declaration" means documentation prepared by a building official that is substantially the same in content to the equivalent letter of assurance in similar circumstances;

"director" means the director of lands and resources;

"fire suppression system" includes a fire sprinkler system, foam system, wet and dry chemical fire suppression equipment and any other fire extinguishing system;

"independent building official" means a building official who did not prepare any plan or drawing for the work to be inspected;

"independent registered professional" means a registered professional who did not prepare any plan or drawing for the work to be inspected;

"letter of assurance" means the applicable schedule A, B, C-A or C-B of the British Columbia Building Code;

"major construction" means any of the work referred to in section 3.1(a), other than standard construction, where

(i) the project requires a subdivision of Ka:'yu:'k't'h'/Che:k'tles7et'h' lands,

(ii) a building or structure forming part of the project is equal to or exceeds 600 m^2 in building area or exceeds three storeys in building height,

(iii) two or more buildings or structures, other than a temporary building or, for certainty, a building or structure referred to in section 1.3(g), form part of the project,

(iv) a building or structure forming part of the project is intended, in whole or in part, to be utilized for public assembly, industrial, commercial or mercantile purposes, or

(v) the total estimated cost for the construction of all buildings and structures forming part of the project is equal to or exceeds $550,000;

"owner" means,

(i) in relation to Ka:'yu:'k't'h'/Che:k'tles7et'h' lands, a person who holds a registered

(A) Ka:'yu:'k't'h'/Che:k'tles7et'h' residential interest,

(B) estate in fee simple, or

(C) lease,

(ii) in relation to Ka:'yu:'k't'h'/Che:k'tles7et'h' foreshore, a person who holds an interest in, or licence in relation to, a parcel of Ka:'yu:'k't'h'/Che:k'tles7et'h' foreshore, or

(iii) for purposes of Part 2, an individual authorized in writing by a person described in either paragraph (i) or (ii) to represent that person for the purposes of making an application under that Part,

but does not include the Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations, Ka:'yu:'k't'h'/Che:k'tles7et'h' government or the Executive acting on its behalf;

"professional engineer" has the meaning given to that phrase in the Engineers and Geoscientists Act (British Columbia);

"project" means the entire work proposed by one or more owners for which one or more authorizations are required and which reasonably comprise a single project;

"project site" means the Ka:'yu:'k't'h'/Che:k'tles7et'h' lands or Ka:'yu:'k't'h'/Che:k'tles7et'h' foreshore on which a project is being carried out;

"registered professional" means

(i) a person who is registered or licensed to practise as an architect under the Architects Act (British Columbia), or

(ii) a person who is registered or licensed to practice as a professional engineer under the Engineers and Geoscientists Act (British Columbia);

"standard construction" means a project where

(i) only one building or structure, other than a temporary building or, for certainty, a building or structure referred to in section 1.3(g), forms part of the project,

(ii) the building or structure forming part of the project is less than 600 m^2 in building area and is fewer than three storeys in building height,

(iii) the building or structure forming part of the project is only intended to be utilized for residential purposes, and

(iv) the total estimated construction cost for the building and structures forming part of the project is less than $550,000, or

(v) the project is limited to one of the following for one building or structure:

(A) construction of a masonry fireplace or chimney;

(B) construction of a temporary building;

(C) moving a building or structure;

(D) demolishing a building or structure; or

(E) installing a solid fuel burning appliance or factory built fireplace or chimney.

"structure" means any construction of any kind, whether fixed to, supported by or sunk into land or water, but excludes retaining structures less than 1.5 m in height, landscaping, poles, fences and paving;

"temporary building" means a building that is intended to be used for a period of time not exceeding one year from the date of issuance of an authorization, but does not include construction site temporary buildings;

"work" means any of the activities referred to in section 3.1.

(b) Words or expressions defined in the British Columbia Building Code that are also used in this Act will, except where the context requires otherwise or is otherwise indicated, have the same meaning as those words or expressions defined in the British Columbia Building Code.

(c) For certainty, capitalized words or expressions defined in the British Columbia Building Code that are used in this Act need not be capitalized in this Act in order for those words or expressions in this Act to have the same meaning as the capitalized words or expressions in the British Columbia Building Code.

PART 2 - APPLICATION FOR AUTHORIZATION

Authorization application

2.1 (a) Every person must apply for and obtain an authorization before undertaking

(i) any of the work referred to in section 3.1(a),

(ii) any of the work referred to in section 3.1(b), unless the work is encompassed by a valid authorization, or

(iii) the construction or replacement of a temporary building.

(b) Only an owner of a parcel of Ka:'yu:'k't'h'/Che:k'tles7et'h' lands or Ka:'yu:'k't'h'/Che:k'tles7et'h' foreshore may apply for an authorization under this section concerning a project on that parcel of Ka:'yu:'k't'h'/Che:k'tles7et'h' lands or Ka:'yu:'k't'h'/Che:k'tles7et'h' foreshore.

(c) An application made under this section must be made to the director in the prescribed form.

