



BHUTAN BUILDING REGULATION 2023

Royal Government of Bhutan
Ministry of Infrastructure and Transport

October 2023



དབལ་ཕྱན་འབྲུག་གཞུང་། གཞི་རྒྱུ་མཁོ་ཆས་དང་ རྒྱལ་འདྲིན་ལྷན་ཁག།

ROYAL GOVERNMENT OF BHUTAN

MINISTRY OF INFRASTRUCTURE AND TRANSPORT

THIMPHU: BHUTAN

MINISTER

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FOREWORD

The Bhutan Building Rules and Rural Construction Rules were formulated in 2002 and 2013 respectively to guide development of livable human settlements in the country. Subsequently, the Bhutan Building Regulations (BBR) 2018 was published integrating and harmonizing the provisions of various rules in a single document including the Rural Construction Rules 2013. The BBR 2018 provided for a simplified system for building permits, and clarity of roles of agencies involved in the building constructions to ensure that the buildings are safe, environmentally friendly, energy efficient and accessible to diverse needs of the people.

However, on the account of the approval of the National Construction Industry Policy in 2020 by the Cabinet which provides clear policy guidance in professionalizing the construction sector, need to address emergent challenges in the building sector and incorporate numerous subsequent circulars and notifications pertaining to the building constructions, the Regulation is revised and approved by the ministry as the Bhutan Building Regulations 2023.

The Bhutan Building Regulation 2023 will promote collaboration among various stakeholders, provide clarity of roles among service providers, designers, engineers and builders to enhance transparency and accountability in delivering efficient and effective services. Other objectives include incorporating



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international best practices of development control tools, promoting freedom and flexibility in design and construction, optimizing resources and achieving cost efficiency in building construction. The regulations will also promote private sector development and foster competition through provision of an enabling environment for growth of the building construction industry.

The Bhutan Building Regulation 2023 was revised through numerous consultations with relevant Central Agencies, 20 Dzongkhags, four Thromdes, Private Architects and Engineers, Specialized Firms, Certified Builders, and Contractors. I am confident that this regulation will greatly contribute to the safe and resilient buildings and growth of the construction industry in general. We must also recognize that the regulation will require periodic review and update to keep up with the emerging trends and changing policies.

I urge all stakeholders to support and collaborate in the implementation of the Regulation.

(Dorji Tshering)
Minister

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Chapter 1

Preliminary

In exercise of powers under section 300 of the Local Government Act of Bhutan 2009, the Ministry of Infrastructure and Transport, hereby promulgates the Bhutan Building Regulation 2023:

Title

1. This Regulation is called the Bhutan Building Regulation 2023.

Commencement

2. This Regulation comes into force on October 01, 2023.

Application

3. This Regulation applies to all building construction within Bhutan except otherwise mentioned in this regulation.

Purpose

4. The purpose of this Regulation is to:
 - (1) establish standards for the construction of buildings which are safe, accessible and consistent with the traditions of Bhutan;
 - (2) provide for promotion of professionalism in the construction of buildings;
 - (3) enforce relevant codes and guidelines that promotes energy efficiency, climate resilient and disability inclusive infrastructure;
 - (4) establish procedures and requirements for effective, transparent and efficient regulation of the design,

- construction, maintenance and demolition of buildings, including issuing building permits, and monitoring building construction; and
- (5) provide for clear delineation of roles and responsibilities of various agencies for building construction activities.

Repeal

5. Bhutan Building Regulation 2018 is repealed by this Regulation.

Provided that the repeal does not affect the previous operation of the Bhutan Building Regulation 2018 or anything duly done or suffered under the said Regulation.

Chapter 2

Planning and Development Control

Application

6. This Chapter applies only to areas where there are no applicable Spatial Plans.

Development on Small Plots

7. Development on small plots shall be governed by Guidelines for Development on Small Plots.

Maximum allowable Height

8. The maximum allowable height of a building is 3 storeys.

Floor Area Ratio

9. The Floor Area Ratio value shall limit the maximum buildable total floor area.
10. Subject to section 8 of this Regulation, the following shall be excluded from the computation of the Floor Area Ratio:
 - (1) lift and lift shaft;
 - (2) service ducts;
 - (3) balcony;
 - (4) staircase; and
 - (5) basement 100% below the lowest ground level.
11. The permissible Floor Area Ratio shall be 1.2.

Setback

12. Subject to the building code and other laws in force, a building must be located within a plot boundary, in a manner, that complies with the minimum building setbacks of 2 meters on all sides of the boundary.

Provided that in case of plots without a sewer connection, a minimum setback of 4 meters on one side must be provided to accommodate a septic tank and soak pit.

Provided further that the setback requirements shall not apply to common side of row houses and the front setback shall be as per the existing building line for building along the main street.

13. A setback area is permitted to be used for:
- (1) parking space; or
 - (2) gardens and lawns.

Traditional Village and Cultural Landscape

14. A relevant agency shall develop criteria and standards for traditional village including cluster village and cultural landscape.

Tangible Cultural Heritage

15. Tangible cultural heritage shall be exempted from the requirements under this Regulation.

Chapter 3

Permits

Online Approval System

16. The Ministry shall, to the extent possible, put in place an online approval system for all types of permits under this Regulation.

Pre-construction survey

17. Where demolition of a building, or site formation works on terrain with gradient of more than 30 percent including major excavation works is likely to affect existing buildings, structures and utility services in close proximity to the works, the proponent must carry out a pre-construction survey to establish the condition of such buildings, structures and utility services prior to commencing such works.
18. For the purpose of section 17 of this Regulation, all utility companies shall be consulted and a detailed report on applicable protection works must be submitted for approval.
19. A proponent shall keep at the site, a complete set of pre-construction survey reports carried out under section 17 of this Regulation.

