



Office of Housing and
Construction Standards



What Local Governments Need to Know about the *Building Act*

Section B1 of the *Building Act* Guide

June 2016



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1. About this Guide

In spring 2015, the Province passed the *Building Act*, the first Act dedicated solely to building and construction.

This guide, Section B1 of the *Building Act* Guide Series, explains how the *Building Act* affects local governments and other local authorities that enforce the BC Building Code and other provincial building regulations. For a basic explanation of the Act, please see *Building Act* Guide [Section A2](#) - *A Guide to the Building Act: Modernizing B.C.'s Building Regulatory System*, available online at www.gov.bc.ca/buildingact.

If the information you are seeking is not in this guide, check [online](#) for more information and [other booklets](#) in this series. The goal in preparing the guides is to provide an easy-to-understand resource for ongoing reference. The information here is for guidance only and is not a substitute for provincial legislation. It is not legal advice and should not be relied upon for that purpose

[A Note about the Building Act Guide](#)

The [Building Act Guide](#) provides information about the *Building Act* for local governments, building officials and those working in the building construction sector. The Guide is being prepared over time as sections of the Act and the supporting regulations come into force. Guide sections completed or currently in progress include:

Part A – Introduction

- A1 - Understanding B.C.'s Building Regulatory System
- A2 - A Guide to the *Building Act*: Modernizing B.C.'s Building Regulatory System
- A3 - *Building Act* Brochure
- A4 - *Building Act* Introductory PowerPoint Presentation

Part B – Information for Specific Stakeholders

- B1 - What Local Governments Need to Know about the *Building Act* (this section)
- B1 Appendix - Changes for Local Governments Under Section 5 of the *Building Act*
- B2 - What Building and Plumbing Officials Need to Know about the *Building Act*

Part C – New Procedures (How to...)

- C1 – A Step-by-Step Guide to Requesting a Local Government Variation



2. Introduction: Three Changes that Affect Local Governments

The *Building Act* introduces three main changes to British Columbia’s building regulatory system. The changes are designed to increase efficiency and productivity and support innovation; in essence, to modernize the building regulatory system. The changes will affect:

- Local governments’ authority to set technical building requirements within their jurisdictions;
- The qualification requirements of the building and plumbing officials that local governments employ; and
- Local governments’ options for supporting innovation in building construction in their communities.

This guide is intended to provide local governments with information about these changes.

The changes described in this guide apply to *all* local authorities in B.C.—including municipalities, regional districts, Treaty First Nations, the Nisga’a Lisims Government, and the University of British Columbia’s Board of Governors, unless noted otherwise. Since most local authorities are local governments, this booklet uses the term ‘local government,’ and explains if a situation is different for other local authorities.

If you are a local government that does not administer or enforce the BC Building Code or other provincial building regulations in your jurisdiction, the changes described here concerning consistency, competency, and innovation may not change how you do things.

Q: Does the *Building Act* apply in the City of Vancouver?

A: No. None of the *Building Act* applies in the City of Vancouver.

Under the *Vancouver Charter*, Vancouver has authority to set its own building requirements through bylaw and to determine the qualification requirements for the City’s building officials. It also has its own appeal process for building bylaw disputes.



3. Change #1: Consistency of Technical Building Requirements

Under section 5 of the *Building Act*, local governments' authority to set technical building requirements is changing.

Technical building requirements are the technical requirements for the construction, alteration, repair and demolition of buildings. Technical building requirements can be found in Division B of the BC Building Code,¹ in other provincial building regulations, and currently, in local government bylaws. A technical building requirement can define the methods, materials, products, assemblies, dimensions or performance required by the regulation.

Prior to the *Building Act*

Prior to the *Building Act*, local governments had authority to set technical building requirements in their bylaws that differed from those set by the Province in the BC Building Code. Local governments did this in two ways:

1. Under the concurrent authority provisions in the *Community Charter*, which required local governments to obtain the Minister's approval for establishing local building requirements that were or could be dealt with by provincial building regulations.
2. By establishing building requirements without the Minister's approval, under their bylaw-making authorities in other *Community Charter* provisions or in other Acts.