General application requirements

2.2 (a) Every application for an authorization must

(i) be signed by the owner and

(A) in the case of standard construction, if there is only one building official retained for the project, that building official or, if there is more than one building official retained for the project, the building official retained by the owner to coordinate the project, or

(B) in the case of either standard construction or major construction, if there is only one registered professional retained for the project, that registered professional or, if there is more than one registered professional retained for the project, the registered professional retained by the owner to coordinate the project,

(ii) be accompanied by the owner's acknowledgement of responsibility and undertakings made in the prescribed form and signed by the owner, and

(iii) include a copy of a certificate from the lands registry office provided under section 3.21 of the Land Act, or a title search from the land title office, for the Ka:'yu:'k't'h'/Che:k'tles7et'h' lands dated within 30 days of the date of the application if the project is, in whole or in part, carried out on those Ka:'yu:'k't'h'/Che:k'tles7et'h' lands, or

(iv) provide evidence that is satisfactory to the director of the owner's interest in, or licence in relation to, the Ka:'yu:'k't'h'/Che:k'tles7et'h' foreshore if the project is, in whole or in part, carried out on that Ka:'yu:'k't'h'/Che:k'tles7et'h' foreshore.

(b) Every application for an authorization must include the following

(i) a site plan of the Ka:'yu:'k't'h'/Che:k'tles7et'h' lands and Ka:'yu:'k't'h'/Che:k'tles7et'h' foreshore, as the case may be, on which the project is being carried out, in the number required by section 2.3(a)(i) or 2.4(a)(i), prepared by a British Columbia land surveyor at the scale required by the director showing the

(A) bearing and dimensions of the parcel taken from a registered subdivision plan,

(B) legal description and civic address of the parcel,

(C) location and dimensions of all statutory rights of way, easements and setback requirements,

(D) location and dimensions of all existing and proposed buildings or structures on the parcel and all wells and on-site sewage disposal systems,

(E) setbacks to the natural boundary of any lake, swamp, pond or watercourse required by any applicable enactment,

(F) existing and finished grade levels to an established datum at or adjacent to the project site and the geodetic elevation of the underside of the floor system of the building or structure where required by an applicable enactment that establishes siting requirements related to minimum floor elevation, and

(G) the location, dimension and gradient of parking and driveway access;

(ii) a floor plan of the building or structure which is the subject of the application, in the number required by section 2.3(a)(ii) or 2.4(a)(ii), showing

(A) the dimensions and uses of all areas in the building or structure,

(B) the dimensions and height of all crawl and roof spaces,

(C) the location, size and swing radius of all doors in the building or structure,

(D) the location, size and opening of all windows in the building or structure,

(E) indications of the floor, wall and ceiling finishes in the building or structure,

(F) all major plumbing fixtures in the building or structure,

(G) structural elements of the building or structure, and

(H) the dimensions of all stairs in the building or structure;

(iii) drawings showing

(A) a cross section through the building or structure illustrating foundations, drainage, ceiling heights and construction systems,

(B) elevations of all sides of the building or structure showing finish details, roof slopes, windows, doors, spatial calculations and finished grade, and

(C) cross-sectional details drawn at a scale required by the director and at sufficient locations to illustrate that the building or structure substantially conforms to the British Columbia Building Code;

(iv) a grading plan for the project indicating compliance with section 2.8;

(v) a copy of all covenants, easements and rights of way registered against the applicable Ka:'yu:'k't'h'/Che:k'tles7et'h' lands;

(vi) two sets of signed drawings, in the case of standard construction, or signed and sealed drawings, in the case of either standard construction or major construction, at a scale required by the director, of the design of the building or structure prepared by,

(A) in the case of standard construction, a building official and including the information referred to in paragraphs (ii) and (iii) certified by the building official that the drawing complies with the British Columbia Building Code, or

(B) in the case of either standard construction or major construction, a registered professional and including the information referred to in paragraphs (ii) and (iii) certified by the registered professional that the drawing complies with the British Columbia Building Code; and

(vii) copies of all approvals for the project required under any enactment relating to health or safety, including sewage disposal permits, highway access permits and any approval of Canada or British Columbia that may be necessary;

(c) In addition to the requirements of this section, the director may, where the director determines that the project site conditions, size or complexity of the project or proposed building or structure or any other aspect of the project warrant, require the applicant to submit with the application or as part of the authorized work any of the following:

(i) a survey of the project site completed by a British Columbia land surveyor;

(ii) design and plan certification and field review by means of

(A) the applicable letters of assurance signed by the applicable registered professional, or

(B) declaration signed by the applicable building official;

(iii) site servicing drawings, including sufficient detail of off-site services, to indicate the location of services at the property line, prepared and sealed by, in the case of standard construction, a building official or, in the case of either standard construction or major construction, a registered professional or British Columbia land surveyor;

(iv) a drawing showing a cross section through the project site illustrating grades, buildings, structures, parking areas and driveways;

(v) a drawing showing the details of the location, finished grades and elevations of the streets and public services, including sewer and drainage services, adjacent to the project site and showing access to each building or structure included in the project, parking, driveways and site drainage;

(vi) a drawing showing the roof plan for a building or structure included in the project with roof height calculations;

(vii) a plan which shows the location and size of every drain and trap or inspection piece for a building or structure included in the project;

(viii) a confirmation prepared and sealed by a professional engineer that adequate water flows for fire suppression are available for the project that conform to current applicable standards;

(ix) structural, electrical, mechanical or fire suppression system drawings prepared and sealed by a registered professional certifying that the drawings comply with the British Columbia Building Code;

(x) confirmation that the following essential services exist or have been provided for:

(A) a road or driveway of sufficient strength, grade and width to provide ready access to a building or structure included in the project by fire and emergency vehicles at all times;

(B) adequate water service or other source of potable water supply for the project approved under any applicable enactment;

(C) community sewer or other method of sewage disposal for the project approved under, and in compliance with, any applicable enactment; and

(D) an approved method of storm drainage disposal for the project, which may be a storm sewer, ditch or adequate rock pit; or

(xi) any other information required by the director or the British Columbia Building Code to establish substantial compliance with this Act, the British Columbia Building Code and any other applicable enactment relating to the project, the building or structure or the health, safety and protection of persons or property.

