

Fire, Flood or Grow-Up Properties

Outline for when permits are required for damaged structures & buildings

Purpose

The following information is provided for clarification when permits are required for the repair of damaged structures caused by fire, flood, decay, and when current code requirements come into effect.

References & Definitions

[Building Bylaw](#)

[Good Neighbour Bylaw](#) – Section 7 (Vacant Buildings)

[Controlled Substance Property Remediation Bylaw](#)

[Local Government Act – Section 911](#) – Non Conforming Use and Siting

[BC Building Code](#)

BC Building Code – Section 1.1.1.1.(1) (g) - The reconstruction of any building that has been damaged by fire, earthquake or other cause.

Assessed Value is the current assessed value of the building as provided by BC Assessment Authority. The property owner or insurance adjuster can dispute the assessed value and provide an independent appraisal of the building.

Foundation means a system or arrangement of foundation units through which the loads from a building are transferred to supporting soil or rock. Examples - footing system for a slab on grade building or the basement level as determined by the BC Building Code for multi-storey structures.

Implementation

Requirements for Investigation, Registration and Remedial or Demolition work

Step 01 – Initial Investigation

The Owner of the property or restoration company shall make arrangements to have a Building Official attend the property once it is deemed safe to enter. At that time the Building Official will determine what type of permit, if any, is required. Please contact the Building Department at 250-490-2571 to arrange for an inspection.

Step 02 – Classification - Hazardous and Nuisance Properties

Buildings that are deemed a hazard must be demolished or remediated to a safe condition and must be boarded immediately or maintained, and be registered as a Vacant Building as outlined in Section 7 of the Good Neighbour Bylaw.

Step 03 – Remedial Work

No person shall repair a building damaged by fire, decay, storms or otherwise to an extent greater than 75 percent of its assessed value above its foundations unless in every respect the whole building is made to comply with the BC Building Code.

Permit Requirements

Applications for permits can be obtained from City Hall or through our website at [Applications & Forms](#). Please review the following for specific permit requirements based on the severity of the damage to the building or structure.

Fire Damage of Less than 75% of the Assessed Value of the Building

Minimal Damage

The successful contractor's scope of work and estimate for repairs is submitted for review. Structural repairs such as roof trusses will be required to be confirmed by a Structural Engineer.

Moderate Damage

If the estimate for the repairs is 50% or more of the assessed value:

- The insurance adjuster /owner shall provide a scope of work and estimates from at least two contractors with experience in fire damage repair.
- The building must meet the requirements of the City of Penticton's Zoning Bylaw for use after it is repaired, i.e. this may require the removal of an illegal suite or upgrading of the suite and placement of a notice on the property title to indicate a bylaw infraction.
- Structural repairs will require drawings which will be confirmed by a Structural Engineer.

In most cases a Building permit for both scenarios can be issued using the contractor's scope of work.

If the lowest estimate is more than 75% of the assessed value of the building:

- A demolition permit is required for demolition of the building or part of. If a portion of the original structure (i.e. foundation) is to be retained it must be verified by a structural engineer.
- A building permit is required for construction of a new building, and construction must meet all current Bylaws and Building Codes.
- Plans and specifications are required.
- Servicing upgrades including on-site waste water systems may be required. See below.
- HPO registration is required for residential buildings. See below.

It is possible that the fire damage is less than 75% of the appraised value of the building, and the owner wishes to upgrade and enhance the building with the fire damage repair. In this case the building permit is issued for all of the work, but complete building code upgrade is not required.

The scope of work and lowest estimate must clearly show that the repair of fire damage can be carried out for less than 75% of the assessed value of the building.

Servicing Upgrades & Damage to Existing Services

Please note that servicing improvements maybe required if work is deemed "new" construction or if an existing service is damaged and requires replacement. Private On-Site waste water systems may require a separate review by a qualified waste water practitioner.

Fires and illegal drug activities can have a significant impact on the functioning of Private On-Site waste water systems. A review by a qualified waste water practitioner will be required to assess the damage to the system and any environmental impact to the surrounding area.

Please refer to the [ASTTBC – Onsite Wastewater Registration Program](#) for further information.

Licensing and Consumer Services (Formerly HP0) – BC Housing Regulations

Under the Homeowner Protection Act (Act) a new home is defined as “a building, or portion of a building, that is newly constructed or being constructed and is intended for residential occupancy, and includes...a home that is or is being substantially reconstructed.”

For more information see <https://www.bchousing.org/licensing-consumer-services/publications>

Please refer to the inquiry information requirements prior to contacting Licensing and Consumer Services.

Electrical and Gas Permits – Technical Safety BC

Electrical and Gas permits are regulated by the Technical Safety BC and should be contacted to ensure their requirements are met and works are performed by qualified trades people. Please contact the [Technical Safety BC](#) or call 1-866-566-7233.

Worker Safety - WorkSafe BC

Owner/Agent/Contractor – responsible to ensure that the contractor(s) are aware of the Worker’s Compensation Board’s Occupational Health and Safety Regulations pertaining to Hazardous Materials (Asbestos) that may be present at the demolition site. (See WorkSafe BC Bulletin on Asbestos hazards in demolition, renovation, salvage).

Click [here](#) for a link to Part 20 of the OHS Regulation.

Site Safety – BC Building Code

Under Part 8 of the BC Building Code, precautions are to be taken to ensure the protection of adjacent properties and the general public. Please review Part 8 as it pertains to demolition works. Examples for site safety are:

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8.2.1.3. Fencing, Boarding or Barricades

- 1) When a construction or demolition activity may constitute a hazard to the public and is located 2 m or more from a public way, a strongly constructed fence, boarding or barricade not less than 1.8 m high shall be erected between the site and the public way or open sides of a construction site.

8.2.3.1. Safe Passage Past Site

- 1) Except as provided in Article 8.2.3.2., provisions shall be made at all times for the safe passage of pedestrian and vehicular traffic past the site.
- 2) Material or equipment shall not be placed on any street or other public property except as authorized.
- 3) Except as provided in Sentence (4), where a sidewalk exists adjacent to the site it shall be kept clear of obstructions at all times.
- 4) Where construction operations necessitate the obstruction of a sidewalk, a temporary sidewalk shall be provided and it shall be kept clear of obstruction at all times

8.2.5. Waste Material

8.2.5.1. Control of Waste Material

- 1) Waste material or other material shall not be permitted to fall freely from one storey to another.

Work Over/On Sidewalks or Roads

Please note that works on or over City highways or sidewalks will require a road or sidewalk closure permit.

Have questions? We're here to help. Please contact the Building Department at 250-490-2571 or buildinginfo@penticton.ca for more information.
