


# BC BUILDING CODE INTERPRETATION COMMITTEE

A joint committee with members representing  
**AIBC, EGBC, BOABC**

**File No: 18-0087**

**INTERPRETATION**

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| Interpretation Date:   | January 19, 2021  |
| Building Code Edition:   | BC Building Code 2018   |
| Subject:   | Measuring LD to an ROW or Crown land  |
| Keywords:  | Limiting Distance, Crown land, ROW, Spatial Separation  |
| Building Code Reference(s):  | Division A 1.4.1.2.(1) definition of <i>limiting distance</i><br>Division B 3.2.3.1.(1), 9.10.15.   |
| <b>Question:</b>   | <ol style="list-style-type: none"><li>1. Can the Authority Having Jurisdiction (AHJ) consider Crown land, bodies of water and right of ways (ROW) similar to a "public thoroughfare" in applying the Code definition of <i>limiting distance</i>?</li><li>2. Is there a difference in risk of exposure if the limiting distance extends onto land with a ROW vs Crown land or other legal parcel?</li><li>3. Does the AHJ have the authority to accept a design where the limiting distance is measured other than a property line, centre line of a public thoroughfare or to an imaginary line between two buildings on the same property?</li></ol>  |
| <b>Interpretation:</b>   | <ol style="list-style-type: none"><li>1. Yes, with conditions.<br/>The Code requires that limiting distance is measured to a property line, centre line of a street, lane or public thoroughfare or to an imaginary line between two buildings on the same property. As a ROW, Crown land or bodies of water do not meet the definition of street, lane or public thoroughfare the limiting distance should be measured to the property line. However, as the objective of Subsections 3.2.3., 9.10.15 and 9.10.14 are to limit the probability of fire spread from building to building, it may be reasonable to extend the limiting distance beyond the property line, provided the AHJ:<ul style="list-style-type: none"><li>• agrees that the risk of development of the adjacent parcel is improbable,</li><li>• a legal agreement is registered on title to bring the building into compliance should the site conditions change in the future. (note the covenant should be on the parcel of land under development, not the adjacent parcel). The legal agreement can be in the form of a fenestration covenant or a no-build covenant, and</li><li>• The applicant prepares and submits the proposal as an alternative solution</li></ul></li></ol><br><br>Patrick Shek, P.Eng., CP, FEC, Committee Chair |
| <p>The views expressed are the consensus of the joint committee with members representing AIBC, EGBC and BOABC, which form the BC Building Code Interpretation Committee. The Building and Safety Standards Branch, Province of BC and the City of Vancouver participate in the committee's proceedings with respect to interpretations of the BC Building Code. The purpose of the committee is to encourage uniform province wide interpretation of the BC Building Code. These views should not be considered as the official interpretation of legislated requirements based on the BC Building Code, as final responsibility for an interpretation rests with the local <i>Authority Having Jurisdiction</i>. The views of the joint committee should not be construed as legal advice.</p> |   |

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This is consistent with Building Code appeals 1562 and 1837 attached for reference.

2. No,

The BC Building Code only prescribes measuring limiting to a property line, centre line of a street or to an imaginary line between two buildings on the same property. The Code does not take into account the ownership of the adjacent parcel (i.e. Crown land or ROWs). The level of risk should be reviewed by the local authority, and a legal professional.

3. This question is not appropriate for this Committee. Municipal authorities are granted under the Local Government Act and Community Charter, not the BC Building Code. This question should be brought to a legal professional.



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Patrick Shek, P.Eng., CP, FEC, Committee Chair

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