Planning Permit

20. A proponent of a building construction must obtain a planning permit from the respective Competent Authority for the purpose of ensuring:
 - (1) adherence to approved land use;

- (2) easement rights relating to right of way, passage, drainage etc. in accordance with the Land Act of Bhutan 2007;
 - (3) development and land use do not conflict and the character of an area and environment is not detrimentally affected;
 - (4) adherence to restriction or prohibition specified in the hazard zonation maps or other overly restrictions;
 - (5) places of heritage significance are not detrimentally altered or demolished; and
 - (6) adherence to other controls imposed by the Government or Local Government.
21. The application for a planning permit shall be made in **FORM I** by a proponent.
22. An application must be accompanied by:
- (1) a copy of the latest Lag Thram or Land Ownership Certificate; and
 - (2) a description of the proposed use and development.
23. A Competent Authority shall ensure the adherence to requirement of section 20 under this Regulation.
24. The planning permit shall include the following details:
- (1) name and Citizenship Identity Card number of the Owner;
 - (2) plot number and Thram number of the said parcel of land;
 - (3) allowable Floor Area Ratio for the parcel of land, maximum allowable height of the building and Minimum permissible setback; and
 - (4) any other development control code for the zone in which the parcel of land is located.

Building Permit

25. A construction activity must not commence without obtaining a building permit.
26. A person shall not demolish, substantially alter or change the use of a building unless:
 - (1) a permit authorises; or
 - (2) an exemption applies, as set out in section of this Regulation.
27. A person to whom a building permit has been issued shall comply with the conditions set out in the building permit.

Application of Building Permit

28. A proponent of a building construction must obtain a building permit from the respective Competent Authority.
29. The application for a building permit shall be made in **FORM II** by the proponent.
30. An application must be accompanied by:
 - (1) certification by a certified person that the documents are compliant with this Regulation and the relevant Codes;
 - (2) technical drawings and related documents in accordance with chapter 4 of this Regulation;
 - (3) a copy of a planning permit;
 - (4) report of the pre-construction survey, where applicable;
 - (5) additional information required under section 61 of this Regulation, if the application is for repair, alterations or additions to an existing structure; and

- (6) the relevant fee fixed by the Ministry.

Incomplete submission

31. A Competent Authority may, within 5 working days of the receipt of the application for the building permit, inform the applicant that:
 - (1) the application or the plans of building works submitted do not comply with any requirement of this Regulation;
 - (2) the application is not complete or not in accordance with any other requirement specified by the Competent Authority; or
 - (3) the appropriate fee has not been paid.

Approval of Building Permit

32. A Competent Authority shall, upon acceptance of an application under section 29 of this Regulation, initiate the approval process.
33. The Ministry shall put in place an approval mechanism for the purpose of section 32 of this Regulation.
34. A Competent Authority shall within 30 days of the receipt of the technical drawings and other related documents approve or refuse the application.
35. If it refuses an application for a Building Permit, the Competent Authority shall notify the applicant of the reasons for such refusal in writing.

Requirements to be fulfilled

36. A Building Permit is subject to the following conditions:

- (1) that the building be constructed in accordance with the approved plans;
- (2) that the building works commence within three years after the issuance of the permit, subject to renewal; and
- (3) any other conditions as may be specified by a Competent Authority.

Notice to neighbours

37. If a pre-construction survey carried out under section 17 of this Regulation requires protection works be carried out in respect of an adjoining property, the proponent shall, before carrying out the building works, serve the concerned person a written notice of the proposed protection works.
38. Despite taking reasonable steps, if the proponent fails to locate the concerned person for the service of notice under section 37 of this Regulation, the proponent must inform the Competent Authority before commencing the works.
39. A notice must set out details of the proposed works, setting out the time, duration and nature of the protection works.
40. A concerned person may notify the Competent Authority, if the proposed protection work appears to be inadequate.
41. The Competent Authority shall consider the issue submitted under section 40 of this Regulation and accordingly notify the concerned person of the outcome of its decision.

Notification to public utilities

42. A Competent Authority shall notify all the utility service providers and seek their clearance before granting permits under this Regulation.

Approval after commencement of construction

43. If a building has been partially constructed without a building permit, the proponent shall apply for a building permit and a Competent Authority may, consider the application and issue a building permit, if such building works meet the requirement of initial building permit.
44. If a Competent Authority issues a building permit under section 43 of this Regulation, it may impose conditions relating to inspection, and rectification of works including fines and penalties as specified in this Regulation.
45. A condition under section 44 of this Regulation may include a condition requiring the removal of works and demolition of part or the whole of a building at the risk and cost of the applicant in order to ensure that the building complies with this Regulation.

Review by the Appellate Committee

46. The Appellate Committee shall accept a request for review from a person:
 - (1) whose application for a building permit, planning permit or demolition plan has been refused;
 - (2) whose application for a building permit, planning permit or demolition plan has been approved subject to conditions that are unacceptable to the proponent; or

- (3) if works under a building permit or demolition plan has been suspended.
- 47. The Appellate Committee may, subject to a hearing, uphold, cancel or vary the decision of the Competent Authority.
- 48. The Appellate Committee shall render its decision within 20 working days after the event which gives rise to the right to make the request.

Chapter 4

Technical Drawings and Related Documents

Technical Drawings

49. All technical drawings under this Regulation shall:

- (1) be produced in a clear and intelligible manner with appropriate dimension and scale;
- (2) bear a title block with name and signature of the owner and designer, site location, date, drawing number, revision number, scale and north direction;
- (3) provide information other than pictorial views and dimensions necessary for completing a drawing in the form of notes;
- (4) be fully annotated and use suitable notations and symbols to show or distinguish the different types of materials to be used in the building works;
- (5) bear a full description or generic name in any specification of materials or components given or shown on the plans;
- (6) clearly demarcate the new building works from the existing building by suitable markings;
- (7) clearly delineate the building works to be deleted, demolished or removed by suitable markings, if applicable;
- (8) comply with this Regulation and the building codes in force including matters pertaining to fire safety and parking requirements;
- (9) be guided by the Engineering Drawing Standards Manual that the Ministry may issue from time to time; and
- (10) be consistent across drawings submitted under his regulation.

50. All technical drawings must be readable and for guidance the following scales may be applied:
- (1) site plan – 1:500;
 - (2) elevation plan/section – 1:100;
 - (3) staircase, toilet and kitchen details – 1:50; and
 - (4) door, window and cornice details – 1:25.
51. Technical drawings to accompany an application for a building permit are as follows:
- (1) architectural drawings in accordance with section 53 of this Regulation;
 - (2) structural drawings in accordance with section 54 of this Regulation;
 - (3) electrical drawings in accordance with section 55 and 56 of this Regulation;
 - (4) plumbing and sanitation drawings in accordance with sections 57, 58 and 59 of this Regulation;
 - (5) at the discretion of the applicant, after consultation with the Competent Authority, heating, ventilation and air conditioning drawings.