Under the *Building Act*, local governments retain this authority, **but only until** the end of the two-year transition period in December 2017.

Changes in Setting Technical Building Requirements

To bring greater consistency to the technical building requirements in force across B.C., the *Building Act* gives the Province **sole authority** to establish these requirements. Under section 5 of the *Building Act*, if a matter is regulated in a provincial building regulation, any requirements for that matter established in bylaws by local governments will be of no legal force at the end of the two-year transition period ending December 15, 2017. When a provincial building regulation does not regulate a matter (for example, requirements relating to fencing or erecting a free-standing sign), local governments may regulate such matters if they determine they have legislative authority to do so.

In this guide, 'provincial building regulations' is used to refer to all provincial regulations under the *Building Act* that set technical building requirements. As of spring 2016, there were four provincial building regulations: one applying across the province (the BC Building Code), one that local governments can sign on to (the Solar Hot Water Ready Regulation), and two site-specific regulations (the Wood Innovation and Design Centre Regulation and the UBC Tall Wood Building Regulation). Under the *Building Act*, the Province will establish other provincial building regulations in future.

¹ The BC Building Code includes the BC Plumbing Code; all references in this document to the Building Code include the Plumbing Code.



Technical building requirements could be in a building bylaw or in other bylaws such as zoning bylaws, fire-sprinkler bylaws, or green-roof bylaws. The most common technical building requirements local governments have in their bylaws are energy efficiency and fire sprinkler requirements.

In addition, local governments are restricted from enacting (by bylaw) technical building requirements for matters the Minister responsible for the *Building Act* designates as restricted. These are matters that are not regulated in a provincial building regulation that local governments are nonetheless restricted from regulating. Restricted matters will be listed in a regulation. At present, no matters are designated as restricted.

Detailed information about the changes to local government authority to set technical building requirements is available in an Appendix to this guide, available on the *Building Act* [website](#).

Flexibility to Meet Local Needs

The Province recognizes the goal of greater consistency in technical building requirements needs to be balanced against reasonable flexibility for local governments to set their own technical building requirements to meet local needs. Under the *Building Act*, local governments have three options for doing so.

Option 1: Set Technical Building Requirements for Unrestricted Matters

Under section 5 (4) of the *Building Act*, local governments can set technical building requirements for a limited number of matters the Province identifies as unrestricted. **Unrestricted matters** are matters regulated in the BC Building Code (or other provincial building regulations) for which local governments will have authority to set their own requirements in bylaws. Unrestricted matters will be listed in a regulation under the *Building Act*. They are also described in the Appendix to this guide, available [online](#).

Q: Why does the Province say it has sole authority to set technical building requirements under the *Building Act* if local governments can set their own requirements for *unrestricted matters*?

A: The Province has sole authority because it sets all provincial building regulations and determines which matters local governments may regulate themselves.

Option 2: Request a Local Government Variation

Local governments can also request a variation under section 7 of the *Building Act*. Section 7 describes these as requests by local authorities for variations; however, since most local authorities making such requests will be local governments, for ease of understanding, the *Building Act* guide refers to them as 'local government variations.'

A local government variation is a building requirement or set of requirements that:

- Differs from requirements in provincial building regulations (primarily the BC Building Code);
- Is requested of the Province by a local government (or group of local governments);
- Requires the Minister's approval; and
- If approved, is enacted through a provincial building regulation that applies in the jurisdiction(s) of the local government(s) making the request.



Local governments will need to demonstrate a compelling reason why a variation is needed when they submit their request. The Province has established criteria for assessing requests for variations, and applications must demonstrate how the variation meets them. Requests for a local government variation will be reviewed in two steps: Step 1 – Preliminary Review; and Step 2 – Full Technical Review. There is no cost for a local government to apply for a variation or for the preliminary review. Costs will be recovered from applicants for the full technical review if the application advances to that stage.

The Province has created working groups to address the two most common building requirements local governments have in their bylaws: fire sprinklers and energy efficiency. The objective of the working groups is to develop recommendations for a more consistent approach to variation for these matters. Upon ministerial approval of the recommendations, one possible outcome is a provincial building regulation that would apply in jurisdictions that choose to sign on to the regulation. The Province is currently developing an opt-in regulation for fire sprinklers as a result of the recommendations of the fire sprinklers working group. Local governments seeking variations for fire sprinkler or energy efficiency building requirements are encouraged to wait for the outcome of the working groups and the Minister’s response, before requesting a variation for these matters.

