



# ELECTORAL AREA DIRECTORS REPORT

**TO:** Chair and Directors

**File No:** 3800 00

**SUBJECT:** The Building Act

**DESCRIPTION:** Report from, Kenny Gipps, Building Official II, dated May 13, 2021.

**RECOMMENDATION:** THAT: the report be received for information.

## SHORT SUMMARY:

In February 2015, the Province of BC introduced the *Building Act* ("Act"). It is British Columbia's first piece of legislation dedicated specifically to regulate Building Officials and the construction industry. The Act's purpose is to improve the consistency between jurisdictions by having mandatory levels of certification for Building Officials based on the types of structures they will be reviewing or inspecting and to ensure the Building Officials are competent enough to complete the tasks they are undertaking.

Any individual who exercises informed judgement for or on behalf of a local government to decide whether something complies with the BC Building Code, must be either qualified or exempt. The informed judgement typically results in a decision: for example, the approval of a set of plans, an application for a building permit or occupancy permit, or an aspect of construction that is being inspected.

The mandatory levels of certification came into effect February 28, 2021, after this date, Building Officials must only work within the scope to which they are certified and must maintain active membership with the Building Officials Association of British Columbia (BOABC).

## BACKGROUND:

The Building Act was created with phased implementation dates for when each new regulation of the Act would be required to be implemented by local governments for Building Officials as noted in the timeline below:

March 25, 2015	Building Act received Royal Assent
February 27, 2017	Province delegates authority for administrating the building official qualifications to the Building Officials Association of British Columbia (BOABC)
August 28, 2017	Building Officials must become members of the BOABC
February 28, 2021	Mandatory levels of certification are in effect

Previously, Building Officials were not required to maintain a specific level of certification to inspect different types of structures; since February 28, 2021, a Building Official must only inspect types of structures or specific aspects of the structure that are within their level of certification.

## POLICY:

CSRD Building Bylaw No. 660 was created in partnership with Municipal Insurance Association of B.C. in preparation of the Building Act coming into effect. There are no proposed changes to Bylaw No. 660 at this time and no other CSRD policies are affected by the legislation.

**FINANCIAL:**

The implementation of the Building Act has minor financial implications relating to BOABC memberships fees as well as continuing education for Building Officials to increase and maintain their level of certification. Development Services already budgets for ongoing staff training and conferences on an annual basis and therefore, no significant budget impacts are expected at this time.

**KEY ISSUES/CONCEPTS:**

The Building Act mandatory certification creates a challenge unique to smaller organizations, like the CSRD, who typically will issue less than 10 complex commercial and industrial structures in a year. Under the mandatory certification section requirements of the Act, smaller communities would now be required to either employ or contract a Level 3 Building Official and Level 2 Plumbing Official or alternatively the Act includes an exemption which allows organizations to contract a Registered Professional to perform these duties in place of a qualified Building or Plumbing Official.

The Building Act will only be enforced in areas to which Building Regulation applies, which means the Act will only be enforced in CSRD Electoral Areas B, C, E and F.

As a result of the Act, staff have adjusted our permit process to ensure only qualified Building Officials communicate or comment on BC Building Code requirements for applications within the scope of the level of certification of the Building Official.

Currently the building permit process begins when an application is received by the Building Inspection Assistant. It is their role to carefully review the application package against requirements noted in the Building Bylaw. Once the application has been reviewed for completeness, the file is then given to the Building Clerk to create the file to be placed in the queue for the qualified Building Official to review. Since the Board has approved the creation of a new Plan Checker position, once filled, the Plan Checker would then review and issue the permits within their level of qualification and direct the files outside of their qualification to a Building Official with the correct level of qualification. The addition of the Plan Checker position will expedite the time it takes for the building permit to be reviewed by a qualified Building Official and to update the applicant of any outstanding documentation earlier in the permit process.

Now that the Act is in effect, staff have taken steps to ensure we have sufficient qualifications to meet the demands of the communities within the CSRD. I have just become a certified Level 2 Building Official and have already enrolled in the Level 3 Building Official In-Training program. This Building Official In-Training program provides a Building Official with the ability to review drawings and inspect structures up one level from their certification with appropriate oversight; for example, as a certified Level 2 Building Official in the training program I am able to review and inspect structures within the level 3 Building Official scope of the BC Building Code until the necessary exams have been completed and level 3 certification is given.

Two other Building Officials at the CSRD have recently passed the Plumbing Level 1 course and exam. The Plumbing Level 1 qualification is required for all Building Officials who review plans containing plumbing or inspect plumbing installation. This qualification would give the Building Official the ability to review and inspect basic plumbing systems.

There has also been ongoing communication with front end staff to ensure the continued efficiency of the plan checking process to maintain a high level of service.

**SUMMARY:**

February 28, 2021, the mandatory certification portion of the Building Act came into effect. After this date, Building Officials must work within the scope of their certification. This means that they can no longer supply information, comment, or require any BC Building Code related items that is outside of their certification.

**IMPLEMENTATION:**

The Building Act is now in place and no action is required from the Board. The purpose of this report is for information only.

**COMMUNICATIONS:**

Staff continue to educate and communicate with the development community and new applicants. As a result of the legislation, CSRD staff have already adapted internal procedures to meet the new requirements and for the most part, applicants will not notice any changes to the handling of their applications.

**DESIRED OUTCOMES:**

That the Electoral Area Directors receive this report for information.

**BOARD'S OPTIONS:**

1. *Endorse the Recommendation.*
2. *Deny the Recommendation.*
3. *Defer.*
4. *Any other action deemed appropriate by the Board.*

**LIST NAME OF REPORT(S) / DOCUMENT(S) AVAILABLE FROM STAFF:**

1. BILL 3 – 2015 BUILDING ACT

**Report Approval Details**

Document Title:	2021-05-25_EAD_BB_Building-Act.docx
Attachments:	
Final Approval Date:	May 17, 2021

This report and all of its attachments were approved and signed as outlined below:

**No Signature - Task assigned to Marty Herbert was completed by assistant Jennifer Sham**

Marty Herbert



Gerald Christie



Jennifer Sham



Charles Hamilton