



Corporate Report

NO: R073

COUNCIL DATE: APRIL 16, 2007

REGULAR COUNCIL

TO: **Mayor & Council** DATE: **April 12, 2007**
FROM: **Acting General Manager, Planning and Development** FILE: **3900-20-15244**
City Solicitor
SUBJECT: **New Surrey Building By-law, 2003, No. 15244 and**
Related Policies and Procedures

RECOMMENDATION

It is recommended that Council:

1. Receive this report as information; and
2. Authorize the City Clerk to introduce a by-law to repeal Surrey Building By-law, 2003, No. 15244, as amended (Appendix I).

BACKGROUND

At its Regular Meeting on December 12, 2003, Council considered Corporate Report No. R258, which 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 ("By-law 15244"). At its regular meeting on December 15, 2003, Council adopted By-law 15244.

The adoption of By-law 15244 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, By-law 15244 was drafted quickly at the end of 2003 and it was recognized, as documented in Corporate Report No. R258, that By-law 15244, as adopted, would need to be further refined before it became effective. As such, even though it was adopted by Council in December 2003, By-law 15244 provided that it would not come into effect until August 3, 2004. By-law 15244 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 ("By-law 9011").

The process of refining By-law 15244 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 by-law and to develop the associated policies and procedures. Currently, the effective date for By-law 15244 is May 1, 2007.

DISCUSSION

Additional time is required to complete the work of finalizing the by-law text and the related policies and procedures. After an extensive review of all of the provisions contained in By-law 15244, substantial revisions and re-writing of many of its sections are necessary. As such, instead of amending every section of By-law 15244, it is more expedient to repeal this by-law and, once the required revisions and review are complete, introduce a new by-law to replace the current by-law. It is anticipated that the review and revisions should be completed within the next few months, following which a further Corporate Report will be forwarded to Council advising of the significant changes and improvements and seeking Council's authorization to introduce a new building by-law to replace By-law 9011. A new by-law will, in some respects, change the manner in which the development industry conducts business with the City and, as such, it is considered appropriate to allow some time between the adoption of a 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, a by-law to repeal By-law 15244. As By-law 15244 will come into effect on May 1, 2007, the proposed repeal by-law should be adopted on April 30, 2007, with by-law introduction, first, second and third readings being granted on April 16, 2007. In the interim, until a new by-law is finalized, By-law 9011 and all amendments thereto, remain in full force and effect.

How Yin Leung
Acting General Manager
Planning and Development

Craig MacFarlane
City Solicitor

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CITY OF SURREY

BY-LAW NO. 16373

A by-law to repeal "Surrey Building By-law,
2003, No. 15244", as amended.
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The Council of the City of Surrey, in open meeting assembled, ENACTS AS FOLLOWS:

1. "Surrey Building By-law, 2003, No. 15244", as amended, is hereby repealed.
2. For greater certainty, "Surrey Building By-law, 1987, No. 9011" and all amendments thereto, remains in full force and effect.
3. This By-law shall be cited for all purposes as "Surrey Building By-law, 2003, No. 15244, Repeal By-law, 2007, No. 16373".

PASSED THREE READINGS on the _____ day of April, 2007.

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the _____ day of April, 2007.

_____ MAYOR

_____ CLERK