(d) The director may waive the requirements of subsection (b), in whole or in part, where the authorization sought is for

(i) repairing or altering an existing building or structure,

(ii) constructing a masonry fireplace or chimney,

(iii) constructing a temporary building,

(iv) moving a building or structure,

(v) demolishing a building or structure; or

(vi) installing a solid fuel burning appliance or factory built fireplace or chimney.

(e) Despite any other requirement of this Part or the British Columbia Building Code, whenever, in the opinion of the director, the proposed project requires specialized technical knowledge, the director may require, as a condition of the application, that all drawings, specifications and plans, or any part of them, be prepared,

signed and sealed by, and the construction carried out, under the supervision of a registered professional specializing in the relevant field of design and construction.

Additional requirements for standard construction authorization

2.3 (a) An application for an authorization for standard construction must, in addition to the requirements of section 2.2, include the following:

(i) one additional copy of the site plan referred to in section 2.2(b)(i);

(ii) one additional copy of the floor plan referred to in section 2.2(b)(ii); and

(iii) a foundation design prepared by a building official or registered professional in accordance with section 4.2 of Division B, Part 4 of the British Columbia Building Code certified by the building official or registered professional as complying with the British Columbia Building Code.

(b) The director may waive the requirements of subsection (a), in whole or in part, where the authorization sought is for work referred to in section 2.2(d).

Additional requirements for major construction authorization

2.4 (a) Every application for an authorization for major construction must, in addition to the requirements of section 2.2, include the following:

(i) two additional copies of the site plan referred to in section 2.2(b)(i);

(ii) two additional copies of the floor plan referred to in section 2.2(b)(ii); and

(iii) a letter of assurance as required by the director signed by the owner and the registered professional retained by the owner to coordinate the project or, if there is only one registered professional retained for the project, that registered professional.

(b) The director may waive the requirements of subsection (a), in whole or in part, where the authorization sought is for the repair or alteration of an existing building or structure.

Multiple buildings

2.5 A person must apply for a separate authorization for each building or structure to be constructed as part of a project and must pay the prescribed fee for each application.

Temporary buildings

2.6 (a) Applications for an authorization for construction of a temporary building must include

(i) a plan showing the location of the temporary building on the site and the work necessary to construct the temporary building,

(ii) a statement of the intended use and duration of use, and

(iii) a certified cheque or other form of payment approved by the director in the prescribed amount as a deposit for security to guarantee the temporary building will be removed entirely and the project site left in a safe and sanitary condition to the satisfaction of the director when the authorization has expired.

(b) Upon receipt of an application in accordance with subsection (a) and if the director is satisfied

(i) the temporary building is safe for the stated use and duration, and

(ii) all applicable laws have been complied with,

the director may

(iii) approve without conditions,

(iv) approve with conditions, or

(v) reject the application, and

if the application is approved, issue an authorization for a temporary building in the prescribed form to the owner for a period not to exceed 12 months and must make reasonable efforts as soon as practicable to deliver that authorization to the owner.

(c) Except to the extent that the deposit has been used by the Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations to remove the temporary building or restore the project site to a safe and sanitary condition to the satisfaction of the director, the deposit must be returned, with any prescribed interest that may have accrued, to the owner who provided it, following an inspection of the project site by the director.

(d) Any cost of removing the temporary building and restoring the project site to a safe and sanitary condition to the satisfaction of the director which exceeds the amount of the deposit is the responsibility of the owner.

Additional requirements for plumbing authorization

2.7 (a) An application for an authorization for work related to a plumbing system must, except in the case of a system to be installed in a single unit dwelling, include drawings at a scale required by the director showing the proposed work in sufficient detail to illustrate compliance with the British Columbia Building Code, including sectional drawings showing the size and location of every waste pipe, trap and vent pipe.

(b) Any drawings illustrating the installation of a fire suppression system must bear the seal of a registered professional with expertise in fire suppression systems.

Requirements for site and lot grading

2.8 An owner of a parcel of Ka:'yu:'k't'h'/Che:k'tles7et'h' lands on which a building or structure is proposed must control site drainage such that other sites are not impacted and

(a) each lot must be graded to drain into a Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations drainage system or a natural watercourse without draining onto adjacent lots,

(b) areas adjacent to a building or structure must be graded away from the foundations to prevent flooding,

(c) lots lower than adjacent roadways must have storm water management facilities to direct storm runoff to a drainage system approved by the director, and

(d) in the case of storm runoff not directed to a Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations drainage system, storm runoff may occur to a natural watercourse by means of sheet flow only and not by means of swales or pipes or any other artificial means.

Plans and certifications

2.9 (a) All plans and drawings submitted with an application must bear the name and address of the building official or registered professional who prepared the plan or drawing and be accompanied with a certification by that building official or registered professional that the plan or drawing complies with the requirements of the British Columbia Building Code this Act and all other applicable enactments.

(b) The certification referred to in subsection (a) and the letters of assurance or declarations, as applicable, referred to in sections 2.2(c)(ii) and 2.4(a)(iii) are relied upon by the Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations and Ka:'yu:'k't'h'/Che:k'tles7et'h' officials as certification that the plans and drawings, and the design and plans to which the letters of assurance or declarations, as the case may be, relate, comply with the British Columbia

Building Code and other applicable enactments relating to health, safety and the protection of persons and property.

