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*This bulletin is for  
informational purposes  
only. Please be sure to  
consult the relevant  
City of Kelowna bylaw.*

### **PURPOSE**

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To inform Staff, developers, applicants, builders, coordinating professionals and consultants about the timing of when a Development Permit (DP) lapses for projects within the City of Kelowna.

### **BACKGROUND**

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As market conditions continue to fluctuate, property owners and/or developers are exploring all avenues on how to postpone projects and to defer the Building Permit progress but still maintain 'active' development approvals.

Under Section 926 of the *Local Government Act*, it states that if a:

“holder of a permit under this Division does not substantially start any construction with respect to which the permit was issued within 2 years of the date after the date it was issued, the permit lapses.”

This is legislated by the Province, and local municipalities do not have the authority to amend this timeframe provision.

In order for construction to be considered substantially started in accordance with the *Local Government Act*, the following minimum criteria will apply:

- ▶ A valid Building Permit is issued
- ▶ The site is completely fenced for construction purposes
- ▶ Excavation of the site (partially or entirely)
- ▶ Greater than 50% of the approved Development Permit project's footing and foundation is poured.

For clarity, a Development Permit approval "issuance" is considered to be the date on which Council passed the resolution authorizing the DP. In the circumstances where a Development Permit is authorized for issuance by the Director of Land Use Management, the date is calculated from the date the development application is approved for issuance by the Director of Land Use Management.

### **IMPLEMENTATION**

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This policy interpretation is effective immediately, and all development projects that have received the related approvals are to adhere to the above-noted criteria. Therefore, it is the responsibility of the applicant/owner to ensure that their Development Permit approval timing is calculated from the date of issuance, and a valid Building Permit application is made to the satisfaction of the Building & Permitting Branch within the allowable 2 year timeframe.

Land Use  
Management  
1435 Water Street  
Kelowna, BC V1Y 1J4  
TEL 250 469-8626  
FAX 250 862-3320