

Bulletin: Landscape Performance Securities

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This bulletin summarizes the requirements of Bylaw No. 12310. Please refer to the applicable bylaw for the complete regulation.

Properties must satisfy all applicable Bylaws/Regulations of the City of Kelowna and conform to the B.C. Building Code.

*Questions?
Speak to staff in the department responsible for reviewing the works.*

*- On-site works:
Development Planning
- Off-site works:
Development Engineering*

Development Planning
1435 Water Street
Kelowna, BC V1Y 1J4
TEL 250-469-8626
planninginfo@kelowna.ca

When is a Performance Security required?

When a Landscape Plan is required for your permit, a Performance Security must be calculated based on the estimated cost of completing that plan. You may need to provide multiple securities:

- on-site ornamental landscaping
- natural area restoration
- off-site works (e.g. parks trails being dedicated to the community, boulevard landscaping, and road works).

The security calculation includes all installation costs - purchasing, transport, and labour for plants, fencing, bike racks, and any other items identified as the Landscape Works in the permit. The security also includes initial maintenance costs, the necessary irrigation and weeding required to help plants establish over two years for irrigated ornamental landscaping. A restoration security will be held for 3-5 years to cover the longer period of establishment needed for natural areas.

Security Return Requirements

The security can be thought of as a deposit – it will be returned once the work is completed according to the conditions of the permit.

- When Landscape Works have been installed (substantial completion) contact the City to confirm the date completed.
 - If the Landscape Plan construction estimate exceeded \$50,000, provide a **Landscape Schedule of Assurance** (as per the *BC Society of Landscape Architects Schedule C-L*) from the Landscape Architect to certify that the works have followed the approved Development Permit/Construction Drawings.
- After landscaping has gone through a year in the ground and at least 1 winter season, submit request for **Year 1 Inspection**. City will assess plant survival as well as the installation of other elements (e.g. fencing) required by the development permit.
 - If the project required a *Schedule C-L*, the Landscape Architect must monitor the project over the full year to ensure it is well maintained.
 - If no deficiencies are found, City will provide a **Security Return Application** and may authorize the return of up to 90% of the security.
 - If deficiencies are found, the City will retain a portion of the security to cover the cost to re-plant or re-install missing/dead items from the Landscape Plan (min. \$5,000). The clock starts again and the Year 1 Inspection request must be re-submitted next year.

- Submit request for **Year 2 Inspection** - City will inspect and determine if landscape complies with the permit requirements (substantial compliance).
 - For Landscape Works exceeding \$50,000, or if requested by the Department Manager, the project's Landscape Architect must provide a **Letter of Assurance**. This letter is a professional standard that confirms the Landscape Architect has monitored the project from planting to Year 2, assuring plants are appropriately installed and maintained to thrive in our arid climate.
- No deficiencies found – the City will provide a Security Return Application and authorize the return of the remaining security.

What is an acceptable Security?

A security is calculated as 125% of the estimated costs to complete the landscape works, or a minimum of \$7000. This amount can be provided to the City as a:

- Certified Cheque
- Surety Bond
- Irrevocable Letter of Credit

Summary - Security Return Steps

Step 1. Plant and construct landscape works.

Step 2. Email City confirming substantial completion once all elements installed:

planninginfo@kelowna.ca

- Include the Development Permit Number (e.g. DP22-0000).
- If project costs exceed \$50,000 a **Landscape Schedule of Assurance** (*BCSLA Schedule C-L*) is required from Landscape Architect.

Step 3. Maintain & monitor landscape

- Weed and irrigate to ensure plants become well established.
- Project Landscape Architect must monitor project (if **Letter of Assurance** required).

Step 4. Request **Year 1 Inspection** (following 1 winter)

- Include copy of Substantial Completion email and Development Permit Number.
 - **No deficiencies:** City will provide a Security Return Application.
 - **Deficiencies:** larger portion of security retained by City. Must re-plant or re-install missing and/or dead items to meet permit conditions. Request next inspection in 1 year.

Step 5. Request **Year 2 Inspection** (following 2 winters)

- Include copy of past inspection (Year 1) email.
- If required, **Letter of Assurance** must be provided by the project's Landscape Architect.
- **Deficiencies?** Go back to **Step 2:** replant to meet permit conditions & maintain for 2 years.
- **No deficiencies:** Landscape works meet permit conditions → Remaining security returned.