

THE CORPORATION OF THE DISTRICT OF SAANICH

BYLAW NO. 10147

ENERGY AND CARBON EMISSIONS REPORTING BYLAW, 2024

Pursuant to its statutory powers, including sections 8(3)(l), 12, 53, 54, and 55 of the *Community Charter*, the Council of the Corporation of the District of Saanich, in an open meeting assembled enacts the following provisions:

Purpose

1. The purpose of this bylaw is to implement energy use and carbon emissions reporting requirements for large buildings and use the data to design services, laws and other matters for community benefit in relation to the conservation of energy and the reduction of greenhouse gas emissions.

Definitions

2. In this bylaw:

- (a) The following words have the meanings set out in Division A 1.4.1 of the Building Code: **assembly occupancy, business and personal services occupancy, care occupancy, industrial occupancy, major occupancy, mercantile occupancy, occupancy, residential occupancy, storey, and treatment occupancy.**
- (b) “**building**” means any structure used or intended for supporting or sheltering any use or occupancy constructed and completed under a building permit and issued an occupancy permit or assessed as a building under BC Assessment and includes a mixed-use building.
- (c) “**Building Code**” means the *BC Building Code* adopted by the minister pursuant to section 3 of the *Building Act*, as amended or replaced from time to time.
- (d) “**certified energy manager**” means a person who holds a certified energy manager certificate from the Association of Energy Engineers.
- (e) “**District**” means the Corporation of the District of Saanich.
- (f) “**dwelling unit**” means a self-contained unit comprised of one or more rooms designed as a residence for a single household with a sleeping area, a principal kitchen for food cooking and a separate bathroom facility.
- (g) “**Energy Star Portfolio Manager**” or “**ESPM**” means an online energy benchmarking tool administered by the federal government to measure and compare building energy and performance levels, or its successor in function.

- (h) **“greenhouse gas emissions”** has the same meaning ascribed to the term “GHG Emissions” in the Energy Star Portfolio Manager glossary and includes “Direct Emissions” and “Indirect Emissions” pursuant to the ESPM definition.
- (i) **“gross floor area”** has the same meaning ascribed to that term in the Energy Star Portfolio Manager glossary.
- (j) **“Manager”** means the District’s Manager of Sustainability, or their authorized designate.
- (k) **“mixed-use buildings”** means a building with more than one major occupancy type.
- (l) **“multiple dwelling”** means the residential use of a building which contains five or more dwelling units with each dwelling unit having its principal access from an entrance or hallway common to other dwelling units.
- (m) **“owner”** means:
 - (i) the strata corporation for a building created by strata plan;
 - (ii) the owner of a multiple dwelling in fee simple;
 - (iii) for a non-residential building or part of a building consisting of two or fewer non-residential units, the account holder for the site energy from a utility provider to the building or non-residential portion of the building;
 - (iv) for a non-residential building or part of a building consisting of three or more non-residential units, the owner in fee simple of those units.
- (n) **“professional engineer”** means a person who is registered with the Association of Professional Engineers and Geoscientists of BC under the *Professional Governance Act*.
- (o) **“report”** means a report that meets the criteria in section 5, and section 6 if applicable;
- (p) **“reporting deadline”** means June 1st of each year.
- (q) **“reporting period”** means January 1 to December 31 of the year prior to the reporting deadline.
- (r) **“site energy”** has the meaning ascribed to the term “Site Energy” format in the Energy Star Portfolio Manager glossary.
- (s) **“utility provider”** means a person that provides site energy to a building for compensation.

Applicability

3. This bylaw applies to each owner of or within a building with a gross floor area equal to or more than 929 square metres (10,000 square feet) with the following major occupancy or mix of major occupancy:
 - (a) assembly occupancy (Group A);
 - (b) treatment occupancy (B2);
 - (c) care occupancy (B3);
 - (d) residential occupancy (C), subject to section 4;
 - (e) business and personal services occupancy (D);
 - (f) mercantile occupancy (E); and
 - (g) industrial occupancy (Group F).
4. For buildings with residential occupancy, this bylaw only applies to multiple dwellings.