(c) All plans and drawings as submitted as part of an application form part of the authorization if the application is approved and an authorization is issued as a consequence of that application and all work carried out under that authorization must comply with the plans and drawings forming part of the authorization.

Completed application

2.10 The director must, as soon as practicable,

(a) provide a completed application for authorization of major construction to the Executive for it to consider in accordance with section 3.2, or

(b) consider a completed application for authorization of standard construction in accordance with section 3.3,

on being satisfied that the application is complete and the following requirements are met:

(c) an application, including all required supporting documentation, has been submitted by the applicant and all required information in the application has been provided by the applicant with the required signatures;

(d) the proposed work set out in the application has been certified by a building official or registered professional that it substantially conforms with the British Columbia Building Code, this Act and all other applicable enactments;

(e) the owner has paid all fees and charges and met all requirements in accordance with this Act and any other applicable enactment;

(f) no enactment, covenant, agreement or regulation of, or in favour of, the Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations authorizes the permit to be withheld; and

(g) the owner has retained the required building official or registered professionals.

PART 3 - BUILDING AND DEVELOPMENT AUTHORIZATION

Authorization required

3.1 (a) A person must only commence or continue any construction, alteration, reconstruction, demolition, removal, relocation or change the occupancy of any building or structure or other work related to construction in accordance with an authorization issued for the work under this Act.

(b) A person must only commence or continue the installation or alteration of a plumbing system, including a fire suppression system, in accordance with an authorization issued for the work under this Act.

Authorization approved by the Executive

3.2 (a) The Executive must, as soon as practicable, consider an application for authorization of major construction provided by the director in accordance with section 2.10.

(b) For certainty, only the Executive may approve an application for authorization of major construction.

(c) Before considering an application under subsection (a), the Executive may require the applicant to provide whatever documentation and information the Executive considers necessary or desirable in order to consider the factors under subsection (d).

(d) The Executive, in considering an application under subsection (a), must also consider the following:

(i) the best interest of the Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations in the circumstances;

(ii) the purpose and requirements of this Act;

(iii) the overall growth and development goals of the Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations and whether the project supports those goals;

(iv) how the proposed project may impact future planning and land use management decisions for Ka:'yu:'k't'h'/Che:k'tles7et'h' lands and Ka:'yu:'k't'h'/Che:k'tles7et'h' foreshore;

(v) the social and cultural impact the proposed project may have on Ka:'yu:'k't'h'/Che:k'tles7et'h' citizens and the Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations;

(vi) whether the proposed project in any way negatively impacts any archeological, traditional or cultural site or resource on Ka:'yu:'k't'h'/Che:k'tles7et'h' lands or Ka:'yu:'k't'h'/Che:k'tles7et'h' foreshore;

(vii) whether the proposed project is socially, economically and environmentally sustainable;

(viii) what impact the proposed project may have on relations between the Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations and its neighbours; and

(ix) any other factors the Executive considers relevant in the circumstances.

(e) Upon considering an application under subsection (a) and the factors referred to in subsection (d), the Executive may, by resolution, approve without conditions, approve with conditions or reject, in its sole and unfettered discretion, the application for authorization of major construction.

(f) The approval of an application under subsection (e) is not effective until the member of the Executive holding the lands and resources portfolio delivers a certified copy of the resolution approving the application to the director.

(g) Upon the delivery under subsection (f) of the certified copy of the resolution approving the application, the director must, as soon as practicable but subject to section 3.5,

(i) issue an authorization for major construction in the prescribed form to the owner, and

(ii) make reasonable efforts to deliver that authorization, with the certified copy of the resolution approving the application attached, to the owner.

Authorization approved by the director

3.3 (a) The director must, as soon as practicable, consider an application for authorization of standard construction once the director has been satisfied the application is complete in accordance with section 2.10.

(b) The director, in considering an application under subsection (a), must also consider the following:

(i) the purpose and requirements of this Act;

(ii) the overall growth and development goals of the Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations and whether the proposed project supports those goals; and

(iii) any other factors the director considers relevant in the circumstances.

(c) Upon considering an application under subsection (a) and considering the factors referred to in subsection (b), the director may approve without conditions, approve with conditions or reject the application and, subject to section 3.5, issue an authorization for standard construction in the prescribed form to the owner and must make reasonable efforts as soon as practicable to deliver that authorization to the owner.

(d) An applicant whose application has been rejected by the director under subsection (c) may request a review of that decision under the Administrative Decisions Review Act.

Partial authorization

3.4 (a) The Executive, in accordance with section 3.2, or the director, in accordance with section 3.3, may approve an authorization for a portion of a building or structure before the design, plans and specifications for the entire building or structure have been received by the director, provided sufficient information has been received by the director to demonstrate to the Executive or the director, as the case may be, that the portion authorized to be constructed substantially complies with this Act and other applicable enactments and the prescribed fee applicable to that portion of the building or structure has been paid by the owner.

(b) Despite the issuance of an authorization as a result of an approval referred to in subsection (a), the requirements of this Act continue to apply to the construction of the remainder of the building or structure as if the authorization for the portion of the building or structure had not been issued.

Home warranty insurance

3.5 (a) When an approved application is in respect of a building that is, or will be, occupied as a residence, the authorization must not be issued by the director until the owner provides the director with evidence in accordance with the Homeowner Protection Act (British Columbia) that:

(i) the proposed building is covered by home warranty insurance, and

(ii) the person who carries out the construction is a licensed residential builder.