Provided that construction of load bearing traditional houses using traditional construction technique and local material, small structure for agriculture storage facilities and cow sheds in rural area shall be exempted from the requirement under this Chapter.

Provided further that load bearing traditional houses requiring plumbing and electrical works shall be carried as per the section 95, 96 and 97 of this regulation.

Architectural Drawings

52. Architectural drawings shall comply with the architectural features specified in Bhutanese Architectural Guidelines.
53. Architectural drawings must include the following:
- (1) a site plan drawn to scale, showing:
 - i) the boundaries and dimensions of the plot, setback lines and the access road;
 - ii) location and dimensions of car parking spaces,
 - (2) the floor plan of each storey including the roof plan of the building containing:
 - i) clear statements indicating the purpose of every room or space in the building;
 - ii) the grid lines or dimensions between columns, corridors, staircase landing and the thickness of walls and columns;
 - iii) cantilevered construction lines indicating the purpose,
 - (3) types of materials to be used for the main elements of the buildings;
 - (4) elevations of all sides of the building;
 - (5) elevation and sections, wherever required;
 - (6) floor area for each floor denoted on the floor plan.

Structural Drawings

54. Structural drawings must include the following:
- (1) design calculation notes;
 - (2) design codes;
 - (3) material properties;
 - (4) assumed soil bearing capacity or actual soil bearing capacity based on soil investigation report;
 - (5) details of foundations, including:

- i) a foundation plan overlaid on plot boundary;
 - ii) foundation details, including depth of the foundation and plinth level; and
 - iii) retaining details, in case foundations are on different levels,
- (6) details of column and column layout beam and slab layout plan of each floor, showing clearly the staircase opening, shaft opening and any other openings and depressions;
- (7) concrete and reinforcement details of foundation, beams, slabs, staircases, lintels, cornices, projections, zhu and rabsel, wall and other features;
- (8) truss elevations, section details and connection details showing the holding-down details;
- (9) details and location of separation gaps;
- (10) details of splice locations and splice length for beams, columns, slab and staircase;
- (11) in case of load-bearing walls, the details of plinth band, lintel band and roof band, including vertical bars at corners, opening jambs and wall junctions; and
- (12) the dimensions of all structural members, including:
 - i) column junction that is the anchorage of beam bars in an existing beam; and
 - ii) column ties and beam stirrup details.

Electrical Drawings

55. Electrical drawings must include the following:

- (1) single line diagram of the total electrical system, showing the incoming terminal point and distribution network;
- (2) an electrical layout plan, showing the position of light points, power points and any other outlets, switches and a wiring diagram;

- (3) Sub Distribution Boards, showing circuits and load and protection devices but in the case of multi-phase installations, tapping off junctions, switchboards and distribution circuits for power and lighting from Sub Distribution Boards;
- (4) in case of multi-storey buildings, a power distribution board showing floor-wise distribution from the main control board and incoming power line;
- (5) design calculations for multi-storey and complex buildings;
- (6) for compound electrification works, the following information:
 - i) fixture and fitting specifications;
 - ii) foundation details for support poles and similar structures;
 - iii) terminal box details;
 - iv) the size and type of cables proposed to be used; and
 - v) a single line diagram, showing connections, phase distribution and circuitry.

56. Electrical drawings must include details of Information and Communication Technology connections as required under prevailing laws, showing all points, junctions, route ducts and terminal cabinets.

Plumbing and Sanitation Drawings

57. Plumbing and sanitation drawings must include the following details:
- (1) levels of the plot, and the location of drains, septic tank and soak pit overlaid on plot boundary;
 - (2) location of water tank and distribution lines;
 - (3) kitchen, bathroom and water closet outlets;

- (4) location of the septic tank and soak-pit or sanitary pipe layout to the nearest sewer line, including any manholes;
- (5) drainage layout, showing connection to the nearest storm water drain;
- (6) materials and size of pipe lines; and
- (7) the sewer design, showing compliance with applicable plumbing codes of practice.

58. Plumbing and sanitation drawings must include details of water supply as follows:

- (1) layout plan of the internal plumbing system of each floor, with details of pipe sizes and material;
- (2) plumbing design, showing compliance with applicable plumbing codes of practice; and
- (3) materials and sizes of pipe lines.

59. Plumbing and Sanitation drawings must include the details of solid waste collection and disposal system.

Certification of technical drawings

60. Technical drawings shall be prepared and signed by a certified person, who shall be identified by:

- (1) a copy of the registration certificate issued by the Authority;
- (2) appointment letter of the firm or company, if applicable;
- (3) certificate of undertaking furnished by the certified person.

Plans of alterations and additions to buildings

61. Where building works consist of repairs, alterations or additions to an existing building, a certified person shall certify that the building and its overall structure is investigated and based on the

investigation, affirm that the building is capable of resisting the forces and moments which may be increased or altered by reason of the repairs, alterations or additions.

62. All relevant drawings of the repairs, alteration or additions must be submitted for approval.
63. Notwithstanding section 62 of this Regulation, a building permit is not required for repairs, alterations or additions of a building, which:
- (1) affects only the interior of the building without altering the structural members of the building;
 - (2) does not affect the facade of the building; and
 - (3) does not add built-up area or Floor Area Ratio to the building.

Provided that the Competent Authority may on the request of the proponent issue a permit for such works.

Chapter 5

Building Floor Classification

Basement

64. A basement may be permitted subject to this Regulation, relevant codes, architectural guidelines, other relevant regulations, and the following conditions:
- (1) The basement shall be completely below the lowest natural ground level of the plot irrespective of the topographical conditions of the site;
 - (2) The basement shall be within the building footprint;
 - (3) The height of the basement shall be determined by its functions;
 - (4) The use of the basement shall be determined by the function of the building or permissible uses in the development control regulations of the spatial plans;
 - (5) The use of basement shall not be permitted for residential or dwelling units;

Provided that the restriction on the construction of basement as reflected in the spatial plan and its development control regulation shall continue to be imposed.

