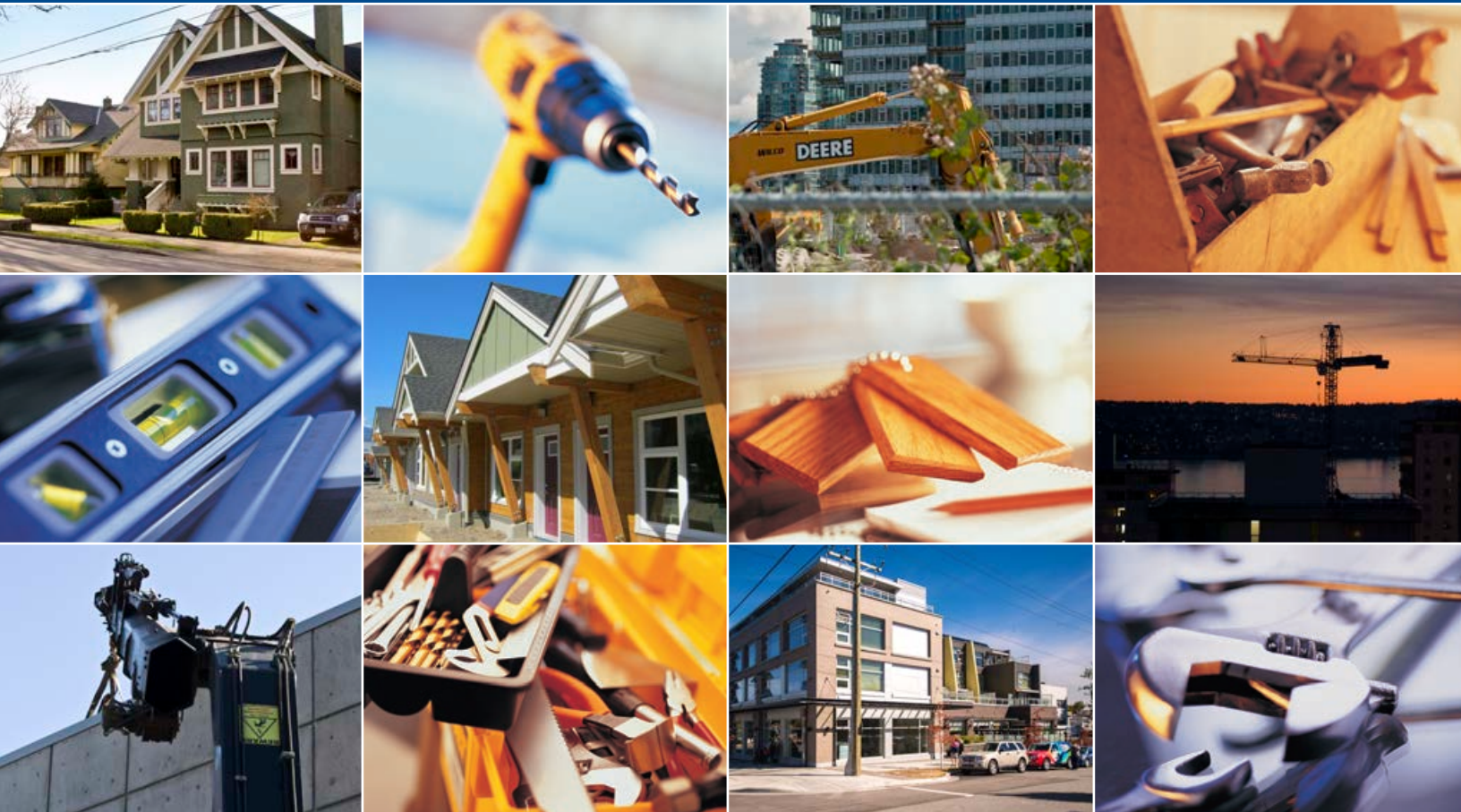




BUILDING ACT GUIDE SERIES: SECTION A2

# A Guide to the Building Act: Modernizing B.C.'s Building Regulatory System

JUNE 2015



Office of Housing and  
Construction Standards

# A2

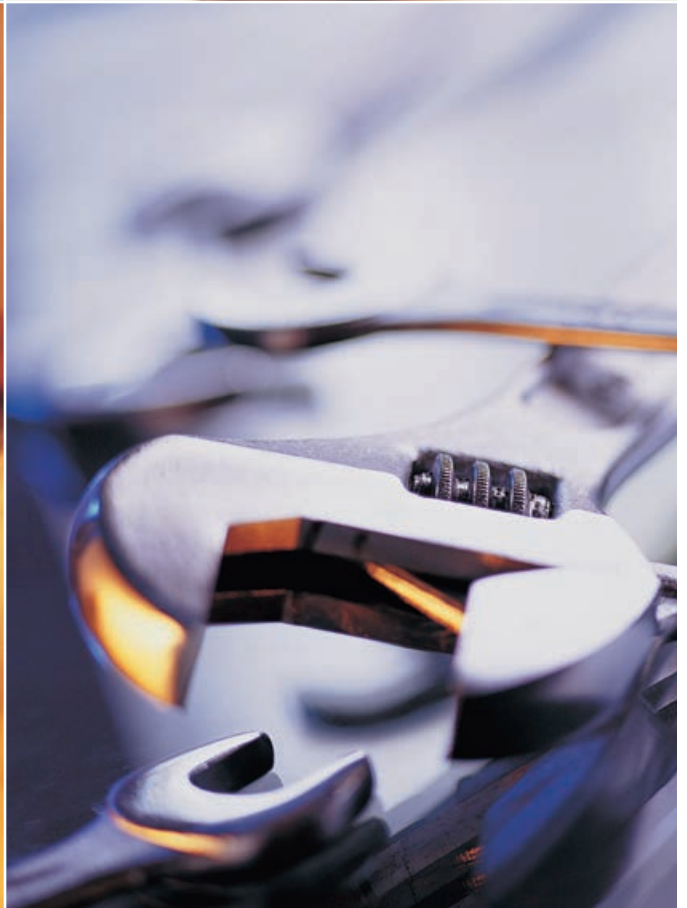






# Table of Contents

- ABOUT THIS GUIDE ..... 3**
  
- THE *BUILDING ACT* ..... 3**
  - WHAT IS IT?* ..... 3
  - WHY DO WE NEED IT?* ..... 4
  - WHERE DOES IT APPLY?* ..... 5
  - WHO'S AFFECTED?* ..... 5
  - WHEN DOES IT TAKE EFFECT?* ..... 6
  - HOW WERE PEOPLE CONSULTED?* ..... 6
  
- HOW THE *BUILDING ACT* IMPROVES THE BUILDING SYSTEM ..... 6**
  - 1. CONSISTENCY: STREAMLINING THE RULES* ..... 6
  - 2. COMPETENCY: SETTING BUILDING OFFICIAL QUALIFICATIONS* ..... 7
  - 3. INNOVATION: SUPPORTING LOCAL GOVERNMENTS AND THE CONSTRUCTION INDUSTRY* ..... 8
  
- FOR MORE INFORMATION ..... 10**
  
- GLOSSARY OF TERMS ..... 10**





# About This Guide

Having safe and healthy buildings is important. The Province plays a key role in setting the rules for building in British Columbia. The Province sets rules for all aspects of building, including construction, alteration, repair and demolition.

Effective and consistent rules also support efficiency in the building construction industry and lower costs for builders and consumers. The rules must balance public health and safety with social and economic interests. The Province works with communities, the construction industry, safety associations and others to find the right balance.

In spring 2015, the Province introduced the *Building Act*, the first stand-alone act for building and construction in B.C. It will change some of the rules about how buildings are built, altered, renovated or demolished in B.C.

This guide is part of a series that explains the *Building Act* for local governments, building officials, those who work in the construction industry and the public. It provides easy-to-understand, plain language information.

If the information you're looking for is not in this guide, check online for more information and other booklets in this series.

*Q: What are building requirements?*

*A: Building requirements are technical requirements for the construction, alteration, repair and demolition of buildings. They are primarily found in the BC Building Code (the Province's main building regulation) but are also in other provincial building regulations, such as the Solar Hot Water Ready Regulation.*

## The *Building Act*

### ***What is it?***

In February 2015, the Province introduced the *Building Act*. It is British Columbia's first act dedicated just to building and construction. It will change some of the rules about how buildings are built, altered, renovated or demolished in B.C.

The *Building Act* is designed to improve the building regulatory system by:

- » Streamlining the rules for building.
- » Setting mandatory qualifications for building officials.
- » Expanding the Province's ability to support local authorities and the construction industry by:
  - Reviewing innovative proposals for new buildings; and
  - Enabling the Building Code Appeal Board to rule on more technically complex appeals brought by the construction industry.

