



Corporate Report

NO: R085

COUNCIL DATE: May 8, 2006

REGULAR COUNCIL

TO: Mayor & Council DATE: May 5, 2006
FROM: Acting General Manager, Planning and Development FILE: 3900-20-15244
SUBJECT: New Surrey Building By-law, 2003, No. 15244 and Related Policies and Procedures

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, 2006 to January 1, 2007; 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 building permit applications received before January 1, 2007, 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 "By-law").

The adoption of the 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 By-law was drafted quickly at the end of 2003 and it was recognized, as documented in Corporate Report No. R258, that the 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 By-law provided that it would not come into effect until August 3, 2004. The 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.

In fact, adoption of the *Community Charter* has not limited the City's autonomy insofar as the adoption of a new building by-law. Provided that a proposed building by-law does not overstep the provisions of the British Columbia Building Code, there is no need for provincial involvement.

The process of refining the By-law has proven to be quite complicated; much more so than had been anticipated. On this basis, Council has already approved several deferments in order to allow staff additional time to complete refinements to the By-law and to develop the associated Policies and Procedures. The effective date for the Building By-law is currently June 1, 2006.

DISCUSSION

Planning and Development Department staff have been working closely with Legal Services staff and have incorporated extensive revisions into the new By-law. The amendments being developed for the By-law amount to essentially a re-write of the By-law. The revised By-law will, in some respects, change the manner in which the development industry conducts business with the City. It is expected that the finalized By-law will be forwarded to Council for consideration in September of this year.

It is considered appropriate to allow some time between the adoption of the finalized By-law and its effective date, during which time the development industry will have an opportunity to become familiar with the requirements of the By-law and to make the necessary adjustments. An effective date of January 1, 2007 for the new By-law will be adequate for this purpose.

CONCLUSION

Based on the above discussion, 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, 2003, No. 15244, that will defer the date that the by-law becomes effective from June 1, 2006 to January 1, 2007; 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 building permit applications received before January 1, 2007, provided that such applications are complete.

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