(b) Subsection (a) does not apply if the owner is not required to be licensed and to obtain home warranty insurance in accordance with the Homeowner Protection Act (British Columbia).

Authorization implications

3.6 (a) Neither the issuance of an authorization under this Act nor the review or acceptance of plans, drawings or supporting documents, nor any inspections made by or on behalf of the Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations, will in any way relieve the owner from full and sole responsibility to perform work in strict accordance with this Act, the British Columbia Building Code and any other applicable enactments respecting health, safety and the protection of persons and property.

(b) An owner has full and sole responsibility to and must carry out the work in respect of which an authorization is issued in compliance with the British Columbia Building Code and this Act and all other applicable enactments respecting health, safety and the protection of persons and property.

(c) Neither the issuance of an authorization under this Act nor the acceptance or review of plans, drawings or specifications or supporting documents, nor any inspections made by or on behalf of the Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations, in any way constitute a representation, warranty, assurance or statement that the British Columbia Building Code, this Act or other applicable enactments respecting health, safety and the protection of persons and property have been complied with.

(d) No person may rely upon any authorization issued under this Act as establishing compliance with this Act or assume or conclude that this Act has been administered or enforced according to its terms and it is the owner to whom the authorization is issued who is responsible for making such determination.

Expiration and renewal

3.7 (a) An authorization is issued on the condition that the authorization will expire and the rights of the owner under the authorization will terminate if

(i) the work authorized by the authorization is not substantially commenced within 12 months from the date the authorization is issued, or

(ii) the work authorized by the authorization is discontinued for a period exceeding six months.

(b) The director may extend the time periods in subsection (a) where the work has not been commenced or where the work has been discontinued because of adverse weather, strikes, material or labour shortages or similar hardships beyond the control of the owner.

(c) All authorizations expire after two years from the date they are issued, unless the authorization has previously expired or the authorization has been renewed in accordance with subsection (d).

(d) The director may renew an authorization provided that

(i) the owner has applied for a renewal of the authorization in the prescribed form and has paid the prescribed fee,

(ii) the authorization to be renewed has not expired,

(iii) the application for renewal is considered by the director on the basis of

(A) this Act and the British Columbia Building Code in effect on the date the director receives the application for renewal, and

(B) the renewal of the authorization does not authorize work that contravenes this Act or the British Columbia Building Code then in effect,

(iv) the renewal is for the same period as the original authorization,

(v) the authorization has not previously been renewed,

(vi) all fees and charges payable in relation to the authorization as of the date of renewal have been paid, and

(vii) all works and services required by the authorization have been provided.

(e) An authorization renewed under subsection (d) expires after the renewal period set by the director under subsection (d)(iv).

Suspension and revocation

3.8 (a) The director may suspend or revoke an authorization if

(i) there is a contravention of any term or condition of the authorization,

(ii) there is a contravention of any provision of this Act or the British Columbia Building Code in the work authorized by the authorization,

(iii) the director determines that information provided in the application for the authorization was incorrect and that incorrect information formed, or was an integral element of, the basis on which the authorization was approved or issued, or

(iv) the director determines the authorization was issued in error.

(b) The director must deliver in accordance with Ka:'yu:'k't'h'/Che:k'tles7et'h' law notice of the suspension or revocation of the authorization to the owner.

(c) An owner whose authorization has been suspended or revoked by the director under this section may request a review of that decision under the Administrative Decisions Review Act.

Authorization transfer

3.9 Authorizations issued under this Act are not transferrable.

PART 4 - GENERAL REQUIREMENTS

Obligations of the owner

4.1 (a) Every owner must ensure that all work carried out under an authorization complies with the authorization, this Act, the British Columbia Building Code and other applicable enactments and that no work is carried out without first obtaining the applicable authorization.

(b) Every owner to whom an authorization is issued is responsible for the cost of repair of any damage to Ka:'yu:'k't'h'/Che:k'tles7et'h' government property that occurs in the course of the work authorized by the authorization.

(c) Every owner to whom an authorization is issued must, while the work is being carried out,

(i) erect signage of the prescribed size and in the prescribed manner in a conspicuous place on the Ka:'yu:'k't'h'/Che:k'tles7et'h' lands or immediately adjacent to the Ka:'yu:'k't'h'/Che:k'tles7et'h' foreshore in respect of which the authorization is issued containing the following information:

(A) the owner's name;

(B) the authorization type, number and date of issuance;

(C) the civic address of the project site, if available; and

(D) the owner's telephone number and mailing address,

(ii) post and maintain a copy of the authorization in a conspicuous place on the Ka:'yu:'k't'h'/Che:k'tles7et'h' lands or immediately adjacent to the Ka:'yu:'k't'h'/Che:k'tles7et'h' foreshore in respect of which the authorization is issued,

(iii) keep a copy of the accepted designs, plans and specifications at the Ka:'yu:'k't'h'/Che:k'tles7et'h' lands or immediately adjacent to the Ka:'yu:'k't'h'/Che:k'tles7et'h' foreshore in respect of which the authorization is issued,

(iv) obtain approval from the director prior to making variations to the approved plans or drawings,

(v) post and maintain signage on the property during and prior to construction commencing specifying a responsible person and their contact information for the project,

(vi) post the civic address of the property, if applicable, in a location visible from any adjoining streets,

(vii) provide toilet facilities for workers on the project site where there are no facilities readily available,

(viii) secure the project site so that there is no danger to the public,

(ix) for major construction, erect and maintain a 1.8 m metal fence around any excavation when within 3 m of a property line and ensure the fencing remains in place until the excavation has been backfilled,

(x) for standard construction and if the director has not waived this requirement, erect and maintain fencing approved by the director around any excavation when within 3 m of a property line and ensure the fencing remains in place until the excavation has been backfilled,

(xi) ensure that airborne dust emitted from the property during demolition, excavation or construction is prevented from migrating to adjacent properties by the use of water or other dust control measures,

(xii) ensure that debris, construction material, soil or water from the property during demolition, excavation or construction is contained within the property boundaries or removed or disposed of in accordance with all applicable enactments, and

(xiii) ensure appropriate site health and safety measures are taken.