If a group of local governments has similar needs, they are encouraged to apply jointly to the Province for the same variation. If approved, the provincial building regulation would apply to all of the jurisdictions that were part of the request.

- To learn more about local government variations and how to apply for a variation in your jurisdiction, see the *Building Act* Guide Section C1 – *A Step-by-Step Guide to Requesting a Local Government Variation*, available [online](#).

Option 3: Request a Change to the BC Building Code

If the variation a local government is seeking is broadly applicable to other jurisdictions across the province, the local government may wish to consider requesting a change to the BC Building Code.

Both individuals and local governments can request minor or major changes to the Building Code. This was the case prior to the *Building Act* and will continue under the Act under the Minister’s authorities in section 3. Minor changes can include corrections or editorial changes that bring clarity to a particular section or sections of the Code, but they can be technical in nature as well. Major changes have a greater impact or technical application, such as a request to accept the use of a new building material, standard or technique.

A request for a Code change is most appropriate if it has widespread applicability across the province. A need specific to one jurisdiction, or to a limited number of jurisdictions, should be pursued through Options 1 or 2.



Summary of Section 5 Changes for Local Governments

	Local Governments Can Regulate the Matter	Local Governments Cannot Regulate the Matter
If a matter <i>is</i> regulated in a provincial building regulation:	If the matter is listed in the unrestricted matters regulation OR if the local government has authority to do so under a statute not listed in section 5 (2) of the Act	In all cases except unrestricted matters
If a matter <i>is not</i> regulated in a provincial building regulation:	If the local government has authority to do so under other statutes	If the matter is listed in the restricted matters regulation

What Stays the Same

BC Building Code: The BC Building Code is not changing under the *Building Act*. The Act is not about a new or different Building Code, it is about improving the regulatory system in which the existing Code is applied and enforced. The Code will continue its cycle of new editions, typically adopted every five years, with occasional revisions in between.

Administration and Enforcement of the BC Building Code: Local governments’ authority to administer and enforce the BC Building Code in their jurisdictions, found in the *Community Charter* and other provincial statutes, continues under the *Building Act* without change. This includes functions such as:

- Regulating development;
- Setting fees;
- Reviewing plans;
- Issuing development and building permits;
- Conducting building inspections;
- Setting requirements for professional involvement;
- Making decisions on the compliance of alternative solutions as permitted under the BC Building Code (see also Section 5 of this guide about the expanded scope for the Building Code Appeal Board); and
- Approving building occupancy.

Zoning and Land Use Functions: The *Building Act* does not affect local governments’ authority for zoning under section 479 of the *Local Government Act* (RS2015). This includes authority to regulate the use of land, buildings and other structures; the density of the use of land, buildings and other structures; and the siting, size and dimensions of buildings and other structures.

Timelines and More Information

Section 5 of the *Building Act* came into force on December 15, 2015 but, due to the transition period imposed by section 43 of the Act, does not apply until December 15, 2017.



Local governments can take advantage of this two-year transition period to review, amend and/or rescind bylaws or parts of their bylaws that impose technical building requirements in their jurisdictions, unless those building requirements concern *unrestricted matters*. After the transition period, any bylaw requirements that remain will be deemed to have no legal force unless they concern *unrestricted matters*.

The *Building Act* does not oblige local governments to review and amend their bylaws; however, to avoid confusion for everyone who could be affected, the Province encourages local governments to do so. After the transition period, should a dispute arise between a builder and a local government about whether a local building requirement is applicable, the dispute may have to be resolved through a legal process.

For more information about this change, see:

- *Building Act* Guide Section B1 Appendix: *Changes for Local Governments Under Section 5 of the Building Act*. The Appendix is separate to this guide and provides a detailed explanation of the changes introduced by section 5 of the Act, including unrestricted matters.
- *Building Act* Guide Section C1 – *A Step-by-Step Guide to Requesting a Local Government Variation*.
- The *Building Act* website - www.gov.bc.ca/buildingact - for copies of the *Building Act* guide sections and the most up-to-date information about the Act.