65. A maximum of 2 basement floors is permitted for the purpose of section 64 of this Regulation provided that the technical requirements are fulfilled and assessment of risks to the adjacent plots and structures are carried out;
66. A staircase of the basement floor must have fire resistance value of not less than 2 hours and the maximum travel distance to the staircase must not be beyond that specified in Building Code.

67. Subject to section 64(4) of this Regulation, if a basement floor is used for purposes other than parking and storage, the following requirements must be adopted:
- (1) each basement must be separately ventilated and basement above 150 m² must have minimum of one system of air inlets and smoke outlet served through mechanical system;
 - (2) vent area spread preferably around the perimeter of the basement;
 - (3) an additional vent system be provided for every 150 m² of plinth area there on; and
 - (4) fire exits must be provided.
68. Notwithstanding anything contained in section 67 of this Regulation, change of use of existing basement will be subject to conditions of this regulation.

Split Level Construction

69. Subject to this Regulation, relevant codes, architectural guidelines and other relevant regulations, construction on a terrain with a slope of 30% to 57% gradient must adopt a split-level construction technique.
70. For the purpose of section 69 of this Regulation, the ground floor of the first split shall be included in calculation of the Floor Area Ratio.
71. Construction of Buildings on slopes more than 57% gradient is not permitted under this Regulation.

Mezzanine Floor

72. Subject to this Regulation, relevant codes, architectural guidelines and other relevant regulations, a Mezzanine floor may be permitted in a floor subject to the total floor height not exceeding 5 meters.

Provided that the mezzanine floor is not permitted in the basement and the total height of the floor where mezzanine is provided does not exceed 5 meters.

73. An area of mezzanine floor shall not exceed 25% of the plinth area, and the same shall not be calculated as part of total permissible Floor Area Ratio and height of the building.

Jamthog

74. Subject to this Regulation, relevant codes, architectural guidelines and other relevant regulations, a Jamthog may be permitted.

Provided that attic will not be permitted.

75. A Jamthog must adhere to technical requirements and standards for architectural proportions, structural safety and integrity, lighting and ventilation, room sizes and heights, fire safety, etc as per this Regulation, relevant codes, architectural guidelines and other relevant regulations.
76. In addition to section 75 of this Regulation, the following conditions must apply:
- (1) the area of Jamthog plinth must not exceed 45% of the main building plinth area;

- (2) the maximum breadth of the Jamthog plinth must not exceed $\frac{2}{3}$ of the breadth of the main building plinth;
- (3) maximum vertical distance between Phana Kheb and the edge of the main roof be maintained at 850 mm; and
- (4) maximum vertical distance between the main roof and the Jamthog roof be maintained at 1000 mm and such vertical distance must be calculated from the edge of the Jamthog roof to the top of the main roof.

Roof Cut-Out

77. Roof cut-out for any building may be allowed with maximum coverage restricted to 10% of the main building plinth area.

Chapter 6

Façade

Facade

78. An architectural element pertaining to the facade of buildings using new construction techniques and contemporary materials shall be governed by the architectural guidelines in force.
79. Exposed toilets, balconies, plumbing and waste disposal features shall not be permitted on the side of a building facing the main or the primary access road.

Provided that plots having two or more main or primary access roads must identify one side as the primary access road.

Arcade

80. For the purpose of this Regulation, in a locality where uniform front elevation makes it obligatory to construct an arcade, the area covered by an arcade shall not be calculated as part of total permissible floor area ratio.
81. The construction of arcades or porch shall not be allowed beyond the setback line.

Cantilevered Construction

82. A building may have cantilevered constructions, staircases and balconies projecting up to 1.2 metres beyond the setback line.

Provided that cantilevered construction is permissible from the first floor onwards and the projection shall be within the plot boundary.

83. For the purpose of section 82 of this Regulation, projections used for the purpose of balcony and staircase shall not be calculated as part of total permissible floor area ratio.

Provided that enclosed cantilevered construction used as rooms shall be calculated for Floor Area Ratio.

Installation of air-conditioning unit

84. An electrical installation associated with air conditioning must comply with the relevant electrical safety guidelines.
85. No person shall install an air-conditioning unit on the exterior of any building or which projects outwards from any building, unless such person is a trained air-conditioning unit installer.
86. A proper fall protection system must be put in place for installation of an outdoor unit of air conditioning system at floors above the ground level.

Building Colour

87. A Competent Authority shall determine the use of exterior building colours in its jurisdiction subject to endorsement by the Ministry.

Boundary Wall

88. A Competent Authority shall regulate the construction of boundary walls with the objective to promote urban friendly boundaries.

Chapter 7
Duties of Owner, Qualified Persons, Certified Builder and Site Supervisor

Duties of Owner

89. An owner or developer of building works shall:
- (1) appoint a certified person to prepare the plans and designs of the building works in accordance with this Regulation and other relevant laws in force;
 - (2) appoint qualified person to supervise the carrying out of building works;
 - (3) appoint a certified plumber and electrician to carry out the plumbing and electrical works respectively;
 - (4) maintain documents from the start of the process of construction till the issuance of the occupancy certificate; and
 - (5) take greening initiatives around the construction site such as planting trees, as directed by the Competent Authority.
 - (6) Avoid use of part or whole of building and its premise for purpose that would cause health, hygiene and safety issues unless approved by the competent authority.
90. An owner shall appoint a certified builder to carry out building works, if the owner decides not to execute the building works.
91. If a qualified person, certified builder, plumber and electrician appointed under sections 89 and 90 of this Regulation is unwilling or unable to act for any reason, the owner must, within 14 days appoint a replacement.

Duties of Qualified Persons

92. A certified person appointed to prepare the plans of any building works under section 89(1) of this Regulation must take reasonable steps and exercise due diligence to ensure that the building works are designed in accordance with this Regulations and other relevant laws in force.
93. A qualified person appointed to supervise the carrying out of any building works under section 89(2) of this Regulation shall:
- (1) take reasonable steps and exercise due diligence in supervising and inspecting the building works to ensure that the building works are being carried out in accordance with this Regulation; and
 - (2) in the absence of a site supervisor, take all reasonable steps and exercise due diligence in supervising the concreting, or other critical structural works to ensure that those critical structural works are being carried out in accordance with this Regulation.