(d) Every owner must, following completion of construction and prior to allowing the building or structure to be occupied,

(i) submit the required letters of assurance from the respective registered professional or declarations from the respective building official, as the case may be, confirming design and field review responsibilities,

(ii) provide the director with a survey completed by a British Columbia lands surveyor confirming the location and height of the building or structure as required by the director,

(iii) submit to the director a comprehensive list of all contractors and sub-contractors and include their name, address and telephone numbers, and

(iv) obtain from the director a final report authorizing occupancy in accordance with section 5.6.

Damage to Ka:'yu:'k't'h'/Che:k'tles7et'h' property

4.2 (a) An applicant for a building, demolition or moving authorization must, prior to the authorization being issued, deposit with the director the prescribed amount as a deposit for security to guarantee the repair or replacement of any highway or roadway, including sidewalks and boulevards, or any other Ka:'yu:'k't'h'/Che:k'tles7et'h' government property, Ka:'yu:'k't'h'/Che:k'tles7et'h' lands or Ka:'yu:'k't'h'/Che:k'tles7et'h' foreshore altered or damaged by any activity related to the subject matter of the authorization.

(b) If such repair or replacement is necessary, the applicant who provided the security must be given a reasonable opportunity to first repair or replace the relevant Ka:'yu:'k't'h'/Che:k'tles7et'h' government property, Ka:'yu:'k't'h'/Che:k'tles7et'h' lands and Ka:'yu:'k't'h'/Che:k'tles7et'h' foreshore to a comparable standard or condition approved by the director prior to the Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations carrying out such work.

(c) Except to the extent that the security has been used by the Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations to carry out such repair or replacement, the deposit must be returned with any prescribed interest that may have accrued to the applicant who provided it, following an inspection of the relevant Ka:'yu:'k't'h'/Che:k'tles7et'h' government property, Ka:'yu:'k't'h'/Che:k'tles7et'h' lands and Ka:'yu:'k't'h'/Che:k'tles7et'h' foreshore after completion of the work authorized by the authorization and any final lot grading work.

(d) Any cost of repair or replacement of any Ka:'yu:'k't'h'/Che:k'tles7et'h' government property, Ka:'yu:'k't'h'/Che:k'tles7et'h' lands or Ka:'yu:'k't'h'/Che:k'tles7et'h' foreshore which exceeds the amount of the security is the responsibility of the owner.

Retaining structures

4.3 (a) A registered professional must undertake the design and conduct field reviews of the construction of a retaining structure 1.5 m or more in height.

(b) Sealed copies of the design plan and field review reports prepared by the registered professional for all retaining structures 1.5 m or more in height must be submitted to the director prior to acceptance of the works.

Swimming pools

4.4 (a) Every swimming pool must be completely enclosed within a building or fence, or combination of building and fence, not less than 1.2 m in height and forming a continuous enclosure except at points of access and no opening in any such fence

may exceed 100 mm and the fence must be constructed in such a manner as to prevent unauthorized entry to the pool and all gates equipped with a spring hinge and latch mounted on the pool side.

(b) Every swimming pool enclosure must be maintained by the owner or occupier in good order and all inoperative gates, latches, hinges and locks promptly repaired or replaced.

(c) Swimming pool plumbing must be so arranged that pool water cannot enter any water supply line and, once having been drained from the pool, cannot be returned to the pool without filtering and so that sewage from any sanitary sewer or sewage disposal system cannot enter the pool or the pool filtering system.

(d) Swimming pool wastewater must be drained to a sanitary sewer system.

(e) In addition to information otherwise required by this Act, an applicant for an authorization to construct a swimming pool must provide a plan at a scale required by the director showing the location, enclosure details, depth and dimensions of the pool and its structural details and all water supply piping, waste piping and appurtenances.

Fire suppression systems

4.5 (a) Fire suppression systems must be installed in all two unit dwellings, townhouse dwellings and apartment dwellings for which an authorization application is made after the date this Act comes into force.

(b) Fire suppression systems must be installed in all two unit dwellings, townhouse dwellings and apartment dwellings where all additions, repairs or structural alterations made or proposed to be made in any period of two consecutive years after the date of this Act comes into force add 50 m^2 or more to the floor area of any individual dwelling unit within the building existing on the date the authorization application is made.

(c) Fire suppression systems must be installed in all detached portable classrooms and auto body shops, marine repair shops and other prescribed facilities in which spray coating operations are conducted and for which an authorization application is made after the date this Act come into force.

(d) Fire suppression systems must be installed in all single unit dwellings for which an authorization application is made after the date this Act comes into force where an adequate water supply for firefighting, as determined by generally accepted standards, is not available.

(e) The design of every fire suppression system, including modifications to existing systems, must be prepared by a registered professional.