<p>Q: What is different for other local authorities with respect to setting technical building requirements?</p>	<p>Treaty First Nations</p> <p>Nothing has changed for Treaty First Nations with respect to the application of the BC Building Code. The authority to enter into an agreement with the Province to establish building requirements that differ from or exceed the technical building requirements established by provincial building regulations remains the same.</p>	<p>Nisga’a Lisims Government</p> <p>The BC Building Code continues to apply to the Nisga’a Lisims Government. Under the <i>Building Act</i>, Nisga’a Lisims Government has the same authority as a Treaty First Nation to enter into an agreement with the Province to establish building requirements that differ from or exceed the technical building requirements established by provincial building regulations.</p>	<p>University of British Columbia Board of Governors</p> <p>The University of British Columbia Board of Governors continues to have the same authorities as local governments.</p>
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4. Change #2: Competency of Building Officials

The *Building Act* has introduced qualification requirements for building officials to support the professionalism of those in this occupation and to improve consistency in how the BC Building Code is interpreted, applied and enforced.

Typically, building officials are employed by local governments to monitor the compliance of building design and construction with the BC Building Code and with requirements in local building bylaws. They review plans, issue building permits and monitor buildings under construction. The *Building Act* marks the first time any qualifications have been **required** for this group of building professionals.

While this section explains what these new requirements mean for local governments, local governments are encouraged to consult the *Building Act* Guide section (B2) that will be prepared specifically for building officials, when it becomes available.

Prior to the *Building Act*

Prior to the *Building Act*, building officials (which includes plumbing officials) working in B.C. were not required to have any formal qualifications, although many joined the Building Officials' Association of BC (BOABC) and achieved varying levels of certification under the BOABC's voluntary certification program. Similarly, many plumbing officials joined the Plumbing Officials' Association of British Columbia (POABC) and achieved varying levels of certification under the POABC's voluntary certification program.

New Qualification Requirements

Under Part 3 of the *Building Act*, building and plumbing officials must meet mandatory qualification requirements. To be considered qualified, building and plumbing officials employed by local governments and other local authorities will have to:

- A. Be a **member** in good standing of a prescribed professional association;
- B. **Pass exams** according to the level of their responsibilities;
- C. Undertake **continuing professional development** every year;
- D. Be listed in the **register of qualified building officials**; and
- E. **Meet any other qualification requirements** established by the Minister.

The Province has not yet finalized the details of these requirements.

The *Building Act* also gives the Province authority to enter into an agreement with an external organization to administer the qualification requirements on behalf of the Province.

Under the Act, building officials must be qualified at the appropriate level to make decisions on compliance with the BC Building Code or other provincial building regulations. Local governments, as their employers, must not allow or require a building official to make decisions on Code compliance unless the building official is qualified to do so.



Subsequent subsections in this guide use the term ‘building official’ to refer to all local government employees who make decisions about compliance with provincial building regulations, unless an additional term (such as ‘plumbing official’) is specifically needed for clarity.

Who Must be Qualified

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 Act does not define “building official.” A “building official” under the Act could be a plan checker, a building inspector or a plumbing inspector. The need for qualifications is based on whether a local government employee makes decisions about compliance with the Building Code or other provincial building regulations; those who do must be qualified, regardless of job title. The qualification requirements for building officials apply to persons who make decisions regarding compliance with regulations enacted under the *Building Act*. Employees who make decisions about compliance with the BC Fire Code do not need to meet the qualification requirements for building officials, as the BC Fire Code is adopted under the *Fire Services Act* and not the *Building Act*.

Building officials must be qualified when employed by or working under contract for *any* local authority. This includes a municipality, a regional district, a Treaty First Nation or any other authority that administers or enforces provincial building regulations.

Under the BOABC’s voluntary certification program, a **building official** can be certified at one of three levels. Each successive level deals with more complex construction, requiring greater expertise on the part of the building official. Each level of certification includes any lower levels; for example, a Level 3 building official is also qualified for Levels 1 and 2. Similarly, under the POABC’s voluntary certification program, **plumbing officials** can be certified to one of two levels.