Duties of Certified Builder

94. A Certified Builder appointed to undertake any building works shall:
- (1) ensure that the building works are carried out in accordance with this Regulation and other laws in force; and
 - (2) appoint an appropriate qualified person to supervise the carrying out of the building works.

Plumbing work to be carried out by Certified Plumbers

95. A work involving repair or installation of sanitary fittings must be carried out by a certified plumber.
96. A proponent shall not permit a person to conduct plumbing works, unless the:
- (1) person is a certified plumber; or
 - (2) a person who is being trained to become a plumber and is working under the supervision of a certified plumber.

Provided that any person may carry out minor plumbing works of a type approved in writing by the Ministry.

Electrical work to be carried out by Certified Electrician

97. A proponent shall not permit a person to conduct electrical works, unless the:
- (1) person is a certified electrician; or
 - (2) a person who is being trained to become a certified electrician and is working under the supervision of a certified electrician.

Provided that any person may carry out minor electrical works of a type approved in writing by the Ministry.

Supervision of building works

98. Except as otherwise provided in this Regulation:
- (1) all building works must be carried out under the supervision of an appropriate qualified person;

- (2) the structural elements of all building works must be carried out under the full-time supervision of a site supervisor, or a team of site supervisors, working under an appropriate qualified person's control and direction; and
- (3) concreting, and construction of earth retaining and stabilising structures must be carried out under the immediate supervision of an appropriate site supervisor, or a team of site supervisors, working under an appropriate qualified person's control and direction.

Chapter 8

Design, Construction and Demolition of Buildings

Compliance with design and construction requirements

99. A building must be designed and all such works must be carried out in compliance with the requirements set out in the Building Codes in force and any other requirement in this Regulation.

Acceptable Solution

100. The Ministry may, from time to time, issue documents setting out specifications, materials, designs or methods of construction which shall, without prejudice to any alternative means of achieving compliance, be deemed to comply with the relevant objectives set out in the Building Codes in force and this Regulation.
101. Plans of any building works that are prepared and any building works carried out in accordance with the acceptable solution are deemed to comply with the relevant objectives set out in the Building Codes in force and this Regulation.

Power of inspection

102. A Competent Authority is vested with the following powers:
- (1) appoint officers to monitor on-going construction works;
 - (2) direct officers to inspect building sites with or without notice; and
 - (3) direct the inspection of public properties in the immediate vicinity of the construction site.

103. An officer appointed under section 102 of this Regulation is responsible for providing advice and inspection services to homeowners, builders, and developers.
104. A person shall not obstruct or prevent an official appointed under section 102 of this Regulation from inspecting a building construction site.

Notification and Inspection

105. A proponent of building works shall notify the Competent Authority at each mandatory notification stage.
106. The mandatory notification stages are:
 - (1) layout stage;
 - (2) prior to pouring of concrete for foundations;
 - (3) for multi-storey buildings, prior to commencement of construction of a level of the building;
 - (4) on completion of framework; and
 - (5) upon completion of all building works.
107. A proponent of building works shall, during the mandatory notification stage, submit a request to the respective Competent Authority for inspection, a week in advance of the inspection.
108. An officer appointed by a Competent Authority shall conduct on-site inspection to ensure that the development is compliant with current code, approved plan and laws in force.
109. For the purpose of mandatory notification stage, a Component Authority shall prepare a minimum standard for inspection and preparation of inspection report in order to provide advice on technical matters.

Materials for construction

110. No person shall use or cause to be used, in any building works, any material specified in the **Schedule I**.

Construction Hours

111. Construction and demolition work that creates nuisance and noise shall not be permitted between the hours of ten (10) PM to seven (7) AM to avoid disturbance in the neighbourhood.

Provided that any construction activity beyond the stipulated time may be permitted with the prior approval of the Competent Authority.

Safety during construction

112. An owner of the land on which a building is being constructed, altered or demolished shall ensure that:
- (1) the occupational health and safety requirements set forth in Construction Rules and Regulations are adhered to;
 - (2) suitable signage is provided for workers on site and for members of the public using nearby roads and footpaths;
 - (3) workers are provided with suitable safety equipment and clothing, including helmets, safety belts, boots and working gloves; and
 - (4) rules and regulations on occupational health and safety promulgated by the Ministry of Industry, Commerce and Employment is adhered to.
113. Construction site must be adequately barricaded before the construction begins.

114. Dust and other air pollution prevention measures must be implemented and such measures must include screens for the building under construction.

Direction to fix building work

115. After inspecting building works, if an officer under section 108 of this Regulation, is of the opinion that the building work fails to comply with this Regulation or the building permit, the official shall report the matter to the Competent Authority with recommendations.
116. Upon review of the report, if the Competent Authority so considers fit, it shall give a written notice to the proponent to carry out remedial works within a stipulated time.
117. A written notice under section 116 of this Regulation may require:
- (1) a person to obtain a building permit; or
 - (2) to undertake specific remedial building works.
118. A person who is given a direction to fix building works shall comply with the notice or in case of any grievance, the person may appeal to the Review Board.

Stop-work order

119. A Competent Authority may, on the recommendation of the person appointed under section 102 of this Regulation, direct the proponent to stop building works.
120. For the purpose of section 119 of this Regulation, the Competent Authority shall ensure that the breach:

- (1) contravenes this Regulation or other laws in force;
 - (2) is a danger to any property or life, safety or health of any member of the public or any person using such building, land or space;
 - (3) affects any adjoining property; or
 - (4) damages any public properties like roads, footpaths, drains, etc.
121. A Competent Authority may, subject to section 120 of this Regulation, issue a stop work order with or without prior notice to the proponent.
122. The order shall be in writing, setting out the reasons for the making of the order.
123. If a stop work order is made, the person to whom it is directed must immediately cease all building works.
124. A Competent Authority shall, along with the stop work order, issue a show cause notice to the proponent and shall consider any written submission made in response to that notice within the time specified in the notice.
125. Pursuant to section 124 of this Regulation, if the Competent Authority is of the opinion that the case warrants cancellation of a Building Permit, the Authority shall forthwith cancel the Permit.
126. Pursuant to sections 121 and 125 of this Regulation, an aggrieved party may appeal to the Appellate Committee.
127. The Appellate Committee shall pass its decision within 20 working days of the receipt of the appeal.

