



Corporate Report

NO: R246

COUNCIL DATE: NOVEMBER 20, 2006

REGULAR COUNCIL

TO: Mayor & Council DATE: November 15, 2006
FROM: Acting General Manager, Planning and Development City Solicitor 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 January 1, 2007 to May 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 in-stream building permit applications received before May 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 "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.

The process of refining the new By-law has proven to be quite complicated; much more so than had been anticipated. On this basis, Council has already approved deferments in order to allow staff additional time to complete refinements to the new By-law and to develop the associated policies and procedures. Currently, the effective date for the new Building By-law is January 1, 2007.

DISCUSSION

It is estimated that it will take a few more weeks 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 early in 2007. 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 requested 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 January 1, 2007 to May 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 in-stream building permit applications received before May 1, 2007, provided that such applications are complete.

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