The Province anticipates the scopes of practice that are prescribed under the Act may be similar to the levels of certification under these voluntary programs, as summarized in the table below.

Building officials under the *Building Act* are not the same as building inspectors under the *Local Government Act* or *Community Charter*. Building inspectors under the latter Acts do not have to meet qualification requirements. Their functions may be different from those of building officials under the *Building Act* and typically include a broader range of activities. However, if a building inspector’s work includes making decisions about compliance with provincial building regulations, the building inspector is required to be qualified as a building official.



BUILDING OFFICIAL LEVELS UNDER THE BOABC'S VOLUNTARY CERTIFICATION PROGRAM

Can be qualified to one of three levels depending on the types of buildings about which they make compliance decisions:

- **Level 1:** One and two-family dwellings regulated under Part 9 of the BC Building Code.
- **Level 2:** Other buildings regulated under Part 9 of the BC Building Code, including some small commercial buildings.
- **Level 3:** Larger or more complex buildings regulated under Part 3 of the BC Building Code such as hospitals, schools and high-rise condo buildings.

PLUMBING OFFICIAL LEVELS UNDER THE POABC'S VOLUNTARY CERTIFICATION PROGRAM

Can be qualified to one of two levels depending on the types of buildings about which they make compliance decisions:

- **Level 1:** Focuses on residential and light commercial construction.
- **Level 2:** Focuses on more complex commercial, industrial and high-rise construction.

Exemptions

Certain individuals employed as building officials are **exempt** from the qualification requirements. These include:

- Architects registered with and certified to practice by the Architectural Institute of BC; and
- Engineers who are members of and licensed to practice by the Association of Professional Engineers and Geoscientists of BC.

Registered architects and engineers are exempt because they are deemed to be qualified through their education and the obligations already placed on them by their professional associations.

Register of Qualified Building Officials

A registrar will be designated under the Act, to maintain the list (i.e., the register) of qualified building officials. The register will be available online and will include the name of each building official, their current and past scopes of practice, and the dates on which they qualified.

As part of being qualified, building officials must provide an annual report to the registrar to confirm they have met annual continuing professional development requirements, and that they are a member in good standing of the professional association. These reporting requirements ensure that information contained in the register of qualified building officials is accurate and up-to-date and that registrants maintain their qualifications. The annual report is accompanied by an annual fee payable to the registrar.

Administrative Penalties

Building officials and local governments could be subject to an administrative penalty under the *Building Act*. An administrative penalty can be imposed by the registrar on a building official if:



- The building official makes a decision on behalf of a local government on compliance with a provincial building regulation, but is not a qualified building official;
- The building official makes a decision above their qualification level; or
- The building official knowingly gives false or misleading information to the registrar.

Administrative penalties can also be imposed on local governments if they allow or require an unqualified building official to make a decision on compliance with a provincial building regulation.

Situations in which an administrative penalty could be applied include:

- A building official has not completed continuing professional development requirements and has been struck from the register, but continues to make Building Code compliance decisions.
- A local government knowingly allows a building official qualified at Level 1 to make Building Code compliance decisions on a complex commercial project that should be made by a building official qualified at Level 3.

Administrative penalties may be monetary (not to exceed an amount set in regulation) or administrative, such as suspension as a qualified building official.

Timelines and More Information

When the applicable sections of the *Building Act* come into force, building official qualification requirements will be implemented in two steps:

1. Building officials will have six months to become members of a prescribed professional association under section 11 (1).
2. Building officials will have an additional 3.5 years to meet the remaining requirements.

The total transition period will be four years.

At the time of writing this guide, the Province anticipates the qualification requirements for building officials will come into force late in 2016. The Province will advise local governments when this happens.

For more information about this change, see:

- *Building Act* Guide Section B2: *What Building and Plumbing Officials Need to Know about the Building Act*, when it becomes available (anticipated late in 2016);
- The *Building Act* website: www.gov.bc.ca/buildingact.