Energy and Emissions Reporting Requirement

5. An owner of or within a building must submit, each year on or before the reporting deadline, a report containing the information in Schedule A, in a form to the satisfaction of the Manager.
6. The owner must provide the District's authorized representatives with read only, share forward access within Energy Star Portfolio Manager to view the data required by this bylaw.
7. An owner of part of a building may submit a report:
 - (a) for that part only; or
 - (b) jointly with another owner or all owners of the same building for the parts they collectively own.
8. If, in the opinion of the Manager, a report is incorrect, incomplete, or contains anomalous data, the Manager may require the owner to, at its sole cost and expense, have the report verified by an independent third-party certified energy manager or professional engineer.

Acceptable Source of Building Performance Information

9. The building performance information required pursuant to Schedule A must be sourced from the utility provider and uploaded to Energy Star Portfolio Manager.
10. In the case where a building with residential occupancy has an individual gas meter for each dwelling unit, the owner must aggregate the building performance data required in Schedule A for the entire building prior to uploading it to Energy Star Portfolio Manager.

Exemptions and Extensions

11. The owner of a building, or part of a building, is exempt from filing a report if a demolition permit for the entire building was issued during the reporting period.
12. The exemption in section 11 continues to apply each year until a building to which this bylaw applies is constructed or reconstructed.
13. The owner of a building or part of a building may apply to the Manager for one extension of two months annually to complete and submit the report by submitting the request in writing by May 1st, stating the reasons for the extension request.
14. The Manager may grant the extension pursuant to section 13 provided the extension is reasonable in the opinion of the Manager, factoring in:
 - (a) the complexity of the report;
 - (b) the reasons for the request; and
 - (c) the frequency of extension requests.

Public Disclosure

15. The Manager may make available to the public each year from the reports received under this bylaw:
 - (a) individual building site energy use and greenhouse gas emissions; and
 - (b) the building's compliance status.
16. An owner may apply to the Manager to not attribute the building to the data in section 15(a) in a public report.

Prohibition

17. No person shall knowingly submit false or misleading information in relation to the report or related documentation required pursuant to this bylaw.

Offences

18. A person commits an offence and is subject to the penalties imposed by this bylaw, the Ticket Bylaw, and the Offence Act if that person:
 - (a) contravenes a provision of this bylaw,
 - (b) consents to, allows, or permits an act or thing to be done contrary to this bylaw, or
 - (c) neglects or refrains from doing anything required by a provision of this bylaw.
19. Each day that a contravention of a provision of this bylaw continues is a separate offence.

Penalties

20. A person found guilty of an offence under this bylaw is subject to a fine of not less than \$100.00 and not more than \$50,000.00 for every instance that an offence occurs or each day that it continues.

Severability

21. If any provision or part of this Bylaw is declared by any court or tribunal of competent jurisdiction to be illegal or inoperative, in whole or in part, or inoperative in particular circumstances, it shall be severed from the bylaw and the balance of the bylaw, or its application in any circumstances, shall not be affected and shall continue to be in full force and effect.

Commencement

22. This bylaw comes into force on:

- (a) January 1, 2026 for buildings with a gross floor area equal to or more than 2,787 square metres (30,000 square feet); and
- (b) January 1, 2027 for buildings with a gross floor area equal to 929 square metres (10,000 square feet) and less than 2,787 square metres (30,000 square feet).

Citation

23. This Bylaw may be cited for all purposes as the “**ENERGY AND CARBON EMISSIONS REPORTING BYLAW, 2025, NO. 10147.**”

Read a first time this 5th day of May, 2025.

Read a second time this 5th day of May, 2025.

Read a third time this 5th day of May, 2025.

Adopted by Council, signed by the Mayor and Corporate Officer and sealed with the Seal of the Corporation on the day of , 2025.

Corporate Officer

Mayor