Demolition of unsafe or unauthorized structures

128. A Competent Authority shall direct the demolition of the whole or part of a structure, if the structure or part of it is found unsafe and cannot be safely repaired.
129. For the purpose of section 128 of this Regulation, the Competent Authority shall serve a show cause notice to the owner of the structure.
130. An owner of the structure shall, within 10 days of the receipt of the notice, provide justification as to why the structure should not be demolished.
131. Upon review of the response under section 130 of this Regulation, if the Competent Authority is not satisfied with the response, it shall issue an order directing the preparation of demolition plan and specifying a definitive timeline.
132. Noncompliance with the order under section 131 of this Regulation may result in the Competent Authority demolishing the structure at the cost and risk of the Owner.

Demolition squad for unauthorized structures

133. A Competent Authority shall, for the purpose of section 132 of this Regulation, by order constitute a demolition squad.

Chapter 9

Occupancy Certificate

Occupancy without an occupancy certificate

134. A person shall not occupy a whole or part of the building:
- (1) if an occupancy certificate has not been issued by the Competent Authority; or
 - (2) if the occupation is in contravention to the conditions of the current occupancy certificate for the building.

Application for occupancy certificate

135. An owner of a building may apply to the Competent Authority for an occupancy certificate:
- (1) upon completion of the whole or part of the building;
 - (2) after a major maintenance, improvement or alteration of a building, as determined by the Competent Authority, has been carried out;
 - (3) upon the change of use;
 - (4) where an occupancy certificate has lapsed or was not issued earlier.
136. An owner shall be responsible for renewing the occupancy certificate one month before the expiry of the occupancy certificate.
137. An application shall be in the **Form III** or in such other form as determined by a Competent Authority.

138. An application for the first occupancy certificate must be accompanied by the following documents:
- (1) as-built drawing with respect to floor plans of each level, plumbing works and electrical works;
 - (2) duly signed certificate from Qualified Person ascertaining he or she was responsible for supervision of construction works;
 - (3) duly signed certificate from Certified Plumber ascertaining he or she was responsible for execution of plumbing and sanitation works; and
 - (4) duly signed certificate from Certified Electrician ascertaining he or she was responsible for execution of all electrical works.

Inspection before issuance of occupancy certificate

139. A Competent Authority shall inspect the building, and verify that:
- (1) the building or portion of a building has been constructed in accordance with this Regulation and the building permit;
 - (2) the building or portion is fit and safe for the proposed use;
 - (3) septic tanks with soak pits or sewage connections are installed in accordance with the approved drawings;
 - (4) construction debris around the building (or portion), abutting road and abutting land has been cleared; and
 - (5) greening initiatives have been undertaken by the owner, as instructed by the Competent Authority.

Provided further that traditional houses exempted from requiring technical drawings in the rural area shall be verified for its safety and hygiene before occupancy.

140. The validity of the occupancy certificate shall be 5 years for the first fifteen years, and three years thereafter.
141. An application for an occupancy certificate for a building that is older than 50 years must be accompanied by a report prepared by a certified engineer certifying the building is safe for habitation.
142. An occupancy certificate issued under section 141 of this Regulation must be renewed annually.

Chapter 10

Post Construction Responsibilities

Building maintenance

143. An owner of a building is responsible for the regular upkeep of the building and the compound.
144. A person appointed under section 102 of this Regulation may conduct inspection of buildings to:
- (1) determine change of use;
 - (2) establish baseline functionality of the building's structure;
 - (3) check for any health and safety violations; and
 - (4) uncover potential hazards that could put tenants and building occupants at risk.

Complaints

145. A person may lodge a written formal complaint with the Competent Authority relating to:
- (1) safety of a building;
 - (2) unsatisfactory water supply and sanitary conditions;
 - (3) improper or deteriorated electrical wiring;
 - (4) improper or deteriorated septic tank or soak pit; and
 - (5) unsatisfactory surface drains and surrounding environment.
146. A Competent Authority may, *suo moto*, schedule risk-based inspections to review the condition of a structure, including mechanics of the homes or change of use and determine deficiencies or areas that may need to be addressed.

147. Subject to sections 145 and 146 of this Regulations, an officer appointed under section 102 of this Regulation, shall conduct an investigation and prepare an investigation report for the Competent Authority.
148. A Competent Authority shall, based on the investigation report, issue a maintenance order to the building owner:
- (1) specifying the location of the building;
 - (2) describing the nature of the maintenance which is required; and
 - (3) specifying a date by which the maintenance works must be completed.

Change of use

149. A person shall not change the use of a building, unless approved by the Competent Authority in accordance with this Regulation and the Building Codes in force.

Rehabilitation and demolition of unsafe buildings

150. A Competent Authority may, based on risk, direct a building owner to have a building inspected by a certified engineer for safety.
151. If a certified engineer considers that the building is unsafe, the owner shall take action to rehabilitate the building.
152. If the owner fails to take action to rehabilitate the building, the Competent Authority may order the owner to demolish the building on or before a specified date.

153. If an owner fails to demolish a building on or before the specified date, the Competent Authority may demolish the building, at the risk and at the cost of the owner.
154. In addition to the other provisions of this Regulation, it is the responsibility of all concerned, including government agencies, to ensure that the disposal of waste produced at construction/demolition sites is in accordance with the Waste Prevention and Management Regulation.

Chapter 11

Building Code

Building Code of Bhutan

155. The Ministry shall adopt a Code, to be known as the Building Code of Bhutan.
156. The purposes of the Building Code are to:
- (1) ensure that buildings are safe, functional, green and energy efficient;
 - (2) promote climate resilient and disability inclusive infrastructure;
 - (3) provide for fire safety;
 - (4) provide for adequate parking space; and
 - (5) ensure that buildings are constructed with materials that are appropriate for the circumstances in which they are used.
157. The Ministry shall publish information of the making, amendment or revocation of the Building Code in the media.

Incorporation of standards

158. The Building Code may incorporate standards, as in force at a time or as in force from time to time and whether made by the Ministry or by other persons.

