

HEADER : By-Law Changes: Attention all Builders!

DECK : Building single, two unit and semi-detached dwellings? Here are your legal responsibilities

This is the second article in a two-part series relating to building inspection changes that came into effect on March 1<sup>st</sup>, 2010. The first article was published on February 6, 2010 and outlined the basic changes with regards to the building inspection process and important information such as building fees and other must-know items for every builder's checklist.

This second article will focus on specific changes with regards to the *City of Moncton's By-law relating to buildings (#Z-410)*.

### **Which sections of By-law #Z-410 should I pay particularly close attention to?**

#### Section 6 - Permit Application Process

Subsection 6.02(7) states that, unless waived by the Building Inspector, a Site Plan is required which will show:

- the geodetic elevation of the basement floor, attached garage slab and the top of the foundation walls;
- the front yard, rear yard, side yard and where applicable, the flankage yard;
- the foundation's critical elevation;
- the proposed finished land elevation at each corner of the property and foundation wall;
- the driveway location and its slope from the property line adjacent to the road;
- the geodetic elevation of the finished grade of the centreline of the road in front of the driveway;
- existing municipal and private service easements, underground electrical, telephone, gas, cable, and all other public utility easements;
- any physical feature that may impede drainage such as accessory buildings and structures, and natural vegetation such as large trees or landscape gardens;
- any proposed finished land elevations that indicate the existence and functionality of swales or other drainage elements, including private catch basins;
- any other information required to show conformity of the Site Plan with city by-laws;

Where there is no registered Drainage Plan, or the Site Plan is not in conformity with the registered Drainage Plan, then an Engineered Solution is required, unless waived by the City Engineer (subsection 6.02(8)).

The by-law further provides that if the proposed work involves heavy equipment traversing curbs, sidewalks, asphalt, ditches, water service appurtenances or other city utility structures, a damage deposit in the amount of \$500.00 is required. The deposit is returnable, on application, where an inspection does not show any damage to city infrastructure, provided the application is made within 24 months of the permit being issued. The deposit will be forfeited to the City if the infrastructure has been damaged, or if no application has been made within the required timeframe (subsection 6.02(9)).

#### Section 7 Special Application Requirements

Section 7.02 states that where the work involves a new foundation for a single unit dwelling, a two-unit dwelling, or a semi-detached dwelling, the permit shall be issued on the condition that the construction of the building shall not proceed beyond the foundation stage unless the Development Officer has received and accepted a Foundation Report Form and a pre-backfill inspection has been completed. Please refer to section 7.03 of the By-law for the complete list of requirements for the Foundation Report Form.

When the foundation and lot grading are complete, and no later than 12 months after issuance of the building permit, the owner shall provide the Building Inspector with a Surveyor's Real Property Report. Please refer to section 7.04 of the By-law for the complete list of requirements for this Report.

Where a Foundation Report Form or Surveyor's Real Property Report is inconsistent with the Site Plan, except for building location, or with the Registered Drainage Plan, the owner shall provide an engineered solution (section 7.05), unless waived by the City Engineer (section 7.07).

Section 7.06 provides that the Foundation Report Form and Surveyor's Real Property Report are to be signed by a New Brunswick Land Surveyor licensed to practice in the Province of New Brunswick before being submitted to the Development Officer. The Land Surveyor or Professional Engineer further certifies that:

- the top of the foundation wall elevations are consistent with those on the Site Plan to a tolerance of no more than 100 mm (4 inches) above or below the required elevation; and
- in the case of a Surveyor's Real Property Report, the lot grading is consistent with the lot grading as shown on the Site Plan to a tolerance of no more than 150 mm (6 inches) above or below the required elevation.

### Section 10 – Duties of the Permit Holder

Section 10.01 provides that, in the case of a new foundation for a single unit dwelling, a two-unit dwelling, or a semi-detached dwelling, a permit holder shall give two business days notice and make all arrangements to allow for the Building Inspector to carry out a minimum of 4 inspections of the work, as follows:

- a "pre-backfill" inspection consisting of a foundation inspection prior to any backfilling;
- a framing inspection prior to installation of insulation and vapor barrier and after plumbing, ventilation and electrical rough-in is completed.
- a "pre-drywall" inspection after the installation of insulation and vapor barrier.
- a "final" pre-occupancy inspection.

➤ . Please note that the civic number or lot number shall be posted on the Building site

Written approval from the Building Inspector is required prior to proceeding with each new phase of construction.

### Section 13 – Fees

Section 13 deals with fees, for instance an Electrical Waiver is \$25. It further provides that a person to whom a building permit has been issued may within thirty days of issuance of the permit apply for a refund of 50% of the fee paid not exceeding \$1,000 provided no work has been done.

For more information on this topic, visit the Housing and Building section of our website ([moncton.ca](http://moncton.ca)), e-mail questions to [info@moncton.ca](mailto:info@moncton.ca), or call 856-4375. You can also consult the *By-law relating to buildings (#Z-410)* on the City of Moncton's website at [moncton.ca](http://moncton.ca) under Residents/By-laws.

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