*Q: What are local authorities?*

*A: Local authorities are official bodies that may choose to administer and enforce provincial building regulations such as the BC Building Code. Local authorities are usually local governments, but they also include treaty First Nations, Nisga'a Lisims Government and the University of British Columbia's Board of Governors.*

*Since most local authorities are local governments, this guide uses the term 'local government.'*

## **Why Do We Need it?**

The *Building Act* modernizes B.C.'s building regulatory system, making it more efficient and productive and better able to support innovation.

The *Building Act* makes three major improvements:

### **1. CONSISTENCY**

Prior to the *Building Act*, local governments could make rules about how buildings could be built, rules that were in addition to those in the BC Building Code. This created a patchwork of different building requirements in different communities, making it challenging for the construction sector to manage the differences. For example, a builder trying to construct townhomes in two adjacent communities might find the requirements different in each one. The result was a system more complex than it needed to be, more time consuming to understand and work within, and more costly for builders and consumers.

Now, under the *Building Act*, only the Province has the authority to establish building requirements. This will make building requirements more consistent throughout British Columbia, reducing costs for the construction sector and improving productivity and efficiency.

### **2. COMPETENCY**

Consumers need to have confidence that everyone involved in building and construction has an appropriate level of training. This includes architects, engineers, developers, builders, contractors, tradespeople and others who play a role in the building process. The Province works to help ensure competency by setting educational or professional requirements. For example, the Province recently established new qualifications and mandatory continuing professional development requirements for licensed residential builders.

Building officials have the same need for training and competency, given the key role they play in the construction industry. Local governments hire building officials to review plans and monitor construction of buildings to assess compliance with the BC Building Code. They make decisions on what the BC Building Code means and how it's applied. Their work is important to the safety of buildings people live and work in.

Prior to the *Building Act*, building officials weren't required to have any minimum qualifications. With the increasing complexity of construction, building officials as a group want to improve their knowledge and professionalism.

Now, under the *Building Act*, there are mandatory qualifications for building officials. Having mandatory qualifications will increase the competency of building officials and support a more consistent application of the BC Building Code.

### 3. INNOVATION

As building science evolves and market demand changes, the construction sector is developing more and more proposals for innovative buildings — like the Wood Innovation Design Centre in Prince George. These proposals may not meet some of the requirements of the BC Building Code, but they can still be designed and built to provide an acceptable level of safety and performance.

Now, under the *Building Act*, the Province will provide the necessary level of review and oversight to assess innovative proposals. Having this option will encourage the implementation of new building ideas, materials and techniques in B.C. communities.

### *Where Does it Apply?*

The *Building Act* applies in all parts of the province except the City of Vancouver, Indian Reserves and federal lands such as airports. This includes the jurisdictions of all local governments and local authorities such as treaty First Nations and the Board of Governors of the University of British Columbia. The Building Act applies even where local authorities have chosen not to enforce the BC Building Code.

### *Who's Affected?*

The *Building Act* streamlines the building regulatory system in B.C. and affects everyone involved in the building sector. The following groups will need to learn about their new roles and responsibilities under the *Building Act*:

**Local governments and the University of British Columbia Board of Governors** – will need to review their bylaws and amend if necessary to remove building requirements that go beyond the BC Building Code. They will also need to ensure their building officials meet the mandatory qualifications.

**Treaty First Nations and the Nisga'a Lisims Government** – will need to ensure their building officials meet the mandatory qualifications.

**Building officials** – will need to make sure they become members of the Building Officials' Association of BC and meet the mandatory qualifications. They will also have to understand any changes to the bylaws in the jurisdictions where they work, as local governments undergo the process of eliminating local building requirements.

*Q: Why doesn't the Building Act apply to the City of Vancouver?*

*A: Under the Vancouver Charter, the City of Vancouver has authority to adopt its own bylaws to regulate the design and construction of buildings. It does this through the Vancouver Building Bylaw. It's the only community in B.C. with this authority.*

*Q: What is the BC Building Code? Does it change under the Building Act?*

*A: The BC Building Code (which includes the BC Plumbing 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; accessibility, fire and structural protection; and energy efficiency.*

*The BC Building Code is updated periodically but it won't change when the Building Act takes effect. The Building Act is not about a new or different code, it's about improving the regulatory system in which the existing code is applied and enforced.*

**People working in the construction industry** – will need to understand that only the building requirements in the BC Building Code and other provincial regulations will apply to their projects once local building requirements are eliminated.