5. Change #3: Innovation in the Building Sector

Many local governments want to support innovation in building construction in their communities. Under the *Building Act*, the Province will expand provincial services to support innovation by implementing:

- A provincial review process for proposals for innovative buildings; and
- An expanded scope for the Building Code Appeal Board to hear more complex appeals, including appeals of alternative solutions.

Support for Innovative Buildings

Prior to the *Building Act*, there was no formal process for builders or developers to obtain the necessary approvals for innovative buildings that employ construction methods or materials in ways the Building Code had not anticipated.

Under section 8 of the *Building Act*, an individual (such as a builder or developer) will be able to submit a proposal for an innovative building to the Province for review. The Province will review the proposal to assess if the proposed building can provide an acceptable level of safety and performance. If the proposal is approved, the Province will enact a site-specific building regulation to authorize construction.

Q: What is an example of a building that could be considered under an innovative proposal?

A: The Wood Innovation and Design Centre in Prince George. One innovative feature of this wood building is its 30-metre height. To allow this and other new features, the Province developed a special site-specific building regulation to permit construction of the Centre.

Proposals for innovative buildings will use a fee and cost-recovery model payable by the applicant. For a general description of the cost-recovery model, see *Building Act Guide Section A2: A Guide to the Building Act* or refer to sections 35 - 38 of the Act.

Timelines and More Information

The Province is developing the application submission and review process for proposals for innovative buildings. A future section of the *Building Act Guide* will explain the application process when it has been finalized.



Expanded Scope for the Building Code Appeal Board

The Building Code Appeal Board resolves disputes about the interpretation or application of the BC Building Code in specific situations. The two parties to an appeal are the applicant (typically a developer, designer, builder or contractor) and the building official who made the decision. Prior to the *Building Act*, the Board heard appeals that typically did not require external expertise to decide, at no cost to applicants. The Board has not heard appeals related to alternative solutions.

Under the *Building Act*, the Building Code Appeal Board's role will be expanded to allow appeals of alternative solutions. Although Appeal Board decisions apply only to the specific matter being appealed, decisions on alternative solutions will provide local governments with general guidance on the Code compliance of recurring alternative solutions.

Applications to the Building Code Appeal Board for complex construction appeals will use a fee and cost-recovery model payable by the applicant. For a general description of the cost-recovery model, see *Building Act* Guide Section A2: *A Guide to the Building Act*, or refer to sections 35 – 38 of the Act.

What Stays the Same

The Building Code Appeal Board will continue to hear the types of appeals it has in the past. Building officials will continue to be asked to complete a section of the application form submitted by the appellant (the individual submitting the application).

Timelines and More Information

The Province has not yet set a date when the Building Code Appeal Board will start to hear complex appeals. More information will be available when this occurs.

Building Code compliance can be achieved with either an **'acceptable solution'** as specified in the Code or an **'alternative solution'** that provides an equivalent level of performance and is approved by a local government



6. Preparing for the Changes

Local governments may wish to consider the following points as they prepare for changes under the *Building Act*.

Consistency: Review Bylaws for Local Technical Building Requirements

- Review Bylaws:** While local governments are encouraged to review and amend their bylaws by December 15, 2017, any technical building requirements in bylaws that are not amended by that date will automatically become of no force, unless the requirements are for unrestricted matters.
- Set a Date:** Set a date for when you plan to amend your bylaws. This will provide clarity for builders in your community about what technical building requirements apply when they are planning a project or applying for a building permit.
- Communicate:** Let stakeholders in your community know when you intend to review your bylaws, and when you plan to have them amended, so everyone is clear on what the requirements will be for building in your community.

Competency: Building Official Qualifications

- Communicate:** Make sure all building officials you employ understand the changes. Share this guide with them and encourage them to read *Building Act Guide Section B2 – What Building Officials Need to Know about the Building Act* – when it becomes available online.
- Education:** Support your building officials in undertaking any required exams and in their continuing professional development.
- Budget Planning:** Depending on whether or not you pay your building officials’ membership fees, exam fees and continuing professional development costs, there may be an impact on your budget. Plan accordingly.

Innovation: No preparation required – watch for more information to come.

Did you know?

Under the *Building Act*, a variation is a building requirement that differs from the requirements in the BC Building Code or in other provincial building regulations. There are two types of variations in the Act.

