

CITY OF VANCOUVER BRITISH COLUMBIA



BUILDING BOARD OF APPEAL BY-LAW NO. 6135

**This By-law is printed under and
by authority of the Council of
the City of Vancouver**

**(Consolidated for convenience only
to July 23, 2019)**

BY-LAW NO. 6135

**A By-law to establish the Building Board of Appeal
and to set out its procedures**

**[Consolidated for convenience only,
amended to include By-law No. 12514
effective November 1, 2019]**

THE COUNCIL OF THE CITY OF VANCOUVER, in open meeting assembled,
enacts as follows:

1. This By-law may be cited as the "Building Board of Appeal By-law".
2. APPOINTMENT
 - 2.1 A "Building Board of Appeal" shall be appointed by Council from time to time. Such Building Board of Appeal shall consist of two divisions as follows:
 - (a) a division to deal with appeals pursuant to this By-law (hereinafter referred to as the "the Board"); and
 - (b) a division to deal with appeals from the *Parking By-law* (hereinafter referred to as the "Parking Variance Board").
3. MEMBERSHIP
 - 3.1 The Board shall consist of 5 members, one appointed from each of the following associations:
 - (a) one member of the Law Society of British Columbia;
 - (b) one member of the Architectural Institute of British Columbia;
 - (c) one member of the Association of Professional Engineers and Geoscientists of British Columbia who is a consultant in Fire and Life Safety; and
 - (d) two members of the Association of Professional Engineers and Geoscientists of British Columbia who are qualified by virtue of their training and experience to provide expertise in the areas of:
 - (e) structural,
 - (f) mechanical,
 - (g) electrical,
 - (h) building enclosure, and
 - (i) geotechnical.
 - 3.2 Council may establish remuneration for the Board members.

- 3.3 Any member of the Board may be removed by a resolution of Council passed by not less than two-thirds of all its members.
- 3.4 Each member appointed to the Board shall hold office for a term of 3 years or until a successor is appointed, but a person may be reappointed for a further term or terms.
- 3.5 The members of the Board shall elect a Chairperson and Vice-Chairperson who shall serve for a period of one year in this position, unless the appointment is earlier revoked by Council.
- 3.6 In the event of death, resignation or removal from office of any member of the Board, a successor shall be appointed in the same manner and from the same association for the unexpired portion of the term.
- 3.7 In order not to affect continuity of the Board's decision making, no more than 3 new members shall be appointed in any one year other than as in Section 3.6.
- 3.8 Four members of the Board shall constitute a quorum.

4. SCOPE AND OPERATION

- 4.1 The Board is empowered to consider an appeal made from any decision of the City Building Inspector pursuant to:
 - (a) the Building By-law in respect of any item referred to in Article 3.1.1.2. of Division C; and:
 - (b) the Standards of Maintenance By-law in respect of any item referred to in Section 24 of that By-law.
- 4.2 In all cases the Board may allow or refuse an application for a hearing, or allow, vary or deny an appeal, but in each appeal, it shall take into account the general safety, health, and public welfare of occupants and give due consideration to economic, social and aesthetic concerns when determining the appropriate degree of protection necessary for the safety, health and welfare of the building occupants and the public.

5. PROCEDURES

- 5.1 The Chairperson shall fix a convenient time and place for the hearing of appeals, but need not convene the Board more often than once in any two week period.
- 5.2 The Board shall consider information submitted by the appellant, the City Building Inspector, and any other qualified persons or consultants, whose information might, in the opinion of the Board, assist them in reaching a decision.
- 5.3 Proceedings at the hearing shall be informal.
- 5.4 The Board may adjourn a hearing from time to time as it sees fit.
- 5.5 The Board shall consider and decide each appeal and notify the appellant of its decision in writing as promptly as possible.
- 5.6 The Board shall not re-hear an appeal covering the identical grounds or principles upon which the Board has already rendered a decision.
- 5.7 Subject to the provisions of this By-law, the Board shall determine its own procedure.
- 5.8 Where in any appeal, a tie vote results, the appeal shall stand refused.

5.9 The decision of the Board is final and binding.

6. DUTIES OF SECRETARY

6.1 There shall be a Secretary to the Board who shall be an employee of the City.

6.2 The Secretary shall have no voting privileges.

6.3 The Secretary shall

- (a) receive notices of appeal,
- (b) determine completeness of appeal submission,
- (c) notify the Chairperson of any backlog of outstanding appeals or matters which may require a special meeting,
- (d) cause such notices to be served, as directed by the Chairperson of the Board,
- (e) notify appellants in writing of the decisions of the Board, and
- (f) prepare and have custody of the records and decisions of the Board.

7. PARKING VARIANCE BOARD

7.1 The Parking Variance Board shall consist of 5 members appointed by Council.

7.2 The initial term of office of each member of the Parking Variance Board shall be as determined by Council, and thereafter shall be for a term of 3 years or until a successor shall be appointed, but a person may be appointed for a further term or terms.

7.3 The Parking Variance Board shall hear appeals on decisions of the Director of Planning made pursuant to the *Parking By-law*.

7.4 Except as herein varied, the procedures of the Parking Variance Board shall be, to the extent possible, those set out in the *Board of Variance By-law*, being City of Vancouver By-law No. 10200, and in particular the terms defined in Section 1.2 of that By-law shall be deemed to apply to the Parking Variance Board in the same manner.

8. This By-law shall come into force and take effect on June 1, 1987.

DONE AND PASSED in open Council this 5th day of May, 1987.

(Sgd.) "Alderman Taylor"
Deputy/Mayor

(Sgd.) "R. Thompson"
City Clerk