

## SCHEDULE E-2

Note: To be submitted with the application for a Building Permit



### BUILDING BY-LAW “OWNER’S UNDERTAKING FOR TENANT IMPROVEMENTS”

The Chief Building Official  
City of Vancouver  
453 West 12th Avenue  
Vancouver, B.C.  
V5Y 1V4

\_\_\_\_\_  
Date (Month Day Year)

Dear Sir:

RE: Property Address \_\_\_\_\_  
Building Permit Application No. \_\_\_\_\_

In consideration of the City accepting and processing the above application for a building permit from \_\_\_\_\_ (the “Tenant”), a tenant of the above-mentioned property, and as required by the Building By-law, the following representations, warranties and indemnities are given to the City.

1. (a) If an individual is the owner:  
( ) That I am the owner of the above property, or  
  
(b) If a corporation is the owner of the property,  
( ) That \_\_\_\_\_ is the owner of the above property.  
(Name of Corporation)
2. The owner will use its reasonable efforts to require the tenant to comply with, and cause those employed for this project to comply with all applicable by-laws of the City of Vancouver and other statutes and regulations in force in the City of Vancouver relating to the development, work, undertaking or permission in respect of which this application is made.
3. The owner understands and acknowledges that the issuance of any permit, including an Occupancy Permit, or the inspection or approval or passage of work by the City is not a representation or warranty that any by-law has been complied with the owner remains responsible at all times to use its reasonable efforts to require compliance by the tenant. The owner has read and understands Article 1.3.2.1. and Article 1.4.1.5. of Division C Book I and Book II of the Building By-law which are set out on the reverse side hereof.
4. The owner hereby agrees to use its reasonable efforts to require that the tenant does indemnify and save harmless the City of Vancouver and its employees from all claims, liability, judgments, costs and expenses of every kind including negligence which may result from the failure to comply fully with all by-laws, statutes and regulations relating to any work or undertaking in respect of which this application is made.
5. Where used herein the words “work” or “undertaking” in respect of which this application is made, the owner understands this to include all electrical, plumbing, mechanical, gas and other works necessary to complete the contemplated construction

Owner's Undertaking (continued)  
(Tenant Improvements)

Property Address \_\_\_\_\_

Building Permit Application No. \_\_\_\_\_

6. I am authorized to give these representations, warranties, assurances and indemnities to the City of Vancouver. This Owners' Undertaking is executed by the owner this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.  
(Day) (Month) (Year)

1. Where owner is an individual:

Signed and delivered in the presence of:

Owner's Signature \_\_\_\_\_

Witness's Signature \_\_\_\_\_

Owner's Name \_\_\_\_\_  
(PRINT)

Witness's Name \_\_\_\_\_  
(PRINT)

Witness's Address \_\_\_\_\_

2. Where owner is a corporation:

Signed, sealed and delivered in the presence of:

Name of Corporation \_\_\_\_\_

Witness's Signature \_\_\_\_\_

Per: Authorized Signatory \_\_\_\_\_  
Name \_\_\_\_\_  
(PRINT)

Witness's Name \_\_\_\_\_  
(PRINT)

Witness's Address \_\_\_\_\_

**Building By-law, Division C, Article 1.3.2.1. Intent**

1) This By-Law sets standards in the general public interest. It is enacted and retained on the understanding and specifically expressed condition that it creates no duty whatsoever on the city, the Chief Building Official or any employee of the city to enforce its provisions, and on the further condition that a failure to administer or enforce its provisions, or the incomplete or inadequate administration or enforcement of its provisions, shall not give rise to a cause of action in favour of any person whatsoever. The issuance of any permit, including an occupancy permit, is not a representation, warranty or statement that this By-Law or any other enactment has been complied with, and the issuance thereof in error shall not give rise to a cause of action. Accordingly, words in this By-law defining the responsibilities and authority of the Chief Building Official shall be construed as internal administrative directions which do not create a duty.

**Building By-law, Division C, Article 1.4.1.5. Compliance with By-law and Other Enactments**

- 1) The owner shall comply with this By-law and all other applicable enactments.
- 2) The owner shall ensure that all work, construction, or occupancy is carried out in accordance with this By-law and all other applicable enactments.
- 3) The owner shall ensure that the occupancy of a building or part of a building complies with the occupancy permit.
- 4) The issuance of a permit, the acceptance of plans and supporting documents submitted for a permit, or the making of inspections by the Chief Building Official shall not relieve the owner of a building from the full responsibility for carrying out the work or having the work carried out in accordance with this By-law and all other applicable enactments.