



# Corporate Report

NO: R106

COUNCIL DATE: May 2, 2005

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## REGULAR COUNCIL

TO: Mayor & Council                      DATE: April 27,  
2005

FROM: General Manager, Planning      FILE: 3900-20-  
and Development                      15244

SUBJECT: New Surrey Building By-law, 2003, No. 15244 and  
Related Policies and Procedures

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## RECOMMENDATION

It is recommended that Council:

1. Authorize the City Clerk to bring forward, for the required readings, an amendment to the new Surrey Building By-law, 2003, No. 15244, that will defer the date that the by-law becomes effective from June 1, 2005 to January 1, 2006; and
2. Confirm by resolution that the current Surrey Building By-law, 1987, No. 9011, as amended, will remain in force and be applicable to all in-stream building permit applications received before January 1, 2006, provided that such applications are complete.

## BACKGROUND

At its Regular Meeting on December 12, 2003, Council considered Corporate Report No. R258 that recommended that Council adopt a new building by-law. Council adopted the recommendations of that report and at that same meeting gave first, second and third readings to a new building by-law known as Surrey Building By law, 2003, No. 15244. At its regular meeting on December 15, 2003, Council adopted Surrey Building By-law, 2003, No. 15244 (the "new By-law").

The adoption of the new By-law was timed to precede the enactment of the *Community Charter*, S.B.C. 2003, c.26, which occurred 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 By law was drafted quickly at the end of 2003 and it was recognized, as documented in Corporate Report No. R258, that the new By-law, as adopted, would need to be further refined before it became effective. As such, even though it was adopted by Council in December 2003, the new By-law provided that it would not come into effect until August 3, 2004. The new By-law also provided that all complete building permit applications received prior to August 3, 2004, would be processed under the provisions of the current Surrey Building By-law, 1987, No. 9011.

On July 5, 2004 Council considered Corporate Report No. R169 that recommended a further deferment of the effective date of the new By-law to January 2, 2005. This rescheduling was requested to allow staff time to continue the process of completing refinements to the new By-law and to develop a full set of policies and procedures for the administration of the new By-law that would act to limit the City's potential liabilities related to the administration of the new By-law. Council approved this recommendation and adopted an amendment to the new By-law, such that it would take effect on January 2, 2005.

On November 29, 2004, Council considered Corporate Report No. R288 that recommended further deferment of the effective date of the new By-law to June 1, 2005. This rescheduling was requested to allow staff further time to continue the process of completing refinements to the new By-law and the development of a full set of policies and procedures for the administration of the new By-law that would act to limit the City's potential liabilities related to the administration of the new By-law. Council approved this recommendation and adopted an amendment to the new By-law, such that it would take effect on June 1, 2005.

## **DISCUSSION**

Refinements to the new By-law are now nearly completed, but finalization of the by law text and the drafting of the policies and procedures in support of the administration of the new By-law are still in progress. Some additional time is necessary to complete the drafting of the policies and procedures related to the new By-law.

It is estimated that it will take a few months to complete the work of finalizing the by-law text and the related policies and procedures, at which time a further Corporate Report will be forwarded to Council recommending amendments to the new By-law to incorporate the refinements and to obtain approval from Council for the new policies and procedures in support of the new By-law. Subject to Council approval of the recommended refinements, it is expected that Council should be in a position to adopt the refined By-law by the end of 2005. The new By-law will, in some respects, change the manner in which the development industry conducts business with the City. Accordingly, it is considered appropriate to allow some time between the adoption of the finalized new By law and its effective date, during which time the development industry will have an opportunity to become familiar with the requirements of the new By-law and to make the necessary adjustments. It is estimated that three months should be adequate for this purpose.

## **CONCLUSION**

Based on the above, it is recommended that Council authorize the City Clerk to bring forward for the required readings an amendment to the new Surrey Building By-law No. 15244 that will defer the date that the by-law becomes effective from June 1, 2005 to January 1, 2006 and confirm by resolution that the current Surrey Building By-law, 1987, No. 9011, as amended, will remain in force and be applicable to all in-stream building permit applications received before January 1, 2006, provided that such applications are complete.

Murray Dinwoodie  
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Planning and Development

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