## *When Does it Take Effect?*

The *Building Act* was introduced in February 2015, and received Royal Assent March 25, 2015. Nothing changes at Royal Assent. The *Building Act* will come into effect over a period of time. As parts of the act come into force, there will be a two- to four-year transition period before the major changes take effect, to give local governments, building officials and the construction industry time to adapt.

## *How Were People Consulted?*

Since 2004, the Province has conducted extensive consultations with stakeholders about improving the building regulatory system, and worked with many groups and organizations to find ways to improve it. This consultation included meetings, presentations, teleconference sessions and an extensive online survey.

The Province also established a series of stakeholder advisory groups to provide advice and insight on the Building Act and its implementation.

# How the *Building Act* Improves the Building System

## **1. Consistency: Streamlining the Rules**

The *Building Act* will result in more consistent building requirements throughout British Columbia.

Under the *Building Act*, the Province has sole authority to set building requirements. If local governments have any existing building requirements in their bylaws that go beyond the BC Building Code they will need to eliminate them. Local governments will have time — two years from when these sections of the act take effect — to amend their bylaws.

In the future, if a local government wants to create a new local building requirement it can apply to the Province for a 'variation.' If the minister approves the request, the Province will enact it as a provincial regulation.



The Province is creating working groups to deal with the most common local building requirements that exceed the BC Building Code, namely fire sprinklers, energy efficiency and accessibility. The Province is also working to address local wildland-urban interface building requirements. In addition to these, a few local governments may have unique circumstances that require them to have building requirements in their community that go beyond those in the BC Building Code. In these cases, local governments may apply to the Province to have these additional building requirements apply in their communities. If the minister approves the request, the Province will enact it as a provincial regulation.

The Province sets the BC Building Code, and local governments administer and enforce it if they choose to. The *Building Act* doesn't affect local government land-use planning, zoning or development authorities. It also doesn't affect how local governments decide to administer the BC Building Code through processes such as issuing building permits.

## 2. Competency: Setting Building Official Qualifications

The *Building Act* sets mandatory qualifications for building officials to ensure they have the knowledge and skills to do their job.

Under the act, building officials are required to be qualified. Being qualified means building officials must:

- » Become a member of the Building Officials' Association of B.C.;
- » Pass exams according to the scope of their responsibilities; and
- » Undertake continuing professional development every year.

Building officials have six months from the date the requirements take effect to join the Building Officials' Association of B.C. and start the qualification process. Then they'll have an additional three and a half years to meet the exam requirements.

### **DID YOU KNOW?**

*The building official qualification requirements don't apply to building officials who are registered architects or professional engineers. They're exempt and deemed qualified because they're already entrusted to assure building design and construction meet BC Building Code requirements.*

An appointed registrar will keep a list of all qualified building officials. As part of being qualified, building officials will have to submit annual reports to the registrar on their continuing professional development.

*Myth: The Province enforces the BC Building Code in all parts of the province except the City of Vancouver.*

*Fact: The Province sets the BC Building Code, and local governments administer and enforce it if they choose to. Local governments generally hire building officials for this work. In B.C., the building owner is ultimately responsible for ensuring that construction work proceeds according to the requirements of the BC Building Code. This is the case for both new buildings under construction and existing buildings being altered, repaired or demolished.*

*Q: What's an example of an innovative building proposal?*

*A: The Wood Innovation and Design Centre in Prince George. Two innovative features of this wood building are its use of cross-laminated timber and its 30-metre height. Neither met the requirements of the BC Building Code. To allow these and other new features, the Province developed a special building regulation unique to the Centre. While the Centre is innovative today, the construction system it uses has the potential to be applied to other buildings in the future.*

The *Building Act* has penalties for building officials who practice without the right qualifications. It also has penalties for local governments if they require unqualified building officials to work beyond the scope of their qualifications. The registrar will have authority to issue penalties.

If building officials or local authorities receive a penalty, they can make an informal appeal of the penalty to the registrar. This is called a reconsideration. If they're still subject to the penalty after the reconsideration and don't think they should be, they can make a formal appeal to the Safety Standards Appeal Board.

### **3. Innovation: Supporting Local Governments and the Construction Industry**

Under the *Building Act*, the Province will better support local governments and the construction industry by:

- » Developing a provincial review process for innovative building proposals; and
- » Expanding the scope of the Building Code Appeal Board.

#### **INNOVATIVE PROPOSALS**

Sometimes, a builder or developer may want to construct an innovative building that uses materials or construction methods that do not meet the requirements of the BC Building Code. This can happen as a result of rapidly evolving building materials, methods and technologies, such as for massive wood construction or energy efficiency.

