



# Issue Update

## **The Community Charter and Local Government Bylaws that Include Building Standards**

### **The Community Charter and Spheres of Concurrent Authority**

The *Community Charter* is in effect as of January 1, 2004. Among its many provisions, the *Charter* gives municipalities broad powers to regulate activities within their communities.

The *Community Charter* also introduces the concept of concurrent regulatory authority in five areas, or “spheres”. These are areas where local governments and the Province share an interest in regulating activities.

One of these spheres is building standards (i.e., “standards that are or could be dealt with by provincial building regulations”). The Province is working towards uniform technical building standards throughout the province.

Under the *Community Charter’s* concurrent authority provisions, any new local government bylaw, or amendment to an existing bylaw, that establishes building standards requires approval by the minister responsible through one of three mechanisms. The three mechanisms are a Minister’s regulation, an agreement, or direct approval by the minister.

The Minister of Community, Aboriginal and Women’s Services has been designated as the minister responsible for managing concurrent authority in relation to building standards.

***However, it is not the intention of the Province to regulate all matters that may be addressed in a local government building bylaw.***

***The onus is on local governments to determine if they need approvals and to ensure that they receive them.***

### **Which Provisions of Bylaws Will be Subject to Concurrent Authority?**

A proposed local government bylaw that alters the requirements or application of the BC Building Code is subject to concurrent authority.

***Concurrent authority for bylaws that include building standards will apply to technical provisions, rather than to practices of local government administration.***

A regulation will identify which bylaws need the Minister’s approval. This regulation is being developed.

### **Which Provisions of Bylaws Will NOT be Subject to Concurrent Authority?**

Administrative matters may be dealt with autonomously at the local level. For example, a bylaw that establishes procedures for the administration and enforcement of the BC Building Code (e.g., procedures for plan review and building inspections) will not be subject to concurrent authority.

Local governments will also continue to have authority to regulate construction for buildings that are exempt from the BC Building Code and structures that are not buildings.

### **Are Existing Bylaws that Establish Building Standards Still Valid?**

Yes, existing local government bylaws that are legally in effect as of December 31, 2003 will remain in effect.

### **What Will Happen if a Proposed Building Standards Bylaw is Not Approved?**

A new bylaw, or an amendment to an existing bylaw, on a matter that is subject to concurrent authority will have no effect in law unless it has been approved by the Minister responsible.

### **Strategic Approach**

As an interim strategy, local government bylaws that include building standards will require direct approval by the Minister. In future, regulations and agreements may replace the need for direct approval by the Minister.

A regulation will identify which bylaws require the Minister’s approval.

A guideline is being prepared to help local governments assess the merits of any proposals they consider developing for new or amended building standards bylaws.

### **Further Information:**

Please refer to the Building Policy Branch Web site at [www.mcaaws.gov.bc.ca/building/index.htm](http://www.mcaaws.gov.bc.ca/building/index.htm)

Please contact the Building Policy Branch via e-mail for advice if you have any questions or comments regarding bylaws that establish building standards.

E-mail address: [BLDPOLBR@gems6.gov.bc.ca](mailto:BLDPOLBR@gems6.gov.bc.ca)

Community Charter Web site- [www.mcaaws.gov.bc.ca/charter/index.htm](http://www.mcaaws.gov.bc.ca/charter/index.htm)

Concurrent Regulation Web site - [www.mcaaws.gov.bc.ca/charter/opportunity/concurrent\\_regulation.htm](http://www.mcaaws.gov.bc.ca/charter/opportunity/concurrent_regulation.htm)

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