



Corporate Report

NO: R169

COUNCIL DATE: July 5, 2004

REGULAR COUNCIL

TO: **Mayor & Council** DATE: **June 24, 2004**
FROM: **City Solicitor** FILE: **3900-20-**
 15244
General Manager, Planning
and Development

SUBJECT: **New Surrey Building By-law, 2003, No.15244**

RECOMMENDATION

It is recommended that Council:

1. Authorize the City Clerk to bring forward for the required readings, a by-law to revise the effective date for the new Surrey Building By-law, 2003, No. 15244 from August 3, 2004 to January 2, 2005; and
2. Confirm that the existing Surrey Building By-law, 1987, No. 9011, as amended, will remain in force and be applicable to all in-stream building permit applications received on or before January 1, 2005, provided that such applications are complete.

BACKGROUND

On December 12, 2003, Council considered Corporate Report No. R258 that provided information about the reasons for and recommended that Council adopt a new building by-law. At that same meeting, Council gave preliminary readings to Surrey Building By-law, 2003, No. 15244. Subsequently, at its meeting on December 15, 2003, Council adopted Surrey Building By-law, 2003, No. 15244 (the "new Building By-law"). The adoption of the new Building By-law was timed to precede the enactment of the *Community Charter*, on January 1, 2004, the effects of which were not certain at the time. There was concern that the *Community Charter* would limit the City's autonomy insofar as the adoption of a new Building By-law. As a result of these concerns, the new Building By-law was developed quickly at the end of 2003 and it was recognized, as documented in Corporate Report No. R258, that it needs refinements. As such, even though it was adopted in December 2003, the new Building By-law provided that it would come into effect on August 3, 2004. All complete building permit applications received prior to that date would be processed under the provisions of the current Surrey Building By-law, 1987, No. 9011.

The deferred date for the new Building By-law to become effective was intended to allow staff time to refine the new Building By-law and to develop written policies and procedures for assisting with the effective administration of the new Building By-law and to manage the City's exposure to risk.

DISCUSSION

Building Division and Legal Services staff have met on a regular basis during the last six months with a view to further refining the new Building By-law and have compiled a series of recommended revisions. However, the development of complementary policies and procedures associated with the administration of the new Building By-law has not yet been completed. It is, therefore, considered necessary to defer the effective date of the new Building By-law to allow for the completion of supporting policies and procedures for the administration of the new Building By-law, which are important in relation to limiting the City's risk in the administration of the new Building By-law.

It is expected that the process of finalizing the refinements to the new Building By-law and the policies and procedures will be completed by November, 2004. To provide adequate time to introduce and process the new Building By-law revisions through Council, it is recommended that the effective date for the new Building By-law be revised from August 3, 2004 to January 1, 2005. If Council adopts this approach, the current Surrey Building By-law, 1987, No. 9011 will remain applicable to all complete building permit applications received on or before January 1, 2005.

CONCLUSION

Based on the above, it is recommended that Council authorize the City Clerk to bring forward for the required readings, a by-law to revise the effective date for the new Surrey Building By-law, 2003, No. 15244 from August 3, 2004 to January 2, 2005. It is further recommended that Council confirm that the existing Surrey Building By-law, 1987, No. 9011, as amended, will remain in force and be applicable to all building permit applications received on or before January 1, 2005, provided that such applications are complete.

Craig MacFarlane
City Solicitor

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