(f) All fire suppression systems must be installed in accordance with the National Fire Protection Association standards, the British Columbia Building Code and any other applicable enactment by a person who possesses a British Columbia tradesman's qualification certification as a plumber or certified sprinkler installer.

Demolishing and moving buildings

4.6 (a) In addition to the other requirements of this Act, an applicant for an authorization to move or demolish a building must arrange with the Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations, at the applicant's expense, for water and sewer services at the project site to be capped prior to the authorization being issued.

(b) No person may move or cause any building to be moved from one location to another on Ka:'yu:'k't'h'/Che:k'tles7et'h' lands without first obtaining an authorization for construction of the relocated building for the project site to which the building is to be moved.

(c) Every application for an authorization to move a building must identify the project site from where the building is to be moved and the site to which the building is to be moved to and include a route map for moving the building and evidence of having the necessary approvals from all applicable authorities having jurisdiction for the use of the public highways indicated on the route map that will be used.

(d) No building may be moved from one location to another within Ka:'yu:'k't'h'/Che:k'tles7et'h' lands unless the relocated building will comply with the requirements of the British Columbia Building Code and all other applicable enactments of the Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations upon completion of the construction at its new location.

(e) Where an existing building or structure has been damaged or demolished such that only 25 percent of the existing building or structure remains above the foundations, the director may direct that the entire building or structure demolished.

(f) An owner must, prior to the expiration of the authorization to move or demolish a building, dispose of all demolition and moving debris in accordance with all applicable enactments, leave the project site where the building or structure was demolished or moved from in a safe and sanitary condition and arrange for the director to inspect the project site prior to removing all demolition or moving equipment from the project site.

(g) An applicant for a demolition or moving authorization must pay the prescribed fee and prescribed damage deposit.

PART 5 - ENFORCEMENT AND PENALTIES

Prohibitions

5.1 (a) A person must not carry out any work in contravention of section 3.1.

(b) A person must not occupy or use any building or structure or part of a building or structure until a final report authorizing occupancy has been issued by the director for the building or structure under section 5.6 or contrary to the terms of any authorization issued or any notice given by the director.

(c) A person must not occupy or use any building following a change in the type of occupancy for the building or part of it without first obtaining an occupancy certificate.

(d) A person must not knowingly submit false or misleading information in relation to any authorization application or work undertaken in accordance with this Act.

(e) A person must not, unless authorized in writing by the director, reverse, alter, deface, cover, remove or in any way tamper with any notice, authorization or certificate posted upon or affixed to a building or structure in accordance with this Act.

(f) A person must not do any work that is substantially at variance with the accepted design or plans of a building, structure or other works for which an authorization has been issued unless that variance has been accepted in writing by the director.

(g) A person must not obstruct the lawful entry of a Ka:'yu:'k't'h'/Che:k'tles7et'h' official or an enforcement officer onto Ka:'yu:'k't'h'/Che:k'tles7et'h' lands or Ka:'yu:'k't'h'/Che:k'tles7et'h' foreshore in the administration of this Act.

(h) A person must not repair a building damaged by fire, storm, decay or otherwise to an extent greater than 75 percent of its assessed value above its foundations unless in every respect the whole of the building is made to comply with the current British Columbia Building Code.

(i) A person must not continue the work, or any portion of the work, authorized in an authorization if the director has suspended or revoked that authorization in accordance with section 3.8 or has issued a stop work directive under section 5.4.

Director's powers

5.2 (a) The director

(i) may enter any land, building, structure or premises at any reasonable time for the purpose of assessing compliance with an applicable authorization, this Act or the British Columbia Building Code,

(ii) where any residence is occupied, must obtain the consent of the occupant or provide written notice to the occupant 24 hours in advance of entry; and

(iii) must carry proper credentials confirming his or her status as the director.

(b) The director may, by directive, require the correction of any work that is being or has been done in contravention of this Act.

Do not occupy notice

5.3 (a) Where a person occupies a building or structure or part of a building or structure in contravention of section 5.1(b) or 5.1(c), the director may post a do not occupy notice on the affected part of the building or structure.

(b) The owner of property on which a do not occupy notice has been posted, and every person, must cease occupancy of the building or structure immediately and must refrain from further occupancy until all applicable provisions of this Act and the British Columbia Building Code have been substantially complied with and the do not occupy notice has been cancelled in writing by the director.

Stop work notice

5.4 (a) The director may, by directive, require any work that is proceeding in contravention of an authorization, this Act or the British Columbia Building Code to be immediately stopped by posting a stop work notice.

(b) The owner of property on which a stop work notice has been posted, and every other person, must cease all work immediately and must not do any work until all applicable provisions of this Act and the British Columbia Building Code have been substantially complied with and the stop work notice has been cancelled in writing by the director.

Inspections

5.5 (a) The director may, but is not obligated to, attend at a project site where work authorized in an authorization is being carried out to

(i) ascertain that the required field reviews are being carried out by the applicable building official or registered professional,

(ii) monitor a field review as it is being carried out by a building official or registered professional, or

(iii) ascertain whether the health and safety aspects of the work are being carried out in substantial compliance with those portions of this Act, the British Columbia Building Code and any other applicable enactment concerning health and safety.