Public access to Building Code

159. The Ministry shall:
- (1) keep copies of the Building Code and its amendments, available at its offices for any person to refer during office hours free of charge;

- (2) make copies of the Building Code available for sale to members of the public for a reasonable price and publish the Building Code on its website for free, unrestricted access and download.

160. A Competent Authority shall ensure that:

- (1) copies of the Building Code, as it applies in its jurisdiction, are available for purchase from its offices at a reasonable price;
- (2) the Building Code, as it applies in its area, is available for download at no charge from its website.

Compliance with the Building Code

161. A person who constructs a building in Bhutan after the commencement of this Regulation shall comply with the Building Code, except as otherwise provided in this Regulation.

Traditional architecture

- 162. The use of local building materials and vernacular architecture shall be promoted
- 163. The Manual for Seismic Resilient Construction and Retrofitting of Rammed Earth and Stone Masonry houses in Bhutan may be followed as guidance to promote safe and resilient traditional houses.

Chapter 12

Offences and Enforcement

Offences

164. A person who commences building construction in breach of this Regulation is liable for penalties as set under:
- (1) Payment of Ngultrum Two Hundred Thousand and regularisation of the deviation, for construction without building permit but the construction conforms to the standards under this Regulation;
 - (2) payment of Ngultrum One Hundred Thousand and removal of the structure, for construction without building permit and the construction does not conform to standards under this Regulation;
 - (3) payment of Ngultrum Fifty Thousand and regularisation of the deviation, for deviation from approved building permit, and the deviation conforms to standards under this Regulation;
 - (4) payment of Ngultrum Thirty Thousand and removal of the deviation, for deviation from approved building permit and the deviation does not conform to standards under this Regulation.
165. A person who uses a basement for a purpose other than the approved use is liable to pay a fine not exceeding Ngultrum Two Hundred Thousand and the person shall be required to revert to previously approved use, if the floor area ratio and maximum allowable height is exceeded.
166. A person who fails to give notice to neighbours of proposed building work or fails to notify the Public Utilities of demolition works is liable to pay a fine not exceeding Ngultrum Ten Thousand respectively.

167. A person who fails to notify the Competent Authority of the mandatory notification stages is liable to pay a fine not exceeding Ngultrum Twenty Thousand.
168. A person who obstructs or prevents a person from performing duties under this Regulation is guilty of the offence of obstruction of lawful authority and shall be dealt in accordance with the Penal Code of Bhutan.
169. A person who fails to fix building work as required by a notice under this Regulation is liable to pay a fine not exceeding Ngultrum Forty Thousand.
170. A person who carries out plumbing works or electrical works, not being licensed or under supervision is liable to pay a fine not exceeding Ngultrum Twenty Thousand.
171. A person who occupies a building without an occupancy certificate or in breach of a condition of an occupancy certificate is liable to pay a fine not exceeding Ngultrum Fifty Thousand.
172. A person who fails to comply with a maintenance order is liable to pay a fine not exceeding Ngultrum Fifty Thousand.

Chapter 13

Miscellaneous

Infringement notices

173. A Competent Authority may issue an infringement notice, if the Authority believes that an offence has been committed.
174. A person who has been issued an infringement notice may:
- (1) pay the applicable penalty within 21 days, in accordance with the notice; or
 - (2) appeal to the Appellate Committee providing justification.
175. If a Competent Authority receives payment in accordance with section 174(1), no further proceedings may be commenced, nor penalty imposed, in respect of the offence.
176. A Competent Authority may move the courts in case a person fails to pay the fine specified in the infringement notice.

Professionalism

177. A Competent Authority shall refer all matters pertaining to lack of professionalism of certified persons to the Engineering Council for disciplinary action.
178. If there is no disciplinary body regulating any qualified persons, the Competent Authority shall conduct the disciplinary hearing.
179. A Competent Authority may, depending on the gravity of the incident, either suspend the person from rendering services for a specified duration or bar the person from providing such services in the future.

180. Before taking action under section 179 of this Regulation, the Competent Authority shall notify the person and give the person adequate opportunity to be heard.

Direction by the Ministry

181. If, after due inquiry, the Ministry considers that an institution or official under this Regulation has not satisfactorily carried out any of their function under this Regulation, the Ministry may, by order, direct the Competent Authority or an official to carry out the function within a specified time.
182. Noncompliance with the directives under section 181 of this Regulation shall be dealt in accordance with the Bhutan Civil Service Regulations.

Interpretation and Amendment

183. The Ministry shall be the competent authority to interpret the provisions of this Regulation.
184. The Ministry shall have the power to amend this Regulations by way of addition, variation or repeal.

Authoritative text

185. The Dzongkha text shall be the authoritative text, if there exists any difference in meaning between the Dzongkha and the English text.

Definitions

186. In this Regulation, unless the contrary intention appears:

- (1) “Acceptable Solution” means the specifications, design, material or method of construction set out in a document;
- (2) “Building” means a structure constructed with any materials whatsoever for any purpose, whether used for human habitation or not, and includes:
 - 1) foundation, plinth, walls, floors, roofs, chimneys, plumbing and building services, fixed platforms etc;
 - 2) balconies, cornices, projections etc;
 - 3) any wall enclosing or intended to enclose any land or for stabilizing the land, space, sign and outdoor display structures; etc.; and
 - 4) tanks constructed or fixed for storage of in liquid form and for storage of water, effluent, swimming pool, ponds etc.,
- (3) “Basement Floor” means the lower story of a building that is either completely below the average ground level or extending up to 0.75 m above the average ground level;
- (4) “Boundary wall” means physical barrier constructed surrounding the building to demarcate it;
- (5) “Building Code” means the Building Code of Bhutan issued under section 160 of this Regulation;
- (6) “Building permit” means a permit issued under this Regulation authorising demolition, construction or alteration of part or the whole of a structure;
- (7) “Certified Person” means a person who is authorised to work as an architect, engineer etc. in Bhutan and is so registered with the Authority;
- (8) “Certified electrician” means a person who is authorised to work as an electrician in Bhutan and is so certified by

Bhutan Qualifications and Professionals Certification Authority;