Under the *Building Act*, when a builder or developer has a proposal for an innovative building that does not conform to the BC Building Code, they can apply to the Province to have their proposal reviewed. The Province will review the proposal to assess if the proposed building will be as safe as the requirements laid out in the BC Building Code.

The Province will support these types of innovative proposals by:

- » Setting application guidelines and accepting proposals from applicants;
- » Conducting technical reviews of those proposals to ensure they meet an adequate level of safety; and
- » Enacting site-specific building regulations to permit proposals that receive approval.

Under the *Building Act*, the site-specific regulation would specify which building requirements in the BC Building Code do not apply and would replace them with substitute requirements.

A request for an innovative proposal from an applicant can apply to a single building or multiple buildings on a single site.

Applicants will pay the costs of their applications based on a fee and cost-recovery model.

### **DID YOU KNOW?**

*Under the Building Act, there are two types of variations:*

- » *Those that result from requests from local governments for variations from the BC Building Code or other provincial building regulations.*
- » *Those that result from requests from individuals for innovative building proposals.*

### **BUILDING CODE APPEAL BOARD**

The Building Code Appeal Board is an adjudicative tribunal that resolves disputes about the interpretation and application of the BC Building Code. The two parties to an appeal are the applicant, who is typically a developer, designer, builder or contractor, and the local government that made the decision.

Under the *Building Act*, the board will hear more complex construction appeals than it has previously. Applicants will pay the costs of complex appeals based on a fee and cost-recovery model.

### **FEE AND COST-RECOVERY MODEL**

Applications to the Province for innovative building proposals, and to the Building Code Appeal Board for complex construction appeals, will both use a fee and cost-recovery model.

### **HOW IT WORKS**

1. Send in an application, including a flat fee.
2. The Province or Building Code Appeal Board reviews the application and identifies if it requires the expertise of consultants or specialists.
3. The applicant receives a cost estimate for the review. The applicant can pay it if they wish to continue, or withdraw their application.
4. As the review occurs, the Province or board will notify the applicant if there is a possibility the cost of the review will exceed the estimated amount the applicant paid.
5. Once the review is complete, the applicant either:
  - Receives a refund (if the final cost is less than what was already paid); or
  - Pays the additional cost (if the final cost is more than what was already paid).

*Q: What's an example of a complex construction appeal?*

*A: The BC Building Code requires that some ceilings be made of material that doesn't burn, but an architect might design a ceiling of wood because their client wants to feature natural wood products in the building. The architect might find through computer fire modelling that the wood ceiling is so high above the floor it's beyond the reach of fire for the required time. Theoretically, this ceiling could be as safe as a ceiling made of material that doesn't burn. If the local building official doesn't accept the architect's argument and refuses to approve such a ceiling, the architect could appeal the decision to the Building Code Appeal Board.*



6. An applicant can withdraw their proposal or appeal at any stage, and only pay costs incurred to date.
7. The applicant receives a formal decision on their application. Paying the review fee does not automatically mean the application is accepted.
  - In the case of a successful proposal for an innovative building, the result will be a site-specific regulation for the building.
  - In the case of a complex appeal, the Building Code Appeal Board will make a decision on whether the appeal is successful or not.

## For More Information

Find out more about the *Building Act*:

**WEBSITE:** Regular updates, including other booklets in this series, will be posted online at [www.gov.bc.ca/buildingact](http://www.gov.bc.ca/buildingact)

**EMAIL:** [Building.Safety@gov.bc.ca](mailto:Building.Safety@gov.bc.ca)

**MAIL:** Building and Safety Standards Branch  
Office of Housing and Construction Standards  
PO Box 9844 Stn Prov Govt  
Victoria, B.C. V8W 9T2 CANADA

## Glossary of Terms

**BC Building Code:** The BC Building Code (which includes the BC Plumbing 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 main provincial building regulation.

**Building Act:** Introduced in the legislature in 2015, the *Building Act* is B.C.'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. Under the *Building Act*, the board will hear more complex construction appeals than it did prior to the act.

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

**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:

- 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.

**Safety Standards Appeal Board:** The Safety Standards Appeal Board is an adjudicative tribunal that resolves appeals from decisions made under the *Safety Standards Act* and the *Homeowner Protection 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.

**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](http://WWW.GOV.BC.CA/BUILDINGACT)



Office of Housing and  
Construction Standards