Section 7 Local Government Variations: Variations under section 7 of the Act that result from requests from one or more local governments (or other local authorities) for variations from provincial building regulations. If approved by the Minister, these variations will be enacted in a provincial building regulation, and will apply within the jurisdiction(s) of the local government(s) making the request.

Section 8 Innovative Building Variations: Variations under section 8 of the Act that result from proposals from individuals for innovative buildings that feature building methods or materials used in ways the BC Building Code has not anticipated. If approved by the Minister, these variations will be enacted in a site-specific regulation that will apply to a building or buildings on a single building site.



7. For More Information

Find out more about the *Building Act*:

Website: Regular updates, including other booklets in this series, will be posted online as they become available – see www.gov.bc.ca/buildingact.

Email: Building.Safety@gov.bc.ca

Mail: Building and Safety Standards Branch
Office of Housing and Construction Standards
PO Box 9844 Stn Prov Govt
Victoria, British Columbia
CANADA - V8W 9T2



8. Glossary of Terms

BC Building Code: The BC Building Code includes the BC Plumbing Code. This Code applies to the construction of new residential, commercial, institutional and industrial buildings as well as to alterations and additions to existing buildings. It sets minimum standards for health, safety, fire and structural protection, accessibility, energy efficiency, protection from water and sewer damage, and water efficiency. The BC Building Code is the principal provincial building regulation.

Building Act: Introduced in the Legislative Assembly in 2015, the *Building Act* is British Columbia's first Act dedicated solely to building and construction.

Building Code Appeal Board: The Building Code Appeal Board is an adjudicative tribunal that, upon receipt of an application, resolves disputes between applicants and local authorities that enforce the BC Building Code and other provincial building regulations. The board may confirm, vary or reverse the decision of a local authority on whether a matter conforms to a building regulation. Applicants are typically those working in the construction industry, including developers, designers, builders and contractors. The board is independent of government in its decision making. Board decisions are site specific, final, and binding.

Building Regulation: A provincial regulation made under section 3 of the *Building Act*. Building regulations generally include a number of building requirements. The principal building regulation is the BC Building Code.

Building Requirements (also referred to as technical building requirements): Building requirements are the technical requirements for the construction, alteration, repair and demolition of buildings. A requirement can define the methods, materials, products, assemblies, dimensions or performance required by the regulation. Building requirements can be found in the BC Building Code (a provincial regulation) and other provincial building regulations.

Local Authority: Under the *Building Act*, local authority means any of the following bodies that have authority to enforce the BC Building Code (and other provincial building regulations):

- a. A municipality;
- b. A regional district;
- c. The Nisga'a Lisims Government;
- d. A treaty First Nation;
- e. The board of governors of the University of British Columbia; and
- f. Any other authority prescribed by provincial regulation.

Qualified Building Official: Qualified building official means a person who is qualified as a building official under section 11 of the *Building Act*.



Restricted Matter: Restricted matters refer to technical building requirements that are not regulated in a provincial building regulation that local governments are nonetheless restricted from regulating. Restricted matters will be listed in a regulation under the *Building Act*.

Safety Standards Appeal Board: An adjudicative tribunal that resolves appeals from decisions made under the *Safety Standards Act*, the *Homeowner Protection Act* and the *Building Act*. The board determines if the decisions were fairly made in accordance with the provisions of the legislation. The board is established under the *Safety Standards Act* and operates at arm's length from government in its decision making. Under the *Building Act*, the board will hear appeals of administrative penalties imposed for contraventions of the Act.

Unrestricted matter: Unrestricted matters refer to technical building requirements regulated in the BC Building Code (or other provincial building regulations) for which local governments will have authority to set their own requirements in bylaws. Unrestricted matters will be listed in a regulation under the *Building Act*.

Variation: Under the *Building Act*, a variation is a building requirement that is different from the requirements in the BC Building Code (or other provincial building regulations). Under sections 7 and 8 of the Act, a local authority or a person may make an application to the Province for a variation. If the application is accepted, the variation is enacted through a provincial building regulation.



FOR MORE INFORMATION PLEASE VISIT:
WWW.GOV.BC.CA/BUILDINGACT