(b) The owner must engage, at the owner's expense,

(i) in the case of standard construction, an independent building official, or

(ii) in the case of either standard construction or major construction, an independent registered professional

approved by the director to inspect, accept and certify as complete and in substantial compliance with the applicable authorization, this Act and the British Columbia Building Code the following applicable aspects of the work as they are completed but prior to the work being covered:

(iii) forms for footings and foundations;

(iv) perimeter drain tiles, drain rock, rain water leaders and damp proofing;

(v) utility services to include storm and sanitary sewer system and water service;

(vi) concrete slab preparation prior to pour;

(vii) framing and sheathing;

(viii) rough plumbing, electrical, sprinklers and hot water heating;

(ix) rough in of factory built chimneys and fireplaces and solid fuel burning appliances;

(x) fire suppression systems;

(xi) insulation and vapour barrier;

(xii) after the building or portion thereof is complete and ready for occupancy but before occupancy; and

(xiii) as may otherwise be required by the director.

(c) No aspect of the work referred in subsection (b) may be covered or in any way concealed until the independent building official or independent registered professional has, in writing, accepted it and certified it as complete and in substantial compliance with the applicable authorization, this Act and the British Columbia Building Code.

(d) The requirements of subsection (b) do not apply to any aspect of the work that is the subject of a letter of assurance or declaration required by the director and provided in accordance with this Act for that aspect of the work.

(e) When a building official provides a declaration or a registered professional provides a letter of assurance in accordance with this Act, the Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations will rely solely on the field reviews undertaken by the building official or registered professional and the letters of assurance or declarations submitted in accordance with section 5.7 as assurance that the work substantially conforms to the design and that the work substantially complies with the authorization, this Act, the British Columbia Building Code and all other applicable enactments respecting health, safety and the protection of persons and property.

Final report authorizing occupancy

5.6 (a) After the construction of a building or structure or portion thereof is completed and each applicable inspection referred to in section 5.5(b) has occurred and if the independent building official or independent registered professional has accepted the work authorized in the applicable authorization and has certified in writing that all the work was completed in substantial compliance with the applicable authorization, this Act and the British Columbia Building Code, the owner must provide that certification to the director.

(b) When the director receives a certification referred to in subsection (a) or (f) and if the director is satisfied that the building or structure has been constructed in substantial compliance with the applicable authorization, this Act and the British Columbia Building Code and if the owner has paid the prescribed fee, the director may issue a final report authorizing occupancy in the prescribed form.

(c) A final report authorizing occupancy must not be issued unless

(i) all applicable letters of assurance or declarations have been submitted when required in accordance with this Act,

(ii) all aspects of the work requiring inspection, acceptance and certification in accordance with section 5.5(b) have been inspected, accepted and certified or the inspection, acceptance and certification are not required in accordance with section 5.5(d),

(iii) the owner has provided to the director as-built plans of works and services as required by the director, and

(iv) the owner has provided the director a building survey prepared by a British Columbia land surveyor showing the building height determined in accordance with generally accepted practices.

(d) The requirements of subsection (c)(iv) may be waived by the director if compliance with any applicable enactments can be ascertained without such a survey being prepared.

(e) The director may issue a final report authorizing occupancy for part of a building or structure provided

(i) in the case of standard construction, an independent building official or, in the case of either standard construction or major construction, an independent registered professional has certified the part of the building or structure is self-contained and is provided with essential services, and

(ii) the requirements set out in subsection (c) have been met with respect to it.

(f) Where an authorization for standard construction has been issued for a building that is to be a residence, the director may issue a final report authorizing occupancy prior to the completion of the building, provided

(i) in the case of standard construction, an independent building official or, in the case of either standard construction or major construction, an independent registered professional has certified that

(A) the building or part thereof complies with the health and safety requirements of the British Columbia Building Code, and

(B) the exterior finishes of building or part thereof are substantially complete, and

(ii) that certification has been delivered to the director.

(g) When, in the case of standard construction, a building official provides a declaration or, in the case of either standard construction or major construction, a registered professional, provides a letter of assurance in accordance with this Act, the Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations will rely solely on the letter of assurance or declaration submitted in accordance with section 5.7 when the director issues a final report authorizing occupancy as assurance that the items identified on the letter of assurance or declaration substantially comply with the authorization, this Act, the British Columbia Building Code and other applicable enactments respecting health, safety and the protection of persons and property.

Letters of assurance and declarations

5.7 (a) Prior to the issuance of a final report authorizing occupancy for major construction, or standard construction in circumstances where letters of assurance or declarations were required in accordance with this Act, the owner must provide the director with the applicable required letters of assurance or declarations.

(b) When, in the case of standard construction, a building official provides a declaration or, in the case of either standard construction or major construction, a registered professional, provides a letter of assurance in accordance with this Act,

he or she must also provide proof of at least $2,000,000 of professional liability insurance to the director with the applicable letter of assurance or declaration.

PART 6 - GENERAL PROVISIONS

Regulations

6.1 (a) The Executive may make regulations which it considers necessary or advisable for the purposes of this Act.

(b) Without limiting subsection (a), the Executive may make regulations

(i) in respect of any matter required by this Act to be prescribed,

(ii) in respect of the use of materials, equipment or methods of construction not specifically described in the British Columbia Building Code,

(iii) in respect of fees, deposits and interest required by this Act,

(iv) prescribing the form of applications, authorizations, declarations and any other document or written notice required by this Act,

(v) establishing an offence under this Act, and

(vi) establishing the amount of the penalty for each offence under this Act.

Offences

6.2 A person that contravenes this Act commits an offence and is liable, on summary conviction, to a fine not exceeding $10,000.

Commencement

6.3 This Act comes into force on the date it is enacted.