- (9) “Certified plumber” means a person who is authorised to work as a plumber in Bhutan and is so certified by Bhutan Qualifications and Professionals Certification Authority;
- (10) “Cluster” means plots or dwelling units or housing grouped around an open space;
- (11) “Competent Authority” means the Dzongkhag Administration or the Thromde Administration;
- (12) “Electrical work” means work involving building wiring, repair or installation of electrical wiring in a building;
- (13) “Floor Area Ratio” means the quotient obtained by dividing the sum of the plinth areas of all floors by the area of the plot;
- (14) “Load bearing structure” means a structure where primary load bearing systems are the walls with strip footings.
- (15) “Ministry” means the Ministry of Infrastructure and Transport or a successor ministry responsible for human settlements in the Kingdom;
- (16) “Major Excavation” means any works which require excavation of more than 3 meters from the existing ground level;
- (17) “Major Maintenance” refers to a repair or replacement of failing or failed building components, in order to reinstate the building to its currently intended use or to prevent further damage;
- (18) “Minimal Scrutiny” means ensuring compliance with development control regulations only;
- (19) “Occupancy certificate” means a document that is issued by a Competent Authority under chapter 9 of this Regulation;
- (20) “Planning Permit” means a permit granting permission for planning on a parcel of land;
- (21) “Plumbing works” means work involving systems for conveying fluids within, to or from a building;

- (22) “Proponent” refers to an owner or a person so authorized by the Owner to undertake building works in writing;
- (23) “Person” means any individual, government agency, partnership, corporation, organisation, enterprise, or other legal entity whether public or private and successor, representative, or agent of one of them;
- (24) “Qualified Person” means a person registered as an architect or engineer by the Authority and has a valid practising certificate issued by the Bhutan Qualifications and Professionals Certification Authority;
- (25) “Regularisation of deviation” entails obtaining building permits;
- (26) “Rural area” means any area or settlement outside the declared municipal boundary and it includes semi- and peri-urban areas that lie immediately outside the municipal boundary;
- (27) “Row Houses” refers to dwellings that share one or more common walls with neighbouring buildings;
- (28) “Set-back” means the distance between the plot boundary and building or the distance between the buildings;
- (29) “Spatial plan” has the same meaning as defined in the Spatial Planning Act;
- (30) “Split level building” means a building in which the floor levels are staggered;
- (31) “Tangible Cultural Heritage” referred to in this Regulation means a designated or registered tangible cultural heritage such as Monuments, Historic Buildings, Commemorative Buildings, Archaeological Sites, Historic Sites and Cultural Landscapes.

Schedule I: Prohibited Construction Materials

The following materials shall not be used in any building works:

1. Asbestos and Asbestos Containing Materials (ACM): Asbestos is often found in products such as cement fibre boards and roofing and sprayed as fireproofing or insulation.
2. Cadmium products.
3. Chlorides: Calcium chloride and sodium chloride.
4. Chlorofluorocarbons (CFCs), Hydrochlorofluorocarbons (HCFCs) and Hydrofluorocarbons (HFCs) are considered to be 'greenhouse' gases.
5. Lead and Lead Containing Materials (LCM) are hazardous materials which are neuro-toxic. Lead in paint is far more widespread than is realised.
6. High alumina cement: Used as an accelerator for quick setting of concrete.
7. Mercury, which can now be found in Compact Fluorescent Lamps (CFLs)
8. Pentachlorophenol: Most commonly found in paint and wood preservatives.

FORM I**APPLICATION FOR PLANNING PERMIT**

(Please type or write in clear block letters, use additional sheet if necessary)

1. Date Filed:	(passport sized photograph)
2. Name of applicant:	
3. Sex: Male () Female: ()	
4. Citizenship Identity Card No.:	
5. Address:	
6. Contact details: Phone No.: E-mail address:	

7. Following documents shall be submitted:

- i. Copy of the latest Lag Thram/Land Ownership Certificate
- ii. A description of the proposed use and /or development
- iii. Site plan, floor plan, elevation plan, drainage plan;
- iv. Statement of Compliance for Road Access and Storm Water Access

Declaration to be signed by the applicant:

The information supplied in this application form is correct to the best of my knowledge and if there are any discrepancies, I shall be personally responsible for the same and I am prepared to face any disciplinary or legal action against me.

Date:
.....

Signature:

For official use only

Noting of the dealing officer with regard to land holdings, building construction, etc.
Recommended () Not recommended ()

Permit	No.	:	Date	Issued
.....					

Name & Signature of the Dealing Officer:.....

Name & Signature of approving authority.....

FORM II**APPLICATION FOR BUILDING PERMIT**

(Please type or write in clear block letters, use additional sheet if necessary)

1. Date Filed:
2. Name of applicant:
3. Sex: Male () Female: ()
4. Citizenship Identity Card No.:
5. Address:
6. Contact details: Phone No.:
E-mail address:
7. Construction Type/Building use:
.....
8. No. of Floor/floors:
.....
9. Following documents shall be submitted:
 - i. 2 sets (A3/A4) of architectural, structural, electrical, water supply and sanitation drawings duly signed by the designers.
 - ii. Copy of the latest Lag Thram/ Land Ownership Certificate
 - iii. Copy of planning permit
 - iv. Certificate of the designers

(passport
sized
photograph)

10. Declaration to be signed by the applicant:

The information supplied in this application form is correct to the best of my knowledge and if there are any discrepancies, I shall be personally responsible for the same and I am prepared to face any disciplinary or legal action against me.

Date:

Signature:
.....**For official use only**

Noting of the dealing officer with regard to land holdings, building construction, etc.

Recommended () Not recommended ()

Permit No. :Date

Issued.....

Name & Signature of the Dealing
Officer:.....Name & Signature of approving
authority:.....

FORM III

APPLICATION FOR OCCUPANCY CERTIFICATE

(Please type or write in clear block letters, use additional sheet if necessary)

To,

Sir/Madam,

I hereby certify that the addition/ alteration/ construction of building on Plot/Thram No. on Lam in has been completed on on , according to the approved building plan/ drawings, vide building permit no..... dated

The work has been completed to our best satisfaction. Workmanship and all the materials have been used strictly in accordance with the approved documents/ drawings and relevant standards, codes of practice and specifications, relevant rules and regulations. The building is fit for use for which it has been added /altered/ constructed. The necessary 'Occupancy Certificate' may be issued.

Signature of the Owner:
Name and Address:
Contact Number:
Email Address:
Date:

